UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHLEY M GJOVIK,)
)
Plaintiff,)
)
vs.) CASE NUMBER:
) 23-cv-04597-EMC
APPLE INC.,)
)
Defendant.)
_____)

REMOTE RECORDED DEPOSITION OF EKELEMCHI OKPO
Tuesday, April 7, 2026
VIA ZOOM VIDEOCONFERENCE

STENOGRAPHICALLY REPORTED BY:
Haleema Saleh
RPR, CA CSR 14506
JOB NUMBER: 10188180

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DEPOSITION of EKELEMCHI OKPO, taken on behalf of the plaintiff, beginning at 1:01 p.m. on Tuesday, April 7, 2026, before Haleema Saleh, Certified Shorthand Reporter No. 14506.

APPEARANCES:
(ALL COUNSEL APPEARING VIA ZOOM VIDEOCONFERENCE)

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ALSO PRESENT:
ISELA PEREZ, ESQ.

I N D E X

Recorded Deposition of EKELEMCHI OKPO

EXAMINATION BY: PAGE
MS. GJOVIK 6

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NO QUESTIONS MARKED

---oOo---

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TAKEN REMOTELY VIA ZOOM
April 7, 2026, 1:01 p.m.
PROCEEDINGS
---oOo---

THE REPORTER: Good afternoon. My name is Haleema Saleh. I'm a California Certified Shorthand Reporter. My license number is 14506.

---oOo---

EKELEMCHI OKPO, sworn as a witness by the Certified Shorthand Reporter, testified as follows:

EXAMINATION

BY MS. GJOVIK:

Q. Okay. Thank you. And so, Mr. Okpo, you've been noticed for this deposition. Thank you for attending. It's being recorded, audio and visual, which will be shared with Apple and with counsel as to the meeting as we did the last one. I also sent exhibits beforehand. We may not cover all of them.

MS. GJOVIK: Melinda, you'll be so proud. I actually labeled them this time.

MS. RIECHERT: Thank you.

MS. GJOVIK: Thank you for your help last time.

BY MS. GJOVIK:

Q. This is my second deposition conducting ever, so thank you for your patience as I work through this.

And then, Mr. Okpo, so -- good morning. I am Ashley Gjovik. I am the plaintiff. I am pro se. I have a law degree but I'm not an attorney, and I'm representing myself.

I am going to ask you some questions today, but before we get started, I want to go over some functional matters just to ensure we're on the same page.

You were just sworn in by the court reporter.

Do you understand that you're now under oath, the same as if you were testifying in a courtroom before a judge and jury?

A. Yes.

Q. Thank you. And you understand that means you're required to give truthful answers to my questions today?

A. Yes.

Q. Thank you. You understand that even though we're on Zoom, it sounds like we're both in hotel rooms, and this might feel informal, but giving false testimony under oath can subject you to penalties for perjury?

A. Yes.

Q. Thank you. And you see a court reporter here. She's taking down everything that's said today. Every question I ask, every answer you give, and it's going to be made into a written transcript. Because she can only take down words, I need you to give verbal answers. So if your answer is "Yes," please say "Yes" rather than nodding your head.

Can you do that for me?

A. Yes.

Q. Thank you. Along the same lines --

MS. GJOVIK: Oh, we have Isela. We just had Isela Perez join. I believe she's in-house at Apple, but I'll let her introduce herself for the record for the court reporter.

MS. PEREZ: Hi. Yes. Isela Perez, in-house counsel at Apple.

MS. GJOVIK: Okay. Thank you, ma'am. We're just going over the preliminaries with Mr. Okpo.

BY MS. GJOVIK:

Q. Along the same lines, Mr. Okpo, please try to let me finish my question before you start your answer. I'll do my best to let you finish your answer before I ask my next question. That way we don't talk over each other, and the court reporter can get a clean record. Is that fair?

A. Yes.

Q. Thank you. If at any point you don't

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understand a question I've asked, I want you to tell me and I'll rephrase it. Will you do that for me?
A. Yes.
Q. Thank you. Is it fair to say that if you answer a question, I'm entitled to assume you understood the question?
A. Yes.
Q. Thank you. If you need to take a break at any point, use the restroom, get some water, or stretch, that's fine. Just let me know. The only thing I ask that -- is if there's a question pending that you answer it before we go off the record. Is that agreeable?
A. Yes.
Q. Thank you. Is there any reason you might not be able to give your best testimony today? Are you feeling okay? Ill? Distracted?
A. I'm battling allergies, but I am good.
Q. Me too. Hang in there.
Let's see. Are you currently under the influence of any medication, drug, or alcohol that might affect your ability to understand my questions or give truthful answers?
A. No.
Q. Okay. Did you meet with anyone to prepare for today's deposition?

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A. Yes.
Q. Did you review any documents today before today's deposition in preparation?
A. Yes.
Q. Okay. Thank you.
Mr. Okpo, right now what is your job title?
A. Labor relations business partner.
Q. What organization is that in?
A. Within the Greater People Org at Apple.
Q. The human resources organization, they call it "People"?
A. Yes.
Q. What was your job title in the summer of 2021 between July and August 2021 -- sorry -- July and September 2021?
A. Employee relations business partner.
Q. And what organization was that?
A. At Apple within the People Org -- Greater People Org.
Q. In one -- okay. When did you change roles?
A. August of 2022.
Q. 2022. Your role in July through September 2021, can you describe that role, please?
A. As an employee relations business partner, I would conduct workplace investigations of varying

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complexities.
Q. Okay. Who was your supervisor?
A. Tony Lagares.
Q. When you get an assignment from -- actually, let me rephrase.
Who would provide you your assignments? Just Mr. Lagares, or would you get assignments from other people?
A. Mr. Lagares.
Q. When Mr. Lagares gives you an assignment, what did you do once you got an assignment?
A. Make sure that I fully understood the issues, and to the extent I needed to plan out an investigation plan, I would do that in partnership with Mr. Lagares and also in partnership with our in-house counsel team.
Q. Okay. Great. And you said "investigation plan." Is that usually like a written document, or it's in a tracking system, or how is that captured?
A. Written document.
Q. Okay. And then would you write a report at the end usually of your investigations?
A. Yes.
Q. Who does that report go to normally?
A. It would go to my supervisor and also employment counsel.

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Q. Okay. And then at the end of your investigation, what does the output normally look like?
Is it just kind of like an advisory, this is my general findings? Do you make recommendations? Do you suggest concrete next steps?
So, like, what does the -- what would be the substance of your reports, generally? Is it just kind of like an informational or might it suggest an action to take?
A. It would include my factual findings and -- and recommendations.
Q. Okay. What kind of recommendations do you give in these types of reports?
A. It depends. No two case is alike, right; so it truly depends.
Q. Okay. Would it sometimes be to escalate to a different organization at Apple, to take further action, or something like that?
A. It depends. It could be -- it just -- it just depends.
Q. Okay. Who decides if they're going to take action or not based on your report?
A. So not ER, but the -- the business leader. The business does.
Q. Oh, so you said you sent your report to

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Mr. Lagares and then employment counsel, or someone in in-house counsel. How does the business leader get a copy of it, or do they?

A. They can. But they -- there's a readout that I would do as well that would include, you know, my leader, employment counsel, and the business as well.

Q. Sorry. What's a readout?

A. Just a readout of my factual findings and recommendations.

Q. Is that like you're saying "read" like an audible presentation or an email or report or --

A. From my report.

Q. So it would be like forwarding the email to someone?

A. It would be an investigation report, and that would be a meeting.

Q. Okay.

A. And it would typically include my leader, it would include HR legal, and the business.

Q. Okay. So you would have a final report. You maybe, like, submit it more formally to Lagares and counsel, but then there would be sometimes also a meeting or generally there would be also a meeting?

A. Depending on the complexity of the case there would be a meeting.

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Q. Okay.

A. I would include all the appropriate parties.

Q. And so you said that might include, like, the business leaders? So that would be maybe, like, directors or higher of the organization for the employees?

A. It would, yes.

Q. Okay. When did you first get involved in any matter regarding the plaintiff, Ashley Gjovik, in this case? That's me. I'm going to talk in third person for some of these questions.

A. Sometime in July of '21.

Q. Okay. Who assigned you?

A. Tony Lagares.

Q. What were you told about the assignment?

A. There was a complaint -- that there was a complaint with, you know, a list of issues and so investigate those -- those concerns.

Q. Okay. At that time -- you're saying this was sometime in June -- or sorry -- July. I believe it might have been, like, maybe second week of July or so, kind of early/mid July.

At that point were you asked to investigate Ms. Gjovik's complaints and/or Ms. Gjovik herself?

A. Concerns that were raised by Ms. Gjovik.

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Q. Were you ever given an assignment to investigate Ms. Gjovik?

A. No.

Q. No. Did you ever investigate Ms. Gjovik?

A. I investigated the claims that she raised.

Q. Okay. So if there was an investigation into Ms. Gjovik for something, it would have been done by someone other than yourself?

A. That's correct.

Q. Okay. Do you know if there was an investigation into Ms. Gjovik at some point starting when you were assigned the case in July to the termination date, final September 10th, 2021?

A. Can you repeat the question?

Q. Are you aware if there was any investigation into Ms. Gjovik during that time, July to September?

Sorry. My dog. He's saying "Hello."

A. Other than what would have been shared to me by counsel.

Q. So -- I'm so sorry. I'm explaining to him this is very expensive time, and we don't need barking.

So you were not aware of any investigation into Ms. Gjovik other than anything you would have heard from counsel, which would be privileged?

A. Correct.

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Q. Okay. Thank you.

Did your investigation notes, reports, anything like that, ever reflect an investigation into Ms. Gjovik?

A. No.

Q. Okay. Thank you.

Did the scope of your investigation into Ms. Gjovik's complaints change over time?

A. No.

Q. Okay. Thank you.

For -- so when we first started talking about the procedure you normally use for your investigations, you mentioned that there's usually an investigation plan.

Did you create an investigation plan for your investigation into Ms. Gjovik's issues and complaints?

A. I did.

Q. You did. Okay. Where is that -- what does that look like? Was that, like, a Word document, an email, in some kind of tracking system?

A. It was at the direction of counsel.

Q. What was the format of the document, though? I think you can tell me if it was like a Word doc or a PDF, an email or --

A. I don't recall the actual format, whether it

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was a Numbers document or a Pages document. I --
Q. So assuming that one of the, like, Apple apps? It would have just been something in one of those -- a saved document?
A. Yes.
Q. Yeah. And then did you share that discovery plan with anyone else?
A. Yes.
Q. Who did you share it with?
A. My leader, employment counsel.
Q. Sorry. Who was the first person you said?
A. My leader, Tony Lagares.
Q. Okay. Can you tell me which employment counsel?
A. Isela Perez, Debbie Rice.
Q. Around when did you share that plan with them?
A. I don't recall the specific date, but it would have been shortly after I was assigned the case.
Q. Okay. Thank you.
And to be clear, if I ask you something you do think is privileged, tell me. But I am going to try my best to not ask you anything that's privileged. Because there's no point in just making you object for no reason. So thank you for answering that outside of privilege.

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And then you also mentioned that you create a report at the end of your findings.
Did you create one of those for your investigation into Ms. Gjovik's concerns?
A. Yes.
Q. And what kind of format of the document was that? Like a Pages document or an email or ticketing?
A. Keynote, I believe.
Q. Keynote. Who did you share it with?
A. I shared it with my leader at the time and also employment counsel.
Q. Can you identify their names, please, for the record?
A. Yeah. Isela Perez, Debbie Rice, Adele Mise, Joni Reicher, Megan Bowman, Yannick -- that's what I recall.
Q. Okay. And then you said your leader, was that Mr. Lagares again. You also shared it with Mr. Lagares.
Did you share it with Mr. Lagares?
A. There was a period where he was out of the business, but I believe I did.
Q. What does "out of the business" mean?
A. He was on -- on a leave.
Q. And -- sorry. I might have cut you off. Were you going to say something else?

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A. No.
Q. Okay. Thank you.
To your knowledge, has either that discovery -- or the -- the investigation plan or that end report been produced to the plaintiff in this case?
A. I don't know.
MS. GJOVIK: Okay. So, no, they haven't -- haven't shared that.
MS. RIECHERT: That's privileged.
BY MS. GJOVIK:
Q. And then you mentioned that there's often a meeting also that will occur where you'll discuss.
Was there a meeting like you described earlier for your investigation into Ashley Gjovik's complaints?
A. Yes.
Q. Around when did that occur?
A. Sometime in September. Early September.
Q. Was it prior to the termination of Ms. Gjovik or after?
A. I don't know. I don't...
Q. And that report you said you -- you created of your end results, the findings of the investigation, do you remember if that was finalized before or after the termination of Ms. Gjovik?
A. I don't know.

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Q. You don't know. You don't know if you completed the investigation of Ms. Gjovik's concerns prior to or after the termination of her employment?
A. I don't know when you were terminated.
Q. September 9th, 2021.
A. I -- I don't remember the specific date.
Q. Is it common for you to investigate employee concerns and to not complete your investigation prior to the employer terminating the employee?
A. Can you repeat the question?
Q. Is it common that you might be investigating employee concerns, assigned to you by Mr. Lagares or whoever your leader is, and that before you can complete your investigation into the employee's concerns, that the employer had terminated the employee's employment?
A. There were two separate issues.
Q. That wasn't the question. How many -- let me rephrase then.
How many other cases have you had where you are investigating the employee's concerns assigned to you by your leader, and the employer -- and the employee is terminated by the employer prior to you completing your investigation?
MS. RIECHERT: Objection. Assumes facts not in evidence that the report was completed -- was not

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completed prior to the termination.
He doesn't recall when it was completed.
BY MS. GJOVIK:
Q. But I wasn't asking about me.
I was saying how many -- how many cases do you recall that you were assigned to and you were investigating that you had not completed a report, not finalized your investigation, but the employee was terminated by the employer, for whatever reason, prior to you completing?
A. I don't know.
Q. You can't recall one example?
A. I don't have an example.
Q. But if the case with Ashley Gjovik, if she was terminated prior to the completion of your report, that would be one example?
MS. RIECHERT: Objection. Assumes facts not in evidence.
BY MS. GJOVIK:
Q. Okay. So just to restate, you're saying you have no examples and you're unsure of any examples at this time of a case that you were investigating, and you had not completed your investigation yet, but then the employee was -- their employment was terminated prior to you completing?

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A. I don't understand the question.
Q. Okay. Can you please confirm if you can give any example or confirm knowledge of at least one case that you've investigated of employee concerns where the employee was terminated by the employer prior to you completing your investigation?
MS. RIECHERT: Objection. Asked and answered.
BY MS. GJOVIK:
Q. Did he? Okay. Okay. We can we can move on from that. And -- okay.
You don't remember when the report was finalized. You don't remember when the meeting occurred. There was a report; there was a meeting.
Did you create any other types of documents, presentations for those reports related to your investigation of Ashley Gjovik's concerns?
A. If you don't mind repeating that question again. I just want to make sure I understand.
Q. Can you please describe to me any types of documents, reports, communications that you created as part of your investigation into Ashley Gjovik's concerns?
A. Witness notes, interview notes, timelines, there are various different documents that one -- that an investigator would create on an investigation.

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Q. Were there any meetings or presentations given before the investigation was completed?
A. What do you mean by "meetings and presentations"?
Q. So you mentioned that you'd have a report at the end. That you would have a -- sometimes a meeting at the end also. You mentioned you think you probably created a Keynote document.
Is there anything that you created like a Keynote or a -- a Pages document or something like that or did you host any -- any meetings with the same types of people you mentioned prior to the completion of your investigation for the Ashley Gjovik case?
MS. RIECHERT: Objection. Vague.
BY MS. GJOVIK:
Q. I don't think it is.
Did you have any meetings with employment counsel prior to the completion of your investigation?
A. Throughout the --
Q. Sorry. Did you have any meetings with employment counsel about Ashley Gjovik prior to the completion of your investigation of Ashley Gjovik's concerns?
A. Throughout the investigation, yes.
Q. Can you tell me how many you think you

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probably had?
A. It's been five years. I don't -- I don't know.
Q. More than one?
A. Yes.
Q. More than five?
A. Yes.
Q. More than ten?
A. I --
Q. Can you say that more clearly, please?
A. Perhaps. Yes.
Q. What if I said eight? Would you feel more confident saying at least eight?
A. Eight to ten.
Q. Okay. Thank you.
Did you have any meetings with Yannick, or maybe Turnis or Riccio -- sorry -- John Turnis, Dan Riccio, Yannick Bertollis prior to the completion of your investigation to discuss your investigation into Ashley Gjovik?
A. Can you mention the names again?
Q. Yeah. Yannick Bertollis, the vice president of product integrity who was Ashley Gjovik's VP, and then his bosses, they -- they kind of changed around that time. The first was Dan Riccio, who was a senior

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vice president, and then John Turnis took over Dan Riccio's role, and they were both Ashley Gjovik's senior leaders under Tim Cook.

A. Yes.

Q. So "yes" to what?

A. Yes. I had -- I had a meeting with --

Q. Who did you meet with?

A. Yannick and John.

Q. And who?

A. Yannick and John.

Q. John Turnis?

A. Correct.

Q. How many meetings did you have with them?

A. One.

Q. One. Do you remember around the time you had that?

A. Sometime in September. I don't recall the specific date.

Q. Prior to or after the termination of Ashley Gjovik?

A. Again, I don't know when the day of the your termination. So I --

Q. September 9th, 2021.

A. Prior.

Q. Prior. And then you would have met with at

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least Yannick again after in your final meeting? You mentioned you had a final meeting, the presentation at the end, but you didn't remember if it was before or after the termination.

A. I had one meeting with Yannick concerning this case.

Q. So would that imply that you finished your investigation prior to the termination of the employee?

A. Without a timeline in front of me, I can't answer that confidently.

Q. Okay.

A. I was not involved in the termination decision.

Q. Okay. And then the -- you said you had a -- you're pretty sure you had one meeting with Mr. Bertollis?

A. Concerning this case, yes.

Q. Yeah. And then John Turnis, that would be one meeting as well?

A. Yes.

Q. And then did you meet with Mr. Lagares about the case?

A. Yes.

Q. How many times did you meet with Mr. Lagares about the case?

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A. He was my supervisor, so, I mean, we met multiple times. I don't have a specific number in mind.

Q. Did you send him email updates?

A. Initially, but not throughout the case. They were more live conversations.

Q. Why did you change the format of your communications about the case?

A. Because we were meeting regularly with employment counsel live.

Q. Okay. I was going to ask you what they told you, but I can't ask you that. I think that can probably be implied. Okay.

And then did you text Mr. Lagares about the case at all?

A. No.

Q. Was there any other method of communication used with Mr. Lagares about the case?

A. Live conversations.

Q. Live conversations and emails?

A. Yeah.

Q. Okay. And that would have all been sent from your Apple email account?

A. Correct.

Q. Okay. And then is there any kind of, like, investigation tracking system, database, anything that

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Apple uses like a centralized system to track open investigations?

A. Yes.

Q. Was that in place at that time?

A. Yes.

Q. Yeah. Was this case tracked in that system?

A. Yes.

Q. Your investigation into Ashley Gjovik's complaints was tracked in that system?

A. Yes.

Q. Yeah. What kind of information was tracked in the system?

A. Reporting party's statements and evidence provided, witness statements, everything that's involved in a workplace investigation.

Q. That's great. Do you remember maybe how many documents or files or entries there might be?

A. There were lots of documents.

Q. Lots. Because I know it's weird I'm talking in third person. I just feel like it's more professional than asking as a personal thing.

But she shared a bunch of documents with you on Box; right? Were those carried over to that system to keep copies?

A. No. It wasn't a system that -- Box would have

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been the main tool to store --
Q. Okay.
A. -- evidence.
Q. And the -- all those Box files, did you look through everything she had shared with you?
A. Yes.
Q. Okay. Cool. And then -- let's see.
Before you took over, there was another investigator who had done a separate investigation, Ms. Jenna Waibel.
What had Ms. Waibel done to investigate Ms. Gjovik's complaints?
MS. RIECHERT: We're getting very close to privilege here; so I am not going to let him testify to what she did.
BY MS. GJOVIK:
Q. I mean, facts aren't privilege, and she's not a lawyer, and, Mr. Okpo, I believe you're still not even an attorney; right? You just have a JD? So it's -- you're just --
MS. RIECHERT: Any investigation conducted under the advice of counsel is privileged, weather the investigator is a lawyer or not.
MS. GJOVIK: Okay. If you want to clarify -- I believe what you're trying to say, and I think we

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should clarify for the record if this is what you're saying, is that Ms. Waibel was assigned the investigation of Ms. Gjovik's concerns by counsel, not by Lagares and, therefore, you're claiming privilege to all the details of Waibel's investigation?
MS. RIECHERT: The investigations were conducted under the advice of counsel with counsel for the purpose of providing legal advice.
MS. GJOVIK: Thank you. Can you clarify --
MS. RIECHERT: For both investigations.
MS. GJOVIK: Yeah. So you didn't have that objection earlier with Mr. Okpo's response, but now you're claiming privilege to just the basic facts of Ms. Waibel's. So I'm curious what the differentiation is.
MS. RIECHERT: Yeah. Nothing that you asked him involved legal advice or the investigation itself. You asked him generally about investigations and you asked him about meetings, but you didn't ask about the investigation then.
So my objection is the same for the Jenna Waibel as it will be for his investigation.
BY MS. GJOVIK:
Q. Okay. Let me clarify: Without breaching privilege, Mr. Okpo, what kind of actions had Ms. Waibel

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taken on that prior investigation of Ashley Gjovik that were the same kind of things like I was asking about earlier that you felt okay answering? So did she create a plan? Did she have an end report? Did she talk to people? What did she do?
A. I don't know. I didn't investigate. It wasn't my investigation.
Q. Did you see any kind of report from her investigation?
A. Yes.
Q. Yeah. When did you see that report?
A. When? It would have been shortly after the case was assigned to me by Mr. Lagares.
Q. Okay. And so if that report had mentioned that she did create other documents or meet with people, Apple is claiming privilege to those facts; is that right?
MS. RIECHERT: The report would be privileged.
MS. GJOVIK: Yeah. The report, you're claiming privilege. But the underlying facts, so if he learned facts through that, you're claiming those facts themselves are also privileged?
MS. RIECHERT: Correct. Anything that the witness was told -- the investigator, would be privileged.

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BY MS. GJOVIK:
Q. Okay. And then at the point -- while you were investigating Ashley Gjovik's concerns, had Ms. Waibel completed her investigation?
A. Yes.
Q. Yes. To your knowledge, was there any kind of further next steps from Ms. Waibel's investigation?
MS. RIECHERT: Okay. I'll object to anything that was in her report or any recommendations that she made.
BY MS. GJOVIK:
Q. Okay. Other than that?
A. Not to my knowledge.
Q. Okay. And so you're saying that at the time that you started this investigation of Ashley Gjovik's concerns, which was probably in early/mid July 2021, that Ms. Waibel had already completed her investigation, and to your knowledge, there weren't -- or under privilege, you can't say -- any kind of next steps going on with Ms. Waibel's investigation?
A. Not to my knowledge.
Q. Okay. And then ongoing, after that, though, Ms. Waibel was still involved with the EHS matters regarding Ashley Gjovik's office -- and you had sent some emails. We'll look at them in a second later --

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mentioning that Ms. Waibel was managing the EHS concerns. But now you've said that her investigation was closed, and there weren't next steps you can at least share.

So can you help me understand what she was doing in that second phase starting July through September specific to the 825 Stewart Drive office in Sunnyvale and the environmental concerns?

MS. RIECHERT: Objection. Lacks foundation.

MS. GJOVIK: I don't think it does.

MS. RIECHERT: If he doesn't know, then it lacks foundation.

MS. GJOVIK: He's sent emails saying she was handling something regarding that, he was not because she was. So I would like him to share, where he can, what he meant by those statements.

THE WITNESS: I know EH&S was looking into those concerns.

BY MS. GJOVIK:

Q. What does that mean?

A. I don't know. I wasn't privy to the -- to that issue.

Q. Who told you she was looking into the concerns?

MS. RIECHERT: I think he said EH&S was

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looking into it.

BY MS. GJOVIK:

Q. Sorry. So why was Waibel involved?

A. Because she was -- she was the ER investigator who previously worked with you.

Q. So if she had already closed her case, and there was a new one working with me, why would she be involved in EHS concerns?

MS. RIECHERT: Objection. Lacks foundation.

BY MS. GJOVIK:

Q. It doesn't. You still have to answer.

A. The EH&S issue came up at the time when she was working with you.

Q. And so the issues then were still open concurrently with your investigation if you said she was still working on it; is that correct?

A. Not led by ER. It was being -- that -- that issue was -- was being handled by EH&S.

Q. So what was her role with EH&S?

A. It is normal and as part of our practice that the ER investigator would see issues through even if there are situations where the ER investigator isn't the lead.

Q. Okay. That makes sense.

Would it be normal if the ER investigator

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though would close their investigation and write a final report prior to that issue actually being resolved and then continue on it?

A. It was not --

MS. RIECHERT: Objection. Objection. Lacks foundation.

BY MS. GJOVIK:

Q. He still has to answer.

A. It's not an ER issue.

Q. So if employees raise concerns about workplace safety at work or environmental concerns at work at Apple, ER wouldn't investigate?

A. Subject matter expert there is EH&S.

Q. What if the employee complains of retaliation for raising EHS concerns?

A. Then that's an ER issue.

Q. But that Ashley Gjovik case, did Ashley Gjovik ever complain about retaliation for raising EHS concerns?

MS. RIECHERT: Objection. Lacks foundation.

BY MS. GJOVIK:

Q. He still has to answer.

A. Yes.

Q. As far as you remember, what was the earliest that she started reporting retaliation for raising EHS

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concerns?

MS. RIECHERT: Objection. Lacks foundation.

BY MS. GJOVIK:

Q. He still has to answer.

A. I don't know.

Q. Could it have been March or April 2021?

MS. RIECHERT: Objection. Lacks foundation.

BY MS. GJOVIK:

Q. He still has to answer.

A. I don't know.

Q. But it was before you started your investigation?

MS. RIECHERT: Objection. Lacks foundation.

THE WITNESS: I don't know.

BY MS. GJOVIK:

Q. You don't know if Ashley Gjovik reported EH&S concerns prior to starting your investigation into her complaints?

A. Yes.

Q. Okay. And tell me about what you do remember about her complaints about EH&S issues.

MS. RIECHERT: Again, if this is from the report, then it would be privileged. If it's from a non-privileged source, you can talk about it.

THE WITNESS: It was from a report.

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BY MS. GJOVIK:
Q. What report?
A. The report that, as I mentioned earlier, Jenna previously worked with you.
Q. And then did Ms. Gjovik also report to you retaliation for raising EH&S concerns?
A. Yes.
Q. Do you remember the ways she reported those issues to you? Like, was it emails? Documents? Verbal?
MS. RIECHERT: Objection.
THE WITNESS: Other than what was included in the issue confirmation document, I don't recall.
BY MS. GJOVIK:
Q. Okay. And so you said that normally employee relations would investigate complaints about retaliation before raising EH&S concerns, and you mentioned that previously Jenna was involved with the EH&S complaints.
At the time that you were doing your investigation, what was your understanding of who, if anyone, at Apple was investigating Ms. Gjovik's complaints about retaliation for her making EH&S complaints?
A. My understanding is that Jenna Waibel looked

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into those concerns.
Q. The earlier investigation or one concurrent with your investigation?
A. The earlier investigation.
Q. Okay. And then you're saying that you did not investigate Ms. Gjovik's complaints about retaliation specific to EH&S complaints?
MS. RIECHERT: Okay. What he did in his investigation is privileged, and I am not going to let him answer about that.
MS. GJOVIK: He sent emails saying he wasn't investigating it. We can pull it up now, or he can just answer.
MS. RIECHERT: If you want to show him the email, that's fine. I thought it related to EH&S complaints, not retaliation for raising EH&S complaints. But you can show us the email.
BY MS. GJOVIK:
Q. Okay. So -- so this one is Exhibit AA. This is an email from August 3rd. And --
A. Can you make that a bit bigger?
Q. Yeah. Sorry about that.
MS. RIECHERT: I'll second that one.
(Exhibit AA was marked for identification.)

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BY MS. GJOVIK:
Q. Okay. This is an email you sent -- I had sent an email asking about the scope of the investigation, and you had said you were focused on the new concerns Ms. Gjovik raised since Jenna closed out her investigation on June 3rd. The items listed below and in Jenna's issue confirmation email were previously investigated, and Apple took corrective action in response to her investigative findings. As we discussed, if you have new information, please let us know.
And then you said, "Additionally, EHS is focused on reviewing your building and physical workplace safety issues. They will be in contact with you further to address those concerns."
So I think Melinda is actually correct there. That was saying that just EHS was looking into it, not Jenna. There was no mention that Jenna was looking into anything.
So that raised the question, again, then, of was there anyone at Apple investigating Ms. Gjovik's complaints about retaliation for raising EHS issues between July and September 2021?
MS. RIECHERT: I think he already answered that; so I'll object to asked and answered. He

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mentioned the --
MS. GJOVIK: What was the answer?
MS. RIECHERT: -- the issue confirmation document.
MS. GJOVIK: But that would imply that he was investigating, and he hasn't confirmed if he was investigating those complaints.
MS. RIECHERT: You can answer if that was one of the things in the issue confirmation document you were looking into.
BY MS. GJOVIK:
Q. If you don't -- sorry. Go ahead.
A. I -- I investigated what was in the issue confirmation. I don't -- it's been a long time.
Q. It's fine. Just tell me what you recall. You know, I don't want speculation.
Do you recall that anyone, yourself or someone else, was investigating Ms. Gjovik's complaints about retaliation specific to environmental health and safety issues between July 2021 and her termination in September 2021?
MS. RIECHERT: Are you talking about complaints of issues or complaints of retaliation for issues?
MS. GJOVIK: Retaliation for issues.

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MS. RIECHERT: Okay. I think he's answered that.
MS. GJOVIK: No, he didn't. He hasn't answered.
BY MS. GJOVIK:
Q. So if you don't recall if anyone was, I just need you to say you don't recall if anyone was.
MS. RIECHERT: He said that he was if it was in the issue confirmation. He just can't recall what was in the issue confirmation.
MS. GJOVIK: He never said that. You just said that. That's a speaking objection. And I object to your speaking objection. That's coaching the witness.
BY MS. GJOVIK:
Q. Mr. Okpo, please answer the question.
A. That's exactly what I said.
MS. RIECHERT: We can have the reporter read it back if you want.
THE WITNESS: Yeah.
BY MS. GJOVIK:
Q. So your answer is if -- anything that was in the issue confirmation was something that you investigated?
A. That's correct.

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Q. Okay. Great. Let's look at the issue confirmation. This is Exhibit D. This is the -- what I believe in the email we agreed was the final issue confirmation.
(Exhibit D was marked for identification.)
BY MS. GJOVIK:
Q. You had sent an earlier version. Let's see. This is Exhibit B.
Mr. Okpo, does this look like the version of the issue confirmation, to your best recollection, that you had sent Ms. Gjovik in August of 2021?
A. Yeah. I'm reading.
(Exhibit B was marked for identification.)
BY MS. GJOVIK:
Q. Yeah. I would like you to actually authorize it -- authenticate it, so we can go through each of the ten pages. If you can read it, and then let me know when you're ready to go to the next one.
A. Yeah. If you could -- don't mind making it just slightly bigger.
Q. Yeah. We can do half pages. Let me know when you want me to scroll down, and then let me know when you want me to go to the next one.

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A. Will do.
Q. Okay.
A. Please scroll down. Okay. Okay. Okay. Okay. Okay. Scroll. Okay. You can keep -- you can keep scrolling. You can keep scrolling. Okay. Keep scrolling. Keep scrolling. Okay. Keep scrolling. Okay. Okay. Okay.
Q. There's still more. One more.
A. I see. Okay. All right.
Q. Should stay for the closing. You don't want to skip that.
A. Okay.
Q. Does that look like an email that you sent?
A. Yes, it does. Thanks for that.
Q. Oh, thank you. Sorry. To clarify, that was -- I believe you said that was a PDF document attached to an email that you sent to Ashley Gjovik in August 2021?
A. Yes.
Q. Okay. Thank you. And you read through all the content just now? That's what we were doing; right?
A. Yeah. I -- yes.
Q. Yeah. Did you see any mention of complaints about retaliation for environmental health and safety concerns?

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A. No.
Q. I didn't either. And, in fact, you wrote, "On Wednesday August 4, 2021, you," Ashley Gjovik, "told me," you, Okpo, "that the above were all of your," Ashley Gjovik's, "concerns."
Is that true what it says?
A. Yes.
Q. Yeah. Did Ashley Gjovik ever tell you she had concerns about retaliation due to making EHS concerns?
If you said something, I couldn't hear it. Can you say it louder, please?
A. Yeah. I just -- I don't recall.
Q. Okay. You did add at the bottom here, "As a reminder, the scope of my investigation," Okpo's investigation, "does not include the concerns that you," Gjovik, "has raised with our Environmental Health and Safety team. Those concerns will be handled by our team of EHS experts."
A. Correct.
Q. Yeah. So you remember Ms. Gjovik making complaints about EHS issues?
A. Yes.
Q. Yeah. But you don't recall Ms. Gjovik ever making complaints about retaliation due to making EHS complaints?

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MS. RIECHERT: Objection. Asked and answered.
BY MS. GJOVIK:
Q. Okay. Do you remember Ms. Gjovik ever making complaints about retaliation?
A. My recollection is -- my recollection is Jenna Waibel would have reviewed those concerns previously.
Q. You said "Jenna Waibel"?
A. That seems to be my recollection at this -- that's my recollection.
Q. Okay. And you had said that Ms. Waibel closed her investigation in June of 2021?
A. Did I say that? I don't recall.
Q. I thought you did. Well, I thought you said that at the time that you took this investigation in July 2021, Ms. Waibel had closed her investigation. Is that true and accurate?
A. Yeah. Yes. When I --
Q. Yeah.
A. When I met you, Ms. Waibel had closed her investigation. Correct.
Q. Okay. And then so if Ms. Gjovik had complained about -- sorry. I'm very sick.
If Ms. Gjovik had complained about retaliation in July, August, September 2021, who would be investigating her complaints about retaliation?

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MS. RIECHERT: Objection. Assumes facts not in evidence.
BY MS. GJOVIK:
Q. Was -- to your knowledge, was anyone investigating Ms. Gjovik's complaints about retaliation, or any complaints, in July, August, or September 2021?
MS. RIECHERT: For any complaints?
MS. GJOVIK: Of retaliation.
MS. RIECHERT: Okay.
THE WITNESS: Not specific to your EH&S concerns? I just want to make sure I understand the question. Any complaints --
BY MS. GJOVIK:
Q. Go ahead.
A. Yeah. There -- there's mention of retaliation claims in this document. So -- yes.
Q. Yeah.
A. I was investigating those specific concerns in this document.
Q. This document seemed to focus on retaliation complaints with retaliation occurring around 2015, 2016, 2017.
What about complaints of retaliation occurring in 2021? Were you investigating any of those?
A. My investigation was focused on the issues laid out in the issue confirmation document.
Q. So there's multiple. So Exhibit B, this is your version of the issue confirmation document; right?
A. Yes.
Q. Yeah. So when you say you're investigating the issues laid out in "the issue confirmation," I just want you to distinguish whether it's yours or mine, which we'll go back to in a second. Mine was Exhibit D. Yours was Exhibit B.
So are you saying that you were investigating just the issues laid out in your issue confirmation document?
A. What I am saying is that I was investigating concerns laid out in the issue confirmation document.
Q. Which one?
A. You've called out that there are multiple versions. So, I mean, I --
Q. I can rephrase. Did -- let's go to -- again, to Exhibit D, which was my final version of the issue confirmation document and in retrospect, I forgot to update the revision to revision three and the date and all that. So it was the 23rd of August. But I checked this was the right one because I had sent you an updated one when I filed a business conduct complaint on the 23rd about the Ronald Sugar and office issues. So I --

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(Reporter clarification.)
MS. GJOVIK: Ronald Sugar -- yeah. And I think I said EHS office issues. This document gives me anxiety. Okay.
BY MS. GJOVIK:
Q. So, Ms. Okpo, do you remember me sending you a document that looked like this?
A. Yes.
Q. Yeah. And you -- do you remember replying in an email saying it was received and that you would investigate it -- the complaints made?
A. I don't recall.
Q. Okay. Do you recall investigating the complaints made in this version of the issue confirmation? All of them?
MS. RIECHERT: What he did in his investigation is privileged; so I am not going to let him answer that.
MS. GJOVIK: He just answered the same question for the last one. I don't know why this is different.
MS. RIECHERT: He cannot answer questions about what he did to investigate.
BY MS. GJOVIK:
Q. Okay. So the last document, we just

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confirmed, did not document any complaints about retaliation due to raising EHS concerns. And you had said you only investigated what was written in the issue confirmation. And I asked you to distinguish which issue confirmation, and I showed you this issue confirmation now, which has a header even about environmental health and safety concerns and talks about retaliation for raising health and safety concerns.

So, Mr. Okpo, did you investigate Ms. Gjovik's complaints about retaliation due to raising EHS concerns as she requested in this issue confirmation?

MS. RIECHERT: Objection. Attorney-client privilege. Instruct him not to answer.

MS. GJOVIK: I don't think that's privileged. I think that's actually the most fundamental question of this entire lawsuit.

MS. RIECHERT: Okay. Well, the investigation that he did was conducted under the advice of counsel, and what he did in connection with that investigation is privileged.

MS. GJOVIK: Okay. So as far as the facts go then, then we have no evidence that Apple ever investigated Ms. Gjovik's complaints about retaliation due to EHS concerns, July through September 2021. That's apparently where we're at.

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And it sounds like if I ask any further questions about whether you investigated anything in Ms. Gjovik's issue confirmation, you're going to claim privilege?

MS. RIECHERT: Correct. What he actually did to investigate.

MS. GJOVIK: What about the scope of the investigation?

MS. RIECHERT: Well, he's talked about these two documents.

MS. GJOVIK: Well, that's what you're not -- what I asked --

MS. RIECHERT: What he actually did is one thing, but if you ask him about the issue confirmation documents, he can talk about those documents. Just not what he did in response to them.

MS. GJOVIK: Yeah. But it was a binary question: Did he do anything at all, yes or no, regarding the complaints about retaliation due to making EHS complaints?

MS. RIECHERT: And that would ask him to answer -- require him to answer what he did in the investigation, and that's what I am not going to permit him to do.

MS. GJOVIK: But an answer could be "Nothing, I did absolutely nothing," or --

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MS. RIECHERT: Right.

MS. GJOVIK: -- the answer could be, "I did something," and you're claiming privilege to those answers?

MS. RIECHERT: Correct. Because either would show what he did or didn't do.

MS. GJOVIK: Just a reminder, you can't claim privilege to misconduct.

MS. RIECHERT: I can claim privilege to an investigation that was conducted under the advice of counsel.

MS. GJOVIK: But you can't claim privilege to a lack of an investigation.

MS. RIECHERT: We can litigate that. We can argue that issue later. Let's not waste this witness's time on it.

MS. GJOVIK: Again, this is just the prima facie; so we'll keep coming back to this one. Okay.

BY MS. GJOVIK:

Q. Mr. Okpo, thank you.

Can you -- what can you tell me, if anything, about what you did investigate as part of your investigation?

MS. RIECHERT: I'll object to that on attorney-client privilege, and instruct him not to answer.

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BY MS. GJOVIK:

Q. Zero details. Okay.

Mr. Okpo, did you talk to witnesses?

MS. RIECHERT: You can answer that generally.

THE WITNESS: Yes.

BY MS. GJOVIK:

Q. Thank you. Can you tell me who you talked to?

MS. RIECHERT: Objection. Attorney-client privilege. Instruct him not to answer.

BY MS. GJOVIK:

Q. Mr. Okpo, can you tell me if you talked to any of the witnesses recommended by Ms. Gjovik?

MS. RIECHERT: Objection. Attorney-client privilege. Instruct you not to answer.

BY MS. GJOVIK:

Q. Okay. You did say that you did review the files provided. Actually, let's look at those for a second. Actually, it sounds like you're struggling a little too, Mr. Okpo.

Do you want to take five minutes? I can use five minutes.

MS. RIECHERT: Yeah. It's been just over an hour.

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MS. GJOVIK: Does that sound good?
MS. RIECHERT: Sounds good.
MS. GJOVIK: Okay. Thank you.
(Recess taken from 2:07 p.m. to 2:13 p.m.)
BY MS. GJOVIK:
Q. Okay. So, actually, Mr. Okpo, I thought we can actually just go back a few steps like we did at the very beginning where we were talking about kind of your general practice and your job in 2021, that role you held.
So you said that you would get assignments from Mr. Lagares to investigate employee concerns.
And did you have cases where you were assigned complaints about retaliation for EHS -- for making EHS complaints?
A. Can you repeat that question? I -- I don't understand.
Q. Yeah. Have you -- while you were in that role that you held, the one we talked about in 2021, did you ever get assigned cases to investigate where employees were complaining about retaliation due to them making EHS complaints?
A. No.
Q. Never?

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A. No.
Q. Not one case? How long did you hold that role?
A. A little over 18 months.
Q. 18 months, and not a single case for retaliation for making EHS complaints?
A. Specific to EHS complaints, no.
Q. Yeah. Does that normally go to, like, another group?
A. Does what go to another group?
Q. Employee complaints about retaliation due to making EHS complaints.
A. Not to my knowledge.
Q. And I believe when we talked in 2021, you said that you were kind of assigned to a couple of functional groups. Like, I think you said you were working with, like, legal on retail and some groups of corporate.
In July and August, what were the groups that you were assigned to?
A. During that period, I was specifically focused on your case. I had no client groups at that time. I was specifically focused on your case.
Q. Cool. But that wasn't the question.
When you held that role, what groups were you generally assigned to? I believe you had told me you were assigned to some groups.

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A. At what point?
Q. Let's say, June, July, August, September of 2021?
MS. RIECHERT: Objection. Asked and answered.
MS. GJOVIK: That implies that he was investigating my complaints in June before it was assigned and/or he was doing absolutely nothing in June.
Do you want to sustain that objection?
MS. RIECHERT: Okay. So just if you focus it on -- you said June, July, August, September. Maybe break it down by June or July or August or September, and then maybe we can get an answer.
BY MS. GJOVIK:
Q. Okay. Mr. Okpo, as of June 2021, were you generally assigned to employee complaints from certain organizations at Apple?
A. Yeah. I had a number of client groups.
Q. Who were they?
A. Finance, legal, the People Org, Café Macs.
Q. When you say "legal," do you mean, like, all of the legal department under general counsel?
A. Yes.
Q. That's a huge job. That's a lot of people.
And then when you say "People," you mean the human resources organization?
A. Correct.
Q. Does that include employee relations employees?
A. We -- we typically wouldn't investigate our own.
Q. Yeah. That would be weird. That would be weird.
And then you said Café Macs, that's Apple's, like, cafeteria workers?
A. Yeah.
Q. That's a lot of people.
And so, like, the cafeteria workers, would that be like maintenance and janitorial too?
A. Front of house, back of house, maintenance -- janitorial is contracted out.
Q. Okay. And then you're saying that during the time that you held the role of employee relations investigator, you did not have a single case where you investigated employees making complaints about retaliation due to making EHS complaints?
MS. RIECHERT: Objection. Asked and answered several times.
BY MS. GJOVIK:
Q. Okay. I just want to make sure it's clear

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that you're applying that to all those groups. So I'm just noting that in my head.

And then, to your knowledge, if an employee in one of those groups wanted to make a complaint about retaliation due to filing EHS complaints, where would that complaint get routed in the employee relations group?

A. All retaliation claims would go through employer relations.

Q. So if you're assigned to those groups and someone from one of those groups makes this type of complaint, it would assumably go to you; right?

A. That's correct.

Q. Okay. Have there been any other cases other than the one we're talking about with Ms. Gjovik where Ms. Waibel was handling that complaint where you saw another investigator handling an investigation into complaints of retaliation due to making EHS complaints?

A. Specific to EHS complaints, no.

Q. Okay. And then do you know who Ms. Waibel -- what group she was assigned to as of June 2021?

A. It's been a long time. I -- you know, I can't speak definitively to that.

Q. Assumably the group that Ashley Gjovik worked

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in would have been one of the groups that she was assigned to?

A. I guess so.

Q. Yes?

MS. RIECHERT: Don't guess.

THE WITNESS: I don't know.

BY MS. GJOVIK:

Q. You don't know. Okay. Okay.

So is it possible that if you were investigating -- I am not going to ask you. She's already -- I can see from her eyes she's about to object.

MS. RIECHERT: Any time it starts "Is it possible," then that's an objection.

BY MS. GJOVIK:

Q. She just -- like this fierce look. Okay. Let me rephrase.

During your investigation into Ashley Gjovik's concerns/complaints, did you talk to anyone in EHS?

MS. RIECHERT: Objection. If it was part of his investigation, the answer is I instruct him not to answer.

MS. GJOVIK: Okay. Under what objection?

MS. RIECHERT: Attorney-client privilege.

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Sorry.

BY MS. GJOVIK:

Q. Yeah. There we go.

During your investigation into Ashley Gjovik's complaints, did you visit the office building where her desk is, 825 Stewart Drive?

MS. RIECHERT: Same objection. Anything he did as part of this investigation is privileged.

BY MS. GJOVIK:

Q. Have you ever been to 825 Stewart Drive in Sunnyvale, California?

MS. RIECHERT: That's sort of a backhand way of getting to the answer to the question.

MS. GJOVIK: Correct. It is.

MS. RIECHERT: So I think I'll have to instruct him not to answer.

It wouldn't matter whether he had been there or not except in connection with an investigation.

MS. GJOVIK: Yeah. But maybe he's been there a few times. I had lovely coworkers. Maybe he was hanging out with them. Talking to them. Who knows.

MS. RIECHERT: It wouldn't be relevant to this case in any event.

MS. GJOVIK: It would because of the condition of the site, actually.

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BY MS. GJOVIK:

Q. Have you ever been to 825 Stewart Drive?

MS. RIECHERT: Same objection. Instruct you not to answer.

BY MS. GJOVIK:

Q. If you have ever been to 825 Stewart Drive, would you have ever assumed it was a Superfund site?

MS. RIECHERT: Objection. Speculation. Hypothetical.

BY MS. GJOVIK:

Q. Are you -- are you aware -- are you aware that 825 Stewart Drive is a Superfund site?

MS. RIECHERT: Don't say anything you've learned as a result of consultations with counsel, but otherwise you can answer.

THE WITNESS: Only through counsel.

BY MS. GJOVIK:

Q. In your experience, have employees raised concerns to you about working on sites that are Superfund sites?

A. No.

Q. No. Other types of toxic waste, dump, cleanup sites like brownfield sites?

A. No.

Q. Toxic waste, hazardous waste, handling issues,

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or communication issues?
A. Repeat that last.
Q. In your role as employee relations investigator, have you had any cases where employees raised concerns to you about, like, a direct issue or retaliation for raising issues regarding hazardous materials and hazardous waste?
A. No.
Q. Never in 18 months? Okay.
And if -- like, if I was a backhouse worker at Café Macs, and there were hazardous materials and I wanted to make a complaint about it, and assume -- who would I make that complaint to?
A. What complaint?
Q. If I thought that there were safety issues at work regarding hazardous materials and/or hazardous waste.
A. Generally through your -- your manager who would take partners with the EH&S teams. They are the experts.
Q. Okay. And then what if I was concerned about retaliation for making concerns? Who would I report that to?
A. Employee relations. Or various avenues to report retaliation claims, but -- yeah.

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Q. And as of 2021, let's say, July 2021, what was the method for an employee to reach out to employee relations and request an investigation?
A. It's a direct reach out to the extent the employee knows who their employee relations business partner is, report a concern, people support, the -- the employee's manager. There're various channels in which our employees could raise workplace concerns.
Q. Okay. I would like to go back to Exhibit B for a moment. Okay. So this was your issue confirmation, Mr. Okpo. And there is a retaliation section; right?
And here it does say, "In March 2021," Ms. Gjovik, "raised building and workplace safety concerns to EHS." It was listed under that "Retaliation" section.
Then it says she raised concerns to Waibel and Powers treated me different -- treated differently because of sexism, sexual harassment stuff.
So can you explain to me what -- this statement right here, I'm going to highlight it just on this exhibit right now in the video -- where it says, "In March 2021, you raised building and workplace safety concerns to Environmental Health and Safety."
And it's listed under, "You," Ashley Gjovik,

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"told me," Okpo, "that the events listed below may have caused the above retaliatory actions."
Mr. Okpo, isn't that raising concerns about retaliation for EHS issues -- for making EHS complaints?
A. The document, what version?
Q. This is the only version you sent me.
A. Oh, I see.
Q. Exhibit B.
A. Okay.
Q. Okay. And -- and you said that you didn't investigate anything about Ms. Gjovik's complaint about retaliation making EHS complaints --
MS. RIECHERT: Objection. Misstates the testimony.
MS. GJOVIK: -- the document. I was mostly just talking to myself. That wasn't a question. But -- okay.
MS. RIECHERT: Okay.
BY MS. GJOVIK:
Q. And then, Mr. Okpo, you label this document "Apple Confidential."
Can you tell me why you believe the whole document is "Apple Confidential"?
A. It's internal work product process.
Q. How is that confidential?

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A. I mentioned it's our internal process and work product.
Q. Can you identify which portions are internal process?
A. Issue confirmations. You know, the drafting of an issue confirmation.
Q. Just the fact of creating an issue confirmation is Apple confidential?
A. It's our internal process.
Q. And then you said "work product." Are you claiming this document is work product?
A. At the direction of counsel.
Q. But then you gave it to the employee. You emailed this to the employee Ashley Gjovik?
MS. RIECHERT: Is your question did he email it to you?
MS. GJOVIK: Uh-huh.
MS. RIECHERT: Okay. You can answer that.
THE WITNESS: Yes. Yes, I did.
BY MS. GJOVIK:
Q. Okay. To your understanding, what does it mean to put "Apple Confidential" on a document like this?
A. As I mentioned, it's, you know, part of our internal process -- our internal investigatory process.

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Q. Yeah. But do you -- do you think it attaches any kind of expectation or obligation to the person receiving the document to have "Apple Confidential" written on it?
A. I don't know how to answer that question.
Q. Okay. And didn't Ms. Gjovik complain to you a couple times about putting "Apple Confidential" on communications as part of the investigation and ask you to stop?
A. I don't recall.
Q. Okay.
A. It's been five years.
Q. Yeah. Okay. If an employee was to protest -- that's speculative. I can already see Melinda perk up on that one.
Have -- have employees complained to you in prior investigations about Apple's use of the term "Apple Confidential" on communications regarding those investigations?
A. No.
Q. Okay. And then you -- you put a note here. It says, "Apple takes concerns such as yours seriously and has a No Retaliation policy that can be found here: If you have any concerns of retaliation, please do let me know."

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And, Mr. Okpo, you sent this document on August 16th, 2021.
Did Ms. Gjovik complain about any retaliation following that date to you?
A. What date? Sorry. August --
Q. August 16, 2021.
A. I don't remember.
Q. Okay. There's some emails showing she did. And so when you put a note like that "let you know if there's retaliation," what did you intend? If the employee was to tell you that there was retaliation, would you add that to your investigation?
A. Yes, I would.
Q. Okay. And then -- oh, I do want to go to those Box folders. So Box is an application Apple uses for file hosting internally. I think they use it with contractors too.
And can you tell me about the -- the folders that Ms. Gjovik created on Box for your investigation? And, first, here is -- here is one of the pictures of those Box folders.
Can you confirm if you remember these folders?
MS. RIECHERT: I can barely see them. Oh, better.
THE WITNESS: Yeah. I remember.

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BY MS. GJOVIK:
Q. Yeah. And then they were labeled by topics and years and then also tagged by Ms. Gjovik about whether they were discussed with yourself with the "EO" used for your name. Does that look right?
A. Yes.
Q. Yeah. Okay. Can you tell me what you remember about these folders and the files and the discussions with Ms. Gjovik about these folders and files?
MS. RIECHERT: That's a very compound question.
BY MS. GJOVIK:
Q. Can you just tell me what you remember about the Box folder titled "Ashley Gjovik ER Investigation Evidence."
A. I don't understand the question. What specifically -- like, it's -- it's a big -- what do I remember?
Q. Okay. Yeah. So can you tell me about your recollection of Ms. Gjovik's presentation of evidence to support her claims through this -- this folder presented to you? What was asked? What you reviewed? What was discussed?
A. What was asked? What was reviewed? What was

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discussed?
MS. RIECHERT: It's a really compound question.
BY MS. GJOVIK:
Q. Okay. So you confirmed Ms. Gjovik did share these folders and files with you?
A. Yes.
Q. And you confirmed you did review them all?
A. Yes.
Q. Yeah. And you've confirmed that she was going in and tagging stuff about the status of what was reviewed and what had not been reviewed? Yeah? Yeah?
A. What was the last question? Can you repeat that question?
Q. Yeah. Ms. Gjovik had gone in and tagged the folders with status of what had been reviewed or discussed with you or not?
A. Okay.
Q. Is that true?
MS. RIECHERT: Is it true that you tagged it?
MS. GJOVIK: Yeah. That he recollects that Ms. Gjovik was tagging things with the status of the discussion.
THE WITNESS: I don't know how to answer that question. I don't know what -- what you did.

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BY MS. GJOVIK:
Q. So this was -- these little -- where it has a little tag icon, and it says, like, "Reviewed with EO 8 3." That would be August 3rd.
A. Uh-huh.
Q. "Discussed with EO 8 3." "EO not investigating." "ER not investigating." "Ashley asked again if ER will investigate."
Do you see those little tags I am talking about?
A. Yes, I do.
Q. Yeah. Do you recollect now Ms. Gjovik using those tags to track the status of the review of these folders?
A. It's not something I paid attention to.
Q. Okay. So this -- this is Exhibit G that we're looking at.
(Exhibit G was marked for identification.)
BY MS. GJOVIK:
Q. And it shows on the Box folder who has access, and it shows Ashley Gjovik, Antonio Lagares, your manager, and yourself, Ekelemchi Okpo; is that correct?
A. Yes.
Q. Yes. And you said that you reviewed all these

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files and folders already.
So do you -- you're saying you do not recollect if you noticed the tags on the folders?
A. It's not something I paid attention to.
Q. Okay. And then the date on this screenshot -- or sorry. The screenshot shows that these folders were updated on August 3rd, 2021; is that correct?
A. That's what the screenshot says.
Q. Yeah. And the folder description says "Evidence for the ER Investigation, & Potential Future Legal Actions"; is that correct?
A. That's what it says.
Q. Yeah. And then do you recollect that you and Ms. Gjovik had several meetings to discuss her complaints and review evidence in July and early August 2021?
A. Yes.
Q. Yeah. Do you remember when the final meeting was?
A. Sometime in early August.
Q. August 4th?
A. Without a calendar or a timeline in front of me, I can't --
Q. Okay. Do you remember reviewing the evidence in the folder titled "New Evidence to Review 8-4"?

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A. Yes.
Q. Do you remember if you reviewed that prior to 8/4, on 8/4, or after 8/4?
A. I reviewed it. I don't remember specifically when.
Q. Do you recall Ms. Gjovik asking to review it with you on 8/4 and you refusing to review it with her on 8/4?
A. That's not my recollection. I would not have refused to review anything with you.
Q. I would have hoped so, Mr. Okpo. That's not how I remember it.
Do you remember on 8/4 informing Ms. Gjovik that Apple was placing her on paid administrative leave?
A. Yeah. Accommodating your request.
Q. That wasn't the question.
So, yes, you remember placing her on administrative leave.
Do you recall her making protests, complaints, objecting, or otherwise having concerns about that announcement?
MS. RIECHERT: It's a very compound question.
BY MS. GJOVIK:
Q. Do you recall Ms. Gjovik's response to being told she was being placed on leave?

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A. What exactly you said, no.
Q. General sentiment?
A. I recall you asking questions about what access you may or may not have to work tools.
Q. Do you remember what the answers were?
A. That the expectation is that you're uninvolved in any work-related activities.
Q. Can you define work-related activities?
A. Anything related to doing work at Apple. Apple sponsored things.
Q. Would that include using Apple Slack?
A. It's a work tool.
Q. So the expectation would be that when Ms. Gjovik was placed on paid administrative leave that she would not use Slack; is that correct?
A. I don't believe I ever explicitly said that to you.
Q. But that was the expectation?
A. Those are two different things; right? Like, I don't -- what the expectations are around forming any work duties or using any work tools is different from what I explicitly stated to you.
Q. Yeah. So let's -- let's just drill out on that on a high level then.
So you said that -- what was the first thing

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that you -- you said earlier that the instruction was to -- the expectation was to not be involved in workplace -- can you say it again? What was the term you used?

A. Whatever my email stated.

Q. Okay. And so you're saying that may not actually include the use of work communication tools still? That the employee could still do that?

A. I don't understand the question.

Q. Okay. So I need more cold medicine.

Let's go back to these folders for a second. Okay. So you've confirmed these look like the folders that you reviewed. They cover your 2015 through 2021. You said you looked through all the documents. That was Exhibit G. And I would like to look at just a couple more photos of these and just have you authenticate them to the best of your memory, please.

So here is another one. It's basically the same thing with a slightly different view. That's Exhibit H.

(Exhibit H was marked for identification.)

BY MS. GJOVIK:

Q. Here is Exhibit I. That one is actually not helpful. It doesn't have the dates on it. Sorry.

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(Exhibit I was marked for identification.)

BY MS. GJOVIK:

Q. Notes. Notes. Notes. Okay.

Now, Mr. Okpo, do you remember Ms. Gjovik ever expressing concerns to you about whether her complaints would actually be earnestly investigated or not rather than the investigation being -- I think she used the term like "farce" -- a farce investigation?

A. Can you repeat the question? I --

Q. Do you recall Ms. Gjovik ever raising concerns to you about whether her complaints will actually be earnestly investigated by you?

A. Yes.

Q. Can you tell me about those?

A. I recall it being a general statement of concern.

Q. Did she cite any examples of why she might be concerned?

A. I don't recall specifically, no.

Q. Okay. Do you recall Ms. Gjovik asking you about the outcome of your investigation? Like, what the, like, the end product would be and who any recommendations would be made to?

A. I don't remember.

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Q. Do you remember Ms. Gjovik, around that time, that was around July 27, 28, 29, during the conversation with Ms. Gjovik, her getting so upset at the answers she was getting she spilled coffee all over her desk and herself, but continued talking to you covered in coffee? I'll remember that forever, though. Forever.

MS. RIECHERT: I am not sure if there's a question in there.

MS. GJOVIK: Just credibility of the witness's testimony of his actual recollections or not with things that can be substantiated based on other evidence.

I would like to show you an email sent to you, Mr. Okpo. This will be Exhibit A.

(Exhibit A was marked for identification.)

BY MS. GJOVIK:

Q. This is an email sent July 28, 2021. The subject is "Slack ER Chain," sent by me cc'ing Mr. Antonio Lagares.

Do you remember this email, Mr. Okpo?

A. Yes.

Q. Yeah. Can you tell me about this email?

MS. RIECHERT: Objection. Vague.

BY MS. GJOVIK:

Q. Can you tell me what was done with this --

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this complaint from Ms. Gjovik, if anything?

MS. RIECHERT: So if you're asking what he did in connection with the investigation, then I will instruct him not to answer based on attorney-client privilege.

MS. GJOVIK: Okay. What can he answer outside of attorney-client privilege?

MS. RIECHERT: I don't know if he did anything other than as part of his investigation he could.

MS. GJOVIK: Or if he waived privilege such as if he told Ms. Gjovik to stop talking to her coworkers on Slack about this and instead send them to him directly.

MS. RIECHERT: Okay. Then you can ask him that question.

MS. GJOVIK: Yeah.

BY MS. GJOVIK:

Q. Mr. Okpo, what, if anything, did you do in response to this email that is not protected by privilege?

MS. RIECHERT: Okay. So I think your example was did he tell you anything in response to this email.

MS. GJOVIK: I don't want to lead him. I would just rather have him respond generally with what he can respond to.

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MS. RIECHERT: I know. But I'm -- yeah. I'm objecting on privilege, and that's the only example you've given that wouldn't be privileged.
MS. GJOVIK: We don't know what else would be because he hasn't answered. I can't read his mind.
MS. RIECHERT: So are you asking him if he talked to you about this?
MS. GJOVIK: I would like him to note any and everything he did in direct response to this email that he can share that is not blocked by privilege.
THE WITNESS: What I did during this investigation was directed by counsel.
BY MS. GJOVIK:
Q. Okay. So do you recall talking to me about the Slack exchanges that are captured in this email?
A. I recall this specific email.
Q. Okay. Do you recall any verbal conversations with Ms. Gjovik about this email or this -- the Slack conversations that were documented in this email? Would you like to see the full document? It's 13 pages. We can go through each page again.
A. Yeah. Let's do that.
Q. Okay. We'll keep it big for you guys and then do the thing where you tell me to scroll down. Okay?
A. Yup.

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Q. And we'll be reading this first part, actually, I would like to read onto the record just for the context in the deposition transcript. So I'll read the text, and then the rest is screenshots of exchanges on Slack.
The text says, "Hi, The Slack chain we talked about yesterday & today," with the link, a URL link. "Not even including DMs..." it meant "direct messages."
"I don't seem to be the only employee subject to sexism, hostile work environment, harassment, and retaliation -- who has received no real help from HR or ER in resolving the issue. (Yes I know you're looking into things now -- but Jenna made things worse for me, and so far y'all have done nothing to mitigate the harm I'm experiencing ongoing).
"There seems to be a growing group of us with very horrific stories to tell, who have tried to tell these stories, and have gotten nowhere at Apple.
"As mentioned before, this is incredibly disappointing and unacceptable to me. Not just for my own situation -- but also that women are being treated like this by their coworkers and ignored by HR/ER at a company that likes to pretend it cares about human rights, inclusion, diversity, and respect. Pretends seems to be the important word there. Ashley."

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Okay. So here is the bottom half, and let me know when you would like to go to the next page.
A. I'm ready.
MS. RIECHERT: While he's doing that, Ashley, can you let Isela back in?
MS. GJOVIK: Oh, yeah. Let me check. I lost my header. I don't see her.
MS. RIECHERT: Okay. I'll -- I'll remind her. She just told me she got knocked off.
MS. GJOVIK: It usually dings for me when someone tries to get in. I didn't hear it either.
THE WITNESS: Okay. Okay. It's quite small. Thanks.
BY MS. GJOVIK:
Q. Okay. I am sorry. I'm actually going to change plans because this is going to take a long time, and I have a lot more questions for you.
So we got through the -- the two first pages and at least part of the third page. Yeah.
And you recall this email and the -- that Slack conversation now that you've refreshed your memory?
A. Yeah.
Q. Yeah. How would you characterize the Slack post, the ones that you reviewed?

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MS. RIECHERT: Objection. Vague.
BY MS. GJOVIK:
Q. The Slack posts -- there were multiple employees complaining about work conditions and failure to actually get a good investigation from ER?
A. Yeah.
Q. Yeah. Did you or anyone else at employee relations, in response to this email, look into those cases to see if they were handled properly?
MS. RIECHERT: Objection. Instruct him not to answer. Attorney-client privilege in anything he did in connection with the investigation.
BY MS. GJOVIK:
Q. Okay. Do you recall discussing with Ms. Gjovik and asking her to stop posting these things in Slack and instead send people directly to talk to you privately?
A. That's not my recollection.
Q. What is your recollection?
A. To the extent people had workplace concerns, they could come directly to the employer relations team or go through other channels that are available to them as Apple employees. It is not my recollection that I told you to stop posting to Slack.
Q. So could keep posting on Slack, but also

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wanted people to report concerns to you and your team?
A. Yeah. Or any other avenue in which they felt comfortable.
Q. Why was talking to coworkers on Slack not sufficient?
MS. RIECHERT: Objection. Vague.
BY MS. GJOVIK:
Q. You're saying that when these complaints were being made on Slack, you requested that they be raised to either HR or ER management? Why would that be needed in addition to talking with coworkers on Slack?
A. The mere act of talking to coworkers on Slack, which employees have the right to do, doesn't put Apple on notice that there may be potential concerns to investigate. And so at no point did I say you could not have conversations with coworkers on Slack.
Q. Yeah.
A. But what I would have said is that folks needed to -- to the extent they had concerns, report through their appropriate channels.
Q. Yeah. So many of the concerns expressed in this thread were about the employee relations team, your team. And when we were talking earlier and I asked who investigates your team or concerns from your team, you didn't really have an answer.

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So do you know who employees should complain -- who should the employees reach out to if they have concerns about the employee relations function or the employee relation investigators? Who do they report that to?
A. They could report that to their -- to their human business partner. They could call the hotline, report a concern. They could report it through their manager. There are multiple avenues in which Apple employees could raise those concerns.
Q. And then where would that concern get routed to?
MS. RIECHERT: Objection. Lacks foundation.
MS. GJOVIK: No, it doesn't. He has to answer.
MS. RIECHERT: No. He has to answer if he knows the answer.
THE WITNESS: I don't know. But -- I don't know.
BY MS. GJOVIK:
Q. To your awareness, is there any team at Apple who would be tasked with investigating employee relations misconduct?
A. To my knowledge, there is a team internally. I don't know which team it is.

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Q. Do you know what organization?
A. It would be within the People -- the HR department.
Q. And that would be, like, for individual employee misconduct or if there was a complaint about systemic misconduct by the employee relations function?
A. I don't understand your question.
Q. Yeah. So these complaints -- the thread in the conversation was that it seemed like there was a systemic issue. That just employee relations was systemically failing to investigate stuff, resolve issues, and even causing more harm, potentially intentionally. And so you're saying that -- your preference that you expressed to Ms. Gjovik was that those complaints at least be also made to someone in Apple management or administration. And I'm just trying to sort out who you were envisioning that complaint to be made to?
MS. RIECHERT: Objection. Asked and answered.
BY MS. GJOVIK:
Q. That's what I was clarifying.
Who -- an employee would raise a systemic -- a concern about a systemic issue with a function, and so your answer would just be HR? Like their HR business partner? They would just say that employee relations

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seems to be a broken function at the company?
MS. RIECHERT: Objection. Misstates his testimony as to the places people could complain.
MS. GJOVIK: Yeah. Can he answer then, because I still don't know?
MS. RIECHERT: He listed a number of places.
MS. GJOVIK: He listed places people can complain, but not who would investigate.
MS. RIECHERT: No. He said but it's within the HR department. He didn't know the name of the team.
BY MS. GJOVIK:
Q. Okay. Mr. Okpo, how do you know there's a team that investigates this stuff?
A. I don't understand what the -- do you mean how do I know?
Q. You said that you know that there's some team at HR who will investigate employee relations, and I would like to know how you know that information? Is it on a brochure somewhere or a website?
A. Not to my knowledge.
Q. Do you recall how you know that? How you know there is a team that will investigate this stuff?
A. Through my work. Through partnership across the organization.
Q. Do you have any knowledge of an Apple

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investigation into employee relations for mishandling employee relations investigations?
MS. RIECHERT: Okay. That sounds like it's going to be privileged; so instruct him not to answer.
BY MS. GJOVIK:
Q. Okay. Mr. Okpo, do you recall Ms. Gjovik complaining about facing retaliation from her managers David Powers and Dan West?
A. Yes.
Q. Can you tell me what you -- do you remember she complained?
A. About what specifically?
Q. Yeah.
A. Everything that was outlined in the issue confirmation document.
Q. Which one? Yours or Ms. Gjovik's or both?
A. The issue confirmation document.
Q. There's two. Which one? Exhibit B or Exhibit D? Exhibit B is yours; Exhibit D is Ms. Gjovik's.
A. The final version of the issue confirmation document.
Q. Exhibit D?
A. Yeah.
Q. Okay. And do you remember Ms. Gjovik

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complaining about having her workload changed and her work responsibilities changed?
A. Yes.
Q. Did you investigate those complaints?
MS. RIECHERT: Objection. Instruct the witness not to answer.
BY MS. GJOVIK:
Q. Okay. Do you remember Ms. Gjovik making those complaints prior to her being placed on administrative leave?
A. Yes.
Q. Yeah. Do you remember Ms. Gjovik making other complaints about other types of retaliation from her managers prior to being -- her being placed on administrative leave?
A. To the extent that they're outlined in the issue confirmation document.
Q. Okay. Do you recall Ms. Gjovik asking for intervention from Apple, either through your team or another team, to try to stop the retaliation prior to her being placed on administrative leave?
A. Yes.
Q. The alleged retaliation.
A. Yes.
Q. Thank you. Can you tell me what, if anything,

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was done to investigate and try to mitigate the alleged retaliation she was complaining about prior to placing her on administrative leave?
MS. RIECHERT: Objection. Instruct him not to answer. Attorney-client privilege.
BY MS. GJOVIK:
Q. Okay. Mr. Okpo, do you remember Ms. Gjovik asking you -- let me rephrase.
Do you remember Ms. Gjovik telling you that she would prefer to stay at work, but that she needed intervention in the alleged retaliation she said she was facing, and she said at a very worse case we can talk about administrative leave again, but that she really wanted to stay at work?
Do you remember that conversation?
A. Not my recollection.
Q. Okay. And so if there's emails that Ms. Gjovik sent you saying that, you don't remember those?
A. I am sorry. I am sorry. Can you repeat that?
Q. Yeah. If Ms. Gjovik sent you emails saying that, you're saying you don't recall those emails?
A. The way you just phrased it is not my recollection of the conversation.
Q. Can you share with me how you do recollect it?

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A. Yes. You asked to be placed on administrative leave because you raised concerns about being subject to a hostile work environment by Helen, by David Powers, by Dan West, and that was your request, and we accommodated your request.
Q. Okay. But you also just said that -- well, first, objection that I don't agree with that, but that's your testimony.
You also just said, though, that you recollect Ms. Gjovik complaining about alleged retaliation and asking for some sort of intervention with it, and you're saying, though, that you don't recollect her ever asking you for an intervention other than an administrative leave?
A. I don't believe that was my testimony. I don't believe that was my --
Q. Okay. Can you restate please and clarify?
MS. RIECHERT: What's the question?
THE WITNESS: Restate what? What question?
BY MS. GJOVIK:
Q. Can you tell me what you remember Ms. Gjovik had asked you for prior to her being placed on administrative leave regarding any sort of intervention into the complaints of alleged retaliation?
A. My recollection is that you shared concerns

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about being subject to a hostile work environment by your People business partner and two levels of your management chain.

Q. That didn't answer the question.

MS. RIECHERT: I think it did.

BY MS. GJOVIK:

Q. No. Mr. Okpo, do you recall Ms. Gjovik asking you for any type of intervention into the allegations of retaliation other than administrative leave?

Isela is back.

MS. RIECHERT: So the question is did you ask him for intervention other than administrative leave?

BY MS. GJOVIK:

Q. The question is what I just stated prior.

A. Nothing comes to mind.

Q. Nothing comes to mind.

So you're saying the only thing Ms. Gjovik ever asked for regarding the alleged allegations of retaliation was to be placed on administrative leave; is that correct?

A. You asked for a thorough investigation, right, and I also recall you --

Q. Sorry. Go ahead. Can you speak up too?

A. You asked for a thorough investigation, and I also recall you asking to the placed on admin leave

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because you believed you were subject to a hostile work environment.

Q. So the question was other than saying "administrative leave." So you're saying also a thorough investigation?

A. Correct.

Q. Correct. And, Mr. Okpo, do you recall any statements from Ms. Gjovik about requesting intervention such as talking with her managers, meetings with her managers, talking to HR, to try to get them to stop the alleged retaliation?

A. Can you restate -- can you state that again?

Q. Yeah. Do you recall any requests from Ms. Gjovik, prior to placing her on administrative leave, where she requested that yourself or someone else at Apple intervene with the parties who were doing the alleged retaliation and just to try to get them to stop that alleged retaliation?

A. Yeah. And conduct an investigation into those claims. Yes. But your specific request was to be placed on admin leave because you believed you were subject to a hostile work environment.

Q. That's not the question, Mr. Okpo.

A. I --

MS. RIECHERT: Let him finish the answer.

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THE WITNESS: I answered, yes, right. Like, you did ask that someone, you know, talk to those individuals to stop their retaliation and to conduct a --

BY MS. GJOVIK:

Q. Did anyone -- go ahead.

MS. RIECHERT: Objection. Instruct him not to answer as to whether he did anything.

MS. GJOVIK: I didn't even ask the question yet, Melinda.

MS. RIECHERT: Okay.

MS. GJOVIK: Let him finish, too. He was still finishing. And then you can object because that's what I was going to ask.

BY MS. GJOVIK:

Q. Go ahead, Mr. Okpo.

A. I am done.

Q. Okay. And did you talk to anyone -- or did you or anyone else talk to those parties about the alleged retaliation and try to find ways to mitigate the actions that the employee Gjovik had alleged for retaliation?

MS. RIECHERT: Objection. Attorney-client privilege. Instruct him not to answer.

MS. GJOVIK: There we go. It's like a tango,

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Melinda. Okay.

BY MS. GJOVIK:

Q. So did -- to your best recollection, did Ms. Gjovik ever ask to come back to work or -- let me -- let me reframe that.

To the best of your recollection, did Ms. Gjovik, after she was placed on administrative leave, ask for permission to participate in work activities to you?

A. There was an Apple University training.

Q. Tell me more.

A. That you requested to attend.

Q. And what was your response to the employee's request?

A. Because you were on an administrative leave, a paid admin leave, the expectation was that you would not participate in any work-related activity.

Q. How was the Apple University training considered a work-related activity?

A. It's Apple sponsored.

Q. Okay. So then going back to Slack, would you say that Slack is Apple sponsored?

A. It's a work tool.

Q. Yeah. So Ms. Gjovik asked you if she could go to this training, you said -- what was your response to

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her?
A. The training could be rescheduled to a later date, but you were currently on a paid administrative leave and the expectation is that you would not participate in any work-related activity.
Q. So, no, the answer was, no, she can't go; is that correct?
MS. RIECHERT: Objection. Asked and answered.
BY MS. GJOVIK:
Q. Okay. Mr. Okpo, at that same time, didn't -- around that same time, didn't you also tell Ms. Gjovik that she could ask to do work activities still?
A. That's not my recollection.
Q. If there's an email saying that she could ask to come back to work or do work activities, you don't recall that?
A. Can you repeat that question? I --
Q. Yeah. Do you recall around that time ever telling Ms. Gjovik that she could request to still do work activities?
A. I recall an email where I mentioned we could arrange for your return back to work.
Q. So is it your understanding that at least when Ms. Gjovik was placed on -- and I'm going to keep using third person. I think it would be helpful for readers

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later if we don't just have, like, a personal interaction, but you're welcome to use whatever pronouns are more comfortable for you.
So do you recall -- let me rephrase this.
So is it your view that when Ms. Gjovik was placed on administrative leave, if she was to come back from administrative leave, like, how did it stop? It was going to have to be, like, an all or nothing? That either she requests to completely cancel the administrative leave or -- but she can't, like, do a training while she's on administrative leave?
A. I don't know that I really -- I fully understand the question. What are you --
Q. Okay. So when you said that the employee can request to come back to work, did you mean that that would be just a request to completely cancel the administrative leave rather than ask to be able to do something like take a training while on administrative leave?
A. Yeah. You're either on administrative leave or you're not, right. So if you're not on administrative leave, then you're an active, you know, productive employee.
Q. And so what was the concern about allowing Ms. Gjovik to attend the Apple University training?

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A. You were -- you were currently on the administrative leave.
Q. The concern was it was going to cause some kind of harm if she was able it attend the training?
A. You were currently on administrative leave, and employees on administrative leave do not participate in any work-related activities.
Q. And so that would also include Slack then; right?
MS. RIECHERT: Objection. Asked and answered many times.
BY MS. GJOVIK:
Q. He still hasn't answered that one directly because it's part of the MLRB case. He's avoiding that one pretty well. I see you're hanging out with CWA a lot, Mr. Okpo. Okay.
So next question: How many investigations have you had where an employee has complained about alleged retaliation by their managers, ask for some kind of intervention to stop it, for whatever reason they end up on administrative leave, but as far as they know, nothing was done to stop the actions that they had complained was retaliation, and then they asked to come back to the environment that they had previously said had retaliation?

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MS. RIECHERT: There are a lot of parts to that question.
THE WITNESS: I am not following.
BY MS. GJOVIK:
Q. Okay. So we were just talking about a scenario where Ms. Gjovik had allegedly complained about alleged retaliation at work, and had asked for intervention to stop that retaliation, and then we're talking about her being placed on administrative leave, and a communication from you that she could ask to come back to work, but, like, completely. She would have to stop the leave, completely come back.
And I am asking you how often in investigations, in that 18 months you did that job, do employees in her position ask to come back to leave after -- had just complained the same work conditions were retaliation and hostile work environment?
A. I don't really know how to answer that question. It truly depends on the circumstances of the case.
Q. Like, 20? 2? Zero? 100?
A. I don't understand your question.
Q. Can you recall any examples of any employees fitting that factual circumstance who asked you to come back to work completely before there was any kind of

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update or reassurance that there would not be the same actions they had just complained about?
A. Depends on the circumstances of the case. I --
Q. Can you think of one -- any examples?
A. When employees -- can you repeat the question?
Q. Yeah. If an employee who you're investigating had concerns, they had complained about a hostile work environment or retaliation, they end up on administrative leave one way or another, and there had been no communication or reassurance that the same stuff they had just complained about, the retaliation or hostile work environment, had been resolved or mitigated, but then asked to cancel the administrative leave and come back to work full in that same environment?
A. I can't think of a specific example that -- that 100 percent fits kind of that type of --
Q. Because it doesn't happen. No one does that. Okay. So then let's talk about -- I want to talk about investigation. I want to talk about outcome.
MS. RIECHERT: Do we want to take a break now? It's been another hour.
MS. GJOVIK: Let me ask one more question --
MS. RIECHERT: Oh, yeah. You can.

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MS. GJOVIK: -- and then we can break because I need to keep it -- it just popped in my head. This is the third time after I lost it prior.
BY MS. GJOVIK:
Q. Okay. Mr. Okpo, documents produced by Apple indicate that Ms. Gjovik was under investigation by Apple employee relations no later than July 2021 at least specific to her talking to the New York Times about her concerns about workplace safety regarding COVID-19.
Are you aware of that investigation?
A. I am not.
MS. GJOVIK: Okay. That's all for now. Can we do ten minutes so I can walk my dog?
MS. RIECHERT: Sure.
MS. GJOVIK: Okay.
MS. RIECHERT: I can walk mine too.
(Recess taken from 3:13 p.m. to 3:24 p.m.)
BY MS. GJOVIK:
Q. Mr. Okpo, are you aware of how the administrative leave was coded in any system that --
A. No.
Q. Okay. When an employee is placed on paid administrative leave, is it usually tracked in some sort

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of system?
A. I don't know.
Q. Okay. Mr. Okpo, do you have any information you can share of your knowledge about the termination of Ashley Gjovik?
A. Only through what I know from -- only through kind of information I have from counsel.
Q. Did you see anything in the news?
A. No.
Q. Did you see anything in the news prior to the termination of Ashley Gjovik about Ashley Gjovik's complaints?
A. I remember you forwarded me an article from the New York Times.
Q. Did you see anything else?
A. No.
Q. No. Mr. Okpo, do you remember Ms. Gjovik complaining to you about Ms. Waibel's handling of the prior investigation?
A. Yes.
Q. What do you remember?
A. She had concerns about how she handled.
Q. Apparently sharing Exhibit Z. This is an email Ms. Gjovik sent to Mr. Okpo on July 29th, 2021. Mr. Okpo, does this look familiar?

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(Exhibit Z was marked for identification.)
THE WITNESS: Yes.
BY MS. GJOVIK:
Q. Yeah. This is an email complaining that it seemed like -- let's see. What was the phrasing used? "I talked to Ekelemchi about Jenna's investigation at length today" --
(Reporter admonition.)
MS. GJOVIK: Okay now?
MS. RIECHERT: Just read it slowly when you read. Everybody speeds up when they read.
MS. GJOVIK: Oh, yeah. Because reading is fun.
BY MS. GJOVIK:
Q. "I talked to Ekelemchi about Jenna's investigation at length today. As I've mentioned before, there are numerous areas I have reason to believe she didn't investigate at all."
Do you remember that, Mr. Okpo?
MS. RIECHERT: Remember that you said that?
MS. GJOVIK: Yeah.
MS. RIECHERT: Okay.
BY MS. GJOVIK:
Q. Is that a "Yes"?

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A. Oh, is that a question? Yes, I remember.
Q. Yeah. Yeah.
A. Yes.
Q. Okay. Mr. Okpo, is there anything that you are able to share that you might have done in response to Ms. Gjovik's complaints about concerns about that prior investigation?
MS. RIECHERT: Objection. Instruct him not to answer. Attorney-client privilege.
BY MS. GJOVIK:
Q. Okay. So, Mr. Okpo, do you remember reaching out to Ms. Gjovik on September 3rd, 2021, asking to speak with her?
A. Yes.
Q. This is Exhibit DD.
(Exhibit DD was marked for identification.)
BY MS. GJOVIK:
Q. The bottom shows an email from September 3rd from Mr. Okpo asking to connect. He sent it September 3rd, 10:07 a.m., and said, "I wanted to follow up on the text message I sent this morning. Are you available to connect with me at 10:30 a.m.? If not, please suggest a time and I'll be happy to reschedule."
Is that the email that you recollect?

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A. Yes.
Q. Yeah. And then the -- above that is a response sent my Ms. Gjovik.
Do you remember Ms. Gjovik's response?
A. Yeah.
Q. Yeah. Do you remember Ms. Gjovik asking you to keep communications in writing?
A. Yes.
Q. Yes. Did you ever agree or disagree to that request? Let me rephrase.
Did you ever respond directly to Ms. Gjovik's request to keep communications in writing?
A. No.
Q. Okay. And then, Mr. Okpo, you -- do you remember contacting Ms. Gjovik again on September 7th?
A. Yes.
Q. Yeah. So -- and is it your recollection that there was no communication in response to Ms. Gjovik's response on the third until your response on the 7th?
A. Yes.
Q. Yeah. This is Exhibit EE.
(Exhibit EE was marked for identification.)
BY MS. GJOVIK:
Q. And on September 7th, Mr. Okpo said, "Based on

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interviews I've conducted so far and evidence I've reviewed, there are some inconsistencies I'd like to discuss with you in detail, and give you the opportunity to provide additional information."
Mr. Okpo, what did you mean by that?
A. I was going through my investigation and I found some additional documents that were inconsistent with how you had laid out your complaints specific to the allegation that Dan West pressured you into engaging with a sous chef.
Q. That was the one thing you were reaching out about?
A. Yes.
Q. And that was the thing you were reaching out about on the 3rd and 7th?
A. It was -- yes.
Q. Okay. And then do you recall Ms. Gjovik's response on the 7th, which is shared on the screen right now from Exhibit EE, an email response at 6:45 p.m.?
A. Yes.
Q. And Ms. Gjovik asked you, again, if we could keep communication in writing. Says she is happy to discuss.
Did you ever respond to her email?
A. This specific email, no.

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Q. Mr. Okpo, were you opposed to communicating in writing?
A. The work that we do, investigating claims, it would be very difficult to get to the heart of the issue and fact-find via email. What I mean by that is, as investigators, similar to what you're doing here, it's important to receive answers or -- from the -- the person you're interviewing in realtime so that you could ask follow-up questions where appropriate. And so it wouldn't have -- it's just not part of my process or our ER investigate process to conduct investigations via email.
Q. Do you -- do you feel like you understood why Ms. Gjovik was asking to keep things in writing?
A. No.
Q. No. Were you aware at this point, either the email you sent on the 3rd or the 7th, that Ms. Gjovik had already filed complaints with the EEOC, the California DFEH, the NLRB, and/or the California Department of Labor?
A. Only through counsel.
Q. Wouldn't it be reasonable to assume that someone who had filed complaints with the government about the same issues would want documentation to share with the government about the communications about those

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issues?
MS. RIECHERT: Objection. Speculation.
BY MS. GJOVIK:
Q. Mr. Okpo, have you had other investigations where employees had asked to keep communications in writing?
A. Yes.
Q. Yeah. Have you ever said yes and agreed?
A. During the actual investigation process, I've been consistent around the need to have live conversations.
Q. What if -- and have counsel for employees, if they're already preparing to sue Apple, have they also asked sometimes to keep things in writing rather than have oral conversations?
MS. RIECHERT: Counsel for employees?
MS. GJOVIK: Yes.
MS. RIECHERT: Okay.
BY MS. GJOVIK:
Q. Because I specified earlier that employees asked, so I just want to be sure that I'm also including the other group.
A. So to make sure I understand your question, are you asking me if counsel for employees have direct -- have asked me directly to keep communication

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with their clients in writing?
Q. Yes. That's the question.
A. No.
Q. No. Okay. And then -- let's see. So you've never agreed to keep things in writing.
Is there any policy that you're aware of, Apple, like, work policy that says investigations have to be oral and cannot -- communications are not allowed to be in writing?
A. Not that I am aware of.
Q. Yeah. Okay. And then this email that we're looking at right now, Ms. Gjovik had raised that she had just discovered that one of her coworkers had actually sued Apple over the alleged misconduct of Mr. West, and raised that to you with some concerns.
Did you ever respond to that?
A. Respond to what?
MS. RIECHERT: I'll misstate what the email says -- misstates what the email says, but you can ask if he responded to your "PS."
BY MS. GJOVIK:
Q. Okay.
A. No. I didn't respond to this -- this email.
Q. While you were conducting this investigation of Ms. Gjovik's concerns, were you aware that Crystal

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Brown had sued Apple over alleged misconduct by Dan West?
A. No.
Q. Okay. And then -- let's see. I would like to look at Exhibit FF. It's another email.
(Exhibit FF was marked for identification.)
BY MS. GJOVIK:
Q. On this one, Ms. Gjovik emailed you on August 20th, 2021, while she was on administrative leave, and wrote, "I continue to struggle to understand just how this current leave is not punishment, retaliation, or otherwise a negative employment action.
"P.S. I should get you the updated issue Confirm," or confirmation, "before Monday. It's taken a lot of time to sort through and make sense."
Did you ever respond to this email to your recollection?
A. No.
Q. Do you -- is there anything you can share that you did in response to the employee complaining of retaliation by you?
MS. RIECHERT: Objection. Instruct the witness not to answer. Attorney-client privilege.

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BY MS. GJOVIK:
Q. Is there any kind of process or protocol or policy in place at Apple when the employee complains to the employee relations investigator of the retaliation -- alleged retaliation by that investigator?
A. I don't understand the question. Can you repeat it?
Q. Yeah. Is there any kind of standard process or procedure that you're aware of when an employee complains to their investigator that the investigator themselves is also retaliating against them allegedly?
A. Standard process or procedure?
Q. How would you -- let me rephrase it.
If an employee was to complain to you that they felt that you were retaliating against them allegedly, how do you normally handle that sort of complaint?
A. I don't know that I could answer that question. I think it would just depend on the circumstances. But, generally speaking, right, whenever someone from the People team, employee relations, or a member of management is made aware of an employee raising workplace concerns, we take those concerns very seriously and look into them.
Q. Did you investigate yourself, Mr. Okpo, based

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on this email?
MS. RIECHERT: Objection. Instruct him not to answer. Attorney-client privilege.
BY MS. GJOVIK:
Q. Uh-huh. Okay. And then this -- this -- this response that I read was after you had declined to allow the employee to attend the training that she wanted to attend, and she complained that her interpretation of the refusal to let her to attend the training was punishment, retaliation, and potentially a negative employment action.
Did you find that to be an actionable complaint of potential misconduct, Mr. Okpo?
MS. RIECHERT: Are you pointing to some particular thing?
MS. GJOVIK: Just exactly what I said.
MS. RIECHERT: No. I just was wondering where it is on this or not. Is it in this document? Oh, "I continue to struggling to understand how this current leave" -- that didn't seem to relate to the training.
MS. GJOVIK: Well, here it is. So she said, "I want to go to this training." Mr. Okpo said, "No." And then employee says, "This seems like punishment, retaliation, or negative employment action."
MS. RIECHERT: But "the current leave" is not

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the refusal to allow the training. Anyway...
MS. GJOVIK: But the refusal to allow the training was because of the current leave. It's circular. We're a snake eating itself, Melinda.
BY MS. GJOVIK:
Q. Mr. Okpo, could you please answer?
A. It's also clear in my response that I stated that we could -- you could reschedule and attend a session in the future.
Q. But the employee -- okay.
So the employee's response to you, you don't think was like an actionable complaint of potential misconduct?
A. No.
Q. No. Do you have a lot of employees when you're investigating their concerns send them emails accusing you of punishing them, retaliating against them, or doing negative employment actions against them?
A. Confidently, no.
Q. "Confidently"? What does that mean?
A. No, I don't have -- I don't have --
Q. Oh, like you're confident. So this was, like, the one time you heard that?
A. Yes.
Q. Yeah. And then what did you do with that

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complaint then if that was the very first time you had ever heard that?
MS. RIECHERT: Objection. Instruct him not to answer.
BY MS. GJOVIK:
Q. Okay. There we go. And then let's do -- Mr. Okpo, do you remember Ms. Gjovik complaining to you that it appeared Ms. Waibel had been using a prior administrative leave for improper purposes regarding the investigation she was also complaining about -- Ms. Gjovik was complaining about? Or let me -- let me rephrase. That was a huge run-on.
Ms. Okpo, do you recall Ms. Gjovik complaining to you about administrative leave that Ms. Waibel had arranged prior to you starting your investigation?
A. Complaining to me?
Q. Yes.
A. No.
Q. So we have two emails we're going to look at. Here's one -- this one was produced by Apple, actually. This is Exhibit K. This is from Ms. Gjovik to Okpo on July 28th, forwarded saying, "met with Jenna she offers admin leave on 5/21 and I started taking at 5/24."
(Exhibit K was marked for identification.)

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BY MS. GJOVIK:
Q. And then this is another email from Ms. Gjovik to yourself on July 28, 2021. It said, "Went on leave from 5/24 - 6/4.
"Jenna called 6/3 to tell me she finished and didn't find any issues. She never contacted me after 5/23 until she completed on 6/3. There were zero follow up questions from anything I sent her 5/20 - 5/22."
And then, "June 3-10 below -- clear to me Jenna didn't look into most of the stuff I sent her."
Do you recall this email?
A. Yes.
Q. Yeah. This is Exhibit L.
(Exhibit L was marked for identification.)
BY MS. GJOVIK:
Q. So, Mr. Okpo, wouldn't this basically be the -- Ms. Gjovik complaining to you about the leave that Ms. Waibel had arranged prior to you starting your investigation?
A. Complaining about the leave?
Q. Yeah.
A. My take away from this is you didn't think she conducted a thorough investigation, not specific to the leave that you requested.

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Q. Do you recall that Ms. Gjovik complained to you that she believed leave was used to basically, like, distract her while nothing was being investigated and then was brought back and had complained that things were actually even worse than prior?

A. That's not my recollection around the distraction allegation.

Q. So putting aside the term "distraction," do you recall Ms. Gjovik complaining to you that she didn't feel Waibel had actually investigated most or all things and complained that the alleged hostile work environment, retaliation were worse after she came back from the leave?

A. Yes. I recall you having general concerns about that investigation.

Q. Yeah. Mr. Okpo, do you recall Ms. Gjovik expressing concerns to you, prior to her being placed on administrative leave in August, that she was concerned the exact same thing might happen if she was placed on leave by Apple again?

A. I don't. I don't recall.

Q. Mr. Okpo, do you remember ever giving Ms. Gjovik an ETA of when she might be able to come back from work from that administrative leave?

A. I am sorry. Can you repeat the question?

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Q. Do you ever -- do you recall ever giving Ms. Gjovik an ETA, estimated time of arrival, of when she may be able it come back from that leave in August and September?

A. That would not be a normal practice. It would be dependent on the investigation.

Q. Okay. So we're looking at -- sorry. Go ahead. Did you have more?

A. No.

Q. Okay. Exhibit C is an email from August 24th with you saying you're -- "I am not able to communicate a timeframe on next steps, but as the investigation progresses, I will provide you additional updates."

A. Right. That's consistent with my testimony.

(Exhibit C was marked for identification.)

BY MS. GJOVIK:

Q. Okay. And, Mr. Okpo, the next update you gave, was that that September 3rd email, to the best of your recollection?

A. Yes.

Q. Yeah. And then the next email after that was September 7th to the best of your recollection, that one we looked at?

A. It sounds right.

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Q. Okay. And then did you send Ms. Gjovik an email on September 9th as well?

MS. RIECHERT: Do you want to show it to him?

MS. GJOVIK: I couldn't find it in time. I was looking so hard for it, but it was the one you produced. I didn't have a copy.

MS. RIECHERT: Is that the one that says -- says something like "since you won't talk to me, I'm going to finish my investigation"?

MS. GJOVIK: Yeah. Yeah. But that's also -- objection. Leading objection.

You just told him what the letter said instead of letting him answer.

MS. RIECHERT: No, I was -- oh, well, he couldn't remember it sounds like --

MS. GJOVIK: He hasn't answered, though, Melinda.

BY MS. GJOVIK:

Q. So putting aside Melinda's speaking objection, Mr. Okpo, do you recall sending Ms. Gjovik an email on September 9th, 2021?

A. I don't remember the specific date.

Q. Do you remember sending her any additional emails after that one we looked at from September 7th?

A. Yes. I would have closed out stating that

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since you refused to engage with me orally, I had no other choice but to closeout the investigation based on the information I currently had.

Q. You closed out the entire investigation because Ms. Gjovik would not talk to you about the sous chef complaint? Is that what you just said?

A. I needed to talk to you about some inconsistencies, and without having the opportunity to connect with you verbally, I had to closeout the investigation.

Q. For that one specific issue you said that the request was about, or you closed out the entire investigation?

A. Closed out the investigation.

Q. You previously said you didn't remember what date you -- you did, if it was before or after the employee was terminated. Is that still true?

A. I am sorry?

Q. You previously said you did not recall if the -- if the investigation was closed prior to or after the termination of the employee. Is that still correct?

MS. RIECHERT: And you're giving the date as 9/10?

MS. GJOVIK: The notification of the termination was September 9th, effective September 10th,

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2021.
MS. RIECHERT: Okay. And the question is did he close it out before 9/9, or did he close it out before 9/10? Is that the question?
MS. GJOVIK: No. So he previously said he had no recollection whatsoever of whether he closed his investigation prior to or after the termination of the employee. And I am asking him if that testimony is still correct.
MS. RIECHERT: Yeah. But I'm asking you which date are you talking about. 9/9 or 9/10?
MS. GJOVIK: He said either way he did not know.
MS. RIECHERT: I am not sure I recollect that testimony.
MS. GJOVIK: Speaking objection again. Just let him answer.
BY MS. GJOVIK:
Q. Mr. Okpo, go ahead.
A. I don't recall the specific dates.
Q. Okay. So when you contacted Ms. Gjovik on the morning of September 9th that the communication you sent her about moving on without her, you're saying that that was you closing all of the investigations into all of her concerns and complaints that you had been

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investigating prior; is that correct?
A. Correct.
Q. Is that standard procedure for you, Mr. Okpo? That if an employee asks to keep things in writing on one specific issue, that you or other employee relations investigators will close an entire investigation?
MS. RIECHERT: Objection. Misstates the testimony. Assumes facts not in evidence.
BY MS. GJOVIK:
Q. Okay. Go ahead, though.
A. If the reporting party is refusing to engage orally, we will have no other option -- no other choice but to close out the investigation.
Q. Mr. Okpo, go ahead.
A. At that point, that employee is refusing to cooperate with the investigation.
Q. Mr. Okpo, what if the employee was raising, like, real issues with, like, regulatory noncompliance, criminal conduct by other employees, Apple would just close the investigation of those complaints even if, like, crimes were occurring if that employee would not get on the phone about one specific sub-issue? Is that what you're saying?
MS. RIECHERT: Objection. Misstates his testimony.

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BY MS. GJOVIK:
Q. He still has to answer.
A. As I stated, if a reporting party is refusing to engage orally, an investigator will have no choice but to close out the investigation based on information that they have.
Q. Okay. Mr. Okpo, are you aware that just, like, a couple hours after your email, the workplace violence team reached out to Ms. Gjovik?
A. No.
Q. No. Are you aware of any kind of investigation into Ms. Gjovik by the workplace violence team?
A. Workplace violence team?
Q. Workplace violence and threat assessment team.
A. The threat assessment team I'm familiar with. No.
Q. No. Okay. So it's just a coincidence that you and the workplace violence investigator used nearly the exact same language in your emails hours apart?
MS. RIECHERT: Assumes facts not in evidence. Haven't seen anything about that.
MS. GJOVIK: Uh-huh. Yup.
MS. RIECHERT: I think the witness doesn't know because he hasn't seen. He said he doesn't --

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MS. GJOVIK: He can say that, and then if it shows he's lying later, we can point that out.
MS. RIECHERT: Well, what's the question? Is it a coincidence that two people send emails with the same language at the same time?
MS. GJOVIK: That there's no coordination, there's no, you know, multiple people or same people drafting those emails, they were in complete isolation with very, very similar language and just hours timed apart.
MS. RIECHERT: Yeah. Assumes facts not in evidence. Lack of foundation.
BY MS. GJOVIK:
Q. Yup. Just a coincidence, Mr. Okpo?
A. I don't know how to answer that question. I was not aware of any investigation into your conduct.
Q. Okay. And then what was the concerns that you wanted to talk to Ms. Gjovik about so urgently? What was the -- the inconsistencies? Can you tell me please?
MS. RIECHERT: Objection. Asked and answered.
MS. GJOVIK: No. He never said what the inconsistencies were.
MS. RIECHERT: Yes, he did. He can answer again.
MS. GJOVIK: I think the general topic was

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sous chef, but he did not say anything more, and I think it is material what exactly he thought the inconsistency was.

MS. RIECHERT: Yes. He can answer that.

BY MS. GJOVIK:

Q. Yeah.

A. Okay. I found that there were misrepresentations of facts based on your framing of the concerns around Dan allegedly pressuring you into romantically engaging with a sous chef.

Q. What were the conflicting facts?

A. The claim that Dan pressured you into engaging with the sous chef. However, I found the full text thread where you use language like "the sous chef being cute," you know, at one point you mentioned that you had met another gentleman, and, sorry, it wouldn't work out with the sous chef. And Dan was very explicit "no pressure from me at all."

And so two very inconsistent scenarios there.

Q. Okay. Mr. Okpo, in your experience, do sometimes employees go along with a behavior by their superiors that sometimes they feel is inappropriate, but they might not feel comfortable objecting in realtime about that conduct, but then complain later?

MS. RIECHERT: Objection. Improper

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hypothetical.

BY MS. GJOVIK:

Q. Mr. Okpo, do you recall Ms. Gjovik telling you she wanted to go the office -- her office on August 4th specifically to look for that email -- that text exchange because she didn't have a copy and didn't recall what was said at that time?

A. No.

Q. Do you remember her protesting when she was being told she was being put on administrative leave that she had said she wanted to go to the office to get that exact exchange and also take pictures of the cracks in the floor?

A. No.

Q. No. Mr. Okpo, what knowledge do you have -- what do you recollect about the EPA inspection of Ms. Gjovik's office that occurred in August 2021?

A. None. That was not an issue that I was privy to.

Q. Okay. And then, Mr. Okpo, we're almost out of time.

You said you closed the investigation. Can you confirm you closed the investigation, then the same day you sent that email -- so September 9th, 2021, is when you -- you closed the investigation of Ms. Gjovik's concerns?

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MS. RIECHERT: Objection. Misstates the testimony.

BY MS. GJOVIK:

Q. Mr. Okpo, what was the date that you closed the investigation of Ms. Gjovik's concerns?

A. Whenever I sent you that email stating that I would be closing out the investigation. I don't recall the specific date.

Q. Okay. And so if the employee had responded and said, "Oh, okay. I'll get on the phone with you," would you have reopened the investigation?

A. Absolutely.

Q. Okay. So completely contingent on oral communication?

A. Correct. That allows an investigator to conduct a thorough investigation.

Q. Okay. And has -- no, I'm not going to waste time about that.

Do you recall the emails about the employee complaining that she had heard Mr. West was going around and having all-hands -- or having staff meetings talking about the "Ashley issue" and telling staff that he would give an update on the "Ashley issue" at the October all-hands, and Ms. Gjovik complaining

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that it seemed like Dan West already knew that she was going to be fired while she was already on administrative leave?

A. That was a lot in that question.

MS. RIECHERT: I was going to say, there was about five things in that.

BY MS. GJOVIK:

Q. Do you remember or do you recall Ms. Gjovik complaining to you that she was hearing from her coworkers statements being made allegedly by Dan West that indicated that he did not plan she was ever coming back to work?

A. With that specific -- with that specific language, no.

Q. What about the "Ashley issue" complaint?

A. Yes.

Q. Yeah. And that she complained that Dan West said he was going to talk about the "Ashley issue" at an October all-hands, and he was saying this in August 2021?

A. That was your claim.

Q. Did you do anything to investigate those complaints?

MS. RIECHERT: Objection. Instruct him not to answer. Attorney-client privilege.

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BY MS. GJOVIK:
Q. Okay. And -- oh, and then, Mr. Okpo, do you recall some text messages with Ms. Gjovik as well as emails? Here is one of them. Here is a screenshot. This is Exhibit HH.
(Exhibit HH was marked for identification.)
MS. GJOVIK: And then the other is Exhibit Y.
(Exhibit Y was marked for identification.)
BY MS. GJOVIK:
Q. Do you recall these text messages?
A. Yes.
Q. Yeah. Did you watch that video that was sent to you?
A. I did.
Q. Yeah. And then in one of these also Ms. Gjovik is asking you are there any updates regarding her managers, and saying she's just going to email them and take down her one-on-ones and if they can just send stuff in writing with her and asking if you have updates. You said, "No update at this time, but I will circle back with you as soon as I learn more."
Do you remember that conversation?
A. Yes.

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Q. Yeah. Was that Ms. Gjovik asking to keep things in writing with her managers in July 2021?
A. Yes.
Q. Yeah. Did you ever respond to Ms. Gjovik either way about whether things could be kept in writing with her managers?
A. I don't recall if I specifically responded to that, but while active, it would be typically very difficult to only communicate with your manager via email only. That's just -- that's not how it works.
Q. Yeah. But during an investigation, it was a temporary thing, not permanent; right?
So would you view it's -- it's even like an act of employee misconduct to request things to be in writing in a temporary period?
A. I don't understand your question.
Q. Yeah. Do you think, like, an employee could be disciplined for asking to keep things in writing?
A. I don't know how to answer that question. It would depend on the circumstances and that's a hypo I just cannot -- I can't --
Q. Do you think Ms. Gjovik should be disciplined for asking to keep things in writing with the examples we discussed?
A. I don't see how an active employee can only

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communicate with their manager via email. Like, that's just --
Q. That wasn't the question. That was a temporary thing during the investigation, which is your purview; right?
So is it your view that an employee like Ms. Gjovik could be -- should be disciplined or could be disciplined for requesting to have -- temporarily have communications in writing?
A. I truly don't know how to answer that question. It truly will depend on the circumstances.
Q. But I -- the circumstance is Ms. Gjovik, the examples we discussed.
A. I maintain that I don't know how to answer that question.
Q. Okay. And we're out of time. I thank you so much for answering all my questions, Mr. Okpo. I do feel like you did answer most -- it was mostly just Melinda objecting with all the privilege stuff.
So thank you for cooperating. I really appreciate it.
(Reporter's request for orders.)
MS. RIECHERT: Yeah. Copy. Expedited. Rough. Rough tomorrow. Expedited whenever you can get it. Friday.

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(Reporter response.)
(Proceedings ended at 4:00 p.m.)

CERTIFICATE OF REPORTER

I, Haleema Saleh, a Certified Shorthand Reporter, do hereby certify: That prior to being examined, the witness in the foregoing proceedings was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

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

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

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript [ ] was [X] was not requested.

In witness whereof, I have hereunto Subscribed my name.

Dated: April 10, 2026

_____

Haleema Saleh, RPR, CSR No. 14506

DECLARATION UNDER PENALTY OF PERJURY

Case Name: Ashley Gjovik
vs. Apple Inc.
Date of Deposition: 04/07/2026
Job No.: 10188180

I, EKELEMCHI OKPO, hereby certify under penalty of perjury under the laws of the State of _____ that the foregoing is true and correct.

Executed this _____ day of _____, 2026, at _____.

_____

EKELEMCHI OKPO

NOTARIZATION (If Required)

State of _____

County of _____

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20__, by_____, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature: _____ (Seal)

DEPOSITION ERRATA SHEET

Case Name: Ashley Gjovik
vs. Apple Inc.
Name of Witness: Ekelemchi Okpo
Date of Deposition: 04/07/2026
Job No.: 10188180
Reason Codes: 1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

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DEPOSITION ERRATA SHEET

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_____ Subject to the above changes, I certify that the transcript is true and correct

_____ No changes have been made. I certify that the transcript is true and correct.

_____

EKELEMCHI OKPO