UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHLEY M. GJOVIK,)
)
Plaintiff,)
)
vs.) Case No.
) 23-cv-04597-EMC
APPLE INC.,)
)
Defendants.)
_____)

REMOTE DEPOSITION OF
DAN WEST
VIDEO-RECORDED VIA ZOOM
Monday, April 13, 2026

Stenographically Reported By:
Vesna Walter, CSR, RPR, CCRR
CSR No. 11989
Job No. 10188332

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APPLE INC.,)
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Deposition of DAN WEST, taken on behalf of Plaintiff, with all parties appearing remotely, beginning at 9:08 a.m. and ending at 11:56 a.m. Pacific time, on Monday, April 13, 2026, before VESNA WALTER, Certified Shorthand Reporter No. 11989.

APPEARANCES (All parties appearing remotely)

For the Plaintiff:

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(Video-recorded via Zoom by Ms. Gjovik)

I N D E X

WITNESS
DAN WEST
Examination by: Page
MS. GJOVIK 5

E X H I B I T S

(None)

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Monday, April 13, 2026
9:08 a.m. - 11:56 a.m.

THE REPORTER: Good morning. My name is Vesna Walter. I am a California Certified Shorthand Reporter and the deposition officer for today's deposition. My CSR license number is 11989.

DAN WEST,

having been administered an oath, was examined and testified as follows:

EXAMINATION

BY MS. GJOVIK:

Q Good morning. My name is Ashley Gjovik. I'm the plaintiff in this matter. I'm not an attorney. I don't have a law degree.

I'm going to be asking you some questions today, and before we get started, I wanted to go over some foundational matters so we're on the same page.

You were just sworn in by a court reporter. Do you understand now 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

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required to give truthful answers to my questions today; yes or no?

A Yes.

Q You understand that even though you're sitting in a conference room, this feels informal, that giving false testimony under oath can subject you to penalties of perjury?

A Yes.

Q Now, you see the court reporter here. She's taking down everything you say today -- every question I ask and 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, please try to let me finish my question before you start your answer, and I'll do my best to let you finish your answer before I start my next question. That way we don't talk over each other and the court reporter can get a clean record.

Is that fair?

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A Okay.

Q If at any point you don't understand a question I've asked, I want you to tell me, and I'll rephrase it.

Will you do that?

A Yes.

Q Thank you.

Is it fair to say that if you answer a question, I'm entitled to assume that you understood my question?

A Yes.

Q Thank you.

If you need to take a break at any point, use the restroom or get water or stretch, that's fine. Just let me know. The only thing I ask is that if there's a question pending, that you please answer it before we go off the record.

Is that agreeable?

A Yes.

Q Is there any reason you might not be able to give your best today? Are you feeling okay? Ill? Distracted?

A I'm fine.

Q Are you currently under the influence of any medication, drug, or alcohol that might affect your

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ability to understand my questions or give truthful answers?

A No. No, I am not.

Q Thank you.

Did you meet with anyone to prepare for today's deposition, without violating attorney-client privilege?

A Just Apple legal.

Q Did you review any documents in preparation for today's deposition?

A Only with Apple legal.

Q Around how many documents did you review?

A I don't -- it's a couple. It wasn't a large number.

Q Without telling me what you and your attorney discussed, before I -- I understand that's privileged. Did your attorney, Apple legal, any lawyer, anyone tell you what your answers should be for any of the answers to my questions today?

MS. RIECHERT: Objection. Attorney-client privilege. Instruct him not to answer what he was told by Apple legal in preparing for his deposition.

MS. GJOVIK: If they told him what to answer, it would be unlawful, and there's no privilege for unlawful conduct by attorneys.

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MS. RIECHERT: Same objection. Instruct him not to answer.
MS. GJOVIK: Okay. We'll challenge that later.
BY MS. GJOVIK:
Q You understand that your answers today need to be based on your own personal knowledge and recollection, and if you're guessing or speculating, I need you to tell me that?
A Yep.
Q And if at any point today you realize that an answer you gave earlier was incorrect or incomplete, will you please let me know so we can correct the record?
A Yes.
Q Thank you.
Okay. Let's get started.
What is your job title?
A Senior director, hardware engineering.
Q How long have you had that role?
A I've been a senior director for a while. I don't know exactly.
Q What is the name of your organization?
A I have a new organization now. So it's -- we're working on the name, TBD.

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Q What is the scope of your organization?
A We work on hardware tools internally within Apple and also human factors studies.
Q What is that?
A Things, like, if -- how your watch fits on your arm, how AirPods fit in your ear, and looking at that across Apple's user population.
MS. RIECHERT: Do not provide any confidential information without telling us that it's confidential, in which case we'll handle it.
BY MS. GJOVIK:
Q Actually, Mr. West, would you -- just do not share any confidential information if you can help it. And if you think you need to share something that you think would be confidential, maybe we flag that. But if you can avoid it, we're having some issues with the protective order, Melinda and I, which she's designating a lot of stuff confidential that I don't agree with. So I prefer to not have to invoke it. So if you think you can just avoid talking about confidential information, I would appreciate that. If you think you need to talk about it to answer the question completely and accurately, then, of course, please do that.
A Okay.

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Q How long have you been in the current role, the new organization?
A One week.
Q That's not a long time.
And then what was your organization before that?
A Before that, I was -- I led a team called hardware engineering operations.
Q What was that again?
A Hardware engineering operations.
Q What did that team do?
A This was responsible for the internal operations of hardware engineering, things like space planning, head count planning. There was some tools development for -- to help with that -- those functions. And then there's I&D initiatives as well as internal communications.
Q Okay. Do you know roughly when you took on that role?
A Three to four years ago.
Q That would have been 2022?
A '22, '23, yeah, right around there.
Q What was your role before that one?
A I led a group called product systems quality.

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Q When did you start working on that group?
A 20- -- 2017 would be my guess, maybe a little earlier.
Q And what was the organization before that one?
A Everything before that was different versions of that. I guess MSQ was what I was leading before that.
Q So at some point up to 2017?
A Yeah. Yeah, a couple years up until 2017. Essentially, the organization expanded to become MSQ.
Q As of -- sorry. Go ahead.
A PSQ; not MSQ.
Q Okay. Thank you.
As of 2021, is it correct that your role was that product systems quality team?
A Yes.
Q And what was your title then?
A I believe senior director.
Q Can you describe that organization to me, the scope generally, ideally not sharing any confidential information.
A Yeah. I want to be careful. As you know, the way we validate our products -- I'll talk at a very high level here. The way we validate our

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products is confidential.
So this team was responsible for that intersection between hardware and software, and as hardware capabilities came online, we were responsible for working with our software teams, teams in other divisions as well to ensure that the user experience was as good as it could be at launch. And we did that across all product lines.
Q Who were your direct reports?
A Back then, David Powers, John Basanese, Yulong Tan, Megan Gates. I may have the timeline off a little bit there.
Q And now, this is going be probably kind of awkward. I go back and forth about wanting to talk about myself in third person during these exchanges because it's strange for me to do it as my own attorney, but I'm just going to talk to you directly.
So how did we first meet at Apple, to the best of your recollection? What year and what was the context?
A I don't know the year. The context was EFFA format program.
Q What's that?
A It might have been a phone program, actually.

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Early field failure analysis meeting. I don't remember what program.
Q Some product for early field failure analysis. What is that?
A When we launch a product at Apple, we look at all the field data that we can possibly get our hands on in the early days of the launch just to check to see if there are software issues, hardware issues, any kind of issues with the product.
Q Do you remember what my role was?
A You were a software EPM.
Q Do you remember why I left software engineering?
MS. RIECHERT: Objection. Lacks foundation.
THE WITNESS: Yeah, I don't remember all the details is what I would say, but you were unhappy in the role.
BY MS. GJOVIK:
Q Do you remember me interviewing for your organization?
A Yes.
Q Why did -- and your team offered me employment in your organization under David Powers; correct?
A Correct.

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Q Why did your organization want to hire me?
A You performed well in the interview. We had seen your work through EFFA as well and had gotten good results. So it was those two things.
Q Had there ever been a role like mine prior in your organization?
A No.
Q Why did you create this role?
A It was something Dave and I had been discussing a lot that we needed help organizing all of the work that we were doing with software.
Q Do you still have that role?
A No.
Q When did that role become canceled?
A Well, when we hired you -- I don't know the year. I don't know what year.
Q Did you ever hire a backfill for my role after I was terminated?
A No, not into that role.
Q So it would be safe to assume that the role was canceled after I was terminated?
A Correct.
Q Would you say that we got along?
A Yes.
Q Did we spend personal time together? Like,

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for instance, did you ever come to my house, outside?
A Once, yes.
Q Did I ever meet your family?
A Yes, at Apple parties.
Q Do you remember me spending time with your family one-on-one, outside Apple parties?
A My daughter gave you a ride to the airport once.
Q It was for a COVID test, but yes, she did --
A Oh, COVID.
Q Do you remember what happened in the -- with medical issues in the year 2020?
A No. I know something happened. I just don't -- I don't remember the year. So...
Q Do you remember me being -- go ahead. Sorry.
A Something with your apartment.
Q Do you remember me being on extended medical leave in 2020?
A Yes.
Q Do you remember what I complained about generally when I thought I figured out why I got sick?
A Toxicity in your apartment is what I recall.
Q Do you remember me seeing a lot of medical

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doctors and specialists while I was trying to figure out what was wrong with me?
A Yes.
Q Do you remember sending me emails and texts while I was out on medical leave, checking in on me?
A Yes.
Q Did you learn what I ended up figuring out was probably the source of my injuries in 2023?
MS. RIECHERT: 2023?
MS. GJOVIK: Yeah.
MS. RIECHERT: Oh.
THE WITNESS: I don't -- so there's a lot of discussions there. So I don't remember exactly.
MS. RIECHERT: She said 2023.
THE WITNESS: Yeah. So this -- my recollection there is this is about toxicity in your apartment, and that's why you wanted to move out of the apartment.
Do I have the timeline -- I may have the timeline messed up.
BY MS. GJOVIK:
Q Do you remember me ever figuring out what the source of that toxicity was?
A Oh, yes.
Q What?

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A This was chemicals in the ground from previous companies.
Q You do remember what I thought it was -- that might be what it was?
A Can you repeat. Sorry. Just --
Q What year are you talking about when I -- that understanding?
A I don't know the year. I don't recall.
Q Have you followed my case and complaints against Apple after I was fired?
A No.
Q Are you aware that Apple is operating a semiconductor manufacturing and chip fabrication plant across the street from the apartments where I lived in 2020?
A No.
Q Are you aware of the Apple operations at the building at 3250 Scott Boulevard?
A Do you know the Apple name of the building? I don't know the address.
Q Scott 1.
A No.
Q Are you aware that they faced formal EPA -- Apple has faced formal EPA enforcement action over unlawful hazardous waste management activities

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including unpermitted and potentially dangerous venting of toxic chemicals into the air from that facility?
A I am not.
Q Are you aware even the EPA has stated that it posed a risk to the health and safety of the community around that facility?
A I am not.
Q And that I have formally alleged and sued Apple that I believed Apple was responsible for making me so sick in 2020 due to their illegal venting of toxic substances into the environment around that facility?
A Sorry. Can you restate that, please.
Q Are you aware I've made formal legal allegations against Apple, alleging that they are the party responsible for the injuries I suffered in 2020 due to their unlawful hazardous waste disposal activities at that facility, which was across the street from my apartment?
A I knew you had concerns. I didn't know it stemmed to that point, no. So the answer is no.
Q I sued them for toxic torts for nearly killing me, I alleged, and I found proof of arsine gas exposure in my bedroom one night when I had

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symptoms of heart failure. And Apple's response was arguing the statute of limitation, that I should have figured out. It was probably Apple prior, and I waited too long. That's just a note. That's not a question.
I'd like to talk about the employee relations investigations into my concerns in 2021. Do you know an employee relations investigator named Jenna Waibel?
A Yes.
Q Do you remember Jenna Waibel investigating my concerns in 2021?
A Yes.
Q What do you recall about that investigation and any outcome?
MS. RIECHERT: First of all, object. Attorney-client privilege as to anything he knows about the investigation or the outcome of the investigation.
MS. GJOVIK: That's very broad, Melinda. Are you sure you want to do the full scope?
MS. RIECHERT: Yes. Any work that was done by Jenna Waibel, any interviews she conducted, the results that she concluded are all protected by the attorney-client privilege because the investigation

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was privileged.
MS. GJOVIK: Okay. We'll confer about that later.
BY MS. GJOVIK:
Q Do you know an employee relations investigator named Ekelemchi Okpo?
A Yes.
Q Do you recall anything about Mr. Okpo's investigation into my concerns in 2021?
MS. RIECHERT: Again, anything that Mr. Okpo did to investigate your concerns was conducted under the direction of counsel and is therefore attorney-client privileged.
BY MS. GJOVIK:
Q Are you aware that I made complaints against Apple and asked for Apple to investigate my complaints regarding health and safety and environmental issues in 2021?
A Yes.
Q Do you remember me raising those types of concerns to you directly in 2021?
A Can you be more specific. What type of --
Q Yeah.
A Yeah.
Q Let's start with EHS concerns at the

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building where I worked.
A Yes.
Q What do you remember about that?
A You were concerned about vapor intrusion.
Q What was that?
A As you described it to me at the time, this is gas coming in from under the building.
Q How does that usually happen, to your understanding?
A No idea.
Q Do you remember texting me about this with your assertion of the specific safety protocols that were supposed to be in place?
A No. No, I don't.
Q Do you remember anything about cracks in the floor?
A Yes, I do.
Q What do you remember about that?
A That you were very concerned about the cracks.
Q Why?
MS. RIECHERT: Objection. Lacks foundation as to why you were concerned about the cracks.
BY MS. GJOVIK:
Q Do you remember me expressing any further

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detail about why I would be concerned about cracks in the floor?
A Yes. You were worried that the cracks were the entryway for the gases.
Q Do you have any background information about why cracks might be a risk at a toxic waste site with solvent contamination under the floor?
A Can you restate the question, please.
Q I'm going to table that one. We're going to go deeper into that building in a second. So I'm actually going to skip that one. Withdraw.
Okay. Do you have any -- she's going to object to that one. Melinda objects to everything.
Were there any changes in the organization policies, practices as an outcome of the investigations by employee relations into my complaints that you're aware of?
A No. But I don't fully understand your question. So...
Q Let me rephrase.
Did employee relations suggest any corrective actions or changes to you for the organization as an outcome of the investigations into my complaints?
MS. RIECHERT: You said changes to the

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organization?
MS. GJOVIK: To practices, policies, whatever employee relations suggests.
MS. RIECHERT: I'll object that it's compound. So changes to the organization, the policies, or the practice as a result of the investigation --
MS. GJOVIK: Let me rephrase.
BY MS. GJOVIK:
Q Did employee relations suggest any type of corrective action or changes were needed as an outcome of the investigation into my complaints?
A Yes.
Q Can you share any of those details of what they said.
A The biggest one that I recall was around our relationship and me being very clear about separating friendship from work.
Q Can you tell me more about that, please.
A That's really the extent of it, is we got too friendly, and that's not appropriate.
Q What does too friendly mean?
A The text messages between each other, that sort of thing.
Q Any specific examples you remember that they

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noted were, you said, not appropriate?
A Yeah. For example, your meal at Chez TJ.
(Reporter clarification.)
BY MS. GJOVIK:
Q Can you spell that for her, please.
A C-h-e-z T-J.
Q What is Chez TJ?
A It's a restaurant.
Q Do you go there often?
A Not anymore.
Q You used to go there often?
A Yes.
Q Are you friends with the owners or chefs?
A I used to be, yes.
Q Why did you stop going?
A I thought the food quality went down.
Q And why was that relevant to me?
A Because you went there for a meal.
Q Why is that inappropriate?
A You -- you texted me while you were there, and that's why.
Q It was inappropriate that I thought it was okay to text you when I was at a restaurant to tell you I was at a restaurant?
A It was -- it was that I -- between the chef

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and I, we split the dinner for you.
Q How much did you pay for my dinner? Do you remember?
A No recollection.
Q Do you think it was over $100?
A Somewhere between 100 and 150 would be my guess.
Q And employee relations said it was inappropriate to have text messages or to pay for employees' dinners, or what was the issue?
A To pay for the dinner.
Q But it was okay to text?
A Yeah.
Q Why was it inappropriate to pay for a dinner?
A It's just -- I was your skip-level leader at the time, and that's just not a very common occurrence.
Q Why did you pay for my dinner?
A It's a while ago. I think part of it was I knew how expensive that meal was and I knew that you were stretching to pay for it, as you told me. And I wanted you to have a great experience there because it was one of my family favorite restaurants. So we thought we would splurge for it.

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Q It was really good. I remember that. It was a very good dinner. Thank you.
So yeah, I had shared some stuff with you about my background. Do you remember about me telling you about my financial situation and kind of my work experience? Anything that you can recollect?
MS. RIECHERT: Objection. Compound, vague.
BY MS. GJOVIK:
Q You said I shared information with you about my financial background. Do you remember any details of what I shared with you?
A I don't remember the details. I just remember that -- the one detail I remember is you talking about the cost of your apartment and how tough that was.
Q To your recollection, did I have anyone else financially supporting me at that time?
A Not that I know of.
Q To your recollection, had I expressed concern that I couldn't afford a dinner at a place like that because I didn't have financial resources?
A No. And I didn't think that you would go there if you couldn't afford it, but I knew it was a stretch.
Q Do you remember stating that once I got a

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promotion, when I was promoted in 2018, that then I could have now afforded to go there because of the promotion?
A No.
Q I'm sorry. I can't remember if it was 2017 or 2018.
Okay. Is there anything else employee relations told you that needed to change?
A Not that I recall.
Q Anything else employee relations told you that was inappropriate?
A Not that I recall.
Q Have you ever bought any other employees a dinner like that?
A Not dinners but certainly bottles of wine that were very expensive, things like this, yeah.
Q Why do you do that?
A I think it's a nice gesture. Like, people like to feel cared for, and I think people really appreciate it.
Q Did you follow employee relations' advice?
A Yes.
Q I'm going to switch a little bit.
Do you have any insight from Apple about the reason my employment was terminated?

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MS. RIECHERT: Objection to the extent he's learned anything from counsel on the grounds of attorney-client privilege, and instruct him not to answer. But if he knows anything about it other than through counsel, he's free to answer.
BY MS. GJOVIK:
Q Please go ahead.
A No.
Q You have no idea why I was fired?
A I learned through counsel.
Q Since you can't share any information about why I was fired, did you read any articles online about why I was fired?
A It's possible. I couldn't quote which article, though.
Q Did you read any newspaper articles or magazine articles about why I was fired?
A No.
Q Did you watch any TV show coverage, news coverage about why I was fired?
A No.
Q Are you aware that my termination was covered in websites, newspapers, magazines, TV shows, news coverage?
MS. RIECHERT: Instruct him not to answer

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with respect to anything he learned from counsel, but otherwise, he's free to answer.
THE WITNESS: What I -- what I recall is there's a "Verge" article, but I don't remember if "The Verge" covered you being terminated or it was just talking about what your complaints were. That's what I don't remember.
BY MS. GJOVIK:
Q There were a couple of them prior to me being terminated too. Did you ever receive any emails or comments from employees in your organization -- not legal, your employees finding articles or coverage or social media posts about me being on administrative leave or being terminated?
A There were some, yeah. Some people would send stuff to me.
Q Can you describe some of the stuff that you recollect that they sent to you.
A Typically links, that sort of thing.
Q Do you remember the comments they made when they sent it to you?
A No. Nine times out of ten, there were no comments. It was just a link.
Q Just a link with no -- any additional information?

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A Correct.
Q Did anyone contact you with concerns about me being on administrative leave or my employment being terminated?
A No.
Q Did anyone contact you with questions or requests for clarification about me being on administrative leave or my employment being terminated?
A Not that I recall.
Q How do you feel about Apple terminating my employment?
A I think it was appropriate.
Q Can you tell me more.
A After learning the reasons through -- so I don't know how much I can say here, but after learning the reasons, I agreed with the reasons.
Q Can you share any other reasons.
MS. RIECHERT: Again, anything you learned from counsel, I instruct you not to answer on the grounds of attorney-client privilege.
BY MS. GJOVIK:
Q Can you share any details of why you feel whatever those secret reasons are are appropriate?
A I'll answer, a lot of this resolves

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around -- no, I cannot. I can't answer more.
Q You can't provide any further clarification on why you think the reason I was terminated was appropriate?
MS. RIECHERT: Well, obviously, he can't if -- if what he's learned is from counsel. That's why --
THE WITNESS: That's --
MS. RIECHERT: -- he's having trouble.
THE WITNESS: Exactly.
MS. GJOVIK: I think he can explain why something would be appropriate without sharing the privileged detail, which needs to be specific and concrete.
MS. RIECHERT: If you want to ask him -- tell him what the reasons were and ask him if that was appropriate, that would be fine. But to ask him if what counsel told him was justified or appropriate, I think he can't answer that because he has to rely on what counsel told him.
MS. GJOVIK: I would struggle to do that because Apple still has not provided a detailed explanation of why it terminated my employment to me. So I'm still looking for answers. And the judge actually said I was supposed to use discovery

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mechanisms just like this to actually find out the details of why I was fired.
MS. RIECHERT: Right, but you're not taking the deposition of the person who made the decision. So you should get it all from that.
MS. GJOVIK: Is he going to answer or are you going to claim privilege?
MS. RIECHERT: So I'm instructing him not to answer if he cannot answer that question other than based on information he received from counsel.
BY MS. GJOVIK:
Q Mr. West, are you aware that Apple still has not provided me a detailed explanation of why my employment was terminated?
A I just heard this conversation just now; so that's all -- that's all I know.
Q Mr. West, are you aware I was given no warnings prior to the termination?
A No. I wasn't part of the termination; so I'm unaware.
Q Were you aware that one of the bases for the termination was my insistence on a documented written record of communications because I filed LRB and EEOC complaints against Apple and wanted a record, and they said, because I wouldn't get on the phone, that

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was the reason I was fired?
MS. RIECHERT: Again, don't repeat anything that you know from counsel.
THE WITNESS: Yeah. No, I do not know.
BY MS. GJOVIK:
Q Mr. West, are you aware of any other employees who were fired specifically for asking for a documented written record for a conversation rather than a phone call?
A No. I'm not aware of that.
Q Mr. West, how often are -- to your knowledge that you can share, how often are employees terminated by Apple without any warning?
A I can't speak for the company. I don't know.
Q So I think we all know that Apple's general reason for firing me has something to do with leaking confidential information. Can you explain to me any firsthand experiences you have that are not privileged with complaints about someone leaking and how that's generally handled, like, warnings or requested corrective actions versus immediate termination.
A There's a lot there.
I can -- I can reflect on one employee from

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my organization who was terminated for leaking as well, and it was -- in their situation, there was no warning. They leaked something, they violated our policy, and they were terminated.
Q Mr. West, can you explain to me what your understanding is of the term "Apple confidential."
A Apple confidential refers to -- it's a pretty large and encompassing term. It refers to any products that are under development, any future products that are under consideration, how we do the validation, any data used in the creation of those products as well. And there's probably even more that I'm not remembering off the top of my head.
Q Mr. West, do you think that if Apple formally participates in a news article or interview discussing product-related information, that Apple has decided that is not leaking, that is not confidential information if it's sharing it publicly?
MS. RIECHERT: Objection. Misstates facts not in evidence -- or states facts not in evidence.
BY MS. GJOVIK:
Q Mr. West, are you aware -- let me withdraw that one and rephrase.
Mr. West, are you aware of examples where Apple will formally engage in press releases or

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interviews with the press regarding product information and share details of things like the validation process and make it public themselves?
MS. RIECHERT: Same. Assumes facts not in evidence.
But if you're aware of it, you can answer.
THE WITNESS: Yeah. Apple occasionally opens the doors to show, this is the rigor that goes into developing our products.
BY MS. GJOVIK:
Q Do you have any examples you can think of?
A At one point, we talk through the reliability tests that we do -- I think it was on a phone, just to demonstrate how durable the phones are.
Q Mr. West, how do you distinguish between what would be Apple confidential and what would not be, with validation testing, if Apple has decided some of that information is fine to share with the press but maybe other is not?
A My stance is everything is confidential until someone more senior than me decides to make a change.
Q Can you explain what "everything" means.
A Everything I'm working on. So that is the

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test process, the testing emails.
I'm referring to the time that we worked together. So the testing email -- sorry -- the testing process, the test procedures, the test results, who's involved in them, what teams are involved. All of it is confidential. And then if there's a decision made by another group to market that because they believe it will help Apple, then fine. We do that. But that's not my decision.
So it's confidential until people more senior than me make that decision.
Q Mr. West, do you remember something that you had referred to as a family day at some of the PSQ offices at least in around 2021?
A Yep.
Q And what was that?
A We invited employees to bring significant others and family members into the office just to see the new building, to see where people worked. It was -- it was very -- it was a very big event for the organization.
Q Mr. West, do you remember asking me to help ensure that the building at 825 Stewart Drive was prepared for that day, walking around, making sure it's tidy and prepared for people to see it?

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A Yes.
Q Mr. West, do you remember us getting into a bit of a dispute about me having concerns that there were product code names visible throughout the laboratory that the families would see and your insistence that Apple code names were not secret?
A I don't remember that.
Q Do you remember me escalating to MPS over that and one other issue, asking for intervention because I thought that you might be violating confidentiality policies?
A Code names are definitely confidential. So if I said that, I was mistaken.
Q Let me clarify. Your position was, if it was a shipped product or otherwise not a new unreleased product, that it was fine to show family members and was not Apple confidential.
A I stand by what I just said. Like, if I said that, it was mistaken.
Q Okay. Could your mistaken position currently be the outcome of an MPS escalation?
A I don't follow.
Q Do you remember MPS ever reaching out to you about concerns about keeping confidential information confidential?

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A I don't. MPS and I have a pretty good relationship.
Q Mr. West, do you remember unilaterally deciding to disclose your management team on the entire iPad roadmap around 2019?
MS. RIECHERT: Can you repeat that question. I didn't catch it.
MS. GJOVIK: Yeah.
BY MS. GJOVIK:
Q Mr. West, do you remember your decision unilaterally to disclose your entire management team on the full iPad development roadmap around 2018 or 2019?
A I don't think I would have given -- so short answer is no. Yeah, you can ask more questions about that.
Q Yeah.
You had said they didn't have to go through a disclosure process and get disclosures, and you showed the roadmap and extended staff meeting to everyone. And you and I also got in a dispute about that because I had concerns that you were not following mandatory disclosure processes, and that was one of the things I escalated to MPS, along with the code name matter.

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Does that help your recollection at all?
A It does not. Now, the MPS policy is about need to know, and if people need to know, then they get disclosed. The piece that I think is important to keep in mind here is MPS also has a policy that if something is going to happen in passing, we don't need to disclose. And there's a lot of nuance there. So I think -- I think the assumption -- your question needs more context to be -- to be useful, I think.
Q Mr. West, do you ever remember giving me any kind of feedback or warning about me sharing information you thought was confidential and I should not be sharing?
A Not that I recall.
Q Mr. West, do you remember complaints from members of max systems quality or other considerations under you that I was being too restrictive regarding confidential information and disclosures?
A Not that I recall.
Q Specific to software product tent poles and new features, perhaps?
A Not that I recall.
Q Okay. Mr. West, around August 2021, shortly after I was put on administrative leave -- that was

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August 4th -- I heard from members of your -- employees in your organization that there were staff meetings -- every staff meeting in that week right after I was put on administrative leave had an agenda topic about me. Do you recall anything about that?

A I do, and I still don't know where that came from.

Q What do you mean?

A I don't believe we ever had an agenda item about you.

Q I'm sorry. What do you mean you don't know where that came from?

A What you just said, that assertion.

Q I'm sorry. I said do you remember, and you said yes.

A Maybe let's restart it then.

Q Okay.

MS. RIECHERT: Just don't say what you've learned from counsel.

THE WITNESS: Yeah, start over. Like, what -- restate your question, please.

BY MS. GJOVIK:

Q Yeah. Mr. West, I was placed on administrative leave on August 4th, 2021. Members of your organization had contacted me, notifying me that

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it seemed like every staff meeting that week after I was put on leave had an agenda item specifically about me with kind of a script to talk to HR if anyone had any concerns.

Do you know anything about that?

A I had heard that this had come up. I don't know if -- I don't know if that was posted to your Twitter feed or something like that, but that's where I found out about it.

And what I said earlier, I don't understand where or how that information came out because I don't ever recall having a meeting agenda specifically about you.

Q Let me clarify. This was, like, first-level, second-level managers. It wasn't a complaint about a meeting you held. These were, like, employees and workers who were mentioning this.

A Then for sure I have no idea about it.

Q Did you ever hear any complaints from employees about that agenda item, that they were concerned that if I was complaining about Apple HR retaliating against workers and they were being told to raise complaints about that to HR, that that seemed like it wasn't going to be good for them?

A There's a lot in there. Can you break that

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up.

Q Do you recall any complaints from workers about the messaging about me being on administrative leave and the complaints I made, that it was directing them to Apple HR, when I had alleged Apple HR was part of the problem I was complaining about?

A I don't recall that.

Q So if any workers had raised those complaints to your directs, then your directs just didn't tell you?

A Or I legitimately don't remember them telling me.

Q Okay. Mr. West, at that time also, there was repeated contexts to me from your employees with concerns that that agenda item that seemed to have this script that was shared amongst all the managers and statements you made directly in August 2021 mentioned that you would be talking about the Ashley issue at an October all-hands in 2021. Do you recall anything about that?

A No. No. I don't ever remember saying anything about -- you used air quotes there, but, air quotes, Ashley issue.

Q Okay. Putting aside the Ashley issue, do you recall in around August 2021 planning an October

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all-hands and planning to discuss something related to me?

A No. No. I couldn't even tell you -- like, my memory isn't great. So I couldn't even tell you what we talked about in that October all-hands.

Q Mr. West, do you remember, one or two days after I was put on administrative leave, your administrative assistant scheduling ad hoc Women of PSQ meetings with everyone in those groups to talk with you, just chat with Dan?

A No. But those two things -- like, I was pretty active with Women of PSQ. Those two things could also be true in that we were planning to schedule meetings and then you were put on administrative leave. They don't necessarily relate to each other.

Q Mr. West, are you aware that some of the employees who attended those meetings notified me of those meetings and things that were said by you during at least one of those meetings about me?

A I'm not aware of that, but okay.

Q One of the things that I was told was you complained of being falsely accused. Do you have any recollection of what you would be talking about?

A No. And there's no way I would have talked

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about an ER investigation at -- in a forum like that; even a forum that I tended to be a little bit more vulnerable in.

Q Okay. So these employees, if I have records of them saying this stuff, were lying?

A I can only speak to what I recall.

Q Mr. West, who was your manager in 2021?

A I believe it was Yannick still. Yeah, Yannick.

Q Who was that?

A He was my manager.

Q Was his role --

A Sorry. Say that again.

Q Sorry. What was his role?

A He ran all of product integrity.

Q Sorry. My dog is barking here at another dog.

What is product integrity?

A Product integrity is a division of hardware engineering.

Q What do you know about Mr. Bertolus's role in employee investigations?

A I mean, I would assume it's the same as all the rest of senior leaders, but I don't know specifically.

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Q Senior leaders, it sounds like there's kind of a typical role. Can you describe what that role is you're referencing.

A Yeah. Usually the senior leader is left out of it entirely unless their feedback is needed for some reason.

Q Can you tell me more, please.

A I think -- no. I think that -- that sort of covers it. Like, it's -- all of these investigations are treated as employee confidential. So we don't want to expose more people to the investigation than necessary. That includes the senior leaders.

Q So who -- when there's, like, the final results, the final report from an investigation, assuming there is one, who would that normally go to? Do you know?

MS. RIECHERT: Objection. Lacks foundation.

BY MS. GJOVIK:

Q Mr. West -- sorry. I'll withdraw.

Mr. West, have you ever seen or heard a final report from an employee relations investigation that was shared with you and/or other leaders?

A No. In my role, what I've seen is, if there are findings, there's a discussion around lessons learned. That's typically what it is. There's no

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formal report.

Q About what? What did you say?

A Lessons learned, like, hey, how can we do better in the future.

Q Okay. And would it be unusual for any kind of formal report to go to someone at Mr. Bertolus's or higher level?

MS. RIECHERT: Objection. Lacks foundation.

BY MS. GJOVIK:

Q Mr. West, are you aware that employee relations testified in a deposition last week that they create formal reports for all their investigations and that a formal report was formally shared with Mr. Bertolus for my case?

MS. RIECHERT: Objection. Attorney-client privilege if he learned it from counsel.

MS. GJOVIK: I just told him it happened.

THE WITNESS: I just learned it from Ashley, but I've never seen that before.

BY MS. GJOVIK:

Q Do you have any idea why he'd say that?

A Sorry. I'm not following the question.

Q So in your experience at Apple, that would be unusual then, based on your prior testimony?

MS. RIECHERT: Objection. Vague.

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BY MS. GJOVIK:

Q Mr. West, do you have any other examples that you're aware of with information you can share of a formal report being written from an investigation into employee concerns and it being shared with Mr. Bertolus or another VP?

A No. But that's highly confidential data. So it's possible it's happened and I just never got --

Q Mr. West, are you and Mr. Bertolus friends?

A Yes.

Q Do you spend time together outside of work?

A Yes.

Q How much time do you spend together outside work?

A Well, he's retired. He's long retired. So now we -- we spend time together. Like, we'll have dinners. We'll -- our families will get together from time to time, that sort of thing.

Q That's nice.

What about in 2021?

A We were friends but far less active outside of work.

Q Are you aware if Mr. Bertolus also enjoyed dinners at Chez TJ?

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A Yep.
Q Are you aware if Mr. Bertolus was friends with the chef at Chez TJ?
A Yes.
Q Did you also send personal texts to Mr. Bertolus like a friend?
A Yes.
Q What kind of things would you and Mr. Bertolus text about around 2021?
A I mean, most of it was work. Every once in a while, it was some personal things.
Q What kind of personal things?
A Stuff with the kids, that sort of thing.
Q Did Mr. Bertolus ever share anything with you about the investigation into my concerns or the investigation into me?
A No.
Q Did you ever ask Mr. Bertolus about either of those things?
A No.
Q How long have you been friends with Mr. Bertolus?
A A long time, more than a decade.
Q Are you aware that in 2021, Mr. Powers never provided me a midyear performance review?

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A No, I wasn't.
Q Is it typical for your managers to sometimes skip and not send a midyear performance review if you had asked them to?
A We strive for 100 percent, meaning every employee gets one. Every year, there's reasons for certain employees not to get one: Out on leave, too short of tenure on the job, those types of things.
Q Can you think of any reason that might apply to my situation if I was not on leave and I had been there for years?
A I'd need more context. I don't know.
Q I don't know either.
Do you have any insight into what my annual performance review was going to contain if I had not been fired by Apple?
A No. Dave and I hadn't discussed that at that point.
Q And you previously testified that there was no backfill for my role. Was there a job posting ever posted to backfill my role?
A To clarify, the way we handle head count is you get one head count. So your specific position was not filled. We repurposed the head count to do another function. I don't remember what that other

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function was. An engineering task is my guess.
Q It's my recollection that the head count planning was occurring in the late spring and summer of 2021. Do you recall when that -- usually like a spreadsheet or document with each of the roles and whether they're open or they're going to be filled or not is my recollection. Do you remember whether that would have been marked about whether or not my role was going to be open or transferred to a different type of role?
A No. I don't remember that.
Q Do you recall around the time -- the first time you discovered that I was not going to be coming back to work at Apple?
A I don't remember the date, if that's what you're talking about.
Q Do you know how many employees in your organization back to, let's say, 2017, if you can remember, have filed LRB, EEOC, DFEH, or other discrimination or retaliation charges against yourselves or your managers in your organization?
A No idea.
Q You're not notified if an employee files one of those government charges against someone in your organization?

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A No, not unless I'm needed in the investigation.
Q Can you recall even one example?
MS. RIECHERT: If it's an investigation, as such, then I instruct you not to answer it on attorney-client privilege.
BY MS. GJOVIK:
Q You're not going to answer?
A Yeah. I've just been instructed not to answer.
Q Mr. West, have you ever been named in a lawsuit against Apple alleging discrimination or retaliation?
A Yes. I was named in a lawsuit.
Q Which lawsuit?
A Crystal Brown.
Q Can you tell me about that.
MS. RIECHERT: Objection. Vague.
And also instruct you not to answer anything that you might have learned that's privileged.
BY MS. GJOVIK:
Q Mr. West, who is Crystal Brown?
A She's a former admin in the organization. She reported directly to me.
Q Did she make complaints to you about

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discrimination, harassment, or retaliation?
A Through the lawsuit, yes.
Q Did she ever make them to you directly?
A Not in those words, but yes, she complained.
Q What did she complain about that you recall?
A The biggest thing was workload.
Q Do you recall her complaining about a culture of retaliation?
A I do not.
Q What happened with the Crystal Brown lawsuit?
MS. RIECHERT: If it's anything you learned through attorney-client -- through counsel, I instruct you not to answer on attorney-client privilege.
THE WITNESS: Yeah. All I know is it was settled.
BY MS. GJOVIK:
Q Mr. West, do you recall asking me to come have dinner with you one night near my house in Mountain View and talking about this lawsuit to me? I believe it was around maybe 2018 or 2019.
A I do not. I do not.
Q Do you recall ever making a statement, like, there was a lawsuit -- she filed a lawsuit and you

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told Apple to settle it because you would not do that to her?
A I do not.
Q Do you know if there was ever any corrective actions or lessons learned coming out of Crystal Brown's complaints?
A No, not formal.
Q Back to confidentiality for a second. Had you seen the 2019 articles where Apple was talking about how they were scanning a lot of ears?
MS. RIECHERT: Objection. Vague.
THE WITNESS: I don't recall.
BY MS. GJOVIK:
Q So you mentioned you just took over a brand-new organization, and one of the things they do, the AirPod ear testing.
A Uh-huh.
Q Is it -- do you think it's safe to assume that if Apple had intentionally disclosed that they were doing ear scans for that testing, based on your prior testimony, that that would not be confidential because Apple already made that public?
MS. RIECHERT: Objection. Assumes facts not in evidence, improper hypothetical.
///

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BY MS. GJOVIK:
Q Mr. West, are you aware that one of the potential reasons Apple is claiming it fired me was I complained that it kept emailing me, asking to scan my ear canals and ears, and I said no, and they wouldn't stop, and Apple said that was leaking?
A No. I didn't know that.
Q Mr. West, if Apple had previously published articles or press disclosing that it was scanning people's ears, would you think that Apple asking to scan employee ears would be secret?
MS. RIECHERT: Objection. Improper hypothetical, assumes facts not in evidence.
MS. GJOVIK: Mr. West leads a complex organization he himself put forth as handling extremely confidential information. So this would be a discretion issue for Mr. West that he would handle day to day in his job. So I think it's very appropriate for him to offer his opinion.
MS. RIECHERT: I don't think that was a question.
THE WITNESS: Can you restate the question.
MS. RIECHERT: I think it was a statement, not a question.
MS. GJOVIK: I can't hear you, Melinda.

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MS. RIECHERT: I think it was a statement, not a question. I don't think there's a question pending.
MS. GJOVIK: No. There's a question.
BY MS. GJOVIK:
Q Mr. West, you're handling -- I said, you're handling the AirPods and testing. So they're probably still doing the ear scanning. And I said, if Apple had already made public that they were doing those ear scans in press articles, would it be your impression that Apple decided just the fact that they're scanning ears as part of that testing would not be Apple confidential because there's public news articles about it already?
MS. RIECHERT: Again, assumes facts not in evidence.
MS. GJOVIK: He still has to answer.
THE WITNESS: The -- how do I -- I'm trying to think of a way to answer this.
No, I don't think that's a fair assumption. The reason I don't think it's a fair assumption is what we've done at one point in time -- like, if we're working on a new product and we're using similar techniques, that -- those similar techniques are still confidential.

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BY MS. GJOVIK:
Q What if it was just talking about scans with no further details?
MS. RIECHERT: Again, assumes facts not in evidence.
BY MS. GJOVIK:
Q This is also the reason Apple says they fired me.
Please state.
MS. RIECHERT: Is this, like, another comment? I lost the question.
MS. GJOVIK: I can't hear you, Melinda.
MS. RIECHERT: Yeah, sorry. I lost the question. What was the question?
MS. GJOVIK: What was my question? Ms. Reporter, can you read back my question.
MS. RIECHERT: Probably good time for a break too after this question.
(Record read as follows:
"Q What if it was just talking about scans with no further details?")
MS. GJOVIK: Thank you.
THE WITNESS: I don't think we would put out any kind of press that vaguely says we do scans. So yeah, that's a weird hypothetical.

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BY MS. GJOVIK:
Q Let's say the press had more technical details and then the complaint that was applicable was confidential, it just said scans. Would it be safe to say that just saying scans is secret if Apple already intentionally shared far more technical detail?
MS. RIECHERT: Objection. Improper hypothetical, assumes facts not in evidence.
MS. GJOVIK: Still has to answer.
THE WITNESS: I think so much of that depends on the details and the facts.
BY MS. GJOVIK:
Q Just one last and then we'll go to break.
Mr. West, you indicated that you thought that you knew the reasons that Apple terminated me, yet you seem surprised by this ear scan thing. Were you not aware that Apple's lawyers are alleging I leaked related to ear scans?
MS. RIECHERT: Objection. Improper hypothetical, assumes facts not in evidence.
BY MS. GJOVIK:
Q You still have to answer.
A I'm not aware of ear scans as part of this.
MS. GJOVIK: Would you like to take a break,

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Mr. West, five minutes?
THE WITNESS: Yeah.
MS. GJOVIK: Let's take five minutes please.
(Recess taken.)
MS. GJOVIK: Let's go back on.
BY MS. GJOVIK:
Q Mr. West, what do you know about hazardous waste clean-up activities at the building Stewart 1, address 825 Stewart Drive, in Sunnyvale?
A Not a lot.
Q What do you know?
A I know there was an investigation there as to the air intrusion, and that's about it.
Q What kind of investigation?
A There were air sensors put in the building, and I don't know for what period of time -- one to two weeks -- to collect vapor information over that period of time. And the data from there showed that there was no concern.
Q Do you remember when that occurred?
A I don't remember the dates, no.
Q Like, 2017? 2021? 2025?
A That came about after you were -- you had raised your concerns; so in that time frame.
Q Were you aware there was an EPA inspection

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of that building related to the hazardous waste clean-up activities?
A Yes.
Q What do you know about that inspection?
A That it happened. That's about it.
Q Do you know why it happened?
A I do not.
Q Do you recall me sharing that I had reported concerns to the EPA about my safety concerns at the building?
A I do recall that.
Q And do you recall anything about the EPA investigating because of my complaints?
A I don't know that the two are correlated, but I do know that there was an EPA investigation as well.
Q How often, in your experience, does the EPA investigate environmental compliance at Apple buildings where you have staff?
MS. RIECHERT: Objection. Lacks foundation.
MS. GJOVIK: No.
THE WITNESS: I'm not an expert here. That's a better question for EHS. I don't know.
BY MS. GJOVIK:
Q Do you have any examples from your own

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recollection of an EPA inspection or environmental compliance at a building where you have staff?
A No.
Q And that building, the Stewart 1, that's a US EPA Superfund site; is that correct?
A Yeah. That's what you told me.
Q You don't independently know that it's a Superfund site?
A I didn't look it up myself.
Q Did Apple -- anyone at Apple ever tell you it was a Superfund site?
A No, not that I recall at least.
Q Did anyone at Apple tell you that there was contaminated groundwater and soil under the building, at least prior to 2022?
A You're the only one that raised this to me.
Q So if I have text messages with you of you talking about people telling you that stuff when staff were moved in, you just forgot that?
MS. RIECHERT: Objection. Assumes facts not in evidence.
THE WITNESS: Yeah, I don't ever recall that.
BY MS. GJOVIK:
Q Do you recall saying something about they

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said that the cracks were sealed but I'm not sure?
A I do -- I do recall saying that the cracks were sealed, yes.
Q What cracks?
A The floor in SD-1 is -- it's a cement floor. And so the cement flooring, there was some places where there were cracks in the floor.
Q Is that a problem?
MS. RIECHERT: Objection. Lacks foundation.
BY MS. GJOVIK:
Q Is your understanding that it could be a workplace safety issue if there's cracks in the floor at one of these sites where there's contaminated groundwater or soil underneath?
A I'll go back to I'm not an expert here, and the experts were telling us it's not a problem.
Q Mr. West, do you recall any kind of outcome or corrective actions from the EPA following their inspection in August 2021?
A No, I don't.
Q Mr. West, do you recall the EPA discovering in July 2021, confirming in August 2021, and sending form emails to Apple with corrective actions once they discovered that Apple -- the sub -- let me go back and give a little background and we'll continue

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the question.
Remember the sub-slab depressurization system build in that building, so when the gases come up, they go through the tubes to the roof, to vent to the roof so they don't push up through any cracks in the floor? Do you remember us talking about that generally?
A Yes. I remember you -- yes. You --
Q Are you aware there's a system for that in that building?
A Yes. That's all based off of what you told me, yes.
Q So you have no -- you've never inquired or received any updates or anything about the sub-slab depressurization system or vapor intrusion mitigation systems in Stewart 1?
A My understanding is that's what the air tests were trying to figure out, if there was a problem with that system, and the data came back as to no. The answer was no.
Q But you can't remember what the date was of that testing?
A No.
Q It was after I made complaints, though, you said?

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A That's right.
Q Yeah.
Okay. Now back to that question I started asking that I stopped. Are you aware that the EPA had a formal request for corrections at the facility after they discovered that when Apple moved into that building, they installed the HVAC intake on the roof in close proximity to the sub-slab depressurization vents on the roof, which creates something called a risk of re-entrainment, where the toxic gases would vent to the roof and then be sucked into the HVAC intake and vented inside the building and expose employees?
A I did not.
Q Doesn't that seem like, if that was true, something that should be rolled up to a leader like yourself to be aware of?
A At Apple, we tend to rely on the experts, and we relied on EH&S to ensure that that -- that the building was safe.
Q So if Apple had been forced to correct those issues by moving the HVAC and stuff on the roof, that would not be budgeted from your team even if it was your team's office?
A Correct.

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Q How often does EHS make major renovations in buildings where you have staff and labs but you're not aware of what they're doing?

MS. RIECHERT: Objection. Lacks foundation.

THE WITNESS: EHS will -- well, I'll be more general. The facilities teams -- that includes EHS -- makes changes -- it's hard to say all the time but frequently enough where this wouldn't -- this wouldn't raise alarm bells to me.

BY MS. GJOVIK:

Q Mr. West, are you also aware they also found that the performance team was venting thermal chamber exhaust without any kind of venting and just straight up into the ambient air, and EPA was also concerned about that?

A No. I didn't know that.

Q Would -- generally, if there was an issue like that, EHS could just make changes to the thermal testing system without consulting the engineering team?

MS. RIECHERT: Objection. Lacks foundation.

THE WITNESS: I would have to understand what the concerns were and what the mitigations were to be able to comment on that.

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BY MS. GJOVIK:

Q Mr. West, are you aware of any facilities corrective actions that occurred because of that EPA inspection and subsequent communications from the EPA?

A I'm not aware, no.

Q Mr. West, are you aware that Apple never told me there was an inspection or any of the outcomes and I only found out through FOIA requests more than a year later?

A I was not aware of that.

Q Mr. West, are you aware that I had made it clear I planned to go to my office at Stewart 1 on August 4th, 2021, because I wanted to go take pictures of the cracks in the floor, I had said, and also gather some evidence for the investigations, including some text histories on one of my computers?

A I'm not aware of that. But were you on leave at that time?

Q No. They put me on leave that morning before I could go.

A I see.

Q Sorry. Let me correct. I was going on the 5th. They put me on leave on the 4th, before I could go on the 5th.

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Same question, though, for the -- it sounds like you didn't know I was planning to go back to the office in August. No.

Do you know if the cracks in the floor were repaired prior to the EPA inspection?

A I know the cracks were filled, but I don't know when in the timeline they were filled.

Q Did you make any personal observations of those cracks?

A Not that I recall. I walked that building from time to time; so maybe I saw them, but not that I recall.

Q Do you recall me reporting an unexplained fainting spell in that office in 2019?

A I don't remember fainting. You definitely talked to me about being dizzy.

Q Tell me about the -- what did I report to you?

A You told me that you were sitting at your desk and that you got dizzy.

Q Is that something you hear often from employees?

A No.

Q Did you do anything to follow up after I told you that?

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A This was after the fact, and we didn't know what the cause was. We thought it was related to your -- the medical issues that you had told me about from your apartment.

Q This was 2019, before that.

A We knew you had some -- there was something medically going on. We didn't know what it was.

Q Did you know that I complained to Apple repeatedly in 2021 that I -- after learning about my office being a Superfund site and a history of vapor intrusion through cracks in the floor, that I suspected that fainting spell was -- that dizzy spell -- that's how I characterized it -- was probably due to vapor intrusion?

MS. RIECHERT: Objection. Assumes facts not in evidence.

MS. GJOVIK: I'm asking if he remembered that I told him that or knew that I told him that.

MS. RIECHERT: You have a lot of things there that aren't true.

BY MS. GJOVIK:

Q Mr. West, do you have any recollection of me complaining in 2021 that I thought the dizzy spell from 2019 was related to vapor intrusion?

A I knew you were worried about that.

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Q Yeah.
Do you know if anyone looked into that, investigated that if there could be employee exposure that could cause dizzy symptoms from vapor intrusion?
A That's what we talked about earlier. There was the air testing in Stewart that came as a result of your complaints.
Q Mr. West, that air testing, as far as has been reported, occurred after Apple reported they fixed the cracks in floor. So that air testing wouldn't have gathered any of the data before the cracks were fixed.
Do you know --
MS. RIECHERT: Objection. Assumes facts not in evidence.
MS. GJOVIK: I didn't even ask the question yet.
BY MS. GJOVIK:
Q Mr. West, do you know of any investigation into, like, my 2019 complaint or are there similar employee complaints prior to those cracks being fixed?
A I'm not aware of any complaints prior.
Q Mr. West, are you aware I specifically asked Apple to test the air before they fixed the cracks,

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informing them that once they fixed it, there would be no way to know if employees were exposed and that I was concerned about cancer, and that Apple said no, they would not test the air until after they fixed the cracks?
MS. RIECHERT: Objection. Assumes lots of facts not in evidence.
MS. GJOVIK: I believe I forwarded it to him.
THE WITNESS: You believe -- sorry. I didn't hear that.
BY MS. GJOVIK:
Q Sorry. Answer, please.
A I know you had concerns there, and you were definitely asserting this.
Q Mr. West, do you recall in 2021, between March and August 2021, me forwarding you emails I had with EHS, employee relations expressing concerns and forwarding them to you with additional commentary?
A Yes. I remember you forwarding me some emails.
Q Can you describe some of those things that you remember.
A Yeah. My memory is vague because it's a long time ago. The general -- my general

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recollection is you were dissatisfied with the way EH&S was responding, and you asked for some help.
Q Mr. West, have other employees in your organization, say, in the last five years, made complaints to you directly or that you're aware of regarding environmental health and safety concerns?
A No.
Q None?
A In the last five years, no.
Q What about ten years?
A Other than you, I can't recall any. It's very rare to get those complaints.
Q And in 2021, how large was product systems quality, generally? How many people?
A Back then, my guess is around 600 people.
Q Just one EHS complaint.
Mr. West, same question but your employees complaining about retaliation. Do you have any general number of complaints that you've received or become aware of?
A It would have been a very small number. It's a handful. This is something we -- that I actively try and teach our managers not to do. And it's also part of Apple policy. It's all of this, yeah.

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Q What do you teach them not to do?
A Retaliate.
Q Can you tell me more about that. What do you teach them?
A This is in line with all of our -- all of our employee rules and management rules. Typically, if an employee raises a concern, it's a good thing. It gives us a chance to either, one, set the record straight, or two, make a meaningful change.
Q And you can't remember any -- sorry. I'm wearing a wig because all my hair fell out because the hazardous waste burned it off and it still hasn't grown out. That's why I'm doing this.
So you're saying you don't remember many -- a very small number of retaliation complaints. Crystal Brown would have been one of those, though?
A Yes.
Q And for the complaints that you do recall that people made, what is the general practice you would engage in to respond to those complaints?
A It depends on the severity. Typically, there's some sort of questioning that happens either of the direct manager -- we want to understand -- we want to understand the veracity of the assertion that's been made. That's typically what happens.

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Q Can you describe for me what kind of factual examples might indicate retaliation had occurred.
A I -- that's a tough hypothetical. Every case would be a little bit different.
Q What about for adverse actions? What kind of -- that's a legal term. What kind of, like, negative things could be done against the employee that would trigger an investigation of was that rightfully done or could have that been retaliation?
A Most of the time, it's around role assignment. That's sort of what I would look at.
Q Can you tell me more about that.
A Yeah. Sometimes -- sometimes there's an assertion that, hey, my job was changed unfairly. So far, to the best of my knowledge, we've never been able to corroborate that, at least in my org.
Q What kind of changes do you remember people complaining about?
MS. RIECHERT: Objection. Asked and answered.
THE WITNESS: Yeah.
MS. GJOVIK: He said job changes. I'd like him to clarify, please.
THE WITNESS: It's -- well, job assignments would be more specific, yeah.

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BY MS. GJOVIK:
Q So is that, like, what type of stuff they're working on? What teams they work on?
A What type of stuff, typically.
Q Like, products?
A Products or the role within that product.
Q Mr. West, do you remember me complaining about there being job changes in my role in 2021 and me alleging that could be retaliation?
A Yeah.
Q Can you tell me more about what you recall.
MS. RIECHERT: Again, don't talk about anything about the investigations into any concerns.
THE WITNESS: Yeah. You were worried about the clarity of your role. You thought it was too ambiguous.
BY MS. GJOVIK:
Q Mr. West, do you remember me complaining in that I felt the workload in my role had just been quadrupled by Mr. Powers around July 2021?
A Yes. I remember that.
Q Can you tell me what you remember.
A I remember your assertion that the role was quadrupled. That's really what I remember.
Q Do you remember what new responsibilities had been proposed to be added to my role?
A I don't remember those details, but I remember your concern was raised out of -- you had come to me and said, my role isn't clear enough. I need more clarity. And my assumption was that you had been talking to Dave about this as well. I encouraged you to go back to Dave and say, hey, write it out, like, get it on paper, write it down, work through it.
Q Mr. West, do you remember me making complaints to you directly about hostile work environment, harassment, unpleasant work conditions, and generally unpleasant interactions with some of the MSQ leaders and me seeking a different role?
MS. RIECHERT: Objection. Compound.
BY MS. GJOVIK:
Q Mr. West, do you recall me complaining about a hostile work environment or hostility from MSQ leaders?
MS. RIECHERT: Still compound.
THE WITNESS: Do you want to rephrase?
BY MS. GJOVIK:
Q Mr. West, do you remember me complaining about an unpleasant work experience working with my direct supervisor -- although I worked for both of you -- and someone at MSQ like Jason Ivan and complaining about that to you?
MS. RIECHERT: Objection. Still compound.
BY MS. GJOVIK:
Q Mr. West, did I ever complain to you about my role with MSQ in relation to difficulty working with MSQ leaders?
A Yes. Your relationship with the leaders was deteriorating.
Q Can you tell me more.
A I think you were finding it harder and harder to get work done through them.
Q Do you remember me complaining to you that I felt they were being hostile towards me?
A I don't ever remember those -- that specific -- like, that phrase has a very specific meaning that would have spurred a different action. I do remember you expressing frustration at working with them. I don't remember the word "hostility."
Q Mr. West, do you recall me giving you formal performance feedback for Mr. Powers, complaining that he would berate me and make me cry?
MS. RIECHERT: Also compound.
BY MS. GJOVIK:
Q Mr. West, do you recall me giving formal

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performance feedback to you regarding your direct report, David Powers, claiming that his behavior made me cry?

A I don't recall the crying piece. I do recall you gave me a lot of feedback on him.

Q Do you recall me using the term "discrimination" in my feedback about him?

A I do not.

Q Mr. West, do you read the feedback about your direct reports provided as feedback?

A I do. If I recall correctly, you did not use the tool and put it in the tool. You sent me a PDF, or maybe you did both.

Q So if I put feedback in the tool, you would have read it?

A I read all the feedback.

Q So if I sent a PDF to you as well, you would have read it?

A Yeah.

Q And if I had said discrimination or hostile work environment, you don't recall it, then you would have just forgot?

A I think I would have remembered if you said that. I don't remember you saying it that way.

Q If I used those terms, do you think that

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would have triggered some kind of investigation on your part to learn more?

A Probably I would have asked about it during our next one-on-one.

Q Mr. West, do you remember me making complaints to you that I didn't think I could continue working for Mr. Powers and with Mr. Ivan due to the work environment with them and asked for your intervention?

MS. RIECHERT: Objection. Compound.

BY MS. GJOVIK:

Q It's fine. You can answer.

A I remember the discussion about David, not Jason.

Q What about -- what do you remember about David?

A What you just said. At one point, you said you didn't think you could keep working for him.

Q And do you remember me asking to work for you?

A I do.

Q Do you remember what you said?

A I don't remember the exact words, but the net was no.

Q Mr. West, did we have a regular one-on-one?

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A We did.

Q Mr. West, did you give me direct assignments?

A I gave you direct assignments within a very specific window, typically around the -- our internal website.

Q And when you gave me direct assignments, that stuff would apply to all of your organizations, not just MSQ?

MS. RIECHERT: Could you repeat that. I'm sorry. I missed it.

BY MS. GJOVIK:

Q Mr. West, when you would give me direct assignments, those assignments would generally apply to all of your organizations, not just MSQ?

A That's right.

Q And, Mr. West, if you gave me direct assignments, could David Powers just overrule those himself or would he have to go to you?

A Typically -- typically, that would result in a discussion if he had a concern.

Q So, Mr. West, I kind of had -- it's co-supervisors or split supervisors. Have you had a dynamic like that before with other employees?

A I've been in that situation myself, yes.

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But actually, I wouldn't -- I wouldn't say they're co-supervisors. I worked very hard to try and stay within the bounds, and Dave and I did as much as we could to coordinate. So Dave was your manager, and I would direct along certain lines. And that was it.

Q Mr. West, did you ever give me direct performance feedback on my performance review signed by you?

A I'm sure I added to Dave's feedback in his performance reviews of you. He would query me.

Q Mr. West, do you recall me complaining that it was very confusing to me, that it seemed like I had two managers and it wasn't clear exactly which one I worked for when, how?

A I don't recall that one specifically.

Q Mr. West, do you recall me asking for your intervention to help me find another job at Apple because I wanted to stay at Apple but I didn't think I could continue working for Mr. Powers due to the hostile work environment alleged starting around at least, like, 2019?

A I don't recall you asking me for help, but I do remember that you had made this assertion but you couldn't work for Dave.

Q Mr. West, do you remember a woman named

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Charlene Wilsmore offering me just informally a role on her team and hoping to have me transfer to her team within product integrity?

A Yes.

Q Mr. West, do you remember how you responded?

A Yes. We needed -- at the time, we needed that count in our team. There was still work that you were doing that needed to continue to be getting done.

Q Mr. West --

A Yeah. Go ahead.

Q No. Continue. You were just going to say something else. Go ahead.

A At the time, we needed the head count back so that we could continue to do the work.

Q Okay. So, Mr. West, at the time, if I had said I didn't think I could keep going in my role because I complained about issues and I was looking for another job at Apple and that was a job offer from somewhere at Apple, and you said no, wouldn't it be reasonably foreseeable that could cause me to have to quit Apple if I could find another job and that was blocked?

MS. RIECHERT: Objection. Lacks foundation.

MS. GJOVIK: I don't think so. He does a

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lot of talks about employee retention.

MS. RIECHERT: Yeah. But what was reasonably foreseeable for you to do is something he doesn't know about.

BY MS. GJOVIK:

Q Mr. West, would you generally be concerned if an employee in your organization had been complaining they were unhappy in their work environment and wanted another job at Apple so they could stay at Apple and they find an offer to transfer and then it was blocked by their supervisor? Would you be concerned and maybe even written about it or spoken about it that then caused Apple to lose employees?

MS. RIECHERT: Same objection. Lacks foundation, assumes facts not in evidence.

MS. GJOVIK: That's fine. He can answer that one.

THE WITNESS: I would be concerned, but I think the way you're -- the underlying assumptions there are invalid.

BY MS. GJOVIK:

Q Okay. And, Mr. West, you had said earlier in this deposition that after I had left, my role was canceled; is that right?

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A Yes. We -- at that point, we had made the decision to split the work amongst other people.

Q Can you tell me who -- which people, which roles received the work that I had been doing.

A I couldn't. I didn't dig into all the details. But the work was spread out amongst David's directs. So it was spread out amongst his leadership team.

Q What about the work that was being done for you?

A A lot of that stopped.

Q Stopped completely?

A No. A lot of it stopped, not all of it. There were -- there are other people -- so that was an organizational website. So there were other people adding to it here and there.

Q So you just stopped all of that work because the person left?

A Yes.

Q Why?

A From a prioritization perspective, our ultimate objective always is to ship our products. The website was nice to have, and since we didn't have the resource to be able to maintain the website, we put it in maintenance mode, essentially.

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Q Mr. West, are you aware that the NLRB issued a complaint against Apple at one point alleging that the administrative leave and my termination were unlawful and violated federal labor law?

MS. RIECHERT: Don't repeat anything that you learned from counsel. I'll instruct you not to answer based on attorney-client privilege. If you learned it from another source, that's fine.

And assumes facts not in evidence. Objection on that basis.

THE WITNESS: Yeah. The short answer is no.

BY MS. GJOVIK:

Q Mr. West, I'm assuming the answer is still no, but are you aware that that complaint requested as remedies that Apple reinstate my employment and offer a public formal apology to me for the suspension and termination?

A No.

Q Mr. West, are you aware the NLRB withdrew those charges after the new general counsel was appointed to the NLRB as far as Apple's defense counsel in the same case?

MS. RIECHERT: Objection. Assumes lots of facts not in evidence.

MS. GJOVIK: There was a whole bunch of news

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articles about this, actually, complaining of corruption. So he may know.
THE WITNESS: No.
BY MS. GJOVIK:
Q Mr. West, how would you respond if the court or government forced you to reinstate my employment?
MS. RIECHERT: Objection. Improper hypothetical, assumes facts not in evidence, speculation.
BY MS. GJOVIK:
Q Mr. West, the NLRB had issued a complaint saying, for relief, it wanted Apple to reinstate my employment, and I'm suing Apple in court for this lawsuit and the judge has approved me asking to be reinstated at least on payroll when I file a motion for summary judgment next month -- that seems very relevant. If I'm requesting reinstatement, what would be your response?
MS. RIECHERT: Objection. Hypothetical, speculation.
MS. GJOVIK: I'm requesting reinstatement. How does he respond to me requesting reinstatement?
MS. RIECHERT: I haven't seen any request for reinstatement. But again, it's hypothetical.
MS. GJOVIK: It's the complaint, Melinda.

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MS. RIECHERT: Assumes facts not in evidence. You haven't even found out that he's seen the complaint.
BY MS. GJOVIK:
Q Mr. West, how would you respond to some kind of legal authority ordering Apple to reinstate my employment?
MS. RIECHERT: Same objections.
You can answer.
BY MS. GJOVIK:
Q You can answer.
A If the authority -- if the law says do something, we'll do it.
Q And what job would I be given?
MS. RIECHERT: Same objections. Hypothetical, assumes facts not in evidence.
MS. GJOVIK: Extremely relevant if I'm requesting reinstatement and they canceled my job.
MS. RIECHERT: I didn't object on relevance. I objected on hypothetical, assumes facts not in evidence, speculation.
BY MS. GJOVIK:
Q Okay. Go ahead.
A My assumption would be it would be an equivalent job in the organization.

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Q Mr. West, are you aware I'm in Chapter 7 bankruptcy right now?
A No.
Q Mr. West, are you aware that I am without a permanent house and am living in a motel paid for solely by public donations from my social media followers because I'm completely insolvent?
A No.
Q Mr. West, have you had any other employees that were terminated by Apple that you're aware of that ended up in bankruptcy and insolvent?
A No, but I don't follow employees that closely.
Q Mr. West, I thought you said that we were friends and you got in trouble for inappropriate texts with me that were too friendly.
MS. RIECHERT: Objection. Compound.
THE WITNESS: I also said that there was guidance around separating friendships from work, and that's what I did.
BY MS. GJOVIK:
Q So, Mr. West, you never thought to check in and see how I was doing after Apple fired me?
A No.
Q Mr. West, in your experience, when Apple

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fires someone for leaking confidential information, what could happen to their careers? Do they generally get a job again working with confidential information?
MS. RIECHERT: Objection. Hypothetical, lacks foundation.
BY MS. GJOVIK:
Q There are formal Apple trainings everywhere that have the exact answer to this question.
A Yeah. Sometimes they get jobs. Sometimes they don't. That's up to them.
Q What do you mean, it's up to them?
A They're in the labor workforce at that point. They apply to a job just like anyone else would.
Q Mr. West, have you ever had any new product security trainings where they said that if people get fired for leaking, they may never work again?
A I don't recall that exact phrasing. But yes. There's -- there's language in there that says, depending on the severity of the leak, it could be harder, yeah.
Q Mr. West, in your experience, when employees need to be disciplined, what is the process that is followed for managers to initiate a discipline

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process?
A It depends on the disciplinary action. Can you be more specific.
Q Let's do suspension or termination.
A Typically, PBP is involved.
Q What is that?
A Actually, always -- our HR. HR is involved.
Q So a manager would escalate to HR, and then HR handles it?
A Manager would escalate to HR, and then there's an investigation.
Q And in your experience, if an employee is violating some policy or not meeting expectations, is there usually a gradual discipline process with, like, warnings and a performance plan?
MS. RIECHERT: Objection. Compound.
THE WITNESS: It depends on the type of issue. So when it's -- when it's sort of a working style, working behavior issue, as an example, there is a gradual ramping up of what happens. There's more and more formal discussions up until we get to the point where they are terminated. There are also zero-tolerance examples as well where there is no warning. It is, you're terminated.
///

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BY MS. GJOVIK:
Q Can you give me some examples in your experience of what would have been zero-tolerance terminations.
A Typically, egregious policy violations. Leaking confidential information is another example.
Q Mr. West, are you aware of -- that one of Apple's stated justifications for terminating me was my insistence on a paper trail or a written communication with them about some investigation I wanted to do and not getting on the phone with them?
A I was not.
Q Mr. West, have you ever heard of a disciplinary action being taken against an employee because they requested written communications out of a concern of stated retaliation or wanting a copy for the government and that they're disciplined for refusing to just have a phone call?
MS. RIECHERT: There's a lot in that question.
THE WITNESS: Yeah. Yeah. Can you --
BY MS. GJOVIK:
Q Mr. West, were you ever -- do you have any -- can you think of any examples where an employee was disciplined or warned because they

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insisted on having some kind of written record of a communication?
A No, not in that scenario.
Q Mr. West, are you aware that employee relations reached out to me on September 3rd, 7th, and 9th -- I was fired on September 9th -- asking to get on the -- have a call with me or Webex, refusing to have written communication?
A No. I wasn't aware of those dates.
Q Mr. West, are you aware that one of Apple's stated justifications for firing me was my repeated requests to have the written communication as my LRB charges and Apple saying that it is a fireable offense to not get on the phone?
MS. RIECHERT: Objection. Assumes lots of facts not in evidence.
MS. GJOVIK: That's your formal justification for firing me, Melinda.
MS. RIECHERT: Has nothing to do with the NLRB. So don't --
MS. GJOVIK: Okay. Remove the NRLB part.
MS. RIECHERT: Okay. Repeat your question. I think he said he didn't know why you were fired, but you can keep asking if you want.
///

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BY MS. GJOVIK:
Q Mr. West, are you aware that one of Apple's formal stated justifications for firing me was my request to keep written communication with employee relations for whatever reason and them stating it was some sort of misconduct for me to not get on the phone with them without any record?
A No. I'm not aware of those details.
Q Mr. West, are you aware that Apple's stated justification for firing me also includes the workplace violence and threat assessment team making the same allegation that I refused to get on the phone with them on September 9th and instead had requested a written communication?
MS. RIECHERT: Objection. Assumes facts not in evidence.
THE WITNESS: I'm not aware of the reasons for your termination.
BY MS. GJOVIK:
Q Any of them?
A All of them.
Q Mr. West, I thought you had said you were but you couldn't share it because it was privileged.
A Right. Through counsel, I got that. But I don't know -- I didn't know all of those details,

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especially what you just described.
Q Yeah.
Mr. West, are you aware of what employee relations says -- just admitted last week were reaching out to me in September at least 3rd and 7th that they insisted on talking to me about but said it couldn't be in written emails? You said no.
MS. RIECHERT: I don't think he's aware of any testimony last week.
THE WITNESS: No.
BY MS. GJOVIK:
Q Mr. West, are you aware that one of Apple's stated justifications for terminating me is I wouldn't to get on the phone with them to have them interrogate me about whether I thought the sous chef at Chez TJ was cute or not and whether I would consensually date him or not?
A No.
Q I wasn't either until last week. That was a weird one. So we're going to have to talk about Andrew, unfortunately, thanks to Apple. Would you like to take a break before we do that? It's going to be weird.
A Sure.
MS. GJOVIK: Yeah. Five minutes, please.

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THE WITNESS: Okay.
(Recess taken.)
BY MS. GJOVIK:
Q Mr. West, do you remember ever recommending that I go have dinner at a restaurant that we talked about called Chez TJ?
A Yeah. You were a foodie, I was a foodie, and we sort of compared notes.
Q Yeah.
Do you remember me going to Chez TJ around December 29th, 2017?
A I don't remember the date, but sure. I remember when you went.
Q Yeah.
Do you remember me texting you or you texting me while I was at dinner that night?
A I remember you texted me, telling me you were there.
Q This was the dinner that you said you had paid for; right?
A That's right.
Q And that employee relations had mentioned that your behavior had been inappropriate?
A I wouldn't have used -- I wouldn't use those terms. That's not the phrasing that they used with

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me. But they said, look, it would be better to draw a strong line between friendship and work.
Q Sorry. Mr. West, earlier you said that they said it was inappropriate. You used that term I think twice. Are you now changing your description of the feedback?
MS. RIECHERT: Objection. Misstates the testimony.
THE WITNESS: Yeah, I don't remember saying it that way. If I did, it was a mistake.
BY MS. GJOVIK:
Q Okay. Can you elaborate then what you do recall the feedback was from employee relations regarding the incident with the dinner at Chez TJ.
A Yeah. It was all around keeping a separation between work and friendships.
Q Do you recall Apple employee relations or HR saying anything to you regarding a sous chef named Andrew that worked at that restaurant?
MS. RIECHERT: Anything about an investigation, I instruct you not to answer on attorney-client privilege.
BY MS. GJOVIK:
Q Mr. West, do you recall interacting with or knowing about a sous chef named Andrew at Chez TJ?

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A I do.
Q Yeah.
Can you tell me about Andrew.
MS. RIECHERT: Objection. Vague.
THE WITNESS: What do you want to know about Andrew?
BY MS. GJOVIK:
Q Well, let's start with the head chef. You're friends with the head chef; right?
A Jared?
Q Yeah.
A Yes.
Q Can you tell me about your friendship.
MS. RIECHERT: Objection. Vague.
MS. GJOVIK: I can't -- if Melinda is objecting, I can't hear.
MS. RIECHERT: Objection. Vague.
THE WITNESS: I can answer.
Met him when he worked at a different restaurant, and when he became the head chef at Chez TJ, we went there to support him.
BY MS. GJOVIK:
Q And he's also friends with Yannick Bertolus?
A Yes.
Q And at that restaurant, there was a sous

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chef working for Jared named Andrew?
A (No audible response.)
Q Do you remember how you met Andrew?
A Through Chez TJ, yeah.
Q Do you remember anything you talked about with Andrew?
A Sure. Andrew -- yeah. Can you be more specific.
Q Did you talk to him about whether he was, like, single or married?
A No. I never had those discussions with him.
Q Do you recall around what age he was around 2017?
A He's since passed away. Back then --
Q He did? That's -- Melinda -- I'm going to yell at her later. This is really messed up. Go ahead, Mr. West.
A He had to have been in his 20s. I don't know where. Maybe early 30s.
Q I didn't know he passed away. That's upsetting. I'm sorry. Apple opened a whole can of worms here, Mr. West.
Mr. West, do you remember that night at the restaurant, through texts, trying to set up some kind of romantic relationship between myself and the sous

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chef named Andrew?
A That's not the way I would frame it. Yeah, that's not the way I would frame it.
Q Mr. West, what do you remember about that night -- and that's the only time I've ever ate at that restaurant. So the time I ate dinner at that restaurant that you bought the dinner, what do you remember about your conversation with Jared and me and Andrew about some kind of relationship between me and Andrew?
MS. RIECHERT: Objection. Compound.
THE WITNESS: Yeah, there's a lot there. Can you break it down.
BY MS. GJOVIK:
Q Mr. West, what do you remember about that night I had the dinner at the restaurant regarding your conversation with anyone who worked at the restaurant regarding a relationship between me and Andrew?
A Well, I remember the conversation with you specifically. You had -- I guess there was another party or something where you were talking with my wife, and you had said something to the effect of, I need to be set up with someone or I need to find someone, basically indicating that you were looking

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for a partner.
Q Can you speak up. I'm sorry. I can't hear you.
A You were looking for -- you had had a conversation with my wife indicating that you were looking for a partner.
Q That wasn't the night of the dinner, though. I was asking --
A That's right. That was our conversation --
Q And I also object to the -- I don't recall ever saying that. I don't think that's accurate. But please go ahead.
A Okay. Why don't you ask your question then.
Q Do you recall anything about talking to Jared or Andrew about some sort of relationship or setup between me and Andrew?
A Yes. So the context here -- so the context of that discussion with my wife, I asked you about, and you confirmed, yes, I'm interested. So I'd say something to the effect of, well, Andrew is there and he's young. I don't remember if I said he was single or not. I don't even know if I knew that at the time. And then I asked you if I should tell Jared.
Q Do you remember telling me that you and Jared were having him bring out food for me directly

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as part of this?
A Yeah. After -- after we got the green light from you, I'd say something to the effect of Jared -- or not Jared -- Andrew will likely bring out a few plates.
Q Do you recall you and I talking after that night about Andrew?
A Yeah. You said -- yes, I do.
Q What do you recall that we talked about?
A You said something to the effect of he's cute and you left your number.
Q Do you recall me telling you that I met someone and I was going to date them; so I wasn't going to date Andrew, and I said hope that's okay?
(Reporter clarification.)
BY MS. GJOVIK:
Q Yeah. Mr. West, can you speak up. Maybe your computer is moved away or your -- don't want to talk about this like I don't, but we have to talk about this. I'm sorry.
A No. I just moved the monitor closer.
THE WITNESS: Is that better, Court Reporter.
THE REPORTER: I think so.
THE WITNESS: All right. So what was your

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question? Sorry, Ashley.
BY MS. GJOVIK:
Q Do you recall conversations you and I had after that dinner about Andrew, including me saying I met someone else and I'm going to see them, not Andrew, I hope that's okay?
A Yeah. I do remember that. And I remember responding, saying there was no pressure from me; so that's fine.
Q Mr. West, do you recall later text messages where you said that night what you did with Andrew was one of the worst things you've ever done?
A Yeah, I do.
Q Why would you say that?
A Well, I think this goes back to the guidance that I got from --
Q Sorry. Can you speak up.
A This is really bad. I don't even know where the mic is on this.
Yes. Let's see. I think this goes back to my discussion with ER around separating friendships from work. And that's the main -- that was the major problem. That's why I think it was an issue.
Q Mr. West, the feedback from employee relations regarding separation feedback and so forth

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would have been in 2021. The comment I'm mentioning was prior to that. So it wouldn't have been an outcome of that employee relations investigation. It would have been something else.
Can you add more context.
A I think it's -- so thanks for the timeline, but I think it's the same -- it's the same thread. It's separating personal from the job.
Q Mr. West, do you recall me telling you that your daughter had told me that your family was talking on a regular basis how inappropriate that was at least through 2020?
A I don't recall that, but -- yeah, I don't recall that.
Q Mr. West, do you recall your family, such as your daughter and wife, ever telling you they thought what you did with Andrew and myself was inappropriate?
A No, I do not. The context, again, is the employee skip-level-manager relationship is concern.
Q Mr. West, in 2020, how old was your daughter?
A Let's see. That's six years ago. She must have been 16 or 17.
Q Mr. West, do you have any idea how your 16-

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or 17-year-old daughter would know about you trying to set one of your workers up with a sous chef at a Michelin-star restaurant?
A We have family discussions.
Q How would that come up in a family discussion?
A My daughter --
Q I'm sorry. Mr. West, if you'd switch laptops. That one is horrible. We can't hear you.
A Let's switch. Can you give me a minute?
Q Yeah. Thank you.
THE REPORTER: Are we going off the record while he does that?
MS. GJOVIK: Yeah. We can.
(Recess taken.)
BY MS. GJOVIK:
Q Mr. West, how do you think the discussion came up at your home family dinner about you trying to set up one of your workers in your organization with a sous chef at your favorite restaurant?
A I have no idea how that came up. My daughter at the time was working at Chez TJ. She knew Andrew. She knew the crew. So maybe it came up at work and she asked about it at home. Maybe it came up at home. I don't know.

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Q So, Mr. West, you were pretty well connected with that restaurant -- the staff at that restaurant; right?
MS. RIECHERT: Objection. Vague.
BY MS. GJOVIK:
Q Mr. West, you had a personal relationship with staff at that restaurant; is that correct?
MS. RIECHERT: Objection. Vague.
THE WITNESS: I knew Jared very well.
BY MS. GJOVIK:
Q And your daughter worked there?
A That's right.
Q Yeah.
Mr. West, when you were reflecting upon what happened with that dinner and myself and Andrew, and it sounds like you have a new opinion of what occurred. Can you tell me if one of your direct reports had done the same thing, like, now, would you take some kind of corrective action on that report or warn them to not do that?
MS. RIECHERT: Objection. There were assumptions in your question that were inaccurate, and therefore, you misstated his testimony. And second objection --
MS. GJOVIK: Melinda, we can't hear you.

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MS. RIECHERT: Second objection -- my first one is that you misstated the testimony, and the second is that it's an improper hypothetical.
BY MS. GJOVIK:
Q Let me rephrase.
Mr. West, the -- what we're talking about what you did in 2017 with that dinner, if one of your direct reports did that, like, now, how would you respond if you found out?
A I think I'd warn them the same way, like, hey, you can do this for your friends, but be careful of the managerial -- like, if there's a power imbalance there, I think that's what makes it difficult.
Q Mr. West, wouldn't you say that it's difficult for employees to say no to their supervisors about stuff because of that power imbalance?
MS. RIECHERT: Objection. Vague.
MS. GJOVIK: I don't think that's vague.
THE WITNESS: So -- okay.
MS. RIECHERT: Do you want an answer?
MS. GJOVIK: Yeah.
MS. RIECHERT: Okay. Could you repeat the question.

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BY MS. GJOVIK:
Q Mr. West, wouldn't you say that the power imbalance makes it difficult for employees to say no to their supervisors about things?
MS. RIECHERT: Objection. Vague.
THE WITNESS: In certain scenarios, that's a true statement, I think.
BY MS. GJOVIK:
Q Yeah.
Are there actually, like, regulations and strict rules about things that should not be asked of or done to employees because of the power dynamics and coercion?
MS. RIECHERT: Objection. Compound.
THE WITNESS: I'm not a lawyer; so I can't speak to the details of that. But there's certainly some things that we can't -- that we shy away from.
BY MS. GJOVIK:
Q Yeah.
Mr. West, in your -- for any of the roles you went through, even back in 2021, you mentioned you did some stuff with, like, health or medical studies on employees, user studies. Isn't that something where coercion becomes an issue, especially if the studies can have a population in France or

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Germany?
MS. RIECHERT: Objection. Improper hypothetical, compound.
THE WITNESS: Can you be more specific.
BY MS. GJOVIK:
Q Mr. West, in your experience managing teams that do different types of user studies or testing, have you heard there are special rules in countries like France or Germany that prohibit -- and UK, GDPR, that prohibit certain testing or requests of employees specifically because the risk of coercion and a power imbalance?
MS. RIECHERT: Is he aware of those rules? Is that the question?
MS. GJOVIK: Yeah.
THE WITNESS: No.
BY MS. GJOVIK:
Q No.
So you --
A Not those rules. I don't know the reason for those rules.
Q But you said that there can be a power imbalance. It can be more difficult for employees sometimes to say no to stuff if it's their supervisor asking?

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A Yes.
Q Yeah.
Didn't you even text me that you aren't even sure if I really mean no sometimes because you don't know if I can be honest with you --
MS. RIECHERT: Objection.
BY MS. GJOVIK:
Q -- or something like that?
A I don't remember that text. I would need to see -- see the text and the context of the text.
Q Mr. West, do you sometimes wonder, if you ask something of employees in your organization, if they'd actually honestly tell you no or if they might be afraid to tell you no?
A Yeah, sometimes.
Q And so, like, on that night when I was out to dinner, I said Andrew is cute. It sounds like I said something like, see where it goes or whatever. I haven't looked back at exactly what I said. But it sounds like you were make looking back and wondering if I was actually answering honestly because you're my supervisor; is that right?
A That definitely was not the impression that I had going through that.
Q Oh, can you explain then why you're thinking

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now differently that that was inappropriate.
A I think we've said this -- or I've said this a couple of times. This is -- this goes back to the guidance that I got from Ekelemchi after those discussions.
Q You said power imbalance, though. What did you mean by that?
A I'm -- I was -- at the time, I was your boss's boss.
Q So what does the power imbalance have to do with matchmaking?
MS. RIECHERT: Objection. Assumes facts not in evidence.
MS. GJOVIK: It's just his own testimony.
MS. RIECHERT: He said nothing about matchmaking.
BY MS. GJOVIK:
Q Mr. West, why did you think a power imbalance concern was relevant to the feedback you said you got from employee relations regarding the appropriateness of what you did with me and Andrew that night?
A I don't know how to answer that differently. Yeah, maybe we can come back to that. I've got to think a little bit.

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Q I would like to come back to that.
A Yeah.
Q So as I mentioned earlier, come to find out one of Apple's stated reasons for terminating my employment -- this is not a question. I'm just giving background. I see Melinda doing stuff. One of their stated reasons for terminating my employment was requesting a written record of communications to employee relations after I had reported retaliation by them and NRLB charges filed against them and EEOC charges -- I just want it on the record -- to the government. And they're saying, because I refused to get on the phone without a written record, that was some kind of misconduct. That was one of the reasons that justified immediate termination without any warning.
And, Mr. West, I already asked you this. So I'm just going to tell you again what they said because I think it's wild, and I think you're going to think it's wild. They were planning exclusively Mr. Okpo to contact me to want to ask me about saying that Andrew was cute in those texts to you and not immediately objecting that night and calling that inconsistencies in reporting my concerns and told me that they closed the investigation to all of my

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concerns that I had filed because I wouldn't get on the phone with them when they wanted to talk to me whether I thought Andrew was cute and would consensually hook up with him because they thought that was inconsistent.
Considering that, Mr. West, does that seem like a --
MS. RIECHERT: I'd object to all of that as assumes facts not in evidence.
BY MS. GJOVIK:
Q Considering all that, Mr. West, does that seem like --
MS. GJOVIK: Melinda, go ahead. What are all your objections?
MS. RIECHERT: Yeah, if you want to ask a question. I'd just object to your summary of what happened.
MS. GJOVIK: Okay. Well, we'll go over that in summary judgment next month.
BY MS. GJOVIK:
Q Mr. West, considering all of that, does that seem like a reasonable reason to terminate an employee who worked at Apple over six years?
MS. RIECHERT: Assumes facts not in evidence and improper hypothetical.

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MS. GJOVIK: He still has to answer.
THE WITNESS: Yeah. I wasn't part of the -- like, I was a part of the investigation in that they were asking me questions. I was not part of this decision-making. I was not part of those meetings that you're referring. So I have no idea what they were going to talk to. I don't know.
BY MS. GJOVIK:
Q Mr. West, I'm curious, because you indicated you had some idea of why Apple stated they terminated my employment, but so far I think I've given at least three examples that you claim you were not actually aware of as being the reasons Apple is now stating they terminated my employment; is that correct?
MS. RIECHERT: Objection. Misstates his prior testimony.
THE WITNESS: Can you give me the three examples.
BY MS. GJOVIK:
Q The thing where I wouldn't get on the phone to tell them whether I would hook up with Andrew or not, because apparently if I thought he was cute, that nothing he did was wrong; the ear scans. What was the other one? Inconsistencies -- oh, and the double workplace violence also said they fired me

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because I wouldn't get on the phone with them.
A Okay. So with those three things in mind, repeat the question, please.
Q Is it true that those three things, that you were not aware now stated reasons by Apple of why they say they fired me at the time they fired me until I just told you that?
MS. RIECHERT: Again, don't state anything that you were told by counsel.
THE WITNESS: That's what I'm trying to dance around here.
Yeah. Yes. That's correct.
BY MS. GJOVIK:
Q It's correct that you weren't aware of the details of those three things I just told you?
A That's right.
Q Yeah.
Mr. West, there was also an article published in "The Verge" called "Apple Cares About Privacy Unless You Work At Apple." Are you aware of this article?
A Can you tell me the content of the article.
Q Yeah. It was published around August 30th, 2021, and it was a variety group of Apple employees, current and prior, generally complaining that Apple

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was invading employee privacy and did not respect employee privacy and thought that Apple should do better in respecting employee privacy.
A Were there examples in that article?
Q There were. There were complaints about using personal iCloud accounts to set up systems. There were tools that were gathering more data than employees thought were needed, including radar and that Glimmer app, Gobbler app. Do you remember those?
A Yeah. I think I know which article you're talking about.
Q Do you remember receiving any questions or comments from employees in your organization about that article?
A I don't specifically, no.
Q Do you recall ever reading that article?
A If it's the article I'm thinking, yes.
Q Can you tell me what article you're thinking of?
A There's an article that has images from an internal testing application, and I think it even has a video from -- I think it's Glimmer. That's the article I'm thinking of.
Q So you don't know the title of the article

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or the date or the content other than it has a photo or video from an app called Glimmer?
A That's right. This was an article from -- I don't know -- six, seven -- five, six years ago. It was a while ago.
Q Mr. West, how did you learn about the content in the article that you don't know any details about the article itself?
A Sorry. How do I know about it?
Q Yeah.
MS. RIECHERT: Well, objection. Misstates the testimony that he doesn't know any details about it. He just gave you details.
MS. GJOVIK: He didn't know the title or what content was in it, but he somehow regurgitated a very similar-sounding script of a specific portion within that article without knowing exactly which article it's even in.
MS. RIECHERT: Okay. Objection to your commentary about that.
What's the question?
BY MS. GJOVIK:
Q Mr. West, you -- sorry. Go ahead.
A We talked about this one earlier, that, like, employees -- someone must have texted me the

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link. Like, I don't go on social media as often as I used to. So yeah. Someone must have texted it to me or it showed up in a news feed of mine.
Q And you really remember this photo or video. What about it is in your memory?
A Well, that's test data that's in there, and that's -- it's pretty rare for something -- for a third-party company like that to get their hands on something like this.
Q What was the data?
A If it's Glimmer, Glimmer is all about Face ID. So it's the internal -- it's sort of the uncleaned-up scan that we get from the Face ID elements in your phone.
Q Do you remember anything about the images in that photo or video?
A Not entirely, no. No, I do not.
Q Mr. West, I have to comment that it seems very peculiar that you're aware of the fact that there was some image or video that you don't know the content of in an article you can't tell me what the title is of or what the article was about. So I would just love to learn more about anything you can remember about why you seem to know so many details about the specific Glimmer video or photos.

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Did someone at Apple tell you to respond to questions about that article with that answer you just gave?

MS. RIECHERT: First of all, objection to all your commentary about that as being inappropriate. Ask him a question. Is the question did anybody at Apple tell him what?

MS. GJOVIK: To raise this specific video or photo that he just mentioned in response to questions I raise around that article.

THE WITNESS: No. No one has.

BY MS. GJOVIK:

Q Okay. So, Mr. West, you mentioned this photo or video. What was the issue with it or the comment that was made? Do you recall?

A This goes back to what I said earlier. That's an internal testing app.

Q Mr. West, I really don't know what article you're referring to because you can't tell me what the title was or any context of it, but I'm pretty sure you're referring to --

MS. RIECHERT: Well, misstates his testimony. He told you the context of it.

BY MS. GJOVIK:

Q Mr. West, you mentioned a photo or video.

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Do you remember the title of the article that photo or video was in?

A No.

Q Mr. West, do you remember the date that article was published?

A No.

Q Mr. West, do you remember any of the content in that article you're referencing?

MS. RIECHERT: Objection. Asked and answered.

MS. GJOVIK: We're clarifying. We wanted to clarify.

MS. RIECHERT: You already asked him what he recalled of the content, and he told you.

MS. GJOVIK: I asked about the "Apple Cares About Privacy Unless You Work At Apple" article. He's talking -- I don't want to define what he's talking about because he doesn't even know what article he's talking about.

So whatever article he's talking about, which I don't know what it is because he can't tell me the title, I'd like to know if he remembers any other content in that article he's thinking of, and I have not asked that question yet.

MS. RIECHERT: Yeah, you did. He said he

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recalled the test data that's referenced from a third-party company to get hands on something like this. It was about Glimmer, about --

MS. GJOVIK: That's not what I was asking.

MS. RIECHERT: -- Face ID and uncleaned-up scan.

MS. GJOVIK: We don't know what article he's talking about because he doesn't know the subject, title of it, or the date.

So I said one article. He responded with some kind of concrete image or video of some article he cannot identify. And I would like to know whatever article he is talking about because we don't know -- he can't confirm -- if he remembers anything else about that article to help us identify what he's talking about.

MS. RIECHERT: Other than what he's already testified about.

MS. GJOVIK: Other than that image or photo or whatever he's talking about.

MS. RIECHERT: He gave you a lot more than that.

But other than what he's already testified, do you recall anything else about the article?

THE WITNESS: Not really.

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BY MS. GJOVIK:

Q Do you remember the context of the person who emailed you or texted you or what you saw on social media about this image or video?

MS. RIECHERT: Objection. Vague.

THE WITNESS: Yeah, I don't remember how I found out about this article. That's -- so I can't answer this other part of the question, which is what was the context of how they sent me that article. Because I don't know if they sent it to me or if it came up in a news feed.

BY MS. GJOVIK:

Q Mr. West, can you explain to me how I asked you about a specific article with a title about it and your response was to then refer me to another -- it sounds like a separate article maybe that you don't know who the subject or title of that article and can't tell me anything what's in that article. Why was that a connection for you?

MS. RIECHERT: Objection. Vague.

MS. GJOVIK: He is being vague.

THE WITNESS: The article that I'm talking about came out of "The Verge." You talked about a different "Verge" article, I guess. And that was the connection, is "The Verge."

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BY MS. GJOVIK:
Q "The Verge."
So I'm just going to comment. This isn't a question. But I think you're referencing is the same article I was talking about. And I just really wanted to highlight that you're referencing Apple's fourth and last, I believe -- we'll see. They keep coming up with more stuff -- formal justification for firing me, pointing towards that image video. But I found it very strange that you couldn't even identify what article it was in. That was strange to me.
So -- but that article is called "Apple Cares About Privacy Unless You Work for Apple." And I just want to confirm this video or photo you're referencing, were you aware there's photos and videos of my face?
MS. RIECHERT: There was a lot of commentary in there, and I just --
BY MS. GJOVIK:
Q Yeah. That's just a question. Were you aware that photo or video was just of my face?
A I didn't know it was your face in there, but I did know that this was -- I thought this was the reason you were terminated.
Q But you hadn't actually seen the photos or

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video?
A I did. That's what I'm -- I just said I did.
Q You just said you didn't realize it was my face, but it was pretty clear it was my face.
A Isn't it a green screen or something? Like, it's been a while since I've seen that.
Q It's just black-and-white pictures of me hanging out in my PJs in the living room.
A Okay.
Q So yeah. It's very weird that that was just top of your mind but you can't -- haven't even seen the images and didn't know what article it was in, what it was titled.
MS. RIECHERT: Please, don't have all this commentary. Just let's get to the questions.
MS. GJOVIK: Yeah.
BY MS. GJOVIK:
Q Mr. West --
MS. RIECHERT: We can comment on motions but --
MS. GJOVIK: Yeah. I'm going to -- finish your objections, please, Melinda. I'll wait.
MS. RIECHERT: Just let's stick to the questions instead of all the commentary, please.

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That's what a deposition is supposed to be about.
BY MS. GJOVIK:
Q Mr. West, are you aware that the fourth stated justification for Apple terminating my employment was my participation in the article titled "Apple Cares About Privacy Unless You Work At Apple"?
MS. RIECHERT: Objection. Misstates -- assumes facts not in evidence.
MS. GJOVIK: Not true.
THE WITNESS: So I don't -- what I just said is the images from Glimmer are the reason why I thought you were fired.
BY MS. GJOVIK:
Q But you did not know --
A I don't know the article name. That's true.
Q Mr. West, how long did I work in your organization?
A I'm not sure exactly. Maybe three years, maybe four.
Q And, Mr. West, I had regular one-on-ones with you and we spent personal time, you testified prior; right?
A Yep.
Q Yeah. And I even hung out with your daughter, your teenage daughter; right?

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A Yep.
Q Yeah.
And Apple terminated my employment in 2020, and you never sought to find out any -- what -- oh, 2021. Sorry. You're right. September 2021. You never sought to find out any details of exactly why I was fired?
A No. The detail that I had was because you posted -- or because that Glimmer data was released, that's why you were fired, and I left it at that.
Q But you never saw the photos that they referenced?
A I saw that article. I said I saw that article.
Q So you would have seen it was just pictures of my face?
A Okay.
Q So if it was just pictures of my face, do you think that's Apple confidential?
A If it's through the Glimmer application, which as I've stated, how we test our products, the tools that we use to test our product, all of that is confidential, then, yes.
Q What if a government finds that one of the things -- tools Apple uses is unlawful? Can Apple

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just claim it's confidential that it uses something unlawful? Have you ever heard that?
A I'm not a lawyer.
MS. RIECHERT: May call for hypothetical.
THE WITNESS: I can't answer that.
BY MS. GJOVIK:
Q Yeah.
Do you think that if employees are protesting work conditions and invasions of privacy, that that should be considered outside of just Apple declaring everything is confidential?
MS. RIECHERT: Objection. Improper hypothetical.
BY MS. GJOVIK:
Q Mr. West, do you think employees should be allowed to organize with each other and protest work conditions even if it is related to product development?
A You're asking for my opinion?
Q Yep.
A Yeah. I can't control what employees do outside of work.
Q So if employees are organizing outside work, protesting work conditions they say they think violate their rights and they want better working

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conditions, do you think they should be allowed to talk about stuff that's related to product development as long as they're not leaking trade secrets or other proprietary information?
MS. RIECHERT: Objection. Assumes lots of facts not in evidence.
THE WITNESS: Yeah, can you break it down. Like --
BY MS. GJOVIK:
Q Okay. So earlier -- yeah. Mr. West, earlier you said anything, like, product related is confidential generally; right?
A Yes.
Q But Apple workers -- a lot of them, especially, like, in your organizations, pretty much their whole job is working on products; right?
A Yeah. Back then, yes. That's a true statement.
Q Yeah, so product system quality.
If someone is going to want better working conditions, there's a reasonable chance that some of their working conditions are going to be about working on products; right?
MS. RIECHERT: Objection. Assumes facts not in evidence, improper hypothetical.

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THE WITNESS: And I disagree. No.
BY MS. GJOVIK:
Q Oh, explain, please.
A You don't need to reveal anything confidential to have those discussions.
Q But that would imply that an employee could never take anything outside of Apple if they think Apple isn't going to help resolve the issue they have; right?
A I don't --
Q Do you think -- sorry. Do you think employees -- if it's product-related complaints, do you think employees should not take that outside Apple ever?
A Can you give me an example.
Q Yeah. Like, the other examples from the "Apple Cares About Privacy Unless You Work for Apple" where people were complaining about invasions of privacy through Apple product development processes and tools, I'm asking, do you think that because anything that they reference would be an internal tool or internal process or a user study, that that itself would make it confidential, and so they're leaking by making their complaints to the press?
MS. RIECHERT: Objection. Improper

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hypothetical, compound.
THE WITNESS: I'd like to answer one part of this. I think you're conflating something that's really important here. Participation in some of these user studies, using the Glimmer application, all of that is voluntary. That is not something that we push employees to do or at least that we didn't do in the organization. So -- and, in fact, not participating is not something that they were penalized against, to the best of my knowledge.
BY MS. GJOVIK:
Q Mr. West, are you aware that my performance reviews contained commentary about my participation in supposedly voluntary user studies as a sort of performance benchmark?
MS. RIECHERT: Objection. It assumes facts not in evidence, document speaks for itself.
THE WITNESS: Yeah. In -- so I can't speak to your specific example, but where something -- like, work in any kind of live-on program, as an example -- where that would come up in reviews is typically as a bonus, like, hey, this is exceptional. Thank you for doing this.
BY MS. GJOVIK:
Q That's nice.

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Because it helps the employer, right, when the employees help out with that sort of stuff. It gives them extra data they wouldn't have otherwise; right?

A Gives who extra data?

Q The employer, Apple.

A For development, yes.

Q Yeah.

Mr. West, are you aware that the only agreement I ever had regarding that Glimmer app was for a 20-minute user study in 2017?

MS. RIECHERT: Objection. Assumes facts not in evidence.

THE WITNESS: No.

BY MS. GJOVIK:

Q No.

Mr. West, are you aware that when I participated with the Glimmer app, I had also been asked to help one of your employees, Divienne (phonetic), to work on it pre-phone announce, and she put me on some sort of QA white list so I could help them tasks that they never took me off of? That was around July or August 2017.

A So your question is you were added to a white list and was I aware that you were never

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removed from that white list?

Q Uh-huh.

A No.

Q Mr. West, are you aware that some kind of Gobbler -- I was in it when it was called Gobbler -- Gobbler application is still trying to access my personal iCloud account, and I've complained to Apple several times now but they've done nothing?

A No, not aware of that.

Q Mr. West, are you aware that in the state of California, employees have a constitutional right to privacy that is immediately executing and it's a termination and violation of public policy to terminate employees for protesting their employer invading their privacy?

MS. RIECHERT: Objection. Calls for a legal conclusion and --

MS. GJOVIK: But he's a senior director. He should know some basic stuff.

MS. RIECHERT: He's not a lawyer.

MS. GJOVIK: Yeah. But does he know? Is he aware of this? Has he ever heard of this?

THE WITNESS: No.

BY MS. GJOVIK:

Q So, Mr. West, it sounds like -- even the one

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thing it sounds like you may have been aware of of Apple's stated justifications for firing me, but you weren't aware of the title of the article or the -- those employees organizing, asking for better working conditions regarding invasions of privacy; is that correct?

A Yeah. That's correct.

Q Considering all this stuff I just told you, Mr. West, if you assumed it was true -- maybe I'll ask some more questions, but does that seem like a fair reason to fire an employee?

MS. RIECHERT: Objection. Assumes lots of facts not in evidence.

MS. GJOVIK: That's your own filings, though, Melinda. You can check.

THE WITNESS: For leaking internal information, that's an egregious violation. Yes. We've talked about that. We've --

BY MS. GJOVIK:

Q Egregious -- finish.

A Yeah. Go ahead.

Q Mr. West, you testified you didn't know that these photos or videos were of my face. So how were you so certain that whatever this was was egregious if you didn't know the content being shared, the

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article it was being shared in, or the context of that article?

MS. RIECHERT: Objection. Asked and answered.

MS. GJOVIK: No. He said egregious just now. I'm asking why he thinks egregious if he has none of that information.

MS. RIECHERT: He already told you why it was egregious.

THE WITNESS: Yeah.

BY MS. GJOVIK:

Q Why?

A You're leaking internal testing process and tools. That's egregious.

Q I want to clarify again, though, Mr. West, because what you're saying is very incomplete and inconsistent, because you said you didn't know what was being shared, what the content was. You didn't know it was my face. It was just images of my face, and you didn't know it was of my face.

So I'm curious why you're so certain that whatever it was was egregious and justified immediate termination if your testifying you don't even know what the content was.

MS. RIECHERT: Objection. Assumes lots of

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facts not in evidence, misstates his testimony, asked and answered.
MS. GJOVIK: I want him to still answer this.
MS. RIECHERT: He's already told you.
MS. GJOVIK: He said egregious.
MS. RIECHERT: Leaking confidential is egregious. Leaking confidential information is egregious.
BY MS. GJOVIK:
Q Okay. Mr. West, what was the confidential information specifically?
MS. RIECHERT: Objection. Asked and answered.
MS. GJOVIK: He said very vague. If you want to keep that vague, we can keep it, but I would like to give him a chance to give more specifics if he would like to.
THE WITNESS: It's images from the Glimmer application.
BY MS. GJOVIK:
Q Mr. West, are you aware that the DRI for that Glimmer study had published at least a dozen detailed public articles discussing the methodology processes and product development process for Glimmer

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in developing Face ID on LinkedIn and Medium?
MS. RIECHERT: Objection. Assumes lots of facts not in evidence.
MS. GJOVIK: He was deposed last week and testified to it. I want to know if Mr. West knows after he is so certain this is so egregious.
MS. RIECHERT: I was present at that deposition. That is not what he testified to. And he did publish articles but not about the subjects that you said.
BY MS. GJOVIK:
Q Face ID from, what, strategy to production, one of them was called.
Mr. West, are you aware that other employees have been actively publishing articles for years about the Face ID development process?
A I'm aware that there's a process to publish anything at Apple, and that would require review from several teams.
Q Can you tell me more about that.
A Yeah. Typically, there's marketing involved. There's senior leadership who are involved to approve articles like that.
Q When you said anything, what do you mean by anything?

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A Any sort of public publications require approval. That's what I mean by anything.
Q This DRI -- it wasn't confidential, and he just published them. Do you think he was leaking if that's the case?
A I'd have to read those articles to form an opinion. I don't know.
Q Mr. West, are you aware that the NLRB's issued a complaint against Apple specifically for that review process for publishing anything because it allegedly violated federal labor law, and Apple entered a consent agreement with me and NLRB rescinding, I think, over -- terms in over a dozen Apple national policies and IPA because Apple settled the allegation they violated the NLRA?
MS. RIECHERT: Assumes lots of facts not in evidence and compound. I don't know which -- which of those questions do you want him to answer? Does he know about NLRB doing something?
MS. GJOVIK: The settlement agreement and -- that resulted in the rescission of policies and public posting on the Apple website where they said they were fixing all that stuff because of the settlement for the charge I filed.
MS. RIECHERT: So you put a lot of extra

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things in there. Why don't you just ask him if he's aware of the NLRB consent decree.
BY MS. GJOVIK:
Q Mr. West, are you aware of the LNB consent agreement between me and Apple and NLRB regarding Apple's U.S. national employment policies, including intellectual property agreement?
MS. RIECHERT: Assumes lots of facts not in evidence.
But you can answer if you know about the consent decree.
THE WITNESS: No. I'm sorry. I'm not aware of it.
BY MS. GJOVIK:
Q Yeah.
Mr. West, we're almost out of time. Is there anything else you'd like to add or any prior statements you made that you would like to revise?
A No.
MS. GJOVIK: I thank you for your time in answering my questions.
I think we're done, Ms. Reporter.
MS. RIECHERT: I'd like a rough and an expedited, please.
MS. GJOVIK: I'll have a normal.

(Deposition concluded at 11:56 a.m.)

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and date herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

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 [X] was [ ] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: 04/14/2026

Vesna Walter
RPR, CCRR, CSR No. 11989

DECLARATION UNDER PENALTY OF PERJURY

Case Name: Ashley Gjovik
vs. Apple Inc.
Date of Deposition: 04/13/2026
Job No.: 10188332

I, DAN WEST, 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 _____.

_____
DAN WEST

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: Dan West
Date of Deposition: 04/13/2026
Job No.: 10188332
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.

_____

DAN WEST