UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHLEY M. GJOVIK, an individual,

Plaintiff,

vs. 3:23-CV-04597-EMC

APPLE INC., a corporation,

Defendant.

REMOTE DEPOSITION OF APPLE INC.'S 30(b)(6)
ADELMISE R. WARNER
VIDEO-RECORDED VIA ZOOM
Tuesday, May 12, 2026

Reported by:
Layli Phillips
RPR, CRR, CSR No. 14402
Job No. 10190735

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APPLE INC., a corporation,

Defendant.

Remote Deposition of ADELMISE R. WARNER, taken on behalf of Plaintiff, beginning at 9:09 a.m. and ending at 5:00 p.m., on Tuesday, May 12, 2026, appearing remotely via Zoom before Layli Phillips, RPR, CRR, Certified Shorthand Reporter No. 14402.

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ALSO PRESENT: Isela Perez, Apple in-house counsel

(Video-recorded via Zoom by Ms. Gjovik.)

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P R O C E E D I N G S

9:09 a.m.

--oOo--

THE REPORTER: Good morning. My name is Layli Phillips. I am a California Certified Shorthand Reporter, CSR number 14402.

Please note it is imperative that everyone speak clearly and one at a time. Overlapping speakers are not discernible over the phone and cannot be reported.

Beginning with the noticing party, will counsel please introduce themselves and state whom they represent.

MS. GJOVIK: Yeah. My name is Ashley Gjovik, I am the plaintiff, and I am pro se, I'm not an attorney, so there's not counsel for the plaintiff side.

MS. RIECHERT: And my name is Melinda Riechert, and I am counsel for Apple and the witness.

(Witness sworn.)

THE REPORTER: Please proceed.

MS. GJOVIK: Thank you.

First, just a clarification question.

Ms. Riechert, you said you are an attorney for Apple and the witness?

MS. RIECHERT: Yes.

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MS. GJOVIK: Can you please clarify if you have a separate attorney-client relationship with Ms. Warner outside of her role at Apple?

MS. RIECHERT: No. I represent her as the Apple-designated witness here.

MS. GJOVIK: Okay. Thank you for clarifying.

Okay. So good morning. We are on the record. This is May 12th, at 9:10 a.m. This is the videoconference deposition of Apple Inc. taken pursuant to Rule 30(b)(6) notice and the court's order at Docket 357 on April 22nd compelling Apple to appear at this deposition in the matter of Gjovik v. Apple, pending in the U.S. District Court of Northern California, Case 3:23-CV-04597.

My name is Ashley Gjovik, and I am the plaintiff.

Can the folks in the conference room please confirm if there's anyone else in the room with them or if it is just them?

MS. RIECHERT: Yeah. Isela Perez is also in the room representing Apple, in-house counsel.

MS. GJOVIK: And what is her title?

MS. RIECHERT: Counsel. We're not big on titles here. She's in-house counsel --

MS. GJOVIK: She's a senior director, I

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believe?

MS. RIECHERT: This doesn't matter. She's here.

MS. GJOVIK: Okay. All right.

Okay. And then just a reminder this is being recorded, video and audio is being recorded. It was in the notice. We have the stenography through the court reporter as well, and a copy of the audio video will be provided by me to Apple through the Zoom platform after the close of the deposition.

MS. RIECHERT: Yeah. We'll object to the use of the recording in connection with this lawsuit, either the video or the audio. The only official transcript is the one prepared by the court reporter.

MS. GJOVIK: That is the first objection you've ever made to the video and audio recordings that have been in every single one of my depositions thus far, Melinda. Can you please elaborate your position?

MS. RIECHERT: Yeah. We've explained it to you in email correspondence several times, which is the only official recording is the recording that the one the court reporter prepares, and you're not allowed to prepare your own transcripts. You're not allowed to make -- you're not allowed to use -- excuse me -- your own transcripts or your own recording in connection with

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the lawsuit.
MS. GJOVIK: Okay. We can discuss that later. But to clarify, you have never objected to the use of audio or video recording, and, in fact, you yourself sent notices that you also plan to also use audio-video recording as part of trial exhibits in evidence.
So just to clarify, this is a new conversation that I'm going to have to have with counsel after, but your objections are noted.
Can you also please clarify when you say that you're objecting to the use of audio video, of course it's not the official transcript. That's from the court reporter.
Are you objecting to the use of the audio-video recording at all as evidence in the proceeding?
MS. RIECHERT: Yeah. It's not used as evidence. The video that we did was official, used by an official videographer, and so that can be used. But the ones you're using through Zoom are not official, and so they cannot be used in connection with the case.
So I'm not objecting to your making the videos. And I'm not objecting to your trans -- using the -- making the Zoom recording, but I am objecting to your using them in connection with the case.
MS. GJOVIK: Okay. So you didn't object --

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make that objection for any of the prior depositions, so I believe that's waived, and you will need to follow up with me separately if you want to retroactively make that objection.
But we'll, you know, document your objection for the record in this proceeding, and we can dispute that later. Thank you for clarifying.
MS. RIECHERT: There's been correspondence over time where we explained to you that you needed to have an official court reporter and that if you didn't have an official court reporter, you --
MS. GJOVIK: Melinda, we don't need to --
(Reporter interrupts for clarification of the record.)
MS. GJOVIK: Melinda, as I said, we can discuss this later. I object to your framing of these prior discussion, and I don't agree with your framing of it, and I would like to discuss it after.
But as I said, we can note your objection for this deposition, which I believe is already on the record now, so we can move on.

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ADELMISE R. WARNER
the deponent herein, called as a witness, after having been first remotely duly sworn, was examined and testified as follows:
EXAMINATION
BY MS. GJOVIK:
Q. Okay. Ms. Warner, I would like to have some preliminary questions for you, please. You were just sworn in by the court reporter. Do you understand that you're now under oath the same as if you were testifying in a courtroom before a judge and jury?
A. I do.
Q. Thank you.
And you understand that means you're required to give truthful answers to my questions today?
A. I do.
Q. Thank you.
You understand that even though we're on Zoom and in conference rooms, in a motel, this might feel informal, but giving false testimony under oath can subject you to penalties for perjury?
A. I do.
Q. Thank you.
And you see the court reporter. She's taking down everything that's said today; every question I ask

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and every answer you give, every objection Melinda lodges is going to be made into a written transcript.
Because she can only take down words, I really need you to give me verbal answers. So if your answer is yes, can you please say yes rather than only nodding your head?
A. Yes.
Q. Thank you.
I say instead of only because I also will nod and say yes and, like, I don't want to say you can't just nod.
A. I understand.
Q. Thank you.
Along the same lines, please try to let me finish my question before you start your answer, and I will do my best to let you finish your answer before I ask my next question. That way we don't talk over each other and the court reporter can hopefully get a clean record. Is that okay?
A. Yes.
Q. Thank you.
MS. GJOVIK: And then I'm going to ask Ms. Riechert, if you make objections, please just keep them to the -- a simple objection itself instead of long things or arguing or dispute. As the court reporter

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already noted, that causes a lot of -- we end up talking over each other and wasting time, and it's hard for the court reporter to track what's being said.

So I want you to for sure be able to lodge your objections when you want to make objections, but just try to keep things on track, please.

BY MS. GJOVIK:

Q. And then, Ms. Warner, if at any point you don't understand a question I've asked, I really would like you to tell me, and I'll do my best to rephrase it. Will you please do that?

A. Yes.

Q. Thank you.

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

A. Yes.

Q. Thank you.

If you need a break at any point to use the bathroom or get water or stretch, that's fine. Just let me know.

The only thing that I ask is that if there's a question pending if you can please answer it before we go off the record. Is that agreeable?

A. That is. I do need to let you know due to

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medical conditions I have, I do need to be able to stand up and stretch at least once an hour.

Q. I also have medical conditions that cause me -- so that sounds great. We can take like hourly five minute or so and take a little break. Does that sound fine?

A. Sounds good. Thank you.

Q. Yeah, no problem.

Is there any reason you might not be able to give your best testimony today other than what you just noted?

A. There's no other reason.

Q. Okay. Did you meet with anyone to prepare for today's deposition?

A. Yes.

Q. Who did you meet with?

A. My counsel.

Q. And that's Ms. Riechert?

A. Ms. Riechert, yes.

Q. And without telling me what you and Ms. Riechert discussed, because I understand that's privileged, did anyone tell you what your answers should be to any of the questions that might be asked today?

A. No.

MS. RIECHERT: And I'll object on privilege

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grounds as to what was discussed.

MS. GJOVIK: Okay. But countering your objection, if you told her what to answer, that's unlawful, so there's no privilege for unlawful conduct.

BY MS. GJOVIK:

Q. Ms. Warner, did you review any documents in preparation for today's deposition?

A. I do want to go back to your question. I mentioned Ms. Riechert. I've also met with Ms. Perez who is in here, so but that's also our counsel.

Q. Okay. Thank you for clarifying.

Did you review any documents before in preparation for the deposition?

A. I did review some, yes.

Q. Roughly how many documents?

A. Quite a few. I've reviewed various ones that have been part of the case. I don't know the exact number.

Q. So part of the case as in like production, documents that have been produced --

A. Part of that --

MS. RIECHERT: Wait.

A. Yes.

Q. Do you recall which specific documents you reviewed?

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A. Some, yes.

Q. Which ones? Can you identify them?

A. Some of the policies I've reviewed. I've reviewed the issue confirmations that you had with the investigators. I've also reviewed the summary judgment motion and some of the declarations, a few others.

Q. The -- both summary judgment motions? There's two, the one I filed -- sorry, go ahead.

A. Go ahead.

Q. I was going to say, there's the one I filed and there's the one Apple filed.

A. The one Apple filed.

Q. So you have not reviewed the one I filed?

A. Correct.

Q. And is there anything you can share with me that you discussed that is not privileged?

A. Discussed where?

Q. In preparation for the deposition.

A. Other than with the attorneys, no. That's privileged.

I also met with Dan and Dave Powers, but that was also in preparation for this since I'm a 30(b)(6) witness.

Q. Okay. Thanks.

Ms. Warner, let's go back, then, to my question

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if you met with anyone in preparation for the deposition because your first answer was Ms. Riechert, but then you went back and added Mrs. Perez, and now you've gone back and added Mr. West and Mr. Powers.

So is there anyone else that you met with in preparation for today's deposition you have not mentioned so far?

MS. RIECHERT: Objection to your characterizations.

You can answer the question.

A. There is no one else. I will clarify that you moved to the next question before I finished listing who I met with.

Q. Okay. So your complete answer, then, would be Ms. Riechert, Ms. Perez, Mr. Powers, and Mr. West?

A. Yes.

Q. Okay. So to confirm, you did not meet with Mr. Okpo or Mr. McKeon or Mr. Bertolus?

A. I did not.

Q. Can you share what you discussed with Mr. West?

A. I've discussed with them some of the concerns that they had received in this case.

Q. For Mr. West?

A. For both, from you.

Q. Sorry. Can you -- I'm confused. Can you

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clarify which for each person what was discussed?

A. I discussed with them questions because one of the things I'm testifying about is about complaints raised to them, so I discussed that with them.

Q. Oh, so the complaints I would have raised directly to them?

A. Yes.

Q. Before I was terminated assumably.

A. That would be yes.

Q. Yeah. Okay.

Did you discuss Mr. West's deposition with Mr. West?

A. No.

Q. Have you read the transcript from Mr. West's deposition?

A. No.

Q. Okay. Sorry. I'm never done -- these are my first depositions, and I'm learning this all as I go. It's really complex.

Okay. Ms. Warner, have you ever been deposed before?

A. No.

Q. This is your first time? Oh, that makes me feel better about me doing my first depositions the other way.

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Let's see, when were you notified or agreed to be the witness for Apple in this deposition, or, I guess, when did you confirm that you would be the witness for Apple in this deposition?

A. Okay. There are three questions there. Which one do you want me to answer?

Q. Sorry. Yeah. I just withdrew the prior ones and say when did you confirm that you would be the witness for Apple in this deposition?

A. Between the time you had -- I received the notice through my counsel and now, I don't know the exact date.

Q. Roughly how many days ago?

A. The last week and a half or week.

Q. The last week. Okay.

And then who contacted you about it? Was that Ms. Riechert?

MS. RIECHERT: That would be privileged.

MS. GJOVIK: Not the identities of the lawyers is not privileged.

MS. RIECHERT: What they discussed would be privileged, so if they are -- if they told her she was going to be the deponent, then that would be a privileged communication.

MS. GJOVIK: Well, I'll have to do some

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research.

She's a very good lawyer. Melinda is very good with her objections.

BY MS. GJOVIK:

Q. Okay. Do you have any documents in front of you in the conference room right now?

MS. RIECHERT: We have documents in the conference room, but they are in binders, and they are not -- she doesn't have them open.

MS. GJOVIK: I'm sorry. Objection. That question was for Ms. Warner, not Ms. Riechert, so that was a speaking objection.

BY MS. GJOVIK:

Q. Ms. Warner, do you have any documents in the conference room with you?

A. There are lots of documents in the conference room in binders, yes.

MS. GJOVIK: Okay. I would ask that if you guys are going to reference any of those documents that you please let me know, like ask that you would want to pull it up and review it or read it, or if you read it on breaks you let me know just to ensure that the -- we understand where the substance of the answers are coming from.

A. I understand.

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Q. Thank you.
Similarly, if you guys need to take breaks to discuss, like consult counsel or something, that you disclose that's what's happening and if there's anything you can share from what is discussed to the -- to share that afterwards, please.
A. You're saying you want me to discuss what I discuss with counsel during a break?
Q. I would like either -- I would at least like a disclosure that if you guys need to have a consult that that's what is occurring, that you want to have that conversation between counsel versus just saying it's like a bathroom break if it's actually just to talk to lawyers.
MS. RIECHERT: That's actually not legally required.
MS. GJOVIK: So you're going to say no?
MS. RIECHERT: Right. What -- the reasons for breaks, what was discussed during breaks is not legally required, and it would be privileged.
BY MS. GJOVIK:
Q. Okay. Okay. So can you please, again, state your full name for the record, Ms. Warner.
A. Adelmise Rosemé Warner.
Q. Thank you.

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And what is your current job title at Apple?
A. I am a senior director of global employee relations.
Q. How long have you held that position?
A. For almost six and a half years.
Q. And how long have you been at Apple?
A. Same time.
Q. What was your prior position at a different company before Apple? What -- sorry. Let me rephrase.
Where did you work before Apple?
A. I worked at Pandora and SiriusXM.
Q. What was your position there at the time you left?
A. When I left, I was leading diversity and inclusion and learning and development. I had various other roles at Pandora.
Q. And around what time did you join Apple?
A. January of 2020.
Q. And who do you -- who did you report to at Apple when you joined?
A. Joni Reicher.
Q. And who do you report to now?
A. I report to Deirdre O'Brien.
Q. And around August and September 2021, who did you report to?

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A. Joni.
Q. Do you have people who report to you?
A. Yes.
Q. Roughly how many people report to you?
A. Currently direct reports or total?
Q. Total.
A. Total is roughly about a hundred, a little less.
Q. Did the employee relations investigators report to you?
A. Yes.
Q. So Ekelemchi Okpo would report to you?
A. Not directly.
Q. But he'd be in your organization?
A. Not -- not at this time, no.
Q. Around August -- around July through September 2021 was Mr. Okpo in your organization?
A. Yes.
Q. At the same time was Ms. Jenna Waibel in your organization?
A. Yes.
Q. Around the same time was Mr. Aleks Kagramanov in your organization?
A. Yes.
Q. So those are the three employee relations

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investigators in my case. I just wanted to confirm.
And then as of now, are any of those in your organization, any of those people I named?
A. As of when?
Q. Now.
A. As of now, no.
Q. Did your role change since then?
A. No.
Q. Did they transfer to a different organization?
A. No. One did, yes.
Q. Oh, Mr. Okpo moved to like a labor relations role I believe. Is that right?
A. Currently Mr. Okpo is in labor relations.
Q. Why do Mr. -- oh, sorry.
So Mr. Kagramanov no longer works at Apple is probably why he's not in your organization.
And then Ms. Waibel, why is she no longer in your organization?
A. She is not at Apple.
Q. She also left Apple. Okay. Thank you.
What are your day-to-day responsibilities as of today?
A. That's quite a broad question.
Q. I know.
A. Is there something specific you want to know

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that I do or?
Q. Yeah. So based on what content is in your answers and how it's used in the case, I just want to make sure that there's a baseline of what your role and knowledge and understanding of things at Apple is. And so this is me trying to suss out some of those details just for context if that helps makes sense.
A. Maybe rephrasing the question would be helpful so I can answer it for you.
Q. Yeah.
How would you briefly describe your current role at Apple?
A. I lead the global employee relations function. That means I'm responsible for anything that is referred in terms of concerns by employees to the employee relations team. My team handles them. They do investigations. They conduct investigations to partner with the business.
And I also have a team that oversees accommodations and operations for the ER function, so I lead that function.
Q. Thank you.
Is that Americas or global?
A. I think I said global employee relations, yeah.
Q. Global. Okay. Thank you.

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Did you have any direct involvement in this case yourself outside of your role as the witness for Apple today in this deposition?
MS. RIECHERT: Objection to the word "this case" as vague.
MS. GJOVIK: Let me rephrase.
BY MS. GJOVIK:
Q. Ms. Warner, are you also a fact witness in the Ashley Gjovik v. Apple Inc. civil litigation that we're having this deposition about today in addition to being a witness for Apple corporate during this deposition?
MS. RIECHERT: Same objection. Vague.
MS. GJOVIK: I think that's pretty specific.
BY MS. GJOVIK:
Q. Go ahead.
A. I'm not sure what you mean if I'm a fact witness in addition to my current role here at this deposition.
Q. Yeah. Let me rephrase.
A. Thank you.
Q. Yeah.
So, Ms. Warner, if you were asked to testify about your own personal experiences with this case in 2021, would you have personal experiences that you could testify to in addition to you currently representing the

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corporation generally right now?
MS. RIECHERT: Same objection as to the use of "this case." Are you talking about the lawsuit?
MS. GJOVIK: This lawsuit.
MS. RIECHERT: So did she have any personal involvement in the lawsuit is what you're asking besides this.
MS. GJOVIK: In the subject matter underlying this lawsuit.
BY MS. GJOVIK:
Q. So how about this? Ms. Warner, you were noted as someone who was involved in the termination of my employment back in 2021, which indicates that you were personally involved in the termination of my employment. But you are here today representing Apple Inc. as a corporation.
So I am asking you to summarize your personal involvement, if any, in the termination of my employment and related matters -- leave, investigations -- that separate from you today just representing Apple.
MS. RIECHERT: And don't reveal any privileged communications or work that you did.
THE WITNESS: Thank you.
I think this question has multiple parts. So if you are asking whether I was involved in the decision

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to or the conversations that led to the decision to terminate you, the answer is yes.
BY MS. GJOVIK:
Q. Okay. So I would ask, then, when you're answering questions on behalf of Apple to distinguish if there's anything that you may be answering from your own personal experience, so when I say -- sorry.
Ms. Warner, are you an attorney?
A. I have a license. I am not practicing as an attorney.
Q. Okay. How long have you had an attorney to -- licensed to practice law?
A. I graduated from law school in 2001.
Q. Did you practice law?
A. Yes.
Q. How long did you practice law?
A. Roughly 17 and a half years.
Q. That's a long time.
So, Ms. Warner, you assumably understand what I mean when I say fact witness that you would be someone that I could call that I could depose you -- so I could depose you potentially directly instead of this Rule 30(b)(6), that I could say, Ms. Warner, tell me about the investigations into me, the decision to terminate me, and you would be testifying on your own personal

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experience and decisions and facts.
And that would be separate than what we're doing today, which is a deposition of a corporation where you're representing the corporation instead of yourself.
So because you have -- you're also a fact witness in this case, I would ask that when you're answering questions, if there's things where you would also have stuff you could answer that's based on your own personal experience that you try to distinguish that.
MS. RIECHERT: I'll object. I don't think that's possible, nor is it required. She's here as a 30(b)(6) witness. She can testify about things she's learned in preparation for the testimony, and she can testify about her own experiences on the subjects of the 30(b)(6). I don't think she can be expected to distinguish between what she knew as a percipient witness and what she learned in preparation for the deposition. I don't think that's legally required, and I don't think it's possible.
MS. GJOVIK: I would object to that and sustain this because I think it's very important that now basically if I was to depose her after this, it would be extremely complex to figure out what she actually did

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and said and knew back then versus what she learned in preparation for this deposition and essentially sullied her as a fact witness because now she knows a lot more than she might have otherwise and we going to trial likely be called.
So we will have to separate things of what was specific to her own experience versus her preparation for this.
But I understand that that's kind of a -- usually they get someone that's, like, not involved to be the witness.
So I understand this will be kind of complex of flagging stuff. So I might just ask follow-up questions if it sounds like it's something intersecting both to try to separate it, and that's why because I want to make sure that we're not combining two things in case we have to pull it apart later.
MS. RIECHERT: I'll object to much of what you just said, including discovery is closed, so you can't take that deposition as a fact witness.
But if she can remember things that she knew individually, she's welcome to say it. But she's under no obligation to do so.
MS. GJOVIK: I said she could be called at trial.

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BY MS. GJOVIK:
Q. Anyways, okay. So, Ms. Warner, do you understand that you have been designated by Apple to testify on its behalf today pursuant to Rule 30(b)(6)?
A. I do.
Q. Do you understand that your testimony today will be the testimony of Apple Inc. and that Apple Inc. will be bound by your answers?
MS. RIECHERT: She's testifying on behalf of Apple Inc. The legal ramifications of that we can discuss. I'll object to asking for a legal opinion.
MS. GJOVIK: That's kind of a speaking objection. And I think it's important that she understands her role. If she does not understand that the things she says today are binding on Apple Inc., then we probably have to cancel and circle back because that would put all of her testimony at issue, so I'm going to ask that she answer that question.
MS. RIECHERT: She understands she's appearing as a 30(b)(b) witness on behalf of Apple Inc. The legal consequences of that can be determined by the court.
MS. GJOVIK: Okay. Speaking objection. You're testifying on her behalf, which is not proper. That's very improper, Melinda. You know better than that.
So let me rephrase, though.

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BY MS. GJOVIK:
Q. Ms. Warner, do you understand that your testimony today is going to be considered on the record as testimony made by Apple Inc. instead of yourself?
A. I understand that I am responding to a 30(b)(6) and that I am here testifying on behalf of Apple, yes.
Q. Okay. And do you understand that today you're required to testify not only based on your personal knowledge but based on all information known or reasonably available to Apple Inc.?
A. All information relating to the topics that I was notified to testify about, yes.
Q. Yes. Thank you.
Has it been explained to you that the company Apple Inc. had a duty to prepare you to testify about the information that is reasonably available to it related to the topics of this deposition, including documents, current and former employees, and other sources?
MS. RIECHERT: Objection. Calls for attorney-client privilege.
Instruct you not to answer.
MS. GJOVIK: Unless you guys didn't do it. If the answer is no, I don't think it's privileged.
MS. RIECHERT: I'm not going to discuss what we

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did or did not discuss with the witness in preparing for the deposition.
BY MS. GJOVIK:
Q. Okay. So, Ms. Warner, you said that in preparation for today's deposition, you met with Ms. Riechert, Ms. Perez, Mr. West, and Mr. Powers. And you said that was the complete list of people.
So can you confirm that in preparation for today's deposition of you presenting on behalf of Apple Inc. that you did not meet with any other witnesses?
A. I think I've already answered that, but yes, again --
Q. Thank you.
A. -- in preparation for this deposition since I received the notice.
Q. Yeah.
Okay. And then I just want to go over the topics today just to confirm, these are the topics ordered by the court and which Orrick had emailed that they -- I believe that were going to be slotted for today with you testifying as the witness.
We have Topic 4, which is:
"Any complaints, reports, or concerns raised by Gjovik regarding environmental, health, and safety conditions, regulatory compliance,

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privacy invasion concerns, discrimination, retaliation, or harassment from 2020 to 2021; and defendants response thereto."
MS. RIECHERT: She's only testifying to some of that topic, not all of that topic.
MS. GJOVIK: I was -- I was about to say that before you interrupted me.
BY MS. GJOVIK:
Q. They said that was a split one, so can you please clarify which topics in that group you are testifying to today?
A. I'd like to pull my -- the notice that I received just to --
Q. Yeah.
A. -- make sure I'm speaking accurately.
Topic 4, I will speak to the privacy invasion concerns, discrimination, retaliation, or harassment.
Q. Thank you.
But not regulatory compliance?
A. Correct.
MS. GJOVIK: Ms. Riechert, is regulatory compliance targeted for 5/14?
MS. RIECHERT: Yes.
MS. GJOVIK: Okay. Thank you.

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BY MS. GJOVIK:
Q. And then for Topic 6, we have:
"Any investigations conducted by or on behalf of defendant into Gjovik's conduct or performance in 2020 through 2021, including the basis, scope, and outcome of each."
Is that on -- you're planning to testify to that today, Ms. Warner?
A. Yes.
Q. Thank you.
Same question for Topic 7:
"The decision to place Gjovik on administrative leave, including the reasons, the decision-makers involved, and the information they considered."
Is that something you're testifying to today?
A. Yes.
Q. Thank you.
Topic 8:
"The decision to terminate Gjovik's employment, including the reasons, timeline, investigation, the decision-makers involved, communication to Gjovik, the information they considered, and any alternatives considered."
Is that something you're planning to testify to

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today?
A. Yes.
Q. Thank you.
And then Topic 9:
"Defendant's knowledge of and response to Gjovik's charges or complaints filed with the EPA, NLRB, Department of Labor, EEOC, DFEH/CRD, and DIR prior to termination, or other agencies."
Is that something you're planning to testify to today?
A. Only to the extent of what I am aware we had knowledge, Apple had knowledge of, yes.
Q. Okay. And then finally, Topic 14:
"Any investigations into Gjovik's 2020 through 2021 complaints, including findings, outcomes, and timelines and decision-makers."
Is that something that you're planning to testify to today?
A. Broadly speaking, yes.
Q. Thank you.
Am I missing anything?
A. I don't know. I'm not aware of any other topics --
Q. Okay.

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A. -- that's been notified for me.
Q. Okay. Thank you for confirming all that.
Approximately how much time, Ms. Warner, did you spend preparing for this deposition?
A. Approximately maybe equivalent of two days.
Q. Ms. Warner, did you review any deposition transcripts -- sorry. That's my dog, Captain. He's a good guard dog with squirrels.
Did you review any of the transcripts of the depositions conducted this far in this litigation in preparation for this deposition?
A. Yes.
Q. Which ones?
A. I reviewed Yannick Bertolus's deposition transcript.
Q. Okay.
A. I also reviewed Ekelemchi Okpo's deposition transcript.
Q. Thank you.
Did you review the company's responses to written discovery in this case, including interrogatories and requests for admissions?
A. Yes.
MS. RIECHERT: Objection. Compound.

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BY MS. GJOVIK:
Q. Okay. Did you review privilege logs?
A. No.
Q. And interrogatories.
Okay. Were there any documents you wanted to review in preparation but were unable to access in time?
A. I'm not sure how to answer that question. No.
Q. If there was -- okay. You said no?
A. Correct. I don't know what you mean by wanting to review. But --
Q. Oh, like if there was a complaint filed or some -- like the issue confirmation, I want to read that, and you couldn't get it in time before then, you'd be like, well, I wanted to see the issue confirmation, but I didn't have time to read it.
A. Is that an example of a question you're asking me?
Q. Yeah. That's what I mean, like if there's something specific you wanted to review and didn't have time.
A. No.
Q. Okay. Thank you.
Did anyone at the company or counsel for the company tell you you should not review certain documents and -- or should not speak with certain people?

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MS. RIECHERT: Objection to the extent it calls for attorney-client privilege as to what she was or was not told by counsel.
MS. GJOVIK: But if they told her to do that, it's unlawful and not privileged.
MS. RIECHERT: Objection to that statement as well.
A. Can you rephrase that, please.
Q. Yeah.
And let me ask it as two questions so it's not compound.
Melinda's objections do help me ask better questions. It gives me time to iterate.
Did anyone at the company or counsel for the company tell you you should not review any documents in preparation for today's deposition?
MS. RIECHERT: Again, objection. Attorney-client privilege as to what she was or was not told by counsel. But if she was told that by other than counsel, she's welcome to answer.
A. I was not told that by anyone other than counsel.
Q. Okay. And then did anyone at the company or counsel for the company tell you to not speak with certain people in preparation for today's deposition?

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MS. RIECHERT: Same objection as to attorney-client privilege.
Instruct you not to answer as to any discussions with counsel.
A. The answer is no, same as before.
Q. Is there anyone with the company who knows more about these topics than you do?
A. I have no idea how you want me to answer that. I don't know.
Q. Okay.
A. I'm here to testify as a person who has most knowledge about the information. So I think that probably tells you the answer.
Q. It's not exactly what I was looking for.
I'm sorry. Some of these questions are weird. Part of this is me figuring out how this works. Part of this is Apple being kind of dodgy about stuff.
Let me try and dig in and figure out what's going on --
MS. RIECHERT: Objection to your statements --
(Reporter interrupts for clarification of the record.)
MS. GJOVIK: I'm sorry, ma'am.
MS. RIECHERT: Objection to your statements that Apple is dodgy about this or anything else.

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Absolutely not true.
BY MS. GJOVIK:
Q. Okay. Anyway, so sorry if some of my questions seem odd. They are all being asked for some reason, and I will try to ask them more clearly when you explain if they're not clear.
Okay. But after your preparation so far, Ms. Warner, do you feel confident you are able to fully testify on behalf of Apple Inc. about each of the topics that you've been designated for and we just discussed and confirmed?
A. Each of the topics as discussed and I had answered, yes.
Q. Okay. Thank you.
Okay. And it's 9:45. We can plan to take a break at like 10:00, take like a five-minute break if that sounds good at 10:00.
A. That's fine. Thank you.
Q. Yeah.
So just to start, I thought it might be helpful to start with some like high-level questions before I get into the more details of the categories.
So the first one would just be, Ms. Warner, can you please describe your -- Apple Inc.'s position of why Ms. Gjovik was terminated -- her employment was

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terminated on September 9th, as of September 9th, 2021?
A. There are two questions there, and it's a bit convoluted.
But my understanding and Apple's position is that you were terminated primarily because you had disclosed confidential information publicly and, in addition to that, you also had refused to cooperate with investigators in the course of an investigation that was being conducted and, in addition, you had provided information that was misleading. And all of those acts were in violation of Apple policies.
Q. Okay. Thank you.
You mentioned it was convoluted, which indicates maybe you didn't understand.
So can you help me understand what was confusing about my question?
A. You had a few things in there: You were terminated on that date and as of that date and what Apple's understanding.
Q. Yeah. So this is like the question of the lawsuit. So I just want to make sure we have a really clean answer.
What I was going at is Apple's legitimate justification for terminating me at the time it terminated me. That's Apple's defense.

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So it might come up with stuff later, and those are other types of defenses. But the main defense that the plaintiff has been tasked with attacking is whatever the defendant said at that -- at time of the termination the reason was. So that's what I'm trying to get towards.
So is there anything in your answer you would modify with that clarification I just gave, or is the answer you gave just before still what -- the answer you would provide?
A. The answer I gave is the answer responding to your question as to the reasons for your termination on September 9th, 2021.
Q. Okay. Thank you.
So now I would like to -- I'm sorry. Did I interrupt you?
A. No.
Q. Okay. Thank you.
Now I would like to pull apart each of those categories. The first one, you said something about confidential information. Can you please provide more details about that?
A. Yes. There were images of unreleased product or things that you were involved in the studies involving the Face ID that you had, for example, you had

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posted on Twitter, now X. And those were deemed to be confidential and in violation of policies.
Q. Okay. Was it one or more Twitter posts? How many Twitter posts?
A. I don't know how many Twitter posts you had, but there were at least one Twitter post that had the confidential information that led to your termination.
Q. Can you explain what the confidential information was?
A. The actual image of the Face ID, the product, the recording you had. And you probably recall on -- it was a study you were participating in that was on the Glimmer app at that time. And that was an image that you had posted on Twitter, and you had also shared it.
Q. Sorry. Can you distinguish the difference between posting and sharing?
A. You posted online. You're sharing it online. I don't think there's a difference.
Q. You said posting and then also shared. So I'm trying to get the specific details nailed, you know, really get them, the -- the final formal answer from Apple of exactly what they are pointing towards.
So can you confirm you're saying the confidential information that was shared leading to the termination as of the date of the termination that was

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just related to Face ID and Glimmer?
A. That was one of the images that you had posted on Twitter that I mentioned earlier I -- Yannick, who was the decision-maker in the case, had reviewed.
Q. Thank you.
You said one of the images. Was there -- there's others that were leading to the termination?
A. They were related to that. You had also posted things like with the ear scan, so there were other things you had posted. But specific to that day, the Face ID, the images that you had on Twitter, which I think, I believe, has been produced in this case and you do have, was what Mr. Bertolus had reviewed.
Q. Okay. So and I want to be clear. I'm asking on behalf of Apple, not Mr. Bertolus.
So Mr. Bertolus received emails from Ms. Bowman and had conversations with Ms. Jacobs per his own testimony, so there was a lot more going on behind the scenes than just Mr. Bertolus.
So I would just ask that you please reanswer the question on behalf of Apple Inc. instead of restating Mr. Bertolus's testimony.
MS. RIECHERT: Well, I'll object to that. She's -- as part of the statement as to what the reasons for the termination as known by Apple Inc., she

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obviously has to rely on Mr. Bertolus's testimony since he was the main decision-maker, so she cannot distinguish between what Mr. Bertolus said and Apple's knowledge since Apple's knowledge is what Mr. Bertolus said.
MS. GJOVIK: Objection to that. There are multiple decision-makers in the termination disclosed by Apple, including Ms. Warner. So she may actually even know more than Mr. Bertolus.
So I would like an answer on behalf of Apple Inc., and if they want to narrow it to just what Mr. Bertolus said, okay, but I need that in Apple's own words instead of just citing Mr. Bertolus's prior testimony.
MS. RIECHERT: Objection. Objection that what you just stated is inaccurate and not in accordance with the record in this case.
There was one decision-maker. It was Mr. Bertolus. He made the decision. He relied on information received from other people. But there was only one decision-maker.
MS. GJOVIK: Speaking objection. You're not testifying, Ms. Riechert.
MS. RIECHERT: No, but I'm objecting to your characterization which is incorrect.

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MS. GJOVIK: Well, you can just say that instead of the speaking objection is the point, please. You're not supposed to go on a monologue.
BY MS. GJOVIK:
Q. Okay. So I'm going to ask this -- sorry, Ms. Warner.
Did you -- you looked like you were about to say something?
A. No.
Q. Okay. So I might ask these questions a couple times from different angles just to try to get more information. I'm sorry if it sounds repetitive.
So regarding this first category you're saying I was terminated for about confidential information, can you confirm that as of the date I was terminated that the sharing of confidential information that led to the termination was just on Twitter, now known as X, and not other platforms or in the press?
A. As of the date, you may have had those images in other settings, but one of the places that you had it was on Twitter, now X.
And I do understand and you also had posted, share that with "The Verge." There was an article on that.
But my answer before with respect to the

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decision was based on the images that you had specifically on Twitter that, as I said, Mr. Bertolus reviewed.
Q. Thank you.
And can you confirm the termination -- as of the date of the termination, it was just one Twitter post, is that correct, that was the -- giving rise to the termination?
A. There was at least one Twitter post.
Q. When you say at least, is Apple uncertain how many Twitter posts were considered?
A. I don't have the exact number. You had posts and you had images that they looked at. So the images were on Twitter. And there were various of them. But I cannot confirm for you how many you had posted that we were not aware of.
Q. Ms. Warner, that was not my question.
My question is when Apple was deciding to terminate my employment on September 9th, 2021, how many Twitter posts did they consider as the basis for the termination of that employment?
A. I don't have the exact number, but there was at least one.
Q. Okay. And then can you confirm that as of the date of my termination, Apple is currently unsure how

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many posts were reviewed and were the basis of the termination?

A. No. That was not my answer. I think I've answered it a few different times for you.

Q. So you're saying at least one, which implies there's more than one. But when I ask you if there's more than one, it seems like you're refusing to answer.

A. I think I have answered the question a few different times. So I have not refused to answer your question.

Q. Okay. So --

A. You don't like the answer that I'm giving, but I have not refused to answer the question, to be clear.

Q. I actually like your answer because it's inconsistent and helps prove my case.

I'm trying to get you to commit to something specific here, and Apple's refusal to commit to literally the bare minimum of the legitimate justification defense is actually extraordinarily helpful for my case.

MS. RIECHERT: (Inaudible.)

(Reporter interrupts for clarification of the record.)

MS. RIECHERT: Objection to your characterization. Okay. You're here to ask questions.

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You're not here to characterize the evidence or how it helps or doesn't help your case.

MS. GJOVIK: All right. That was prompted by the witness, but I'll move on.

BY MS. GJOVIK:

Q. I would still like to ask a couple more questions at a high level about this first category --

MS. RIECHERT: One, by the way, I don't know that it's the first category. Are you on the termination one?

MS. GJOVIK: I'm still talking about the termination and the three categories of misconduct that Ms. Warner listed as the basis for the termination.

MS. RIECHERT: Okay. Topic 8.

MS. GJOVIK: And then we're talking about the confidential information.

BY MS. GJOVIK:

Q. Ms. Warner, you said there's at least one Twitter post. And you said something about the image. Can you please provide more detail about what it was about this image that made it confidential?

A. I think I've said before there were and the image had shown you were participating in a study and, again, that -- the Face ID specifically looking at that. You had provided screenshots, or at least you posted the

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screenshot of those images that were taken in the course of the study that you were involved in, and that information had shown potentially certain features of the tool or the actual Face ID product that was not yet released.

And the way it was set up was structured how you provided that image could reflect some of the confidential nature unreleased or the -- the how algorithm behind the scenes, if you will, information about that feature.

So that by itself was confidential, and it is my understanding that it was confirmed at the time of your termination that the image that you had posted included confidential information that had not yet been released to the public.

Q. Thank you, Ms. Warner.

Who confirmed that at the time of the termination?

A. Mr. Bertolus for one did confirm before he made the decision that, in fact, it was confidential.

Q. What was the basis for Mr. Bertolus's determination that it was confidential?

A. What do you mean by what's the basis?

Q. You said he determined it was confidential. I'm asking you what facts was -- what facts were

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considered or what kind of risk was confirmed for Mr. Bertolus to if -- let me withdraw.

Are you saying that Mr. Bertolus was the one who made the decision that the content in the image was confidential?

A. I am saying he confirmed that it was, in fact, confidential. And as the leader who was making the decision, he determined that it was confidential.

Q. How did Mr. Bertolus determine it was confidential?

A. He spoke to probably -- others who would have been involved in the tool -- the product, the feature, to determine that.

Q. Who did he speak with?

A. He consulted with various folks, including in global security. He consulted with others who had been -- in HR who had looked into whether it was confidential. And I believe you have here Mr. or Dr. Aloe who also has indicated that it was a confidential feature.

Q. So I want to be clear we're talking about the date of my termination. So are you saying Mr. Bertolus talked to Mr. Aloe before I was fired about this?

A. No, I'm not saying that.

Q. Okay. And so who -- who by name did

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Mr. Bertolus speak to to determine what I shared was confidential prior to my termination?

A. I do not have the exact names. He spoke to various folks, as I mentioned, in global security, HR, and the business.

MS. RIECHERT: And a lot of that is confidential and privileged, and we've objected on that basis.

BY MS. GJOVIK:

Q. Okay. So if you speak to someone who is not a lawyer, that can't be privileged, so --

MS. RIECHERT: It can. It was in the presence of counsel and in connection with the obtaining of legal advice.

BY MS. GJOVIK:

Q. Okay. So on behalf of Apple, as of the date of my termination, who by name at Apple were the ones to make the determination that what I shared in the Twitter post or posts was confidential?

A. Mr. Bertolus determined it was confidential and it was in violation of policy, and he did that by having conversations; some of them were with counsel.

Q. Is Apple planning to argue as a defense the adequacy of their investigation?

MS. RIECHERT: Objection. This witness is not

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here to talk about Apple's defense in this case. It's not one of the topics.

BY MS. GJOVIK:

Q. Okay. So, Ms. Warner, is Apple going to claim that any further detail on this matter is privileged and they won't provide any other information?

MS. RIECHERT: Okay. Ask your questions. I will object if the question calls for privileged information.

BY MS. GJOVIK:

Q. Okay. Ms. Warner, is there anything else that you can share with me about Mr. Bertolus's investigation and determination on -- up to and when I was fired about the content I shared being confidential?

MS. RIECHERT: Objection. Vague. Overbroad. Ask a question, and then she'll answer it.

MS. GJOVIK: That is the question because she's claimed privilege.

BY MS. GJOVIK:

Q. You've claimed privilege, so is there anything else that you can share about Mr. Bertolus's investigation and determination that I shared confidential information on Twitter beyond what you've already testified just now?

MS. RIECHERT: Okay. You already know what

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she's allowed to testify about because Yannick already testified about his --

MS. GJOVIK: Objection. Speaking objection.

MS. RIECHERT: I know. But you asked anything else you can testify about. That's not a proper question.

Who did she consult with, what did they tell her, you can ask all of that.

MS. GJOVIK: I'm sorry. You're saying "her," but she said it was Mr. Bertolus who --

MS. RIECHERT: Right. Who did he consult with, you can ask that. And she can answer as to the stuff that's not privileged, which you know well about.

MS. GJOVIK: Okay. So I did ask, and she could not give me any names.

MS. RIECHERT: Incorrect, incorrect. That's not what --

BY MS. GJOVIK:

Q. Okay. Ms. Warner, can you please provide me any names of the people that Mr. Bertolus consulted in making the determination that what I shared was confidential?

A. I have already answer -- I've already answered that. In the course of him making the determination about the images, I've said there were discussions with

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members of global security, the members of the HR team or the people team, and legal counsel.

And those conversations led to the conclusion that the information you had shared, the images, specifically, were confidential.

Q. Thank you.

But can you identify the names of any of these people in these organizations that you're mentioning?

A. Megan Bowman is one of them. Again, conversations that may have happened were with counsel. To the extent of that, I'm not going to speak to that.

Megan Bowman who is in HR. And we had the global security team. Sophi Jacobs is one individual. And I've already mentioned Robert Aloe who was one of the individuals consulted.

Q. Thank you.

I just want to confirm again because we're talking about as of the date I was terminated. So did Mr. Bertolus consult with Mr. Aloe prior to my termination?

A. I've already answered that. He consulted with various folks who included conversations with Mr. Aloe.

Q. So you're saying Mr. Bertolus did talk to Mr. Aloe prior to terminating my employment about this matter?

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MS. RIECHERT: Misstates the testimony. She said he consulted with people who had consulted with Aloe, not that he consulted with Aloe.
BY MS. GJOVIK:
Q. Ms. Warner, was --
A. Different times.
Q. Ms. Warner, prior to and up to the termination of my employment, was Mr. Aloe consulted about the confidentiality of content I shared on Twitter?
A. The confidentiality of broad content or the images?
Q. The images.
A. Yes.
Q. What was the date that Mr. Aloe was consulted?
A. I don't have the exact date. It would have been between when you posted it around the August 30th and the September 9th of your termination.
Q. And what was Mr. Aloe's position on the content shared?
A. That it was confidential.
Q. Why was it confidential?
A. I think I've already explained that earlier. The nature of the image is not public, what's behind the scene, the algorithm, what people would be able to decipher from that, as I answered it earlier.

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Q. What could people decipher from the images posted?
A. Well, if somebody could -- they could take the images that you have. Again, it's the Face ID, the features behind them. They could reverse engineer. That's my understanding of what led to that.
And also, it was a study that you were involved in that was not public, and it was made very clear to you that it was confidential.
Q. Can you tell me more about the study?
A. The study that -- about the Face ID that you were involved in?
Q. Mm-hmm.
MS. RIECHERT: Well, first of all, I know you don't like the witness to answer anything that's confidential that I'm going to put under the protective order, so assuming that you continue to take that position, then I'll instruct her not to provide any confidential information that I would have to put under the protective order.
MS. GJOVIK: I agree if she can avoid providing anything that you might designate confidential. However, you've not designated anything confidential related to Gobbler or Glimmer or that user study in this litigation thus far, so I find it highly unlikely that would occur here.
MS. RIECHERT: Right. When you took Mr. Aloe's deposition, we had an agreement that he would not answer anything that would be confidential that I would put under the protective order, so he gave you general information but not super-confidential information about what it was about the images that were confidential.
MS. GJOVIK: He -- he testified why he thought the images were confidential.
MS. RIECHERT: Right. But he didn't give any confidential information about it because you didn't want me to put anything on the --
MS. GJOVIK: I'm going to object to this objection. It's a speaking and monologue and conversation and confusing.
BY MS. GJOVIK:
Q. And I'd like to go back to my question, please. Ms. Warner, can you please tell me about what this study is that you're referencing in your past -- your last answer?
MS. RIECHERT: Okay. Do we want to get into confidential information or not?
MS. GJOVIK: I would like her to provide more information. She said study, and I would like to know what this study is.

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THE WITNESS: I think I said more than just study. I said the Face ID that was in Glimmer that you were participating in. I've already answered that a few different times.
MS. GJOVIK: Okay.
THE WITNESS: And at this point I think I would like to be able to take a break if you don't mind.
MS. GJOVIK: Oh, yeah. Sorry. We went past 10:00.
THE WITNESS: That's all right.
MS. GJOVIK: We can take five minutes.
THE WITNESS: Sounds good. Thank you.
(A short break was taken.)
MS. GJOVIK: Thank you.
BY MS. GJOVIK:
Q. So, Ms. Warner, let me continue the questioning we had prior. But let me just hone in on some specific details on these photos that were posted to Twitter, now X.
Is it Apple's position that it was just the photos themselves that was the leak of confidential information?
A. The images that were posted were the -- in terms of the post on Twitter contained the confidential information. Again, that's how the photos were

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captured, where they were captured, what could be shown on the photos, the actual images themselves, that's the confidential information.

Q. Okay. Thank you.

A. You're welcome.

Q. And assumably someone at Apple had somehow seen those images and shared them with Mr. Bertolus because Mr. Bertolus testified he did not see the Twitter posts themselves. He only saw the images.

So who at Apple was the ones that removed the images from the post to show to Mr. Bertolus?

A. I'm sorry. You said something earlier. There was a word I didn't catch in what you said in your question. Can the court reporter please read that because I want to make sure I captured it correctly.

(Record was read as requested.)

A. I think your question's assuming somebody at Apple removed the images, but Mr. Bertolus was made aware of the images that were posted because they were concerns that were raised about you posting the confidential images on Twitter. I'm not aware of somebody going into Twitter and removing them from Twitter to show Mr. Bertolus.

Q. Let me clarify and reask because that didn't answer my question.

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Mr. Bertolus testified he believes he saw images, but he believed he did not see the Twitter post that images were shared on.

Who at Apple showed Mr. Bertolus the images?

MS. RIECHERT: So I think it's vague and confusing. You're saying the post. Is the post the image or the post is the words below the image? I think that's what's causing the confusion here.

BY MS. GJOVIK:

Q. So Mr. Bertolus said he did not see what was actually shared on Twitter, so he would not have seen the account and the comment made in the post or exactly what images were necessarily shared or comments. Mr. Bertolus testified he only saw images and said they were shared to social media.

So I'm asking who at Apple showed Mr. Bertolus the images from the post at issue?

A. I -- I think you may be mischaracterizing some of Mr. Bertolus's testimony. But if you have the transcript, you want to read it, that would be fine.

As I've said before, Mr. Bertolus received information that there were the images posted by you on Twitter, and he had also received information, as I've mentioned before, of you also shared some of that through "The Verge," and there were similar images.

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And he reviewed those, and some of this came to Apple through various concerns that -- that were raised to the company and were shared with Mr. Bertolus.

And as I've also mentioned, he had conversations with people in global security, with HR, ER, and legal to talk about those concerns in the specific images.

Q. Thanks. That didn't answer my question. It created a few more.

So let's do it -- let me ask this way.

A. I think you don't like the answer. But go ahead. I'll try to answer it for you.

Q. Yeah. So let me just rephrase from a more foundational level.

Did Mr. Bertolus review the actual Twitter post at issue in making his determination to terminate my employment?

MS. RIECHERT: Okay. The same objection as to the word "post." Are you talking the post is the image or the post is the comments and the words below the image?

BY MS. GJOVIK:

Q. Post as in the -- whatever I shared. If there's images attached, the text I put in line, I -- I'm not asking about comments from other parties.

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I'm saying whatever Apple said they fired me for posting on social media, however I posted it, did Mr. Bertolus review that content as could be seen on Twitter, now known as X?

A. Mr. Bertolus reviewed the images that you included in your posts on Twitter.

Q. Thank you.

So Mr. Bertolus did not review the words, the content I posted in -- when I shared these images?

A. I believe he testified that he didn't review the comments. And, again, you can share what he said specifically or we can look at his testimony.

But as he's testified, he did review the actual images that were included in your post on Twitter.

Q. Thanks.

So if he's reviewing the images but not the actual words in my post, that would imply that someone took the images, downloaded them from the post, and shared just the images with Mr. Bertolus rather than the Twitter post itself.

And I'm asking again who at Apple shared those images with Mr. Bertolus?

MS. RIECHERT: The images without the lang -- without the words?

MS. GJOVIK: Whatever images Mr. Bertolus

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reviewed in determining to terminate my employment.
A. I think I've already answered that through conversations with global security, with HR, and ER and legal, he was shown, and I've identified Megan Bowman as one, I identified others, shown the images, and he's reviewed them.
Again, comments or words, you can go back to his testimony and what he said he did. But I've testified he's reviewed the actual images that you had posted.
Q. Okay. Do you have name -- other names, or is your only answer Megan Bowman? Was Megan Bowman the only person that shared the images with Mr. Bertolus?
A. I don't know how else you want me to keep answering the same question.
Q. I want names. So if I was to follow up to whoever shared them with him with more questions, I would need their name. So I need the names of the individual or individuals who shared the photos with Mr. Bertolus.
MS. RIECHERT: Just a reminder that discovery is closed.
A. I've listed the individuals and teams that consulted with Mr. Bertolus and looked at the video of the images with him.

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Q. You only listed one name: Megan Bowman. Are there additional names?
A. I have said members of global security were involved in the consultation. Members of the legal team, again, privileged conversations.
Q. The names of the individuals are not privileged, and if Apple refuses to provide additional names, that is something I would have to raise to the discovery judge. That's --
MS. RIECHERT: You want the names of the people -- you want the names of the people in global security and the names of the people in legal? Is that what you're asking for?
MS. GJOVIK: That's what I've asked repeatedly.
A. I've already mentioned global security, Sophi Jacobs. And Megan Bowman obviously is in HR. And from a legal perspective, we have Ms. Perez here, Debbie Rice were the legal counsel internally. And HR would be myself who would have seen the images as well.
Q. Okay. So we have Warner, Jacobs, Bowman, Perez, Rice.
Did all these people then see the actual Twitter post themselves with the content, the words I shared in addition to the attached photos?
A. This is a -- so the words that you posted on

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Twitter, they probably did.
Q. So all --
A. The images that were at least -- the screenshots and what you had posted on "The Verge" or shared on "The Verge," again, focus on the images that you had shared that was related to Apple.
Q. Yeah. And I'm asking about the words in the social media post where the images were attached to.
So is Apple's answer that Ms. Warner, Ms. Jacobs, Ms. Bowman, Ms. Perez, and Ms. Rice all saw the actual Twitter post with the words I used in addition to the photos --
A. Do you have the --
Q. -- prior to the termination?
A. Do you have the actual post because I think we're getting down a path of it's a little confusing: Posts, comments, images.
You had them on Twitter. Again, there were images. There were reports that came in to Apple, and you had the videos and some of the screenshots on "The Verge." Again, various members of the teams that I've mentioned were aware of those.
Now you're asking whether -- who went on Twitter and looked at them. I'm not saying that they are -- all these individuals went on your Twitter if

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that's what you're asking.
So I think you need to clarify; to the extent that I haven't answered that question, I feel like I've answered it a few different times.
Q. I'm --
MS. RIECHERT: And anything that the legal department did would be privileged.
BY MS. GJOVIK:
Q. I'm asking again who saw the words of the Twitter post since Mr. Bertolus testified he didn't remember seeing the words, and he --
MS. RIECHERT: No. He said he did not see the words before --
MS. GJOVIK: Mm-hmm. So I'm asking who saw the words, not who went on my Twitter and who was reading my Twitter. I'm just asking who saw the words.
And I also just want to, like, counter object here that it's not on me to prove why I think Apple fired me. This deposition and all these questions are about Apple trying to explain why it fired me.
So if Apple cannot point to the Twitter post and cannot point to the investigation details, that's on Apple. It's not on me to help Apple build the story.
So I'm going to ask one more time --
MS. RIECHERT: Object to that whole

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characterization as, again, you're liking to tell a story here, but we're here to answer questions.
MS. GJOVIK: Mm-hmm.
MS. RIECHERT: Secondly, what legal department did and advised is privileged, and we're not going to answer about that.
If the witness knows if any -- if Megan Bowman went on Twitter, she can answer that question.
MS. GJOVIK: That's not the question. It's not who went on Twitter.
BY MS. RIECHERT:
Q. I'm asking who at Apple prior to the termination in this group of people involved in the termination reviewed the actual words in the posts at issue here.
A. Again, Ms. Gjovik, I think I've testified already what was at issue was the image that was posted. There was a report to Apple about you posting confidential information. The group of teams or people I've identified were involved in reviewing -- and, again, we'll get to the second part of the reason for your termination -- and consulted with Mr. Bertolus.
And counsel has already objected to the -- any attorney-client privileged conversation.
But the image itself was seen, and "The Verge"

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article, what you posted, the screenshots, were also seen.
What you're asking me is who went on Twitter and -- or would have gone on Twitter. I don't know that anybody went on Twitter to look at your comments.
Q. So the post, the post that Apple says it fired me over?
A. The images were provided, and so we reviewed them.
MS. RIECHERT: She's talking about the post as being the image and writing.
BY MS. GJOVIK:
Q. Not under, not comments under. When you post something on Twitter, you can post images, and then you post, like, your little, like, here's a thing I'm saying.
And in mine, I was complaining about retaliation and surveillance.
And I'm asking who saw the full context of the post, at least that one post, and --
A. Do you want to pull that post so we can be clear on what it is that you are asking about?
Q. I would actually, like I asked prior, for Apple to identify which post, and I didn't get a clear answer on that. Mr. Bertolus also could not clearly identify

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which post or posts.
So and actually that goes to my next question, which is what is --
MS. RIECHERT: Okay. Let me object to all that characterization. He said it was an image, not a post. You keep talking about a post, and the witness keeps talking about an image. We need to get our terminology right here.
MS. GJOVIK: No. These are -- this is -- you want to focus on the defense, and I want to focus on the protected concerted activity and protected activity and whistleblower disclosures and labor organizing and all of that. So your objection is --
(Reporter interrupts for clarification of the record.)
MS. RIECHERT: Mr. Bertolus testified he only focused on the image, not writing that was in connection with the image.
So that's the answer to your question.
MS. GJOVIK: Well, this is --
THE WITNESS: That's what I --
BY MS. GJOVIK:
Q. Go ahead.
A. That's what I have shared a few different ways talking about the images, that was the source and nature

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and reason for your termination.
Q. Mm-hmm.
A. All the other things that you've said, I'm not going to repeat them. They were not the reasons for your termination.
So I've already explained what was seen, and if you have something you want me to look at, again, I'm happy to do that. But I'm not sure what other ways you want me to answer the same question.
Q. Let me ask a few more ways.
Okay. How many -- what is the total number of images that were the basis for the finding of leaking prior to the termination?
A. I've already answered that there was at least one image that Mr. Bertolus saw, and he's testified to that effect as well.
Q. But there were more?
MS. RIECHERT: We're repeating over and over here.
MS. GJOVIK: This is a very material issue, Melinda.
MS. RIECHERT: But you want to show her "The Verge" article? She can count the number of pictures --
MS. GJOVIK: No. And speaking objection. We're not talking about "The Verge" article.

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MS. RIECHERT: Well, I don't know what you're talking about. I think that's the problem here.
MS. GJOVIK: This is Apple's defense for terminating me, and I'm asking for Apple's final answer of how many images supposedly contained Apple confidential information that it used as the basis to terminate my employment and --
MS. RIECHERT: Okay. Can she look at "The Verge" article and count the --
MS. GJOVIK: No speaking objection. We're not even talking about "Verge." You keep inserting "The Verge" article. I'm talking about the Twitter post.
MS. RIECHERT: You said "The Verge" article and the Twitter post were the basis for the termination, and so you're saying how many photos are there. And I'm saying if you want her to count the photos in "The Verge" article, she can do that.
MS. GJOVIK: Ms. Riechert, I'm going to ask to have you replaced by a different attorney if you do not stop with these speaking objections. You are testifying on behalf of Apple Inc. repeatedly. It's inappropriate. I'm going to ask you to please stop and reduce your objections to formal objections and not testimony.
BY MS. GJOVIK:
Q. And I'm actually now going to pivot and ask for

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clarification here, if one of the -- if Apple considered "The Verge" article called "Apple Cares About Privacy Unless You Work At Apple" as part of the basis for terminating my employment prior to terminating my employment.
A. Ms. Gjovik, I've said that a few times, for your termination, the images that you had, again, copies or screenshots of the images that you had on Twitter, and you also had similar images and videos that were included in "The Verge" or shared with "The Verge."
Again, those were considered. The -- again, if you want to go through, look at the images, we can count them. But I have said that, I think, at least 45 minutes ago since we've been starting down this line of questioning.
Q. I'm asking for clarification because Apple has given inconsistent answers about whether "Verge" was considered at the time of termination or whether it's an affirmative defense after the fact.
And so I'm looking for Apple Inc.'s deposition testimony today whether the reason I was fired on September 9th, 2021, included that "Verge" article or if that was considered after the termination.
MS. RIECHERT: Again, objection to your characterization. You've got to stop characterizing

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things that are wrong. Apple changed its reasons, that's just not true.
So just ask the question, did Apple consider "The Verge" article, yes or no. And then she'll answer that question.
BY MS. GJOVIK:
Q. Ms. Warner, did Apple consider that "Verge" article called "Apple Cares About Privacy Unless You Work For Apple" when it decided to terminate my employment?
A. Apple considered the images and videos that you had posted or included, shared on Twitter and "The Verge" article.
Q. At the time it terminated me on September 9th, 2021, correct?
A. I've already answered that. That was part of the reasons for your termination because there was -- it came to our attention that you had posted, again, the images, which, again, we can look at them, on Twitter, and you also had "The Verge" article.
Q. This is where I just want to clarify because you said also "The Verge" article.
So when Apple terminated my employment on September 9th, 2021, was one of the reasons for that termination content I shared with "The Verge" and where

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it was in that "Verge" article called "Apple Cares About Privacy Unless You Work At Apple"?
MS. RIECHERT: Objection. Asked and answered many, many times.
And objection also as to the word "content." She's told you it's the images. I don't know why we keep going through this over and over.
MS. GJOVIK: I would like her to answer this question.
MS. RIECHERT: Okay. So I'll object to the use of the word "content" with respect to "The Verge" article.
MS. GJOVIK: Okay.
A. I've already answered the question in terms of the images that you had shared. I don't have any other answer for you.
Q. I am uncertain of what your answer is based on the answers you've given thus far. I would like a more -- so let me rephrase with pivoting from Melinda's objection.
Ms. Warner, at the time I was terminated on September 9th, 2021, was one of the reasons for that termination photos I shared with "The Verge" included in that "Verge" article called "Apple Cares About Privacy Unless You Work At Apple"?

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A. I've already answered; the images that you had shared on Twitter, which I understand you also had videos and images, similar images shared on -- with "The Verge," that was the basis for your termination.

Q. You're not answering my question. I'm not asking about Twitter. I'm asking about "The Verge" article, and you continue to answer this with, like, a caveat on "The Verge" that's not clear.

I'm asking -- I would like a direct answer about this "Verge" article if the reason I was terminated on September 9th, 2021, included images I shared and that were included in that "Verge" article.

A. I've already answered the question, Ms. Gjovik.

Q. Is the answer yes? Because I don't know what the answer is based on your prior answers.

A. I've given --

MS. RIECHERT: You can answer it one more time. Did Apple consider the images in "The Verge" article at the time it terminated her employment?

THE WITNESS: The -- Apple did consider the images and videos that you had posted included in "The Verge."

BY MS. GJOVIK:

Q. Sorry. I'm not talking about posted. I didn't post anything to "The Verge." "The Verge" is press.

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They write their own articles. They have reporters. So I'm not -- I don't want -- I'm not asking for your answer to have anything about Twitter or me posting or me sharing.

I'm asking specifically at the time Apple fired me on September 9th, 2021, was one of the reasons the images and/or videos or sequences in "The Verge" article called "Apple Cares About Privacy Unless You Work For Apple"?

A. I've already answered the question.

Q. Please answer it again, then, because I don't know what your answer is.

A. You can have the record read back. I feel like I've answered this so many different times.

Q. This is a very fundamental question for this entire lawsuit, and the five-year dispute between me and Apple has an affirmative defense claiming it did not know about that article at the time it fired me.

So your answer to this question is extremely material for both Apple's supposed legitimate defense and my arguments about pretext.

And I need a very clear answer from Apple on this topic today, and I don't feel like I have it. So I would like you to answer my question, please.

MS. RIECHERT: Objection to all your characterizations there as just being wrong.

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MS. GJOVIK: Mm-hmm.

MS. RIECHERT: So I have not seen anything that says that Apple did not know about "The Verge" article.

But the witness has answered over and over it was the images in "The Verge" article and the Twitter post that were considered. I don't know how many --

MS. GJOVIK: Speaking objection. You're the one that is going to get in trouble about this, too, Melinda. You were biased on this. So I'm going to ask you to stop with the speaking objections and testifying on behalf of Apple.

BY MS. GJOVIK:

Q. And I'm going to ask Ms. Warner again, please, at the time I was terminated on September 9th, 2021, was one of the reasons I was terminated images or videos included in "The Verge" article called "Apple Cares About Privacy Unless You Work At Apple"?

A. I've already answered the question, Ms. Gjovik.

Q. What was the answer?

MS. RIECHERT: One more time and be done with it, please.

THE WITNESS: I feel like I keep saying the same thing over and over again.

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BY MS. GJOVIK:

Q. Yes or no?

A. At the time you were terminated, there were images that you had both on Twitter and you had shared with "The Verge." And those were the images reviewed and considered as being confidential.

Q. I am going to ask you again to answer without mentioning the Twitter because you're now -- your answer implies that these are the same images shared on Twitter and "The Verge" article, and it wasn't -- maybe you didn't consider "The Verge."

How about this: Ms. Warner, around what date did the decision-makers who terminated me become aware -- what?

MS. RIECHERT: One decision-maker. You keep saying decision-makers. So objection. Misstates the testimony. Assumes facts not in evidence.

BY MS. GJOVIK:

Q. Okay. How about this --

MS. RIECHERT: I don't want to wait until the end of the question because then we have to repeat the question all over again.

BY MS. GJOVIK:

Q. Apple's disclosures indicated there were a number of people involved in the decision to terminate

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my employment. And Apple is putting forward Mr. Bertolus was the final decision-maker. Other people were noted, including Ms. Bowman, yourself, Ms. Warner, other folks.

And so of the people Apple disclosed that were involved in the decision to terminate me, when -- actually, let me rephrase.

Apple, when did Apple Inc. become aware of the article called "Apple Cares About Privacy Unless You Work At Apple"?

A. Sometime in September. I don't have the exact date. I don't have the article in front of me.

Q. It was published in August.

A. Okay. August --

Q. August 30th.

A. Okay.

Q. Did Apple become aware of this article prior to my termination?

A. Before the 9th, before -- yes, it would have been before the 9th.

Q. Did Apple investigate this article?

A. What do you mean?

MS. RIECHERT: Objection. Vague.

A. What do you mean, investigate this article?

Q. Did Apple receive any complaints of people who

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thought that this article could be leaking?

A. I think I've already answered that, again, probably 30, 40 minutes ago that there were concerns raised or complaints made about you sharing confidential information.

Q. Who made these complaints?

A. They came from various folks in -- within the company, and I think you have some of those, like employees raised concern about you sharing confidential information.

Q. So it was employees who reported this article, this "Verge" article?

A. Employees raised escalations or concerns about you potentially sharing confidential information, which I've talked to you about already.

Q. So who reported that the content in this "Verge" article could be leaking?

A. Some of them came anonymously. Some of them came from employees here, and, again, they were shared with the various teams that I've already explained that there was content that you had -- I know you don't like me to combine posting and to what you shared, but that's the crux of what came to us.

Q. Thanks. But this question, I'm specifically asking about "The Verge" article.

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So you were -- you're saying that there are complaints made that the content in "The Verge" article was leaking. Is that correct?

A. No, I did not say there was leaking.

Q. Well, or --

A. I'm saying that there were concerns that were brought up that you were sharing confidential information, and that included the images that were shared with us.

Q. In "The Verge" article?

A. That was one of the places where you had the images, yes, and you had it on Twitter.

Q. So I'm asking -- I'm really just asking about "The Verge" article right now.

Were there complaints filed to Apple prior to my termination with links to or copies of that "Verge" article?

A. That was included in some of the concerns that were raised, and the timing of it I would have to look at the concerns, complaints.

Q. Were they filed prior to my termination?

A. Some, yes.

Q. And so did Apple then investigate those complaints?

A. That was part of the investigation that was

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ongoing, and that was the second reason or the secondary reason for your termination, and that was a privileged investigation that was underway.

Q. Sorry. What is this underway investigation? When did that start?

A. When did what start?

Q. You said there was an already-in-progress investigation and this became part of it.

So when did that existing investigation start?

A. I did not say existing.

Q. Okay.

A. I did say one of the reasons why you were terminated as well is for failing to cooperate, and as you know, there was an attempt to speak with you, which I believe was on the 9th -- and we can look at the some of the emails -- to speak to you about the confidential information, and you refused.

So sometime between when you posted it and your termination date on the 9th.

Q. Thanks. That wasn't my question.

So you said people filed complaints about that "Verge" article and linked to "The Verge" article or attached copies. And I asked did Apple investigate.

And can you answer that question again of what Apple's investigation was when it started about "The

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Verge" article?
MS. RIECHERT: Okay. Objection. Again, objecting to your commentary on it assumes facts not in evidence.
Why don't you just ask the question.
MS. GJOVIK: I just asked it. I would like her to answer.
MS. RIECHERT: I know, but you had a whole bunch of commentary about that there were links to "The Verge" article in the business conduct, and she hasn't testified to that.
So when you ask a question that has things in it that are wrong, I have to object on assumes facts not in evidence.
MS. GJOVIK: I thought she just said that.
BY MS. GJOVIK:
Q. So, okay, so please clarify: Were there any complaints made about me regarding that "Verge" article prior to my termination?
A. I did not -- you mischaracterized how I -- what I testified.
I did say there were concerns that were raised about your sharing confidential information that included what you -- we've already talked about images that you had shared on "The Verge," you had posted, and

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that became part of an investigation that they reached out to you to try to speak to you about it, and you refused --
Q. Okay.
A. -- to speak to the investigators --
Q. That wasn't my question --
A. -- the time --
Q. -- Ms. Warner.
I'm going to ask you to please respond directly to the questions I'm asking instead of testifying to -- we'll talk about all of this eventually. We'll have a lot of time together today.
So I'm hearing that, yes, there were complaints made that reference this "Verge" article and me prior to my termination and Apple did investigate.
What did Apple do as part of its investigation into this prior to contacting me on the 9th?
MS. RIECHERT: Okay. That investigation is privileged. And so we are not going to talk about that, and I'll instruct the witness not to answer.
MS. GJOVIK: Okay. But you can't claim privilege to facts, dates, or people.
BY MS. GJOVIK:
Q. So what can you share with me, Ms. Warner, about that investigation that's not privileged?

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A. I think that's a very broad question. It's hard for me to answer what that's not privileged. Is there something specific you want to know?
Q. Who led the investigation?
A. You had one -- an investigator who had reached out to you on the 9th, Aleks Kagramanov. He had reached out -- and we can spell it for the court reporter, I can get the -- I'm sure you already have that -- reached out to you to speak to you, and you refused to speak to Aleks.
Q. So are you saying Mr. Kagramanov led the investigation to me based on the complaints about "The Verge" article?
A. You asked -- no. Your question is assuming a whole lot of different things that I did not say.
Q. So I'm asking who led the investigation into me regarding "The Verge" article prior to my termination.
A. The concerns about your posting and sharing the images in the form that I have already discussed were being reviewed by -- and I've mentioned global security, with Sophi Jacobs, and with Aleks who had contacted you directly. Aleks was on my team. And you had refused to speak with Aleks.
So those two individuals in those teams were involved in reviewing the content and the images that

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were posted in both or shared in both form. That was part of the same investigation that that was under privilege.
Q. Okay. Well, and first of all, I said I was happy to talk to him and repeatedly said I was happy to participate. I just asked for a written record because I had an affidavit the next day and wanted to share with the government what was discussed. So I don't appreciate Apple's insistence on mischaracterizing that record. And I will --
MS. RIECHERT: These -- your commentary is not moving this along and not helping because every time I have to object that that assumes facts not in evidence and is not accurate.
BY MS. GJOVIK:
Q. Okay. Mr. Kagramanov testified he had no background on this investigation and had not seen the post. So are you saying he actually did? He was part of this investigation?
MS. RIECHERT: Objection. That also assumes lots of facts not in evidence.
BY MS. GJOVIK:
Q. Okay. Can you please give me more detail about Ms. Jacobs and Mr. Kagramanov's roles in this investigation, specifically regarding "The Verge"

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article?
A. As I've said before, Ms. Jacobs and Mr. Kagramanov were going to be the investigators or were the investigators to look into the concerns about you posting and sharing the confidential images. Aleks reached out to you to speak to you, and you refused.
Again, I know you don't like that, but that's my answer, and that's my understanding of what transpired.
Q. So the -- so are you saying that the only part of this -- the only investigation that occurred was Mr. Kagramanov contacting me and if -- nothing else was done as part of this investigation?
MS. RIECHERT: Objection. Assumes facts not in evidence. And the investigation is privileged. So I'm not going to let her answer questions about the investigation.
BY MS. GJOVIK:
Q. Did Apple read the article, "The Verge" article, prior to my termination?
MS. RIECHERT: Objection. Assumes -- to the extent it is part of the privileged investigation and I'm not going to let her to answer questions and instruct her not to answer questions about the investigation that was done prior to the decision.

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BY MS. GJOVIK:
Q. Did Apple watch the video in "The Verge" article prior to terminating me?
MS. RIECHERT: Same objection. And same instruction.
BY MS. GJOVIK:
Q. Okay. Did Apple see me linking to that "Verge" article in the social media posts I made prior to my termination?
MS. RIECHERT: Same objection. Same instruction.
BY MS. GJOVIK:
Q. Okay. You also mentioned something about ear scans. Was one of the reasons that Apple terminated me on September 9th, 2021, my complaints about ear scans?
MS. RIECHERT: Objection. Misstates the testimony.
A. That was not my testimony.
Q. Did Apple believe that me posting about those ear scans was me sharing Apple confidential information?
A. What I've described before, I mentioned in the studies that you had done, the ear scans one, the concerns that were raised, then the Face ID.
Again, images that you had posted were confidential. You speaking about the ear scan or being

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in the study was not the basis for your termination, and that by itself is not confidential.
Q. Okay. Thank you.
And then the ear scans, are you saying that the images I shared related to ear scans were confidential? You said images. Can you clarify?
A. I'm talking about the images for Face ID which was the nature of your termination.
Q. Okay. Was one of the reasons I was terminated as of September 9th, 2021, related to ear scans?
MS. RIECHERT: Objection. Just asked and answered.
BY MS. GJOVIK:
Q. Apple previously filed things to the court saying it was one of the reasons, and it appears to be backtracking. So it's very material, and I would like a clear answer on this.
MS. RIECHERT: You got a clear answer.
BY MS. GJOVIK:
Q. What is the answer?
A. It's on the record.
Q. Is it no? Is that the answer?
A. I've already answered that.
Q. Okay. So, okay, let's go to the second bucket, something about me refusing to cooperate.

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Can you please summarize for me the -- that second bucket of the reason I was terminated related to refusal to cooperate?
A. In addition to what I have already shared where Aleks did reach out to you to speak with you and you refused, that was one of the reasons, and that was shared with Mr. Bertolus in addition to what I've already described about the images.
You also had a reach out from Ekelemchi Okpo who was investigating your concerns, and he had attempted to reach out to you, and you also refused to speak with him, and he had shared with you that because you had refused to speak with him, he would conclude his investigation based on what he had.
Q. Okay. Can you clarify, then, the Okpo complaint about refusal to cooperate? That was a reason for termination as of September 9th, 2021?
A. Clarification, it's not an Okpo complaint. Okpo was investigating the concerns. He had reached out to you to speak with you about, as you probably know from the emails, inconsistencies he had identified in the course of the investigation, and you had refused to actually speak with him, and you --
Q. On the phone. I wanted things in writing, yeah.

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So I just want to -- this is another one that I just want to make sure we have the record fully straight from Apple that that second bucket, then, of refusal to cooperate would actually, then, be two factual scenarios giving rise to the reason for termination? Please confirm. It would be the exchange with Mr. Kagramanov and the exchange with Mr. Okpo. Is that correct?

A. Those were both additional facts that Mr. Bertolus considered ultimately. The primary reason, which I've already testified about, was your disclosure of confidential information; and your failure to cooperate in the investigation, meaning speaking with investigators, were additional factors he considered, yes.

Q. Okay. And so just speaking with investigators, we have Mr. Kagramanov and Mr. Okpo. And both of these -- it is Apple's position that both of these, the misconduct is that I requested a written record and resisted getting on a phone or Webex for an oral-only conversation. Is that correct?

A. Both of those indicated that you -- because you refused to speak with both of these individuals who reached out to you led to the conclusion that you did not fully cooperate in the investigation.

Q. Okay. But when you say speak, you mean orally, not written. Is that correct?

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A. Correct.

Q. Okay. And then what -- can you please explain Apple's position of why a request to have a written record of a conversation is improper or misconduct?

A. Your refusal to actually speak with the investigators to hear the concerns they have, allow you to explain and answer, again, part of a -- if you take the Aleks piece is a confidential potential leak investigation, then you take Okpo, which is in the course of he's trying to assess what the inconsistencies are, your refusal to speak to them was the misconduct.

Q. Thank you.

But what is -- can you please distinguish for Apple why the -- when you say speak, you mean oral, why written was unacceptable?

A. Because it's just when you're having a conversation with an investigator, being -- having to do it in writing, send you an email, you write back, and it's really hard to decipher or talk through and understand what the nature of the concerns are.

And they had simply attempted to speak with you, and you said no.

So the preference is to be able to have a conversation with the individual to ask the questions, being able to follow up on them. And you didn't want to do that.

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Q. Thank you.

I repeatedly, though, had written that I would speak in written. And I had asked Mr. Okpo to have written conversations and even asked him to raise it to business conduct prior to this.

So I'm trying to understand Apple's position policy-wise why it would find a request for a written record of a conversation to be misconduct. And the things you're saying sound more like preferred efficiency.

So I'm trying to understand why it's misconduct to request a written record.

MS. RIECHERT: Again, Ashley, object on all your characterizations before that. Why don't we just get to the question, which I believe the witness has already answered --

THE WITNESS: I have.

MS. RIECHERT: -- as to why Apple needs people to talk to them as part of an investigation.

BY MS. GJOVIK:

Q. Okay. And I had specifically told Mr. Kagramanov that I had an NLRB charge --

MS. RIECHERT: Okay.

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BY MS. GJOVIK:

Q. -- and I had an NLRB --

MS. GJOVIK: Please don't interrupt unless you're going to object --

MS. RIECHERT: Your question -- I'm going to object --

(Reporter interrupts for clarification of the record.)

MS. GJOVIK: Yeah. I'm sorry. Thank you.

MS. RIECHERT: Aleks -- Ashley, I am going to object to this question, so there's no point in asking it when you have all this testimony that you're giving. That's the quest -- the purpose of this deposition is for you to ask this witness questions, not for you to recite your version of the events.

MS. GJOVIK: Ms. Riechert, you cannot object to a question before I even ask it. Please let me ask my question.

MS. RIECHERT: Okay. I'll wait until you finish it, and then I'll object, but then that's a waste of time.

BY MS. GJOVIK:

Q. Ms. Warner, I had explained to Mr. Kagramanov that I had an open NLRB case, and I wanted to share with the NLRB what was discussed, and that was the basis for

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request -- the primary basis for requesting a written record.

What is Apple's position on employees requesting a written record when there's an open federal investigation into their complaints against Apple?

MS. RIECHERT: Objection. You're stating testimony. Mischaracterizes the testimony. And the question is asked and answered as to why the witness -- why Aleks required and the company required you to speak as opposed to have written information.

MS. GJOVIK: I'm asking about with federal investigations.

BY MS. GJOVIK:

Q. Can you please answer, Ms. Warner?

A. No, I cannot because there was not a federal investigation underway, so I can't -- I don't know how you want me to answer this about your -- your comment on federal investigation.

What I've described is there were two ongoing investigations that were being conducted. And in order for the investigators to be able to assess, again, be able to ask you question, have you answer, have some follow-ups, be able to determine in an efficient way what happened, to hear your side of the story and share information, they had attempted to speak with you.

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And as an employee of Apple, we would expect that you would say yes, you would talk to them, and you can share your side of the story. You can always follow up with a writing. But you simply did not want to do that. And, therefore, there was a determination you did not fully cooperate.

Whether you had been talking to investigators externally, government agency, was not the basis for the determination. It was simply you did not want to speak to them. And I've already answered that.

Q. Ms. Warner, I'm going to ask again -- you said there's no federal investigation, but there was an open NLRB charge. Apple had already retained counsel to defend them on that NLRB charge I filed. And my emails to Mr. Kagramanov specifically mentioned an NLRB case and me wanting to share the information with the NLRB.

So can you please explain your position that that is not a federal investigation?

A. Mr. Kagramanov's response -- or reach out to you or Ekelemchi's reach out to you had nothing to do with the NLRB charge or response by Apple.

We've got to be clear when you talk about investigation, my testimony is about the internal Apple investigation that we have an obligation to follow up on.

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Q. Yeah, understood.

But I told Mr. Kagramanov that I wanted the record because of the NLRB case, and I complained of -- I used the words "witness intimidation" the day before an NLRB affidavit.

So I'm trying to understand Apple's position why me asking for that is somehow misconduct. And I would like an answer why Apple believes that asking for a written record while there was a pending NLRB investigation into Apple and the employee is stating they would like evidence for the NLRB regarding Apple's request to talk to the employee is misconduct by the employee.

A. I've already answered.

MS. RIECHERT: Objection. Asked and answered many, many times. So you're connecting two things together, and the witness is saying they are not connected.

MS. GJOVIK: Speaking objections, Melinda. Please stop the speaking objections.

This is absolutely material to this litigation. I need a straight answer from Apple. Apple is refusing to answer my questions, and at this point I have a list of maybe at least five things I'm probably going to have to move Judge Westmore to compel Apple to answer if it

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continues to refuse to answer my extremely basic questions, so --

MS. RIECHERT: Okay. It's been asked and answered several times, and you keep combining these two things together, and the witness keeps separating them, and then you combine them, and then she separates them.

MS. GJOVIK: Because they are together. The employee's stated --

MS. RIECHERT: You think --

MS. GJOVIK: -- reason for wanting a written record stated to the employer is absolutely material to the employer denying the employee's request.

So we can look at that email --

MS. RIECHERT: The witness is saying the fact that you had an NLRB investigation had nothing to do with the decision to require you to talk to them.

So you're putting the two together, and the witness keeps saying no, the fact that you had an NLRB charge had nothing to do with the fact that we expected, Apple expected, witnesses to talk to the investigators.

MS. GJOVIK: Speaking objections, Melinda. You are not the witness for Apple. I'm going to ask you to please stop testifying on behalf of Apple.

MS. RIECHERT: I'm not testifying. I'm giving the explanation for why the witness has already asked

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and answered this same question over and over.
MS. GJOVIK: No, because the employee said that the basis for the request for a written record was the NLRB proceeding, and there are claims in this litigation specifically about retaliation due to the employee participating in labor proceedings.
This is an extremely material question, and I have not received an answer yet why Apple would find it misconduct for an employee to request a written record of communications with the stated reasoning being in order to provide evidence to labor agencies as part of a pending proceeding into the employer.
And I would like an answer to that question. So I can ask it again.
MS. RIECHERT: Answer --
MS. GJOVIK: And I want an answer again. Yeah.
A. Ms. Gjovik, as I've stated multiple times, the reason that it was determined you failed to fully cooperate in the investigation was because both investigators attempted to speak to you to be able to ask you questions, follow up, and hear your side of the story orally.
You refused to do that. That was deemed to be failure to cooperate, and that was the part that was considered.

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Your having an investigation, a charge, needing to speak with a government agency or various agencies you've mentioned had nothing to do with both Aleks and Ekelemchi wanting to speak to you and that determination.
That's the answer I provided. I know you don't like that, but that is the answer.
Q. So, no, your answer is insightful in what it's not addressing.
But I would ask that are you aware that Mr. Kagramanov testified that he was uncertain if the content of the oral interview could even be shared by the employee after the fact at all with a federal agency and said he would cancel that oral-only interview he said he was about to schedule to consult with counsel of what to do when the employee asked if they could share the content of what Apple said with federal investigators because he was not certain.
MS. RIECHERT: Okay. Objection. Misstates the testimony of Mr. --
MS. GJOVIK: We can look at it after lunch. We'll -- let's look at that after lunch.
MS. RIECHERT: Yeah, let's do it.
BY MS. GJOVIK:
Q. And, Ms. Warner, the Okpo reach out, is it correct to summarize that as Mr. Okpo wanting to contact me without a written record to ask me if I thought the sous chef was cute, as he testified?

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MS. RIECHERT: Objection. Misstates the testimony.
MS. GJOVIK: Okay. So we're at 11:00. I would like to talk about that third category, the sous chef sexual harassment stuff. But I think we should probably do a five-minute break. Does that sound all right?
And then should we talk about lunch?
Is there a preferred time to take a lunch break, Ms. Court Reporter?
THE REPORTER: Off the record?
MS. GJOVIK: Yeah.
(A short break was taken.)
MS. GJOVIK: Thank you.
BY MS. GJOVIK:
Q. Okay. I'm actually going to skip ahead to a different topic.
Ms. Warner, did Apple retain external counsel regarding my complaints and concerns prior to terminating me?
MS. RIECHERT: This is beyond the scope of the topics.
MS. GJOVIK: No. It's -- my complaints and

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concerns are in the scope of topics.
MS. RIECHERT: Yes, but whether Apple retained counsel is not within the scope of the topics.
MS. GJOVIK: Is that your only objection to that question?
MS. RIECHERT: Yes.
MS. GJOVIK: Okay. She still has to answer. You can dispute it after.
A. This is --
MS. RIECHERT: If you know the answer, you're welcome to answer it.
A. I do not know specifically when Apple retained outside counsel on because there were various things, so I'm not sure how you want me to answer that.
Q. Do you know --
A. Specifically what?
Q. My complaints and concerns against Apple.
A. The complaints that's this lawsuit? The complaints? Which complaints?
Q. How about this: Regarding my charges to EEOC, DFEH, California Department of Labor, Federal Department of Labor, NLRB, social media complaints, my issue confirmation that said that's Ashley's complaints in 2021, when did Apple retain Orrick to represent it regarding Ashley's complaints?

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A. I don't -- I don't know specifically when Apple retained Orrick for purposes of this lawsuit. We'll take that.

And you have a whole lot of other things that, again, I don't know. It's assuming that Apple retained counsel for each and every one of them.

Q. Prior to my termination.

A. Correct. Your question has a lot of things in there in terms of all the complaints, and it also assumes that prior to your termination, Apple was aware of all the complaints that you have listed and retained counsel.

Again, I think there's a lot there, so unpacking that and asking specific and if I know, I'm happy to answer, but when we retained -- Apple retained counsel for this lawsuit, I don't know the specific date --

Q. I didn't ask for this lawsuit.

And Apple has actually given a date range of when they retained Orrick. It was in August of 2021.

A. Okay.

Q. Okay. And then what about when Apple retained MWE in response to my NLRB charges?

A. I don't have that date specifically to tell you.

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Q. Okay. We'll look at the notice of appearance prior to my termination.

A. Okay.

Q. Prior to my termination, were there any other law firms that you're aware of that Apple retained regarding Ashley's complaints?

A. Not independently. I did not look for that in preparation for this testimony today because that wasn't the nature of what I thought I would be testifying about.

Q. Okay. And then roughly around what month of 2021 did Apple start claiming attorney-client privilege regarding Ashley's complaints?

MS. RIECHERT: Again, outside the topics.

MS. GJOVIK: No, it's not. No, it's not.

MS. RIECHERT: There's no topic about when Apple started claiming attorney-client privilege with respect to the work that it was -- its counsel was doing.

MS. GJOVIK: Regarding Ashley's complaints is absolutely material because it indicates Apple knew it was at risk of being sued regarding Ashley's complaints.

MS. RIECHERT: My objection is that it's outside the topic.

MS. GJOVIK: Okay. She still has to answer.

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MS. RIECHERT: If she knows.

THE WITNESS: I do not, and it was not one of the things that I had prepared for for this 30(b)(6) deposition in terms of when and which counsel Apple retained with respect to you and your complaints.

BY MS. GJOVIK:

Q. Sorry. This question was about claiming attorney-client privilege regarding investigations into my complaints.

A. That's a different question that you asked than what you did before, so there are two separate questions.

Q. So that's what I thought my last one was. Let me rephrase, then.

Roughly around when did Apple start claiming attorney-client privilege regarding Ashley's complaints, investigating Ashley's complaints, prior to terminating Ashley?

MS. RIECHERT: Objection. Outside the scope of the topics.

MS. GJOVIK: It's not. She has to answer.

A. I believe it is outside the scope.

But if we take complaints internally that were being investigated, some -- those were conducted under privilege. So that would be -- again, I don't have the

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exact dates of when we started noting that they were under privilege, again, being specific about concerns and complaints and investigations; there's a whole lot there.

Q. Would it be all of them?

A. All of what?

Q. All of the investigations into my complaints.

A. Investigations that are the subject of what I'm testifying about and that is the subject of what I'm aware of that you had raised concerns specifically, there were two investigations conducted by Jenna Waibel and then Ekelemchi Okpo with respect to your concerns that you had raised.

Q. Mm-hmm.

A. So for those, that would be the privilege would have been asserted because there's investigations under privilege. I don't have the exact date.

Q. Okay. So that's what I was asking, privilege asserted for my investigations of my complaints. And the two investigators were Waibel and Okpo.

And it sounds like your answer is all of those investigations had privilege asserted. Is that correct?

A. No, that's not my -- that's not my answer, and that's not what you had asked about.

So maybe asking the question in a clear way

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because I think I've answered them, and I'm not sure what it is -- I'm not clear what it is that you're asking.

Q. Let me rephrase, then.

A. Okay.

Q. Are there any investigations that Apple employee relations conducted into my complaints in 2021 where they did not claim attorney-client privilege regarding the investigation?

A. Not that I'm aware of.

Q. Okay. And so if the first investigation was Jenna Waibel investigating my concerns in March 2021, that would then assumably be attorney-client privilege claims made by Apple starting at least March 2021. Is that fair?

A. I would say during the course of the investigation, that would be conducted under attorney-client privilege. The time frame of when specifically Apple would be claiming it, that's a legal determination.

Q. Okay.

A. But the investigation by Ms. Waibel and Mr. Okpo are being conducted under privilege.

Q. Is it typical for Apple to conduct employee relation investigations under privilege?

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A. I don't know what you mean by typical. Some investigations are done at the direction of counsel. That's not abnormal. That happens.

Q. So in this case like the Waibel, if attorney-client privilege was claimed on Waibel's investigation into my concerns, does that mean that counsel was administering that investigation?

MS. RIECHERT: Objection to the use of the word "administering."

BY MS. GJOVIK:

Q. What was the -- you used a different word. At direction, was giving direction on the investigation.

MS. RIECHERT: Under the direction of counsel was what she said.

THE WITNESS: Investigation under direction of counsel, correct.

BY MS. GJOVIK:

Q. Okay. Which counsel was directing the investigations that Waibel was conducting?

A. Under the -- in the legal department, we would put -- and I don't have the exact list in front of me. It would be at that time Isela Perez and/or Debbie Rice would be our internal counsel.

Q. They are executives. Is it normal for legal executives to direct investigations into employee concerns?

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MS. RIECHERT: Objection. Misstates the testimony. Assumes facts not in evidence.

A. They are internal legal counsel, and some investigations are done at the direction of the internal Apple legal counsel.

Q. Okay. When did the discussions about terminating my employment begin?

A. That's a very broad question. When did the discussion with whom?

Q. The people involved in the decision to terminate me as Apple disclosed, that list of people, culminating in the Bertolus decision but with the larger discussion.

A. Those discussions would have been probably between the 30th and -- the 30th of August and the 9th were the discussions to determine what the basis for your termination specifically would have been around the 9th of September. The discussions that I mentioned, again, to be clear, the list of people I had mentioned before.

Q. Okay. And on the 30th when those discussions started, what was the basis for those discussions?

A. Again, the 30th would have been when you had started posts and concerns were coming in. This

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specific discussion that I mentioned, that would have been with global security, legal, including HR, Megan Bowman would be around the 9th of September.

And, of course, the conversations that Aleks had attempted to speak with you and Ekelemchi around the 7th, so somewhere around that time.

Q. So as of August 30th, who was involved in those conversations?

A. There was no conversations happening August 30th with the group of people that I've shared.

Q. So when did the conversations start about terminating my employment?

MS. RIECHERT: So object and instruct you not to answer with respect to any conversations that were -- involved the legal department or were made in connection with the legal department for providing legal advice.

MS. GJOVIK: You can't claim privilege to facts on dates.

MS. RIECHERT: You can -- if you ask what was discussed on a certain date, then I can because by answering that question, she's revealing what was discussed.

MS. GJOVIK: Under which case Apple would be claiming --

MS. RIECHERT: You can ask when legal counsel

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got involved, but you can't ask what date a certain discussion by legal counsel took place because that would reveal attorney-client privileged information.
BY MS. GJOVIK:
Q. Let me -- Ms. Warner, who were the people or persons to start the conversation about terminating my employment, and what departments do they work in?
MS. RIECHERT: Again, to the extent that it involves legal counsel, I instruct you not to answer.
MS. GJOVIK: If legal were the ones to start the conversation about firing me, they are then decision-makers, and their identities and dates have to be disclosed. Otherwise, we have to raise that to the magistrate judge and have her compel Apple to provide that information.
So please clarify your objections.
MS. RIECHERT: Yeah. I object on the ground that you wanted to know when discussions by the legal department took place regarding her termination, and I'm instructing not to answer regarding any discussions in the legal department about the termination.
And I also object to your characterization that you just made, which is incorrect.
BY MS. GJOVIK:
Q. Okay. So my question was who and what

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departments. If the answer is legal, that's where Melinda's objection comes in.
But then I need you to still give me an indicator of the people, like you can't just say, I can't tell you who.
So please answer, Ms. Warner.
MS. RIECHERT: Yeah. She's given you an indication of the people involved that provided information to Mr. Bertolus that resulted in him making the decision --
MS. GJOVIK: Speaking objection.
BY MS. GJOVIK:
Q. I am asking for who started the conversation.
MS. RIECHERT: And I'm objecting to the extent that that calls for information about legal counsel and what they were doing.
MS. GJOVIK: Okay. She can answer.
MS. RIECHERT: So if -- other than legal counsel, who was -- and other than under the direction --
MS. GJOVIK: No --
MS. RIECHERT: -- of counsel --
MS. GJOVIK: -- Melinda, I need to know who started the conversation about firing me for this wrongful termination lawsuit. And if Apple's lawyers

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were the ones who started that conversation, that is a fact they have to admit.
You can potentially claim privilege to content of some of those conversations. However, as you know, they are sword and shield issues that Apple can't claim privilege to absolutely critical defense facts. Otherwise, they waive their ability to make a defense in this lawsuit altogether.
MS. RIECHERT: So --
BY MS. GJOVIK:
Q. So I need to know who started the conversation to fire me. Please answer that, Ms. Warner.
MS. RIECHERT: By asking that question, you are asking what was discussed by Apple's legal department --
MS. GJOVIK: Speaking objection. You're testifying on behalf of Apple again.
MS. RIECHERT: I'm objecting on the grounds of privilege.
And I'm instructing you not to answer that question with respect to anything done by the legal department or under the direction of the legal department on grounds of privilege.
BY MS. GJOVIK:
Q. Ms. Warner, was it Apple's legal department that started the conversation about firing me?

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MS. RIECHERT: Objection.
Instruct you not to answer. Attorney-client privilege.
BY MS. GJOVIK:
Q. Ms. Warner, which lawyers in Apple's legal department started the conversation about terminating my employment?
MS. RIECHERT: Objection. Attorney-client privilege.
Instruct you not to answer.
BY MS. GJOVIK:
Q. Ms. Warner, around what date did Apple's legal department start the conversation about terminating my employment?
MS. RIECHERT: Objection.
Instruct you not to answer. Attorney-client privilege.
BY MS. GJOVIK:
Q. Ms. Warner, what do you know about the Keynote slide deck called "Exit Outcomes" about terminating my employment created prior to the 30th?
A. I don't know anything about that, that Keynote.
Q. Okay. We'll get back to that later.
When was Mr. Kagramanov assigned to do the investigation into me?

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A. It would have been sometime the early part of September, before the 9th, so I believe after probably around the -- I would have to look at, but before the 9th of September. I think there was a Labor Day holiday that week as well.

Q. Why was Mr. Kagramanov getting updates on my case directly to senior vice president Deirdre O'Brien?

A. I'm sorry. Your question is why was he getting updates?

Q. Giving updates.

A. Giving updates to Deirdre about your case, what case is that you're referencing?

Q. Apparently the investigation into me.

A. Okay. His involvement, Deirdre was the head of the people team. So if there's an update to her, to me, within the legal -- the people team, she would get an update.

But I'm not sure what it is that you're referencing to.

Q. Is it typical to give those high-level executives updates on employee relations disputes?

A. It depends on the circumstances. It depends on the case. You don't want your executive to be surprised by a case, so if there is a case that we're handling we think or I think it's appropriate for her to have an

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update, I'd do that.

There's no set rules about what case or types of cases to give. She's the head of people, the head of HR.

Q. Were you the one who decided she should get updates on my case?

A. I think you're assuming -- I don't know what updates specifically you're talking about. She would get updated, but I would be involved in the discussion to make sure she's aware there are particular cases we're working on that she may know.

Your -- your investigation wouldn't have been any unique. I give her update regularly one-on-one certain cases. The team might give her update with me copied. So it's not unusual.

Q. Do you know why Mr. Kagramanov testified this was the only case in his entire tenure in employee relations where he was contacting Deirdre O'Brien?

MS. RIECHERT: Objection. Misstates his testimony. He said it was the only one he could recall. So don't misstate the testimony of the witnesses. That's not fair.

BY MS. GJOVIK:

Q. Okay. Do you know why he would say that?

MS. RIECHERT: Objection. Misstates the

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testimony. He didn't say it.

A. I don't know that he said that --

Q. Okay. We can look at his testimony later. We'll look at it after lunch.

When Ms. Bowman sent Mr. Bertolus an email about the reasons for the termination, she mentioned something about redactions.

What do you recall about redactions being a factual basis for the termination?

MS. RIECHERT: Objection. Vague.

A. I would need to look at the email to see where the term "redactions." I don't recall without looking at it redactions in the context of that.

But as I mentioned earlier, there was a third basis or to consider for your termination, which was the misleading information that you had provided in the text messages, and I know we haven't talked about that.

Q. Were there redactions in the text messages?

A. You provided one set, and then there was more. So that -- I don't know if that's what that's referencing, so we would need to look at the letter or the email.

Q. There's -- we will look at it.

But is there anything you know as Apple's witness about why the term "redactions" would be used as

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a factual basis for firing me?

A. I don't believe the -- the term "reduction" -- "redaction" is the basis for firing you. I don't believe that's what the -- the record so far has shown or that my understanding.

Q. Are you aware of any allegations of misconduct about me related to redactions?

A. Not that I'm aware of, again, other than you're providing part of the story on the text messages, that's what I would assume. But I don't want to assume because your question is not really -- I don't know what the -- what it's regarding.

Q. Okay. And then let's talk about the administrative leave. So on August 4th, 2021, Mr. Okpo put me on administrative leave.

What was that administrative leave coded as in Apple's systems?

MS. RIECHERT: Objection. Misstates the testimony. Assumes facts not in evidence.

A. To clarify, my understanding is you had requested to be placed on an administrative leave, and Mr. Okpo agreed to that. As of August 4th, you were on leave. Mr. Okpo did not put you on leave. He agreed to a request that you had made.

And to answer your question, that was not

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coded, and you actually were just on leave and getting full pay and full benefits.

Q. So if someone is on administrative leave, there's no update in any system designating them on leave?

A. The investigator or the person who is working with you could -- at that time could send a request to have it be coded or changed.

But, again, in this instance, given that you had requested to be out while the investigation was ongoing, there was not a request to actually change you in the system. And you were simply granted that request to be out.

Q. So I disagree with the framing -- Apple's framing of this, and it's answering questions I'm not asking.

But it sounds like you're confirming it's no update in the system.

Was there ever an ETA for when I would be able to come back to work from that leave?

MS. RIECHERT: You're talking about the Okpo leave?

MS. GJOVIK: The Okpo leave.

A. You were granted the request to be out on leave while Mr. Okpo was conducting the investigation, so the

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assumption would be during the course of that investigation, when it was completed, unless you had decided to be returned, which I believe Mr. Okpo did offer you that if you wanted to come back, you had -- they would make the arrangements for you to return.

Q. So I had asked to go to a training I had registered for, and Mr. Okpo declined.

What was the basis for Apple declining to allow me to go to the training I registered for?

A. My understanding is Mr. Okpo did not decline you attending the training. He had told you because you were on a leave of absence, you should not be attending a training which is an Apple-sponsored event.

Again, when an employee is on leave, they don't participate in a work event. If you wanted to attend the training, you had a couple of options: One, you could schedule it for a different time when you returned, or you could tell them you wanted to return and he would make the arrangements for you to return.

He did not decline you attending the training, which I think is misstating what he had done.

Q. Yeah.

So I had permission from Mr. Cohen and Ms. Stout at Apple University to attend it while I was on leave, and I wanted to attend it because it was

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related to something I was working on in law school, which I explained to Mr. Okpo.

And he said I wasn't allowed to go while I was on leave.

What is Apple's policy basis for telling an employee they can't go to a training they want to go to with the basis being they are on leave?

A. As I've already stated, when you are on a leave of absence, the expectation's that you're on leave. You're not participating, engaging in work-related meetings, events, activities, et cetera.

Apple University, the individuals you described, they don't make the decision on whether an employee should be returned from leave or not.

And, again, as I've stated, Mr. Okpo did give you the options if you wanted to attend that training.

Q. Yeah.

So as you read in my issue confirmation, I complained about a hostile work environment and had been asking for intervention about that hostile work environment.

So is Apple's position the only way that I could go to the training I wanted to is if I voluntarily requested to return to an environment I claimed was a hostile work environment? And constructive termination

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were the terms I used in that issue confirmation.

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

A. You're also conflating a whole lot of different things in the question you are asking.

As I've stated, when an employee is on a leave of absence, the expectation is that they are not to be working or engaging in work-related activities.

And I've described what Mr. Okpo gave you as the options to attend the training in my prior testimony.

Q. When was it decided to -- I say put me on leave. You have your own interpretation of what that's called.

When was it decided, though, that Ashley Gjovik can or should go on leave? What was the date?

A. I believe August 4th, you requested the leave, and Mr. Okpo granted you that request, and, therefore, you were on leave.

Q. So there was no discussion about leave prior to August 4th?

A. In this instance with Mr. Okpo, I also understand you took a administrative leave back in -- earlier in May, I believe, when Jenna was investigating your --

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Q. I'm talking about Okpo. My question is about Okpo.
A. Yes.
Q. So are you saying there was no discussion or decisions made about administrative leave in the Okpo investigation with me prior to August 4th?
A. Yes, correct, no decision made because you had not specifically requested to be placed on leave.
Q. And Apple is saying I requested to be placed on leave on August 4th?
A. That -- I believe that was around the time you had the conversation with Mr. Okpo, yes --
Q. Okay.
A. -- in the Okpo investigation, to be clear.
Q. Mm-hmm.
A. Yes.
Q. And my prior request that actions be taken to mitigate the hostile work environment and I wanted interactions with my managers in writing I had asked for several times to Okpo, were any of those requests considered prior to deciding to put me on leave instead?
MS. RIECHERT: Objection as to whether it was considered by you, but with respect to Apple, you can answer the question.
A. I'll take the -- because I think you add a lot

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of different things in the way you ask the question.
But if you are talking about specifically the request to only interact with your manager in writing, yes, I believe you did discuss that with Mr. Okpo.
And, again, you -- it's very difficult for an employee to be managed and only interact with their manager via writing. The nature of the work is sometimes you do need to talk to the person. They need to talk to you.
And, again, that was one of the things you had asked for, and since the leave, you wanted to not be engaging with your manager, Okpo -- Mr. Okpo agreed to grant you that request to be out on leave.
Q. And to be clear, the writing was just during Okpo's investigation. That wasn't ongoing.
So is that another case of Apple finding that written communication -- requests for written communication are things they won't approve?
A. I think --
MS. RIECHERT: Objection. Vague.
A. And you're misstating what I've said.
Q. Okay. Apple was aware that I planned to go to my office on August 5th to go get my laptop with evidence including text messages and to go look at the cracks on the floor.

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And Mr. Okpo put me on leave on the 4th and removed me from the workplace and all workplace interactions.
What was Apple's justification for preventing me from going to my office as I had planned to go?
MS. RIECHERT: Objection. Misstates the testimony. Assumes facts not in evidence.
A. As I've stated, Mr. Okpo heard your request to be -- go out on the leave, so not -- you're not in the workplace. He agreed to that.
Your wanting to and what you've said, wanting to go to the office and doing all those things, were not the basis for his decision. He simply granted a request that you had made.
Q. Why would I request to be put on leave concurrently with wanting to go to the office? Those would be contradictory.
MS. RIECHERT: Objection. Lacks foundation.
MS. GJOVIK: It's in the issue confirmation. I complained about this specifically in the issue confirmation filed to Apple.
A. Ms. Gjovik, you're asking me why would you ask something. I was not in your head, so I wouldn't be able to explain why you asked for that. So that's -- I'm not sure how you would want me to answer that.

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Q. So Apple's position is it understands that I planned to go to the office on the 5th but that I concurrently asked to be put on leave the day before I wanted to go to the office?
MS. RIECHERT: Objection. Misstates the testimony. Assumes facts not in evidence that that's what Apple knew.
A. Again, going back to my earlier testimony, your interaction was with Mr. Okpo. You requested the leave. He granted it.
Your question is assuming he knew all the things you wanted to do, future, after you were on leave, and I don't think that's the right assumption.
Q. Okay. Did Apple review my communications with Okpo prior to that leave where I repeatedly said I didn't want to be put on leave and thought Apple was using leave in ways that were retaliatory?
A. Can I --
MS. RIECHERT: Objection. Assumes facts not in evidence.
BY MS. GJOVIK:
Q. We can look at those emails after lunch. Actually, that's a better way. We'll look at those emails after lunch. We can read them together.
A. That would be helpful.

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Q. And then was it Apple's position that regardless of whether I asked to be put on leave or Apple --

(Reporter interrupts for clarification of the record.)

BY MS. GJOVIK:

Q. Let me start fresh on that one, too.

Apple's position regarding the leave I was on starting August 4th, did that include an expectation that I would not use Apple's Slack tool to talk to my coworkers?

A. No.

Q. So I could have used Slack to talk to my coworkers while on leave. Is that correct?

A. Correct. You were not prohibited from using Slack. In fact, your systems access were not cut off. You had full access to Slack and emails and other things while you were on the leave.

Q. When Okpo said I was removed from all workplace interactions, did that then mean -- or help me understand what that means if I could still use Slack.

A. Actually, I think it would be helpful to look at the specific words Mr. Okpo stated in the email.

But my understanding is he never told you you could not use Slack and you were prohibited from using

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Slack. In fact, you did, and you had access to Slack.

Q. How did you know I used Slack?

A. If you are saying that you -- I don't know if you used Slack. You had access to them.

Q. Okay.

A. You had the systems, access to Slack, emails. None of it was shut off, my understanding.

Q. When was the first time my system access was shut off?

A. Your systems access were shut off after your termination. My understanding is that your systems access were not shut off while you were on the leave.

Q. So when Mr. Kagramanov told me that my access to systems was removed prior to me being notified of being terminated, would that indicate that a decision was already made to terminate me?

MS. RIECHERT: Objection. Misstates the testimony.

A. I don't know that's what Mr. Kagramanov testified to, that he told you your systems access were shut off.

So, again, I think to -- for me to answer that, I would need to see what he said exactly. I did not review his deposition testimony.

Q. But it's your understanding that until a

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decision was made to terminate me, my system access wasn't removed?

A. Your systems access were not removed while you were on a leave. But when -- around the timing, I don't have the exact date, but around your termination, of course your systems access were removed.

Q. Okay.

A. But Mr. Okpo did not prohibit you or cancel your systems access during the leave.

Q. So if I could still use Slack while I was on leave, why couldn't I go to the Apple University training? What was the difference?

A. Again, the training is an event, activity, a program that you would have to go attend.

And as an employee, if you -- just like you can use email, just like you can use Slack, if you still -- or Box, if you have systems access, you can do that. You're not expected to do work. You're not expected to attend events like -- like the Apple U training. So they were very different.

Not every time an employee is on a leave that we would suspend access. And in your case, that was not suspended.

Q. Okay. Ms. Warner, maybe you're not familiar with what this training was. It was about racial

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justice, specifically black voter suppression. And I was writing a paper about black voter suppression in law school, so it was directly relevant.

And it was remote. I didn't have to go in person.

So I'm trying to understand why an Apple University training about racial justice and black voter suppression was something I could not attend, but you're saying I could use Slack to talk to my coworkers still. Can you please explain why one thing is being prohibited but the other is not?

MS. RIECHERT: Objection. Misstates -- asked and answered repeatedly.

A. Two things. And I will say this, and I've -- I seem to be repeating myself quite a bit.

It doesn't matter what the topic of the training was, whether it's about racial justice, black voters, none of that. That was not the factor.

The point is you were on a leave of absence. Mr. Okpo told you while you're on leave, it would not be expected and appropriate for you to attend a training by Apple University that is considered somewhat work related.

Again, if you're writing a paper about it, that -- it doesn't matter what the topic was.

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The Slack, email, those other things, you were not prohibited if you were on leave. You could still have access. Again, if you need it, for example, communicate with Okpo via email, you would have access to that. They are very different things.

Q. Okay. So why do you feel that a training about black voter suppression was related to my role at Apple?

MS. RIECHERT: Objection. Asked and answered.

MS. GJOVIK: No. That hasn't been asked, and she indicated that the training was related to my role in work.

BY MS. GJOVIK:

Q. And so I would like to understand why learning about the history of black voter suppression in the United States was related to my role as a senior engineering program manager at Apple.

A. Ms. Gjovik, that's not what I said. I think you hear different things when I speak, so I think it would be helpful for us to hear what I said.

I did not say this was related to your work at Apple. I said the training, regardless of the topic, the expectation when you're on leave, you would not be engaging in any work-related activity, whether training, through Apple U, or none of that.

Again, it was sponsored by Apple U. I did not

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say that was part of your job.

Q. But you said I could talk to my coworkers on Slack, so I'm just confused about the distinction here.

MS. RIECHERT: Objection. Asked and answered if there's a question in there.

BY MS. GJOVIK:

Q. Okay. So on August 4th, with the conversation with Okpo about administrative leave, if I had said no, I don't want to be on administrative leave, would I have been allowed to continue working in my role and not be on leave?

A. If you had not requested to be placed on a leave, Mr. Okpo would not have granted you to be placed on leave. At that time you would have been working while he was going through the investigation.

Q. So that's not what I requested.

Like regardless of whether or not I said I would talk about leave or consider leave -- because there was a nuanced conversation about leave if there's other stuff I'd prefer he did, but I was getting --

Anyways, if I said during that meeting, I don't want to be on leave or I don't want to be on leave today or some kind of caveats, did I have any agency to determine the timing of the leave or whether I was on leave, or was there already a decision that I was going

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to be put on leave on August 4th?

A. You had complete agency.

Q. Okay. I told him I did --

A. The leave --

Q. Sorry. Go ahead.

A. The leave you went on, the timing, the request, the agreement to be placed on leave was completely up to you.

Q. Okay. So I objected that if I was going to be put on leave, I didn't want to be on leave that day. I wanted at least a couple days. And I was told no.

MS. RIECHERT: Hold a second. Is there a question there?

And I'll object. Assumes facts not in evidence.

BY MS. GJOVIK:

Q. Okay. Are you aware that I attended a project meeting that afternoon after the meeting with Okpo still and told several managers in my organization that I had been put on leave and didn't know if I was allowed to even be at that meeting, but I still wanted to see them and get the project work done and still -- I still attended my work task that day?

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

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But you can ask if you're aware of that.

A. Yeah. There's a whole lot there that I don't know what part of it that I'm aware of specifically on what you told your coworkers. I did not look at anything of what you shared with them specifically.

Q. Okay. Ms. Warner, how many employees who complain about hostile work environment -- and I used that word in emails and the issue confirmation.

So how many -- how many employees that complain about a hostile work environment and end up on leave one way or another ask to come back to the same environment that they said was a hostile work environment?

A. I think you're asking a question that is an impossibility. I don't know the number of individuals at Apple who's raised concerns and who have requested to be placed on a leave.

If the employee requests to be placed on a leave while the investigation is ongoing, typically the answer would be we would grant them that because -- especially if they said, I don't want to be here.

But that's on a case-by-case basis. I don't have an exact number for you.

In your case, you requested it, and it was granted.

MS. RIECHERT: It's also not one of the --

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MS. GJOVIK: It's not my -- objection.
BY MS. GJOVIK:
Q. And Melinda has been using my deposition transcripts with stuff taken out of context as if it's somehow testifying against me.
So I'm going to ask you to please answer my question directly and stop inserting stuff that I'm not asking because she uses that somehow as evidence against me. It drives me crazy.
So employees --
MS. RIECHERT: That characterization --
BY MS. GJOVIK:
Q. -- who complain --
MS. RIECHERT: -- so ask the question without that characterization in it.
(Speaking simultaneously.)
BY MS. GJOVIK:
Q. My question was of complaints -- of employees who complained about hostile work environment and then end up on leave one way or another, how many asked to come back to the same environment they had described as a hostile work environment?
MS. RIECHERT: Asked and answered.
A. I have answered that. And there's also -- you've added multiple parts to this question, but I've

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already answered the question.
I don't know how many employees who have raised concerns who ask to be put on a leave of --
Q. That's not the question, Ms. Warner.
MS. RIECHERT: Okay. What is the question, then?
BY MS. GJOVIK:
Q. Who end up on leave one way or another ask to come back to the same environment they described as a hostile work environment?
MS. RIECHERT: I'll object as improper hypotheticals. Way outside of the topic of what this witness is testifying to. And I think the witness is saying it depends on why they ended up on leave. You said one way or the other. So objection on that basis, too.
MS. GJOVIK: We'll look at the investigators' testimony after lunch where they said they could recall no one ever asking. Okay.
A. I think, Ms. Gjovik, you're -- I just want to add to that, I think, again, you're assuming, I'm sure -- I know Melinda said that, but you're assuming the person, there's a determination there's a hostile work environment.
So, again, you're asking specific -- specific

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numbers that --
Q. That's not what I'm asking.
I'm asking if someone who complained using the term "hostile work environment" who ends up on leave one way or another asking to come back to the same environment they described as a hostile work environment.
A. I've already answered.
Q. Okay. Yeah.
What can you tell me about why my position was eliminated after I was terminated?
MS. RIECHERT: Objection. Outside of the topics.
MS. GJOVIK: No, it's not.
MS. RIECHERT: You can tell me which topic that is, but I don't see it there.
But if you can answer --
MS. GJOVIK: The termination. If in firing me they canceled my position completely, that is relevant to the termination.
MS. RIECHERT: Disagree with that characterization. The question is why were you terminated, and it was not a position elimination.
MS. GJOVIK: That is not the question I asked. And you can have objections, but she still has to

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answer.
MS. RIECHERT: Yeah. I'm just objecting it's outside of the topic. If she knows the answer, then she can answer it.
A. It is outside of the topic. It is not one that I prepared to respond to as to why that role was ultimately eliminated.
But it would have nothing to do with your termination because that was a termination for misconduct.
Q. It would be evidence of pretext is why we're asking.
MS. RIECHERT: Objection to your characterization.
BY MS. GJOVIK:
Q. Were Mr. Powers or Mr. West involved in the decision to terminate my employment at all?
A. No.
Q. Were Mr. Powers or Mr. West involved in the decision about me being on administrative leave in August 2021 at all?
A. No.
Q. Did Mr. Powers or Mr. West receive any feedback about their own conduct as an outcome of my complaints?
A. That's a very broad question. Outcomes of

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which complaints?
Q. Well, let's say any of the complaints that were in the issue confirmation I sent Mr. Okpo in August 2021.
A. Yes.
Q. What feedback did they receive?
A. One was with respect to the use, from what I had understood, of the use of the term "open kimono." That was -- and which it was in your issue confirmation; the feedback of the use of that term was one.
Q. Any more?
A. I would have to -- it -- well, for Okpo investigation, there was no others with respect to Mr. West or Mr. Powers.
Q. Mr. West testified he received feedback from Mr. Okpo regarding something you have not mentioned.
A. Yes. There was for -- with respect to the restaurant, sorry, the restaurant sous chef for Mr. West, not Mr. Powers, there was feedback about the familiarity, his having a clearer line between professional and not.
That was another feedback that was provided both by Mr. Okpo and Helen Polkes, and that was one of the things that I had spoken with Mr. West about.
Q. Okay. Are there any other topics of feedback

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that you have not mentioned?
A. I've talked about the open kimono. With respect to that investigation, I don't believe so.
Q. What about the Waibel investigation?
A. There was feedback provided to Mr. Powers with respect to communications with you, better communications, and also role clarity, my understanding from that investigation.
Q. Okay. Can you tell me more about the open kimono? What was the nature of the feedback provided and any instructions given of how to correct the issue?
A. Just the use of that term or the phrase that I think you had raised concerns about just being mindful of using that reference.
Q. So generally don't -- try not to use that reference? Is that --
A. What I've just stated in terms of what I understood.
Q. Regarding communications between me and Mr. Powers, what was the feedback provided about improving communications?
A. Finding more ways and Helen to work with you two to have better communications, interactions, clarity of role which were somewhat commingled because I think there was some concerns around your role and feedback

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being provided.
Q. Thanks.
For communication, though, was there anything more specific about what communication was at issue or how to improve communication other than the whole definition?
A. Nothing specific that I was aware of other than around just how you were interacting with each other because a lot of the concerns were around your interactions professionally and lack of clarity, et cetera.
Q. Yeah.
Can you give me any additional details about communication between me and Mr. Powers and any feedback he received on communication?
A. What was described in your issue confirmation with Jenna, some of those things, that would be the gist of it. I don't have any specific without looking at the issue confirmation.
Q. Okay. And then you said Mr. Powers and the restaurant and --
A. Mr. West.
Q. Or, sorry, yeah.
Mr. West and the restaurant, can you tell me more about the feedback you received?

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A. The feedback generally was around just having clearer boundaries, again, professional from the familial, it was some -- one of the concerns you had raised, just it's better to have that boundary from a skip-level senior leader and you, the familiarity.
Q. And how does that intersect with the dinner?
A. The concern was the interactions with you and what you shared with going to the dinner, the sous chef and all of that, that text messages, that goes back to the last point I had shared earlier on the exchanges.
Q. Yeah.
But what was the feedback Mr. West received?
A. I think I've already answered that.
Q. So are you -- when you -- just to not do -- not do that or?
A. I've explained the having clearer boundaries, professional, personal, separating the two.
Q. So that -- how does that play out with the text message thread and dinner?
A. Well, do you want to go through the text message threads in the dinner --
Q. No. We've already done that on prior ones.
It's more about, like, was he being told to, like, stop texting Ashley like she's a friend? Like, what was the actual feedback given to him?

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A. The gist of it is to be able -- he's a leader, you're two levels down, to be able to have clearer boundaries; again, that's his recollection of the feedback I was provided.

Q. But what's Apple's -- you're not testifying on behalf of Dan.

What's Apple's position on the feedback provided to Dan?

MS. RIECHERT: Objection. I'll object to that as inaccurate. She's entitled to obtain information in order to give testimony on behalf of Apple. She did that. She talked to Mr. West. And she's testifying about what Mr. West told her.

MS. GJOVIK: Yeah. But I'm not asking what Mr. West said, and Apple would be responsible if Mr. West continued to do misconduct to other employees and would look back at this case of was he put on notice it was wrong, so this stuff is very material, and I'm asking Apple what feedback was --

(Reporter interrupts for clarification of the record.)

MS. GJOVIK: I'm sorry.

I'm asking Apple what feedback was provided to Mr. West specifically on this topic.

MS. RIECHERT: Okay. So first of all, you have

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a lot of characterizations in there at the beginning that I disagree with and object to as assumes facts not in evidence.

Secondly, you asked and answered as to the feedback that Mr. West was provided.

MS. GJOVIK: Okay. So I'm asking this in more detail because Apple concurrently argues the same factual basis was misconduct by me justifying termination.

So if Apple also gave Dan West feedback that his conduct was inappropriate and I was complaining about his misconduct, that then runs contrary to my complaint being misconduct by me and justifying my termination.

So if Apple won't provide any additional information about what feedback was provided with Dan West, that refusal then becomes evidence itself.

So if there's anything else Apple would like to add in response to my inquiry on this topic, I invite Apple to do so.

Otherwise, we can move on, and we will count Apple's prior answer as Apple's complete answer to that line of questioning.

MS. RIECHERT: Are you asking what is the difference between what Dan did and what you did?

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Because she can certainly answer that question.

MS. GJOVIK: That's not what I was asking, but since you greenlit that one, let's do that.

BY MS. GJOVIK:

Q. Please answer, Ms. Warner.

MS. RIECHERT: It's a great question.

A. They are very different, Ms. Gjovik. Dan, the concern you had was -- again, we can go through the text messages. I don't want to read them without seeing them in front of me.

But the gist of it, you thought it was inappropriate for him to invite you to the dinner or engage with you in the various text messages.

The feedback for him was as a senior leader, you're skip level, just having clearer boundaries.

Again, I am entitled to be able to say I spoke with him to confirm -- this was five years ago or almost five years ago -- what the feedback was to him, what the learnings were. So I've already described that.

Your conduct is very different in that you intentionally disclosed confidential product information when you should not have, and that was in violation of multiple policies, and I've also explained a couple other things, so very different --

Q. I'm sorry, Ms. Warner. We were going to be

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comparing and contrasting the allegation that me making a complaint about sexual harassment when Mr. West tried to get me to sleep with the sous chef at the restaurant that night was misconduct by me when apparently Dan got feedback that his activity was misconduct.

And that's what I'm trying to suss out is the difference between me complaining about the same conduct that apparently Mr. Okpo gave Mr. West feedback about that being inappropriate, and the basis being me not providing a complete text message exchange that I specifically said I wanted to go get on August 5th at my office, and then was told by Mr. Okpo I was not allowed to get to my office to get, and then said because I didn't have the text message, that was a reason for firing me.

So I think we should actually probably take our lunch, and we can continue the rest of this after.

I'm going to gather some documents and emails we can read, and maybe it'll be helpful for us to look at some stuff as we continue the rest of these questions, unless there's anything else you'd like to add before we end.

MS. RIECHERT: She had not finished her answer on what the difference between Mr. West's conduct and what your conduct was with respect to the text messages

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between the two of them, so --
MS. GJOVIK: If she would like to answer, please go ahead.
THE WITNESS: Yes. You cut me off before I finished.
Your termination, you are comparing why you were terminated and the feedback to Mr. West. I have explained the primary reason for your termination, in addition to the fact that you didn't cooperate.
And then the final thing, which you seem to be zeroing in on, is you actually gave a part of a text thread misleading the investigators on that, when ultimately the full text thread showed something very different.
In fact, you just characterized the -- what Mr. West did, and the text messages did not show that.
So your attempt to give false and/or misleading information, very different than what Mr. West was, again, being a bit familial.
So that was my complete answer.
BY MS. GJOVIK:
Q. Can you please clarify, though, what you think the difference is because there was very little facts shared in what you just said.
So what was the premise that my screenshots

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showed that you say that the whole text thread then showed was somehow false? What is -- please explain to me the narrative of that difference.
A. We can look at the text messages you provided Mr. Okpo with a single text which --
Q. Because I didn't have the full thread.
But we've reviewed the thread in detail now with multiple witnesses, so I don't think we have to spend an hour doing that today.
But you're Apple, so you must know why you fired me. So please, Ms. Warner, as Apple, explain to me what exactly I misled about.
A. You just described, Ms. Gjovik, that he tried to have you sleep with -- and I don't know the exact word you used -- with the sous chef. The text thread, the -- when you look at the whole thread shows a different picture. It says something different, and so --
Q. Tell me about that picture.
MS. RIECHERT: Wait. She hasn't finished.
MS. GJOVIK: Yeah.
A. We do need to look at it so we can compare it again. I'm not -- I haven't, you know, gotten it all in memory in terms of everything.
But there was a multitude of texts exchanged

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between you and Mr. West during the course of the dinner, and that tells a very different picture, which Mr. Okpo attempted to speak to you about, and even now looking at it is very different.
So that is the reason. Those are different. And we can look at it. I know you don't want to, but it is important --
Q. No, we can. We just don't have time because we have a hard stop, and Melinda already said that I can't have more time with you. We don't have time to go over it again.
And I would expect that Apple would already know and have an answer on this and not want to spend just an hour reading those texts.
They are pretty weird, though.
Apple also has not provided what supposed texts I provided or why they're misleading. And I was hoping to get that answer today.
So if you need to go read your stuff at lunch, I would really appreciate it because I would like an answer from Apple today based on stuff they should have prepared on. If this was a formal reason they fired me, there should be an in-hand answer about exactly what text I provide, why they were misleading, and then why that full thread shows something different.

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And the only thing Mr. Okpo has testified to was that I texted the sous chef was cute, and that's all I know.
So I was really hoping to learn more from you today. Would you be able to maybe read more during the lunch and read up on those -- that stuff or talk to your Apple witnesses so we can get an answer from you today, please?
MS. RIECHERT: There's so much wrong with that question, I just don't even know where to start.
We have provided the text that you provided, the one text you provided.
Everything else you said was just absolutely false, and this witness has explained why it was that you were -- one of the reasons that you were terminated was providing misleading information about what the texts said when compared to the full texts. So she's --
BY MS. GJOVIK:
Q. So what was different? That's the open question.
And Apple has not identified which texts I've provided it thought was misleading. If it does have that and can provide that, that would be helpful. I don't currently have that information.
MS. RIECHERT: Okay. You don't have the texts

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that you put in the box that you gave to Mr. Okpo?
MS. GJOVIK: Apple has never made a statement -- and you're not Apple, Melinda, unless you want to do a written filing in the court for a discovery response.
But there's no formal statement from Apple at this time of what I provided, why it was misleading, other than Mr. Okpo's cutie comment, what the full thread shows, why it was misconduct for me to not provide an email thread I didn't even have access to and was trying to obtain, and a bunch of other stuff.
So I was really hoping Apple would be prepared to answer this in detail from their side. But instead you're asking me a bunch of questions. And it's not a deposition of me today.
So is this something that Apple can, like, regroup on over lunch and then hopefully have a better response after?
MS. RIECHERT: So we don't need to regroup on it. We have provided you with the text that you provided. We've explained to you why it's misleading --
MS. GJOVIK: Why? Why is it misleading?
(Reporter requests a break.)
MS. GJOVIK: Let's have -- let's do 45 minutes. We'll come back at 12:50.

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(A lunch break was taken.)
BY MS. GJOVIK:
Q. Okay. Ms. Warner, was Apple aware of the plaintiff filing any complaints or charges with any government agency prior to her termination?
A. Prior to her termination, yes, Apple was aware of charges that plaintiff had filed with the NLRB.
Q. With any other agencies?
A. No. NLRB is what we were -- Apple was aware of that I'm aware of.
Q. When did Apple become aware of the NLRB charge?
A. It would have been the last part of August, before the beginning of September. I don't have the exact dates of when it was filed.
Q. Okay. And then Apple's produced a number of business conduct tickets tracking complaints about the plaintiff or questions about the plaintiff.
Did Apple -- someone at Apple investigate every one of those business conduct tickets?
A. Sorry. Can you rephrase that? I think there's a lot in your question. Can you restate that?
Q. Yeah.
Apple produced a number of business conduct tickets that included complaints or concerns about the plaintiff, myself, from July '21 to September 2021. Did

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Apple investigate all of those complaints made about the plaintiff?
A. I would need to understand from July to September, you said multiple complaints about you.
Q. Mm-hmm.
A. I have already testified earlier some of the concerns that were raised about your disclosing confidential information, so that's one.
And if there are other complaints that came in through business conduct, they would have been part of the investigations that occurred in August and September.
Q. Okay. So if there is a business conduct ticket and it complained about me and it said it was sent to HR and/or legal in the ticket and Apple produced it as part of this litigation, it's safe to assume that was part of the investigation into me?
A. It's safe to assume that they would be part of the ongo -- the investigations, correct.
Q. Okay.
A. Yeah --
(Speaking simultaneously.)
BY MS. GJOVIK:
Q. And then any --

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(Reporter interrupts for clarification of the record.)
THE WITNESS: I said, investigations --
MS. RIECHERT: Plural.
THE WITNESS: -- plural.
BY MS. GJOVIK:
Q. And then anything that people had attached to those business conduct complaints as, like, evidence that the alleged misconduct assumably was reviewed by someone at Apple as part of that investigation?
A. Your question is assuming a few different things. So if there is a misconduct complaint that included an attachment that came to HR, ER, that would be included in the investigations.
Q. Okay. Thank you.
A. You're welcome.
Q. And then when did Apple become aware I filed a complaint with the EEOC?
A. Subsequent to your termination, and I don't have the exact date.
Q. When did --
MS. RIECHERT: The topic related to knowledge of complaints prior to the termination.
MS. GJOVIK: What?
MS. RIECHERT: The topic deals with knowledge

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of complaints prior to the termination.
BY MS. GJOVIK:
Q. Okay.
A. It's topic --
Q. When did Apple become -- that doesn't -- that -- I can still ask the question.
When did Apple become aware that I filed a complaint with the California Department of Labor?
A. That would be after your termination. I don't have the exact date. Again, the notice of termination (sic) talks about those agencies before your termination.
Q. Okay.
MS. RIECHERT: You mean notice of the deposition.
A. The notice of deposition that we --
Q. You guys are providing far more information than what's being asked. So you can -- if it's after termination, you can just say after termination.
So let me rephrase that question or the remainder of my questions on the same topic.
I filed a complaint with the U.S. Department of Labor Whistleblower Protection Program. Was Apple aware of that prior to or after it terminated me?
A. After.

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Q. Okay. Same question with the SEC tip.
A. Except for the NLRB complaint that it was listed in the -- the notice for deposition, Apple was not aware of any other complaints with any government agency prior to your termination.
Q. Okay. So all of the other agencies I was about to list, we're just putting them into that bucket of unless it's NLRB, they're saying they didn't know?
A. I don't know the list you're going to list. I know the notice of deposition has a list of them, and I had already mentioned the NLRB from that list.
Q. Okay. Regarding the NLRB charge, was anything done on Apple's side to investigate whether they may have violated the NLRA prior to terminating me?
MS. RIECHERT: Objection. Attorney-client privilege.
Instruct you not to answer if anything was done by counsel.
BY MS. GJOVIK:
Q. Was -- were the lawyers involved in responding to the NLRB charge also involved in the decision to terminate my employment?
A. That's assuming which -- I don't know which lawyers, internal in-house counsel would have been involved in responding to whatever charges that were

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filed that we were noticed of.
Q. And Apple had retained MWE as defense counsel for the NLRB charge prior to the termination.
Were they involved in the decision to terminate my employment?
A. No.
Q. Did Apple provide the plaintiff any warnings about their supposed misconduct prior to the termination?
A. No. There were no warnings about your termination other than letting you know that we needed to speak with you, but the conduct that led to your termination was so egregious that it led to immediate termination.
Q. Is there, like, a standard practice or procedure when terminating employees that was followed for my termination?
A. That's a very broad question. What do you mean procedures practice that were followed?
You had posted the information. Again, I've walked through all the reasons for the termination. There was a decision to terminate you, and you were notified of that.
Q. Okay. Ma'am, you're not answering my question.
Most companies will have a standard process,

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usually HR manages it, when they are going to terminate an employee, and they'll follow, and it's like written policies and procedures.
I'm asking -- I guess the first question would be does Apple have that?
MS. RIECHERT: So first of all, I'll object to your characterization that most companies have a process based on lack of foundation.
BY MS. GJOVIK:
Q. Okay. Does Apple have written policies that HR and/or managers are supposed to follow if they are going to terminate an employee's employment?
A. That's a really broad question. There are policies about what could lead to a termination, and some of those policies, I believe, were provided to you that are -- we can go over the list.
So if there is a review of the conduct and there's a determination that that conduct could lead to termination, that decision was made.
In this case it was.
Q. And you indicated that due to the, you said, egregiousness of the conduct at issue in my case that it was immediate termination.
Is there any kind of written policy or procedure at Apple for when someone thinks they need to

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make an immediate termination?
A. Some of the policies call for when termination can happen. There's not a specific policy that says these categories will lead to an immediate termination. Again, it depends on the circumstances. Something like egregious nature of actually leaking or sharing confidential information intentionally was a basis for termination.
Q. Okay. Did Apple have any communications with government agencies about charges or complaints I made, so NLRB, prior to my termination?
A. To the extent that there would have been a notice of appearance to the charge done through counsel, I'm not aware of any other contact with government agencies about you in advance of your termination.
Q. Okay. And Apple has indicated that my social media activity was relevant to the termination decision. Is that correct?
A. If you are referring to your posting of the images on Twitter, X now, and/or sharing them with "The Verge," then, yes. But if you're referring to something else, I don't know what that is.
Q. Sorry. "The Verge" isn't social media. So, yes, by social media, I mean Twitter, now

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called -- I don't like calling it X, either. I --
A. Okay.
Q. -- we can just call it Twitter. So I'm talking about Twitter specifically, and it sounds like Apple has indicated that my Twitter activity was relevant to my termination decision. Is that correct?
MS. RIECHERT: Objection. Misstates the testimony.
A. My testimony is the images you posted on Twitter was relevant to your termination.
Q. Thank you. So when Apple was investigating these images I shared on Twitter, did it review other posts I made on my Twitter account?
MS. RIECHERT: Objection to the extent it calls for information that would be privileged under the attorney-client privilege.
BY MS. GJOVIK:
Q. Okay.
A. Speaking to anything that is not privileged, what I've shared before, Mr. Bertolus reviewed the images that you had posted on Twitter, and that was the basis for the decision to terminate you.
Q. Thank you.

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My question is -- that didn't answer my question. My question is did anyone, like, pull open my Twitter account and look at my other posts? Like assumably if they thought I was leaking, they would see if I was leaking more stuff than the thing they thought was leaking. So did anyone at Apple go and, like, read my Twitter post as part of the investigation into me supposedly leaking supposedly confidential information on Twitter?
MS. RIECHERT: Objection.
Instruct you not to answer as to anything that may or may not have been done by the legal department.
A. Outside of anything that may have been done under privilege, no.
Q. If someone did go look at my social media platforms and posts, did they also look at my LinkedIn?
MS. RIECHERT: Same objection.
To the extent that anything was done by legal counsel or under the direction of legal counsel, it's privileged, and I instruct you not to answer.
BY MS. GJOVIK:
Q. Okay. What about my website at ashleygjovik.com? Did they investigate the things I was

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posting on my website?
MS. RIECHERT: Same objections. Same instruction.
If it was done by in-house counsel or in the direction of in-house counsel, then I instruct you not to answer.
BY MS. GJOVIK:
Q. Okay. So assuming it was done but by in-house counsel, what was the time frame? When did they start reading my social media or blog posts?
MS. RIECHERT: Are you talking about assuming that Apple's in-house counsel did it?
MS. GJOVIK: Mm-hmm.
MS. RIECHERT: Then I instruct you not to answer on grounds of attorney-client privilege.
MS. GJOVIK: I believe you have to provide at least the basic underlying facts. So, like, if it was legal, I need to know which lawyer and at what point they went snooping, like at least a rough timeline. I don't think you can just claim privilege to the entire factual basis.
MS. RIECHERT: I can. Anything that was done by Apple's legal department is privileged, and I will instruct the witness not to answer.
MS. GJOVIK: Okay. So all of these objections

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we're going to have to bring to Judge Westmore, but we'll do that separately.
BY MS. GJOVIK:
Q. Okay. When did Apple first become aware that I was posting on social media about Apple?
MS. RIECHERT: Again, to the extent anything was learned by legal counsel, I instruct you not to answer on grounds of attorney-client privilege. But if it came through another source, you're welcome to answer.
A. Other than -- I can't answer that other than some of the business conduct concerns that you've already -- we've already talked about. Outside of any privileged investigation that may have happened, I cannot answer that.
Q. There were business conduct tickets back to July 2021.
So is it safe to say that Apple had begun investigating my social media activity about Apple no later than July 2021?
MS. RIECHERT: You're making that representation. I don't know that the witness can --
BY MS. GJOVIK:
Q. How about this --
A. I cannot, assuming I'm aware of complaints from

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July 2021.
Q. Is it safe to assume that if there's business conduct complaints filed against -- about me, complaining about me supposedly leaking or misconduct, and you said that they would have been investigated as part of the investigation into me, that if there's business conduct complaints like -- actually, let me withdraw that. Let me find a better way to answer this.
What is generally the timeline for Apple to investigate a business conduct complaint being filed alleging that someone is making public statements that were misconduct? Is it usually days? Weeks? It could be months?
A. It depends on the nature of the allegations and how much and where the person is, what's being shared. So it depends.
Something about an allegation of leaks of confidential information is pretty immediate because that has potential for significant impact on Apple.
Q. So is it safe to assume if there were business conduct tickets alleging me of sharing confidential information, and there was, like, activity on the ticket saying it was being sent to legal and HR teams, that that meant that Apple was investigating those complaints at the time those entries were made?

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MS. RIECHERT: Objection. You said -- were they investigating at the time that the business conduct complaint was made at that -- on that day or --
MS. GJOVIK: No, when the entries were made, like, sending to HR and legal team to look into this.
MS. RIECHERT: Right.
And the question is was it investigated on that day or on subsequent days? So I just wanted to clarify your question.
BY MS. GJOVIK:
Q. My question is opaque because I'm not getting a straight answer the way I wanted to ask it, so I don't know. I might abandon this question. I have the evidence.
Let me find a different question.
Did Apple ever go back and investigate my other social media posts as part of an investigation into me?
MS. RIECHERT: Objection to the extent you're asking for information done by Apple's in-house counsel or at the direction of in-house counsel.
And instruct you not to answer based on attorney-client privilege.
BY MS. GJOVIK:
Q. Okay. Around when did Apple retain the law firm OMM to respond to me?

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MS. RIECHERT: Objection. Outside of the topics that this witness is knowledgeable for.
But if you know the answer, you can answer.
THE WITNESS: I do not.
I think you asked me that question earlier.
MS. RIECHERT: No. It was MWE earlier.
THE WITNESS: Oh, okay.
BY MS. GJOVIK:
Q. No. This is -- yeah, this one is OMM. They got three. They had another one.
A. No, I do not.
Q. Okay. There was a business conduct complaint filed on September 15th by someone named Cheryl Stewart Scarlett that was cited in some of the Apple's defense filings.
Was that used as a factual basis for determining to fire me or as part of Apple's defense in this matter?
MS. RIECHERT: Okay. Objection. Compound. Break that down. One, was it related to the termination? And, two, is it related to Apple's defense? She can answer those two separate questions.
BY MS. GJOVIK:
Q. Okay. First one, was it related to the termination?

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A. I think you said that it was filed -- did you say September 15th?
Q. Yeah.
A. If it was filed after September 15th, it couldn't have been the reason for your termination. You were terminated on September 9th.
Q. And then was it used as part of Apple's defense?
A. That was part of Apple's defense in the legal lawsuit, but that's not the -- that wouldn't be part of what was decided for your termination.
Q. What was the relevance of using that complaint in the litigation as a defense?
MS. RIECHERT: So first of all, I think this is outside of the topics, which is not related to the defenses in the lawsuit.
Second, it calls for attorney-client privilege.
And thirdly, it calls for a legal conclusion.
MS. GJOVIK: It's definitely related if Apple is still continuing to use it as a defense, which it indicated by asking to have me sanctioned related to this communication with Stewart, so I would like an answer.
MS. RIECHERT: It's not related to this witness's topic is what I'm saying.

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MS. GJOVIK: But she's Apple, and you're representing Apple, so I would like an answer.
MS. RIECHERT: Yes. But it's not one of the topics. So she is --
MS. GJOVIK: It's only not a topic if you're abandoning it as a defense.
MS. RIECHERT: No. You told me which topic asks about our defenses to this lawsuit, and we can respond. But none of these topics that --
MS. GJOVIK: Investigations into the plaintiff and termination of the plaintiff.
MS. RIECHERT: Right. And she -- the witness has said that the Cher Scarlett complaint does not relate to the termination of the plaintiff.
MS. GJOVIK: That's probably good enough.
MS. RIECHERT: Good, because it came after the termination.
MS. GJOVIK: Okay. But if Apple is saying it's not related to the termination at all, then it's completely irrelevant to its defense.
MS. RIECHERT: No, not true. We've got the after-acquired evidence rule. So that's one of our --
MS. GJOVIK: So there goes why my question is relevant. Unless you're saying that this deposition -- the scope of this deposition doesn't cover your

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after-acquired evidence rule defenses. Is that what you're arguing?
MS. RIECHERT: Correct.
MS. GJOVIK: Okay. That's not how that works. Your after-required evidence as related to would have fired her anyway, it's definitely included here, especially since a complaint was about overlapping materials from what you're saying is your legitimate justification.
So I would like to ask more questions about this.
BY MS. GJOVIK:
Q. Did Apple have conversations with Ms. Stewart Scarlett about this matter prior to her filing that complaint on the 15th?
MS. RIECHERT: So first of all, outside of the topic.
But if you know the answer, you're more than welcome.
THE WITNESS: I do not.
Prior to your termination, again, the basis for your termination we've already talked about, which were the images that Mr. Bertolus reviewed, and the other subsequent actions.
I'm not aware of any conversation with Cher

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that led or that was considered by Mr. Bertolus for your termination.
BY MS. GJOVIK:
Q. I meant before she filed it on the 15th.
A. I don't -- I'm not aware -- I don't know of --
Q. She indicated that someone contacted her --
(Reporter interrupts for clarification of the record.)
BY MS. GJOVIK:
Q. Ms. Stewart Scarlett indicated that someone from Apple legal contacted her around the 3rd to discuss this matter, the 3rd of September 2021.
Do you know anything about this?
A. That would be legal counsel presumably under the investigation that's under privilege, so I'm not aware of anyone in legal, in the Apple legal, contacting her.
Q. Apple has indicated that this complaint that Ms. Stewart Scarlett -- Stewart Scarlett because at the time this happened, her last name was Stewart, but then she changed it to Scarlett, so it's Stewart Scarlett.
Apple indicated that the complaint filed by Ms. Stewart Scarlett revealed some information that they previously did not know at the time of the termination.
What was revealed in what she filed that was

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not known prior?
MS. RIECHERT: Okay. So first of all, this relates to the after-acquired evidence defense, which is not one of this witness's topics.
But if you know the answer other than what you've been advised by counsel, you're welcome to answer it.
THE WITNESS: I do not.
BY MS. GJOVIK:
Q. Do you know if there was an investigation into me further following her complaint?
A. Other than what I'm aware of from legal counsel and the privileged investigations, I am not aware of any.
Q. Has Ms. Stewart Scarlett ever been interviewed as a defense witness by Apple?
MS. RIECHERT: Objection. Work product privilege. Attorney-client privilege. Not one of this witness's topics.
BY MS. GJOVIK:
Q. Did Apple ever have communications about this matter prior to the termination with Ricky Mondello?
A. Outside of -- I am not aware of outside of any perhaps investigation that's privileged has done. I don't know Ricky Mondello. I'm not aware of any

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specific conversation. Is there something you want to --
Q. He was a -- sorry.
A. No.
Q. Okay. He was a manager, and he was posting stuff with holding out, like, an insider knowledge about "The Verge" article and Gobbler stuff. And he made some inflammatory posts right after I was fired saying, sometimes you fuck around, sometimes you find out, about me. And it seemed like he might have been involved somehow.
A. After you were terminated?
Q. Before -- the Gobbler/"Verge," that stuff was before, and then the fuck around, find out was like a couple hours after I was fired.
A. Again, talking to what led to your termination and what conversations happened is different than what happened after you were terminated.
Nonetheless, I'm not aware independently of posting by, you said, Ricky --
Q. Mm-hmm.
A. -- and conversations he may have had with anyone in legal at Apple.
Q. Legal, global security, HR. Okay.
Similar question for Shantini Vyas who also

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made a bunch of posts around September 1 and September 2 alleging I was making false claims and misleading people about my complaints about Apple and that I was filing frivolous complaints to the government and, again, held herself out as appearing to have inside information, did she have any communications with Apple legal, HR, or global security about this matter?
A. Since prior to your termination or since --
Q. Yeah.
A. -- termination?
Q. Prior.
A. Not aware of that individual. Again, if it's something that occurred in the course of the privileged investigation, that would be something I wouldn't be able to speak to.
MS. GJOVIK: Okay. Okay. Now we're going to do something a little bit different, in all my documents during lunch, the first one is going to be kind of boring.
Ms. Court Reporter, do you want me to get these loaded in the -- a drive folder now, or is it okay if I do it at the end and send you a link?
THE REPORTER: Yeah, either one is fine.
MS. GJOVIK: Okay. Thank you.
So I'm going to go like this, share.

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MS. RIECHERT: Are you going to put it in the chat, Ashley, or are you going to show it up on the screen?
MS. GJOVIK: I'm just trying to get my computer to work. It wasn't cooperating.
Okay. This one's just --
MS. RIECHERT: We're just seeing a black --
(Speaking simultaneously.)
BY MS. GJOVIK:
Q. This is just your LinkedIn I just pulled since you're the witness, just to have the profile of your experience. This is just a download from your LinkedIn as of today.
Is this accurate for your role at Apple?
MS. RIECHERT: It's eight pages long.
THE WITNESS: Yeah.
MS. GJOVIK: It's five pages.
THE WITNESS: Can you scroll -- five, yeah.
MS. RIECHERT: Five pages, right?
THE WITNESS: Yeah.
BY MS. GJOVIK:
Q. Does that look right?
A. It generally looks right. I have a copy of it. But it seems to be reflective.
I don't see the date of when you printed it.

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Usually when you print something out or download it, it has a date.

Q. It doesn't download when you do the PDF. I'm sorry.

But if that looks generally correct to you? This is Exhibit A.

(Deposition Exhibit A was marked for identification.)

A. It generally looks accurate.

Q. Thank you.

And then we were talking about this earlier. Exhibit B is that termination communication that Apple produced between Ms. Bowman and Mr. Bertolus.

(Deposition Exhibit B was marked for identification.)

BY MS. GJOVIK:

Q. Do you need it bigger?

A. Yeah. It's just --

Q. Yeah, yeah. I'm sorry about that. I forget how small it can be on the laptop screen.

So, okay, it starts here on September 9th.

MS. RIECHERT: (Inaudible.)

THE WITNESS: Oh, yeah. That's better.

BY MS. GJOVIK:

Q. Oh, she's got it projected?

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A. Yeah. It's good.

Q. Okay. Great.

So it starts September 9th with Ms. Bowman saying:

"Yannick, this afternoon Sophi Jacobs and Aleks Kagramanov, members of our global security and ER teams, reached out to Ashley to talk with her about allegations she had disclosed confidential product-related information on Twitter. Ashley chose not to talk with the team and asked for all communication to be in writing. She was informed that because she chose not to participate in this discussion, Apple would move forward with the information that we had and that due to the seriousness of the allegations, her systems access would be suspended. Ashley disclosed confidential product-related information on Twitter, and this conduct on its own warrants termination. In addition, she failed to cooperate in Apple's investigative process today and during the ER investigation into her workplace concerns. More specifically, she failed to accurately and completely provide information, including

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actively redacting relevant information from documents that she presented to Apple's ER investigator. Based on her conduct which violates Apple's policies, the people team recommends that her employment be terminated. Thanks, Megan."

Had you seen this email from Ms. Bowman prior?

A. Yes.

Q. Do you know did Ms. Bowman write this email herself, or was this a group effort with others?

A. The author says Ms. Bowman, so she wrote it.

Q. Okay. There were other emails that have been part of this where the folks were -- testified that it was drafted by someone else and they sent it.

So I just want to confirm, do you know that Ms. Bowman actually drafted it herself?

A. I haven't asked her if she drafted it, but because it came from her that she would -- she's the author of it, and I'm not aware of other emails you're mentioning that other people wrote.

Q. Okay.

A. So if you ask who wrote it, it's from Ms. Bowman. She wrote it.

Q. Okay. And this is the one where it says -- it uses that term "redacting."

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Do you know what she means by redacting?

A. Again, not having spoken with Ms. Bowman directly about this, what I was sharing earlier including actively redacting relevant information from the documents that you presented would relate to the text messages we talked about. You give one part of it, and then there was a fuller text thread.

Q. Yeah. I had provided what I had. I didn't have the other stuff.

But was there an allegation I redacted what I provided, like put black boxes on top of text or?

A. No. There's no allegation you put black box around the text. She may be using a term "redacted" in a different way than how you are referring to it. Again, I can't speak to what she meant by putting it there.

But the point of that third reason for the termination was you provided the text that was limited, and then there was a fuller text thread, which I've already testified about.

Q. Yeah.

And back to that, so is there anything else you want to add for Apple's rationale for that third bucket of things being misconduct, or was that your complete answer prior? We kind of cut off a little early on

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that. I want to give you a chance if there's any other information you want to provide.

A. We did, and we talked a lot about that, and what I was trying to explain -- and I thought you were going to come back to the text -- but regardless, in your issue confirmation, you did characterize the interaction with Dan and Andrew and the chef at the restaurant, I believe your word in the issue confirmation, you used some term that he was pimping you and pressured to give Andrew your phone number, you had no interest in Andrew, and you had provided Okpo that single thread of text, which I've shared.

But the fuller text when you read it and the back and forth indicated a different story, which is why Mr. Okpo was trying to reach out to you to ask you to explain the inconsistency because that -- the text messages didn't show that the pressure and/or being forced to give the phone number. In fact, I remembered one of the texts, you had indicated you would give Andrew your phone number.

So, again, that's what I meant by that.

Q. That's helpful.

Is there anything else you want to add related to that? So it sounds like phone number? What was the other example you just gave?

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A. Again, without reading your issue confirmation, what I recall from reviewing it, you had used the word of being -- pimping and pandering, I believe, were the words.

You had mentioned that you were -- you didn't express any interest in Andrew. I recall you also mentioned that you were pressured to give the phone number.

And then just earlier when you were asking me the question, you basically were indicating you were forced -- you were being forced to have, you know, relations or with Andrew.

The text messages, what I was explaining, showed something different where you were, in essence, voluntarily saying you would give Andrew your phone number.

That's one example I recall.

Q. Okay. And you said that you -- you recall -- and, I'm sorry, we don't have time to go back through all that. I have, and I would have expected that you would probably read this beforehand to get prepared for it because we don't have time to go through every document with these type of documents.

A. There's not a question there.

But I want to clarify, I have read them before.

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What you want me to do is recite for you what the actual text said. There are multiple.

Q. No. I'm asking for Apple -- because they haven't given me an explanation on this, so I'm hoping to get from Apple today an explanation, like a narrative or summary, more information than just what I already have from those documents.

MS. RIECHERT: Objection. Mischaracterizes what Apple has and hasn't provided you. Mr. Okpo provided you a lot of information, as have discovery responses.

MS. GJOVIK: Disagree with that, but that's fine.

BY MS. GJOVIK:

Q. So, okay, and you're saying that you -- Apple believes that in those documents, I indicated I had no interest in Andrew, like it was being forced on me, but then the texts show that was not true? That's another example? Is that right?

A. To restate what I've shared, and I'll try to do it as succinctly as possible, in your -- in the issue confirmation, the characterization of that incident or that event, that interaction painted one story. The single text you provided showed one story.

The full thread indicated something different

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in terms of the story, the unwillingness to participate or engage or talk to Andrew or share the phone number. And I've given you some examples.

Again, without reading through each word of the issue confirmation, each word of the text, the point of the third reason was there was an understanding by Mr. Okpo that you were giving inconsistent, if not misleading, information, and he wanted to talk to you about that. And you refused.

Q. Oh, but it was just he wanted to talk without a written record. And we talked about that earlier because I said I would talk to him. I just wanted a written record.

And then you mentioned the pimping and pandering, the --

MS. RIECHERT: Hold on. Object to that as misstates the testimony and the documents.

BY MS. GJOVIK:

Q. The pimping you mentioned, it's a cause of action: Pimping and pandering with indirect benefits. So, like, actually, that's, like, California Labor Code whistleblower disclosures or complaints making -- a allegation of a violation of a statute is an actual whistleblower disclosure.

And are you --

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MS. RIECHERT: Okay. First of all, please don't recite the law because I'm just going to object. Ask a question.
BY MS. GJOVIK:
Q. Are you aware of the legal -- because -- so okay.
You were mentioning that the use of the term "pimping and pandering" as a sort of misconduct or basis of misconduct or the comparisons.
So I would like to ask if Apple is aware of the legal definition of a statute I was citing for pimping and pandering with indirect benefits and what the legal criteria is for that.
MS. RIECHERT: Okay. Objection. Outside the scope of any of the topics --
MS. GJOVIK: Protected activity. Retaliation. Reason for termination.
MS. RIECHERT: Calls for a legal opinion. I think that's -- I'll stop at those two.
MS. GJOVIK: Okay. So if we leave it at that, though, it's basically like saying she said that we violated the NLRA and we think that's misconduct because we don't think we did, so her saying we violated the NLRA is misconduct.
If you want to leave it like that, we can, but

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I was hoping to get more information about why Apple would think me citing the violation of a statute is misconduct.
MS. RIECHERT: Okay. First of all, that is exactly not what the witness said and so misstates the witness's testimony.
MS. GJOVIK: That's why I'm trying to get more information.
THE WITNESS: If you would allow me to, again, make sure I clarify, I did not state that you simply citing pimping or pandering is misconduct.
Very clearly, my testimony and what I understand is that you had characterized the interaction, and how you described what happened and what you provided to Mr. Okpo seemed to be different than what he was able to see from the text thread. And he wanted to speak to you about it. And you refused.
So the reason for that part of the termination was the misleading information and your refusal to speak to him.
I did not say your citing the statute or any legal argument you made was the basis for the termination.
BY MS. GJOVIK:
Q. Thank you.

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I was trying to do you a solid on that one because it sounded kind of bad, and I assumed it was not that wild.
But are you aware that Mr. West testified that he believed that there was a power imbalance that would prevent me from actually being able to consent to something like that?
A. That Mr. Powers testified?
Q. Or, sorry, Mr. West. Not Mr. Powers. Thank you.
A. Yeah. Can you say that again? Just, like, there's a lot there.
Q. Are you aware that Mr. West testified that he believed there was a power imbalance that would prevent me from actually being able to consent to something like that?
MS. RIECHERT: Objection. That misstates the testimony.
But you can answer if you're aware of his testimony.
THE WITNESS: I am not.
BY MS. GJOVIK:
Q. Okay. Are you aware that Mr. West and I had texted, and he had said it was one of the worst things he's ever done and confirmed that in his deposition?

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A. I am not.
Q. Are your aware that Mr. Okpo testified that me requesting to have communications in writing on this specific issue was a reason he closed the entire investigation and stopped investigating all of my other complaints?
MS. RIECHERT: Objection. Misstates the testimony.
A. I do not believe that's what he said, so that is not an accurate characterization of what Mr. Okpo shared.
Q. If that's not true, did Apple continue investigating my complaints after I was fired?
A. Mr. Okpo -- the -- again, without disclosing any privileged investigation that had occurred, the investigation did not necessarily conclude with you simply refusing. There were lots of other things Mr. Okpo had done.
And so how you're characterizing his testimony, again, I read his testimony; I don't believe that is accurate.
Q. Okay. When did the investigation into my concerns complete, then?
A. Into which concerns?
Q. The issue confirmation.

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A. That Mr. Okpo was -- was investigating?
Q. Yeah.
A. Sometime around the first week of September, the first half of September, the 9th, I believe, or the -- right after that.
Q. So I was fired on the 9th, so that would stick with him saying he closed it on the 9th because I wouldn't get on the phone with him.
A. Well, the 7th, he did tell you based on the information he has he would close out his investigation. So that assumes --
Q. He never said that.
MS. RIECHERT: The record will speak for itself.
BY MS. GJOVIK:
Q. Okay. So I should have just let you continue because that's not what's in there.
But, okay, let's continue with this.
So Ms. Bowman sends Yannick this email. Within six minutes, Mr. Bertolus responds:
"Understood. I agree with the termination decision."
Did Mr. Bertolus and Ms. Bowman talk about this prior to Ms. Bowman's email?
MS. RIECHERT: Objection to the extent that it

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calls for attorney-client privilege that he was present at a meeting at which counsel was present at which privileged information was revealed.
A. Outside of any privileged conversations that may have happened including Ms. Bowman and Mr. Bertolus that I've talked to -- earlier about, I don't have any independent information to say he had spoken to her separate from that and what she said in her email here.
Q. And in preparing for this deposition today, is there a reason you did not speak with Ms. Bowman to learn more from her experience in this?
A. I had information that I needed specific to the topics that you had described that I needed to testify about.
Q. Okay. Well, like, for example, using the term "redacting" and us not being sure what that means seems it would have been helpful to talk to her to learn more.
Did someone tell you not to talk to her?
MS. RIECHERT: First of all, that's your characterization. The witness said she had anything she needed. And if anybody told her not to talk to her, it would be privileged.
BY MS. GJOVIK:
Q. Okay. In retrospect, do you think maybe you should have talked to Ms. Bowman prior to this

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deposition?
A. No. I had the information I needed to be able to testify this morning. Asking me what she meant by a single word in an email being redacted, which I've explained what that would mean, I don't see the importance of the need to have spoken to her about it. I had what I needed.
Q. Okay. Let's talk about this more. So she says:
"Actively redacting relevant information from documents that she presented."
So how does that phrasing translate to providing screenshots without redactions? Help me understand, please.
MS. RIECHERT: Objection. Asked and answered.
A. I've already answered that a couple different times, Ms. Gjovik.
Q. So this indicates, like, withheld information.
Does Apple believe that I had more information I could have provided but I chose to withheld?
A. Again, you are assuming what Ms. Bowman meant, but as I've testified earlier, you provided summaries of what you believed happened. You provided a text message. You did not provide the full exchange.
And Mr. Okpo was attempting to speak to you.

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So whether you withheld it intentionally or not, that's what he was trying to talk to you about, and you refused.
Q. Okay. So the issue confirmation indicates I didn't have it and I was trying to get it. It was at my office.
So I'm trying to understand if Apple thinks I was intentionally withholding more information than I had.
A. Based on the information we had and what Mr. Okpo had, Apple believed you did have information or at least there was more to the thread than what you provided.
But more significantly, the story, the thread, the messaging, what happened, shows a different picture, a different story than what you had described to Mr. Okpo in the issue confirmation.
That's the crux of him trying to reconcile the inconsistencies in what you shared happened and what he seems to see was happening reading the full thread.
Q. So are you aware that Mr. Bertolus testified that he wasn't even aware that this was about the sous chef? He thought this was about his personal friend who is the head chef.
A. Yes, I'm aware of that. I read his testimony

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that he did not know, and he mentions Andrew specifically.

But the point of this is the information that Mr. Okpo had he believed were inconsistent from what you had shared, not who the chef or sous chef was.

Q. And it sounds like Mr. Bertolus was provided this information by at least partially legal because he claimed privilege.

Do you think that maybe him being presented with information that led him to believe that this was a complaint about his friend, his personal friend, could have biased his decision making?

MS. RIECHERT: Objection. Lacks foundation. Speculation.

MS. GJOVIK: Yeah. She can answer.

A. No, I cannot because I think you've said a few things that assumes he knew a whole lot of different things. You said the information he had could have led to him being biased about his friend. You just said he didn't know it was Andrew.

So I'm not sure which part of the question you want me to answer --

Q. He's not -- Andrew is not his friend. His friend is Jared, the head chef. He testified that he thought my complaint was about Jared, his close friend,

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and he didn't realize it was about Andrew, the sous chef.

A. Okay. What's the question?

Q. Do you think -- do you think Mr. Bertolus mistakenly thinking my complaint was about his friend Jared could have biased Mr. Bertolus's decision making in deciding that I filed a frivolous sexual harassment complaint because he was led to believe that it was about his close personal friend?

MS. RIECHERT: Same objections.

A. Your question is asking me to assume what was in Mr. Bertolus's head, whether he had bias and whether it was considered his friend.

I have testified what Mr. Okpo was aware of and what was shared with the HR team, including Megan Bowman and what Megan shared with Mr. Bertolus, so I can't testify to do I believe a whole lot of different things that you said.

Q. Sure.

A. So I believe what he was provided, what was in front of him, and he considered that what Megan shared and what I've already testified about, that you, in essence, led the investigator to be misled into believing one thing when the evidence was showing something else. That was the nature of what he

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considered.

Q. Does Apple have any concerns about that decision, now looking back and realizing the decision-maker didn't even know who the complaint was about and mistakenly thought it was his friend, and if the complaint is about me supposedly misleading people, but that decision-maker not even knowing what the complaint was about, that maybe there should have been a further investigation before a decision was made?

MS. RIECHERT: Objection. Compound. Argumentative. Vague as to what the question is.

A. Yeah. I don't know. Like, the -- your question has a lot of different things in there.

Again, repeating what I've said earlier, what was important, Mr. Bertolus was told that there was an investigation, and there was inconsistencies in the information you provided and what the investigator had. And you refused to speak to the investigator about it.

Whether it was his friend or what he knew or what he now says he knows would not have changed the decision that was provided to him -- the information that was provided to him and the decision that was made.

Q. Does Apple stand by the integrity of their investigation into this matter?

A. Yes.

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Q. Okay. Does Apple stand by the integrity of the decision to terminate me arising from this matter?

A. Apple stands behind the decision to terminate you for the reasons I've already stated multiple times and as Mr. Bertolus stated.

Q. Okay. Thank you.

Okay. So then he responds in six minutes and says:

"I agree."

And, I'm sorry, whatever tool they used for these documents cuts off date and time stamps, and it gets really messy.

But she sends:

"Please see attached. Here's the attachments you can send to Ashley."

Do you know -- so Mr. Bertolus testified he did not draft that termination letter.

Do you know who did draft the termination letter?

A. Again, assuming your characterization of how Mr. Bertolus described the drafting, and then I don't have the specific words in front of me, but it is not uncommon to have the partners who were working with him, including Megan, HR, ER, and to be able to help draft the notification letter to the employee who is being

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terminated and for the leadership to be able to review and put in their own words.

Q. And then when she says:

"The people team recommends that employment be terminated."

Does the people team include employee relations as well as the HR business partners?

A. Employee relations is part of the people team, so, yes.

Q. And when she says:

"The people team recommends."

Who was she referring to as members of the people team that are making the recommendation?

A. In addition to Megan, that would be myself from the ER team. And I believe you were aware I was reporting -- I already mentioned reporting to Joni Reicher who was my former manager. So the people team would be inclusive of that.

Q. And that's the exclusive list? There's no one else?

A. On the people team?

Q. Mm-hmm.

A. Those who have been -- again, I've already listed anybody who was involved in consulting Mr. Bertolus; that would be Megan, myself, obviously

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Aleks who was involved in the conversations as well, and Ekelemchi who provided the information.

Q. Mr. Okpo said he didn't know I was fired or the reason I was fired. And Mr. Kagramanov said he had no background on the investigation and never heard anything more about it after notifying them that I wouldn't get on the phone.

MS. RIECHERT: Okay --

A. I've stated those who provided information.

Q. Okay. So I'm asking about recommends -- who recommends the employment be terminated, what the names are.

MS. RIECHERT: (Inaudible.)

(Reporter interrupts for clarification of the record.)

MS. RIECHERT: I said, asked and answered. It's -- the question was who on the people -- people team recommended it, and she gave three names.

MS. GJOVIK: But then she said Okpo and Kagramanov but then said they just provided information, so I'm trying to clarify who is on her list.

MS. RIECHERT: And they are not on the people team -- or maybe Aleks was --

MS. GJOVIK: They were. Both are.

MS. RIECHERT: You're right. You're right.

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You're right.

THE WITNESS: They were.

Ms. Gjovik, I think you are parsing it out. I said the people who would have been making the recommendation, to be clear again, Megan, myself who is on the ER team, part of the people team, and Joni at that time.

And what I stated was based on information obviously provided by Ekelemchi and Aleks, Mr. Okpo and Mr. Kagramanov.

BY MS. GJOVIK:

Q. So the information used to determine to fire me was based on information from Kagramanov and Okpo, but assumably other people from other organizations or just them?

MS. RIECHERT: Okay. A whole bunch of questions in there. Could you repeat it so we get one question?

MS. GJOVIK: She was listing people who provided information for the decision to terminate, and I was asking her to clarify if those two names she mentioned were the entire list of people or only the list of people who were in the people organization and provided information used to decide to terminate.

MS. RIECHERT: Okay. I don't think that was

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her testimony --

THE WITNESS: No, those are two different --

MS. RIECHERT: -- about this -- the letter, but --

THE WITNESS: There are two different things you're conflating.

Who provided information, I've given a list, I think, from the beginning of this morning of who were consulted, who were involved in the discussions, and also the two individual investigators who I've talked about following on the wanting to talk to you providing information.

In terms of the recommendation to terminate, the people team would include Megan Bowman who was the PBP, or people business partner, myself, head of ER, and Joni who was my boss at that time for the people team. That was your question.

BY MS. GJOVIK:

Q. Okay. Thank you.

And two times it was mentioned that someone wanted to reach out to me and talk to me and me not wanting to get on the phone was the reason for me being fired.

Was there anything that I could have said during those phone calls that were requested that could

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have prevented me from being terminated?
MS. RIECHERT: Objection. Incomplete hypothetical. Speculation.
You can answer if you know.
A. I don't know. It's hard to -- you could have said a whole lot of different things in those conversations.
But to be clear, going back to the underlying fundamental reason for your termination was that it was concluded what you had shared -- posted and/or shared through the press were confidential information. That was a basis Mr. Bertolus determined was grounds for termination.
In addition to that, your refusal to speak with those two investigators, which presumably you could have said, yes, I'll talk to you, I'll share my side of the story, whatever the justification could be, but you didn't do that.
And I've added the third additional factor that Mr. Bertolus considered.
So I don't know how to answer that without you having decided to talk to them. I've stated the reasons.
Q. So let's hone in on the Gobbler pictures and Mr. Kagramanov reaching out to talk to me because I

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think it's important to distinguish if Apple wanted to get me on the phone to talk about something that could have saved my employment or if Apple already knew that they were about to fire me.
So I'm trying to understand what exactly Apple planned to ask me on that call to try to figure out if there's any answers I could have gotten to save my employment at Apple.
So maybe a better question, my question would be what did Mr. Kagramanov and Ms. Jacobs plan to ask me on that call I was requesting?
MS. RIECHERT: So that's part of the investigation, and I will object on the basis of attorney-client privilege. Obviously, if they had spoken to you, then it would no longer be privileged. But you wouldn't speak to them, so it's privileged.
MS. GJOVIK: Okay. We'll bring that to Judge Westmore, too, and I'll ask again --
MS. RIECHERT: You've had your one chance at discovery.
But anyway, let's move on.
MS. GJOVIK: That's not true.
BY MS. GJOVIK:
Q. Anyways, the -- is there anything that I could have said during that call with Mr. Kagramanov and

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Ms. Jacobs that could have saved my employment, like, for instance, if I said, I'm sorry you're so mad at the -- about this, here's why I did it, though, I'm really sorry, do you want me to delete it right now, I'll delete it right now, could I have prevented getting fired?
MS. RIECHERT: Objection. Hypothetical. Speculation.
A. Could have, would have, should have. There was a whole lot of things you could have said and done.
But going back to my point earlier, the fact that, as I know it and as happened, is you did disclose the confidential information, you did refuse to speak, and you did provide misleading information. So those facts led Mr. Bertolus to terminate you.
What you could have done, should have done, would have done, again, is speculation, and I can't speculate to what that would have been and how it would have transpired because you chose not to speak with the investigators about it.
Q. Yeah.
So what I'm trying to figure out is if Apple has any substance at all to this defense I'm not trying to get on the phone, like if they were looking for a concrete piece of information or they just wanted me to

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apologize or agree not to talk about stuff, it gives Apple a little more credibility on this.
But if Apple has no -- nothing to say about what they are going to ask and can't give me any examples of how I could save my employment, then it sounds like that call was just probably to fire me, not actually ask any questions.
So then the whole wouldn't get on the phone for an investigation doesn't really make any sense.
So if there's anything Apple would like to --
MS. RIECHERT: All of that is your commentary, and I object to it all on that basis. So --
MS. GJOVIK: Okay.
MS. RIECHERT: -- when you make a whole bunch of commentary and then you ask a question, I have to keep objecting to your commentary. Just ask the question.
BY MS. GJOVIK:
Q. Is there anything else Apple would like to provide about what they plan to ask or anything I could have said during the call Mr. Kagramanov and Jacobs requested regarding the Gobbler stuff that could have prevented my termination?
MS. RIECHERT: Objection. Speculation. Hypothetical. Asked and answered many times.

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MS. GJOVIK: And you said privileged earlier.
MS. RIECHERT: And privileged.
BY MS. GJOVIK:
Q. Is there anything you can still answer?
A. I have already answered the question a few different times, outside of any privileged investigation plan; I cannot answer that question.
Q. So that was Exhibit B, that email.
And then now I want to show you three photos. These were photos of Twitter posts that I deleted after that email from OMM in 2021.
And I would like you to let me know if any of these were the posts -- where is my screen share -- that Apple fired me over.
This is Exhibit C1.
(Deposition Exhibit C1 was marked for identification.)
BY MS. GJOVIK:
Q. Is this -- are these images that Apple terminated my employment over?
MS. RIECHERT: Again, just looking at the image and not the words. That's your question, right?
MS. GJOVIK: Well, she said that Apple terminated me over images.
MS. RIECHERT: Right.

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BY MS. GJOVIK:
Q. So if that's true, going off of what Apple said, then, based on Apple's stated reason for terminating me, would these be the images Apple says it fired me over?
MS. RIECHERT: And my point is there are words in addition to images here, so I don't want it understood that it was because of the words as opposed to the images.
MS. GJOVIK: I do think it's because of the words, too. But to your point, we're clarifying.
BY MS. GJOVIK:
Q. Per Apple's stated defense, which is just the images, not the words, do these look like the images that Apple says it fired me over?
A. If you look at just the images, and there were a few that were shared that I've had, it's -- I don't know if this is a replica of some of the other ones or a screenshot of them, but that -- it's hard for me to tell what this one is.
Q. You can say you don't know. I would rather if you don't know, just say you don't know.
A. It's assuming -- I need to be able to look at -- I didn't see these in the context of the -- of the post themselves.

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Q. Okay. So I have two more, so I'm looking for a yes, a no, or an I don't know.
A. Okay.
MS. RIECHERT: Are you going to show the two more?
THE WITNESS: Let's look at the two more.
MS. GJOVIK: No. I would like her to answer for each of them.
BY MS. GJOVIK:
Q. Is this yes, no, or I don't know?
A. I can't recall at the moment if this was one of them. I would need to look at what I had reviewed. And this looks like one of the ones that I might have seen, but I don't recall specifically.
Q. Okay. Here's the next one.
This is Exhibit C2.
(Deposition Exhibit C2 was marked for identification.)
A. Nothing is changing.
Q. Can you see this one now?
A. I can.
This one, again, it's in isolation, so it could be one of the ones, but I don't recall specifically.
Q. Okay. And then the third one, this -- let's see, C3.

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(Deposition Exhibit C3 was marked for identification.)
BY MS. GJOVIK:
Q. Here. What about this one?
A. This one, again, to the right with just your face because this looks like two pictures, but to the right one might have been one of the images with your face that I've seen here.
Q. Okay. So of the three things I just showed, can Apple answer conclusively if any of those represent the photos -- photo or photos that were the basis for my termination?
A. Or images that -- this one particularly with the right and the second one may have included, again, parts of the images to focus in what was the specific image that they thought was confidential, not the full text the way you have it as the full post.
Q. Okay. But the images, can you conclusively say any of those, or you thought that there were maybe two examples?
A. Two examples I could say, yes.
Q. Okay. So the two examples you can say yes, let's pin that down.
Let's see. Sorry. Sharing the photos is a little more tricky than on Adobe.

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Okay. Okay. So this one, I believe this is Exhibit C3. And it has two images at the -- embedded in the Twitter post.

And I believe you said the one on the right, that's the one you indicated. Is that correct?

A. The one on the right, just that image itself appears to be one that may have been included in the images. But you're showing just specifically the post versus, like I said, the images that were produced, and I don't know if this is one of the ones that was produced by you or Apple.

Q. So this is my Twitter post. And these, like I said, were the ones that that law firm OMM indicated and had me delete. I had to delete these --

A. Yeah.

Q. -- well, I didn't have to, and I protested, but I did anyways.

So, okay, we're indicating, though, you think --

MS. RIECHERT: More commentary in there, so let's just --

BY MS. GJOVIK:

Q. This right one, this right image on Exhibit C3? Is that right?

A. Yes.

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Q. Okay. Thank you.

A. I believe it is --

Q. And then I think you said on that second one -- on this one and that is -- that Vox Media, this is the video that was embedded in that "Verge" article, and so this is a screenshot of that "Verge" article video. Is this that -- the second one you indicated?

A. That was part of the video. Again, that's -- this is just a screenshot of it.

Q. Yeah.

A. So correct.

Q. Okay. So that's the other one. Thank you.

A. I think the other one --

THE REPORTER: Could we take a break soon?

MS. RIECHERT: Yeah, hold --

MS. GJOVIK: I do. I have to go, too, yeah.

(Speaking simultaneously.)

MS. RIECHERT: She hasn't finished her answer.

A. The first one you had had, again, screenshots on the right. That's why I was saying because it indicated multiple pictures, so --

Q. Oh, sorry. Do you want to go to that C1, you had one, too? The first one?

A. I think I was -- I was showing like the first one you had, C1, had a line of various pictures and

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screenshots. One of them might have been similar to what you shared on the third one.

But we can look at it after a break.

Q. Oh, sorry. So do -- that was 3, then, the screenshot on that first one of the multiple pictures and then the still of the video and then the one on the right --

A. Why don't we look at that when we come back.

MS. GJOVIK: Okay. Okay. Five minutes.

(A short break was taken.)

BY MS. GJOVIK:

Q. Ms. Warner, I think you were saying something about Exhibit C1, so I'm sharing that again.

A. Yeah. So I'm saying you have on the side different images. Some of them are duplicative of the other ones you shared, so they look similar to the ones -- the images that were reviewed and considered.

And the middle one, the big block with the side-view, appears to be similar to the screenshot of the video that was on "The Verge." So that looks like one of the ones that was considered as well.

Q. Sorry. This one I just circled in orange, is that the one you're talking about? I think that was the third one, the --

A. Yes. The third one looks like -- this one you

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circled seems like a copy of the third one, so that's obviously the same --

Q. Okay.

A. -- and the big block looks like a screen --

Q. That one.

A. -- shot similar to what you had on "The Verge."

Again, these are all the images that were shown but in different settings, and some of -- a couple of them are duplicative.

Q. Okay. Thank you.

A. Yeah. You're welcome.

Q. Okay. So we shared that one.

And then I would like to share Exhibit D1.

(Deposition Exhibit D1 was marked for identification.)

MS. GJOVIK: And D2.

(Deposition Exhibit D2 was marked for identification.)

BY MS. GJOVIK:

Q. So we have -- lawyering is a bunch of paperwork and Zoom and screen sharing. I'm trying my best. Sorry. Thank you for your patience.

So this is a Twitter post I had about the ear scans. We talked about this a little at the beginning.

And I just wanted to ask for confirmation if

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this post was one of the factual basis for the termination of my employment on September 9th.
MS. RIECHERT: Objection. Asked and answered.
A. I've already --
Q. The answer is no, right?
A. I've already answered that question earlier.
Q. Okay. And then so that was exhibit -- which one is this?
MS. RIECHERT: D1.
MS. GJOVIK: D1 is -- sorry. This is D2.
D2 was the image of that Twitter post. And then D1 was a business conduct complaint filed on August 29th:
"User is concerned that Ashley is posting internal emails about 3D ear scans on their Twitter account."
MS. RIECHERT: Can you show us, scroll?
MS. GJOVIK: Mm-hmm.
BY MS. GJOVIK:
Q. So it looks like it was sent to Debbie Rice.
A. Can you scroll up, please?
Q. Yeah.
It was either sent to Debbie Rice or filed by Debbie Rice. Do we know who filed it?
A. What you're looking at, this page here is the

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email -- an email from business conduct, and you have Debbie's -- again, some of it is redacted. Debbie would have been either copied or sending -- forwarding it. But it's redacted --
Q. Oh, okay.
A. She did not --
(Speaking simultaneously.)
(Reporter interrupts for clarification of the record.)
MS. GJOVIK: I don't know.
THE WITNESS: She did not file the complaint. Ms. Gjovik said did she file it. I just want to make sure the record is clear, this is not Debbie filing it by simply seeing her name on the bottom.
BY MS. GJOVIK:
Q. And when it says received by "dri," is that "dri" is Debbie Rice?
A. It's hard for me to see what the -- something is missing from there.
Q. Yeah. It's redacted by Orrick, so I don't know sometimes what this is.
A. I can't read what it is when it's cut off, so --
Q. I can't, either.
What about this one? So here below on 8/31, it

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says sent by "ade." Is that you?
A. Oh, I see what that is. I think it's the email address that's being cut off.
So going back to the Debbie Rice, so I see now it's the email, and then "ade" would have been my email address being redacted.
Q. Okay. So the "ade" is you, and then "dri" would be Debbie Rice?
A. Yes.
Q. Okay. Thank you.
A. You're welcome.
Q. So this was not a basis for the termination.
MS. RIECHERT: Can you go through the whole document?
A. Yes. You have some on the bottom.
Q. Sure.
A. Okay.
Is that the end?
Okay.
Q. Okay. That was D1 and D2.
And then I'd like to share C4 and C5.
(Deposition Exhibit C4 was marked for identification.)
(Deposition Exhibit C5 was marked for identification.)

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BY MS. GJOVIK:
Q. So C4 is an email -- a letter emailed to me by that O'Melveny & Myers law firm, when we said OMM, on September 15th, 2021. Mr. David Eberhart sent me a message and said:
"Dear Ms. Gjovik, on behalf of Apple Inc., we write to request that you remove certain images and video that you have displayed publicly in violation of your confidentiality and intellectual property agreement with Apple dated January 31st, 2015. The first are the images contained in the following Tweet. As you know, the images are comprised of internal Apple emails regarding a confidential Apple internal user study project. Please remove those images from any public location and refrain from further public disclosures about that project. The second is an image contained in the following Tweet. The related video is located here. As you know, that image and video were generated by a confidential internal Apple application during confidential Apple internal user studies. Please remove that image and video from any public location and refrain from further public disclosures about

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that application or related user studies. A copy of the IPA is included with this letter. I am available to discuss this matter at any time. If you're represented by counsel, please identify your counsel."
Are you aware of this letter?
MS. RIECHERT: I'll object that it's outside the topic.
But you can answer if you're aware of it.
THE WITNESS: No, I am not.
BY MS. GJOVIK:
Q. Okay. That first link went to the ear scan Tweet and said:
"Those images are comprised of Apple emails."
So it was a screenshot of the emails about the ear scan.
Do you know why Apple would be emailing me about or sending me a letter asking me to delete my Twitter posts about the ear scans if that wasn't a reason I was fired?
MS. RIECHERT: Again, outside the topic.
A. First you are wanting me to assume this link is to the ear scan. Assuming that, I -- this was dated after your termination. And if you had -- they

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discovered or had the post Apple -- they thought was still confidential, asking you to remove it would be appropriate.
But I don't have any independent knowledge or reasons outside of what the lawyers would indicate as to why O'Melveny sent you that letter.
Q. Okay. And do you know if Apple's planning on using the ear scans as part of an affirmative defense or fired her anyways?
MS. RIECHERT: Objection. Attorney-client privilege. Work product privilege.
Instruct you not to answer.
Outside the topics of this deposition.
MS. GJOVIK: I mean, this is the reason for the termination.
MS. RIECHERT: No. The witness has said that the ear scans was not the reason for the termination.
MS. GJOVIK: Apple said it was in their interrogatory response.
MS. RIECHERT: Okay. You can argue that later.
MS. GJOVIK: Yeah. We will. We will at length.
So just to confirm, we're not -- she's not allowed to answer that question I just asked?
MS. RIECHERT: Right, if it's -- if she had any

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knowledge other than what she obtained from legal counsel as to what our defenses are in this case and what we intend to introduce as evidence in this case.
BY MS. GJOVIK:
Q. Okay. Is it Apple's position that that post about the ear scans is confidential?
MS. RIECHERT: Okay. Don't ask me questions.
MS. GJOVIK: No, not you, Melinda. I'm not.
BY MS. GJOVIK:
Q. Ms. Warner, is it Apple's position that the -- that Twitter post about the ear scans contains confidential information?
MS. RIECHERT: Again, outside the topics of this deposition.
But if you know the answer, you're welcome to give it.
A. Other than what you have clearly see -- showing on the screen now where the letter indicated that it is, again, presuming that that link included in there, without seeing it itself, is of the ear scan, then, yes, that's what Apple was stating. And I don't have any reason to testify differently at the moment.
Q. Okay. And then if Apple does think that the ear scans is confidential, is there a reason they are not using it in their defense in the litigation?

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MS. RIECHERT: Same objection. Attorney-client privilege. Work product.
Instruct you not to answer outside the topics of this deposition.
BY MS. GJOVIK:
Q. Is there any reason that Apple began to use that as a defense and then appears to have abandoned that defense mid-litigation?
MS. RIECHERT: Same objections. Assumes facts not in evidence. Attorney-client privilege. Work product.
Instruct you not to answer outside the topics of this deposition.
BY MS. GJOVIK:
Q. This is Exhibit C5. This is a letter that a lawyer that I retained sent Apple on October 6, 2021, in response to that letter from OMM. It is three pages. It says:
"Dear Mr. Eberhart, I represent Ms. Gjovik. I'm in receipt of your" --
Can you read this okay, or do you need it to be bigger?
A. No, I'm -- I can read it.
Q.
"I'm in receipt of your letter dated

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September 15th, 2021, and subsequent email communication with my client. Going forward, please direct all such correspondence to me. As you are aware, Ms. Gjovik has already complied with your September 15, 2021, demand to remove certain images from some of her Twitter posts. However, I write regarding the inappropriateness of your requests, which may compromise copyright misuse. While I understand that Apple is not opposed to taking aggressive litigation postures and indeed has a history of doing so, I remind you of your ethical duties as an attorney regarding the assertion of claims that have no basis in fact or law. Your September 15, 2021, letter alleges that Ms. Gjovik violated the confidentiality and intellectual property agreement with Apple dated January 31st, 2025. You are incorrect. The IPA does not cover the images/video that Ms. Gjovik posted. For example, you take issue with Ms. Gjovik's posted screenshots of an automated email sent to Ms. Gjovik from Ask, an" --
(Reporter interrupts for clarification of the record.)

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BY MS. GJOVIK:
Q. Sorry.
-- "an internal survey solution. The email itself was not marked confidential. Further, there is no suggestion in the email that the in-person study referenced in the email was restricted to Apple employees or that its existence was confidential. The content of the automated email also contained nothing that could be considered secret or otherwise proprietary. There was no disclosure of the content, methodology, identity of any participants in the survey, other than Ms. Gjovik, or any of the survey's findings. The post" -- "posted image of the email merely noted what was already known to the public. Apple was conducting 3D scans of human ears to collect representative ear geometry data across age, gender, and ethnic groups and to benefit the audio research efforts and better our understanding of ear geometry variance. It is no secret that Apple has been scanning a wide range of human ears to perfect its various AirPod products. In fact, Apple's vice president of product marketing, Greg Joswiak, spoke publicly about 3D ear scans over a year ago.
We had done work with Stanford to 3D scan hundreds of different ears and ear styles and shapes in order to make a design that would work as a one-size solution across a broad set of the population, Joswiak says. With AirPods Pro, we took the research further, studied more ears, more ear types, and that enabled us to develop a design, along with three different tip sizes, works across an overwhelming percentage of the worldwide population.
See Jeremy White, The secret behind the runway success of Apple's AirPods, Wired, September 5, 2020, available at wired.co.uk/article/apple-airpods-success.
Accordingly, Ms. Gjovik cannot face restriction in disclosing a nonconfidential email about the mere existence of a survey concerning 3D ear scanning, scanning that Apple has already publicly disclosed much earlier, sent to her during a period in which Apple put her on administrative leave. Apple's demand for Ms. Gjovik to remove such content appears, therefore, to be pretextual. Your September 15, 2021, letter and subsequent email communication also takes issue with image video you contend were generated by a confidential internal Apple application during confidential Apple internal user studies. Apple holds no copyright to these images, which were not authored by a human. As you're aware, United States copyright law only protects the fruits of intellectual labor that are founded in the creative powers of the mind. Trade-Mark Cases, 100 U.S. 82, 94, 1879. Because copyright law is limited to the original intellectual conceptions of the author, Apple would be unable to register any of the such images or video generated by the Glimmer app since a human being did not create the work. Burrow-Giles Lithographic Co. v. Sarony, 111 U.S. 53, 58, 1884. Apple therefore cannot allege infringement of any copyright by Ms. Gjovik. To the extent Apple argues that the images taken by the Glimmer app are confidential, they are not marked as such. You have also not alleged how the mere images of Ms. Gjovik, in her home, taken by the Glimmer app, on Ms. Gjovik's own phone, could qualify

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quality as confidential and/or proprietary information under the IPA. For example, your letter fails to acknowledge that the images were, a, taken by an automated process running on Ms. Gjovik's own iPhone and, b, captured her own likeness and portions of her living space. There can be no doubt that Ms. Gjovik is permitted to post to the public her legitimate concerns about images of her, in her home, captured by an automated process, on her own phone. Additionally, your letter fails to acknowledge that beyond the nonproprietary images Ms. Gjovik posted, she intentionally rendered unreadable any conceivably nonpublic information while posting these otherwise nonproprietary images. Your claims of any violation on the IPA based on the posting of these images appear, therefore, to have no basis in fact or law. Given Ms. Gjovik's removal of the content you referred to, coupled with the infirmities of your intellectual property claims in the September 15, 2021, letter, we consider this issue closed, and we expect that Apple will immediately cease sending further inappropriate demands.

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Sincerely, David L. Hecht, Hecht Partners."

Did Apple receive this letter?

MS. RIECHERT: Objection. Outside the scope of this deposition.

But you can answer if you know.

A. I do not know.

Q. Okay. I guess, well, that was short, then.

Now upon reviewing this letter on behalf of Apple, does it make Apple reconsider any of their positions regarding ear scans or the Glimmer application?

A. That letter contains a whole lot of different things, including arguments, legal arguments back and forth. This letter does not change what I've testified previously with respect to the reasons for your termination.

MS. GJOVIK: Now we have Exhibit E1.

(Deposition Exhibit E1 was marked for identification.)

MS. RIECHERT: Which letter is this?

MS. GJOVIK: This is written by Orrick.

MS. RIECHERT: Oh, what's the exhibit number?

MS. GJOVIK: Oh, this was -- I just put it in the chat. It's Exhibit E1.

MS. RIECHERT: E1. Thank you.

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MS. GJOVIK: Yeah.

BY MS. GJOVIK:

Q. This is a letter drafted by Orrick and sent on behalf of Apple on March 4, 2022, to the U.S. Department of Labor.

Are you familiar with this letter, Ms. Warner?

A. I need to look at the whole letter. I am assuming it's not half a page.

Q. It's 13 pages. It's Apple's position statement to the U.S. Department of Labor Whistleblower Protection Program.

Have you reviewed that in preparation for this deposition?

A. Again, looking solely on the first page because I am not seeing the 13 pages to understand if there are any parts of it I may have seen, but I have not seen this first page that is on the screen at the moment.

Q. Okay. We can look at this. So there's Page 1, Page 2. Just read the headers. The factual background. Page 3, Page 4, Page 5, 6, 7, 8, 9. Then argument. 10, 11.

This is in response to my claims under CERCLA, SOX, and OSHA violations. This letter argues that my disclosures of confidential information included the ear scans as the reason for me being terminated.

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Are you aware that Apple has used the ear scans as a justification for terminate me -- terminating me in different proceedings?

A. I believe you've -- I've already testified in terms of the extent of my knowledge on the ear scan.

But what legal proceedings that have been made a defense by counsel I am not aware specifically.

Q. So Apple code named the ear scans and the Glimmer and Gobbler stuff Alpha and Omega in their responses.

Are you aware of their use of the terms of "Alpha" and "Omega" as code names for these matters?

A. When you say these matters, I think it's a little confusing for me. There's this matter where there have been summary judgments filed, interrogatory responses. And then you have this letter and an administrative proceeding.

I have not seen this letter. I am not privy to the administrative proceedings that this letter is referencing to.

I have seen at least the code names Alpha and Omega in, I believe, the interrogatories perhaps and the summary judgment -- I can't recall specifically which -- but not in the context of what you are asking me about for this administrative proceeding.

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MS. GJOVIK: Okay. So I'm going to show the interrogatory response. Let's call this 6.
MS. RIECHERT: Is this exhibit -- another exhibit?
MS. GJOVIK: I was going to make it, yeah, an exhibit. But it's already filed.
Sorry. I'm so bad at multitasking all this. One moment.
So we'll call this E6.
(Reporter interrupts for clarification of the record.)
MS. GJOVIK: Yeah, sorry.
Close current tab. I'm trying to save it. And that's why it's not saving.
Okay. Try again.
(Deposition Exhibit E6 was marked for identification.)
BY MS. GJOVIK:
Q. Okay. Here we go. So this is Apple -- sorry. My computer is not cooperating.
This is Apple's interrogatory response, Set One. This will be Exhibit E6.
This also has Omega. So this is in Apple's interrogatory response as to why it says it fired me at the time it fired me on September 9th. And it cites

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this Omega study, which is the ear scans.
Or I guess that's a question: What is the Omega study, Ms. Warner?
A. I would -- it's -- and I would have to look at this entire interrogatory responses that described it. One was -- the ear scan was the Face ID.
So is that described in here without disclosing confidential information?
Q. It says on August 28th for Omega -- that was the date of the ear scan Tweets -- and then August 30th for Alpha, which would have met with the Gobbler stuff.
But Apple would be the best entity to know what it meant by using these terms. I have been guessing, as is everyone else.
A. The terms would have been described in somewhere in there. And, again, I'm not looking at the entire document.
Q. Okay. So on behalf of Apple, can you tell me what Omega refers to?
A. Other than what's described here in the interrogatory that it is a study in connection that you had participated in.
Q. Mm-hmm.
A. Okay. Can you scroll up, please?
Okay. Scroll down.

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Well, in here, it says, again, the footnote:
"To safeguard Apple's confidential information, studies were referenced as Omega for purposes of this response."
So that was my point of do you want me to talk about a study that was deemed confidential?
Q. Well, does Omega refer to that Tweet about the ear scans?
A. One of the two does. I believe it's -- I don't want to speculate which one is which without looking at the document that describes it.
Q. Is there a document that describes it?
A. I don't know.
Q. I would love to see if there is because I -- I have not seen a decoder ring for the code names. Okay. So there's that.
And then we have -- okay. I'm attaching Exhibit E4.
E4 was returned through a FOIA request to U.S. Department of Labor for Apple's filings to Department of Labor in their response.
(Deposition Exhibit E4 was marked for identification.)
BY MS. GJOVIK:
Q. In their response, Apple, via Orrick, included

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on Exhibit 2 for 12, under Omega study includes what appears to be the ear scan Tweets.
So based on this, do we think that Omega means ear scans?
MS. RIECHERT: You're asking this witness who has no knowledge about which is which to deduce something based on some exhibit that she's never seen before. And I just object on that basis. This is not --
MS. GJOVIK: Otherwise, the witness representing Apple Inc. cannot actually decipher Apple's interrogatory response as to why Apple fired me.
And one of the reasons Apple appears to be indicating as to why it fired me is something Apple's own witness indicated is a reason they did not fire me.
So I'm just trying to get to the bottom of this.
MS. RIECHERT: Okay.
MS. GJOVIK: I would like to continue on this line of questioning if that's all right.
MS. RIECHERT: So the witness is not here to talk about interrogatory answers. Not here to talk about FOIA requests or DOL or anything like that. So --
MS. GJOVIK: We're talking about pretext, though, and so Apple's other administrative filings that

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show that Apple's responses in the retaliation civil litigation may be pretext is directly relevant to my showing.

MS. RIECHERT: Right. But you can make those arguments to the judge that the reasons are pretextual, but that's not what this witness is here -- she's here to tell you why the -- why you were terminated, and she's told you that.

MS. GJOVIK: Yeah. That's what we're doing. You can object where you think it's fine, but --

MS. RIECHERT: I am.

MS. GJOVIK: -- get that on the record.

BY MS. GJOVIK:

Q. I would also like to ask you, Exhibit 10 was submitted by Orrick and Apple regarding the -- that "Verge" article. So this is a copy they submitted of "The Verge" article here.

And if you scroll down, you got all this text. Text. Text. Add text. Image of the radar thing. Text. And then the end. That's the end.

So the evidence that Apple submitted of that "Verge" article doesn't actually include the photo or video in that "Verge" article that you mentioned was the basis for termination.

Why did Apple use evidence of an article that

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didn't include the one thing they said was the basis for termination as their supposed evidence for the termination?

MS. RIECHERT: Okay. This witness is not here to talk about DOL responses, interrogatory answers, anything like that. She's here to talk about why the termination decision was made. Why a certain article was included in a DOL response is not part of the subject of this witness's testimony.

MS. GJOVIK: Well, this was the article she said that I was fired over.

MS. RIECHERT: No. She said you were fired over posting images in a "Verge" article.

MS. GJOVIK: But this is the "Apple Cares About Privacy Unless You Work At Apple" article, so that's the article she was referencing.

And I didn't post it because I'm not a journalist. I don't write for "The Verge."

MS. RIECHERT: I don't know if this is the one that she saw that has images and video in it.

MS. GJOVIK: So this one is called Apple -- sorry.

BY MS. GJOVIK:

Q. Were you going to say something, Ms. Warner?

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A. Yes. I think we're just repeating ourselves here. The -- what I had shared before that were images that were posted on "The Verge," the images that were considered.

Again, you are showing me an exhibit to some administrative that has a long article. I did not speak to the article itself. I said the images you posted on Twitter and on "The Verge."

Q. Okay. What article or articles in "The Verge" were you referring to?

A. The -- this one was one I have seen this before. But like I say, we have talked about images in here. There was one from -- we had just talked about the Glimmer that was included in "The Verge."

Again, which one, again, there were probably multiple ones that you had posted. But I don't know about this entire article and what was provided in the administrative proceeding.

Q. I'm sorry. For the retaliation case, for Apple's defense -- well, for Apple's defense, right now, we're doing this as part of the retaliation case, but the reason Apple says it fired me, it's -- you mentioned that it included photo or videos shared in a "Verge" article.

What was the title of the article you were

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referring to?

A. We already walked through the videos and the images. This one may have been one where, again, if you scroll up, if that has the images in there, like, there are multiple pages, that would be included in there.

Q. We just scrolled down, and this version of it didn't have the images or video in it. It is in the article, but the example that Apple submitted is their evidence didn't include the photos or the video.

A. Okay. I can't speak to what was submitted in the evidence in the DOL proceeding.

Q. Okay. I'm sorry I have to do this. It's the pretext. I don't know if you've done retaliation cases, but it looked like you worked for Morgan Lewis, actually, so maybe you have done some of these.

This is the pretext back and forth. I'm sorry. It's probably exhausting.

Okay. So I would like to now look at -- this one will be Exhibit -- okay. So this is Exhibit L.

(Deposition Exhibit L was marked for identification.)

BY MS. GJOVIK:

Q. This is the complaint I filed to the California Department of Industrial Relations against Apple on August 29, 2021.

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Did Apple -- was Apple aware of this complaint prior to terminating me?

A. I've already testified earlier prior to terminating you the NLRB complaint that Apple was aware of.

Q. Okay. And so in this one, I complained:

"I raised concerns about workplace safety and was told to stop speaking about my concerns. Then I was threatened, harassed, intimidated, suspended, and constructively terminated."

So, "what right?"

I said, "Workplace safety and whistleblower protections."

They said, "How did your employer know about the right you exercised?"

And I said, "I kept saying, stop it you guys, there's labor laws about this."

And I wanted, "Accountability and redress."

Okay. And then the next one is --

A. Was there a question?

Q. Sorry. I'll try not to talk to myself while I'm trying to multitask. I'm distracting. Sorry.

MS. RIECHERT: Can we take a break?

THE WITNESS: Can we take a quick break if we

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don't --

MS. GJOVIK: Yeah, five minutes.

THE WITNESS: Yeah, please. Thank you.

(A short break was taken.)

BY MS. GJOVIK:

Q. So this first thing, this is a letter from the U.S. Department of Labor Whistleblower Protection Program regarding the complaint I made docketing the case under OSHA, CERCLA, and SOX.

MS. RIECHERT: Which exhibit is this?

MS. GJOVIK: E2. Thank you.

MS. RIECHERT: B?

MS. GJOVIK: E, E, as in elephant.

MS. RIECHERT: Elephant 2.

MS. GJOVIK: 2 elephants.

And then on this Page 5 is documenting it was filed on August 29th, 2021, case number 9-3290-22-051.

(Deposition Exhibit E2 was marked for identification.)

MS. RIECHERT: Is this DOL?

MS. GJOVIK: The allegations written by Department of Labor were:

"Beginning in March 2021, complainant reported multiple safety and health concerns to respondent including but not limited to: vapor

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intrusion exposure in the building, inquiring about vapor intrusion testing, and the building being located on a Superfund site, TRW Microwave. Additionally, complainant reported concerns that one of the respondent's board of directors, Ronald Sugar, has a conflict of interest because he was previously CEO/president of Northrop Grumman" -- (Reporter interrupts for clarification of the record.)

MS. GJOVIK: Oops, I'm sorry. Yes, I'll try.

-- "Northrop Grumman was the responsible for party for the TRW Microwave site. Complainant alleges that on or August 4, 2021, respondent suspended her employment and subsequently terminated her employment on September 9, 2021, in retaliation for participating in the aforementioned protected activities and for filing or being suspected of filing a complaint with the SEC and EPA. Complainant contends respondent violated her rights under the Occupational Safety and Health Act, Comprehensive Environmental Response Compensation, and Liability Act, and Sarbanes-Oxley Act."

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BY MS. GJOVIK:

Q. Ms. Warner, are you familiar with this complaint?

A. No.

(Deposition Exhibit E3 was marked for identification.)

BY MS. GJOVIK:

Q. And on Exhibit E3 is the OSHA Online Whistleblower Complaint Form I filled out on August 29th, '21, where I checked: Suspension, threat, harassment/intimidation, constructive termination, and threat to take adverse actions.

Said the most recent adverse action was August 4th.

And I said I believe I suffered the adverse employment actions because I made complaints with OSHA, with the federal EPA, I complained to management about unlawful conditions, because I engaged in protected concerted activities, because I reported an injury, illness, or accident, because -- that cut it off; there was something else there; I don't know what that is -- and because of my race, color, religion, sex, national origin, age, disability, or genetic information.

Said there was no rational or legitimate reason provided for adverse actions and that I filed complaints

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with the NLRB, EEOC, and California DEFH (sic). Filed it --

MS. RIECHERT: DFEH.

BY MS. GJOVIK:

Q. -- against Apple.

Ms. Warner, are you familiar with me filing this complaint on August 29, 2021?

A. No.

Q. And, Ms. Warner, was Apple aware that I filed this complaint prior to my termination on September 9th, 2021?

A. I've already answered the question in terms of what administrative complaint Apple was aware of prior to your termination.

MS. GJOVIK: Okay. And then I'd like to look at Exhibit -- let's start with M1.

(Deposition Exhibit M1 was marked for identification.)

BY MS. GJOVIK:

Q. M1 is my EEOC complaint against Apple, and it was dual filed with DFEH and signed on September 9th, 2021.

And it says:

"I have been employed by Apple as a senior engineering program manager since

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February 23rd, 2015, reporting to David Powers, director of MSQ. I am also assigned work by his manager, Dan West, senior director of PSQ. Since January 2017, Powers subjected me to a sex-based discrimination and retaliation by referring to me as emotional/aggressive, giving men credit for my work, criticizing me, excluding me from meetings and refusing to address harassment/sexism from colleague Jason Ivan. West subjected me to sex-based discrimination and retaliation by excluding me from meetings, making sexual comments and gestures, and personally humiliating me. West failed to address my discrimination concerns about Powers raised since 2017. I find all of this offensive. In March 2021, I began to raise concerns about safety at my office due to it being an EPA Superfund site, which I believe caused injury and I filed a workers' compensation claim. Powers personally attacked me due to my disability by stating that due to expressing safety concerns I would receive an employee warning, and not more, because I was having mental health issues which I found to be offensive. Around April 9th, 2021, Jenna

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Waibel in Apple employee relations launched an investigation into sexual harassment and hostile work environment due to sex, despite me telling her I did not want the investigation due to fear of retaliation, but she persisted only to conclude around June 3rd, 2021, saying she found no policy violations. After, I complained to Antonio Lagares, senior manager of employee relations, because Waibel failed to investigate all of my allegations, because the hostile work environment continued, and I was subject to retaliation. Soon thereafter, Lagares appointed Ekelemchi Okpo, employee relations investigator, to conduct a new investigation into the hostile work environment based on sex and disability I have been subject to since 2015, and sexual harassment since 2015. Apple alleges they are conducting an investigation. After engaging in protected activity, around May 6, 2021, West reassigned my work to others without explanation and ostracized me. Around July 15, 2021, Powers dramatically increased my workload with unfavorable projects. Around July 2, 2021, employee relations forced me to submit a

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reasonable accommodation request to not be exposed to the hazardous chemicals, instead of addressing my concerns for the health/safety of all employees. Waibel asked I not share concerns with other employees, refused to take or answer my safety questions, or allow the EHS team to take/answer my safety questions. In retaliation on August 4th, 2021, Apple placed me on indefinite paid administrative leave even though I objected. However, to date Apple argues I requested to be placed on leave, which is misleading. I believe I was discriminated against due to my disability and retaliated against after engaging in protected activity in violation of the Americans with Disabilities Act of 1990, as amended. I believe I was discriminated against due to my sex, female, and retaliation against after engaging in protected activity, in violation of Title 7 of the Civil Rights Act of 1964, as amended."

Ms. Warner, are you familiar with this complaint I filed?

A. No.

(Deposition Exhibit M2 was marked for identification.)

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BY MS. GJOVIK:
Q. And then here is a copy as Exhibit M2 of the EEOC form I submitted on August 12th, 2021. That was the original date of this submission.
And I complained about discrimination due to sex, disability, and retaliation and said retaliation was because I contacted a government agency to complain about job discrimination, and I complained to my employer about job discrimination, and retaliation because I helped as a witness in someone else's complaint about job discrimination.
And my intake appointment was September 2nd, 2021, a week before I was fired.
Ms. Warner, are you familiar that I filed my EEOC charge on August 12th, 2021?
MS. RIECHERT: Objection. Misstates what the form is.
But you can answer the question.
A. No, responding to what I'm familiar with on the date, no.
And you're still scrolling through this document, by the way, to --
Q. We can go all the way. Sorry. This is the end.
A. I just want to make sure answering the specific

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question, the answer was no while you were scrolling through the document.
Q. Okay. And then for adverse actions on -- this is what I submitted on August 12th, 2021. I said:
"Subject to hostile work environment on basis of sex, harassment, failure to resolve hostile work environment. Reported all the above and then was retaliated upon for that. Also whistleblower about corruption and workplace safety and retaliated upon for that. Then retaliated upon for reporting retaliation. Adverse employment actions include constructive termination, failure to resolve hostile work environment, assignment of unfavorable work, dramatic increase in workload, reduction of supervisory capacity, and pressured into taking administrative leave."
Ms. Warner, did Apple do anything to investigate these complaints I made?
MS. RIECHERT: Objection.
Instruct you not to answer. Attorney-client privilege.
Not within one of the topics covered by this witness.
MS. GJOVIK: Okay. These reflect the same

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things that were reported in the issue confirmation.
BY MS. GJOVIK:
Q. When Apple was eventually put on notice at some point that I filed these complaints, did Apple take action to investigate the underlying subject matter and correct any issues they identified?
MS. RIECHERT: So first of all, it's a compound question.
Secondly, it assumes that these charges had anything to do with the issue confirmation.
So if you want to ask her if Apple investigated it, the issue's raised in the issue confirmation, that's a perfectly good question.
MS. GJOVIK: She can answer this one. Then I'll ask your question, too.
MS. RIECHERT: I don't understand your question. It's definitely compound, and it calls for privileged information.
A. Your question combines a multitude of things. I don't know how you want me to answer that because you are showing me a document that is a charge you filed that -- with an agency, and you're asking me what investigations happened. You're asking about issue confirmation.
There are too many things in there, so if you

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could break it down, I'm happy to answer your questions.
Q. Okay. Thank you.
Did Apple investigate my complaints about gender discrimination?
A. Apple did investigate complaints you had raised in March-April 2021. And that included reference to gender discrimination.
Also investigated complaints in August 2021.
And I've talked earlier about Jenna Waibel and Ekelemchi Okpo who investigated.
And there were two issue confirmations that laid out your concerns. And those were investigated and under privilege.
Q. Did Apple find any evidence that there was discrimination based on sex or gender?
MS. RIECHERT: Objection. Attorney-client privilege.
Instruct you not to answer. The investigations are privileged. Findings are privileged.
BY MS. GJOVIK:
Q. Did Apple investigate my complaints about sexual harassment, including the Jenna Waibel and Ekelemchi Okpo investigations?
A. As I've testified, the concerns raised in the issue confirmations with respect to the investigation by

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Jenna Waibel and Ekelemchi Okpo were investigated under privilege.

Q. When you refer to an issue confirmation with Jenna Waibel, what are you referring to?

A. There was an email that Jenna had sent you, and you -- I think you have that. That was sometime in April. I don't have the exact date in front of me, but there was an email summarizing the concerns you had raised, an email with her that confirmed the concerns.

Q. And did -- Apple views that email as an issue confirmation. Is that right?

A. The email summarizes the concerns or confirms the concerns that Jenna understood you had raised.

Q. Okay. During the next break, I'll go find that and make sure that we have that and can look at it. Thank you.

Okay. And then Exhibit O is a finding from the California Unemployment Insurance Appeals Board from my unemployment claim.

(Deposition Exhibit O was marked for identification.)

BY MS. GJOVIK:

Q. And this decision was published or mailed on July 27, 2022. And it found in my favor.

And the findings of fact based on the evidence

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provided are read as followed on Page 2:

"Prior to the filing the claim for benefits the claimant last worked in September of 2021 as a senior engineering program manager at a salary of 169,000 per year. She worked approximately six and a half years for the employer. The claimant received notice from vice president that she was being discharged. The notice was vague and incomplete and stated that the claimant had disclosed confidential information and had not fully participated in some investigation. Although the claimant requested specific information from the employer, no specific information was provided. Prior to the separation of the employment the claimant received great performance reviews and prior to the separation the claimant received no oral or written warning notifying her that job was in jeopardy. At all times the claimant performed her job duties to the best of her ability."

Ms. Warner, are you aware that I had this finding in my favor from the Unemployment Appeals Board?

A. For the record, you are reviewing a portion of this letter or document on the screen. I have not

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reviewed the whole document. I did not review it in advance of this deposition.

And in answering your question, the answer is no.

Q. Okay. So the ultimate finding was:

"The claimant is not disqualified from benefits under Section 1256 of the code. Benefits are payable provided the claimant is otherwise eligible."

And then I was paid benefits.

Ms. Warner, did Apple try to contest this appeal or submit its own evidence?

MS. RIECHERT: Objection. Outside of the scope of the topics that this witness is here to testify about. But if she knows the answer, she's more than welcome to tell it.

THE WITNESS: I do not.

MS. GJOVIK: Okay. And then I just received production of a document yesterday. This is the production from Apple. It is of a business conduct complaint HRC000045789.

I am sharing right now Exhibit F.

(Deposition Exhibit F was marked for identification.)

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BY MS. GJOVIK:

Q. And it was filed on September 7th, 2021. It says:

"Possible internal information being posted to Twitter. Series of other Tweets from this user that seems to be releasing internal information. Referred to Debbie and Adelmise."

That's yourself, right?

A. It's Adelmise.

Q. Adelmise. I'm so sorry.

A. That's okay.

Q. Adelmise.

And that's yourself, right?

A. Yes.

MS. RIECHERT: And can you go through the whole thing? It's 2250?

MS. GJOVIK: 2250 what? Oh, production, yes okay.

BY MS. GJOVIK:

Q. So we have an update from Kathleen Emery closing on September 9th.

We have some comment from Debbie Rice on the 8th that says something redacted and then "thanks."

Yourself posting on September 7th. Something that was redacted. It was attorney-client privilege.

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There's the comment from Debbie Rice, it looks like, on September 7th and September 8th.
Do you recall this business conduct ticket, Ms. Warner?
MS. RIECHERT: Can you go through the whole --
THE WITNESS: Yes, the whole, please.
MS. GJOVIK: Sure.
THE WITNESS: There's a few pages in there.
BY MS. GJOVIK:
Q. The person who filed it on the 7th wrote:
"Hello, on Twitter today I came across this in a series of other" -- sorry.
A. You switched.
Q. I know. I was going to try to make it bigger because it got really small.
"On Twitter today, I came across this and a series of other Tweets from this user that seems to be releasing internal information. It has been up for a day already so it may have been reported already, but I thought that I should also report it in case it has not been previously. They also had posted many screenshots to conversations with people they identify as Apple employees to Twitter as well, which seems to be a violation of our business

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conduct policy. I don't follow this user or know them personally, but please let me know if you have questions or need additional information. Thanks, Apple care team manager."
A. There's more on the bottom. Thank you.
Q. Yeah.
That's it.
A. Okay.
Q. Do you recall this specific business conduct complaint?
A. Yes. I'm familiar with it.
Q. And by the nature of it being closed on the 8th, does that mean it was referred to people to review?
A. If you scroll back to, again, go back to the top, I believe there's a part where it said it's reference -- referred to Debbie and Adelmise, as you read at the top.
Q. So that -- so it'd be safe to assume it was referred on the 8th to Ms. Rice and yourself?
A. I need to look at the date.
Q. Ms. Emery, who I believe is a business conduct employee, says:
"State, closed complete," on the 8th.
A. No, it would not be. If you scroll down, there are correspondence on the 7th with me and Debbie, so

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that would not be a fair assumption that it was --
Q. I'm sorry. The 7th is before the 8th.
A. Yes. You said is it fair to say it was referred to me and Debbie on the 8th, so that would not be a fair assumption.
Q. Oh, I'm sorry. Okay.
So it could have been referred on the 7th or the 8th, but by -- my question was by the 8th when it was closed, is it fair to assume at the point it was closed, it had been referred to Ms. Rice and yourself?
A. The document shows that it was sent to Debbie and myself, so yes.
Q. Do you recall reviewing this --
A. The date -- I'm sorry?
Q. Sorry. Oh, finish your thought. Sorry I interrupted you.
A. I was going to say, since it was sent to us on the 7th, that would be correct to assume it was sent to us before the 8th.
Q. Okay. Do you recall reviewing this before my termination?
A. I recall when it was sent. I would have reviewed it if it was sent that time.
Q. Okay. So and there was one attachment we saw at the very bottom. Right here, "uploaded on" the 7th.

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So is it safe to assume that prior to my termination, you had at least reviewed the information in this ticket and that attachment?
A. That would be a fair assumption, but I don't have independent recollection of the exact timing I would have reviewed it.
Q. That's okay. It was a long time ago. Okay.
A. And for the record -- okay. Maybe that's where you're going because you did make a statement about an attachment which was not shown to me.
MS. GJOVIK: Mm-hmm. So this is Apple production 2258. This was also just produced to me yesterday. This is Exhibit H.
(Deposition Exhibit H was marked for identification.)
MS. RIECHERT: Yeah, that's not the attachment. The attachment would have been 2255 -- 56 or 55, 225 --
MS. GJOVIK: Okay. So there's also this one. There's 257.
MS. RIECHERT: It's 2255 because the last document was 2220 to 2254. So the attachment would be 2255 in the next document number.
THE WITNESS: And what you're showing here is 2257, for the record.
MS. GJOVIK: Yeah, right.

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MS. RIECHERT: 57, yeah.
MS. GJOVIK: So there's this one. This is 56. Okay. Let me go -- let me get it.
Okay. You're saying it's 256 or 255?
MS. RIECHERT: 2255.
MS. GJOVIK: Okay.
MS. RIECHERT: By the way, as you well know, we sent this production to you a long time ago. You asked us to reproduce it yesterday, which we did.
MS. GJOVIK: Because it was never opened because you stayed my case for three months due to my bankruptcy and then failed to mention that I never opened the production until after discovery closed. But, yes.
Okay. So let me label this. Exhibit -- let's call this exhibit --
(Reporter interrupts for clarification of the record.)
MS. GJOVIK: We're going to call it Exhibit F2. And I'm adding that now.
(Deposition Exhibit F2 was marked for identification.)
MS. GJOVIK: Okay. So here's the Bates number that Melinda is indicating. And we would have to actually confirm this is what was attached to that

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ticket, which she's indicating she thinks it's this one.
MS. RIECHERT: It's the next consecutive number.
MS. GJOVIK: Yeah. We'd have to actually attach -- like, look at the file name. There's no file name here.
THE WITNESS: I cannot see the Bates number on the bottom of what you're showing.
MS. GJOVIK: 2255.
THE WITNESS: Okay. Thank you.
BY MS. GJOVIK:
Q. Yeah.
So this is -- and there was various versions of this attached.
This was posted by me from my Twitter account on -- there's no date on this, on this version.
But it says:
"August 4 to 5, 2021, nonsense emails from Apple employee retaliations. 10:00 a.m. meeting with ER to review remaining evidence turns into putting me on leave despite my protest, with no ETA for any updates or end, saying will narrow scope of inquiry, and implies they don't want me organizing."
And then I included screenshots of the emails

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with Mr. Okpo.
So it appears Ms. Riechert is indicating this was the example of the misconduct alleged --
A. Go back, please. Sorry to interrupt you. I need to see the --
Q. You're fine.
A. -- the email, just --
Q. Yeah. Let me make it bigger.
A. Yeah.
Q. This is -- sorry. It's low quality, but this is what was produced.
A. Thank you.
MS. GJOVIK: Mm-hmm. And then this is Exhibit J.
(Deposition Exhibit J was marked for identification.)
MS. GJOVIK: And I don't know if I have all these, actually. Let me -- G, F.
And, Ms. Court Reporter, I'm putting them in the chat for you. I don't think I put these in yet.
THE REPORTER: Thank you.
BY MS. GJOVIK:
Q. And then so this one is Exhibit J on September 8th. It says:
"From: Business Conduct, To: dri."

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Which you indicated would be Ms. Rice, and then from (sic) "ade," which indicated it was yourself, Ms. Warner.
"Subject: Ashley Gjovik Case."
With an attachment.
Do you recall this email, Ms. Warner?
A. Not independently. Again, what's the Bates number on the bottom? If it --
Q. 2256.
A. 2256, that would have been -- again, I don't want to speak for Melinda that what was produced, if it came to me, I would recall -- there's no text in it. So I don't have an independent recollection. And I would need to look at the business conduct case number as well to match it, but there's nothing in it other than what you're showing here.
Q. Okay. So this is 45789 --
A. Yes.
Q. -- and that business conduct complaint was 45789.
A. Okay. Then yes.
Q. So then assumably it would be an email.
And if it's attorney-client privilege, does that indicate that this was, like, a notification of entry added in the business conduct ticket that you're

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like -- or let me ask this a different way.
If you get emails like this with this kind of formatting on the subject and attachments, is that some kind of automated notification from the business conduct tool to you?
A. Not necessarily. That would not be the right assumption.
Q. What --
A. This email shows redaction, so there's content in there that is shared with me and our internal legal counsel who is Debbie -- actually went to Debbie Rice with me on copy.
Q. So when it's an email from business conduct, that could just be from the business conduct team itself instead of the tool?
A. I don't know what tool you're referencing. It's coming from business conduct to Debbie Rice as legal counsel.
Q. Okay. Oh, I meant like whatever this ethics help central tool, like sometimes they might have an automated notification, if someone adds a comment, they get a notice, versus someone, like, emailing something separately.
I'm trying to figure out if this email is, like, automated or that was some kind of communication.

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A. The email is indicating it's coming from business conduct, the actual team, with an email address to Debbie Rice. So it's not coming from the ethics point, which is the other document you had shared.
Q. Okay. Thank you.
And then let's see. This was -- there's so many of these.
So this was another one. This is 57. So this was later. This looks like a -- maybe the same thing. So maybe this was an attachment on that email sent. I'm not entirely sure, and then --
A. I'm having to look at the -- what's the screenshot, but the text of the top looks to be the same as what you had just shown me.
Q. Yeah. Me too.
And then so that's 57.
And then this Bates number 58 that comes right after. This is the last one in the sequence.
And to me, this looks like the same thing we were just looking at. Does that look right to you?
MS. RIECHERT: It looks -- part of it looks like the same but not --

BY MS. GJOVIK:
Q. Yeah. This -- the August 4th to 5th, the post

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I made. And this one is dated September 6, 2021, at 7:10 a.m.
So is it safe to assume that's probably the date and time that was posted, then, since the other version didn't have that?
A. That would not be. I don't know what this -- the stamp -- the date stamp is referring because there's a cut and paste, there's a screenshot, so I don't know what you're referencing --
Q. This is like the Twitter post stamp.
A. Oh, okay. No, that would not be a fair assumption, then. I would assume the Twitter post is the same date as whatever this email was that was sent.
Q. Sorry. What are you -- so the email -- screenshot email was from August 4th to August 5th and was included with me complaining about those emails.
And then this stamp is indicating when I posted that to Twitter.
And then the complaint was filed apparently on September 7th, 2021, which should be the next day.
MS. RIECHERT: I'm totally lost on your questions now.
THE WITNESS: Me too.
MS. RIECHERT: What was your question?
MS. GJOVIK: So the attachment that Apple had,

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it looks like, to that business conduct complaint didn't have any time stamp on it when I posted that to Twitter.
MS. RIECHERT: The attachment is 2257, correct?
MS. GJOVIK: 2255 and 57.
MS. RIECHERT: Yeah.
(Speaking simultaneously.)
(Reporter interrupts for clarification of the record.)
MS. RIECHERT: 2255 was attached to 2250 to 2254. And 2257 was attached to 2256. 2258 isn't attached to any of them.
MS. GJOVIK: Wait. Sorry. What was attached to 2256?
MS. RIECHERT: 2257.
MS. GJOVIK: And then what was 2258 attached to?
MS. RIECHERT: Nothing.
MS. GJOVIK: Where did 2258 come from?
MS. RIECHERT: Good question. But the witness doesn't seem to know --
THE WITNESS: I don't know.
BY MS. GJOVIK:
Q. So this W, Ms. Warner, could that W be -- indicate your last name?
MS. RIECHERT: What W?

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A. What?
Q. Yeah, this -- when the screenshot was taken, it shows the Twitter account but that it was taken from that W. So that's where the Twitter, like, icon is of the user.
MS. RIECHERT: (Inaudible.)
(Reporter interrupts for clarification of the record.)
A. I have no clue.
MS. RIECHERT: I pointed to the W on the document which I otherwise hadn't seen.
And the question is is that your W.
THE WITNESS: No. I don't know how you would assume that just because it's a W. This is -- I have no idea where this post -- if it's on Twitter, it wouldn't have my W because you're assuming this is reflecting Twitter.
So I don't know what you're asking me. The W doesn't necessarily mean it's my name.
BY MS. GJOVIK:
Q. Yeah. So the things we were looking at prior, it looks like this was referred to yourself and Ms. Rice and that there was an email from business conduct to yourself and Ms. Rice.
And that is assumably you and Ms. Rice were

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investigating it.
And this screenshot we're looking at was produced by Apple in that series of documents we were just discussing.
And the screenshot's indicating that someone with a Twitter account with a W in it was the one to take the screenshot because that's what the user icon is, and your last name starts with a W.
Is that correct, Ms. Warner?
A. Ms. Gjovik, my last name does start with a W. But there's a whole lot of assumptions that you believe that this W on Twitter on a screenshot that I have not seen before necessarily is the same W as my last name.
So the answer is no, I cannot assume that.
Q. Okay. So then it's an open question of where Apple got this and why they produced it. Because it was taken from someone's account with a W. So assumably that would be an Apple person whose account is just a W.
But either way, Apple produced this with the production of relevant to the -- the litigation. And this is --
MS. RIECHERT: I'll object to that statement. Just because the document is produced doesn't mean it's relevant. It just means it's responsive.
MS. GJOVIK: Responsive. Okay.

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And this is Exhibit H we're looking at right now.
BY MS. GJOVIK:
Q. And so Exhibit H shows that on that same date, September 6, 2021 -- and I remember posting this, so I definitely posted this -- September 6, 2021, I commented on that book post @-ing, like "at" sign, a bunch of government agencies. And I said:
"@NLRB, Case Number 32-CA-282142."
That was the NLRB charge I filed which you said Apple was aware of.
I said:
"@OSHA DOL Whistleblower Claim: 1218-023."
I said, "@USEEOC Case: 556-2021-00608. @SEC Enforcement Whistleblower Claim: 16304-612-987-465."
I said, "@DOJ CivilRights Complaint: 98145-RJH. @California DIR Whistleblower Claim: RCI-CM-842830. @CalDFEH Case: 202108-14540123."
Ms. Warner, did Apple see that Twitter post before it fired me?
A. I have no recollection or no independent understanding that Apple had seen this post, again, your screenshot of just this top part here prior to your

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termination.
And I've already explained the -- what Apple was aware of on -- in terms of the NLRB charge.
Q. Mm-hmm. Okay. And so if this business conduct complaint was filed about me and attached the screenshot of at least the upper part of that Twitter post we were just looking at, and it was sent to at least you and Ms. Rice to investigate, would it make sense that you guys would go on to Twitter and confirm that post was made and see it on my account to confirm that that was a real complaint made about me?
MS. RIECHERT: So are you asking her if she went online on Twitter to confirm that you made the post?
MS. GJOVIK: If anyone who is investigating that matter did.
MS. RIECHERT: Okay. So first of all, if it was investigated by the legal department or under the direction of the legal department, then it is privileged.
But you can ask this witness if she went on Twitter to look at your post.
MS. GJOVIK: She's the witness for Apple.
MS. RIECHERT: Yep, and the -- the privilege as to what the legal department might have done.

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MS. GJOVIK: But if she knows that maybe Ms. Rice did or someone else did, she can testify to that, too. That's the whole point of this deposition today.

MS. RIECHERT: Yep, as long as it wasn't privileged.

A. That would be a privileged conversation, what Ms. Rice did, so I cannot answer that.

I also wanted to note in your question, you said this post being attached to this business conduct complaint. I think I've already testified and established what was attached in sequence and not this last one that you were referencing with the W.

Q. So it would be great to clarify because none of those exhibits we looked through were actually titled of what is IMGB0F9A260A769-1.jpeg, which appears to be the attachment.

So it would be great to figure out -- I'm assuming that's not going to let me download it; I'm hovering over it with a link -- what that was.

But I'm trying to understand, also, even if it didn't have the attachment with all those case numbers, if someone probably went to my Twitter account to go see it for themselves.

A. I cannot answer that without -- to the extent

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that anybody at the direction of counsel may have done that as part of the investigation.

Q. Okay. And do you have any idea who made that screenshot that we showed that has all those case numbers with the W on their account?

A. No.

Q. Okay. And is that something that could be looked into to get back to me for, like, custodianship of, like, where that document came from that Apple produced? Because assumably Apple would know where it got its documents from.

MS. RIECHERT: Okay. This is not a question for this witness. You can raise it in the meet and confer if you want.

MS. GJOVIK: I will. Thank you.

Okay. Also, it's 3:10. We could probably do -- can we do, like, a ten-minute break so I can go walk my dog? He's getting antsy.

MS. RIECHERT: Your deposition, as long as we're done by 5:00.

(A short break was taken.)

BY MS. GJOVIK:

Q. Okay. Ms. Warner, was Apple aware that I was making complaints about a "long-running hostile work environment" was the term I used, working for

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Mr. Powers?

MS. RIECHERT: The word is "long term"?

MS. GJOVIK: Yeah.

MS. RIECHERT: Yeah, long-term hostile work environment.

A. I have testified earlier, I'm aware that you had raised concerns about hostile work environment and the -- that were investigated, including Jenna and Ekelemchi.

Q. And what was Apple's findings regarding my allegations about a hostile work environment?

MS. RIECHERT: Objection. Privileged.

Instruct you not to answer.

BY MS. GJOVIK:

Q. Ms. Warner, is Apple aware that I had requested assistance in transferring to a new role or reporting to someone else or other ways that I argued would help alleviate what I alleged to be a hostile work environment?

A. Yes. I am aware you had made a request to report to somebody else and to be transferred.

Q. And Apple is -- is Apple aware that I was actively applying for other roles in Apple doing informationals, and talking to other teams trying to find another role at Apple starting around, I think,

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2019?

MS. RIECHERT: Objection. Not one of the topics that is covered by this witness's deposition. But if she knows the answer, she's welcome to give it.

A. I don't know the answer from 2019 when you had attempted to try to find roles, but I'm aware that, I believe, in at least one of the issue confirmation emails, you had talked about interviewing for a role.

MS. GJOVIK: If we can talk about that on the 14th, whoever is doing Environmental, Health, and Safety, because I had several at least in -- in -- this is not for you, Ms. Warner. Sorry.

Ms. Riechert.

THE WITNESS: Oh, okay. Talking to Ms. --

MS. GJOVIK: Yeah.

I had at least several informationals and even informal interviews with Lisa Jackson's team in 2020 and early 2021. So if there's anything that they can respond to on that matter, I would appreciate it.

MS. RIECHERT: Yeah. I don't think that's within the topics. I think they are doing E, H and S, not interviews you might have had.

BY MS. GJOVIK:

Q. Okay. And then, Ms. Warner, is Apple aware that I had complained that after the start of the

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Ms. Waibel's interactions that I was reporting retaliation, including increased workload and unfavorable projects?
A. As I've testified earlier, in the issue confirmation that was between you and Ekelemchi, that included your allegation of retaliation.
Q. Did Apple investigate my complaints about increased workload?
A. To the extent that was included in the issue confirmation, there was an investigation under privilege at the direction of counsel that was conducted.
Q. And what was the outcome of that investigation?
MS. RIECHERT: Objection. Attorney-client privilege.
Instruct you not to answer.
BY MS. GJOVIK:
Q. Okay. Ms. Warner, and did Apple investigate my complaints about assignment of unfavorable projects?
A. To the extent that was included in the issue confirmation, that was included in Ekelemchi's investigation. That was done at the direction of counsel.
Q. And what was the outcome of that investigation?
MS. RIECHERT: Objection. Attorney-client privilege.

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Instruct you not to answer.
BY MS. GJOVIK:
Q. Ms. Warner, did Apple investigate my complaints that my work was being assigned to men in my organization, specifically the project on the PSQ portal?
A. To the extent the concern related to what was described in the issue confirmation around assignment of your work, that was investigated by Mr. Okpo under direction of counsel.
Q. And what was the outcome of that investigation?
MS. RIECHERT: Objection. Attorney-client privilege.
Instruct you not to answer.
BY MS. GJOVIK:
Q. Okay. Did Apple investigate my complaints that I was being asked to work with a director who I had complained of sexual harassment, Mr. Yepez?
A. Again, to the extent that was an allegation included in the issue confirmation with Mr. Okpo, that was included in the investigation that he conducted at the direction of counsel.
Q. What was the outcome of that investigation?
MS. RIECHERT: Objection.
Instruct you not to answer. Attorney-client

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privilege.
BY MS. GJOVIK:
Q. And, Ms. Warner, did Apple investigate my complaints that my direct supervisor, Mr. Powers, was making statements that I believed violated labor laws regarding my ability to discuss work conditions and workplace safety with my coworkers?
A. To the extent that concern was included in the issue confirmation that Mr. Okpo investigated at the direction of counsel, that was conducted under the direction of counsel.
Q. And what was the outcome of that investigation?
MS. RIECHERT: Objection.
Instruct you not to answer. Attorney-client privilege.
MS. GJOVIK: That was just a whole song and dance we had to do. Thank you for your patience.
Okay. And then we're going to look at some more emails.
I'm going to put these in the chat.
Okay. So this is Exhibit N1.
(Deposition Exhibit N1 was marked for identification.)
BY MS. GJOVIK:
Q. This is a production by Apple. This is Bates

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number 1452. This is an email from Mr. Okpo to Mr. Lagares --
MS. RIECHERT: 1152?
THE WITNESS: 1452.
BY MS. GJOVIK:
Q. -- on July 21st, 2021.
Mr. Lagares just said:
"Hi Ekelemchi, TL."
What does "TL" mean?
A. That stands for Tony Lagares. He went by Tony.
Q. So:
"Hi Ekelemchi."
Just signature. Doesn't say anything.
And then Mr. Okpo responds:
"Received, thanks."
And this was an email that I sent Mr. Lagares on July 8, 2021:
"Subject matter: Re: Introduction; Hle."
Are you familiar with this email, Ms. Warner?
A. This is a long email that you're only showing the part of it, so I would need to look at the entirety of it.
Q. It's 37 pages. We're probably not going to have time.
A. I understand that. And I can't testify I'm

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familiar with all of it without looking at it.
Q. Okay. So as part of this email on that July 8th, I responded and say:
"Unfortunately there's a new event, I just found out today. In May, apparently Dan and Dave decided to reduce my ownership and supervision of one of my main projects and appear to have handed it off to a male colleague in another organization, Dan -- Daniel, and didn't even tell me directly. Dan reduced my supervision and gave Daniel the project after I started raising formal concerns to him about Dave creating a hostile work environment" -- and it says "be" but I meant "being sexist, raising workplace safety concerns, and filing a worker's comp claim. One of Dan's directs, Yuan, sent me an email this morning adding me to an existing thread he had with Daniel."
Then I included some of that information.
Ms. Warner, is this something that Apple did investigate?
A. Are you referring to -- referring to what you just read or the entire email?
Q. Just the part that I read.

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A. To the extent that was shared with Ekelemchi and included in the issue confirmation, that he was investigating, that would have been an investigation under the direction of counsel.
Q. And did they confirm that my work was reassigned to someone else?
MS. RIECHERT: Objection. Attorney-client privilege.
Instruct you not to answer as to the results of the investigation.
BY MS. GJOVIK:
Q. If I was to come back from that leave back to my role, was there any plan to have my work reassigned back to me?
MS. RIECHERT: Objection. Hypothetical. Improper hypothetical. Speculation.
BY MS. GJOVIK:
Q. Okay. And then this part of this email, again, it drops the date and time stamps. But part of this email had a timeline I sent Mr. Lagares of the timeline of raising formal concerns within PSQ. And I had this really long timeline of stuff I was complaining about.
And then I added this 7/8 one, I found out that Dan wanted to reassign my projects.
When I sent emails like this to Mr. Lagares,

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were these included in the investigation of my concerns?
A. I'm not sure how to answer that, Ms. Gjovik. If you sent emails, that would be included in the -- what Mr. Okpo confirmed he was investigating, and that would be included into his investigation at the direction of counsel.
Again, you're showing me an email and scrolling that has a whole lot of different things, so I can't confirm every email you sent Mr. Lagares would have been included in the investigation.
Q. This detailed timeline I made of things that I claimed were protected activity and retaliation, was that investigated by Mr. Okpo as part of his investigation?
MS. RIECHERT: Objection. Asked and answered.
MS. GJOVIK: I -- she said it was too vague, and I said this specific thing, this detailed timeline I sent.
THE WITNESS: That's not all I said. I testified to the extent you raised concerns to Mr. Lagares that were included in the issue confirmation by Mr. Okpo to conduct his investigation, that would have been investigated under the direction of counsel.
BY MS. GJOVIK:
Q. Okay. Thank you.

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And then I noted here that on June 14th, another -- a coworkers and I, we sent a remote work advocacy letter to Tim Cook and Deirdre O'Brien. We were advocating for employees or coworkers regarding return to work during the COVID-19 pandemic.
Can you confirm Tim Cook and Deirdre O'Brien were aware that I was the one that sent that letter to them in June?
MS. RIECHERT: Objection. Way beyond the scope of any of the topics that this witness is giving testimony on.
MS. GJOVIK: That's listed protected activity that's in the complaint. That's part of my motion for summary judgment. It's definitely relevant.
MS. RIECHERT: May or may not be relevant, but it's not one of the topics this witness is asked -- answering questions about.
MS. GJOVIK: Can we put that on the 14th?
MS. RIECHERT: No. It's not about EHS complaints.
MS. GJOVIK: Yeah, but it's about protected activity.
MS. RIECHERT: Maybe, but it's not one of the topics.
MS. GJOVIK: I'm going to email her later about

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that.
BY MS. GJOVIK:
Q. Okay. And then this email to Mr. Lagares also mentions that restaurant incident. This is Page 18 and 19.
And I had sent this June 22, 2021. And I was trying to advocate for him to open a new investigation because I was unhappy with Ms. Waibel's investigation. We'll look at those emails and my complaints next.
But and I said:
"Thank you for talking last week and asking someone to do a secondary review. I really appreciate it and look forward to our next conversation about findings next steps."
This is Page 17.
"The more I've thought about our last conversation the more I felt the need to clarify something you asked about. You asked if there's any new information or events worth including, and I mentioned there is a lot as far as past events that I didn't feel were included in the investigation but should have been, missed due to lack of follow-up and contextual questions from Jenna. I could see how me replying the way I did to you might be

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too vague. And I wanted to share with you three concrete examples to show the magnitude of what I'm talking about. I understand per Jenna the primary investigation is done. So I assume these might not actually be looked into at all. But I'd like you to see and decide how you'd like to proceed on your end."
And actually, this is Page 18. I think it might be helpful to look at -- I'm going to read the first one and the third one. The third one is that sous chef incident. The first one I complained --
(Reporter interrupts for clarification of the record.)
MS. GJOVIK: Thank you -- or sorry.
BY MS. GJOVIK:
Q. It's redacted, but I said:
"John Basanese is another director reporting to Dan West, peers with David powers. A few years ago he was frequently making comments to me and giving me a hard time about not being married or having kids. He expressed direct displeasure that I was single and dating at my age and continued to comment it's time for me to settle down. He brought this up during work settings and especially at work parties and

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gatherings when others would bring their spouses. I told John to knock it off. And he wouldn't. So I asked Dan to step in. Dan said he told him to stop it and John did finally stop bringing it up directly."
And then another example I gave, the third:
"I was eating out at a Michelin star restaurant in Mountain View in winter of 2017. It was a restaurant Dan insisted I try several times. So when I sat down and texted him that I looked forward to the meal, I didn't realize before that Dan West and Yannick Bertolus, Dan's boss, our VP, are very, very good friends with the head chef of the restaurant. As soon as I texted Dan, he replied right away, and within maybe ten minutes, the chef came out to greet me personally as a friend of Dan and was bringing out special dishes I didn't ask for. He also came out to talk to me midway and was telling me very personal stuff about Yannick. About halfway through the dinner, the chef and Dan both told me they were trying to set me up with the sous chef at the restaurant, Andrew. Apparently they told Andrew the same thing. Andrew was 24, 10 years my junior. I expressed

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no interest in Andrew or dating him, but they persisted. Dan also told the head chef he would pay my entire bill, and he did. I protested strongly to both the chef and Dan and told the chef to reject Dan's payment and I would pay myself, but they wouldn't let me. They both also continued to send the sous chef out to wait on me instead of the waiter and pressured both of us to exchange numbers. It was humiliating. I've met Dan's wife and daughter a couple times and they were/are both aware of this night and say it's a running topic in the household of how weird and inappropriate it was of Dan to do that, et cetera. Hopefully this helps paint a better picture of what I meant but lots of historical events not actually investigated."
Ms. Warner, that recollection I gave of that night, is that what you were referring to when Apple believes that I have misled the employee relations team?
MS. RIECHERT: Objection. Misstates her testimony.
A. This does not capture what I testified to earlier. What I've shared was in the issue confirmation that was between you and Ekelemchi, there was some -- a

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summary of the incident that night at the Michelin star restaurant. And you -- I'm sure you have the issue confirmation as well. And that was part of the Ekelemchi's investigation and that he did realize there were inconsistencies in what you had shared, in the summary, and in the text and what he had read in terms of the full text.

I will also note that, again, you're reading two pages or half a page of a 35-page document. But if you're referencing just to this Number 3 about the restaurant, I have already testified as to the concerns around the inconsistencies.

MS. GJOVIK: One second.

Okay. So I'm pulling open Exhibit R, which is the issue confirmation.

(Deposition Exhibit R was marked for identification.)

BY MS. GJOVIK:

Q. So there was it -- under Dan West, there was Concern Number 4 on Page 21. This is my version of the issue confirmation, the one I sent Mr. Okpo.

He had wrote on his version:

"You shared that during" --

Oh, this was -- this was a combined category of sexual harassment. And then I added the pimping and

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pandering with receipt of indirect benefits.

And Okpo's version had included one where I also had shared during a meeting West was making a spanking gesture with his hand to describe how I keep him in line and then asked me to delete the video.

And I had shared that video with Mr. Okpo.

And then I added:

"I was eating out at a Michelin star restaurant in Mountain View in winter of 2017. It was a restaurant Dan" --

This is actually -- it looks like exactly verbatim what was in that email I just read.

I can read it again and we can check. But does that look like to you actually what I just read in that email to Lagares? Like I probably just copy and pasted what I emailed him and put it in here?

MS. RIECHERT: I'm lost on the question. Are you saying is what you wrote in here exactly the same as what you read in the last exhibit?

MS. GJOVIK: Yeah. As I started reading it, I realized that actually just matched that email, so I can read it all again, but --

MS. RIECHERT: Please don't. The documents speak for themselves. If they are exactly the same, then they are. If they are not, they are not.

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But it's not fair to ask this witness to go word by word on two different documents and see if they are exactly the same.

MS. GJOVIK: Okay. Well, if she says that the issue confirmation was different and I was in trouble because of what I put in the issue confirmation, let me read this version of the issue confirmation.

MS. RIECHERT: Okay. You don't really need to read it. She says that what was written in the issue confirmation, including the pandering and pimping stuff at the top, was inconsistent with what the text showed.

MS. GJOVIK: Okay. So I'm looking at this now, and I'm going to say this looks like what was in the email, so we're not going to just listen to me read books to you guys because it's not a great use of time.

MS. RIECHERT: Thank you.

MS. GJOVIK: You're welcome.

But I will read what else is in this section since the context was probably relevant.

So I also added:

"Ashley texted Dan in December after the dinner and told him she's dating a professor now and need" -- that's a typo, sto -- "to turn down the sous chef, and Dan said, I'm not even a little concerned. Regarding Andrew, too bad

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it didn't work out, but there was absolutely no pressure from me. I don't know him too well. Just learn and move on."

And then I said:

"Ashley was supposed to go to her office on August 5th to retrieve the laptop with the text" -- it says to "send" but meant "sent" -- "during the night at that restaurant, but ER put me on leave and removed me from the workplace on 8/4 before I could, and they knew I was planning on it."

BY MS. GJOVIK:

Q. So, Ms. Warner, that was in the issue confirmation that Mr. Okpo had right directly under the section about the sous chef in that restaurant.

And, again, it says this is Page 21, and this is plaintiff's production 8-0198. And in this deposition, this is Exhibit R.

And it says "Ash" -- and I'm writing this in the third person:

"Ashley was supposed to go to her office on August 5th to retrieve the laptop with the text sent during that night at the restaurant. But ER put me on leave and removed me from the workplace on 8/4 before I could, and they knew

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I was planning on it."
So, Ms. Warner, can you explain to me how Apple could justify terminating me by me supposedly withholding a text exchange that I said I was planning to go get at my office and complained that the employee relations team was preventing me from obtaining, but then blaming me for not getting that exact exchange that I wanted to show them?
MS. RIECHERT: Objection. Misstates the testimony. That was -- she's testified over and over what the misinformation was, and it had nothing to do with that.
MS. GJOVIK: Speaking objection. You're not testifying on behalf of Apple. I would like her to answer.
MS. RIECHERT: Again.
MS. GJOVIK: Well, now we have content to impeach her prior statement. So I would like to see if she's standing by her prior statement or she's going to pivot now that we're looking at the issue confirmation and see this statement, which appears contradictory to the statement made prior by Apple.
MS. RIECHERT: Objection. Misstates her earlier testimony. Misstates your characterization of it.

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A. First I would say you -- again, looking at this very limited paragraph that you have read, the question you're asking is absolutely convoluted.
But I will attempt to, again, answer it as I've answered before: I still stand by the answer I provided with respect to the reasons why you were terminated, specifically with respect to the text messages and your statement here and the issue confirmation.
Again, I'm not seeing the whole page, but what I was aware of, you described the incident one way, the text messages showed something different, and that was an attempt to mislead or misleading information.
You were called to speak with the investigator Mr. Okpo, and you refused to do that.
So this has not changed my testimony, your reading this paragraph here.
Q. Okay. Can you help me understand, then, how Apple's position is that I misled or attempted to mislead by not providing a full text exchange when it was documented in this issue confirmation, which you confirmed Apple investigated and reviewed, that I was trying to get that very text exchange to provide to the investigator?
MS. RIECHERT: Objection. Misstates her testimony again.

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A. I will answer it one last time. It is not the simple act of not providing the text message. It's your characterization of the events, what occurred, Mr. West's interactions with you, what he did, his intent, what you did not want to do; again, compared to what the texts showed, they were two different stories.
In addition to that, you refused to speak with Mr. Okpo.
Q. Okay. Do you think it's -- if this happened in 2017, winter of 2017, and this was written in 2021, even if there are things that were not perfectly accurate, wouldn't it be understood that within four years, a memory might not be perfect and would actually support why the employee was trying to get the full text message exchange to have concrete evidence to review?
MS. RIECHERT: Is there a question there?
BY MS. GJOVIK:
Q. Isn't it reasonable for the employee to want to get the text messages for themselves and the investigator after four years had passed since the event in question?
MS. RIECHERT: Again, this misstates the witness's testimony again.
A. You're asking me to assume what is reasonable for you, what was not. Again, I have shared it is it

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not the simple act of not having the text message.
You've described the incident, as you stated, that happened four years prior pretty vividly in a very descriptive way that is very inconsistent with what the messages showed.
And that's what Ekelemchi was trying to reach out to you to speak with you about, which you refused.
Q. Okay. And you did answer. You gave some examples of what you thought was misrepresentations. And then just to conclude this section, the other bullets here was -- this was Ekelemchi from his:
"You told me that in March 2021, West's daughter gave you a ride to Stanford and during the car ride, she told you that they still talk at home about how bizarre the restaurant incident was."
As part of Mr. Okpo's investigation, did he contact Mr. West's wife or daughter to ask about this?
MS. RIECHERT: Objection.
Instruct you not to answer. Attorney-client privilege. Investigation is privileged. What he did is privileged.
BY MS. GJOVIK:
Q. And then as part of Mr. Okpo or anyone's investigation into this matter prior to my termination,

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did anyone speak with that head chef Jared, the sous chef Andrew to get their insight on this matter?

MS. RIECHERT: Objection. Attorney-client privilege.

Instruct you not to answer. Investigation is privileged.

BY MS. GJOVIK:

Q. And as part of this investigation, did anyone speak with Dan West prior to my termination about this night at the restaurant?

MS. RIECHERT: Same objection. Attorney-client privilege.

Instruct you not to answer.

BY MS. GJOVIK:

Q. Okay. And then the final bullet is -- this was Ekelemchi:

"You mentioned that in 2020 West made a comment in Slack that Powers will unbutton the top three buttons of his shirt during the next all-hands meeting. You told me that when you addressed West about his comment, he said he didn't want to sleep with Powers so it wasn't a problem. He then inferred you were only offended because he thought you wanted to sleep with Powers."

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And then evidence is Box folder including emails and photos.

Did Apple review the evidence files I provided in those Box folders?

MS. RIECHERT: Objection.

Instruct you not to answer. Attorney-client privilege.

(Deposition Exhibit N was marked for identification.)

BY MS. GJOVIK:

Q. Okay. Okay. And then we're going to look at -- not really long -- N, as in Nancy. This is Apple production 1277. This is an email forwarded from Ms. Waibel to Ms. Polkes, HR business partner, April 21st.

And then it had been forwarded from Mr. West to Ms. Polkes same day.

And Mr. West wrote:

"Another one for us to discuss during one-on-one on Friday."

And the message forwarded was from myself to Mr. West on April 14th, 2021.

And part of this, I say, "I would" -- to Mr. West:

"I would like to report to you or" --

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I redacted this. I can't remember what name this is. It might be John.

"My biggest concern with either of you would be workload, so I think at least for the next six months or so, if possible, I would love to go four days a week. I think having a time box for project assignments should help drive clear boundaries with either of y'all, and it would give me more space to breathe while I'm processing everything that happened/is happening. Four days a week is not a showstopper but is strongly desired. Moving under one of you is a showstopper. Otherwise, I think I will recommit myself to looking for a new opportunity at Apple. I remember I said something in my last peer review feedback for Dave in 2020 about how working for him is" -- all caps -- "TERRIBLE for my mental health. I think I might have said that the year before too. I need to change the situation. It's partially on me for waiting so long to leave, regardless of the distracting patient zero/Erin Brockovich stuff. Sorry for the extra chaos while you're already dealing with so much. P.S. My previous neighbors at the toxic

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apartment complex just told me they saw some guy in a black sedan parked up the road staring into their apartments with binoculars. Fun. I told them to call the cops."

And then the prior email was me emailing Mr. West on April 9th, 2021, and said:

"My ADT enabled SOS necklace arrived today. It's horrifically awesome and pretty. I might actually get single girlfriends these for Christmas. Just set up Eve camera and door sensor too. Super nice. Thank you for the recommendations."

Ms. Warner, was Apple at the time they fired me aware that I had been having these conversations with Mr. West about the toxic exposure I experienced at the apartment I was living in in 2021 in fear of retaliation, including physical violence, which Mr. West had responded with recommendations for personal security measures, including the security cameras and an ADT personal security necklace to wear so I could call ADT in case someone was attacking me due to my complaints I was making about those toxic exposures?

MS. RIECHERT: Okay. That's a very, very compound question there. Do you want to break it down?

But, I mean, if your question is is Apple aware

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of it, aren't you reading from an email you sent to Apple?
MS. GJOVIK: Mm-hmm.
MS. RIECHERT: Yeah. So then Apple would be aware of it.
MS. GJOVIK: Mm-hmm. Well, that was easy. Thank you.
MS. RIECHERT: You're welcome.
BY MS. GJOVIK:
Q. Ms. Warner, so Apple is aware of this?
MS. RIECHERT: You have to answer.
A. First of all, the in -- in reading the email, I just want to clarify, you mentioned the beginning that it was an email from Ms. Waibel to Ms. Polkes. That's the reverse, so that was not accurate. It is the reverse. It's from Ms. Polkes to Ms. Waibel forwarding the email that Mr. West had sent to her. So that's the first clarification.
Q. Oh, you're right. Thank you. Okay.
A. You're welcome.
And you've read a lot in this email. Very convoluted.
But to the extent you're asking whether Apple was aware of you raising concerns around safety/health issues, the answer is yes. And since this email went to

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Ms. Polkes and Ms. Waibel, so Apple was aware of this email.
Q. Yeah. Thank you.
And specifically also is my concern, was Apple aware about my concerns about my physical safety and concerns about physical violence as a possible form of retaliation for me making complaints about the toxic exposure issues at my old apartment?
MS. RIECHERT: Objection. The document speaks for itself. I don't know if you're reading from it or characterizing it, but the document speaks for itself.
MS. GJOVIK: That's not really an objection. She can answer.
MS. RIECHERT: Yeah. It is an objection. Document speaks for itself is an evidentiary objection.
MS. GJOVIK: Okay. But I'm not asking about that email.
BY MS. GJOVIK:
Q. I'm saying is Apple aware at the time it fired me that the months prior, I had been having concerns about physical safety and discussing those matters with Mr. West, concerns about physical violence because of my complaints about the toxic exposure next to my old apartment?
MS. RIECHERT: Okay. Again, same objection.

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Document speaks for itself.
MS. GJOVIK: Okay.
MS. RIECHERT: Whatever is in the document Apple was aware of.
BY MS. GJOVIK:
Q. Ms. Warner, did Apple -- go ahead.
A. You have in front of me on the screen an email that is -- that you've read, and you're describing what you've complained about.
As I've already testified, since it's gone to HR, Apple was aware of it. And --
Q. And then did -- sorry. Go ahead.
A. Apple was aware of your concerns around safety and health -- E, H, and S -- which I believe there will be separate testimony to that effect.
Q. When Apple became aware of this email exchange I had with Mr. West, did Apple inquire to Mr. West why he was making recommendations to me about personal security technology?
MS. RIECHERT: To the extent that you're asking for what was done in connection with Mr. Okpo's investigation, I'll instruct her not to answer on attorney-client privilege.
If it's other than that, you may answer.
A. I don't know -- this email doesn't speak to

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Mr. West making recommendations to security, and this is an email from you to Mr. West. And you stopped reading at that part.
So I don't know how you want me to answer that without making -- or speculating as to what Mr. West had agreed to.
Q. Yeah.
So the part I read on April 9, 2021, it ends with:
"Thank you for the recommendations."
And talks about an ADT-enabled SOS necklace that I called "horrifically awesome."
And then it talks about Eve camera and door sensors and indicates:
"Thank you for the recommendations."
So that's why I'm indicating did Apple follow up with Mr. West why he's recommending to his employees the need for personal security necklaces or home surveillance technology?
MS. RIECHERT: Again, if it was covered as part of a privileged investigation, then I'll object and instruct you not to answer based on privilege.
A. To the extent that this was part of Ms. Waibel's privileged investigation, I cannot answer that.

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I will clarify, again, look -- since you have a document in front of me that you're scrolling, this states you are telling Mr. West:

"Thank you for your recommendations."

I didn't read anything where he recommended these things to you.

Again, if there's something you want to show me, if it's in this email, then Apple was aware of it, and it would have been included in Jenna's investigation of the concerns you had raised.

Q. Okay. And this email also reflected that I was telling Mr. West that I have to leave my current job. I said working for it is terrible for my mental health, and that if he does not give me a better option in his organization, I was going to look for a new job at Apple.

So Apple was aware that as of April 2021, I believed I could no longer stay in my current role due to the working conditions with my manager?

MS. RIECHERT: Objection. Calls for speculation and lacks foundation as to what you believed.

BY MS. GJOVIK:

Q. Let me rephrase. Same question, but Apple believes that I alleged all the other stuff I just said.

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A. All the other stuff means it's a very vague, convoluted question.

But to the extent you are talking about what you stated in this email to Dan that was ultimately forwarded to Jenna and Helen, yes, Apple is aware of that.

And to the extent that was included in Jenna's summary of what concerns she was reviewing and investigating, that would have done under attorney-client privilege.

Q. So if I was to ask if there was any outcome from those investigations about helping me find a role that I did not believe was a hostile work environment, your answer would be attorney-client privilege?

MS. RIECHERT: Yes, to the extent of whether that was a recommendation or -- excuse me, a finding of the investigation.

MS. GJOVIK: This one, this is Exhibit N2.

(Deposition Exhibit N2 was marked for identification.)

BY MS. GJOVIK:

Q. This is an email exchange between Mr. West and Ms. Waibel and Polkes. This is dated May 18, 2021. It is Apple's production 1356. This is an email that there's an exchange between me and Mr. West. It's five pages long.

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And I was taking notes from a conversation I was having with him during a one-on-one. This is dated April 29, 2021, the original email that was forwarded.

And I wrote in the notes:

"Ashley can't report to Dan. Dan does not want any reorgs. EPM role will stay under Dave until Ashley leaves. Then role will likely be dissolved and transformed into standard engineer or manager role. Ashley will need to find a new role outside PSQ or new job outside of Apple because she could not work for Dave without further detriment to her mental health and there are no options in PSQ."

So is it safe to assume, Ms. Warner, if this was an email that Ms. Waibel and Ms. Polkes had that Apple was aware that as of April 29th, I had stated to Mr. West what I just read?

A. You have read a section of an email that is five pages long that looks like it has multiple forwards. What you've shown me is only reflected from what you sent to Dan West.

So I would need to see who it was forwarded to to confirm.

Q. Yeah.

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So at the very top here, we have from Dan West to Ms. Waibel and Ms. Polkes on May 18th. And they are working on an email draft. But that email thread is based on the thing that I just read per Apple's production.

So that email exchange with Ms. Waibel and Ms. Polkes would have that part I just read as part of the document Apple produced.

MS. RIECHERT: So what's the question?

BY MS. GJOVIK:

Q. Is it safe to assume that as of May 18, 2021, that Apple was aware no later than May 18, 2021, that I had said that thing that I just read, that I'll need to find a new role outside PSQ or new job outside Apple because I can't work for Dave without further detriment to my mental health and there's no options in PSQ?

A. Yes. It would be safe to assume that because now that you show the entire email which was forwarded to HR and ER, it would be safe to assume that Apple was aware of that, at least Jenna and Helen were aware of it, what you read.

Q. Thank you.

Is it safe to assume that any email that went to someone who works in -- not just anyone.

Is it safe to assume that any emails that were

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forwarded to or seen by an HRBP or an employee relations investigator is then attributable to the -- the knowledge they see is attributable to knowledge by Apple?

MS. RIECHERT: That may call for a legal conclusion.

MS. GJOVIK: Yeah. She's said this a few times now that if -- or how about instead of teams --

BY MS. GJOVIK:

Q. Is it safe to assume that if I have emails, especially produced by Apple, where Ms. Waibel, Mr. Okpo, Ms. Polkes are on those emails, that whatever content was in those emails, that's the knowledge attributable to Apple if one of those three people had that content in the email that they were on?

MS. RIECHERT: I think that's calling for a legal conclusion. I'll object on that basis.

BY MS. GJOVIK:

Q. Still going to answer or not going to answer?

A. I'm not going to answer legal conclusions. I'm not testifying as a lawyer.

But as I've stated before, and if you are looking at a specific email with respect to the emails you've shown me, if it was sent to HR and, in this instance Helen, or ER, in this instance Jenna Waibel,

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that it would be correct that Apple is aware of it because it's gone to the people team.

Q. Okay. Thank you.

A. I can't assume for all emails.

MS. GJOVIK: And then this one is Exhibit P.

(Deposition Exhibit P was marked for identification.)

BY MS. GJOVIK:

Q. And this is Apple's production 861. This is just one page. This is me emailing Mr. Powers on May 10, 2021.

I said:

"Sorry for the short notice, but I'm going to need to be out the rest of the week. I have another echocardiogram Thursday to see if the chemical exposure caused physical damage to my heart. On Friday I have to do a bunch of imaging to look for cancer, and I started a medication this weekend related to the chemical exposure that's causing side effects, and I need to rest outside the apartments. I still have PTO today and tomorrow. I submitted sick time for Wednesday and Friday."

And then the email shows that Mr. Powers forwarded it to someone and said:

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"I assume you're aware of this but just in case."

That was the next day, May 11th.

And then the next response is from Ms. Polkes, so he assumably forwarded it to her same day:

"Thanks for letting me know. Did you respond back to her yet?"

Mr. Powers responded:

"I did."

And then Ms. Polkes responded same day:

"Thanks."

So, Ms. Warner, is it -- we can say that Apple, as of May 11, 2021, was aware that I was still suffering or I alleged I was suffering physical injuries due to chemical exposure?

MS. RIECHERT: Did she say chemical exposure?

THE WITNESS: Chemical exposure.

MS. RIECHERT: Yeah.

A. Based on this email that you show and I'm reading now, it would be correct that because it went to Helen Polkes who responded and communicated with David Powers that Apple was aware of what you've alleged in this email dated May 10th.

Q. Thank you.

And, Ms. Warner, when you have employees at

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Apple who are making complaints or raising concerns and they are suffering things in their life like health issues, does Apple consider that in the way that they handle investigations or engaged with those employees that those employees may be more complicated than an employee that's in great health or not experiencing stressors outside their lives?

MS. RIECHERT: Objection to the use of the word "complicated." That's vague.

A. Yeah. This question is very broad and vague, and I don't know how to answer that because you -- I would have to assume a whole lot of different things, right.

We handle concerns by employees, and obviously caring and supporting employees at Apple is very important to us. And on the ER team, we do that.

And so if we're investigating, it depends on the circumstances how much care, how much support, what is needed to make sure the person is okay while we conduct the investigation is part of what we do.

MS. GJOVIK: So we'll put aside Apple's chip fab and my accusations that Apple was the one that made me sick in 2020 and all that. That's going to be for Thursday, I assume.

That's right, Melinda? Thursday will be 3250?

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MS. RIECHERT: Thursday will be the other topics that were not covered by this witness.
MS. GJOVIK: And this -- is this witness going to answer any of my questions about 3250 Scott?
MS. RIECHERT: I don't think that's one of her topics.
MS. GJOVIK: You don't think or it's not?
MS. RIECHERT: Do not think it is. I don't believe you have 3250 Scott in any of her topics. You have it Topic 3. 3250 Scott is not this witness. So it's --
MS. GJOVIK: Okay.
MS. RIECHERT: -- Thursday's witness.
By MS. GJOVIK:
Q. Okay. So putting aside the cause of my alleged injuries, did Apple consider my health issues and what I said I had suffered the year prior when the employee relations team investigators were interacting with me?
A. Again, that -- it's also a very vague question when you say "did Apple consider."
We just talked through emails where you've expressed some of those concerns, and the email confirming the issues between you and Jenna included some of that, the confirmation, issue confirmation included some of that, so -- and, again, you going on a

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leave at your request, and there are a whole host of other things that was included in those two confirmations.
So when you say "consider," that was part of what they looked at in responding to your question -- your concerns.
Q. So, I guess, more like, you know, if I'm saying that I'm sick, I potentially could have cancer, I might have physical heart issues, I think I suffered all this chemical exposure, and I'm asking for accommodations like communications in writing, or maybe -- and I think what I tweeted was protected activity, and I had the right to, but let's say I make a mistake and I tweet something that maybe is a little inappropriate, but you're like, she's sick, maybe we should talk to her and warn her and work with her because she's gone through a lot.
Was there any consideration like that, or did Apple just treat me like anyone else and disregard all of the stuff I said I had just gone through the last year and a half?
MS. RIECHERT: Okay. So there's so many assumptions in that that are -- assumes facts not in evidence that I don't know there's any way the witness can answer that question. And it is super compound,

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so --
MS. GJOVIK: So let's break it down. Let's break it down.
MS. RIECHERT: You're talking about May, and you're talking about tweeting stuff in September. And you're asking if we should have excused the tweeting in September because you were sick in May. Is that the question?
MS. GJOVIK: Oh, no. More like almost died in 2020, could have permanent physical injuries to my heart, could have cancer. I also complained to Waibel about cancer at the office.
BY MS. GJOVIK:
Q. So I'm just asking if there's any -- any consideration for -- like if Apple is actually -- the way they treated me through all this was them being nicer than they would have been otherwise, or if they were just treating me the same they would regardless of all the other health issues that I had complained were -- occurred and still occurring.
MS. RIECHERT: Same objection. Compound. Assumes lots of facts not in evidence. Assumes you asked for accommodations.
MS. GJOVIK: Well, I'm calling accommodations, like, communication in writing.

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MS. RIECHERT: I -- that also assumes facts not in evidence.
THE WITNESS: Yeah. I think, Ms. Gjovik, I would break down the question you want me to ask.
But I will say this because you're asking in terms of the consideration, again, as I've stated, you did get the leave, and depending on the time, you did request for remote work, and you did work with an accommodations team. So those are the things I know that happened.
But with respect to when you were terminated, to the extent you're asking that, again, you didn't speak to anybody. So, no, there was not a let's think about do you have cancer, do you have this.
So you would want me to assume all these things to be the -- to be true to answer that question.
MS. GJOVIK: Okay. Now I'd like to look at Exhibit S.
(Deposition Exhibit S was marked for identification.)
BY MS. GJOVIK:
Q. This is plaintiff's production 8-0026 and deposition Exhibit S. Just put it in the chat.
This is an email from me to Mr. Okpo on July 28, 2021, referencing a Slack conversation in the

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women of SWE, S-W-E, channel on July 26, 2021.
Ms. Warner, are you familiar with this email and/or that Slack conversation?
MS. RIECHERT: Objection. Compound.
BY MS. GJOVIK:
Q. Ms. Warner, are you familiar with this email?
A. If you're looking at the page that's on the screen because this email is part -- looks to be part of a very long, lengthy document, this top email that you're referencing, I have seen that before in preparation for this deposition.
Q. And are you familiar with the Slack conversation that it references and includes as the attachment?
A. To the extent that, again, this is part of a very long document, this page here that you're showing, that would be included in the email to Ekelemchi, I have seen that.
Q. Okay. And it is 13 pages. But it's all just, you know, screenshots of -- actually, we can look through it. We can look through it. Okay. Okay.
So the email itself to Mr. Okpo is sent by me by July 28th. It's called "Slack ER chain." ER is in employee relations.
And I said:

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"Hi, the Slack chain we talked about yesterday and today," and then I have a URL.
And then I say:
"Not even including DMs, dot, dot, dot. I don't seem to be the only employee subject to sexism, hostile work environment, harassment, and retaliation who has received no real help from HR or ER in resolving the issue. Yes, I know you're looking into things now, but Jenna made things worse for me, and so far y'all have done nothing to mitigate the harm I'm experiencing ongoing. There seems to be a growing group of us with very horrific stories to tell who have tried to tell these stories and have gotten nowhere at Apple. As mentioned before, this is incredibly disappointing and unacceptable to me, not just for my own situation, but also that women are being treated like this by their coworkers and ignored by HR/ER at a company that likes to pretend it cares about human rights, inclusion, diversity, and respect. Pretend seems to be the important word there. Ashley."
And then the rest is all screenshots from that conversation.

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Ms. Warner, did Apple investigate my complaints that it seems like there's systemic concealment of employee complaints at Apple?
A. Again, going back to this email of the 13- or 14-page document, which has a screenshot, so I'm not testifying to what I'm not seeing on the screen, but to the extent your concerns shared with Mr. Okpo were included in the issue confirmation about your workplace concerns, those were investigated as part of the privilege investigation that was done at the direction of counsel.
Q. And did Apple investigate the complaints made by the other employees in those screenshots as well?
MS. RIECHERT: Okay. We're only talking about investigation of your complaints. Anything else would be privileged.
MS. GJOVIK: You also said my complaints were privileged.
MS. RIECHERT: Right. But we've already said that we investigated the issue confirmation issues.
BY MS. GJOVIK:
Q. Okay. So on this Slack thread, I started it. It was posted at 12:41 p.m. And I was sharing an article I read on "Washington Post" about gender discrimination at Amazon.

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And I asked people:
"Do we think Apple does a sufficient job at handling employees' complaints about discrimination? Do we feel comfortable even reporting issues, question mark?"
And then I make additional comments, too.
And there was a lot of people who responded. There was multiple comments like this Barbara Pitts. She commented:
"I think there are a lot of problems with the current escalation process. I tried to escalate something that was being swept under the rug, employee comments that were racist and racially insensitive. It wasn't happening directly to me, but basically the options for resolving the issue we were given seemed ridiculous and not entirely helpful. It also" -- "I've also found it highly dependent on the attitude of the manager" -- it's cut off, something -- "approach, and many managers are not properly trained how to handle it."
She also added:
"And also, I've heard a few stories of bullying and downright harassment in other orgs outside SWE, not so much to the extent with

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anyone" -- something -- "work with, but the victims are afraid to say anything to anyone with authority for fear of retaliation. There have been multiple HR complaints about specific people and said person still acting in their role as a hostile manager. It's extremely unfortunate and" -- it's cut off -- "driven crazy. I don't know what I, slash, we can do other than continue to be vocal when we see something that's wrong."

Bri Chapman chimed in of her own experience. She said also she's had more difficulty escalating things on behalf of others, which is unfortunate but might be fair.

I commented:

"I am in hardware engineering and I'm now raising concerns about retaliation, based on raising concerns about retaliation, based on raising concerns about sexism. The culture of impunity has crushed me enough to kick off the conversation now. I hate it."

Then there was another -- this Allie Cassidy responds. She said:

"I have a friend who is totally not me, that did experience harassment and bullying at Apple

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some years back. She's sharing her story."

This is Rebecca Taylor chimes in, and she says she's:

"Witnessed and experienced a range of bullying, harassment, and retaliation and even illegal behavior. And never once has there been any outcome where I felt heard and all of the perpetrators are still at Apple."

This is Srivani Pinneli responds:

"I feel like we really need a forum or committee where we can go and talk about issues while maintaining the confidentiality. This really helps people who are hesitant to speak up."

Bryan Henry responds.

Gowri Somanath responds.

I responded to the thread again:

"Yes. Employee relations seems horrified by how well I documented everything over the last six and a half years. I created Box folders by year and by cause of action, because that's apparently all they care about, and added photos, emails, texts, chats, and copies of my personal agendas and meeting notes. The first round of investigation I thought they would

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hear me out and we would just discuss like normal people, but that's apparently not a thing here. So now we're going Box folder by Box folder chronologically by cause of action, noting each piece of evidence that would substantiate the claim in court. I also keep calling it prediscovery and saying, when I sue you, and telling them not just that I'm going to" -- "going to the press but that I'm actively talking to the press. This has been the only way I've gotten them to give me the time of day. Document, document, document. If you think there's a power dynamic and politics at work, I'd say assume you need to go the route out of assuming they won't help you. So assert yourself and your rights as clearly as possible."

So, Ms. Warner, when Apple was reviewing all this when I sent it to them, did they consider trying to settle this matter with me?

MS. RIECHERT: All right. Let me think of the number of objections to that. One, it's outside the scope.

Two, it's covered by attorney-client privilege and work product privilege and probably many others.

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MS. GJOVIK: So you're not going to let her answer?

MS. RIECHERT: Absolutely not.

Instruct you not to answer.

BY MS. GJOVIK:

Q. Ms. Warner, Mr. Okpo and I had a conversation about settlement, and we even were discussing numbers around this time at end of July.

And the one thing that Apple was requesting was a full waiver of claims, which I expressed I was uncomfortable with because I was concerned I could have disease from the chemical exposure at my office. Mr. Okpo indicated that was the requirement was full waiver of claims.

Did Apple know at that time that I had been exposed to the chemicals at my office from the Superfund site exposure? Was that the reason that they made -- they insisted on that term?

MS. RIECHERT: So first of all, this witness is not talking about chemical exposure in offices, so she's the wrong person.

Secondly, this topic of release of claims and settlement of suits is outside of the topic.

And thirdly, what Apple knew would be covered by the attorney-client privilege.

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BY MS. GJOVIK:
Q. Okay. When I was talking to Mr. Okpo, the number on the table was the amount that I would make in total compensation through when I graduated law school, which was over $500,000, the requirement of full waiver of claims.
But after I declined that based on the cancer dispute, Apple's never had a settlement offer ever again.
Why is Apple refused to discuss settling this matter completely following that initial discussion with Okpo?
MS. RIECHERT: First of all, that's an incorrect statement. We went to a settlement conference. I was there. You were there.
Secondly, it's nothing within the topic of this witness.
Third, settlement discussions are excluded from evidence under the FR -- the Evidence Code 402, I think.
And, fourthly, a lot of that would be covered by the attorney-client privilege.
MS. GJOVIK: Okay. So regarding the exclusion from evidence --
THE WITNESS: Is it possible to take a break at a point, like, when's a good time?

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MS. GJOVIK: So we're going to get close to 5:00 soon, but we can take a five minute right now if you want.
THE WITNESS: That would be helpful.
MS. GJOVIK: Okay.
(A short break was taken.)
MS. GJOVIK: Thank you, ma'am.
Okay. One second. I'll get the rest of the attachments.
Okay. This is -- this doesn't have the exhibit number. Sorry. One second.
This is Exhibit T.
(Deposition Exhibit T was marked for identification.)
BY MS. GJOVIK:
Q. Plaintiff's production 8, Number 99. This is an email I sent Mr. Okpo on July 28th. And I said:
"I went on leave from May 24 to June 4. Jenna called June 3rd to tell me she finished and didn't find any issues. She never contacted me after May 23rd until she completed on June 3rd. There was zero follow-up questions from anything I sent her from May 20 to 22nd."
And then I said:

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"June 3rd to 10 below. It's clear to me Jenna didn't look into most of the stuff I sent her."
And I was forwarding an email I sent Waibel on June 10th saying -- with more information including:
"I implore you to read the 2020 feedback I gave Dan about Dave."
Dan said -- "I literally mentioned gender discrimination and sexism in the feedback, multiple times."
And then also forward complaints to her again about her investigation.
Ms. Warner, did Apple ever investigate my complaints about Jenna Waibel's investigation into my concerns?
A. First, you reading an email about Ms. Waibel's review of your concerns, I don't consider this, what you've read -- again, there's an email you're scrolling through about a complaint of Jenna Waibel.
Q. Okay.
A. This email is indicating -- go ahead.
Q. Let me be more specific.
How about the complaint that I did not believe that Jenna looked into most of the stuff I sent her?
A. To the extent you're characterizing this email

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as your complaint of what Jenna Waibel did or did not investigate, as I've shared before, there were the two investigations, obviously with -- this is speaking to Ekelemchi Okpo's investigation that was forwarded to her through Tony Lagares, the manager, and he conducted an investigation into any concerns that you believe were new and not investigated.
What Ms. Waibel investigated were not included in Mr. Okpo's investigation.
Q. So was there any investigation by Apple into my complaints about the integrity and diligence of Ms. Waibel's investigation?
MS. RIECHERT: Objection. Just asked and answered --
MS. GJOVIK: Okay.
MS. RIECHERT: -- and mischaracterizing what you said in the email.
THE WITNESS: And what I've just testified to.
You're characterizing it something very different.
BY MS. GJOVIK:
Q. So I was trying to -- my question was did Apple investigate my complaints into Ms. Waibel's investigation into my concerns?
I showed you an example with that email, but I

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don't believe you answered my question.
MS. RIECHERT: She did.
A. I have. You don't like the answer, but I have answered it.
Q. Is the answer just privileged?
A. I have answered the question two questions ago.
MS. GJOVIK: Okay. This one. This is Exhibit U.
(Deposition Exhibit U was marked for identification.)
BY MS. GJOVIK:
Q. This is -- this is plaintiff's production, plaintiff's production 8-222. This is an email from me to Mr. Okpo on July 29, 2021, and I -- and Mr. Lagares. And I say:
"Hi guys, I talked to Ekelemchi about Jenna's investigation at length today. As I mentioned before, there are numerous areas I have reason to believe she didn't investigate at all. I forwarded several emails to Ekelemchi along with a timeline I find very suspicious for a quick resolution and no follow-up questions from Jenna."
And then I asked them if they can at least distinguish what Jenna investigated in finding no policy

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violations.
So actually, I say -- I'll read this:
"What I'd like to ask from you all after you two chat is for ER to provide me a list of items which Jenna investigated and closed out finding there were no Apple policy violations and no action would be taken. I think we should get this from Jenna before Ekelemchi and I complete this prediscovery phase since if there's things she didn't close out, I want to ensure Ekelemchi looks at those, and it's very unclear what she did or did not actually investigate. There was so much terrible stuff that happened to me at Apple and continues to happen to me, I think it will help everyone during litigation if we can draw a clear line of what events Apple has already closed investigation into, Jenna's round, and which things Ekelemchi will be investigating, which I know is still in progress, and in the closure of each of Ekelemchi's items as well with outcomes. Ideally, if we can sort this by area of law, it will help route to the different lawyers: Labor, ADA, FMLA, employment discrimination, whistleblower, toxic tort, et

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cetera. When you send over the list of Jenna's items that she closed, I would also appreciate you noting whether or not she looked into my concerns about workplace safety at my Superfund office and, if so, if she closed that as an ER investigation as well since she's so heavily involved in the communication of those conversations and facilitated all dialogue between me and EHS and I sent her numerous emails expressing my deep concern and asking for help. Thanks."
So I'm going to ask again, Ms. Warner, did Apple investigate my complaints into Jenna Waibel's handling of the investigation into my concerns in March through June of 2021?
A. I will answer it again, Ms. Gjovik. Any concerns that were raised following Jenna's investigation that was summarized in Mr. Okpo's issue confirmation were investigated by Mr. Okpo and that those investiga -- that investigation was done under privilege. This email you're reading is from -- I can't see it -- is July 10th or July 28th?
Q. July 29th.
A. 29th. And the issue confirmation, I believe, was subsequent to that.

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Q. Okay. So the -- you're saying that Mr. Okpo only investigated the things that were in the issue confirmation that I sent in August. Is that correct?
A. What I've said that any -- the concerns that were summarized in the issue confirmation constituted the scope of Mr. Okpo or what was investigated in August, and to the extent those concerns you raised between Jenna's investigation and Mr. Okpo's investigation were raised they were not investigated, that would have been included in that.
Q. So Mr. Okpo investigated his coworker, Ms. Waibel?
A. No. That's a different question you are asking.
Q. Yeah. So that's what I'm trying to get to is I complained about essentially misconduct by Ms. Waibel, and I'm asking if Apple ever investigated my complaints of misconduct by Ms. Waibel.
MS. RIECHERT: Objection to your mischaracterization of the nature of your complaint about Ms. Waibel's investigation.
A. Yes. You are characterizing what you shared was she did not fully investigate your concerns as misconduct.
As I've said, again, I will say it for the last

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time, concerns you raised about workplace concerns and to Mr. Okpo and the issue confirmation were investigated at the direction of counsel.

MS. GJOVIK: Okay. So that was Exhibit U. This is Exhibit V.

(Deposition Exhibit V was marked for identification.)

BY MS. GJOVIK:

Q. This is an email I sent Mr. Okpo on the 28th. This is plaintiff's production 8, Number 64. And I sent it to Mr. Okpo and Mr. Lagares. I'm sorry, I did not -- I forwarded it to myself on July 28th. I sent it on July 27th, 2021.

And I said I was capturing outstanding action items, and I said:

"I'm still looking for a short-term response to mitigate the current hostile work environment I'm experiencing reporting to Dave and Dan and Helen. I've asked several times now including today that all one-on-ones with them be in writing only, during the duration of this investigation. I also ask that there not be any new projects added to my workload during the duration of this investigation, and this is especially important now that my manager

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decided to substantially increase the amount of work I need to do beyond what a single role is capable of and all unfavorable work. I would like for him to not add any new work beyond what I had a month ago. I do see his current actions with this workload as retaliation and a negative employment action. Also as I mentioned, I'm actively suffering emotional harm as I'm continuing to be exposed to their behavior, and I look forward to hearing about next steps on this."

Then I added:

"Further, as I mentioned previously and ongoing, I'm requesting a long-term solution to the hostile work environment and unsafe work conditions. At this point it's clear my team will not stop the sexism, harassment, discrimination, and retaliation, so I need to be removed from the situation. As mentioned, I refuse to quit or take medical leave as a response to the hostility. This is on Apple ER to resolve, not for me to hide from. There are two options we've discussed. First, a new role at Apple that is not a hostile work environment and not an unsafe work conditions. And I

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mentioned that because I will not be at Apple after December 31st, 2022, I cannot find a new role to transfer to for such a short period of time, so I need your assistance with placement. The second option is an exit package that will compensate me and provide benefits through that time. As mentioned, this would be" -- "would only be a payment and exit to mitigate the current hostile work environment and unsafe work conditions and would not include any litigation or arbitration waiver agreements, nor any nondisclosure agreements beyond what I've already signed as an employee. Any further contractual agreements beyond what I've already signed would need to be reviewed by my team of lawyers, and the compensation for each would need to be negotiated by each new specific requirement. Here's the outstanding list of our to-dos. See you tomorrow."

And then I list stuff we're working on, stuff I'm sharing with them. And that includes a number of complaints of sexism and hostile work environment.

Ms. Warner, Apple has characterized that I just asked to be on an administrative leave on August 4th and I was just waiting to hear what they do with the

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investigation, but doesn't address the fact that we're emailing about expected litigation and settlement agreements.

So I ask what was Apple's position while all this was going on? Because it seems like they were fully aware that they had to do something to change the current situation I had at work.

So what was Apple's plan at the end of the investigation when it was time for me to either come back to the current hostile work environment or something else? What was Apple's -- and Apple had the deck of exit outcomes. Was Apple's only plan that I was going to leave Apple?

MS. RIECHERT: Okay. That was a very, very long statement and question. If we just jump to the end of what was Apple's plan when the investigation was over, I will object that it's a hypothetical, speculation, and probably attorney-client privilege.

MS. GJOVIK: Okay. And then continuing the conversation about the settlement stuff, the settlement is not protected under settlement privilege under the evidentiary rules when Apple was concealing the chemical exposure. That's part of the complaint.

MS. RIECHERT: Okay. I have no --

MS. GJOVIK: And the settlement conference,

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Apple's offer was zero dollars. It's always been zero dollars. Following that, it's been --
MS. RIECHERT: Okay. You are not allowed to discuss anything that was discussed at the settlement conference. That is absolutely prohibited, and the magistrate judge made that absolutely clear to you. He will be --
MS. GJOVIK: Zero dollars is not a settlement offer.
MS. RIECHERT: You are not allowed to --
MS. GJOVIK: Drop the lawsuit, I told you I -- anyways, we don't have time for this.
And that was not the settlement conference. You made no offer to me in the settlement conference. You made that in email for the Department of Labor.
(Speaking simultaneously.)
MS. RIECHERT: You are not permitted to discuss anything that was discussed at the settlement conference, and the magistrate judge made that absolutely clear.
MS. GJOVIK: You made no offer during it, so I'm not discussing it.
MS. RIECHERT: You are discussing what was discussed.
MS. GJOVIK: I filed -- anyways, I've

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complained about this to Judge Chen in formal public filings, so it's not news.
I would like to finish the documents I would like to review, please. I also have Exhibit W.
(Deposition Exhibit W was marked for identification.)
BY MS. GJOVIK:
Q. Exhibit W is plaintiff's production 8, Number 58. This is another email to Mr. Okpo on the 29th. And I said:
"Additional files per today's discussion."
And I said:
"Also I found a bunch of super weird texts between me and Dan I forgot about from March and April and added them to the folder. He was fully aware I was traumatized and also in physical danger. He was giving me recommendations about guns and knives versus home surveillance. In context, it's slightly less weird, but this spring he did also text me at one point, you're nasty as fuck. Talk to you Monday."
So I ask again, Ms. Warner, did Apple inquire to Mr. West why he and I were talking about concerns about physical violence, home surveillance, and my

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concerns about my physical safety?
MS. RIECHERT: Objection. Instruct you not to answer to the extent that came up in either Jenna Waibel's or Mr. Okpo's investigation.
BY MS. GJOVIK:
Q. Okay. This email continues:
"Updated. Spanking. Found the full Dan/John panel with the Ashley, slash, spanking bit, but it included a bit more. I uploaded the full video."
Ms. Warner, did Apple watch the video when Dan made spanking gestures when talking about how I -- I said keep him in line?
MS. RIECHERT: Objection.
Instruct you not to answer with respect to anything that was done in connection with the investigations.
BY MS. GJOVIK:
Q. I also included complaints that Mr. West was making fun of Yannick's eyesight. John was disrespecting someone's size and posture.
"Dan told a story where he was supposed to present on something but Yannick switched him out and had Dan's direct present instead, and Dan said he was mad until Yannick told him that

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Apple will probably get sued about whatever it was and that the direct can take the fall instead of Dan."
Ms. Warner, did Apple watch that video I provided?
MS. RIECHERT: Objection.
Instruct you not to answer to the extent it related to anything that was done in connection with a privileged investigation.
BY MS. GJOVIK:
Q. Ms. Warner, did Apple consider using Yannick as the final decision-maker in terminating my employment related to my sexual harassment complaint against Dan knowing that one of my open complaints was that Yannick was trying to obstruct future litigation in order to protect Dan?
MS. RIECHERT: There's so much wrong with that question, I don't know where to start.
Assumes facts not in evidence. Privileged as to who Apple decided to use as the decision-maker, assuming there was a decision to be made there.
MS. GJOVIK: It's in the issue confirmation. It's in the email. So it is in evidence. It's just a strange choice of decision-maker.
BY MS. GJOVIK:

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Q. This also has the section called matchmaking, and I mentioned:
"Dan's daughter Alison took me to Stanford. Told me the family talk" --
(Reporter interrupts for clarification of the record.)
BY MS. GJOVIK:
Q. I'm so sorry. Yes.
"Told me the family talks about the matchmaking, slash, pimping thing."
I said, "Dinner was on December 28, 2017. Texts with Dan were December 30th, 2017."
Ms. Warner, if I was already texting with Mr. Okpo about the matchmaking thing in the text, why didn't Mr. Okpo ask me for those text messages before the leave?
MS. RIECHERT: Objection.
Instruct not to answer with respect to what he was doing at that time in connection with his investigation.
(Deposition Exhibit X was marked for identification.)
BY MS. GJOVIK:
Q. Okay. Exhibit X is plaintiff's production 8, Number 76. Specific to -- this is forwarding an old

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email from Waibel, but specifically this August 2nd, 2021, forward to Mr. Lagares and Mr. Okpo where I say:
"Per conversation with Ekelemchi today, he will not be investigating."
And I list stuff he says he's not going to investigate, that includes:
"Uptalk and vocal tone. An FMLA violation. Yepez sexual harassment. Comment to focus on equal opportunity only, not equal outcome."
A comment that "Ashley is too hard on the white man. Dave calling Ashley emotional. Dave gives men credit for Ashley's work."
And "Dan will not reorg me under him this spring following years of complaints about hostile work environment under Dave. And Dan gave no explanation and said I can quit Apple. Ekelemchi says it's an understanding that Jenna looked into all that, but if there is new information, it can be revisited."
He says, "He will" -- "we will not talk about workplace safety issues but we'll be investigating everything else."
So, Ms. Warner, can you confirm that the things in that list that I said on August 2nd reflected a conversation with Okpo, were those things never

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investigated again by Apple after Waibel's investigation?
A. Your question, Ms. Gjovik, is actually misreading and mischaracterizing what Mr. Okpo says in this email specifically. You listed those things, and he said his understanding, Jenna looked into them, and if there's new information, they would be revisited.
And as I've testified earlier, his issue confirmation with you later in August that you reviewed and agreed to in terms of the scope formed the basis and the scope of what was investigated, and that investigation was done at the direction of counsel.
Q. Ms. Warner, I directly objected to his issue confirmation. That's why I wrote my own. And I complained he was misleading with his, so I just want to correct that. We can have that as a dispute, but I did not say that I agreed with his version.
I would ask you were any of the things in this list investigated by Mr. Okpo or Apple after July 2021?
A. I've already answered that question in terms of the scope of Mr. Okpo's investigation.
Q. That it's privileged?
A. I said a whole lot more than just it's privileged.
MS. GJOVIK: Okay. Running out of time.

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This one is plaintiff's production Y.
(Deposition Exhibit Y was marked for identification.)
MS. GJOVIK: Make sure it's in there, chat. X, Y. Nope. Let me add it.
BY MS. GJOVIK:
Q. Okay. This is Y. This is a production from Apple, 1595. And on this it's a forwarded email chain on August 17th, 2021; I emailed Mr. Okpo:
"I'm glad our communications will be in writing going forward so that there will not be any more he said, she said. As I mentioned many times and in writing, this exact type of scenario is why I wanted my one-on-ones with Dave, Dan, and Helen to be in writing during the investigation because verbal conversations were frequently being misrepresented and statements denied after the fact. I stand by my memory of the events on 8/4 and as you've seen/read, Apple senior leaders have trusted my recollection and interpretation of event statements, even with major risk and consequences leading from that interpretation."
Ms. Warner, this was August 17, 2021, well before the exchanges I had with Mr. Kagramanov and

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Mr. Okpo about conversations in writing versus oral.
I ask, again, what Apple's explanation is for demanding that the conversations I had with them be oral only with no written record when there's evidence produced by Apple of me complaining weeks prior that Apple had been misrepresenting what I said, and I thought that a written record would ensure that we can actually document what's actually discussed?
MS. RIECHERT: Objection. Asked and answered.
A. Ms. Gjovik, we spent quite a bit of time earlier explaining why it was important for you to speak with Mr. Okpo and Mr. Kagramanov about the things they wanted to talk to you about to speak with them versus having it be in writing.
(Deposition Exhibit Z was marked for identification.)
BY MS. GJOVIK:
Q. Okay. This is Exhibit Z. This is plaintiff's production 8-155. This is an email I sent Mr. Okpo on September 3rd after he had reached out wanting to talk to me.
And I said again:
"I'd like to request that we please keep our exchanges in writing. If you're going to require a call or video meeting, I'm requesting

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you grant me permission to record it."
Ms. Warner, he never responded to this email. Is there a reason that Apple would not allow me to record a video or audio conversation?
A. You're asking me to assume that he never responded. You're showing me an email of August 3rd.
Q. He testified -- September. And he testified he never responded.
MS. RIECHERT: So the question.
A. What's the question?
Q. Would Apple allow me to record the audio or video conversation they wanted to have with me?
A. This is with -- sorry. This is about your conversation with him on the 4th?
Q. On September 3rd, I said:
"If you're going to require a call or video meeting, I am requesting you grant me permission to record it."
A. Okay. And what is your question?
Q. He never responded.
But I'm asking you would Apple allow me to record that? Is that in line with the policy position that you stated earlier?
A. To record your conversation with the investigator?

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Q. Yeah.
A. Well, you never agreed to speak with him, so that's the part that you're assuming, you know, a lot of different things in there.
But he wanted to speak with you, and he's not going to -- he was not going to record it. And I don't believe that was a part of the conversation with him.
Q. So Mr. Okpo also requested a call, though, and you also said one of the reasons I was terminated was asking to have a written conversation with Mr. Okpo.
And here I had requested could I record it.
And I'm asking what would -- what is Apple's position because he never responded if I could record that conversation with Mr. Okpo?
A. I believe you spoke with him, or at least you exchanged messages with him after this date. Again, I don't know what the -- I'm -- you're saying he never responded since that email.
Q. Okay. So then I say:
"As I've complained previously, there have been frequent misrepresentations of my verbal conversations with my managers, with human resources, and with employee relations. This includes misrepresentations by yourself related to the nature of this leave. From what I've

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heard from other employees in similar situations, this appears to be a pattern by Apple's HR and ER teams to misrepresent and mischaracterize, likely to intimidate and retaliate, and I won't allow you to continue doing this to me."
So, Ms. Warner, if this is the written explanations I'm giving of why I'm requesting to have things in writing, does Apple maintain that my position is misconduct?
A. As I've already stated, your refusing to speak with him, I've already explained the reasons why. And I've already explained the few other things that led to the misconduct determination.
So that position still stands, yes.
MS. GJOVIK: Okay. And then this is Exhibit Z1. This is plaintiff's production 8-157.
(Deposition Exhibit Z1 was marked for identification.)
BY MS. GJOVIK:
Q. You asked if he -- he emailed back. So he -- he responded on September 7th only saying:
"Thank you for your email. Based on the interviews I've conducted so far and the evidence I reviewed, there are some

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inconsistencies I'd like to discuss with you in detail and give you the opportunity to provide additional information. Please let me know when you have availability to connect tomorrow or later this week."

So he never responded to the points I raised --

MS. RIECHERT: Objection. Just ask the question.

BY MS. GJOVIK:

Q. Okay. So then --

A. I do want to clarify, though, the -- you -- you said I asked if he responded. I said you assume -- you want me to assume he never responded to that email. And you just read an email he responded to.

So, again, I just want to make sure the record's clear.

Q. Sorry. No. That's -- so he responded to the email. He never responded to the points. That's an important clarification.

A. Okay.

Q. Thank you.

So September 7, then I respond:

"Hi Ekelemchi, happy belated Labor Day."

And I say, again:

"Updates in writing. My previous email

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requested that we please keep future conversations in writing. Will you please send me your updates in writing? Or are you refusing my request? If refusing, can you please document your justification for doing so?"

And then I said:

"I feel like you're implicitly denying my request otherwise, and because you're an attorney and you're in an adversarial position to me" --

(Reporter interrupts for clarification of the record.)

MS. GJOVIK: Sorry. We're running out of time, so I was extra rushing. I'm so sorry.

BY MS. GJOVIK:

Q.

"If you're denying my request, I'd also like to request if there's an appeal process, business conduct maybe, to review my request to keep communications in writing?"

Ms. Warner, was that ever escalated or considered beyond Mr. Okpo himself, my request to keep things in writing with him?

MS. RIECHERT: To the extent it was discussed

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with counsel, then I object on the attorney-client privilege and instruct you not to answer.

A. I can't answer that without disclosing attorney-client privilege information.

Q. Okay. And in that same email also, I said:

"I'm not sure if you've heard, maybe they didn't tell you, but I found" --

And I cited a case where Crystal Brown sued Apple. She was an administrative assistant for Dan West, and she sued Apple and alleged a variety of things by Mr. West and Apple.

Did Mr. Okpo include Ms. Brown's allegations as part of his investigation?

MS. RIECHERT: Objection.

I guess you can answer that one. Sorry.

What he investigated she can answer. What he did to investigate she can't answer.

MS. GJOVIK: Yeah.

A. I can't answer this because you're asking whether he included your statement here about Ms. Brown's complaint in his investigation. Again, Ms. Brown is different than what -- you're not claiming concerns on her behalf.

I can't speak to what specifically investigated without disclosing attorney-client privilege, other than

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whatever you had in the issue confirmation that I've shared the concerns he was going to look at, he looked at them at the direction of counsel.

(Deposition Exhibit Z2 was marked for identification.)

BY MS. GJOVIK:

Q. Okay. And then Exhibit Z2, which is plaintiff's production 231.

Z2. Yeah. That last one was Z1. This is Z2. This is August 20th, 2021. And I emailed Mr. Okpo:

"I continue to struggle to understand just how this current leave is not punishment, retaliation, or otherwise a negative employment action. I should get you the updated issue confirmation before Monday. It's taken a lot of time to sort through and make sense of."

Ms. Warner, if an employee is complaining that administrative leave feels like retaliation or punishment, does Apple normally, then, maybe rethink that leave and/or -- and/or investigate their complaints, try to understand why they feel like it's retaliation?

A. I think with respect to you, again, you're showing me part of an email. There's subsequent

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conversations, I believe, or emails from Mr. Okpo to you offering you the choice to return if you wish to return from leave.

And so if you -- again, as I've testified earlier, you requested the leave. He granted it. And if you later decided you did not want to be on leave, you were welcome to return.

Q. Did Apple ever investigate my complaints that employee relations was using leave as retaliation?

A. This is assuming your characterization of this email is your complaint that employee relations was putting you on leave and in retaliation.

Again, as I've testified, you requested the leave. Ekelemchi granted it appropriately, and he gave you the option to return if you decided you wanted to return.

Q. Thank you. But that was not answering my question.

But my question was did Apple ever investigate my complaints that the administrative leave was retaliatory?

A. You're -- again, without disclosing any attorney-client privilege investigations that may have taken place, my answer in terms of your assumption that this was a complaint and what was and what was not done

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still stands.

Q. Okay. And this is probably our final because we're almost out of time, and I'm going to respect your appointment. This is Exhibit Z3.

(Deposition Exhibit Z3 was marked for identification.)

BY MS. GJOVIK:

Q. This is email from August 5th and August 4th. Plaintiff's production 8-49.

We were talking earlier about Mr. Okpo emailing about whether or not I was removed from the workplace and workplace interactions. This email from Mr. Okpo on August 4th says:

"This administrative leave ensures that you're removed from the workplace, workplace interactions, and contributions and your day-to-day roles and responsibilities."

So we were talking earlier in this deposition about the difference between you said I was still allowed to use Slack to talk to my coworkers but I wasn't allowed to go to a racial justice training.

And I wasn't allowed to go back to my office to get the text messages.

So when it says removed from the workplace and workplace interactions, did Apple not consider that to

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include Slack? Apple Slack tool?

A. You've already asked me the question earlier. I've answered it multiple times.

You were not prohibited from using Slack. You were not told not to use Slack. Your access to Slack was not removed.

MS. GJOVIK: Okay. We have one minute left, so I'm going thank you for your time for spending all this time answering my questions. I know this has probably been an extremely long day, so thank you.

And, Ms. Court Reporter, I'm so sorry for all the fast talking, and that's probably hard for you, too. Is there anything you need from us before we end?

MS. RIECHERT: Yeah. I would like the -- to make sure that you have the opportunity to review and sign the transcript. So the court reporter needs to find a way for you to get access to the transcript so you can review and sign it.

MS. GJOVIK: Who is "you"?

MS. RIECHERT: Beg your pardon?

MS. GJOVIK: By "you," do you mean Ms. Warner?

MS. RIECHERT: No, I mean you -- yes. I mean, yes. She gets the opportunity to review and sign the transcript.

MS. GJOVIK: Okay. So if the court reporter

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sends it to you, you can send to Ms. Warner?

MS. RIECHERT: I will indeed.

MS. GJOVIK: Okay.

MS. RIECHERT: And also I hate to tell you, the court reporter, but I would love a rough or an expedited as soon as possible.

(The deposition adjourned at 5:00 p.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 place 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 by me; that the foregoing 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: May 12, 2026

Layli Phillips
RPR, CRR, CSR No. 14402

DECLARATION UNDER PENALTY OF PERJURY

Case Name: Ashley Gjovik
vs. Apple Inc.
Date of Deposition: 05/12/2026
Job No.: 10190735

I, ADELMISE R. WARNER, 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 _____.

_____
ADELMISE R. WARNER

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: Adelmise R. Warner
Date of Deposition: 05/12/2026
Job No.: 10190735

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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ADELMISE R. WARNER