

STATE OF OHIO)
PORTAGE COUNTY) SS: IN THE COURT OF COMMON PLEAS

CASE NO. 07 CV 1774

VILLAGE OF WINDHAM, ET AL.)
Plaintiffs)
VS.)
WINDHAM TOWNSHIP, ET AL.)
Defendants)
DEPOSITION
OF
HOWARD FURL

DEPOSITION taken before me, Gina M. Allen, a Notary Public within and for the State of Ohio, on the 6th Day of October, 2008, pursuant to Agreement and at the time and place therein specified, to be used pursuant to the Rules of Civil Procedure or by agreement of counsel in the above cause of action, pending in the Court of Common Pleas, within and for the County of Portage, State of Ohio.

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2
3 STIPULATIONS
4
5 It is stipulated and agreed by and between
6 counsel for the parties hereto that the deposition may be
7 taken at this time, 2:56 p.m., October 6, 2008, in the
8 offices of Atty. Mark S. Finamore, 258 Seneca Avenue N.E.,
9 Warren, Ohio.
10 It is further stipulated and agreed by and
11 between counsel that the deposition may be taken in
12 shorthand by Gina M. Allen, a Notary Public within and for
13 the state of Ohio, and may be by her transcribed with the
14 use of computer-assisted transcription; that the witness'
15 signature to the finished transcript of his\her deposition
16 may be and is hereby waived by agreement of the parties;
17 and that the deposition may be thereupon used on behalf of
18 the parties in the aforesaid cause of action as fully and
19 to the same extent as if written in the presence of the
20 witness and subscribed by the witness in the presence of
21 the Notary Public.
22
23
24

APPEARANCES

1
2
3 On Behalf of Plaintiffs:
4 David C. Comstock, Jr., Attorney at Law
5 Comstock, Springer & Wilson
6 100 Federal Plaza East
7 Suite 926
8 Youngstown, Ohio 44503
9
10 On Behalf of Defendant, Windham Township
11 Board of Trustees:
12 Mark S. Finamore, Attorney at Law
13 258 Seneca Avenue N.E.
14 Warren, Ohio 44481
15
16 On Behalf of Defendant, Janet Esposito:
17 Theresa Scahill, Attorney at Law
18 466 S. Chestnut Street
19 Ravenna, Ohio 44266
20
21 Also Present:
22 Mayor Robert Donham
23 Mr. Cecil James Moore
24 Ms. Dann Timmons
Ms. Janet Esposito

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20 WERE RETAINED BY ATTY. DAVID C. COMSTOCK, JR.)
21
22
23
24

5

1 WHEREUPON,
2 HOWARD FURL,
3 of lawful age, being by me first duly
4 sworn to testify the truth, the whole
5 truth, and nothing but the truth, as
6 hereinafter certified, deposes and
7 says as follows:
8 CROSS EXAMINATION:
9 BY MR. COMSTOCK, JR.
10 Q Could you please state your full name?
11 A Howard Furl.
12 Q Mr. Furl, as you know, my name is David
13 Comstock, and I've been retained to represent the village
14 of Windham in the ongoing litigation between the village
15 and the township over the fire department. You've sat
16 through one deposition. I don't know if you've ever given
17 a deposition before?
18 A No; no.
19 Q But for the record, I'm just going to
20 give you the same very quick instructions I gave to the
21 fiscal officer, which is, make sure you give your answers
22 out loud. Make sure that you say yes or no as opposed to
23 uh-huh or huh-uh like everybody will do at one point in
24 time. I caught the fiscal officer --

6

1 A Yeah.
2 Q -- once, I think?
3 A Yes.
4 Q Make sure that you wait until I finish
5 my question before you answer. I will wait until you
6 finish your whole answer before I ask the next question.
7 Our court reporter is very talented, but she's not so
8 talented that she can take us both talking at the same
9 time. We took two breaks in the last deposition. If at
10 any time you want to stop, you let me know, and we'll
11 stop; that won't be a problem.
12 If I ask you a question that you don't understand,
13 tell me you don't understand it. I'll repeat it or ask it
14 so you are -- you are very comfortable with what it is
15 that I'm asking you. Again, if you don't know an answer,
16 just tell me you don't know. My rule is if you answer a
17 question I'm going to assume you understood what it was I
18 asked you and you had some factual basis upon which to --
19 MR. FINAMORE: I'm going to object on
20 the record to that. We're not going to be bound by those
21 rules. If he answers a question, it doesn't mean that he
22 knows it, so we're not going to be playing by those rules,
23 so we won't be bound by that; okay?
24 MR. COMSTOCK, JR.: All right.

7

1 MR. FINAMORE: Off the record for a
2 second.
3 (Discussion off the record)
4 Q The last instruction is you understand
5 you are under oath. This is a court proceeding, and you
6 are agreeing to tell the whole truth and nothing but the
7 truth so help you God at all times; correct?
8 A Yes.
9 Q And I'm sure your lawyer won't object to
10 that?
11 A No.
12 MR. FINAMORE: Tell him what I told you
13 to say, Howard. I told you to do what?
14 THE WITNESS: Tell the truth.
15 MR. FINAMORE: There you go.
16 Q That's right. Okay. Mr. Furl, I'm
17 going to run through, just as I did before, some
18 background information, and we're going to start off with
19 your date of birth?
20 A 5/15/31.
21 Q And as I already told Ms. Weikirk that
22 I'm lousy at math, so I'll just ask you, how old are you?
23 A Seventy-seven.
24 Q Your current residence address?

8

1 A 9450 Bryant Road, Windham, 44288.
2 Q And how long have you lived at 9450?
3 A Forty-three years.
4 Q Marital status?
5 A Married.
6 Q Any kids?
7 A Not at home.
8 Q Okay. You have children?
9 A Yeah, I have three.
10 Q And then the next question, any still in
11 the area, in the Portage County area?
12 A One in Rootstown, one in Canton and one
13 in Warren.
14 Q Okay. Give me an idea of your
15 educational history. Where did you go to high school?
16 A Lockhaven, 12 years.
17 Q What year did you graduate?
18 A 1949.
19 Q And give me an idea of your -- have any
20 other schooling, education or training after graduating in
21 1949?
22 A I did when I was working with harvest
23 Harbison-Walker. They were owned by Dresser Industries,
24 and they seemed to send you to school a lot, and I

1 attended Hillsdale College for Management 1. And then I
2 was sent to Dresser's training center in Dallas, Texas for
3 Management 2. Of course, a lot of in-house stuff while I
4 was with Harbison-Walker.

5 Q Okay. Other than your on-the-job
6 training, schooling, education through your employment as
7 you've just described, any other education, schooling or
8 training?

9 A No.

10 Q All right. So let's talk about your
11 employment history, if you would. Give me just an idea
12 from the time you graduated --

13 A Okay.

14 Q -- school what you've done up to the
15 present.

16 A Okay. Let's see. I worked eleven years
17 for General Refractories in Pennsylvania. They closed the
18 plant. I came to Harbison-Walker in Windham 1963. Let's
19 see. I retired in 1986. Couldn't stand not working. I
20 was off one year. Had went to work for Windham Township
21 and worked for eleven more years, then retired again.

22 Q Retired somewhere around 1998 from the
23 township?

24 A I think it was 1998, yes.

1 responsible for all the inventory. I was still in
2 inventory control. No production control, but as a
3 shipper I did have control of the inventory.

4 Q And this was still in the Windham plant?

5 A Yes.

6 Q Okay.

7 A Uh-huh.

8 Q Did you have responsibilities for
9 anything outside of the Windham plant?

10 A No.

11 Q Then you worked for the township for 11
12 years. What did you do at the township?

13 A Anything they asked me to. No, I --
14 wintertime I'd plow roads, summertime cut grass in the
15 cemetery, and --

16 Q Was it -- were you considered like
17 within the road department, or were you just general?

18 A Just general.

19 Q While you worked at the township, who
20 did you report to?

21 A Griswold and Gourley every morning.

22 Q And for the record, somebody who might
23 read this, those two people would be trustees?

24 A Trustees.

1 Q Okay. And since 1998, have you gotten
2 bored with the retirement and looked for other --

3 A I just -- not enough hours in the day
4 for me really with all the things that I'm doing right
5 now. It's just -- today I was afraid I wasn't going to
6 make it. I got tied up in a military funeral in
7 military -- it rained, run long.

8 Q Let me -- I'm going to go back real
9 quick and just ask you some additional questions, but
10 won't be too many. When you worked for Harbison-Walker --

11 A Uh-huh.

12 Q -- what -- and you were there 23 years
13 approximately?

14 A Yes.

15 Q What did you do there?

16 A Okay. For two years I was in the union
17 and done whatever job they asked me to do. In 1965 I went
18 on salary and quality control. From quality control I
19 moved to the main office. I was over inventory and
20 production control, and from there I went to the shipper.
21 That's where I retired from, a shipper.

22 Q And in shipper or shipping, what did you
23 do? What were your responsibilities there?

24 A All incoming/outgoing. I was also

1 Q And then you told me since 1998 you've
2 been busy with a whole host of other activities that keeps
3 you out of trouble?

4 A Yeah.

5 Q Tell me what are the things that you do.
6 A Well, I was -- I'm still chaplain at the
7 American Legion. I'm also the commander, been the
8 commander for the past four years.

9 Q Let me interrupt you for a second.

10 A Yes.

11 Q And pardon me, but one of the things I
12 didn't ask you, and we just didn't touch over, but I know
13 that there may have been a gap here between graduation and
14 work, and so did you serve in the US military?

15 A Yes.

16 Q And what branch, and --

17 A The Army; Army.

18 Q And how many years in the Army?

19 A A year and three quarters.

20 Q And where did you serve?

21 A I was in Fort Jackson, South Carolina,
22 and then I was -- let's see, Camp Stoneman, California I
23 think it was. That's long ago. It's hard to remember.
24 Things are foggy back that far.

1 Q Okay. Ever shipped overseas --
 2 A No.
 3 Q -- at all? Okay.
 4 A No.
 5 Q Your time was spent on the US
 6 mainland --
 7 A Yes.
 8 Q -- during your service?
 9 A Yes.
 10 Q All right. So there was a period --
 11 period in the military, and that leads me back to your
 12 duties again with the American Legion as a chaplain and
 13 commander, and what else keeps you occupied?
 14 A Being a trustee takes quite a bit of
 15 time. Really commander takes quite a bit of time because
 16 updating all sorts of records and things, and military
 17 funerals really takes a lot of my time. Because we go to
 18 the National Cemetery in Rittman. We do services there,
 19 and -- my wife says that we've been married 57 years, it's
 20 because I'm never home.
 21 Q I've often said that --
 22 A I have to agree with her.
 23 Q I've often said that's the secret of a
 24 successful marriage, but I don't know if anybody else

1 probably like to get that in writing, I'm sure.
 2 A Yes.
 3 Q All right. Okay. If you were appointed
 4 to a two-year term, that tells me that you were filling
 5 somebody's unexpired term. Whose term did you fill?
 6 A Oh, boy. Can't think of his name. I
 7 can see his face. I can't think of his name. You know,
 8 he was elected, and I was going to run that year, and he
 9 said he was -- he was going to run. He was already on for
 10 four years, and I said, well, if you're going to run, I
 11 won't run. He resigned. He went in November, then
 12 resigned in December, and I was appointed in December.
 13 Dann -- can I ask Dann if he can remember?
 14 Q You know what? In the general scheme of
 15 things, it's really not that important.
 16 A Okay. I can't recall his name right
 17 now.
 18 MR. FINAMORE: Good enough.
 19 Q And that's -- that's fine.
 20 A Okay.
 21 Q Trust me. I'm not going to hold you to
 22 everything. Well, it should come as no surprise to you
 23 that the reason we're here is that there's a bit of an
 24 ongoing dispute over the fire department.

1 around the table -- some people may disagree with that.
 2 You kind of opened the door, so I'm going to ask you
 3 questions now about the township trustee. We've talked
 4 about American Legion.
 5 A Okay.
 6 Q You serve currently as a Windham
 7 township trustee; right?
 8 A Yes.
 9 Q And how long have you served as a
 10 township trustee?
 11 A I'm on my ninth year.
 12 Q And township trustees terms, last I
 13 checked, were four years?
 14 A Yes.
 15 Q So you're now in your third term?
 16 A Yes.
 17 Q Okay.
 18 A My first termship I was appointed for
 19 two years. Then I had to run for four years. I'm on my
 20 second four years, which will -- I'll be up next year.
 21 Q Okay.
 22 A Then I will be permanently retired.
 23 MR. FINAMORE: Or dead, one of the two.
 24 Q I was going to say your spouse would

1 A Yeah.
 2 Q And so I want to get into that area and
 3 see what recollection you have as to certain events. Now,
 4 you've been around with the township for a long time but
 5 only in the capacity as trustee for nine years, so I'm
 6 going to basically ask you to give me your best
 7 recollection of those times during your -- your service as
 8 a trustee. If you do have some knowledge about things
 9 that predate that, that's fine, and you can let us know
 10 maybe how you know that information.
 11 Now -- and some of the questions you've already
 12 heard, and I am going to repeat myself on some things.
 13 A Okay.
 14 Q Because I'm looking to see if anybody
 15 has any other independent knowledge from the fiscal
 16 officer who I've already asked some of these same
 17 questions.
 18 A Uh-huh.
 19 Q The first question is, when do you
 20 believe, based upon anything you may have seen, read,
 21 heard, whatever, the fire district was formed?
 22 A Everything I was told was from Gourley
 23 was -- not Gourley, but Griswold, was in 1965.
 24 Q Okay. Your opinion as to the creation

1 of the first district in 1965 comes from conversation with
2 somebody else. Have you seen any documents that relate to
3 the 1965 formation?

4 A No.

5 Q Okay.

6 A No.

7 Q I didn't show Ms. Neikirk, but I -- and
8 some of these your counsel may have already seen. I've
9 only got one copy, so I'll tell you that it's proper
10 etiquette for me to share with counsel first the document
11 before I show you, so if we pass it around before you take
12 a look at it, that's why.

13 MR. FINAMORE: That's what the fiscal
14 officer was making reference to?

15 MR. COMSTOCK, JR.: Yes.

16 Q This is actually -- I'm going to hand
17 you actually what's been marked as Exhibit 2, which is a
18 copy of a ballot from 1965, and my -- my question for you
19 is very simply, do you have any recollection of ever
20 seeing that before?

21 A No.

22 Q Okay. Now, I'll just let you all know
23 because this -- this information is somewhat hard to read.
24 This was for, and I'll just indicate to you, that I

1 document before?

2 A No.

3 MR. FINAMORE: We're moving ahead.

4 1972. There you go.

5 A No.

6 Q And I guess I should ask the question
7 formally.

8 A Okay.

9 Q With respect to Plaintiff's Exhibit 4,
10 have you ever seen this document before?

11 A No.

12 Q Okay. For the record, I have a document
13 marked Exhibit 5, and I'm going to skip over that; okay?

14 MR. FINAMORE: Okay.

15 Q Exhibit 6 is a document at the top
16 marked April 10, 1979.

17 MR. FINAMORE: Okay.

18 Q Have you seen Exhibit 6 previously?

19 A No.

20 Q Okay. Exhibit -- have you seen Exhibit
21 7 before?

22 A No.

23 Q Okay. Exhibits 8 and 9 relate to
24 agreements between the village and the township for the

1 believe in November 1965 general election ballot. In
2 fact, you'll see from the second page of this it actually
3 says November 2, 1965.

4 MR. FINAMORE: Right.

5 Q I have also in my possession a -- an
6 agreement between Windham Township and the Village of
7 Windham for the provision of fire protection, and this is
8 designated March or April of 1965. This has been marked
9 as Plaintiff's Exhibit 1. Have you ever seen Exhibit 1
10 before?

11 A No; no.

12 Q All right. I'm going to run through
13 some documents. The questions are all going to be the
14 same.

15 A Okay.

16 MR. FINAMORE: Have you seen them; do
17 you know about them?

18 MR. COMSTOCK, JR.: That's absolutely
19 correct.

20 A Okay.

21 Q Okay.

22 MR. FINAMORE: '68.

23 Q Exhibit 3 is a document that I believe
24 is from 1968, and the same question, have you seen that

1 issuance of bond and the lease of a fire station. You
2 never had any first-hand involvement in those transactions
3 for the -- for the real estate; is that correct?

4 A That's correct.

5 Q Okay. Do you have any knowledge of
6 those transactions at all?

7 A No.

8 Q I asked the fiscal officer briefly about
9 the payment of money to the Volunteer Firefighters
10 Dependence Fund. Do you have any knowledge regarding the
11 payment by the fiscal officer to the Volunteer
12 Firefighters Dependence Fund?

13 A No.

14 MR. COMSTOCK, JR.: Is that Exhibit 16?

15 MR. FINAMORE: Yeah, 16.

16 Q Okay. I've handed you --

17 MR. FINAMORE: 1985.

18 Q -- what's been marked Exhibit 16 with a
19 date of 1985. Have you ever seen that document before?

20 A No.

21 (Discussion off the record)

22 Q Next is a document marked Plaintiff's
23 Exhibit 17. It is a letter dated November 20, 1985 from
24 the township trustees to village council, and as I've just

1 indicated to your attorney, there is only notes on the
2 second page at the top that are not part of the original
3 document, which we'll make sure are redacted from the copy
4 that's put in the record. But the question that I'm going
5 to ask you again, with respect to Exhibit 17, is whether
6 or not you've seen this document before?

7 A No.

8 Q Okay. How does the township trustees
9 run the fire department right now? What is your
10 understanding is the relationship between the township and
11 the fire department itself?

12 A The day-to-day operation is conducted by
13 the firemen and the EMTs. The fire chief reports to us
14 every -- every meeting. It's my understanding he also
15 reports to the village.

16 Q Okay. Go ahead. I don't want to
17 interrupt.

18 A I'm just trying to think. We have no --
19 no agreement with the village at this time, but we do try
20 to keep the mayor, and the -- at least the mayor informed
21 of what's going on, and we have had a few meeting --
22 meeting and one councilperson. As far as any big
23 expenditures or anything like that, I'm sure that we would
24 meet with the mayor and someone from council because we

1 A No.

2 Q All right. When the -- the township, as
3 you've already said, has now assumed responsibility for
4 the day-to-day oversight of the fire department. What is
5 your -- what was your reasoning for doing that?

6 A We had no agreement, and it's my
7 understanding as the township fire district that the
8 township trustees are the ones who make the decisions
9 unless you have an agreement with the village and outline
10 what the -- I guess you can -- you can -- how do I want to
11 say this? You can delegate anything you want to to the
12 village.

13 Q Okay. I have informed your attorney
14 early on --

15 A Uh-huh.

16 Q -- that although there appears to be
17 some dispute in years past as to whether or not a fire
18 district existed, that has not been the argument that --
19 that I am making on behalf of the village, and we all
20 understand that fact; okay?

21 A Okay.

22 Q I also don't dispute, and I say I,
23 meaning on behalf of the village, that a fire district can
24 be or is a taxing entity, that a fire district has the

1 want their input.

2 Q To your knowledge, the operation of the
3 fire department was always pursuant to an agreement
4 between the township and the village; correct?

5 A Yes.

6 Q All right. Presently there is no
7 agreement; is that right?

8 A Correct.

9 Q All right. And my understanding is that
10 in the -- in the absence of a written agreement, the
11 township has assumed responsibility for the operation of
12 the department; is that a fair statement?

13 A That's correct.

14 Q You were here when the clerk testified
15 that she has made -- previously made arrangements with the
16 village fiscal officer to assume the payment of all bills?

17 A Yes.

18 Q She testified that there was never --
19 that that was done by an agreement with the fiscal --
20 between the two fiscal officers, not as a result of any
21 formal policies adopted by the township trustees. Are you
22 aware of any policies that were adopted by the township
23 trustees or directives to the fiscal officer requiring her
24 to -- to assume payment of all bills?

1 ability to collect to -- to put on the ballot a tax levy
2 and to have the residents pass it and then collect taxes
3 on behalf of the -- of the taxing district, in this case
4 the Windham Fire District; okay?

5 A Okay.

6 Q So I want you just to understand those
7 items.

8 A Yeah.

9 Q Do you have any understanding, I'm
10 asking just for your own personal knowledge, whether a
11 fire district, as a taxing entity, can contract with a
12 private fire company or another political subdivision for
13 the protection -- for the provision of fire protection to
14 the residents of the district?

15 A I'm not sure I understand.

16 Q Okay. Okay. And again, I want us to be
17 on the same page.

18 MR. FINAMORE: For the record, I'll
19 object that it calls for a legal conclusion --

20 MR. COMSTOCK: Okay.

21 MR. FINAMORE: -- but you can give him
22 your opinion.

23 Q So we're on the same page, that's all
24 I'm asking you for is your understanding and your opinion.

1 I'm not asking you to draw a legal conclusion. I'm just
2 asking you if you have any understanding whether a fire
3 district can contract for the provision of fire services
4 for the residents of the fire district with another
5 political subdivision or a private company?

6 A I really don't want to answer that
7 because I --

8 MR. FINAMORE: You have to answer it.
9 And here's what your answers can be. Do you understand
10 the question he's asking you?

11 THE WITNESS: Yes.

12 MR. FINAMORE: He's saying do you know
13 from your knowledge whether or not a fire district can
14 contract with another political subdivision or with a
15 private company just based on what you believe to be true
16 from your understanding of the law? If you know that, you
17 can tell him that, or you can say you don't have any
18 opinion or you don't have any belief.

19 A I really don't want no opinions, to be
20 truthful.

21 Q That's fine.

22 MR. FINAMORE: Fair enough. As long as
23 you respond.

24 Q You have never -- you already testified

1 maintains records for fire personnel. During your service
2 as a trustee, have you ever appointed firefighters to the
3 fire department?

4 A No.

5 Q There are provisions within the Ohio
6 Administrative Code that require a township to require
7 annual medical certifications of firefighters; okay? I
8 want you, just for this purpose, to assume that to be
9 true. To your knowledge, has Windham Township ever
10 provided for annual medical certification of its
11 firefighting personnel?

12 A I don't recall.

13 Q Has the township ever held any fire
14 district meetings separate and apart from the fire -- from
15 the township meetings?

16 A No.

17 Q The fiscal officer or clerk of the
18 township has always served as the fiscal officer or clerk
19 of the fire district; is that correct?

20 A That is correct.

21 Q During your service as a trustee, has
22 the appointment of the fire chief always been at the
23 recommendation of the mayor of the village?

24 A That's correct, the village.

1 that you had not seen many of the agreements that I had
2 shown you?

3 A Uh-huh.

4 Q That started off with Exhibit 1 up
5 through, I believe it was Exhibit --

6 MR. FINAMORE: 17.

7 Q -- 17?

8 MR. FINAMORE: Yeah.

9 Q And in these agreements, there's the
10 provision it says the party of either the first or second
11 part, and I'll tell you that the documents generally refer
12 to that party as the township, it says has no legally
13 organized fire department. Again, you've never seen these
14 documents, so I know that you've already testified to
15 that, but I'm just going to put that on the record because
16 my question I want to ask you is, to your knowledge or
17 understanding, has the township ever done anything to
18 create its own fire department other than the passage of
19 the fire district resolution back in 1965?

20 A No.

21 Q During your service as a trustee of the
22 township, have you ever appointed a fire chief?

23 A No.

24 Q The fiscal officer says that she

1 (A recess was taken)

2 Q There is -- there have been discussions
3 between the US government and the township and the village
4 relating to the provision of fire protection services to
5 the arsenal. I know that the township and the village are
6 in the process of working that out, and your counsel and I
7 have to sit down and try to resolve those final issues;
8 however, have -- have you personally had any discussions
9 with anybody from the US government or acting on behalf of
10 the US government regarding the arsenal?

11 A No; no.

12 Q Have you personally asked anybody to
13 have discussions on behalf of the township with anybody
14 else? In other words, have you said to an employee or
15 somebody else, go talk to them on our behalf, other than
16 legal counsel?

17 A No.

18 Q Okay. Do you have any information
19 outside of what the fiscal officer previously testified as
20 to what occurs with respect to the EMS billing revenue
21 that's collected by the township?

22 A No.

23 MR. COMSTOCK, JR.: Okay. I'm going to
24 take a break for a second; okay?

1 MR. FINAMORE: Help yourself, sir.
 2 (A recess was taken)
 3 Q Looking through the documents, when you
 4 first became trustee, around that time period, there does
 5 not appear to be an operating agreement between the
 6 township and the village. Do you have a recollection of
 7 that? When I say operating agreement, for the provision
 8 of fire protection services.
 9 A No, I don't recall an agreement or not.
 10 Q Okay.
 11 A I came on in December of '99.
 12 Q Okay. If I represent to you that I
 13 don't believe that there is an operating agreement during
 14 that time period of 2000, 2001; okay?
 15 A Okay.
 16 Q As you sit here today, do you have any
 17 recollection of the township taking over the provision of
 18 fire protection services during that period of time, such
 19 as they did in the late 2000s?
 20 A I don't recall anything like that.
 21 MR. COMSTOCK, JR.: Okay. Gentlemen?
 22 MR. DONHAM: Nothing further.
 23 MR. FINAMORE: Hey, I promised him you
 24 weren't going to go easy on him. What are you doing

1
 2
 3
 4
 5 REPORTER'S CERTIFICATE
 6
 7 I HEREBY CERTIFY that the above and foregoing is a
 8 true and correct transcript of all the testimony
 9 introduced and proceedings had in the taking of the
 10 testimony in the above-entitled matter, as shown by my
 11 stenotype notes taken by me at the time said testimony was
 12 taken.
 13
 14
 15 Gina M. Allen
 16 Registered Professional Reporter
 17
 18
 19
 20
 21
 22
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1 letting him go?
 2 MR. COMSTOCK, JR.: At this time I don't
 3 have any further questions. If something unusual comes
 4 up, I've always said I reserve the right to direct
 5 questions, whether they're Interrogatories or so forth to
 6 your counsel to clarify any other issue, but at this
 7 point, Mr. Furl, I am done. I wish to thank you for your
 8 time.
 9 THE WITNESS: Thank you.
 10 MR. COMSTOCK, JR.: And you'll direct
 11 him on signature?
 12 MR. FINAMORE: Yes. Do you want to
 13 waive your signature, Howard, or do you want to review the
 14 transcript before --
 15 THE WITNESS: No, I'll waive my
 16 signature.
 17 MR. COMSTOCK, JR.: One last thing.
 18 Again, I'm rude. I did not ask counsel for the prosecutor
 19 if she had any questions.
 20 MS. SCAHILL: No questions.
 21 MR. COMSTOCK, JR.: I've retained the
 22 original exhibits, and that I'll make copies for the other
 23 parties.
 24 SIGNATURE WAIVED

1
 2 STATE OF OHIO)
 3 TRUMBULL COUNTY) SS: NOTARY CERTIFICATE
 4
 5 I, Gina M. Allen, Notary Public
 6 within the State and County aforesaid, duly commissioned
 7 and qualified, do hereby certify that the within-named
 8 deponent was by me first duly sworn to testify the truth,
 9 the whole truth, and nothing but the truth, and that the
 10 foregoing testimony was written by me in stenotype in the
 11 presence of the witness; that by agreement of counsel,
 12 signature was waived.
 13
 14 I do further certify that I am not of
 15 counsel, attorney or relative to either party, or
 16 otherwise interested in the event of this action or
 17 proceeding.
 18
 19 IN WITNESS WHEREOF, I have hereunto set
 20 my hand and seal of office at Youngstown, Ohio, this 24th
 21 day of October, 2008.
 22
 23
 24 Gina M. Allen, Notary Public
 My Commission Expires 08/01/11