

In The Matter Of:
MANN v.
CITY OF URBANA POLICE

TIMOTHY SEATON
February 26, 2019

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1	IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS URBANA DIVISION	1	STIPULATION
2		2	
3		3	IT IS HEREBY EXPRESSLY STIPULATED AND
4	BENJAMIN MANN,) 5 Plaintiff,) 6 vs.) No. 17-cv-2300 7 CITY OF URBANA POLICE OFFICERS) 8 JENNIFER DIFANIS, et al.,) 9 Defendants.)	4	AGREED by and between the parties that the 5 deposition of TIMOTHY SEATON may be taken on 6 FEBRUARY 26TH, 2019, at the Law Offices of Heyl, 7 Royster, Voelker & Allen, 301 North Neil Street, 8 Suite 505, Champaign, Illinois, pursuant to the 9 Rules of the Federal Court and the Rules of Federal 10 Procedure governing said depositions.
10		11	
11		12	IT IS FURTHER STIPULATED that the 13 necessity for calling the Court Reporter for 14 impeachment purposes is waived.
12		15	
13		16	
14	DEPOSITION OF TIMOTHY SEATON CHAMPAIGN, ILLINOIS FEBRUARY 26TH, 2019 10:00 A.M.	17	
15		18	
16		19	
17		20	
18	Jill Nicole Stevens: CSR # 084-004212 Area Wide Reporting and Video Conferencing 301 West White Street Champaign, Illinois 61820 (800) 747-6789	21	
19		22	
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1	INDEX	1	10:00 a.m.
2	APPEARANCES:	2	TIMOTHY SEATON,
3	For the Plaintiff, via phone: Natalie Adeeyo NATHAN & KAMIONSKI, LLP Attorneys at Law 140 South Dearborn, Suite 1510 Chicago, Illinois 60603 (312) 612-1955 nadeeyo@nkllp.com	3	having first been duly sworn, testified as follows:
4		4	EXAMINATION
5	For the Defendants: Brian M. Smith HEYL, ROYSTER, VOELKER & ALLEN Attorneys at Law 301 North Neil Street, Suite 505 Champaign, Illinois 61824 (217) 344-0060 bsmith@heyleroyster.com	5	BY MR. SMITH:
6		6	Q. Good morning again, Mr. Seaton. My name 7 is Brian Smith. I represent the Defendants in a 8 lawsuit filed by Benjamin Mann against various City 9 of Urbana police officers, the City of Urbana itself 10 as well as a University of Illinois police officer. 11 On the phone is Mr. Mann's attorney and I want to 12 start by just asking you to state and spell your 13 name for the record.
7		14	A. Timothy Seaton; that's S-e-a-t-o-n.
8		15	Q. Great. And have you ever testified 16 before?
9		17	A. No.
10		18	Q. All right. There are a few things that 19 I'll explain as far as ground rules go that will 20 probably make this process go more quickly. 21 First, as you know, there's a court 22 reporter taking down everything that's being said so 23 it's important that we do a few things with that; 24 one, that your answers be out loud, yeses and nos 25 instead of uh-huhs or huh-uhs or nods or shakes of
11			
12			
13	EXAMINATION BY:	PAGE	
14	Mr. Smith	4	
15	Ms. Adeeyo	47	
16	Mr. Smith	78	
17	EXHIBITS:	PAGE	
18	# DESCRIPTION		
19	9 Photograph (Urbana 90)	23*	
20	18 Links Report (Mann 77-78)	33*	
21	28 Difanis Report (Mann 110-112)	41*	
22	*Retained by Counsel		
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24			
25			

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<p style="text-align: right;">Page 13</p> <p>1 A. No.</p> <p>2 Q. Apart from those two occasions, do you 3 recall any other times where police came to 4 Apartment Redacted while Samantha Wade and/or Ben Mann 5 were living there?</p> <p>6 A. Those were the only two incidents I am 7 aware of.</p> <p>8 Q. Okay. Are you aware of a time in -- well, 9 let me ask you this. In May of 2018, were you 10 living in -- at Redacted Apartment Redacted?</p> <p>11 A. Yes.</p> <p>12 Q. And do you recall whether Benjamin Mann 13 was living in the apartment in May of 2018?</p> <p>14 A. I suggest this is a complicated answer as 15 I am aware that he's never been on the lease, so the 16 statement of him living there is conditional. He's 17 resided there, but he's never legally lived there.</p> <p>18 Q. Okay. Well, so let's define our terms. 19 So, we can use yours, "reside." By that I mean 20 where he often sleeps at night and --</p> <p>21 A. Yeah.</p> <p>22 Q. -- has his toothbrush.</p> <p>23 A. Yeah, he's there.</p> <p>24 Q. Is he still there?</p> <p>25 A. He appears at times at random.</p>	<p style="text-align: right;">Page 15</p> <p>1 introducing myself, I really don't remember the 2 details of that conversation.</p> <p>3 Q. Okay. Did you know who he was before you 4 met him?</p> <p>5 A. Nope.</p> <p>6 Q. Do you smoke?</p> <p>7 A. Yes.</p> <p>8 Q. And to your knowledge, does Mr. Mann 9 smoke?</p> <p>10 A. I believe so, yeah. I have seen him 11 smoke.</p> <p>12 Q. Do you smoke inside or outside your 13 apartment?</p> <p>14 A. Either/or.</p> <p>15 Q. Either/or? Do you ever take smoke breaks 16 at the same time -- outside at the same time 17 Mr. Mann does?</p> <p>18 A. Very rarely.</p> <p>19 Q. Have you had any conversations with him 20 about the March 19, 2017 incident?</p> <p>21 A. Yes, I did.</p> <p>22 Q. Tell me about that.</p> <p>23 A. Well, let's see. Ben claimed that the 24 police had harassed him and abused him and I pretty 25 much was trying to be neighborly and went along with</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. When -- do you -- well, back up. I assume 2 you know who Mr. Benjamin Mann is.</p> <p>3 A. Yes.</p> <p>4 Q. And when did you first meet him?</p> <p>5 A. Probably a couple months before the first 6 incident.</p> <p>7 Q. So, when we say the first incident, we are 8 talking about March 19, 2017, correct?</p> <p>9 A. Yes.</p> <p>10 Q. So, sometime in the December, January, 11 February 2017 range?</p> <p>12 A. Sounds correct.</p> <p>13 Q. All right. And tell me about that first 14 meeting.</p> <p>15 A. Yeah, the first time I met Ben, he 16 attempted to do what I have observed in many people; 17 he acted as if he knew me and came to me as if he 18 was a bit too close of a friend for the fact of 19 being that I didn't know him.</p> <p>20 Q. And how long did this interaction last?</p> <p>21 A. Oh, probably 10 or 15 minutes.</p> <p>22 Q. And where was it at?</p> <p>23 A. In the parking lot.</p> <p>24 Q. What was discussed?</p> <p>25 A. Other than him introducing himself and me</p>	<p style="text-align: right;">Page 16</p> <p>1 him about his statements as far as I could. He did 2 recount a lot of the events, most of the same 3 material I will have to give you, but when he 4 insisted that the police had sort of abused him or 5 come to him aggressively, I actually stopped him and 6 said, "Hey, man, you know I was standing there 7 watching that the whole time, right? So, I mean, 8 you know, you can lie to yourself about, you know, 9 what happened, but don't lie to me because I was 10 standing there, you know. I watched the whole 11 thing." And he was not too happy about that. He 12 said something to the effect of, "I'm very sorry you 13 believe that."</p> <p>14 Q. What was it that you believed Mr. Mann to 15 be lying about?</p> <p>16 A. Well, when the officers approached him 17 after the incident, him and Samantha both attacked 18 the police officers, laying in with a balled-up 19 fist.</p> <p>20 Q. Okay. Anything else that you believe he 21 lied about concerning that March 19, 2017 incident?</p> <p>22 A. Yes. Actually, I will go one further. In 23 my very honest conversation him and I were having 24 after that incident, I said to him something to the 25 effect of, "Well, sometimes when we get drunk or</p>

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<p style="text-align: right;">Page 17</p> <p>1 intoxicated, we do things we wouldn't normally do," 2 and Ben insisted that he was not intoxicated when 3 this happened and I said that I couldn't hardly 4 believe that given how belligerent him and Samantha 5 were at this time.</p> <p>6 Q. Okay. Do you remember when this 7 conversation took place?</p> <p>8 A. It probably took place within a week after 9 the incident.</p> <p>10 Q. Okay. So, still in March of --</p> <p>11 A. Yeah.</p> <p>12 Q. -- 2017? We'll talk about the incident, 13 what you observed more in detail in a minute, but 14 before we do, did you have any other conversations 15 with Mr. Mann concerning the March 27 (sic) 16 incident, other than the one you just described?</p> <p>17 A. I don't believe so.</p> <p>18 Q. Okay. So, a second incident that we're 19 going to talk about is July 30, 2017. Between this 20 conversation that you just described in late March 21 of 2017 and July 30, 2017, do you recall any other 22 conversations with Mr. Mann?</p> <p>23 A. No.</p> <p>24 Q. Do you recall seeing him from time to time 25 in the apartment complex?</p>	<p style="text-align: right;">Page 19</p> <p>1 A. Yes, he clearly blamed me for his arrest. 2 Q. Okay. Did he -- did you say anything in 3 response?</p> <p>4 A. I was extraordinarily calm during this and 5 my response was something to the effect of -- I 6 can't remember verbatim what I said, but I 7 basically -- he was, I felt, trying to antagonize me 8 into getting into it with him, so to speak, and I 9 basically was just not going to do it so I just let 10 the punches roll over my head and I went into the 11 apartment.</p> <p>12 Q. Okay. Didn't take the bait?</p> <p>13 A. Exactly. He -- I felt that he was trying 14 to bait me in some way.</p> <p>15 Q. How long did this conversation last?</p> <p>16 A. Oh, probably just about one minute.</p> <p>17 Q. Did you have any other conversations with 18 Mr. Mann following the July 30th incident?</p> <p>19 A. No.</p> <p>20 Q. Okay. Between this interaction in the 21 parking lot that you just described and today, have 22 you had any interactions or communications with 23 Mr. Mann?</p> <p>24 A. Other than just the occasional passing by, 25 hello, trying to be cordial neighbors and that, no.</p>
<p style="text-align: right;">Page 18</p> <p>1 A. I am certain that I did.</p> <p>2 Q. Okay. To the best of your knowledge, was 3 he still living at ^{Redacted} during that time or 4 residing --</p> <p>5 A. Yes.</p> <p>6 Q. -- at ^{Redacted} during that time?</p> <p>7 A. Yes.</p> <p>8 Q. So, July 30, 2017 was another incident and 9 this time one where you called the police, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Following that incident, did you have any 12 conversations with Ben Mann?</p> <p>13 A. Yes.</p> <p>14 Q. When was that conversation?</p> <p>15 A. A couple days after that incident, Ben 16 stopped me.</p> <p>17 Q. And where did he stop you?</p> <p>18 A. The parking lot.</p> <p>19 Q. Okay. And what did he say after he 20 stopped you?</p> <p>21 A. May I swear during this?</p> <p>22 Q. Yeah. It is what it is.</p> <p>23 A. Ben said that I was nothing but "a slob, a 24 fat fucking slob."</p> <p>25 Q. Did he expound on why he thought that?</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Did Mr. Mann say anything in that parking 2 lot conversation to you about what he believes 3 happened on the night of July 30th, 2017?</p> <p>4 A. Nope.</p> <p>5 Q. Have you had any conversations with 6 Mr. Mann regarding any lawsuits?</p> <p>7 A. He told me that he had sued the City of 8 Champaign and that he was going to do the same to 9 Urbana.</p> <p>10 Q. When did he tell you that?</p> <p>11 A. A short time after the second incident. I 12 cannot specify exactly when he said that.</p> <p>13 Q. Okay. Do you think it was in the same 14 conversation that you had in the parking lot or is 15 this separate?</p> <p>16 A. It seems to me that this was at a separate 17 time.</p> <p>18 Q. Okay. So, let's talk more specifically 19 about March 19, 2017. I think we have already 20 established that you were living at ^{Redacted}, 21 Apartment ^{Redacted}, in Urbana, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And your neighbors directly above you were 24 Samantha Wade and Ben Mann?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 21</p> <p>1 Q. And you were, if I have got my dates 2 right, employed at the time with Save-A-Lot? 3 A. Yes. 4 Q. And where were you that evening? 5 A. In my apartment. 6 Q. How long had you been there? 7 A. I had probably been there for the whole 8 evening at that point. 9 Q. Do you recall about what time of day it 10 was that you first became aware of an incident 11 outside the apartment? 12 A. I don't remember the hour of the day, but 13 I remember it was shortly before the sunset. It was 14 still sunlight, but headed towards later evening. 15 Q. Okay. Now, at some point you called the 16 police that evening, correct? 17 A. Yes. 18 Q. And why did you do that? 19 A. Because three men had approached Ben and 20 Samantha at that point and began attacking them. 21 Q. So, we've got three men. Did you 22 recognize any of those three? 23 A. No, huh-uh. 24 Q. What were they wearing? 25 A. They were all dressed in dark clothing,</p>	<p style="text-align: right;">Page 23</p> <p>1 A. -- of that conversation. 2 Q. So, after you moved over to the living 3 room window, how many people did you see? 4 A. Then you've got three people, Ben, 5 Samantha and the girl that they're getting into it 6 with. 7 Q. And this -- the girl that they're getting 8 into it with, is she the one that was cussing? 9 A. Yes. 10 Q. Okay. And can you describe her for us. 11 A. She was African American, she looked like 12 she was in her early to mid 20s, seem to remember 13 that she had long hair. Beyond that, I don't 14 remember much detail. 15 Q. Let's see if I can do this without 16 knocking everything over. I'm going to show you 17 what has previously been marked as Exhibit Number 9. 18 Do you recognize the individual depicted in that 19 photograph? 20 A. I cannot -- 21 MR. ADEEYO: Counsel, can I have the Bates 22 numbers, please. 23 MR. SMITH: It's Exhibit 9. It's Urbana 24 90. 25 MR. ADEEYO: Thank you.</p>
<p style="text-align: right;">Page 22</p> <p>1 mostly black clothing. 2 Q. Any of them wearing masks? 3 A. No, no masks. 4 Q. We're going to pick up with the three 5 individuals in a minute. I had asked you why you 6 called the police and you said the three men. 7 Before that, how long had you been observing what 8 was happening in the parking lot? 9 A. Oh, probably for five minutes. 10 Q. Okay. So, what first drew your attention 11 to the parking lot? 12 A. I could hear a girl cussing loudly. 13 Q. Okay. And so I assume then that you went 14 to the window to find out what was going on. 15 A. Yes. Initially I tried to ignore it. 16 It's not uncommon for people to be loud and 17 boisterous in the neighborhood. However, once it 18 went on for a bit, I decided to look out my window. 19 That's where I saw a girl aimed at somebody, facing 20 somebody, cursing and swearing. I could hear 21 cursing and swearing coming back, but until I had 22 moved over to the living room window, I didn't know 23 for sure that it was Ben and Samantha on the other 24 end -- 25 Q. Okay.</p>	<p style="text-align: right;">Page 24</p> <p>1 THE WITNESS: Are you asking me if she is 2 the one that I saw at the incident? 3 BY MR. SMITH: 4 Q. Well, actually, right now I'm just asking 5 if you recognize her at all. 6 A. Yeah, no. 7 Q. And so I assume then that it follows that 8 you don't recognize her to be the person at the 9 incident. 10 A. I can't say that she affirmatively is, no. 11 Q. Don't know one way or the other; is that 12 fair? 13 A. That is fair. 14 Q. So, you saw three individuals, two of whom 15 you identified as Samantha Wade and Ben Mann, and 16 the -- did you know them by name at that point, 17 Samantha Wade and Ben Mann? 18 A. I believe so, yeah. I knew their names at 19 that point, yeah, yes. 20 Q. And then the third individual, which you 21 described as an African American woman in her early 22 to mid 20s with long hair, correct? 23 A. Yes. 24 Q. All right. Tell me, when you first 25 observed them, what did you see?</p>

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<p style="text-align: right;">Page 33</p> <p>1 Wade at that time, if you know?</p> <p>2 A. She was probably already in another squad</p> <p>3 car.</p> <p>4 Q. Okay. You don't know?</p> <p>5 A. I don't know.</p> <p>6 Q. Okay. Do you remember what officers were</p> <p>7 with Mr. Mann?</p> <p>8 A. I am not aware of what officers' names</p> <p>9 were present.</p> <p>10 Q. Okay. Now, at some point, an officer came</p> <p>11 to talk to you, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And that was after the arrest had been</p> <p>14 made?</p> <p>15 A. Yes.</p> <p>16 Q. And do you remember the name of that</p> <p>17 officer?</p> <p>18 A. No.</p> <p>19 Q. Was it a male or a female?</p> <p>20 A. It was a female.</p> <p>21 Q. Does Officer Links sound familiar?</p> <p>22 A. Not specifically.</p> <p>23 Q. That's okay. I will hand you what's been</p> <p>24 previously marked as Exhibit Number 18. This is</p> <p>25 Mann 77 through 78. Go ahead and take a moment and</p>	<p style="text-align: right;">Page 35</p> <p>1 A. It is.</p> <p>2 Q. And then the final paragraph on Page 2, is</p> <p>3 it accurate that after speaking with you,</p> <p>4 Officer Links thanked you for your time and that she</p> <p>5 returned to the parking lot?</p> <p>6 A. Yes, this is correct.</p> <p>7 Q. Thank you. Now, at any point, did you --</p> <p>8 were you contacted further by any attorneys for the</p> <p>9 State or for Mr. Mann with respect to this March 19,</p> <p>10 2017 incident?</p> <p>11 A. Yes, at some point I got a call from a</p> <p>12 gentleman claiming to be Ben's attorney and he</p> <p>13 wanted to get my side of the story, which I gave him</p> <p>14 over the phone at that time.</p> <p>15 Q. And when was this?</p> <p>16 A. Probably shortly after the incident.</p> <p>17 Q. Okay. Do you recall the name of that</p> <p>18 attorney?</p> <p>19 A. No, I do not.</p> <p>20 Q. Did he say he was his criminal or civil</p> <p>21 attorney?</p> <p>22 A. I do not remember.</p> <p>23 Q. Does the name Nathan, Shneur ring any</p> <p>24 bells?</p> <p>25 A. Nope.</p>
<p style="text-align: right;">Page 34</p> <p>1 look at that and tell me when you're finished.</p> <p>2 (Pause.)</p> <p>3 A. Well documented.</p> <p>4 Q. Are you finished? Oh, not quite.</p> <p>5 (Pause.)</p> <p>6 A. All right.</p> <p>7 Q. Okay. If you could take a look at Page 2</p> <p>8 of 3, the fifth paragraph starts, "Timothy stated</p> <p>9 the following information . . ." Do you see that?</p> <p>10 A. Stated that he called at this point and</p> <p>11 believed that the incident could get out of control</p> <p>12 quickly? Where are you at?</p> <p>13 Q. Right here. (Points.)</p> <p>14 A. All right.</p> <p>15 Q. Do you see that paragraph that says,</p> <p>16 "Timothy stated the following information . . ."</p> <p>17 A. Yes.</p> <p>18 Q. Does the information contained in that</p> <p>19 paragraph correctly depict the information that you</p> <p>20 conveyed to Officer Links on March 19, 2017?</p> <p>21 A. Yes, I would say it's very accurate.</p> <p>22 Q. And then the following paragraph starts,</p> <p>23 "Timothy stated that he called at this point . . ."</p> <p>24 Is that also accurate as to what you told</p> <p>25 Officer Links on March 19, 2017?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Is there anything about the March 19, 2017</p> <p>2 incident that you recall that we haven't discussed</p> <p>3 already?</p> <p>4 A. No, it seems that we have covered the</p> <p>5 entire situation.</p> <p>6 Q. Okay, good. And I think we already</p> <p>7 established that after that incident and before the</p> <p>8 July 30th incident, you only had one conversation</p> <p>9 with Ben Mann, correct?</p> <p>10 A. Yes.</p> <p>11 Q. I want to turn your attention then to</p> <p>12 July 30th of 2017. You were still living at</p> <p>13 Redacted Apartment Redacted, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And to the best of your knowledge, Ben</p> <p>16 Mann and Samantha Wade were still residing at the</p> <p>17 apartment above you in Redacted?</p> <p>18 A. Yes.</p> <p>19 Q. So, July 30, 2017, you called the police?</p> <p>20 A. Correct.</p> <p>21 Q. Tell me why you did that.</p> <p>22 A. I heard excessive noise coming from Ben</p> <p>23 and Samantha's apartment which sounded as though</p> <p>24 someone was being severely injured.</p> <p>25 Q. How do you know it was Ben and Samantha's</p>

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<p style="text-align: right;">Page 37</p> <p>1 apartment? 2 A. Well, because they live above me. 3 Q. Does anyone else live above you? 4 A. No. 5 Q. What is it that you heard? 6 A. I could hear what sounded like physical 7 fighting; it sounded like somebody being thrown 8 around the room; it sounded like somebody being hit. 9 I could hear Samantha cry and whimper. 10 Q. And you said -- how do you know it was 11 Samantha that was crying and whimpering? 12 A. That's a fair question. It is possible 13 that it was not. I am going purely on audio. I 14 couldn't see anything, but it was most 15 disconcerting. 16 Q. Okay. And what time of day was this? 17 A. This was late at night. This was between 18 2:00 and 3:00 a.m., I believe. 19 Q. And were you asleep when you first heard 20 it? 21 A. Yes, I was asleep or trying to get to 22 sleep. 23 Q. Okay. And how long was the -- were you 24 hearing things from the apartment above you before 25 you called the police?</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. All right. Tell me what happened next. 2 A. They went upstairs to ask Ben and Samantha 3 what was going on. Ben initially opened the door 4 partway and decided not to let them come in and 5 investigate, so he shoved the door closed on the 6 officer's foot and got him out of the apartment the 7 rest of the way. 8 Q. How do you know that? 9 A. I could make it out audio wise. 10 Q. So, where were you at during the 11 interaction you just described? 12 A. I was standing in the space of my doorway 13 directly underneath them. 14 Q. Okay. So, help me understand how the 15 apartment is set up. You're standing -- when you 16 say standing in your doorway, are you saying 17 standing in your front door? 18 A. So, if I'm standing in my front doorway, I 19 am in a sense standing in their front doorway down 20 one level. 21 Q. And how are the -- where is the stairwell? 22 A. The stairwell would be -- if I'm walking 23 out of my apartment, I'm looking at the stairwell. 24 Q. Okay. Do you know how many officers were 25 on scene when that interaction happened where, as</p>
<p style="text-align: right;">Page 38</p> <p>1 A. This went on for 45 minutes before I 2 finally decided to call the police. 3 Q. And when you called the police, what did 4 you communicate to them? 5 A. What I just said, basically that it sounds 6 as though somebody was getting beat up or attacked 7 and I was concerned. 8 Q. Had you ever heard anything like this 9 before from the apartment above you? 10 A. Not from those two. We used to have some 11 rough guys that lived above us before them. 12 Q. Okay. And you mentioned you have a 13 roommate, Mr. Henry, correct? 14 A. Yes. 15 Q. Was he in the apartment on this date? 16 A. Yes. 17 Q. And was he awake? 18 A. No. 19 Q. And did you ever have any conversations 20 with him, asking him whether he had ever heard 21 anything? 22 A. I did and he said no. 23 Q. So, did the police arrive after you 24 called? 25 A. Yes.</p>	<p style="text-align: right;">Page 40</p> <p>1 you described it, Mr. Mann shoved the door closed on 2 their foot? 3 A. I believe there were between two and four 4 officers at that incident. 5 Q. Did you recognize any of them? 6 A. Other than in casual passing, I think that 7 I saw familiarity with -- a female officer was there 8 that maybe I had seen at Save-A-Lot, you know, but 9 I mean, I didn't really know who any of them were or 10 anything of that nature. 11 Q. Okay. So, after the door was closed, what 12 happened next? 13 A. A short time later, the cops broke in the 14 door and went into the apartment and it sounded like 15 they ended up taking Ben down in cuffs or something. 16 This is all a slight bit speculative because, again, 17 I am going off of pure audio. 18 Q. Okay. Do you recall an officer coming to 19 speak with you that evening? 20 A. Yes. 21 Q. Do you remember the officer's name? 22 A. No, but I do recall it was a female 23 officer. 24 Q. Sergeant Difanis sound correct? 25 A. Yeah.</p>

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<p style="text-align: right;">Page 53</p> <p>1 Q. Now, you previously mentioned that Ben and 2 Samantha attacked the police during that March 2017 3 incident. Do you remember saying that? 4 A. Yes. 5 Q. Okay. So, describe how they attacked 6 police. 7 A. Yes, when the police approached them, they immediately began pushing and shoving on the officers and also punching them, as in striking them with a balled-up fist. 8 Q. Did you see -- okay, let's start with 9 Samantha Wade. How many times did she strike any of 10 the officers? 11 A. Other than to simply say multiple times, I couldn't specify. 12 Q. What about Benjamin Mann? Can you specify 13 the number of times he struck any of the officers? 14 A. No, other than the fact that it was repeatedly. That's as specific as I can give you. I didn't sit there and take count. 15 Q. So, as you were witnessing the pushing, 16 the shoving and the strikes, were you looking out of 17 your living room window? 18 A. Yes. 19 Q. Okay. Was Ryan Henry with you at any</p>	<p style="text-align: right;">Page 55</p> <p>1 simultaneously, no. 2 Q. Okay. So, how many officers at that point 3 did you see with their guns drawn? 4 A. I would probably say at least three or four of them had their guns out. 5 Q. And how many officers were attempting to 6 arrest Wade at this point? 7 A. Probably between two and three as well. 8 Q. Were those same two or three officers also 9 trying to arrest Mann at that point -- 10 A. Yes. 11 Q. -- or were there different officers trying 12 to arrest him? 13 A. Restate the question. You're not being very clear on that one. 14 Q. You previously stated that two or three 15 officers were trying to arrest Wade at this point. 16 A. Yes. 17 Q. Were the same two or three officers trying 18 to arrest Mann as well -- 19 A. Yes. 20 Q. -- or was it a different set of officers 21 trying to arrest Mann at this point? 22 A. Yes, it was a group effort in which they were trying to arrest both of them simultaneously.</p>
<p style="text-align: right;">Page 54</p> <p>1 point as you were observing this incident? 2 A. No, he was not watching it with me. He was hiding in his bedroom because he was scared. 3 Q. But he was in the apartment? 4 A. Yes. 5 Q. To your knowledge, does his bedroom 6 window -- could he see the incident from his bedroom 7 window? 8 A. No. 9 Q. And he never joined you out in the living 10 room to see what was going on? 11 A. No. 12 Q. As you say, Wade and Mann were attacking 13 the officers. What were the officers doing in 14 response? 15 A. They were trying their very damned best to cuff them and keep them under control. 16 Q. Did you -- were the officers' guns drawn 17 at this point? 18 A. Yes. 19 Q. So, the officers were trying to cuff them 20 while their guns were drawn? 21 A. No. That would not make sense. The officers that were physically putting on the cuffs were not also holding guns in their hands</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. So, just so I'm clear, the same two or 2 three officers were trying to arrest them both? 3 A. Yes. 4 Q. About how many officers would you say you 5 saw on scene? 6 A. I'm guessing there were about eight, eight officers there approximately. 7 Q. You also mentioned that Mann and Wade were 8 belligerent. 9 A. Yes. 10 Q. What do you mean by belligerent? 11 A. They were excessively swearing so much that it wasn't cohesive sentences that you were getting out of them. 12 Q. So, you were able to hear what they were 13 saying to the officers? 14 A. Yes. 15 Q. Was your window open or closed at this 16 point? 17 A. It was open. 18 Q. About how many feet would you say you were 19 when you -- as you were looking out your window from 20 Samantha, Ben and the officers? 21 A. Approximately 20 feet. 22 Q. And what did you overhear Ben and Samantha</p>

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<p style="text-align: right;">Page 57</p> <p>1 saying to the officers?</p> <p>2 A. I heard a lot of, "fuck, shit, bitch," and 3 words like that repeatedly said over and over again 4 without a cohesive sentence structure.</p> <p>5 Q. Did you hear Mann or Wade say, "You're 6 letting them get away."</p> <p>7 A. I don't remember that. I don't know.</p> <p>8 Q. Do you recall what any of the officers 9 were saying to Mann or Wade at that point?</p> <p>10 A. No.</p> <p>11 Q. Did you hear any of the officers yelling 12 at Mann or Wade?</p> <p>13 A. I would say that there was probably some 14 yelling.</p> <p>15 Q. Okay. But you couldn't hear what they 16 were -- what statements were actually being yelled?</p> <p>17 A. The only statement that I will give you is 18 that when the officers initially showed up and had 19 their guns drawn, I do believe they told them to put 20 their hands in the air or, you know, keep their 21 hands visible as oftentimes you hear. Other than 22 that, I didn't -- I don't have any specifics on 23 anything that was said.</p> <p>24 Q. Do you recall if it was a female or a male 25 officer who told them to put their hands in the air?</p>	<p style="text-align: right;">Page 59</p> <p>1 let's take a five-minute and then I will come back.</p> <p>2 11:16 a.m. (At this point in the</p> <p>3 proceedings, a short recess was taken.)</p> <p>4 11:25 a.m.</p> <p>5 MR. ADEEYO: I'm ready to go back on the</p> <p>6 record.</p> <p>7 BY MR. ADEEYO:</p> <p>8 Q. Mr. Seaton, we were discussing what you 9 recall observing regarding that March 19th, 2017</p> <p>10 incident, so I'm just going to kind of resume there.</p> <p>11 A. Okay.</p> <p>12 Q. What room were you in when you first saw 13 what you described to be an African American woman 14 with long hair cursing?</p> <p>15 A. In my bedroom.</p> <p>16 Q. And what were you doing immediately prior 17 to hearing her cursing?</p> <p>18 A. I had just sat down and was on the 19 internet on my computer.</p> <p>20 Q. And you said it was -- the sun was just 21 about to set when you first noticed this incident 22 happening?</p> <p>23 A. Yeah, it was probably within an hour of 24 sunset.</p> <p>25 Q. Would you say it was still light outside?</p>
<p style="text-align: right;">Page 58</p> <p>1 A. Seems to me that it was a male officer.</p> <p>2 Q. Now, when you heard Mann and Wade 3 excessively swearing, as you say, did they appear to 4 be intoxicated to you?</p> <p>5 A. Yes.</p> <p>6 Q. How so?</p> <p>7 A. By sheer nature of the fact that people 8 usually don't curse in such a pattern that is so 9 nonstop without having any sentence structure. To 10 me, it seemed like they were some kind of 11 intoxicated. It was -- it was so steady and went on 12 for so long and it was just so without making any 13 sense; no communication was really being made; it 14 was just all a jumbo of swearing.</p> <p>15 Q. Okay. So, based on these noncohesive 16 statements and jumble of swearing, that's what led 17 you to believe they were intoxicated?</p> <p>18 A. Yeah, it seemed so.</p> <p>19 Q. Did you see Mann or Wade drinking at any 20 point while you were looking out your window into 21 the parking lot?</p> <p>22 A. No.</p> <p>23 MR. SMITH: Let's take a quick -- let's 24 take a quick break, Natalie.</p> <p>25 MR. ADEEYO: Oh, sorry. Go ahead, sure,</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Yes.</p> <p>2 Q. Do you wear glasses?</p> <p>3 A. Yes.</p> <p>4 Q. What, if you know -- because I know I 5 don't know my glasses prescription off the top of my 6 head, but do you know what your prescription is?</p> <p>7 A. No, I would have to look it up to know.</p> <p>8 Q. How long have you worn glasses?</p> <p>9 A. Probably since I was 12.</p> <p>10 Q. Do you have a hearing aid?</p> <p>11 A. No.</p> <p>12 Q. Have you ever had any issues with your 13 hearing?</p> <p>14 A. No.</p> <p>15 Q. Prior to you hearing this woman cursing, 16 did you hear what sounded like two cars making 17 impact?</p> <p>18 A. No.</p> <p>19 Q. Did you hear any tires screeching prior to 20 hearing this woman cursing?</p> <p>21 A. No.</p> <p>22 Q. You also mentioned that after these three 23 individuals showed up at the scene that you know no 24 gun was present. How do you know that?</p> <p>25 A. I stated that I did not visually see any</p>