

TRANSCRIPT CONTAINS CONFIDENTIAL PORTIONS

JOHN DOE D)	COURT OF COMMON PLEAS
)	PHILADELPHIA COUNTY
Plaintiff,)	CIVIL DIVISION - LAW
)	
v.)	No. 1311-02298
)	
GERALD SANDUSKY; THE)	
PENNSYLVANIA STATE)	
UNIVERSITY)	
)	
Defendants)	

Videotape deposition of THOMAS R. HARMON taken pursuant to notice at the law offices of Goldberg Katzman, 4250 Crums Mill Road, Suite 301, Harrisburg, Pennsylvania, beginning at 11:05 a.m., on Friday, November 21, 2014, before Kurt A. Fetzer, Registered Diplomate Reporter and Notary Public.

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1 had then and so I can't answer that question.

2 Sometimes it becomes so
3 burdensome and so expensive to convert old
4 records that they just run the old system for
5 a period of time and just use the old system
6 for looking up old records and start from
7 scratch.

8 So I can't answer that question.

9 Q. Now we can go to Exhibit No. 76 --

10 A. Okay:

11 Q. -- which is Bates stamped Penn State
12 2583 and 4.

13 And, again, this is now dated
14 June the 9th and it's from, at least this end
15 message is from Gary to you?

16 A. Yes.

17 Q. And included in a parenthetical
18 portion of his e-mail Mr. Schultz writes "I
19 also recall the last time we talked you
20 indicated that there was some aspects of this
21 that you felt you should review with me when
22 we had a chance to talk."

23 Do you see that?

24 A. Yes.



1 Q. What aspects of this did you want to
2 review with Mr. Schultz?

3 A. I don't have -- the best of my
4 recollection is that I wanted to share with
5 him my concerns that even if this wasn't a
6 crime that it was inappropriate and we should
7 have some concerns about it.

8 Now, it's kind of consistent
9 with my comments before that just to share
10 with him my -- I hadn't worked for him very
11 long and I wanted to at least express my
12 opinion that this was something to be
13 concerned about. Now, how I put it in that
14 conversation, I don't know.

15 Q. And did you have the conversation with
16 Mr. Schultz that these events, even though
17 they were concluded to be non-criminal, was
18 something to be concerned about?

19 A. Yes. I'm sure that -- again, how, how
20 I explained that or how I couched my words, I
21 don't recall.

22 Q. And was there any change in policy,
23 procedure, any decision made?

24 A. No.



1 MR. BILUS: I'm sorry.

2 A. Well, I shouldn't say that.

3 MR. BILUS: I'm just going to
4 object before you answer.

5 A. He did not give me any -- I don't
6 recall him giving me any feedback or any
7 opinion or saying that he would do anything or
8 they would do anything. I don't know.

9 So the answer is so far as I
10 know it was -- I don't know what was done.

11 Q. This case is a little far afield for
12 me. Most of the time I do workplace product
13 liability cases and one of the most common
14 concepts in workplace safety is the advantage
15 of learning from near misses where you see a
16 potential for a problem but fortunately no one
17 gets hurt, but it's an opportunity to learn
18 lessons.

19 Are you familiar just in general
20 terms with that concept?

21 A. It makes sense.

22 Q. All right. And I think what you were
23 summarizing was that, in what you wanted to
24 convey to Mr. Schultz was that although there



1 may have been a conclusion that there was not
2 criminal conduct, there was something here to
3 be concerned about?

4 MR. BILLUS: Objection.

5 A. That was certainly -- again, I can't
6 remember how I, what I said. But I wanted to
7 convey to him that -- maybe the way you put
8 it, uncomfortable.

9 Q. Okay.

10 A. I did not, I did not draw any
11 conclusions that this couldn't have -- it
12 could very well have been just bad judgment,
13 but I felt that this was inappropriate
14 behavior.

15 And I'm fairly certain that this
16 is what I wanted to share with him. It wasn't
17 something I dwelled upon and went into a lot
18 of details. I just said look, you ought to be
19 concerned about this.

20 Q. In the last entry on Officer
21 Schreffler's incident report he writes, this
22 is page 2554, quote, "Reporting Officer
23 advised Sandusky not to shower with any child.
24 Sandusky stated he wouldn't."



1 Do you remember reading that
2 back then?

3 A. No, I don't remember that. I mean it
4 would have been something that in terms of
5 having any enforceability, it would have had
6 no consequence. Schreffler had no authority
7 to tell him he couldn't do that.

8 And I don't remember that, I
9 just don't remember it, but it would have --
10 it wouldn't have had any enforceability to it
11 because Schreffler wouldn't have had the
12 authority to tell him what he could or
13 couldn't do.

14 MR. BILUS: I'm going to object
15 to the witness's answer.

16 Go ahead.

17 A. I don't have anything additional.

18 Q. Am I correct in understanding the
19 hierarchy in 1998 at Penn State that
20 Mr. Curley would have been the athletic
21 director over Mr. Sandusky?

22 A. That's certainly my understanding,
23 although I assume that he reported directly to
24 Coach Paterno.

