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what level?

A. Minor League umpires --

MR. ABRAMSON: Objection as to form.

Q. I'm sorry?

A. Minor League umpires.

Q. Do they get involved with Minor League umpires in A ball?

A. No.

Q. So it starts at AAA?

A. It starts at AAA.

Q. So the first time any umpire is supervised or observed in the Minor Leagues by Major League Baseball is AAA?

A. Usually.

Q. Does the Wendelstedt School cost money, do you know?

A. Yes.

Q. Do you know how much it cost to go to that school?

A. I did years ago. Not sure now.

Q. And the Umpire Development School, do you know if that cost money?

A. Similarly, I don't know.

Q. So is it true then based upon your

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2 answers, that Major League Baseball makes no
3 effort at these levels, the entry levels in
4 trying to find diverse candidates to become
5 umpires?

6 MR. ABRAMSON: Objection as to form.
7 Mischaracterizes his testimony; you can
8 answer.

9 A. Yes, they are concerned with
10 diversity, and they have umpire camps throughout
11 the season that people come to and they're
12 looking for diverse candidates to scholarship
13 them to the umpire schools to see if they can
14 seriously pursue the profession.

15 Q. When do those camps take place?

16 A. During the course of the season,
17 there's probably five. They've already had I
18 think two. It's like one a month.

19 Q. And where are those camps located?

20 A. They are usually, not the same each
21 year, they pick different places. They might be
22 -- I think they just had one in Dallas, maybe,
23 they've had one in Philadelphia before, they've
24 had one in Cincinnati before. It varies.

25 Q. How long do these camps last

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who the next umpire or umpires are going to be that will probably be promoted from A ball to AA, AA to AAA.

Q. So the umpires get the other umpires' ratings to see where they are?

A. I'm not sure; I think so.

Q. All right.

Does Major League Baseball get involved in this aspect of the umpire's progression from Rookie to A to AA?

A. No.

MR. ABRAMSON: Objection as to form.

You can answer. You did.

BY MR. MURPHY:

Q. So if -- I don't know if I asked you, did you tell me the name of this company?

A. I think it's -- I don't know if it's just a Minor League Baseball Corporation, something to that effect and it's in St. Petersburg, Florida, you can get that easily.

Q. So if this corporation run by Mr. O'Connor with the head of umpires, Dusty Dellinger promotes nothing but white umpires from Rookie to A to AA, is it true then that

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2 as you and I know it.

3 MR. MURPHY: I will rephrase.

4 MR. ABRAMSON: Thank you.

5 BY MR. MURPHY:

6 Q. Isn't it true that every umpire
7 during the course of a season will have some
8 incident like an ejection or having to call a
9 balk that will cause some consternation between
10 players or managers?

11 A. Yes.

12 Q. While you were umpiring, did you
13 believe at any time that one of your minority
14 colleagues should have been promoted to crew
15 chief?

16 A. I can't recall.

17 Q. Why did Richie Garcia get
18 terminated, do you remember?

19 A. I don't know exactly. There was --
20 one problem was his son-in-law was umpiring in
21 the Minor Leagues, was in strong consideration
22 for promotion to the Major Leagues, and he was
23 told not to go watch him work, because of being
24 related to him. He continued to do so. He had
25 been told not to do it, and he continued to do

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2 so.

3 And when they let him go and a
4 couple of other people go, that's the only
5 reason that I heard.

6 Q. Has the fact that there are no
7 minority crew chiefs in baseball been brought up
8 by management in your presence since 2011?

9 A. Yes. And it is -- that is discussed
10 every time we have a crew chief opening.

11 Q. And each time you've had a crew
12 chief opening, did that discussion take place?

13 A. Yes.

14 Q. And is it your testimony today that
15 the decision not to hire minority crew chiefs
16 since 2011 has been solely merit based?

17 A. Yes.

18 Q. Is the selection of World Series
19 between 2011 and the end of 2016, was that
20 solely merit based?

21 A. Yes.

22 Q. Do you believe that Angel Hernandez
23 should have been promoted to crew chief during
24 any of these years that you've been in
25 management?

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A. No.

Q. [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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[REDACTED]

Q. What about Angel, why has he not been a crew chief selected?

A. Angel is one of the nicest people I have ever met in my life. He does things for people off the field that I've never seen people do, me personally.

My family, my mother-in-law loved him. O.K.

He's had some incidents, he's had

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2 **A. As far as statistics?**

3 Q. For crew chief selection, yeah.

4 MR. ABRAMSON: Objection as to form.

5 **A. It would be Matt, he would provide**
6 **the information.**

7 Q. Isn't it true that there are
8 comments made in midyear reviews and end-of-year
9 reviews that are not found in any of the
10 supervisor' game reports?

11 **A. Shouldn't be. Shouldn't be.**

12 Q. Ted Barrett, Fieldin Culbreth, Jim
13 Joyce, all of the crew chief selections since
14 2011 have all been white, correct?

15 **A. You're telling me that I guess.**

16 Q. Well, you know of no minority
17 umpire?

18 **A. No.**

19 Q. That's been appointed, right?
20 Now, would you agree that Angel
21 Hernandez's body of work, ZE scores, the base
22 calls, from a statistical basis has been better
23 than some of the crew chiefs that you've
24 selected?

25 MR. ABRAMSON: Objection to form,

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2 BY MR. MURPHY:

3 Q. Is Joe Torre and Peter Woodfork duty
4 bound to select crew chiefs from the pool that
5 apply?

6 MR. ABRAMSON: Objection as to form.

7 **A. I would say yes.**

8 Q. Would you agree that Angel Hernandez
9 has had more interim crew chief games than other
10 umpires that you've made crew chiefs in the last
11 four or five years?

12 **A. I don't know the statistics on that.**
13 **He's had chances, but there's other guys that**
14 **have been, too. Matt McKendry could tell you**
15 **that information.**

16 Q. Would you put an umpire into an
17 interim crew chief position if you believed that
18 he didn't have the tools to run a crew chief?

19 **A. No.**

20 Q. And if he ran a crew on an interim
21 basis during the first 50 games and performed
22 poorly, including situation management issues,
23 would you continue to put him on the field as an
24 interim crew chief?

25 **A. No.**

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2 seen this document, but did you know that an
3 overview of umpiring was being done?

4 **A. No.**

5 Q. On 15070, it says, "Number of
6 Umpires 68," what's the number now?

7 **A. 76.**

8 Q. 76, O.K.

9 And the minority percentage, do you
10 see that, 7 percent?

11 **A. Uh-hum.**

12 Q. Yes?

13 **A. Yes.**

14 Q. She can't type uh-hum, we all do it.

15 **A. I know, I'm sorry. Yes.**

16 Q. Given the amount of minority
17 baseball players that play the game in the Major
18 Leagues, would you agree that 7 percent number
19 of minority umpires is not good?

20 MR. ABRAMSON: Objection as to the
21 form.

22 BY MR. MURPHY:

23 **A. Could be better.**

24 [REDACTED]
25 [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

MR. ABRAMSON: One second.

O.K., thank you, go ahead.

A. Yes.

Q. Do you remember when PBUC first started?

A. Gosh, I don't remember the first year that it came into existence. There's always been a Minor League organization, but when it was -- when O'Connor came in and basically formalized it, I don't know -- it's been there for quite a while. As a matter of fact, Justin Klemm who is in charge of A replay was a former Minor League supervisor for them.

Q. So after two years, they're either promoted to go up to the next level or let go and that's completely in the discretion of PBUC, correct?

A. Yes, it is.

Q. So if your camps produce minority -- minority students to go to Wendelstedt or PBUC, after they enter, it's completely in the hands

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of PBUC to determine whether they make it to
AAA?

A. Yes.

Q. The second and the third -- the
second bullet point is still true based upon
your previous answer, right?

A. Yes.

MR. ABRAMSON: Objection as to form.

A. Yes, they are.

Q. Is the third bullet point accurate
to the best of your knowledge?

A. I think it's pretty accurate.

Q. How about the fourth bullet point,
12 to 15,000 for six months of work?

**A. Probably accurate. It's at lot more
that I got paid when I was there.**

[REDACTED]

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2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 Q. 15073. "Pathway to Major, Major
6 League hiring."

7 The first bullet point, "Umpires are
8 hired at the absolute and exclusive discretion
9 of the Commissioner's Office"?

10 A. Yes.

11 Q. As far as you know, does that allow
12 the Commissioner to discriminate based on race?

13 MR. ABRAMSON: Objection to form.

14 A. **The Commissioner in our office does**
15 **not discriminate against any race or**
16 **nationality.**

17 Q. But does that provision in the
18 Article 4.A.3 give him the right to pick anybody
19 he wants?

20 MR. ABRAMSON: Objection, you've got
21 to show him Article 4 A.3.

22 MR. MURPHY: All right.

23 BY MR. MURPHY:

24 Q. You can answer.

25 MR. ABRAMSON: You're asking him a

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question about a provision that is not
quoted in its entirety here.

BY MR. MURPHY:

Q. Does this language come from the
Union Agreement with Major League Umpires?

A. I would think that it would.

Q. And as far as you know, does that
agreement give the Commissioner the right to
select any umpire that he wants?

A. Yes.

Q. 5 -- the fifth bullet point,
"Evaluation of potential new hires can be very
subjective."

Do you agree with that?

A. I guess so.

Q. "Quantitative data such as AAA
evaluations and ZE scores is sometimes used but
supervisor recommendations hold the most
weight."

Do you agree with that?

A. Yes.

Q. And the reason why supervisor
recommendations hold the most weight is because
they actually see them on the field, correct?

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A. Right. Seeing, just a harmless comparison, when I came up, you might see a supervisor, once or twice a year for a few games.

Last year every AAA umpire was observed by supervisors 27 times. So it's a much better situation for them to be watched.

Q. And supervisor recommendations hold the most weight because they actually see them live on the field which is better than seeing it on video, wouldn't you agree?

A. Yes.

MR. ABRAMSON: Objection as to the form.

THE WITNESS: Sorry.

BY MR. MURPHY:

Q. Yes?

A. Yes.

[REDACTED]

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MR. ABRAMSON: You can answer.

[REDACTED]

Q. "Seniority is rewarded with a few younger umpires each year, also given an opportunity so that they can gain experience." That matches what you just told me earlier, correct?

A. Yes.

Q. But seniority didn't seem to help minority umpires get in to the World Series between 2011 and 2016, correct?

MR. ABRAMSON: Objection to the form.

BY MR. MURPHY:

A. I don't know about that.

Q. Well, 2011 through 2016, there was only one minority umpire in the World Series?

A. O.K.

Q. So since you and Mr. Torre have come on board, would you agree that these statistics

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on this page show that the minority umpires who are more senior than most of these ones in red and in blue were passed over?

MR. ABRAMSON: Can I have -- objection an as to form.

Can I have that again.

(Whereupon, the record was read.)

MR. ABRAMSON: Objection as to the form.

MR. MURPHY: I'll rephrase.

BY MR. MURPHY:

Q. Isn't it true that these statistics that Mr. Freedman came up with shows that minority umpires were passed over for the World Series for umpires that had less seniority?

MR. ABRAMSON: Objection as to form. You can answer.

A. This chart here says nothing about minorities; it just says seniority.

Q. Right, right.

And Marquez, Danley, CB Buckner and Angel Hernandez had more seniority than most of the umpires that were selected for World Series between 2011 and 2016, would you agree?

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2 A. Possibly, yes.

3 Q. And it says, "A number of criteria
4 are taken in to account when choosing the
5 umpires for special events: Seniority, special
6 event experience," correct? "Supervisor
7 evaluations that include assessment of
8 leadership skills, overall quality of
9 performance and fulfillment of duties and
10 responsibilities," right?

11 A. Right.

12 Q. Would you agree that that was the
13 criteria between 2011 and 2016?

14 A. Yes, I think so.

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

Q. O.K.

A. Yes, he was.

Q. So my point is --

MR. ABRAMSON: Are we making points
or asking questions?

MR. MURPHY: Good point.

BY MR. MURPHY:

Q. He has a dry sense of humor, but he
grows on you.

The management could actually take
isolated incidents, would you agree, from each
and every umpire and use that as an excuse to
not promote them or put them in the World
Series, would you agree?

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2 MR. ABRAMSON: Objection.

3 Hypothetical?

4 BY MR. MURPHY:

5 **A. Technically, yes.**

6 Q. One of the things that was raised in
7 Angel Hernandez's deposition was that he got
8 fined for trying to get a baseball for his
9 colleague who called Homer Bailey's no hitter,
10 is that right?

11 **A. Right, yes.**

12 Q. And that fine was [REDACTED] you were
13 fined --

14 **A. Oh, yeah.**

15 Q. -- for doing the same thing, right?

16 **A. Yes. I was suspended for three**
17 **days.**

18 Q. Suspended for three days.
19 And the suspension was lifted,
20 correct?

21 **A. No.**

22 Q. No.

23 And am I right that you had asked
24 another crew to get you --

25 **A. Yes.**

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Q. -- a ball?

And what was your fine?

A. Three days' pay.

Q. And was that before or after you became a crew chief?

A. That was after I became a crew chief.

Q. Tell me about that incident, what did you do?

A. I had a friend back home that was in a car business. And he's a very good friend of mine, and he had given me a car to use different winters as an additional vehicle to get around.

Still friend of mine to this day. He had a relative, still does, he has relatives in Chicago, and I'm trying to think, he wanted to do something for the guy's kid. So I said let me see what I can do.

So I got -- I talked to Jim Farrell, the clubhouse guy, asked him to get him, give them to Teddy and Teddy was going to get it to the people before the game.

Q. Teddy? Barrett?

A. Barrett.

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2 Q. Barrett.

3 A. **Teddy was not the crew chief then,**
4 **Steve Ripley was. And, Steve Ripley called**
5 **Cathy Davis and told her that I did this, and**
6 **she ran it up the flag pole.**

7 Q. Was Ripley an ump?

8 A. **Yep, he was a crew chief.**

9 Q. And he was on Barrett's crew?

10 A. **Barrett was on his crew.**

11 Q. And this was in Chicago?

12 A. **In Chicago.**

13 Q. And were you in Chicago the previous
14 series?

15 A. **No, I don't think so.**

16 Q. All right.

17 Has there been occasions where Major
18 League Baseball has refunded fines to umpires at
19 the end of the year?

20 A. **I don't know for a fact. I've -- I**
21 **would not be surprised.**

22 **Case in point --**

23 MR. ABRAMSON: O.K.

24 THE WITNESS: All right.

25 MR. ABRAMSON: Go ahead, you can

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2 answer.

3 THE WITNESS: No, I'll tell him.

4 BY MR. MURPHY:

5 A. Bob Davidson, and, I'm trying to
6 think what he did, something stupid on the
7 field, and, Joe was fining him, but he also --
8 Joe sat down and talked to him. Joe likes the
9 guys. He sat down and talked to him and I was
10 there with him. And I think he told them, look,
11 keep your nose clean, no more of these type of
12 incidents at the end of the season and I think
13 what he did was he sent him a card, a Christmas
14 card with the check it in so... he had a heart,
15 too.

16 Q. Joe did not do that with Angel
17 though, correct?

18 A. Not that I know of.

19 Q. If you would go to 15092.

20 On this one, up top, it says,
21 "Supervisors and field observers regularly
22 evaluate umpire performance through games in
23 person."

24 The last bullet point on the right,
25 "Supervisors aggregate all of the end game

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2 reports an umpire has received throughout the
3 season and assign an overall grade to teach
4 category."

5 Do you agree with that?

6 **A. Yes, that would basically be their**
7 **year-end evaluations, whether you met standard,**
8 **does not meet standard.**

9 Q. And meets and does not meet, are
10 they important criteria for you to utilize; you
11 meaning, Major League Baseball to, utilize in
12 the determination of who becomes a crew chief
13 and who does not?

14 **A. It would certainly be considered.**
15 **There are very few does not meets. You consider**
16 **2400 games times four umpires, that's a lot of**
17 **things different categories being evaluated.**
18 **And there might be 10 does not meets during the**
19 **course of the whole year, or 12, not many.**

20 Q. But I also notice, if you agree, say
21 so, if you disagree, say so as well, there's not
22 a lot of exceeds, either?

23 **A. I think that's because we hold our**
24 **guys to a high standard. I've given Angel an**
25 **exceeds, last year I gave him an exceeds.**

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Q. Yep.

Next.

A. I -- I've already given some this year. If I see a guy has handled situation exceptionally well even though we expect him to do it, but he jumped out and did -- recognized the situation and handled it strongly, I think he should be told that it was well done.

Q. 15097.

Right-side second bullet point, the LRD, what's that?

A. I don't know what stands for. That might just be the --

MR. ABRAMSON: Don't --

THE WITNESS: All right.

MR. ABRAMSON: He's not asking you to guess.

THE WITNESS: All right.

BY MR. MURPHY:

A. I don't know.

MR. ABRAMSON: Thank you.

Q. Could that be labor relations department?

A. I don't know.

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Q. At one point earlier in the conversation that we've been having, you indicated that evaluations go to legal.

Would they also go to labor relations?

A. Sure.

Q. And why would legal and labor relations, why should they have any impact in the reports?

A. They're basically making sure we didn't say something stupid. Like saying a guy's fat or something like that, making sure we're using correct wording in our -- that's it.

Q. 15101?

A. 150 --

Q. 15101.

The zone evaluation system in the middle box, the last bullet point, "Many umpires blame the system for bad scores and will often argue that the system is calibrated incorrectly or that their version of the strike zone is preferred by players and managers," do you see that?

A. Yes.

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Q. Would you agree with that statement?

A. I have to explain something.

The -- during those years, the box you would see on TV was different than ours. And that's all the players want to look at, to see what's on TV.

[REDACTED]

Q. And would you agree, we spent some time yesterday talking to Matt McKendry about the buffer zone?

A. Yes, yes.

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Q. The two-inch and one-and-a-half-inch?

A. Right.

Q. And isn't it true that as you just described with the players then, it's true with the players now, that they don't understand that buffer?

A. Yeah.

Q. And the TV that we see in watching baseball games doesn't have the buffer either, does it?

A. Yes.

Q. And would you agree that brings additional scorn to the umpires from the players and the coaches --

A. What'd you say, it brings?

Q. It brings a misunderstanding --

A. Yes, yes.

Q. -- in their mind.

For instance, the Kinsler incident of a couple years ago, he complained about the first pitch, and then complained about the second pitch, and was ejected.

As it turns out, both pitches were

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2 called correctly by Angel Hernandez, but Mr.
3 Kinsler and his manager are not told that, are
4 they?

5 **A. No.**

6 Q. No, I'm correct?

7 **A. You're correct.**

8 Q. 15104. "Umpires are not allowed to
9 make comments that create an appearance of a
10 lack of impartiality towards the player or the
11 club that are critical of the Commissioner of
12 Baseball or that otherwise are inimical to the
13 best interest of baseball."

14 MR. ABRAMSON: Where are you reading
15 from?

16 THE WITNESS: Down at the bottom,
17 yeah, I think.

18 MR. ABRAMSON: Well, let --

19 MR. MURPHY: Yes, second bullet
20 point.

21 BY MR. MURPHY:

22 Q. That's still true today as it was in
23 2013, correct?

24 **A. Yes.**

25 MR. ABRAMSON: O.K., the second

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bullet point, the "Additional umpires shall not"?

MR. MURPHY: Yes, sir.

MR. ABRAMSON: Yes, O.K.

BY MR. MURPHY:

Q. That's true today as it was in 2013, yes?

A. Yes.

Q. Do you agree with what's stated in the red box, "When a controversial situation arises, the umpire involved in the controversy are often the only people available to answer questions and hence PR training is required."

A. PR training has been added for several years at our retreat in Scottsdale. We brought in speakers concerning this, and have followed up with that completely.

[REDACTED]

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2 Would you agree that "Angel is in
3 great shape and keeps himself that way through
4 his career"?

5 **A. Always has.**

6 Q. On the next page, 15112, "Injuries
7 remain an important issue for an umpiring
8 staff."

9 Would you agree that injuries have
10 never been an issue with Angel?

11 **A. Yes, they have. In 1999, the year**
12 **of the staff resignation, our crew was Joe West,**
13 **Larry Vanover, Angel and myself, I was a crew**
14 **chief, and as a result, West and Vanover had**
15 **lost her job at the time. Angel said his back**
16 **was killing him and he couldn't work and he**
17 **didn't work the whole month of September.**

18 **And I had three AAA guys I had never**
19 **met before worked with me the whole month.**

20 Q. But other than that one month, do
21 you know of any other time lost or significant
22 time lost by Angel?

23 **A. No, he's -- he comes to work every**
24 **day.**

25 Q. 15117.

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MR. ABRAMSON: One second. 117?

MR. MURPHY: Yes.

MR. ABRAMSON: O.K.

BY MR. MURPHY:

[REDACTED]

Have you discussed at any time with other members of the management, the difference in the percentages between the NFL and Major League Baseball as it relates to minority referees and umpires?

MR. ABRAMSON: This is NBA?

MR. MURPHY: I'm sorry, NBA, that's right, thank you.

A. I have not but Matt McKendry and Peter Woodfork have met with the different Leagues.

Q. About what?

A. Everything from replay, to hirings, and that's all I know.

[REDACTED]

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[REDACTED]

Q. Well, from the lowest levels, from entry all the way to AAA, Major League Baseball has no power whatsoever to increase the level of minorities until they get to AAA, right?

A. Yes, but let me explain something. Having taught at umpire school, I know that every year, Harry Wendelstedt, sent, contacted, the athletic directors at many major colleges and schools that had -- that was mostly

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African American students and sent brochures,
everything, trying to get them to come to umpire
school.

The problem is, yeah, they want the
job, but they want to be in the big Leagues
tomorrow, and they don't want to go through all
of that.

[REDACTED]

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A. I don't think so.

Q. Does Major League Baseball provide any training to PBUC?

A. No, not that I know of.

Q. By the way, are you aware that Angel Hernandez finished first in his class when he went to umpiring school?

A. Tell you a story about guys who finish first. The guy came out first --

MR. ABRAMSON: The answer is as far as you're aware.

THE WITNESS: Yeah.

A. It doesn't surprise me.

Q. Would you go to 15140. Here he talks about discipline and potentially terminating low performing umpires.

Has any crew chief been fired for bad performance since you have been in Major League Baseball starting with being an umpire?

A. No.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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2 to of those 25, if any?

3 MR. ABRAMSON: Objection to form,
4 you mean Major League Baseball?

5 MR. MURPHY: Yes, sorry.

6 MR. ABRAMSON: Yes.

7 **A. Six or seven.**

8 Q. San Diego, how many scholarships?

9 **A. I don't know, but it was a -- it was**
10 **a good turn out, but it was also lot of those**
11 **guys are military, they still had obligations**
12 **but they wanted to learn more umpiring.**

13 Q. In Cinci, of the six or seven that
14 were given scholarships, how many were not
15 white?

16 **A. I don't know.**

17 Q. Here on 15146, Mr. Freedman says,
18 "In addition to improving access to diversity
19 candidates, strategic partnerships may also
20 allow MLB to assist Minor League umpires in
21 finding employment during the off-season."

22 Has that been done?

23 **A. No, other than some Minor League**
24 **want to go to winter ball. And they -- they're**
25 **helped through PBUC to get them involved in**

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those Leagues.

Q. Anything else?

A. No, sir.

MR. ABRAMSON: Objection -- anything else with respect to the partnerships?

MR. MURPHY: One of the things I told him if he didn't understand a question, he could ask me so he understood so...

MR. ABRAMSON: Objection as to the form.

MR. MURPHY: O.K.

BY MR. MURPHY:

Q. The first bullet point says, "Given the long-term nature of umpire development, the only way to" --

A. Excuse me, where are we?

Q. I'm sorry, I'm sorry, Randy. 15146?

A. O.K.

Q. "Given the long-term nature of umpire development, the only way to approach MLB's diversity issue is through lower level recruitment of minorities."

Would you agree that Major League

1 5/7/19 - R. Marsh
2 Baseball had a diversity issue problem in
3 umpiring in 2013?

4 MR. ABRAMSON: Objection as to form.

5 **A. I don't -- I don't know, but they**
6 **have been doing everything they can to improve**
7 **that situation.**

8 Q. And everything they can is umpire
9 camps and -- well, what else is Major League
10 Baseball doing besides the umpiring camps?

11 **A. Well, the Minor Leagues would**
12 **probably be it. We do -- we are always open to**
13 **recommendations from people that see guys**
14 **umpiring in amateur ball that think they could**
15 **be given a shot at least trying going to umpire**
16 **school. We're open minded to find these**
17 **candidates in any way we can.**

18 Q. What minority umpire was ever given
19 a Major League job that came from any place
20 other than going through the school to rookie
21 league to the minors?

22 **A. I don't know of any.**

23 Q. 15147, the last page, "MLB should
24 seek the benefit from its substantial investment
25 in umpiring through strategic marketing,

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Of Replay Equipment, marked for
identification, as of this date.)

BY MR. MURPHY:

Q. I've handed you what we have marked
as 15.

Do you recognize this as being the
equipment behind when you open this door on 14?

A. Yes.

Q. Not a very big screen, is it?

A. It's what we used for years.

Q. How many years?

A. I'm not sure exactly how many but --
I don't know exactly.

Q. This basically is the size of a
computer screen, correct?

MR. ABRAMSON: Objection as to the
foundation.

BY MR. MURPHY:

Q. Would you agree?

A. Little bigger.

Q. And this was not HD like the one in
the umpire's room, correct?

A. That's my understanding.

Q. Am I right?

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A. I think so.

Q. Yeah.

(Plaintiff's Exhibit 16, Photograph of Replay Operations Center, marked for identification, as of this date.)

BY MR. MURPHY:

Q. I'm showing you what we have marked as 16. This is going to be in conjunction with 17, which I'm going to give to madam court reporter right now.

(Plaintiff's Exhibit 17, Photograph of Replay Operations Center, marked for identification, as of this date.)

MR. ABRAMSON: Can we have a representation from counsel as to whose holding up the ruler?

MR. MURPHY: I think that might have been Angel himself.

MR. GREGG: I don't know, I actually don't know.

MR. ABRAMSON: O.K., thank you. 16 is the one with this one and 17 this is one (indicating)?

MR. MURPHY: Yes.

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Q. Now, do you believe that baseball would've been better served when they started the replay system by giving the umpires a wide screen HDTV to review as opposed to these small non-HD screens?

MR. ABRAMSON: Objection to form.

A. I guess you could certainly say that.

Q. Were you aware in your position at that time in 2013 that No. 2 umpires during replays were going into the umpires' dressing room to see replays on a better screen so that they could tell their crew chiefs what they saw in the locker room in order to try to help the crew chief make the right call?

A. No.

Q. And isn't it true, sir, that Angel Hernandez was not permitted to go into the umpires' room so that he could get a better look on a better screen as to whether that was a double or a home run?

A. I don't think that he did, but he's not supposed to have at that time.

Q. Would you agree that the use of this

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2 **A. Yeah.**

3 Q. After this incident, Jerry Meals
4 made crew chief, correct?

5 **A. I believe so. Think I was there for**
6 **that.**

7 Q. Yeah.

8 **A. Sure, he wasn't a crew chief before**
9 **that. I think he was a crew chief when that**
10 **happened.**

11 Q. On August 7, 2001, you were on the
12 field with Angel when Steve McMichael, the
13 former Chicago Bear said over the loud speaker
14 in Chicago after singing Take Me Out to the Ball
15 Game, that he was going to meet Angel Hernandez
16 after the game to have some speaks about Angel
17 calling a Cub out at the plate, do you remember
18 that?

19 **A. I was on the field.**

20 Q. You were the crew chief, yes?

21 **A. Yup.**

22 Q. Now the media reported that Angel
23 Hernandez had McMichael removed from the game,
24 do you remember that?

25 **A. No, that's not what happened.**

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she's -- she's a go-to person.

Q. And you'll see the next page, Potential Crew Chiefs For 2018, 14993, do you see that?

A. Yes.

Q. Have you ever seen this document before, sir?

A. Nope.

Q. Makes for less questions.

A. Uh-hum.

Q. Do you know if this is -- I think I know the answer to this, but I need to ask it anyway.

Do you know if this was a process of taking all of these statistical data of each umpire and putting them together for Mr. Woodfork, was that first started in 2018?

A. I -- I think so, I don't know for sure.

Q. Based upon your knowledge, is it true that nothing like this was ever done before July of 2017 as it relates to selecting crew chiefs?

A. Yes.

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Q. From 997, Hernandez to Mark Wegner, 5005, I'm going to withdraw that.

Does Mr. Manfred weigh in at all?

A. No.

Q. Are you aware that Mr. Torre has told Angel that he will become a crew chief some day?

A. Yes.

Q. What's the difference between a supervisor and an observer, Mr. Marsh?

A. We have observers in about -- we did have like in 11 cities. There are people that have been with us for quite a few years, they're either former umpires, former players, people very knowledgeable in the game that are trained to make evaluation reports on the umpires on appeal.

They do not have interaction with the umpire before or after the game. It's strictly what they see on the field.

Q. O.K.

A. So what we look at sometimes say the observer may say that a guy is bad mobility, but we've got him covered through our Health

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2 Department that he is still working but -- so he
3 doesn't know but we can correct that.

4 A -- supervisors are actually at the
5 games, and fill out evaluation report on every
6 umpire for every game.

7 Q. And are the umpires encouraged to
8 talk to supervisors?

9 A. Yes.

10 Q. Since this lawsuit took place, have
11 the supervisors been told not to talk to Angel?

12 A. Not at all.

13 (Plaintiff's Exhibit 22, 2011 Umpire
14 Midyear Performance Evaluation, Angel
15 Hernandez, dated 4/1/93, DEF 1504 through
16 1506, marked for identification, as of
17 this date.)

18 BY MR. ABRAMSON:

19 Q. I'm going to show you what we have
20 marked as Exhibit 22. You'll see in the lower,
21 lower right-hand side, the Bates number 1504.
22 This is the midyear evaluation for 2011.

23 On 1505, under Administrative
24 Component, it says, "This component" --

25 MR. ABRAMSON: Where are you reading

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had a meets standards on that.

Q. Yes.

1508 at the bottom, "Your crew chief switch at the All Star Break was a difficult situation for you to embrace, but you rose to the challenge and made a conscious effort to make a less 'noticeable' approach in the second half of the season. This effort needs to continue going forward. You are a very talented umpire, but you are battling the perception of the Clubs and media that you are routinely attempting to put yourself in the spotlight."

At what point in the process to determine crew chiefs does making a mistake get finally put in the past?

MR. ABRAMSON: Objection as to the form.

BY MR. MURPHY:

A. I think it's put in the past from year to year, it's another year, each year is a new year unless the person has repeated events as such.

Q. Did you know of anything else that he has done besides balk calls that warrants the

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comments that Major League Baseball continues to give him about battling the perception of the clubs and the media?

MR. ABRAMSON: As of 2011 or as of today?

MR. MURPHY: Yes, both.

MR. ABRAMSON: O.K.

THE WITNESS: Say it again real quick, please.

(Whereupon, the record was read.)

BY MR. MURPHY:

A. No.

Q. 1509, under B, that was a positive comment at the bottom about understanding policies and procedures, would you agree?

A. Yes.

Q. Have the rules of baseball been changed drastically in any way after 2011?

A. Rules themselves, if they have, it's just been wording, you know, to clarify.

Now, we do have pace of game issues that are really in to play, and it's a lot more responsibility for every umpire.

Q. On 1510, take a look at the top,

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form.

BY MR. MURPHY:

Q. You can answer.

A. I don't know, I don't know.

Q. You are aware that nobody else gets these types of comments repeatedly about Club and media perception of him has an umpire, you agree?

A. There are other umpires that the clubs would rather not see.

[REDACTED]

Q. Once again on 1512, his balls and strikes was higher than average.

No, I'm sorry, just below the staff average, is that correct?

A. Yes.

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handle all of these different things. He's got to prove to Joe Torre that he can do all of these things.

So stats, yes, stats are great, but they don't ultimately make the final decision.

[REDACTED]

[REDACTED]

[REDACTED]

But we knew when they go on the field, they can handle, we have that confidence in them. We don't have the confidence in Angel to do that, that's what you got to get past. That's keeping him from being a crew chief.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

MR. ABRAMSON: He's asking specific questions so let's stick with it.

THE WITNESS: O.K.

BY MR. MURPHY:

A. Anyway, I just had to put this in perspective, you know, he just has a tough time dealing with them things.

MR. ABRAMSON: Let's stick to the question.

A. Go ahead, sorry.

Q. So, based upon your answer, everything that umpires are told in their letters denying them the crew chief position and in Major League Baseball documents that I've shown you that here are the, you know, the five or six criteria to be a crew chief, based upon

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your answer, it's your belief that it's all about situation management: You can be a better umpire calling balls and strikes, you can be a better umpire on the base paths, you can be a better umpire knowing the rules, you can be a better umpire in better physical condition, but if you're not as good as the other guys in situation management, you're not going to make crew chief, is that an accurate statement?

A. I think it's an accurate statement.

Q. Do you believe that because baseball managers, especially before this lawsuit, were overwhelmingly white --

A. Baseball managers?

Q. -- managers, that non-white umpires had more difficulty with situations than their white counterparts?

A. Totally disagree.

Q. All right.

[REDACTED]

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2 their white counterparts?

3 MR. ABRAMSON: Objection.

4 **A. I disagree.**

5 Q. All right.

6 On this exhibit in front of you,
7 10822, you'll see on the right side, E, and D,
8 can you tell me -- and E's in green and D's in
9 red, can you tell me what that means if you
10 would.

11 **A. E would be exceeds. And D would be**
12 **does not meet.**

13 Q. O.K.

14 Hernandez's amount of incidents,
15 total ejections, warnings, equipment violations,
16 were lower than average, would you agree?

17 **A. Compared to some other ones, yes.**

18 Q. Those are situation management
19 incidents, right?

20 **A. Usually. It's -- if you're looking**
21 **at incidents, is that what you're talking about?**

22 Q. Yes.

23 **A. Well, incidents could be equipment**
24 **violations, warnings, warnings to the teams,**
25 **things like that.**

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Q. Those are all situation management, right?

A. Yes.

Q. And [REDACTED], who was made a crew chief, he had nine, Hernandez had three, do you see that?

A. So...

Q. That situation management didn't seem to hold him back from being a crew chief?

A. Yeah, but, that's possibly because he had warnings, he had situations come up on the field; it's incidents, not necessarily negative incidents.

Q. Right.

O.K.

Well, calling a rule violation doesn't necessarily have to be an incident either, right?

A. No. I mean, if you look at it this way, [REDACTED] had three exceeds and does not meets in those areas.

Angel had one and one.

Q. Right.

[REDACTED] had a higher replay

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percentage overturned than Angel, correct?

A. Yeah.

Q. Why does baseball keep all of these statistics on sports or the umpires?

A. Sports are statistically driven.

Q. So all of this is important, yes?

A. I guess.

Q. Did you have this data in front of you -- or let me change that.

Did you have this data provided to you when you weighed in on who you wanted crew chief between 2011 and 2018?

A. Yes, we did, every year Raquel or Matt would make this information up so we could look at a comparison one to the other. But it still has the one area, don't talk about that's not in there, and that's how you conduct yourself on the field and how you're accepted on the field.

(Plaintiff's Exhibit 30, email from Woodfork, to McKendry, dated 10/16/2015, Re World Series, Bates stamped DEF 7615, marked for identification, as of this date.)

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O.K.

Q. And this is [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

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Evidently, you had a lack of

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confidence with [REDACTED], do you see?

A. Yes, I did back then.

Q. What was your problem with him?

A. Just his perception on field as a crew chief, you know, there were times that you have to take charge in situations and stand up for your guys on your crew, and, he was -- I just didn't think he was off to a good start as a crew chief.

Q. All right.

I believe, Mr. Marsh, that [REDACTED] was made crew chief after this email?

A. So that might be, you might be right.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

MR. MURPHY: 33.

(Plaintiff's Exhibit 33, email from Palermo, dated 10/16/15 to Marsh, Woodfork, Torre, World Series, Bates stamped DEF 7813, marked for identification, as of this date.)

BY MR. MURPHY:

Q. Next is 7813.

A. This is the same thing we just had, isn't it?

MR. MURPHY: Yup, my bad.

1 **5/7/19 - R. Marsh**

2 Q. Of the 14 umpires that submitted
3 their names for crew chief positions, how many
4 of these fellows are not white but rather a
5 minority candidate, we know Angel Hernandez is
6 one, are there any others?

7 **A. No.**

8 Q. Would you agree that part of being a
9 leader is stepping in to be an interim crew
10 chief?

11 **A. Sure.**

12 Q. Are the criteria for being an
13 interim crew chief and a crew chief -- I'll
14 change that.

15 Is the criteria the same to be an
16 interim crew chief as it is to be a permanent
17 crew chief?

18 **A. Yes.**

19 Q. On Angel Hernandez you indicate that
20 "he is really in to being a crew chief, he would
21 love the challenge," you state, and at the
22 bottom, you said that you wondered "If umpires
23 with less seniority are picked over him," you
24 were concerned about how he would react, am I
25 right?

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A. Yes.

Q. Many of these umpires that you spoke with conveyed to you, am I right, that they understood that there were more umpires senior to them?

A. Yes.

Q. All right.

Like for instance, Bill Miller he applied because he didn't want you to think that he wasn't interested?

A. Several were like that.

Q. Yes.

Do you remember who was selected?

A. I believe it was -- I thought Jim Joyce, Fieldin Culbreth, Sam Holbrook, I believe 2012.

Q. Yes, and with Mr. Culbreth, you have no recollection of calling him --

A. No.

Q. -- to ask him to apply?

A. No.

(Plaintiff's Exhibit 35, email from Marsh, to Montague, World Series Selection, dated 10/11/2012, Bates DEF

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7884, marked for identification, as of
this date.)

BY MR. MURPHY:

Q. This next exhibit is 35, Bates stamp
7884, Eddie Montague in 2012 put in his picks
for the World Series. And he picked Angel
Hernandez as one of his selections, right?

A. Yup.

Q. And am I right, Mr. Marsh, that
since Angel Hernandez was last in the World
Series in 2005, there are some umpires that have
had the World Series twice and even three times,
correct?

A. I am not sure, but I would not be
surprised.

Q. And umpires really like being
selected to the World Series, correct?

A. Yes.

Q. Their family gets to go?

A. Yes.

Q. There's more money paid to the
umpires for World Series than there is for the
rest of the playoffs, right?

A. Yes.

1 5/7/19 - R. Marsh

2 Q. October 26, 2011 email from
3 Meriwether to Rich Rieker, copy to you, do you
4 see that?

5 A. Yes.

6 Q. Chuck Meriwether selected Angel
7 Hernandez as one of his six?

8 A. Yes.

9 (Plaintiff's Exhibit 37, Email from
10 Brian Lam, to Marsh dated 12/15/2102, 2013
11 Crew Chief Candidates, Bates stamped DEF
12 8001, marked for identification, as of
13 this date.)

14 BY MR. MURPHY:

15 Q. This is Plaintiff's Exhibit 37,
16 Bates stamp 8001. Brian Lam emails you in 2012,
17 about 2013 crew chief candidates. Brian Lam was
18 the president of the union -- I'm sorry, Brian
19 Lam was legal counsel for the union?

20 A. He was at the time.

21 Q. And had crew chief selections been
22 made in mid December for 2013?

23 A. We try to select them during that
24 time because we have our meeting, our retreat
25 meeting in Scottsdale in January. And when they

1 5/7/19 - R. Marsh

2 come there, we try to have crews set up, they
3 sit together at all of the meetings, they start
4 working on scheduling stuff and everything
5 together, yes, we usually have them done ahead
6 of time.

7 Q. Do you announce to the umpires at
8 the meeting in Arizona?

9 A. No, they know ahead of time.

10 Q. They know it --

11 A. They know when the crew chiefs have
12 been appointed and they will know their crews
13 before they go out there.

14 Q. It says here, "The three crew chiefs
15 were Joyce Barrett, Fieldin Culbreth," it says
16 Angel Hernandez was a finalist.

17 What does that mean?

18 A. Well, I think we got to, when we
19 were talking about the crew chiefs, we talked
20 with Joe and ended up getting, you know, who
21 would be the top three to be the crew chief.
22 And then the other -- the guys Angel and [REDACTED]
23 [REDACTED] and [REDACTED] were the next in line as far as
24 who the supervisors thought it should be, so...

25 Q. I see.

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5/7/19 - R. Marsh

[REDACTED]

My question to you is: Since this is a criticism or at least a question, should umpires enforce the rules to the letter of the law?

A. Sure.

Q. But can you see the dilemma, based upon what we've discussed and read so far, that if you enforce the rules to the letter of law, as you should, and it creates a perception of you with the Clubs, that lines up being a part of the consideration to not make you a crew chief and not make you a postseason World Series candidate, do you see that?

A. A lot of umpires have to make crucial calls, O.K. and, that doesn't prevent them from being selected postseason. That's the nature of the job.

Q. Do you believe that enforcing rules to the letter of the law means that you're looking for trouble?

A. No, no.

Q. Here is an email that you wrote in

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5/7/19 - R. Marsh

2013, to Peter Woodfork, Matt McKendry and Rich Rieker, you copied Joe Torre. You just "want to add a few thoughts about future crew chiefs since we have sent out a memo for interested umpires."

A. Yup.

Q. "To be honest, I don't think we have an abundance of logical choices," right?

Take a look at that briefly.

A. (Pause in proceedings.)

MR. MURPHY: Let's go off the record for a second. I just want to give you an opportunity to read it.

THE VIDEOGRAPHER: Going off camera, the time is 4:28.

MR. MURPHY: We're back on camera, the time is 4:29.

BY MR. MURPHY:

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[Redacted text block containing multiple lines of blacked-out information]

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2 [REDACTED] [REDACTED]
3 [REDACTED]
4 Q. And about Angel, you said, "Scares
5 me at the thought"?

6 A. Yes.

7 Q. And said nothing else?

8 A. Yes. At the time, there were, like
9 I said, there was just a lot of concerns about
10 Angel, and did not feel comfortable putting him
11 on the field as a crew chief.

12 Q. Would you acknowledge that it was
13 getting tougher and tougher for him being passed
14 over year in and year out?

15 A. Yes.

16 [REDACTED]
17 [REDACTED]
18 [REDACTED] [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED] [REDACTED]
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23 [REDACTED]
24 [REDACTED] [REDACTED]
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5/7/19 - R. Marsh

[REDACTED]

Q. This one here, if you would, take this here, and try to find that one for me, I can't remember what number it is, it's the one with --

MR. GREGG: 37.

MR. MURPHY: 37.

BY MR. MURPHY:

Q. If would you try to find 37.

All right, the one we're on now is 12/17/2013, do you see that?

A. Where are you at?

Q. Randy Marsh, do you see that?

A. Oh, yes.

Q. That's a year and two days from the Brian Lam 12/15/2012, do you see that?

A. Yes.

Q. All right.

A. This is '13.

Q. Yes, they're one year apart.

A. Yes.

Q. And Angel was a finalist and fifth

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and one year it scares you at the thought,
right?

A. Uh-hum.

Q. Yes?

A. Yes.

Q. And the only thing that happened to
Angel in 2013 was the Cleveland incident, right?

A. I don't know if that was the only
thing, but that was a major thing.

Q. Do you remember any other incidents
that would change things so drastically for him?

A. No, no.

Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

I

Do you see that?

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2 **A. Yes.**

3 Q. "A few years ago, Cederstrom was
4 appointed crew chief over 16 others, and it
5 deflated the staff."

6 Do you see that?

7 **A. Yes.**

8 Q. That actually happened, right?

9 **A. Yes, it did.**

10 Q. So, when you were saying here, that
11 he would be skipping other 31 umpires and some
12 of them have 20 years in the majors, that
13 would've included Angel Hernandez?

14 **A. Yes.**

15 Q. Were you conveying to Mr. Woodfork,
16 Mr. McKendry, Mr. Rieker and Mr. Torre that
17 passing people over with many more years would
18 be not a smart thing to do as it relates to
19 selecting crew chiefs?

20 MR. ABRAMSON: Objection to the
21 form.

22 **A. With a person with that low**
23 **seniority, yes.**

24 [REDACTED]
25 [REDACTED]

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[REDACTED]

Q. You reported to Peter Woodfork your meeting with Angel, yes?

A. Yes.

Q. And at the end of your review with him, it says, "He wants to be a crew chief and will be embarrassed if he continues to be skipped over."

A. Uh-hum.

[REDACTED]

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[REDACTED]

Would you agree with me based upon your recollection that Angel Hernandez had a very good umpiring year in 2016?

MR. ABRAMSON: He's not asking with reference to this document.

MR. MURPHY: Yeah.

MR. ABRAMSON: He's asking you based on your recollection.

BY MR. MURPHY:

Q. Would you agree?

A. Based on my recollection, yes.

Q. Danley, you wrote -- well, Joe Torre Umpire Meetings, you attended those with Mr. Torre, right?

A. Yes, I did.

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[REDACTED]

Q. Angel was upset about the crew chief selections, correct?

A. Yes, yes.

Q. We got this just Friday, less than one business day before we were leaving to come to New York to take depositions.

A. This one?

Q. Yes. Do you know why?

MR. ABRAMSON: Asked and answered.

MR. MURPHY: Not on this one.

MR. ABRAMSON: You did.

BY MR. MURPHY:

Q. Do you know?

MR. ABRAMSON: You can answer. If

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Do you think that crew chiefs may not want Angel Hernandez as their No. 2 because he consistently gets passed over for crew chief selection?

A. No, I don't think that is a problem.

Q. All right.

MR. MURPHY: Let's take a break.

THE VIDEOGRAPHER: Going off camera, the time is 4:58.

(Whereupon, a recess was taken.)

(Plaintiff's Exhibit 46, 2013 Umpire Mid Year Performance Evaluation, Bates DEF 1526 through 1528, marked for identification, as of this date.)

THE VIDEOGRAPHER: Back on camera, the time is 5:58.

BY MR. MURPHY:

Q. During the deposition breaks, have you discussed your deposition testimony with counsel?

DIR

MR. ABRAMSON: Objection. You don't have to answer that.

A. O.K.

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MR. MURPHY: Well, it's a yes or no,
I'm not asking?

MR. ABRAMSON: I'm instructing him
not to answer.

MR. MURPHY: O.K.

BY MR. MURPHY:

Q. I've given you what we have marked
as 46. This is the 2013 Midyear Performance
Evaluation. And under, let's see, Field
Evaluation Component, the bottom of the first
page, 1526, it says, "Over the first half of the
season, you met standard in the field evaluation
component. You have shown a consistent effort
to maintain a professional approach on the
field."

"As you know in this perception is
reality based business, any bump in your
professional behavior will be magnified by the
media and fans. Continue to work on presenting
a positive professional demeanor on the field."

Do you agree with that?

A. Yes.

Q. Under Administrative Component here
it says in the last paragraph, "You were given

1 5/7/19 - R. Marsh
2 an exceeds rating for your handling of an
3 incident where the player was out of control and
4 you maintained control of your emotions and the
5 situation. However, you were issued a does not
6 meet rating for your confusing timing and
7 signaling of the ejection of the Braves manager
8 and catcher," do you see that?

9 **A. Yes, I do.**

10 **(Plaintiff's Exhibit 47, Umpire**
11 **Evaluation Report dated 7/4/13, Game**
12 **Summary, Bates DEF 001968, marked for**
13 **identification, as of this date.)**

14 BY MR. MURPHY:

15 Q. Keep that handy.

16 I've shown you what have marked as
17 Exhibit 47, which is Defendants 1968.

18 **A. O.K.**

19 Q. Here is the game in question.

20 MR. ABRAMSON: What is that based
21 on?

22 MR. MURPHY: On the Administrative
23 Component, it says, "He was issued a does
24 not meet rating for your confusing timing
25 and signaling of the ejection of the

1 5/7/19 - R. Marsh

2 Braves manager and catcher."

3 MR. ABRAMSON: Right.

4 BY MR. MURPHY:

5 Q. And you can see here, that it says,
6 "Laird was ejected for arguing balls and strikes
7 and Laird directed inappropriate comments at
8 Umpire Hernandez after being ejected. ZE
9 supported Hernandez in enforcement of the strike
10 zone." Do you see that?

11 A. Yes.

12 Q. And he was given a meets here?

13 A. Yup.

14 MR. ABRAMSON: So is it your
15 representation that that is what is
16 referred to here?

17 MR. MURPHY: Good news is I don't
18 have to answer your question.

19 MR. ABRAMSON: Objection as to the
20 form. There's no foundation without that,
21 so you can ask him to assume.

22 (Plaintiff's Exhibit 48, Umpire
23 Evaluation Report, meets 7/5/2013, Bates
24 DEF 1967, marked for identification, as of
25 this date.)

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MR. GREGG: They're different Bates numbers.

MR. MURPHY: "Laird was ejected for arguing balls and strikes."

Let's go off the record.

THE VIDEOGRAPHER: Off the record, the time is 5:23.

(Whereupon, a discussion was held off the record.)

THE VIDEOGRAPHER: Back on camera, the time is 5:24.

BY MR. MURPHY:

Q. We sorted this out, Mr. Marsh, thank you again for your patience.

You'll see 47 and 48?

A. Right.

Q. Would you agree that it is not often that an umpire ejects, both, a manager and the player?

A. It's not often? No, I would not agree with that.

Q. All right.

In the Administrative Component that was in the midyear review, where he is talking

1 5/7/19 - R. Marsh
2 about the ejection of the Braves manager and
3 catcher, isn't it true that it refers to the
4 7/5/2013 baseball game?

5 MR. ABRAMSON: Where does it say
6 Braves?

7 MR. MURPHY: In the Midyear Review.

8 MR. ABRAMSON: Yes.

9 MR. MURPHY: It says, "You were
10 issued a does not meet rating for your
11 confusing timing and signaling of the
12 ejection of the Braves' manager and
13 catcher."

14 MR. ABRAMSON: So, sorry, stand
15 corrected. Thank you.

16 MR. MURPHY: Thank you.

17 BY MR. MURPHY:

18 **A. Right.**

19 Q. Laird was the catcher for Atlanta
20 and Gonzalez was the manager of the Atlanta, is
21 is that right?

22 **A. Yes.**

23 Q. And this July 5, 2013, Umpire
24 Evaluations that you have in 47 and 48, were
25 discussing the game that is mentioned in the

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administrative component of his midyear, is that accurate?

MR. ABRAMSON: Objection as to the form. Foundation. You can answer.

BY MR. MURPHY:

A. I think I see what you're getting at as far as they were properly ejected. What was questioned was how -- "for your confusing timing and signaling of the ejection." That's what he got does not meet for, not the ejection.

Q. Who gave him the does not meet?

A. I don't know, I don't know, it had to be in the evaluation report.

Q. And if it wasn't in the evaluation report, would you agree that it shouldn't have been in the midyear?

A. If it was in there, it should be, yes.

Q. I'm saying, if he did not receive a does not meet from the supervisor --

A. Right.

Q. -- the does not meet should not be in the midyear, would you agree?

MR. ABRAMSON: Objection as to form.

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2 A. This was -- this was written by
3 administrative -- that is -- administrative
4 component is usually filled out by Matt
5 McKendry, so that's not saying he was at the
6 game.

7 Q. O.K.

8 A. Do you understand what I'm saying?

9 Q. Yes, but I don't think you
10 understood my question, I could be wrong, let me
11 ask it again.

12 If the supervisor --

13 A. I'm saying it should have said it
14 here (Witness indicating).

15 Q. -- at the game?

16 A. Right.

17 Q. Because this is what we've got from
18 the game.

19 A. O.K.

20 Q. (Indicating.)

21 If the supervisor gave him a meet on
22 both of these, and the supervisor never did give
23 him a does not meet, will you agree with me that
24 it should not have been in his midyear?

25 A. Yes, but I do hold back who made

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this determination on the confusing timing and signaling of the ejection. If that was -- the office watching this game, and wanted to know what happened, maybe that's where they came up with that does not meet. But I don't see it documented.

Q. Right.

A. I don't see it documented.

Q. And do you notice the timing of this, July 5, 2013, do you see that, right before the All Star game, right?

A. Yes, yes.

Q. And right before the midyear report?

A. Yes.

Q. Just like the one several years earlier, right before the All Star game, coincidence?

A. I don't think -- I don't agree with what you're leading up to.

Q. Isn't it true, sir, that in the midyear, and end-of-year evaluations, which are written by management, they have issued criticisms of Angel Hernandez that were not raised by his supervisors?

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A. Should not be.

Q. Would you agree that Angel Hernandez is one of the hardest workers on the staff over the last five or six years that you've been watching him?

A. I agree he's a hard worker.

(Plaintiff's Exhibit 49, Umpire Evaluation Report, dated 7/5/2013, Exceeds Bates DEF 1906, marked for identification, as of this date.)

BY MR. MURPHY:

Q. To give you the full picture, Mr. Marsh, here is 49, here is the actual Umpire Evaluation Report of the same game?

A. Right.

Q. Do you see that?

A. Yes.

Q. In every category it says meets, yes?

A. Yes.

Q. Based upon what you've seen, the midyear report should not have been written the way it was --

MR. ABRAMSON: Objection.

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2 BY MR. MURPHY:

3 Q. -- do you agree?

4 MR. ABRAMSON: Asked and answered.

5 You can answer it again.

6 MR. MURPHY: I'll withdraw the
7 question, how's that?

8 **A. Good.**

9 **(Plaintiff's Exhibit 50, Document,**
10 **Bates stamped DEF 15451, marked for**
11 **identification, as of this date.)**

12 BY MR. MURPHY:

13 Q. This is 50.

14 Now, have you seen a document like
15 this before with Time Stamp Dates, Participate,
16 From, Body, do you know what this is?

17 **A. No.**

18 Q. "Angel is going to be a no for Rob."

19 In management at Park Avenue, the
20 only Rob is Rob Manfred, right?

21 **A. Yes.**

22 Q. Do you know what he was saying no,
23 any reference to, "Angel is going to be a no."

24 Do you have any understanding what
25 that meant?

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A. Well, going by the date of it, 10/16, that is usually when we make the World Series selections.

Q. I see.

And do you remember Rob Manfred weighing in on that?

A. Nope. Those comments are between Peter and Joe and Rob.

Q. Thank you.

(Plaintiff's Exhibit 51, Email from Woodfork to Marsh, dated 1/23/17, Re One on Ones, Bates DEF 15528 and 15529, marked for identification, as of this date.)

BY MR. MURPHY:

Q. This is 51, a two-page, Bates 15528 and 15529.

On the bottom of the first page is an email from you to Peter Woodfork dated January 20, 2017?

A. Yes.

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And Angel Hernandez was also one of the umps that applied?

A. Yes.

Q. It says, "I spoke to him already when checking on Palermo's crews and he just went off on the crew chief position for a while as he did with Joe T. I don't see any need to dwell on it further with at this point," is that right?

Right.

[REDACTED]

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█ ██████████

Q. Thank you.

(Plaintiff's Exhibit 52, Major League Baseball letter dated March 27, 2017, to Angel Hernandez, from Joe Torre, Bates AH 00077 through AH 00079, marked for identification, as of this date.)

BY MR. MURPHY:

Q. This is No. 52, this is a letter to Angel Hernandez dated March 27, 2017, from Joe Torre.

A. O.K.

Q. Take a look at -- well, first of all, did you see this before it went out?

A. No.

Q. Turn to AH 78, please. And look at the second full paragraph that starts out with "The Office of the Commissioner's decision"?

A. Right.

Q. Take a look that the, read that if you would, please.

A. "The Office of the Commissioner's decision" --

Q. No, you don't have to read it out

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2 Rich," when he wrote the midyear review, his
3 supervisor was somebody else, wasn't it?

4 **A. I don't know.**

5 **At that time, Rich and I take a**
6 **couple of crews. We -- the -- the supervisors**
7 **usually have four or five crews. And I don't**
8 **know if that was his crew or not.**

9 Q. Do you know where Mr. McKendry got
10 these comments from for each umpire if it wasn't
11 in midyear and year-end?

12 **A. No.**

13 Q. Is it true that numerous people edit
14 the midyear and year-end evaluations, correct?

15 **A. Numerous people edit them?**

16 Q. Yes.

17 **A. Well, each person goes in their**
18 **department's.**

19 Q. And then legal takes a look at it,
20 right?

21 **A. Yes, yes.**

22 Q. Turn to the next page.

23 MLB Umpire Actual Seniority.

24 Are these the umpires that were
25 passed over?

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A. I would say so, yes.

Q. Matches the names in the first page, correct?

A. Yes, yes, they do.

Q. And the two minority umpires Angel Hernandez and Kerwin Danley --

A. Alfonso Marquez.

Q. That's right, Marquez is here. But the top two are minority candidates, right?

A. Yes.

Q. And the February 3, 2017, that was a draft put together by Peter Woodfork, is that right, do you know?

A. I don't know.

(Plaintiff's Exhibit 54, email from Marsh to McKendry dated 1/30/16, Re Angel Hernandez Meeting, Bates DEF 23960, marked for identification, as of this date.)

BY MR. MURPHY:

Q. I've given you what we have marked as Plaintiff's Exhibit 54, which is Bates 023960, an email from Randy Marsh to Matt McKendry, an email dated January 30, 2016.

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2 Do you recognize this email as
3 something that you wrote, right?

4 **A. Yes.**

5 Q. Very positive email about him, yes?

6 **A. Yes.**

7 Q. He had a good season in 2016, didn't
8 he?

9 **A. I believe so, all right.**

10 Q. All right.

11 Was it true that he was on the radar
12 for possible crew chief position in the future?

13 **A. Yes.**

14 (Plaintiff's Exhibit 55, email from

15 [REDACTED]

16 re 2014 Retreat One On Ones, Bates DEF

17 23964 and 23965, marked for

18 identification, as of this date.)

19 BY MR. MURPHY:

20 Q. Here is 55, two-page document,
21 239634, 23965, email from you, Peter Woodfork.

22 [REDACTED]

23 **A. Yes, that's my personal.**

24 Q. And you were memorializing
25 one-on-one conversations that you had in Arizona

1 5/7/19 - R. Marsh
2 with the umpires, is that accurate?

3 **A. Yes, sir.**

4 Q. Angel was emotional in this meeting,
5 yes?

6 **A. Yes, he was.**

7 Q. And he was upset about, he is still
8 upset about the Cleveland incident?

9 **A. Yes, and at the meeting, at the**
10 **retreat, we have these open discussions on**
11 **plays, rule interpretations, things like that.**

12 **And sometimes, you know, a guy's**
13 **play is put up where he handled it incorrectly.**
14 **And he had a play that the umpires did not agree**
15 **with the call he made, and then he got really**
16 **pissed off about it.**

17 Q. O.K.

18 And it said here, "I told him that
19 he showed that in the Cleveland incident because
20 he kept himself totally under control in a very
21 difficult situation."

22 And he broke down about this
23 incident where he told you about what Peter
24 Gammons said about him, correct?

25 **A. Right, yes.**

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Q. And you indicated here that you told Angel that you knew that he had changed, and that was change for the better, yes?

A. Yes.

Q. All right.

MR. MURPHY: Counsel, Mr. Marsh, I'm going to take a quick look at my notes, I think we're done, but I just want to make certain that I haven't missed anything and we shall hopefully depart so give me if you would five minutes.

MR. ABRAMSON: Sure.

THE VIDEOGRAPHER: Going off camera. The time is 5:48.

(Whereupon, a recess was taken.)

THE VIDEOGRAPHER: Back on the record on camera, the time is 5:53.

BY MR. MURPHY:

Q. Have you been advised that you're going to testify at trial?

A. No.

Q. O.K.

O.K.

MR. MURPHY: For the record, since