

TRANSCRIPT OF DEPOSITION WITH PETRA FERMAT

December 22, 2011

(Note: we only transcribed the parts of the interview that were relevant to the claim. Petra Fermat was duly sworn in and the initial social chatting between Fermat and the two attorneys was not transcribed.)

- Bailey: OK, what exactly is your position at River Valley High, and what is your relationship to Plaintiff?
- Fermat: I'm the head of the math department at River Valley, so I oversee the day-to-day operation of the teachers who teach the math classes. I've been in this position for 15 years now, so I've been in a supervisory position over Plaintiff since he arrived at the school.
- Bailey: And what was your impression of him as a teacher before he had this problem?
- Fermat: He was really good. The students really liked him a lot and he was always on the ball.
- Bailey: What has happened since he started having problems with his vision?
- Fermat: Well, things really started to deteriorate. I think it was probably a good thing that he took his leave of absence when he did.
- Bailey: How did things deteriorate?
- Fermat: He seemed to have a hard time, particularly with grading. For a couple of weeks toward the end, I took over his grading for him because it was just about impossible for him. He'd get these terrible headaches. And he had some problems in the classroom.
- Bailey: What kinds of problems?
- Fermat: Well, there were some discipline problems. You know how some teenagers are – you give them an inch, and they'll take a mile. Some of the students who were resentful about how Plaintiff's algebra class was going gave him a really hard time, disrupting the class and playing games with their homework. We have a biweekly staff meeting where we talk about things that have come up and I remember his asking the rest of us for advice about what to do, particularly with the cheating incident.
- Bailey: What was that like for the school? Did it have a negative impact?
- Fermat: We managed. When Plaintiff had to take his leave of absence, I just finished out his class for him.
- Bailey: But you got paid extra for that, didn't you?
- Fermat: Yes, I negotiated a little extra pay.
- Bailey: And the short-term help you provided for Plaintiff? Is that something you'd be willing to do long term? Would you sit in on all his classes when he gives exams to make sure students don't cheat?
- Fermat: Realistically I couldn't do that.
- Bailey: OK, I think that's all I need.
- Cochran: I don't think this will take very long from my end either. First, do you think that the problems Plaintiff faced were transient?
- Fermat: I'm not quite sure what you mean.
- Cochran: Well, do you think that the discipline problems and the like would be a permanent thing, or is this something that is simply part of the adjustment to his new life as a blind person?

Fermat: Inevitably there are going to be more bumps in the road in the short run. I think that he's put some thought into solving the problems.

Cochran: And when the board asked your advice about what should be done, you recommended that Plaintiff be given a probationary year to see if he could work out the problems, didn't you? On what did you base that recommendation?

Fermat: Yes, I did recommend that the school retain him. In my experience with him, I have found him to be an enormously creative and resourceful teacher, and I think that if anyone can make this adjustment, it's Plaintiff.

Cochran: Thanks. I'm done.

Bailey: I have a few additional questions if that's OK with everyone. [Fermat and Cochran nod assent.] First, can you say with complete confidence that Plaintiff will be able to fit smoothly back into the math department without causing further disruptions?

Fermat: No, I can't be completely sure of that.

Bailey: And you did not recommend that Plaintiff remain in his position in an unqualified manner. You suggested a probationary period. Why not just keep him on with the same terms his contract originally provided?

Fermat: I thought it would be good for us just to see how well he could solve the problems.

Bailey: So you're not convinced that this little experiment would have worked?

Fermat: No, though I do think it probably would have.

Bailey: OK, that's it.