

In The Matter Of:
Helen Brown and Crystal Young vs.
John J. O'Brien, et al.

Michael Francis Rush
January 22, 2010

Doris O. Wong Associates, Inc.
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Volume I
 Pages 1 to 41
 Exhibits: None

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss. Superior Court Department
 of the Trial Court
 Civil Action No. 07-3552

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 HELEN BROWN and CRYSTAL YOUNG, :
 Plaintiffs, :
 :
 vs. :
 :
 JOHN J. O'BRIEN, individually and :
 in his capacity as COMMISSIONER :
 OF PROBATION, and JAMES RUSH, :
 Defendants. :
 :
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DEPOSITION OF MICHAEL FRANCIS RUSH, a
 witness called on behalf of the Plaintiffs, taken
 pursuant to Rule 30 of the Massachusetts Rules of
 Civil Procedure, before Nancy M. Kingsbury,
 Registered Professional Reporter and Notary Public
 in and for the Commonwealth of Massachusetts, at the
 Office of the Attorney General, One Ashburton Place,
 Boston, Massachusetts, on Friday, January 22, 2010,
 commencing at 2:00 p.m.

PRESENT:

Rodgers, Powers & Schwartz LLP
 (by Jonathan J. Margolis, Esq.)
 18 Tremont Street, Suite 500, Boston, MA
 02108, for the Plaintiffs.

Office of the Attorney General
 (by Gwen A. Werner, Esq.)
 One Ashburton Place, 18th Floor, Boston, MA
 02108, for the Defendants.

(Continued on the next page)

PRESENT (Continued):

Office of the Attorney General
(by Ronald F. Kehoe, Esq.)
One Ashburton Place
Boston, MA 02108, for the deponent.

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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MICHAEL FRANCIS RUSH

BY MR. MARGOLIS	5			
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BY MR. KEHOE		37		
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E X H I B I T S

None

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1 P R O C E E D I N G S

2 MR. MARGOLIS: Same stipulations?

3 MS. WERNER: Ask Ron.

4 MR. KEHOE: What are they?

5 MS. WERNER: I'm agreeable on behalf of my
6 clients.

7 MR. MARGOLIS: We waive all objections
8 except as to the form.

9 MR. KEHOE: We reserve.

10 MR. MARGOLIS: We reserve.

11 MR. KEHOE: We reserve all objections.

12 MR. MARGOLIS: I happen to say "waive
13 until," but reserve objections, except as to form,
14 and motions to strike until time of trial. Witness
15 will have an opportunity to read and sign the
16 deposition within 30 days, and we will waive the
17 notary.

18 MR. KEHOE: That's agreeable. That's fine.

19 MICHAEL FRANCIS RUSH

20 a witness called for examination by counsel for the
21 Plaintiffs, having been satisfactorily identified by
22 the production of his US Government Geneva
23 Conventions identification card and being first duly
24 sworn by the Notary Public, was examined and

1 testified as follows:

2 DIRECT EXAMINATION

3 BY MR. MARGOLIS:

4 Q. Mr. Rush, would you state your full name
5 for the record.

6 A. Michael Francis Rush.

7 Q. And your residential address?

8 A. [REDACTED]
[REDACTED].

10 Q. Now, you are here because you received a
11 subpoena; is that correct?

12 A. Yes.

13 Q. Since you got the subpoena, have you spoken
14 to anyone in the West Roxbury Court probation
15 department about this matter?

16 A. About this matter since I received the...
17 not about the subpoena or the case.

18 Q. Have you spoken to anyone in the
19 Commissioner of Probations Office about the case?

20 A. Negative.

21 Q. Anyone from the Trial Court, that is, the
22 administrative office?

23 A. Not to my recollection at all.

24 Q. Have you read transcripts of any of the

1 depositions in this matter?

2 A. Yes.

3 Q. What transcripts have you read?

4 A. Attorneys here showed me some of Judge
5 Coffey's transcript.

6 Q. Was that the only one?

7 A. That is correct.

8 Q. And this may be treading over some ground,
9 but just to make sure we haven't left any gaps.
10 Apart from counsel, have you spoken to anyone
11 about -- strike that.

12 Have you spoken to anyone who has been
13 deposed or anyone with knowledge of the depositions
14 in this case?

15 MR. KEHOE: Objection. You may answer.

16 A. Can you ask me the question again.

17 Q. Let me break it up. Have you spoken to
18 anyone who has been deposed in this case?

19 A. Since I've been subpoenaed?

20 Q. Yes.

21 A. Not to my recollection.

22 Q. Have you spoken to anyone apart from
23 counsel who has expressed knowledge of what was said
24 in any of the depositions?

1 A. Since I've been subpoenaed?

2 Q. Yes.

3 A. Not my recollection.

4 Q. Now, your father is James Rush; is that
5 right?

6 A. James Joseph Rush.

7 Q. I understand that he has been ill over the
8 years. How is he doing?

9 A. Day by day.

10 Q. Now, you were a state representative; is
11 that right?

12 A. That's correct.

13 Q. What's your district?

14 A. Tenth Suffolk.

15 Q. And you have been a representative since
16 when?

17 A. Elected in 2002.

18 Q. What did you do before that?

19 A. High school history teacher.

20 Q. For how long did you teach history?

21 A. Five and a half years.

22 Q. Where did you teach?

23 A. Catholic Memorial High School and Newman
24 preparatory school.

1 Q. Where are those located?

2 A. Catholic Memorial is located in West
3 Roxbury, and Newman prep is located on Marlborough
4 Street in the Back Bay.

5 Q. And does the district that you represent
6 include the courthouse, the West Roxbury courthouse?

7 A. You need to reask the question.

8 Q. The physical layout of the district that
9 you represent in the state legislature --

10 A. -- is included in the jurisdiction of the
11 court. The court is not located in West Roxbury.
12 It's located in Jamaica Plain.

13 Q. You saved me an extra question. What
14 committees are you on in the legislature?

15 A. Currently serving?

16 Q. Yes.

17 A. Environmental, Natural Resources, Labor,
18 Ways and Means.

19 Q. And how long have you been on the Ways and
20 Means Committee?

21 A. Just this current session.

22 Q. Starting in 2007 or starting this year?

23 A. 2009.

24 Q. 2009. Am I right that Ways and Means

1 Committee deals with the department, the budget for
2 the probation department?

3 A. You need -- that's not an accurate
4 question. The Ways and Means deals with the budgets
5 for the entire state. The individual departments
6 deal with their own budgets.

7 Q. Am I correct that the probation department
8 has an independent line or line item in the budget?

9 A. I think it's more than just one.

10 Q. But it is not part of the Trial Court
11 budget; is that right?

12 A. It's a subsection, I believe.

13 Q. Now, before -- I think we are agreed that
14 your father was a longtime probation officer and
15 assistant chief probation officer and ultimately was
16 the chief probation officer in the West Roxbury
17 District Court?

18 MR. KEHOE: Objection.

19 Q. In the years before your father retired,
20 let's say the three or four years before that, did
21 you have occasion to visit the department?

22 A. I would have occasion to visit my father.

23 Q. Did you meet Mark Prisco before your father
24 retired?

1 A. Yes, I did.

2 Q. Have you ever had a social relationship
3 with Mr. Prisco?

4 MR. KEHOE: Objection.

5 A. Redefine "social."

6 Q. Have you ever -- have you attended events
7 together outside of the court?

8 A. We've been at the same events, not coming
9 together nor leaving together.

10 Q. Has he ever been to your house?

11 A. No, he has not.

12 Q. Have you been to his home?

13 A. No, I have not.

14 Q. Do you know if Mr. Prisco has contributed
15 to any of your campaigns?

16 A. Yes, he has.

17 Q. Has he been at fund-raising events for your
18 campaigns?

19 A. Yes, he has.

20 Q. Has he worked on any of your campaigns?

21 A. No, he has not.

22 Q. Have other employees of the West Roxbury
23 District Court probation department worked in your
24 campaigns?

1 A. Yes.

2 Q. Can you name the ones who have worked in
3 your campaigns?

4 A. William Joyce on maybe one occasion, if not
5 two.

6 Q. Has Mr. Joyce contributed to any of your
7 campaigns?

8 A. I believe he has, but I would have to
9 check.

10 Q. I should have asked this earlier, but
11 before you were elected to the legislature, did you
12 run in any other campaign for state or municipal
13 office?

14 A. Yes, I did.

15 Q. What did you run for?

16 A. Boston City Council.

17 Q. How many times?

18 A. Twice.

19 Q. Were you successful?

20 A. Negative.

21 Q. When is the last time that you spoke to
22 Mr. Joyce?

23 A. I know it's been before I was subpoenaed,
24 but I don't recall. It's not unusual to see

1 Mr. Joyce all over West Roxbury. He's involved in
2 many, many activities.

3 Q. I gather that.

4 A. Everybody sees Mr. Joyce.

5 Q. Do you know Kevin Brennan?

6 A. I do.

7 Q. Has he worked at any of your campaigns, to
8 your knowledge?

9 A. No.

10 Q. Do you know if he has contributed to any
11 of --

12 A. I don't believe so.

13 Q. Have you ever discussed the facts of this
14 case with Mr. Brennan?

15 A. I don't ever recall having a discussion
16 about any of the facts in this case with him, with
17 Mr. Brennan. I very rarely see Mr. Brennan.

18 Q. Have you ever discussed the facts of this
19 case with Mr. Joyce?

20 A. Some vague terms at best, nothing specific.

21 Q. When you say "vague terms," summarize for
22 me what your discussions were.

23 A. If I were to run into Mr. Joyce, I would
24 maybe say, "Oh, gee, there are all sorts of things

1 going on. People are being deposed," things like
2 that. Nothing much more specific than that. We
3 haven't sat down and had an in-depth conversation
4 about this case.

5 Q. Do you know Brad McNichols?

6 A. I do.

7 Q. When is the last time you spoke to
8 Mr. McNichols?

9 A. I don't recall. I believe I saw him
10 sometime this fall, and he -- back to your question,
11 he may have -- I'd have to check my files. He may
12 or his parents may have given me donations to my
13 campaign as well.

14 Q. Do you know whether he has ever worked in
15 one of your campaigns?

16 A. No, he has not.

17 Q. Now, I am going to give you a copy of the
18 transcript of Judge Coffey's deposition. I have one
19 more for counsel.

20 MS. WERNER: Actually, give it to Ron. I
21 will get mine.

22 (Ms. Werner leaves the deposition room and
23 returns)

24 THE WITNESS: Ron, I'd like to clarify

1 something.

2 MR. KEHOE: Off the record.

3 (Recess taken)

4 BY MR. MARGOLIS:

5 Q. Mr. Rush, did you want to clarify something
6 on the record? No?

7 THE WITNESS: My attorney? No?

8 MR. KEHOE: No.

9 BY MR. MARGOLIS:

10 Q. Okay. If you would turn, find Page 57 of
11 the deposition -- it's four transcript pages on one
12 sheet, unfortunately, and if you look down at
13 actually Line 23, the judge said, "It was a tense,
14 and continues to be a tense, situation for a variety
15 of reasons."

16 A. I am not seeing this at all.

17 Q. Do you have Page 57?

18 A. Yes.

19 Q. If you look down --

20 A. Line 23 says, "Brown and everyone who he
21 has supervised."

22 Q. If you start with my question on Line 19
23 and you go down, and you'll see I said, "What did
24 you say to him? What did he say to you?" This was

1 a discussion between the judge and Mr. Prisco.

2 And her answer was, "Mark Prisco has always
3 been courteous in my presence and respectful in my
4 presence to Helen Brown and everyone who he has
5 supervised. It was a tense, and continues to be a
6 tense, situation for a variety of reasons. One of
7 them, of course, is this lawsuit, and the other is
8 the overriding presence of Representative Mike Rush
9 and his perceived influence within the probation
10 department." Do you see that?

11 A. Yeah. That's a lie.

12 Q. Well, my question to you is whether you
13 believe that you have influence within the probation
14 department.

15 A. Unequivocally, absolutely not.

16 Q. And in your answer, am I right that you
17 include both West Roxbury and the probation
18 department in downtown Boston?

19 A. Correct.

20 Q. Now, after your father retired, a
21 retirement party was held for him; is that right?

22 A. That's correct.

23 Q. If you look at the bottom of Page 58 right
24 there where we were in the deposition, I asked how

1 did it make its presence known in the context of the
2 retirement party, and the judge said, "It was my
3 understanding that he met with Mr. Prisco at the
4 courthouse. People would tell me that they saw him
5 at the courthouse, and he was involved" --

6 A. Where are we?

7 Q. The bottom off Page 58, right below 57
8 where we were reading before. Starting on Line 18.

9 A. Okay.

10 Q. And I asked, "How did it make its presence
11 known in the context of the retirement party?" And
12 the answer was, "It was my understanding that he met
13 with" -- I think it's clear if you want to read up
14 above -- you can correct me if you think I am
15 wrong -- that when it said that "he met with
16 Mr. Prisco at the courthouse," it's referring to
17 you.

18 Then the judge went on: "People would tell
19 me that they saw him at the courthouse, and he was
20 involved in selecting who would be invited, who
21 would not be invited, that type of dynamic."

22 Now, my first question is, did you meet
23 with Mr. Prisco at the courthouse to discuss the
24 retirement party?

1 A. I did.

2 Q. Did you organize the party?

3 A. It was a collaborative effort.

4 Q. Who did you collaborate with?

5 A. Most -- I had talked to Prisco, Joyce.

6 They wanted to have a retirement party for my
7 father, as did a lot of the people who worked there,
8 and they wanted me to help coordinate on the family
9 end of things. I spoke with my mother. My father
10 would not -- didn't want a retirement party. He
11 wouldn't go for that type of thing, but people
12 wanted to do it. He had been there so long.

13 Q. Okay.

14 A. There needed to be some coordination with a
15 date, place, how were they going to get my father
16 there. My mother wanted to have some say over what
17 was going on.

18 Q. Was it a surprise party for your father?

19 A. He believed it would only be a small group
20 of 10 to 15 people. It ended up being on an
21 estimate, 50 to 60, maybe 70 people. My brother
22 flew in as a surprise. That was the biggest
23 surprise.

24 Q. Did you have anything to do with selecting

1 people from the court who were invited?

2 A. To the best of my recollection, when I had
3 spoken of it with my mother, my mother and I kind of
4 had the discussion that people who were treating my
5 father poorly should not be invited to the party.

6 Q. Did you communicate that to Mr. Prisco or
7 anyone else in the department?

8 A. It was a long time ago. To the best of my
9 recollection, I think I did.

10 Q. And am I correct that Judges Coffey and
11 Driscoll were not invited?

12 A. You are correct about Coffey. I don't
13 remember. I have no recollection about Judge
14 Driscoll.

15 Q. And am I correct that Helen Brown, Crystal
16 Young and Mary Tracey-Walsh were not invited?

17 A. To the best of my recollection, that would
18 be right. They were the people who treated my
19 father so poorly.

20 Q. Did you have anything to do with the
21 distribution of invitations to the party within the
22 department?

23 A. No.

24 Q. Am I correct that the invitations were not

1 sent by mail?

2 A. I have no idea. I don't remember
3 whether -- how they went out. It was so long ago.

4 Q. To change the subject for a moment, do you
5 know Bernard Fitzgerald, the chief probation officer
6 in Dorchester?

7 A. Yes, I do.

8 Q. Is his son on your staff?

9 A. Yes, he is, but not because Fitzgerald is a
10 probation officer, so...

11 Q. Just asking. Now, the rotunda of the
12 courthouse in West Roxbury is named after your
13 father?

14 A. That's correct.

15 Q. And I understand that that was done through
16 a statute that you introduced; is that correct?

17 A. That is not correct.

18 Q. Was it done through a statute, through the
19 enactment of a statute?

20 A. It is a law, yes.

21 Q. Did you sponsor that?

22 A. I did not.

23 Q. Who did?

24 A. There was a lot of legislators signed onto

1 it. The lead sponsor was Representative Robert K.
2 Coughlin from Dedham.

3 Q. Now, I'll tell you I don't know anything
4 about naming public buildings or portions of them.
5 Is it necessary to do that by statute?

6 A. I'm assuming not. I am not 100 percent
7 sure. Could you repeat the question?

8 Q. Well --

9 MR. KEHOE: If you don't know, you can say
10 you don't know.

11 A. I don't know.

12 Q. We want your recollection as it is here
13 today. And believe me, if you don't know something
14 or you don't remember --

15 A. That's a question. I guess it would vary
16 on who operated the building. I mean I have no idea
17 how -- there's been plenty since I have been in the
18 legislature of bills that have come, gone through
19 for naming everything from a park bench to a
20 circular courtyard to a room to a water facility to
21 a...

22 Q. Okay. Did you ever speak to anyone in the
23 Trial Court about the possibility of having the
24 rotunda named after your father through the Trial

1 Court doing it?

2 A. Robert K. Coughlin, the representative, had
3 said to me he thought it would be appropriate to
4 name the rotunda after my father, based on
5 conversations he had had with my father over the
6 years.

7 Q. So it was his idea?

8 A. He ran it by me, and I said, "Bob, if you
9 want to, go for it."

10 Q. Was that your entire -- except for being a
11 state representative, I assume you voted for the
12 bill when it came up?

13 A. No. It passed through an informal session.
14 There was no formal roll call vote, as is customary
15 for noncontroversial issues in the legislature.

16 Q. Was that your only involvement in the
17 decision to name the rotunda after your father?

18 A. I asked Bob how the bill was doing. Bob --
19 I was in the house chamber in the informal session,
20 and Rep. DiNardo and I were talking about it. It
21 came up, and he let me bang the gavel and sign the
22 form to go back to the Senate, which to me was a
23 great honor. But there were -- you can pull it up.
24 There is a bunch of legislators who know my father.

1 My father knows a lot of people.

2 Q. And there was a ceremony for a formal
3 dedication in -- was it April of 2008?

4 A. I forget the exact date, but he had had a
5 stroke.

6 Q. I understand that. Did you -- were you
7 involved in the planning of the ceremony?

8 A. Yes.

9 Q. Did you deal with the -- with what we might
10 colloquially call Judge Mulligan's office in the
11 Trial Court?

12 A. They originally -- they and Judge Johnson's
13 office.

14 Q. Did you speak to Judge Coffey before you
15 spoke to Judge Mulligan and Judge Johnson's
16 office --

17 A. No.

18 Q. -- about the naming ceremony?

19 A. I spoke to Johnson first. Johnson reached
20 out to me.

21 Q. I see. So he called you about the
22 ceremony?

23 A. It was either he and/or Mulligan contacted
24 me and said we -- if I remember correctly to the

1 best of my knowledge, "We are assuming you want to
2 be involved in the dedication ceremony." But there
3 were multiple layers. It was Mulligan's office and
4 Johnson's office. I think ultimately Mulligan put
5 Johnson in charge of the -- because he is the head
6 of the BMC.

7 Q. And did you tell Justice Johnson or Judge
8 Mulligan that you did not want Judge Coffey to be
9 involved in the naming ceremony?

10 A. If I remember correctly, it was relayed to
11 me that Judge Coffey wanted to be in charge of the
12 entire ceremony.

13 Q. Who told you that?

14 A. It was -- I believe it was out of Chief
15 Justice Johnson's office, and I said that would be
16 unacceptable because she tortured my father.
17 Terrible to him.

18 Q. You made a number of references to Judge
19 Coffey's treatment of your father. I will give you
20 an opportunity to summarize the way she treated him
21 that you feel was wrong.

22 A. My father had never been treated so poorly
23 by any member, any employee of the West Roxbury
24 District Court, as he was treated by Judge Coffey.

1 And he would relay that to my mother, myself, other
2 family members. She belittled him. She screamed at
3 him. He felt that -- he felt she didn't like him.
4 And nobody in that court had ever treated him as
5 poorly at Judge Coffey in 43 years. She yelled at
6 him in front of all the probation officers. She
7 would come down, tell him to move his car. She
8 would come down in her robes, try to boss him
9 around. He had never been treated that way.

10 Q. Am I right that he spent his entire career
11 in that courthouse?

12 A. As a probation officer, yes, sir. Prior to
13 that, he was a social worker, and prior to that he
14 went to Boston College, and prior to that a United
15 States Navy veteran.

16 Q. And were you then actively involved in the
17 naming ceremony?

18 A. Yes.

19 Q. Now, there is a plaque that I am going to
20 characterize as prominently displayed. It's an
21 impressive plaque in the rotunda. Did you have
22 anything to do with the design of that?

23 A. Judge Mulligan asked me what I thought the
24 design should look like.

1 Q. Did you consult on the language?

2 A. I asked my father what he thought the
3 plaque should look like, and he told me what he
4 wanted it to look like and what the language should
5 be, and I in turn told Mulligan.

6 Q. Did it come out that way?

7 A. No. There was -- no. Mulligan had
8 standards that he wanted. He was very specific
9 about everything from the way the plaque was going
10 to look to the way the program was going to be to
11 how many minutes people were going to speak. He
12 spent quite a bit of time, more so, I would say,
13 than I did.

14 Q. Now, if you turn over to Page 70 of the
15 judge's deposition, would you read from perhaps the
16 top of Page 70 down to the beginning, the first four
17 lines of Page 72, which is not all of but part of an
18 answer that Judge Coffey gave.

19 A. Do you want me to read 70 and 71?

20 Q. 70, 71 and the first four lines on 72 so
21 that you can get the context.

22 A. Out loud or quiet to myself?

23 Q. No, read it to yourself.

24 (Witness reviews document)

1 A. A pen? Can I mark this up?

2 Q. Sure. You can take that copy when we are
3 done.

4 Now, at the top of Page 71, Judge Coffey
5 said that she said to you -- and I am going to ask
6 you if you agree that words to this effect were
7 said. But the way she described it was, "Mike, I
8 want to extend the olive branch to you. I want the
9 celebration to honor your father. I want it to
10 be" --

11 A. No.

12 MR. KEHOE: Wait for a question.

13 Q. "I want it to be respectful and to give him
14 the credit that he deserves for his years of
15 service."

16 Did she say words to that effect? First of
17 all -- actually, I should have asked. Do you agree
18 that this conversation took place?

19 A. Do I agree that it did?

20 Q. Yes.

21 A. A conversation did take place.

22 Q. Okay. That's what I should have asked
23 first.

24 Now, the quote that I just -- Judge

1 Coffey's description of her words to you at the top
2 of Page 71 starting with, "Mike, I want to extend
3 the olive branch," did she say words to that effect
4 to you?

5 A. I remember her using the term "olive
6 branch" in some context, but it was not, to my
7 recollection, this context. She asked me to go to
8 her -- the reason we were in the courthouse is
9 because Judge Johnson asked me to take my father.
10 They had to point out where he wanted the plaque.
11 In the end, I believe it was Judge Johnson who ended
12 up picking out the spot for the plaque. Judge
13 Coffey descended into the rotunda and asked to speak
14 with me. At that point, I think I said, "We can
15 speak here." And she said, "I'd like to speak in my
16 chamber." So we went up to her chamber.

17 Q. In what context did she use the term "olive
18 branch"?

19 A. I don't remember. I do remember her using
20 it, but it was not -- this is not the conversation
21 that took place.

22 Q. Tell me as closely as you can --

23 A. Judge --

24 Q. Tell me the conversation that did take

1 place.

2 A. Judge Coffey looked at me and said, "It's
3 my understanding that you don't want me involved in
4 the ceremony of the rotunda," to which I responded,
5 "Who told you that?" To which she responded, "Bob
6 Mulligan," to which I responded, "Well, he is
7 absolutely correct," to which she responded, "Why?"
8 And I let her know that she treated my father
9 horribly and was miserable to him and made him feel
10 terrible, less than a valued employee for all her
11 talk about embracing people.

12 Q. Was that the entire conversation?

13 A. No. Something did come up about an olive
14 branch. There is a lot of this that did not -- I
15 absolutely -- do you want to go line by line?

16 Q. Sure.

17 A. I absolutely, unequivocally, absolutely
18 never said Lines 17, 18 and 19. Absolutely not.

19 Q. That would be where the judge said that you
20 had said, "My family will never forgive or forget
21 what you and those women did to my father"?

22 A. Absolutely, unequivocally no, never. I did
23 ask her to stop speaking to me like I was her child.
24 She somehow went into this rant about how we go to

1 the same church, and I'm still confused about what
2 that had to do with anything.

3 Q. Do you recall anything else from that
4 conversation?

5 A. Line 20 and 21, and 22, absolutely,
6 unequivocally no.

7 Q. Just for the record, are you referring to
8 where she quoted you as saying, "You are the one who
9 put those women up to filing suit against my father.
10 You could have stopped" --

11 A. Absolutely, unequivocally no. I never said
12 that.

13 Q. Do you believe that Judge Johnson -- excuse
14 me -- Judge Coffey had something to do with the
15 lawsuit that's been filed that concerns us today?

16 A. I do.

17 Q. Do you believe that she put the players up
18 to filing the lawsuit?

19 A. That I don't know, and I am not going to
20 speculate, but it was told to me by my father when
21 he was the chief that she was having secret meetings
22 before court hours with some of the plaintiffs from
23 this lawsuit. And there are some folks who -- never
24 mind.

1 Also I would like to mention on Page 72,
2 Lines 1, 2, 3 and 4, absolutely, unequivocally I did
3 not repeat that, because I told you I didn't say it
4 in the first place.

5 Q. So that would be where she said, "And then
6 he went on to say, repeat, 'My family will never
7 forget what you did.'"

8 A. Absolutely, unequivocally no. The
9 conversation ended with me telling her that Chief
10 Justice Johnson was her boss and he was responsible
11 for any of this, not her. He was responsible for
12 the planning of the overall dedication ceremony.

13 Q. Okay. Now I'd like you to look at a
14 document that we have previously marked as
15 Exhibit 16 in this case.

16 (Witness reviews document)

17 Q. Mr. Rush, have you seen this document
18 before today?

19 A. Yes.

20 Q. When did you first see it?

21 A. I don't recall the exact time when I saw
22 it, but it was Chief Prisco said to me, "A lot of
23 the people are upset in the court. They signed a
24 letter." I don't recall reading it, but I think he

1 had a copy of it. I don't recall where it was, but
2 he said they signed a letter. And somebody has
3 given me a copy of it, but the whole -- something is
4 going on, and somebody saw it, and this was
5 already -- the thing had already happened. The
6 event had already happened.

7 Q. Did he give you a copy of the letter?

8 A. I think he showed it to me. I don't
9 remember ever having a copy of this.

10 Q. Was this -- were you in the department at
11 the time, at West Roxbury Court?

12 A. No.

13 Q. And you don't recall?

14 A. No. The last time I was in the West
15 Roxbury -- I've been in the West Roxbury Court once
16 since the dedication ceremony. I stopped back in to
17 look at the plaque and then went downstairs and said
18 "hi" to a lot of people that I know who work in the
19 probation department. That was at least a year ago.
20 I think it was a year, about a year.

21 Q. So you don't recall how it was that you and
22 Mr. Prisco were meeting and that he brought up the
23 document that's Exhibit 16?

24 A. I remember him telling me what had happened

1 at the court. I remember him showing me a copy of
2 the letter. I don't recall if I took it from him.
3 I don't think I did. I kind of glanced at it. He
4 said a lot of probation officers are irate, other
5 staff I guess here, too.

6 Q. What did he tell you had been going on at
7 the court?

8 A. Any conversations we had -- I think any
9 conversations we've had never lasted more than ten
10 minutes, to my recollection. It was generally for
11 me to pass the information along, because my father
12 was curious as to what was going on. He was kind of
13 out of the loop since he had been gone for such a
14 long time.

15 Q. But what did Mr. Prisco say to you? What
16 did he tell you?

17 MR. KEHOE: Objection. When?

18 Q. This conversation you have described when
19 he showed you the letter of October 14 that's
20 Exhibit 16.

21 A. To my best recollection, it was just what I
22 just told you. It was a bunch of people had signed
23 a letter complaining that Assistant Chief Brown was
24 not doing her work, or they were angry or upset or

1 something like that. It wasn't more than a quick
2 conversation, really.

3 Q. In the year or so before October 14 of
4 2009, the date of this letter, did you have
5 conversations with anyone in the department other
6 than Mr. Prisco about Ms. Brown's performance or how
7 she was regarded in the department?

8 A. No, no. I don't ever remember after my
9 father leaving having any in-depth conversations
10 with anybody about the day-to-day operations of the
11 court.

12 Q. Have you ever spoken with anyone in Judge
13 Mulligan's office about this case?

14 A. Yes.

15 Q. Who have you spoken to?

16 A. Both Judge Mulligan and Dan Sullivan, his
17 legal counsel.

18 Q. And did you call them, or did they call
19 you?

20 A. No, they contacted me to let my father know
21 that this case was moving forward.

22 Q. Did you have discussions about the
23 substance of the case at all?

24 A. With Dan Sullivan and, I think if I

1 remember briefly, with Mulligan. We kind of talked
2 about some of the ambience of what was going on, not
3 any of the specifics. Then with Dan Sullivan, he
4 was kind of telling me everything going on. When
5 they called me, I called a friend of mine's
6 attorney. I said, "Should I even return this phone
7 call?" And they said, "Well, they probably just
8 want to pass the information on because they haven't
9 been able to get in touch with your father about the
10 case." Everything I talked about was relayed back
11 to my mother and my father.

12 Q. What did they say to you?

13 A. They just said this case was moving
14 forward. And Mulligan talked briefly, and then I
15 remember him saying, "I am going to put Dan Sullivan
16 on to kind of give you the" -- you know, "your
17 father is going to be represented by the Attorney
18 General's Office. It's a civil case." They largely
19 felt they were kind of -- I know they kept saying,
20 "What's going on with this thing? What are they
21 doing to dad?" I said, "I don't know."

22 Q. From what you just said to me, I am going
23 to suggest that that sounds like a conversation that
24 happened when the lawsuit was first filed. Am I

1 right?

2 A. When was the lawsuit first filed?

3 Q. 2007.

4 A. I believe this conversation -- I don't
5 remember, but I remember Mulligan calling me to tell
6 me that the suit was moving forward and that they
7 weren't able to get in touch with my father. And
8 then he put Sullivan on the phone to tell me what
9 was going on.

10 Q. Was there more than one conversation such
11 as you have described?

12 A. Sullivan called me a few other times to let
13 me know what was going on, to tell my father.

14 Q. Were these more than progress reports?

15 MR. KEHOE: Objection.

16 A. No.

17 Q. Was there any discussion of the facts of
18 the case?

19 A. Of this case?

20 Q. Yes.

21 A. Not to my recollection. To my
22 recollection, Dan Sullivan anytime we talked was
23 telling me what was happening with the case to be
24 relayed to my father.

1 Q. That was the extent of the conversation?

2 A. To the best of my recollection, those -- it
3 was -- you know, he said -- the facts of this case?
4 No. Some of the personalities, some of the -- I
5 remember relaying to him some of my father's
6 frustrations with some of the folks he worked with,
7 things like that. But it was never any -- I mean I
8 don't remember it more than that. Sullivan was kind
9 of getting me up to speed. We kind of bantered back
10 and forth. I remember him saying, "Jeez, I
11 think" -- you know, my father said he didn't do
12 anything wrong.

13 Q. Did he ask you about any of the specific
14 factual allegations of the case or about specific
15 events?

16 A. Well, you know what? I remember relaying
17 some of the things about what Coffey did to my
18 father to him; I do remember that. And I remember
19 Sullivan called me up ahead of time to tell me I was
20 going to be subpoenaed. He said, "Gee, Coffey is --
21 she's bringing your name up now." I said, "What do
22 I have to do with any of this?" Sullivan was the
23 one who called me. I thought that was kind of odd.
24 I guess, I don't know, it's kind of surprised at

1 that. We definitely -- any knowledge I have, as
2 I've said to anyone, is based on generally my father
3 blowing off steam talking to me around the dinner
4 table. I lived at home until I got married two
5 years ago. I am the youngest of six kids, the last
6 one at home, so...

7 MR. MARGOLIS: I have nothing more.

8 CROSS-EXAMINATION

9 BY MR. KEHOE:

10 Q. Mr. Rush, going back to Attorney Margolis's
11 questions about your political campaigns --

12 A. Yes.

13 Q. -- and the involvement in those campaigns
14 of William Joyce, Kevin Brennan and Brad McNichols,
15 do you recall those questions?

16 A. I do, yes.

17 Q. Do you recall being asked whether any of
18 those people had made campaign contributions to your
19 campaign?

20 A. I do, yes.

21 Q. Now, let's take them one at a time. Do you
22 have any present recollection of whether Bill Joyce
23 had made any contributions?

24 A. I believe he has. And anyone who has given

1 me a dime, it's all public record on my OCPF. I'm
2 sure you have probably looked at it already.

3 Q. How about Kevin Brennan; has he contributed
4 to your campaign?

5 A. Not to my recollection.

6 Q. How do campaign contributions come into
7 your campaign and get recorded?

8 A. When people make a donation to my campaign,
9 they go to a P.O. box. My volunteer campaign
10 treasurer checks the box on a regular basis. If
11 people give a donation, it generally gets put into
12 the bank account. It gets logged into a computer
13 system for the Office of Campaign Political Finance,
14 and then I generally have a volunteer send out a
15 thank you note.

16 Q. Who is your present campaign treasurer?

17 A. John DiNapoli. He's a retired
18 schoolteacher.

19 Q. Who preceded him in that position?

20 A. Jack Becker.

21 Q. When did Mr. Becker become your treasurer?

22 A. He was my original. He was my treasurer
23 from 2002 through maybe 2004, I think, and then John
24 DiNapoli took over.

1 Q. How do you become informed of who has
2 contributed to your campaign?

3 A. When I get the time, I will look through,
4 but it doesn't always happen. I can go quite some
5 period of time without combing over who gives me a
6 dime.

7 Q. You might review a list from time to time?

8 A. Off and on.

9 Q. And you might or might not remember today
10 what was on the list that you last looked at?

11 A. I have -- there's a -- from the time I've
12 been in office, it's about this thick, the list.
13 (indicating).

14 Q. How thick is that in inches?

15 A. Inch and a half.

16 Q. Inch and a half thick, the list. Okay.

17 MR. KEHOE: I have no other questions.

18 (Whereupon, the deposition was
19 concluded at 2:49 p.m.)
20
21
22
23
24

C E R T I F I C A T E

I, MICHAEL FRANCIS RUSH, do hereby certify that I have read the foregoing transcript of my testimony, and further certify under the pains and penalties of perjury that said transcript (with/without) suggested corrections is a true and accurate record of said testimony.

Dated at _____, this ____ day of _____, 2010.

1 COMMONWEALTH OF MASSACHUSETTS)

2 SUFFOLK, SS.)

3 I, Nancy M. Kingsbury, Registered Professional
4 Reporter and Notary Public in and for the
5 Commonwealth of Massachusetts, hereby certify that
6 there came before me on the 22nd day of January,
7 2010, at 2:00 p.m., the person hereinbefore named,
8 who was by me duly sworn to testify to the truth and
9 nothing but the truth of his knowledge touching and
10 concerning the matters in controversy in this cause;
11 that he was thereupon examined upon his oath, and
12 his examination reduced to typewriting under my
13 direction; and that the deposition is a true record
14 of the testimony given by the witness.

15 I further certify that I am neither attorney or
16 counsel for, nor related to or employed by, any
17 attorney or counsel employed by the parties hereto
18 or financially interested in the action.

19 In witness whereof, I have hereunto set my hand
20 and affixed my notarial seal this ____ day of
21 February, 2010.

22 _____
23 Notary Public

24 My commission expires 11/5/2015

D I S C L A I M E R

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