



Transcript of the Deposition of
Alexander Gray

Case: Alexander Gray v. City of Evanston; et al.
Taken On: December 8, 2023

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHEASTERN DISTRICT OF ILLINOIS
EASTERN DIVISION

The deposition of ALEXANDER GRAY taken via videoconference before Melina Colak, Certified Shorthand Reporter, taken pursuant to the provisions of the Illinois Code of Civil Procedure and the Rules of the Supreme Court thereof pertaining to the taking of depositions for the purpose of discovery, commencing at 1:00 p.m. on the 8th day of December, 2023.

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1 APPEARANCES (via videoconference):

2 KENNETH N. FLAXMAN, P.C.
3 MR. KENNETH N. FLAXMAN
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6 Chicago, Illinois 60604
7 Phone: 312.427.3200
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9
10 On behalf of the Plaintiff;

11 LEINENWEBER DAFFADA & SANSONETTI LLC
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16 Phone: 312.380.6635
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18 On behalf of the Defendants.

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1

I N D E X

2

WITNESS

PAGE

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ALEXANDER GRAY

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Examination by Mr. Daffada..... 4

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(NO EXHIBITS MARKED)

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1 (Witness sworn.)

2 WHEREUPON:

3 ALEXANDER GRAY,

4 called as a witness herein, having been first duly
5 sworn, was examined and testified via videoconference as
6 follows:

7 EXAMINATION

8 BY MR. DAFFADA:

9 Q. Good morning, Mr. Gray. My name is James
10 Daffada. I represent the City of Evanston and the
11 officers that are defendants in this case.

12 Could you please state your full name and
13 spell your last name, please?

14 A. It's Alexander Peter Gray. Last name,
15 G-R-A-Y.

16 Q. And your date of birth?

17 A. 10-27-73.

18 Q. Mr. Gray, have you given a deposition before?

19 A. No, I have not.

20 Q. Okay. During this deposition, I'm going to be
21 asking you questions and asking you to give me answers.

22 Are you on any medication or any other reason
23 that would preclude you from being able to give me
24 truthful, responsive answers?

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1 A. No.

2 Q. Okay. When I ask you a question, you may not
3 hear it because we're on video. And I may give you a
4 bad question -- you know, you don't understand it. If
5 that happens, will you let me know?

6 A. Yes.

7 Q. Okay. Do you understand that you can take a
8 break at any time as long as there's not a question
9 pending at the time?

10 In other words, I have a question and you have
11 not answered it. You need to answer it before taking a
12 break. Do you understand that?

13 A. I do.

14 Q. All right. Great.

15 One final rule -- we call them rules, but
16 they're not rules. Your answers to my questions have to
17 be audible. Oftentimes, I'll ask a question that might
18 be a yes or no. And by force of habit, sometimes we
19 just shake our heads or say uh-huh.

20 In order to get a good record, will you give
21 full answers and try to avoid those?

22 A. Yes.

23 Q. Thank you. Prior to this deposition, can
24 you -- Did you review any materials?

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1 A. Yes, I did.

2 Q. **What were those materials?**

3 A. The interrogatories; the body cam footage; and
4 the depositions by the Evanston Police Department
5 officers.

6 Q. **With respect to the body cam footage, did you
7 review selected videos or all of them or...**

8 A. I reviewed bits and pieces of them from what I
9 felt I could handle.

10 Q. **Okay. With respect to your interrogatories,
11 is there anything in there after your review that you
12 feel is not accurate?**

13 A. No.

14 Q. **Is there anything you would like to change or
15 add to those interrogatories?**

16 A. No.

17 Q. **In your interrogatories, you indicated that
18 your fiancee is named Jeanette Hudon.**

19 A. Yeah. Hudon.

20 Q. Hudon. Okay. And that she called the police
21 department to get a copy of the police report. Did she
22 do that on your behalf?

23 A. She did.

24 Q. Okay. And do you know who she spoke to at the

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1 **police department?**

2 A. I don't know.

3 **Q. Did she receive a copy of the police report?**

4 A. She did.

5 **Q. And she provided it to you?**

6 A. She did.

7 **Q. And you also indicate she called your**
8 **alderman, Melissa Wynne. How do you know that?**

9 A. She -- I was there when she did it.

10 **Q. What did she tell -- If you were there --**
11 **What -- Were you on the phone?**

12 A. No. I was just in the room.

13 **Q. Do you recall what Ms. Hudon said to**
14 **Ms. Wynn?**

15 A. She explained what had happened. So she told
16 them the story of what happened.

17 **Q. And did she ask her for anything?**

18 A. She did not. I'm sorry. Did who ask who?

19 **Q. Did Ms. Hudon ask Ms. Wynn any questions?**

20 A. She -- I don't remember. I don't recall if
21 she did.

22 **Q. Do you know the purpose of calling Ms. -- the**
23 **alderman -- Wynn for -- Ms. Hudon calling Ms. Wynn?**

24 A. I think she wanted to just make sure that she

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1 was aware of what happened in her district.

2 A. Okay.

3 Q. **With respect -- Did Ms. Hudon submit a Freedom**
4 **of Information Act request to the City of Evanston?**

5 A. On my behalf, she did.

6 Q. **She did. Okay. And that is the source of the**
7 **videos that you watched prior to this deposition; is**
8 **that right?**

9 A. Correct, yes.

10 Q. **Taking you back to March 31, 2021, just**
11 **immediately prior to the incident. Can you, generally,**
12 **tell me what you were doing at the time? Not the whole**
13 **day. I'm just talking about 10, 15, 20 minutes before.**

14 A. Sure. Yeah. I just finished up with a bunch
15 of conference calls for work. And at that time, I was a
16 smoker, so I decided to finally take a break and go
17 smoke a cigarette. So I smoked a cigarette and made a
18 couple calls to some friends and then decided to have
19 one more cigarette. And that's when this began. So...

20 Q. **And do you recall when an officer initially**
21 **approached you?**

22 A. Yes, I do.

23 Q. **And when you first noticed the officer, were**
24 **you on the phone at the time?**

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1 A. No, I don't believe so. It's hard to
2 remember. I don't think I was, actually.

3 **Q. And did you have a cellphone in your hands?**

4 A. Probably. Probably. Yes.

5 **Q. I'm going to show you -- In your answers to**
6 **interrogatory, you indicated that you felt pain when you**
7 **were -- I'm going to quote:**

8 **"I felt pain when I was forced to lay on the**
9 **ground and when the officers forced me to stand up while**
10 **I remained handcuffed."**

11 **Do you still have pain from that incident?**

12 A. I have recurring, like, hip and knee pain.
13 Just minor, yes, but I do.

14 **Q. Is there anything that -- Is it constant or**
15 **does it come at different times?**

16 A. Comes at different times.

17 **Q. Is there anything that triggers it that you're**
18 **aware of?**

19 A. Sometimes stairs; walking for extended periods
20 of time.

21 **Q. Have you consulted with any medical**
22 **professionals about this condition?**

23 A. I have not.

24 **Q. Has it gotten -- Since the incident, has it**

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1 **progressed to be more often or less often?**

2 A. About the same.

3 **Q. About the same. And you also indicated that**
4 **you have reoccurring memories and flashbacks of the**
5 **incident. Can you describe those?**

6 A. Sure. So some of them are dreams --
7 nightmares. And most of them are just what I just think
8 about at night. I envision it going a different way.
9 And usually due to -- you know, being shot.

10 **Q. I'm sorry. I didn't hear.**

11 A. I -- I think about it as being shot or how
12 close I was to being shot.

13 **Q. How often do you have dreams about this**
14 **incident?**

15 A. I would have to say maybe once or twice a
16 month.

17 **Q. And it's been continuing since the incident?**

18 A. Yeah. Yeah. Pretty much, yes.

19 **Q. Okay. And do you -- sought any medical --**
20 **consulted with any medical professionals about these**
21 **dreams?**

22 A. Well, I currently have a psychiatrist that
23 I've had prior to this. And then -- So I've -- We've
24 had discussions about it.

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1 **Q. What's your psychiatrist's name?**

2 A. Well, that's a good question. My -- Well, the
3 original doctor was Dr. McNeil -- David McNeil. But he
4 had just retired, and I have a new doctor who I have
5 only seen once. But he wasn't the one that I had a
6 conversation with. It was with Dr. McNeil.

7 **Q. Dr. McNeil, is he affiliated with any
8 hospital?**

9 A. No. I don't believe so, but their office now
10 has been taken under GoHealth. GoHealth is who they are
11 affiliated with now, but I don't believe he was
12 affiliated with a hospital.

13 I guess maybe the better answer would be is I
14 didn't go see him initially through a hospital system,
15 if that makes sense.

16 **Q. Okay. So --**

17 A. So I would not know if he was affiliated with
18 the hospital. I didn't use those avenues.

19 **Q. Where does Dr. McNeil have an office?**

20 A. Arlington Heights. No. I apologize. Buffalo
21 Grove.

22 **Q. Did you travel to Buffalo Grove to see him?**

23 A. Prior to COVID, yes.

24 **Q. Since the incidents --**

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1 A. No. No. Because they were only doing
2 telehealth.

3 **Q. So your consults with him -- I don't know if**
4 **that's the right word -- your sessions with him -- they**
5 **were done virtually?**

6 A. Yes. At that time, yes.

7 **Q. How often did you have sessions?**

8 A. About once every three months.

9 **Q. How soon after the incident did you have a**
10 **session with Dr. McNeil?**

11 A. I don't recall how soon after. It would have
12 been within the three-month period most likely.

13 **Q. Do you recall when you saw him prior to the**
14 **incident?**

15 A. It would have been within the three-month
16 period if that helps. I don't remember dates like that,
17 but -- you know, it's periodic. It's probably a
18 three-month period, so...

19 **Q. And did he prescribe or advise you how to**
20 **treat or how to make these nightmares stop?**

21 A. No. No. He didn't prescribe any type of
22 medication for that.

23 **Q. Did he diagnose you with any condition --**

24 A. No.

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1 **Q. -- with respect to those dreams?**

2 A. No.

3 **Q. Did he diagnose you with post-traumatic stress**
4 **disorder?**

5 A. No, he did not.

6 **Q. You said you have a new treater. When was the**
7 **last time you saw Dr. McNeil?**

8 A. Probably -- I'd say around six months ago
9 probably. Maybe nine, maybe eight months because I've
10 had one appointment with the new doctor. And then prior
11 to that one was Dr. McNeil.

12 **Q. What's the primary purpose of your sessions?**

13 A. Just -- kind of just check-ins as far as on my
14 medication.

15 **Q. I'm sorry. Your medication?**

16 A. Yeah.

17 **Q. What type of medication is this?**

18 A. I have -- I take Adderall for ADHD, and I take
19 Xanax -- sorry -- for anxiety.

20 **Q. How often do you take Adderall?**

21 A. I take it three times a day. I'm prescribed
22 three times a day.

23 **Q. And the milligrams?**

24 A. 30.

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1 **Q. And how about Xanax?**

2 A. One milligram three times a day.

3 **Q. Would you have been taking the same**
4 **medications on the date of the incident?**

5 A. Yes.

6 **Q. With respect to Dr. McNeil, how -- You said**
7 **you had told him about your -- Did you tell him about**
8 **this incident?**

9 A. Yes, I did.

10 **Q. And you told him about the dreams you were**
11 **having; is that right?**

12 A. Yes.

13 **Q. How many -- In how many sessions do you think**
14 **you spoke to him about either one of those subjects?**

15 A. Probably, like, maybe one or two. Two or
16 three, maybe. I can't remember off the top of my head.
17 It's not something I bring up every session.

18 **Q. And how long are these sessions?**

19 A. 30 minutes roughly.

20 **Q. In this lawsuit, are you seeking damages --**
21 **part of your damages to recover any fees you might have**
22 **paid Dr. McNeil?**

23 A. No.

24 **Q. In your complaint -- your amended complaint**

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1 that you filed in this case -- one of the allegations is
2 that one of the officers -- in particular, Defendant
3 Rosenbaum -- pointed his assault rifle at you at
4 point-blank range; is that correct?

5 A. Yes.

6 Q. Okay. In your review of the videos, did you
7 see him -- Is that -- Is there a depiction of Officer
8 Rosenbaum pointing his assault rifle at you at
9 pointblank range?

10 A. Yes.

11 Q. And whose video did you believe that you saw
12 it in?

13 A. I don't recall.

14 Q. Did you see it on one occasion or just
15 multiple?

16 A. I remember it on one occasion.

17 Q. And the word "point-blank", what does that --
18 Can you tell me what that means to you?

19 A. I mean, to me, it means the gun was pointed
20 directly at me.

21 Q. The barrel of the gun?

22 A. Yes.

23 Q. And pointblank, is that -- How far away from
24 you?

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1 A. A few feet, maybe less.

2 **Q. And prior to seeing the videos -- Was this**
3 **while you were on the ground that you believe -- or you**
4 **say he pointed a gun?**

5 A. Yeah. That's when I saw it. During the
6 incident, I was on the ground. I did not even know that
7 there was other cops until I was on the ground, to be
8 honest with you.

9 **Q. So the first officer -- I should take that**
10 **back. Strike that.**

11 **When did you first know that there was an**
12 **assault rifle pointed at you? Is that from the video or**
13 **was it --**

14 A. Yes.

15 **Q. Okay.**

16 THE COURT REPORTER: I'm sorry. I'm just going to
17 interrupt real quick. If we could just speak one at a
18 time. It makes my job a whole lot easier if you just
19 wait for him to finish his question before you answer.
20 Thank you so much.

21 MR. DAFFADA: I should have told you this before we
22 started. You know how I told you the rules?

23 THE WITNESS: Yeah, yeah.

24 MR. DAFFADA: One of them is we're not supposed to

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1 talk over each other. It's my habit. Bad habits. I
2 apologize. You try not to do that, and I'll try not to
3 do that.

4 MR. FLAXMAN: Could we redo that question and
5 answer?

6 MR. DAFFADA: Can you read back that question and
7 answer?

8 THE COURT REPORTER: Sure.

9 (Record read as requested.)

10 BY MR. DAFFADA:

11 Q. **How long would you say the entire incident
12 lasted?**

13 A. Seemed to last around maybe 10, 15 minutes.

14 Q. **And there were multiple officers at the scene;
15 is that right?**

16 A. Yes.

17 Q. **Were the officers -- Do you believe the
18 officers were disrespectful to you at all?**

19 A. Not disrespectful, no.

20 Q. **Did they explain the reason why they asked you
21 to lay on the ground and had to search you?**

22 A. Not while -- not asked me to lay on the
23 ground, no. They just told me to get on the ground. It
24 wasn't until I got up, I believe -- if I recall -- that

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1 they told me.

2 MR. DAFFADA: I don't have any other questions,
3 Ken. That's about the fastest deposition I've ever had
4 to do.

5 THE WITNESS: You're welcome.

6 MR. FLAXMAN: I have no questions. We'll waive
7 signature. And if you would --

8 MR. DAFFADA: Pleasure to meet you, sir. I hope I
9 run into you in Evanston. Ken and I both live in
10 Evanston. I just found that out.

11 THE WITNESS: We all live in Evanston then.

12 MR. DAFFADA: Best of luck.

13 THE WITNESS: All right.

14 MR. DAFFADA: Thank you, Ken.

15 MR. FLAXMAN: Are you ordering?

16 MR. DAFFADA: Yes, I am.

17 MR. FLAXMAN: I would like a copy, please. Just a
18 PDF or e-tran.

19 (Deposition concluded at 1:26 p.m.)

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1 STATE OF WISCONSIN)
2) SS.
3 COUNTY OF KENOSHA)

4 I, Melina Colak, Certified Shorthand Reporter,
5 do hereby certify that on the 8th day of December, 2023,
6 the deposition of the witness, ALEXANDER GRAY, called by
7 the Defendant, was taken before me via videoconference,
8 reported stenographically, and was thereafter reduced to
9 typewriting under my direction.

10 The said deposition was taken via
11 videoconference; and there were present counsel as
12 previously set forth.

13 The said witness, ALEXANDER GRAY, was first
14 duly sworn to tell the truth, the whole truth, and
15 nothing but the truth, and was then examined upon oral
16 interrogatories.

17 I further certify that the foregoing is a
18 true, accurate, and complete record of the questions
19 asked of and answers made by the said witness, ALEXANDER
20 GRAY, on the date and at the time hereinabove referred
21 to.

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1 The signature of the witness, ALEXANDER GRAY,
2 was waived by agreement of counsel.

3 The undersigned is not interested in the
4 within case, nor of kin or counsel to any of the
5 parties.

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CSR No. 084-004960

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