

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI ERIC POSEY,) NO. CV28-22-5860) Plaintiff,)) vs.)) SUMMER BUSHNELL,)) Defendant.) VIDEOTAPED DEPOSITION OF SUMMER BUSHNELL Deposition upon oral examination of Summer Bushnell taken at the request of the Plaintiff, before Danelle Bungen, CSR, and Notary Public, at the law offices of Smith + Malek, 601 E. Front Avenue, Suite 304, Coeur d'Alene, Idaho, commencing at 9:00 A.M. on August 25, 2023, pursuant to the Idaho Rules of Civil Procedure.	Page 3 1 I N D E X 2 3 DEPONENT PAGE 4 5 SUMMER BUSHNELL 6 Examination by Ms. Olson 8 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
Page 2 1 APPEARANCES: 2 FOR THE PLAINTIFF: 3 STOEL RIVES Attorneys at Law 4 101 S. Capitol Boulevard - Suite 1900 Boise, Idaho 83702 5 BY: WENDY J. OLSON, ESQ. CORY M. CARONE, ESQ. 6 (208) 389-9000 7 8 FOR THE DEFENDANT: 9 BOYLES LAW Attorneys at Law 10 217 Cedar Street - Suite 312 Sandpoint, Idaho 83864 11 BY: D. COLTON BOYLES, ESQ. (208) 304-6852 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 4 1 E X H I B I T S 2 NO. DESCRIPTION PAGE 3 4 1 Facebook exchange between Summer BushnellHome and Facebook user 35 5 6 2 Facebook exchange between Summer BushnellHome and Facebook user 41 7 3 "Summer Bushnell commented on Clark's Diamond Jewelers's Photo" 43 8 9 4 Facebook exchange between Summer BushnellHome and John Sullivan 57 10 5 Video, Tab 37 88 11 6 Facebook exchange between Summer BushnellHome and Carla Mattare 95 12 13 7 Facebook exchange between Summer BushnellHome and Keith Boe 108 14 8 Facebook exchange between Summer BushnellHome and Kris Molnar 115 15 16 9 Facebook exchange between Summer BushnellHome and North Idaho News 120 17 10 Screenshots of text messages 127 18 11 Video, Tab 13 131 19 12 Color photo, Bates REV00005760 134 20 13 Color photo, Bates REV00005761 137 21 14 Color photo, Bates REV00005762 138 22 15 Color photo, Bates REV00005763 139 23 16 Facebook exchange between Summer BushnellHome and Dustin Hurst 143 24 25 17 Facebook exchange between Summer BushnellHome and Heather Johnson 150

Page 5			Page 7		
1	18	Facebook exchange between Summer BushnellHome and John Paul Webb	155	1	PROCEEDINGS
2				2	
3	19	Facebook exchange between Summer BushnellHome and Mary White	162	3	VIDEOGRAPHER: We're on the record at 9:08 on
4	20	The Bushnell Report page reply to Michael Brown	165	4	August 25th, 2023. Audio and video recording will
5				5	continue to take place unless all parties agree to go
6	21	The Bushnell Report page, public conversation with Max Lathrop	166	6	off the record.
7	22	Facebook exchange between Summer BushnellHome and Kelly Costello	170	7	This is Media Unit 1 of the videorecorded
8				8	deposition of Summer Bushnell. It's taken by the
9	23	Facebook exchange between Summer BushnellHome and Ronna Jones Snyder	174	9	Plaintiff in the matter of Eric Posey, Plaintiff, vs.
10	24	Facebook exchange between Summer BushnellHome and Allie Anderton	176	10	Summer Bushnell, Defendant. It's filed in the
11				11	District Court of the First Judicial District of the
12	25	Facebook exchange between Summer BushnellHome and Mona Mona	178	12	State of Idaho, In and For the County of Kootenai,
13	26	Video, Tab 43	182	13	Case No. CV28-22-5860. We are at Smith + Malek,
14	27	Page Vault documents, screenshots of video	192	14	601 E. Front Avenue, Suite 304, Coeur d'Alene, Idaho
15				15	83814.
16	28	Document dated June 30, 2022, City Attorney's Office - Public Information Release	197	16	My name is Robert Guier. I'm with Tucker &
17				17	Associates Court Reporting, 999 W. Main Street,
18	29	E-mail exchange, Somerton and Bushnell	201	18	Suite 100, Boise, Idaho 83702. I'm the videographer.
19	30	Facebook exchange between Summer BushnellHome and Beau Monde	203	19	The court reporter is Danelle Bungen, also with Tucker
20	31	Facebook exchange between Summer BushnellHome and Charlene Baron	206	20	& Associates.
21				21	Will counsel please introduce themselves?
22	32	Facebook exchange between Summer BushnellHome and Chris Kirk	211	22	MS. OLSON: Wendy Olson, Stole Rives, LLP, on
23	33	Screenshots of text messages between Summer Bushnell and Barbra	215	23	behalf of the Plaintiff Eric Posey, along with
24				24	Cory Carone, also from Stole Rives.
25	34	Facebook exchange between Summer BushnellHome and Bobby Wire-Roberson	218	25	MR. BOYLES: Colton Boyles, Boyles Law, PLLC,
Page 6			Page 8		
1	35	Facebook exchange between Summer BushnellHome and Daniella Cross	227	1	on behalf of Summer Bushnell.
2				2	VIDEOGRAPHER: Will the reporter please swear
3	36	Page Vault documents re Sheriff Kootenai County Media Release	232	3	the witness so we may proceed?
4	37	Page Vault document	236	4	
5	38	Page Vault documents, text messages	248	5	SUMMER BUSHNELL
6				6	was called as a witness by the Plaintiff, and having
7				7	been first duly sworn, was examined and testified as
8				8	follows:
9				9	
10				10	EXAMINATION
11				11	BY MS. OLSON:
12				12	Q. All right. Ms. Bushnell, will you please state your
13				13	full name and spell your last and middle for the
14				14	record, please?
15				15	A. Summer Catherine Bushnell.
16				16	Q. And Catherine --
17				17	A. "Summer" like the season, C-A-T-H-E-R-I-N-E, and
18				18	Bushnell is B, as in boy, U-S-H-N-E-L-L.
19				19	Q. And, Ms. Bushnell, my name is Wendy Olson. I'm one of
20				20	the attorneys that represents the Plaintiff Eric Posey
21				21	in this case, along with Cory Carone, who is here as
22				22	well.
23				23	Ms. Bushnell, you understand that you
24				24	received a Notice of Deposition requiring you to be
25				25	here this morning?

Page 9 1 A. Yes. 2 Q. And do you understand that a moment ago that you were 3 placed under oath by the court reporter and that you 4 have an obligation during this deposition to answer 5 questions truthfully and to the best of your ability? 6 A. Yeah. 7 Q. And do you understand that should you fail to do so, 8 you could be subject to penalties for perjury? 9 A. Yep. 10 Q. We have a court reporter and a videography -- 11 videographer, and so it will be real important that 12 you and I don't talk over the top of one another. 13 A. Okay. 14 Q. And so if you would wait until I finish my questions 15 to answer, and I'll do my best to wait till you've 16 responded to ask another question. Does that sound 17 fair? 18 A. Sounds good. 19 Q. The other thing that's important to remember in a 20 deposition, when you have a court reporter taking 21 things down, is if there's a question that you intend 22 to answer "yes," to use the word "yes;" and if there's 23 a question you intend to answer "no," to use the word 24 "no," and not do "uh-huh" or "huh-uh," shakes of head, 25 nods of head, because that makes it harder for the	Page 11 1 Q. All right. And then I -- tentatively we were planning 2 to break at least around at 10:45-ish so folks can 3 deal with parking. If you need a break before then, 4 let me know as well. Okay? 5 A. Sounds good. 6 Q. When I ask you questions, Mr. Boyles may object to 7 those questions. If he objects, you still have to 8 answer unless he specifically directs you not to 9 answer. Okay? 10 A. Sounds good. 11 Q. All right. Ms. Bushnell, what city do you currently 12 reside in? 13 A. Post Falls. 14 Q. And how long have you lived in Post Falls? 15 A. Since '09. 16 Q. And how long have you lived in the state of Idaho? 17 A. Since 2007. 18 Q. What city did you live in before moving to Post Falls 19 in 2009? 20 A. Coeur d'Alene. 21 Q. What is your highest level of education? 22 A. Bachelor's degree and then a teaching certificate. 23 Q. What -- from what institution did you receive your 24 Bachelor's degree? 25 A. University of Southern California.
Page 10 1 court reporter to take it down, even though that is 2 often the way people communicate. Does that make 3 sense? 4 A. Yes. 5 Q. Ms. Bushnell, if I ask a question that is not clear to 6 you, I would ask that you simply ask me to rephrase 7 it. Lawyers ask lots of bad and poor questions, and I 8 want to make sure that you understand the questions 9 that I'm asking so that you can respond to the best of 10 your ability. So if there's a question that's not 11 clear, ask me to rephrase it. Okay? 12 A. Okay. 13 Q. And so if you do answer a question, I'm going to 14 presume that you understood the question and you 15 intend to give an answer to the question I posed. 16 Does that sound fair? 17 A. Yes. 18 Q. And, Ms. Bushnell, the goal here is not to, you know, 19 hold anyone hostage, or to see if there's an endurance 20 contest to see who can last longer before we take a 21 break. So if you need to take a break, just let me 22 know and we'll take the break. I would ask only that 23 if there's a question that's pending that you answer 24 the question before we take the break. All right? 25 A. That makes sense.	Page 12 1 Q. And what is your Bachelor's degree in? 2 A. Communications. 3 Q. What year did you receive your Bachelor's degree in 4 Communication from the University of Southern 5 California? 6 A. I think it was '94. Could be -- I walked in '95, 7 though, so it would be end of '94, beginning of '95. 8 Q. And by "walk," you mean you went to the graduation -- 9 A. Yes. 10 Q. -- ceremony? 11 And then you said you have a teaching 12 certificate? Where did you get your teaching 13 certificate? 14 A. I did the classes required through Azusa Pacific 15 University, and then I had a teaching certificate in 16 California, and then in Texas. 17 Q. And are you currently employed? 18 A. I am a stay-at-home mom, and I do my Bushnell Report 19 as a hobby. 20 Q. All right. Sounds like you did some teaching for a 21 while, though, is that right? 22 A. Yes. But when we moved here, I had my first child and 23 I've been a stay-at-home mom. 24 Q. What -- Where have you taught? It sounds like Texas 25 and California.

Page 13 1 A. California, Texas, and I've done a little bit of 2 substitute teaching sporadically in Post Falls School 3 District. 4 Q. What subjects did you teach in California? 5 A. I was doing my teacher training, so it was elementary 6 school; and in Texas I did 7th grade math. 7 Q. And in your substitute teaching in Post Falls, has 8 that been at a variety of different -- 9 A. Yes. 10 Q. -- things? 11 A. Wherever they needed me. 12 COURT REPORTER: Excuse me. You guys are -- 13 THE WITNESS: Sorry. Going too fast or -- 14 COURT REPORTER: No. You're talking at the 15 same time. 16 THE WITNESS: Oh. Sorry. 17 COURT REPORTER: Okay. 18 Q. (BY MS. OLSON) And I think you were just responding, 19 in Post Falls it's been whenever they need you, is 20 that right? 21 A. Correct. 22 Q. What is the Bushnell Report? 23 A. My way to get out local news. 24 Q. And through what media or platform does the Bushnell 25 Report operate?	Page 15 1 2020, was there a separate website or was that 2 primarily through Facebook? 3 A. I think I did them both at about the same time. I 4 think I started with Facebook, and within a week or 5 two had my web page. 6 Q. Who developed your web page? 7 A. Me. 8 Q. What did you do to develop the web package? 9 A. I used the platform called WIX, W-I-X, used a template 10 they have. 11 Q. Do you have any background or training in computer 12 technology or information technology? 13 A. Well, I'm a tech-savvy person, my husband is a 14 computer programmer, so to me, I've -- it's not that 15 hard for me to do. I haven't had any formal training, 16 just playing around with it. 17 Q. Sort of on-the-job training? 18 A. Yeah. 19 Q. Does your husband assist you at all in the technology 20 required to operate the Bushnell Report? 21 A. Only with stuff that's related to domain names and DNS 22 stuff. 23 Q. What do you mean by "only stuff that's related to 24 domain names and, did you say, DES or DNS? 25 A. DNS.
Page 14 1 A. Mostly Facebook web page and various other social 2 media platforms. 3 Q. And when you say "web page," what do you mean? Is 4 there a Bushnell Report web page? So I go -- 5 A. Yes. 6 Q. So if I go to the internet and put in the little 7 Search bar "Bushnell Report," it would direct me -- 8 A. Correct. 9 Q. -- to a specific -- 10 COURT REPORTER: Excuse me. 11 THE WITNESS: Sorry. 12 COURT REPORTER: I'm not finishing your 13 question clearly. 14 Q. (BY MS. OLSON) -- it would direct me to a specific 15 website? 16 A. Yes. 17 Q. All right. When did you start the Bushnell Report? 18 A. 2020. 19 Q. All right. And why did you start the Bushnell Report? 20 A. Because of what was happening that year with the 21 pandemic and stuff. And then with, as local people 22 call it, Gun d'Alene, I knew that the mainstream media 23 would not report that accurately, so I started posting 24 events and different things online. 25 Q. And when you first started the Bushnell Report in	Page 16 1 Q. DNS. 2 A. So when you buy like the domain name, like Google.com, 3 you have to tell it "I want you display the 4 template." So for the Bushnell Report, I make the 5 template on WIX, and then I have it go to -- direct 6 towards the bushnellreport.com domain that I bought. 7 And occasionally that's above my tech level, so he 8 helps me with that. 9 Q. And is that -- is the Bushnell Report what you 10 basically do as a full-time job? 11 A. Full-time hobby. I don't know -- I haven't ever made 12 money off of it. 13 Q. And about how many hours per week do you spend on the 14 Bushnell Report? 15 A. I feel like it's very seasonal because a lot of it's 16 related to politics. So in the slow time of year, 17 20 hours. I can do 35 to 40 if it's -- like an 18 upcoming election November 7th, I'll post a lot more 19 going into October. 20 Q. And in the summer, let's say August of 2023, where we 21 are now, about how many hours a week are you spending 22 on the Bushnell Report? 23 A. Less than 20 would be my best guess. 24 Q. And you indicated you haven't really made any money at 25 it; is that correct?

Page 17 1 A. Correct. 2 Q. Have you attempted to make any money at it? 3 A. No. It's more of a labor of love. 4 Q. Are there any advertisers for the Bushnell Report? 5 A. No. 6 Q. Have you ever attempted to obtain advertisers for the 7 Bushnell Report? 8 A. I've had discussions with the gentleman that helps me 9 with my podcast that I do through Idaho Speaks, but 10 nothing's panned out. 11 Q. What discussions have you had about trying to get 12 advertising for the Bushnell Report with the person 13 who helps you with your podcast? 14 A. He wanted to get some ads in between. So most 15 podcasts that I'm familiar with, you'll have a little 16 ad break in the middle, or two; you know, one in the 17 beginning and one in the end. And he's had some 18 advertisers, but he was asking me for help to find 19 some for my part of the podcast. 20 Q. But how about for the Bushnell Report? Did he -- 21 Have you explored getting any advertisers for the 22 Bushnell Report? 23 A. No. 24 Q. Does anyone other than yourself provide direct content 25 for the Bushnell Report?	Page 19 1 provide content for? 2 A. Oh. Yes. 3 Q. What other websites do you work for or provide content 4 for? 5 A. Various local political campaigns. Would you like me 6 to be more specific than that? 7 Q. Yes, please. 8 A. Up until this week, I did web page maintenance for the 9 Kootenai County Republican Central Committee, 10 Northwest Property Owners Alliance, Ron Mendive, who's 11 a state legislator. I feel like I'm forgetting one or 12 two. 13 A non-profit a friend of my mine started 14 called Bestowing the Basics -- 15 COURT REPORTER: I'm sorry, "a friend of 16 mine" -- 17 THE WITNESS: -- who started a non-profit, I 18 help her with her web page. It's called Bestowing the 19 Basics. 20 Q. (BY MS. OLSON) What work did you do for the Kootenai 21 County Republican Central Committee? 22 A. I didn't have an official title. I would call it 23 website maintenance and social media management. 24 Q. And was that a paid position? 25 A. Yes.
Page 18 1 A. I occasionally will have concerned citizens give me 2 information or, "Hey, look at this article. Did you 3 see this in the local paper?" 4 Q. And how do you get that information from the concerned 5 citizens? 6 A. Usually it's either through my Gmail account, 7 summerbushnell@gmail.com, or through Facebook 8 Messenger. 9 Q. And do you communicate with -- do any communications 10 work for any other social media platforms? 11 A. That question doesn't make sense to me. What do you 12 mean? 13 Q. Sure. Well, do you do any work for any other social 14 media platforms? 15 A. I don't work for any social -- I don't work for 16 Facebook. I'm not sure what you're meaning. 17 Q. Like for any other sort of online -- maybe something 18 similar to the Bushnell Report -- any other website, 19 do you provide content or do work for any other -- any 20 kind of media entity? 21 A. I've -- I'm not -- I don't think so, but I'm still not 22 sure I'm understanding your question. 23 Q. So the Bushnell Report is a website, correct? 24 A. Yes. 25 Q. Are there any other websites that you do work for or	Page 20 1 Q. How much were you paid for the work you did for the 2 Kootenai County Republican Central Committee? 3 A. About \$6,000 a year. 4 Q. You said up until last week you were doing that? 5 A. Yes. 6 Q. How come you're not doing that anymore? 7 A. Because of what happened in my life earlier this year, 8 I just felt like I needed a break and, honestly, 9 they've grown beyond me. 10 Q. So it was your decision to leave that position? 11 A. Yeah; I let my contract expire. 12 Q. Do you have any website maintenance or communication 13 maintenance contracts with anybody else? 14 A. No, not at this time. 15 Q. How about the other entities that you mentioned? Was 16 it the Northwest -- Northwest Realtors Association? 17 A. No; Property Owners -- 18 Q. Property -- 19 A. -- Association. 20 Q. -- Owners Association. Did you have a contract with 21 them? 22 A. I've never had a contract with them. I did that as 23 volunteer. 24 Q. And how about for Mr. Mendive? 25 A. He -- I would call it mostly volunteer. He pays me

Page 21 1 maybe 200 bucks a year just to pay for the fees 2 related to the WIX page and then the domain name. 3 Q. And are there other entities that pay you for the work 4 that you do on their -- to do communications 5 maintenance or what type maintenance on their social 6 media platforms? 7 A. I am heading into another campaign season. I 8 haven't -- we haven't discussed payment yet, but I'll 9 be helping some local candidates for office coming 10 into this campaign season. 11 Q. Do you have any source of income other than the 12 sources that you've already identified? 13 A. Well, my husband works full time. 14 Q. How about you personally, any other sources of income? 15 A. No. 16 Q. Any assets? Do you own your own home? 17 A. I own my home, cars, electronics. 18 Q. Any property outside of the state of Idaho? 19 A. No. 20 Q. Any property other than your current residence in the 21 state of Idaho? 22 A. No. 23 Q. Do you run any other social media accounts besides the 24 Bushnell Report, and then you mentioned this podcast 25 you appear on? Anything other than that?	Page 23 1 Good luck spelling that one. He's a State 2 Representative, too. 3 I am still on the Kootenai County Republican 4 Central Committee social media, but I expect by 5 September 1st that the new company will take over 6 those admin roles. 7 Q. What is Bushnell Media? 8 A. That is -- I started that before the Bushnell Report. 9 That is where I post my income for my social media 10 management. 11 Q. When you say post your income, what do you mean by 12 that? 13 A. Reporting it to the State of Idaho and this IRS. 14 Q. What is this podcast that you said you provide content 15 for, that you work with another gentleman regarding? 16 A. It's called Idaho Speaks. 17 Q. Okay. And what is that? 18 A. It is a political podcast. There's various people 19 that speak on it. The guy that runs it is Ed Bejerna. 20 I think his last name is B-E-J-E-R-N-A. I may be 21 wrong in the spelling, though. So he asked me to 22 submit a podcast once a week. 23 Q. And how long have you been doing that? 24 A. I'd say about a year. 25 Q. And you mentioned earlier that he had discussed
Page 22 1 A. Yes. 2 Q. What -- 3 A. Quite a few. 4 Q. Okay. What else, what other media platforms do you 5 run? 6 A. Okay. So I think I know what the phrase is that's 7 confusing me. Media platforms would mean I run 8 Twitter or Facebook. When you say this to me now, I'm 9 understanding that that's not what you meant. 10 Q. All right. Well, then what -- 11 A. Yes. 12 Q. -- and we'll ask -- are there any other social media 13 accounts or outlets or any sort of content that you 14 put on social media or any other kind of media? 15 A. So for the Bushnell Report, I tend to post on 16 Facebook, Twitter that's now called X, Miwee, Minds, 17 Gettr and Gab. Those are all social media platforms. 18 Oh, and Instagram. And for other clients, it depends 19 on -- For politics, what I do, it's usually Facebook. 20 So like coming into this election season, I'm helping 21 Luke Summer campaign for Mayor of Hayden, 22 Tom Schaeffer for Hayden City Council. I still run 23 Ron Mendive's Facebook page. 24 I am what I would call a backup administrator 25 for Tony Wisniewski, I think I said his name right.	Page 24 1 getting advertisements for the podcast. Has that come 2 to fruition yet? 3 A. No. 4 Q. Do you receive any kind of income from the podcast? 5 A. No. 6 Q. Other than what we've already discussed, are there any 7 other social media accounts that either you have or 8 that you use that are sort of work social media 9 accounts? 10 A. If you don't mind, can I look at my phone? I'm not 11 remembering them all -- 12 Q. Sure. 13 A. -- off the top of my head. I can -- 14 Q. Yeah, we'll just let the record show that -- 15 A. Yeah. 16 Q. -- you looked at your phone and are identifying the 17 social media accounts, both personal and work, that 18 you have. 19 A. Um, my child's school Classical Christian Academy. 20 Tom -- and then the next one would be Tom Hanley, 21 Community Library Network Trustee. Kootenai County 22 Republican Women Federated. Bruce Mattare, 23 Commissioner. Let's see. I would call -- I'm a 24 backup administrator for Bonner County Republican 25 Women. The HOA I lived in, Riverside Harbor

Page 25 1 Homeowners Association. CDA School Levy. Lincoln Day 2 Dinner; that's the Facebook page for the Kootenai 3 County Republican Central Committee. Mike Waggoner, 4 North Idaho College Trustee. I'm a backup 5 administrator for Axe Force One. 6 Q. What is Axe Force One? 7 A. Ax Force One? You -- 8 Q. Ax Force One. 9 A. You throw the axes. I do do stuff besides politics. 10 Sandy for Hayden. Todd Banducci, NIC Trustee. 11 Elaine for CDA. There's more. Scott Cleveland for 12 United States Senate. Diana Sheridan for NIC Trustee. 13 Duke Johnson for Kootenai Hospital Board Trustee. 14 That looks like that's it. 15 Q. So those are all social media accounts that you -- 16 A. That's all Facebook accounts, yes. 17 Q. Okay. And are you reimbursed for your work on any of 18 those other than you've already described? 19 A. All the political ones I usually get a little bit of 20 reimbursement. Tony and Ron's, I do mostly volunteer. 21 Q. How about the ax-throwing place? 22 A. They actually have gone with a different person for 23 marketing that did more than I did, so they just left 24 me on as backup admin. That way if something were to 25 happen to their page, someone they know has access.	Page 27 1 Idaho. Anything like that? 2 A. No. I have interacted with him. I have him blocked 3 on Twitter because he's rude and doesn't want to have 4 an adult dialogue. 5 Q. I was just thinking of someone who -- 6 A. Yeah. 7 Q. -- who had a handle that wasn't a name. 8 A. I like to be direct and be me. 9 Q. And, Ms. Bushnell, have you in the course of discovery 10 in this case produced all social media profiles, 11 posts, and messages related in any way to Eric Posey 12 or the drag show at Pride in the Park from June of 13 2022? 14 A. Yes. 15 Q. Have you deleted, or are there any social media posts 16 that are no longer active or accessible, that are in 17 any way related to Mr. Posey or the drag performances 18 at Pride in the Park in June of 2022? 19 A. No. 20 Q. Ms. Bushnell, what did you do to prepare for your 21 deposition today? 22 A. Prior? And I talked with Colton because I've never 23 done this before, so I wasn't aware of the format, and 24 I read about it online to kind of know what the format 25 was.
Page 26 1 Q. All right. And are you reimbursed at all for that? 2 A. No. I'm just a friend that they trust in case 3 something goes wrong with their Facebook log-in. 4 Q. And how many of those did you start working on after 5 June of -- 11th of 2022? 6 A. I'm counting them. Sorry. 7 Three. 8 Q. Which ones? 9 A. Tom Hanley, Community Library Network Trustee. He 10 reached -- That campaign was in May, so he reached 11 out to me in January, February of this year. 12 Tom Schaeffer, and the Luke Summer page, 13 because that's for -- they reached out to me this 14 June. 15 Q. And those are all political -- 16 A. Yes, those three are political. 17 Q. What handles do you use on social media? You 18 personally. 19 A. I use my name. I think on Twitter it has to be 20 slightly different. I think I might have a number 21 after my name. 22 Q. Are there any that are no handles that you have that 23 are pseudonyms? 24 A. No. 25 Q. Like there's a guy on Twitter who goes by Angry North	Page 28 1 Q. You read online what a deposition is? 2 A. Yeah. There was a definition, and then I found a web 3 page that kind of went through what the process is. 4 Q. I asked a couple minutes ago whether you had deleted 5 any posts or anything like that. How about comments 6 that either you made to various social media posts or 7 that people made on your posts related to Mr. Posey or 8 Pride in the Park and the drag performance in June of 9 2022? Have you deleted any comments that you made or 10 that others made on your posts? 11 A. I am not a hundred percent sure on that. I'm sure I 12 either hid or deleted rude ones. There was a lot of 13 emotion afterwards. And my standard on the Bushnell 14 Report is if you cuss, I either hide your comment or I 15 block and then delete your comments. 16 Q. And was that only on the Bushnell Report that you did 17 that? 18 A. Yes. The other pages that I admitted depends on the 19 person that I'm doing it for. 20 Q. And when you say that you got rid of the rude ones and 21 there was a lot of emotion, what do you mean by that? 22 A. Well, a couple people put my address out publicly, so 23 I deleted that. 24 Q. Okay. And any other kinds of comments that you recall 25 deleting that you would consider rude or, I guess,

Page 29 1 cussing? 2 A. Probably. 3 Q. And what was the process you used to delete those? 4 Did you like delete them right away, or at the end of 5 the day you would go in and get rid of the ones that 6 weren't there? 7 A. I checked the social media accounts especially on 8 Facebook. I would assume that most of those would 9 have been on Facebook. It's very rare that I delete 10 stuff on other social media platforms. 11 Maybe on Twitter. Twitter and Facebook seem 12 to be where the rude people are. I would -- to me, 13 it's just, "Are you going to have a dialogue, or are 14 we going to cuss and attack?" 15 Q. What is your long-term goal or vision for the Bushnell 16 Report? 17 A. Just getting out local news that local mainstream 18 media won't cover. 19 Q. What do you mean by that? 20 A. They're not really covering some of the issues with 21 the Coeur d'Alene City budget, Urban Renewal, 22 different school district issues. They don't perceive 23 them to be worthy of print and I do. 24 Q. What do you consider to be the mainstream media in 25 this area?	Page 31 1 those don't have breakdown by that specific of a 2 location. 3 Q. What do you mean by "looking at monthly posts"? 4 A. Your Facebook will serve up for you how your monthly 5 posts are doing. 6 Q. And what do you mean by how your monthly posts are 7 doing? 8 A. It will show you how many people have looked at it. 9 Q. Why do you check that monthly to see how many people 10 have looked at your posts? 11 A. To see -- well, Facebook pushes it towards you like, 12 "Here's your monthly report," to see what really 13 resonated with my audience. 14 Q. And do you use those, that feedback that you get 15 through the monthly report, to make decisions about 16 content? 17 A. I would say 30 percent of the time. 18 Q. And why 30 percent of the time? 19 A. Because I tend to pray about what I'm going to post 20 and then look at what seems to be more immediate in 21 terms of what's really important at the time. 22 Q. Who do you see as your audience for the Bushnell 23 Report? 24 A. Kootenai County, Bonner County, the local area around 25 here.
Page 30 1 A. Coeur d'Alene Press, KXLY, KREM, those kind of people. 2 Q. How about North Idaho News? 3 A. I think they're kind of in between. 4 Q. Are you familiar with the Idaho Tribune? 5 A. Yes. 6 Q. Do you consider them to be a mainstream media source? 7 A. No. 8 Q. What do you consider them to be? 9 A. Anonymous bloggers with an agenda. 10 Q. Well, what is their agenda from your perspective? 11 A. To attack people they don't like. 12 Q. Do you have any -- Were you trying to get any 13 audience outside of the immediate Coeur d'Alene area? 14 A. I think it depends on what I've been covering. Like I 15 just posted the other day the whole issue with 16 Brandon Durge (ph) up in west Bonner County. I know 17 there's people throughout the state that do look at my 18 Bushnell Report. I tend to just focus on this area 19 and sometimes on Idaho politics. 20 Q. How do you know that there are people outside of the 21 immediate area who look at the Bushnell Report? 22 A. You can see that with Facebook analytics. It will 23 tell you what area they're from. 24 Q. How often do you consult the Facebook analytics? 25 A. Maybe twice a year. I'll look at monthly posts, but	Page 32 1 Q. If you find out that there are people from outside of 2 Kootenai County, Bonner County looking at your posts, 3 do you take any action with respect to repeating that 4 kind of content, not repeating that kind of content? 5 A. No. 6 Q. You paused for a second there like you had to think 7 about that. Is that -- You shook your head, so I 8 need you to give an -- 9 A. Oh. 10 Q. -- audible response. 11 A. No. 12 Q. Okay. Just a pause. 13 A. Yep. 14 Q. A few minutes ago I was asking you what you did to 15 prepare for your deposition, and you mentioned meeting 16 with Mr. Boyles and then looking something up on the 17 internet about how depositions work. Did you review 18 any documents? 19 A. No. 20 Q. Did you review any of your prior posts on the Bushnell 21 Report? 22 A. No. 23 Q. Did you review any videos or images? 24 A. No. 25 Q. Review any sort of object, document, anything at all?

Page 33 1 A. No. 2 Q. Did you do anything other than speak with Mr. Boyles 3 and look up what a deposition is on the internet? 4 A. Pray. 5 Q. When did you pray? 6 A. That I would speak the truth and that the day would go 7 on. 8 Q. I asked when you did that. 9 A. Oh. When. 10 Q. Um-hmm. 11 A. I thought you asked why. When. Yesterday evening. 12 Q. Ms. Bushnell, I want to take you back now to the 13 events that occurred in May and June of 2022. And at 14 that time frame, you were aware that Pride in the Park 15 was scheduled to occur on June 11th, correct? 16 A. Correct. 17 Q. And how did you first become aware of Pride in the 18 Park? 19 A. It's been going on for a couple years now. 20 Q. How do you first -- 21 A. At the beginning of June, they advertise it on 22 Facebook. 23 Q. Did you see advertisements for Pride in the Park for 24 June of 2022 on Facebook? 25 A. I don't know if it was a paid ad. I know that people	Page 35 1 Q. I'm going to -- Well, what exactly was your concern 2 regarding Pride in the Park? 3 A. That taxpayer money was being used to fund something 4 that's not neutral. I think taxpayer money should 5 stay out of most local events. 6 Q. Well, the businesses, they weren't -- I mean that 7 wasn't taxpayer money, correct? 8 A. Two of the businesses, Heritage Health, gets county 9 money, taxpayer money, and then Kootenai, Kootenai 10 Health, everybody around here calls it KMC, Kootenai 11 Medical Center, gets -- well, has gotten some taxpayer 12 money. So those were my two main concerns. But I did 13 contact private businesses, too. 14 Q. And why did you contact private businesses? 15 A. Well, some of the local banks, I was amazed that they 16 would support something so divisive. 17 Q. All right. I'm going to have the court reporter mark 18 what we'll have as Exhibit No. 1 to this deposition. 19 MS. OLSON: And, Mr. Boyles, this is -- 20 MR. BOYLES: Oh, thank you. 21 MS. OLSON: -- for you. 22 (Exhibit No. 1 - Facebook exchange between 23 Summer BushnellHome and Facebook user - 24 marked for identification.) 25 Q. (BY MS. OLSON) And, Ms. Bushnell, you have in front
Page 34 1 were sharing the graphic for the days' events, that 2 was going around. 3 Q. And what do you mean, "the graphic for the days' 4 events"? 5 A. It looked like a little flyer, digital flyer online, 6 the Pride in the Park sponsors, date, time, location. 7 Q. Prior to June of 2022, have you ever attended Pride in 8 the Park? 9 A. I have never attended Pride in the Park. 10 Q. Including in June of 2022? 11 A. Correct. 12 Q. When you say the flyer, the graphics for Pride in the 13 Park, what, if any, action did you take? 14 A. I expressed my concern that taxpayer money was being 15 used to fund that event. 16 Q. And how did you express your concern that taxpayer 17 money was being used to fund that event? 18 A. Posted -- posts on Facebook. 19 Q. Did you do anything else regarding taxpayer money 20 being used for that event? 21 A. I had contacted some of the local businesses by 22 e-mail, expressing my concern. 23 Q. And by contacting the local businesses, you mean 24 contacting the sponsors? 25 A. Yes.	Page 36 1 of what we've marked for identification purposes as 2 Exhibit No. 1 for this deposition. Do you recognize 3 that? 4 A. Yes. 5 Q. And what do you recognize that to be? 6 A. I think I had sent this to a person at a -- I'm not 7 sure why I used the word "volition," but maybe I did. 8 I think I had sent this to a -- I think it was like a 9 dress shop. 10 Q. And the dress shop didn't receive taxpayer money, 11 correct? 12 A. No. Correct. 13 Q. And on Exhibit No. 1, all we can see that it was sent 14 to "Facebook user" from you on June 8th of 2022, 15 correct? 16 A. Yes. 17 Q. And it says at the top "Summer BushnellHome." Is that 18 what appears at the top of your Facebook page? 19 A. Yes. 20 Q. All right. And this is an e-mail that you sent to -- 21 and you think this is a dress shop -- that says, 22 "Please consider pulling out of Pride in the Park on 23 Saturday. You guys have been great for our community. 24 This event is most likely in volition" -- Is it 25 possible you meant "violation" there?

Page 37 1 A. Yeah. 2 Q. -- "of laws on sexual exploitation of children. I 3 don't want you (sic) business mixed in with this." 4 A. Yes. There had been rumors that there would be a drag 5 performance. 6 Q. Well, in the flyer that you looked at, was there said 7 on it that there was going to be a drag performance at 8 Pride in the Park? 9 A. It said there was going to be dancing. That had never 10 been done before, from what I had heard online. 11 Q. How did you hear or become concerned that there was 12 going to be a drag performance? 13 A. Various people chatting around on the internet about 14 it, comments. 15 Q. And you think this was sent to a dress shop; is that 16 right? 17 A. That would be my best guess. 18 Q. Yeah. And why is that? Do you recall sending it 19 specifically to the dress shop? 20 A. I remember sending it to a private business, and a 21 bank, Kootenai Health, and Heritage Health. 22 Q. Okay. And why did you send it to this dress shop? 23 A. They tend to sponsor a lot of the prom dresses for 24 teenagers that can't afford a prom dress, and I 25 thought real highly of them, so --	Page 39 1 in the Park, correct? 2 A. Yeah. 3 Q. And I'm just trying to understand what your basis was 4 for believing something would be in violation of laws 5 of sexual exploitation of children. 6 A. Suggestive dancing in public. 7 Q. And you believe that suggestive dancing in public is 8 in violation of the laws of the state of Idaho? 9 A. Yes. 10 Q. In violation of the sexual exploitation laws in the 11 state of Idaho. 12 A. I don't believe I've ever referenced sexual 13 exploitation laws of children. I don't know if I'm 14 understanding the question. 15 Q. So if you look at Exhibit No. 1, you see that, and 16 this is the wording under the name "Summer Bushnell." 17 That's what you chose to write; is that right? 18 A. Yeah. 19 Q. And do you see the second -- the third sentence says, 20 "This event it's most likely in violation" -- which you 21 think is "violation of laws on sexual exploitation of 22 children;" correct? 23 A. Yep. 24 Q. So you -- Those are the words you chose to use. 25 A. Yes.
Page 38 1 Q. And did the fact that they were sponsoring Pride in 2 the Park change your thinking very highly of them? 3 A. Yeah, to just "average." 4 Q. Yeah. And you say, "This event is most likely in" -- 5 and I think you might have meant "violation of laws on 6 sexual exploitation of children." Why did you say 7 that? 8 A. I was concerned that there would be inappropriate 9 dancing in public with minor children there. 10 Q. And why were you concerned about that? 11 A. In my life experience, drag dancing is done in private 12 in a private business. I was concerned that this was 13 in a public park in a public place. 14 Q. And so your concern was -- before the event, your 15 concern was with the drag performance; is that right? 16 A. With minor children, yes. 17 Q. And why did you think it would be in violation of laws 18 on sexual exploitation of children? 19 A. Well, as in the video that we've discussed in 20 discovery, that certain types of dancing in public are 21 against Idaho law. 22 Q. Well, what kind of dancing in public is against Idaho 23 law? 24 A. I'd have to look up the statute. 25 Q. Well, this is a message that you sent prior to Pride	Page 40 1 Q. All right. So what -- I'm trying to understand what 2 you thought was going to be in violation of the laws 3 on sexual exploitation of children. 4 A. Well, later on I learned that it's the laws I 5 believe -- I'd have to look up the statute -- 6 obscenity and appropriateness of dancing in public. 7 Q. You think that that's against the law in the state of 8 Idaho? 9 A. It's in a statute, yeah. 10 Q. Had you looked up the laws prior to sending this -- 11 A. No. 12 Q. -- message? 13 So you were just, at that time, guessing? 14 A. Yes. 15 Q. And trying to get someone to stop supporting Pride in 16 the Park. 17 A. Expressing my opinion that they should, yes. 18 Q. Well, you expressed your opinion because you were 19 hoping that they, based on the expression of your 20 opinion, would stop sponsoring Pride in the Park; 21 correct? 22 A. I don't think one opinion would stop them from 23 expressing -- from supporting Pride in the Park. 24 Q. My question is if that was your objective, to try to 25 get them to stop supporting Pride in the Park.

Page 41 1 A. Correct. 2 Q. Let's take a look at what we'll mark as Exhibit No. 2. 3 And at the end of all this, the court reporter keeps 4 all the marked exhibits. You may want to just keep 5 them near you and then -- 6 A. Okay. 7 (Discussion off the record.) 8 (Exhibit No. 2 - Facebook exchange between 9 Summer BushnellHome and Facebook user - 10 marked for identification.) 11 Q. (BY MS. OLSON) And have you had a chance, 12 Ms. Bushnell, to take a look at what's been marked as 13 Exhibit No. 2? 14 A. I'm reading it right now. Yep. 15 Q. All right. And this is a separate message that you 16 sent to somebody who was a sponsor of Pride in the 17 Park for June of 2022; is that right? 18 A. Yep. Yes. 19 Q. Can you tell from looking at Exhibit No. 2 who you 20 sent this one to? 21 A. No. 22 Q. And your message here says, "Please consider pulling 23 out of Pride in the Park on Saturday. This event it's 24 most likely in volition (sic) of laws on sexual 25 exploitation of children. I don't want you (sic)	Page 43 1 A. No. That sounds like one of the automated messages 2 that you can set up for business accounts on Facebook. 3 Q. And you can recall sending this message to the dress 4 shop, which you think is the business in Exhibit 5 No. 1. 6 A. Correct. 7 Q. And then this one, Exhibit No. 2, you can't -- you 8 don't know who it's to. 9 Kootenai Health, correct? You also sent it 10 to Kootenai Health? 11 A. I do not believe that I sent it to Kootenai Health or 12 Heritage Health through Facebook. 13 Q. How did you send it to Kootenai Health or Heritage 14 Health? 15 A. I would have e-mailed them. 16 Q. And how about with respect to who you sent it to on 17 Facebook other than the dress shop, if you recall? 18 A. I do not recall. 19 Q. Let's take a look at Tab 5 and call that Exhibit 3. 20 (Exhibit No. 3 - "Summer Bushnell commented 21 on Clark's Diamond Jewelers's Photo" - marked 22 for identification.) 23 Q. (BY MS. OLSON) And, Ms. Bushnell, do you have Exhibit 24 No. 3 in front of you? 25 A. Yes.
Page 42 1 business mixed with this." Is that right? 2 A. Correct. 3 Q. And it looks like the last two sentences, "This event 4 it's most likely in volition (sic) of laws on sexual 5 exploitation on children," and, "I don't want you 6 (sic) business mixed in with this" is the exact same 7 verbiage including -- 8 A. Yes. 9 Q. -- typos and -- 10 A. Yes. 11 Q. -- other things that was -- 12 A. Yes. Sorry. 13 Q. -- that was -- that we saw in the message that's in 14 Exhibit No. 1; correct? 15 A. Correct. 16 Q. So did you just type things out and then sort of copy 17 and paste them to send to different -- 18 A. Correct. 19 Q. -- sponsors? 20 And the response here from "Facebook user" 21 is, "Thanks for messaging me. I'll get back to you as 22 soon as I can;" correct? 23 A. Correct. 24 Q. And that doesn't ring a bell as to who this might have 25 been sent to?	Page 44 1 Q. And do you recognize what that is? 2 A. Yes. 3 Q. What is that? 4 A. Well, it says "Clark's Diamond Jewelers's photo." 5 Q. Do you know what social media platform this was on? 6 A. The formatting looks like Facebook. 7 Q. And this language here in Exhibit No. 3, from your 8 comment on Clark Diamonds -- "Clark's Diamond 9 Jewelers's Photos," "Please consider pulling out of 10 Pride in the Park on Saturday. You guys have been 11 great for our community. This event it's most likely 12 in volition (sic) of laws on sexual exploitation of 13 children. I don't want you (sic) business mixed in 14 with this." That's the same language that we looked 15 at in Exhibit No. 1 on that Facebook Message exchange 16 you had with what you believe was the dress shop; is 17 that right? 18 A. Correct. 19 Q. All right. So "Clark's Diamond Jewelers's Photo," as 20 with the one we looked at in Exhibit 1, here were you 21 attempting to persuade them to pull out of Pride in 22 the Park? 23 A. Correct. 24 Q. And with Exhibit 2, I think I forgot to ask you that 25 question. The Facebook Message to a Facebook user

Page 45 1 where you got sort of an automatic response, were you 2 also trying to get that entity to pull out of 3 sponsoring Pride in the Park in June of 2022? 4 A. Correct. 5 Q. All right. So we've "Clark's Diamond Jewelers's 6 Photos," the one we don't know who it was, the dress 7 shop. Any other private businesses that you can 8 recall sending such a message to? 9 A. No. 10 Q. All right. And then you said that Kootenai Health and 11 the other one, Heritage Health, and you said you 12 e-mailed them; correct? 13 A. Correct. 14 Q. Do you know if you produced those e-mails in 15 discovery? 16 A. I could not find them when we went through discovery. 17 Q. Okay. Do you know what happened to them? 18 A. No. 19 Q. Do you recall whether you deleted them or not? 20 A. No. I do not delete e-mails. They just go into the, 21 I would call, the Junk file, the Trash file. 22 Q. Did you -- What efforts did you take to try to locate 23 those e-mails? 24 A. I did keyword searches on my e-mail accounts and I 25 down- -- well, I don't know if that would be	Page 47 1 Q. And you were also hoping that enough sponsors would 2 pull out and there wouldn't be Pride in the Park at 3 all; is that right? 4 A. No. 5 Q. You were okay with Pride in the Park? 6 A. If it did not involve the drag show, I do not care. 7 Q. And so it was the drag show that was the -- always the 8 target of your e-mails that you sent to sponsors; 9 correct? 10 A. Correct. 11 Q. And you would agree that at least with respect to 12 Clark's Jewelers and the dress shop, they're not 13 taxpayer-funded entities, correct? 14 A. Correct. 15 Q. So it's also fair to say that you didn't want any 16 private entities sponsoring Pride in the Park if it 17 meant there was going to be a drag show at Pride in 18 the Park; correct? 19 A. Correct. 20 Q. So on January 11th of 2022, that's the date of Pride 21 in the Park, correct? 22 A. January, no. 23 Q. Sorry. June 11th of 2022, that's the date of Pride in 24 the Park; correct? 25 A. Yes.
Page 46 1 Facebook-related. I did keyword searches, looked by 2 names, looked by business names. 3 Q. Did you -- 4 A. Looked up personal names for like their contact 5 e-mail, to make sure nothing was missed. 6 Q. Did you look for or do a keyword search for Kootenai 7 Health? 8 A. Correct. 9 Q. And did you do a keyword search for Heritage Health? 10 A. Correct. 11 Q. You have just no idea what happened to those e-mails. 12 A. No. 13 Q. Any other e-mails that you sent to sponsors for Pride 14 in the Park related to your concern about something 15 being in violation of Idaho's laws against the sexual 16 exploitation of children? 17 A. Not that I recall. 18 Q. All right. So you did not approve of their being a 19 drag show at Pride in the Park, is that fair to say? 20 A. Correct. 21 Q. And you wanted or were hoping that the drag show would 22 be canceled, or enough sponsors would withdraw so that 23 they couldn't have the drag show at Pride in the Park; 24 correct? 25 A. Correct.	Page 48 1 Q. All right. Walk me through your day on June 11th of 2 2022. What did you do? 3 A. Some of us had planned to do -- we'd done it for the 4 year before -- to just get together and talk about 5 when -- what we call Gun d'Alene locally. And so I 6 had conversed some friends about where we were going 7 to hang out, and I went down and got coffee from 8 what's used to be called Calypso's and now it's called 9 Life Coffee. 10 Q. All right. Let me stop you there for a second. So 11 when you say that you and others talked about getting 12 together related to Gun d'Alene, what do you mean by 13 that? 14 A. In 2020 Antifa came to town, like they had in Spokane, 15 and a bunch of people hung out downtown to deter them 16 from doing any destruction. 17 Q. So a bunch of people hung out downtown to deter Antifa 18 from doing any destruction? 19 A. Correct. 20 Q. What is your assertion that Antifa came to town in 21 2020 based on? 22 A. I personally saw Antifa members downtown on Sherman. 23 Q. How did you determine that there were -- the persons 24 you saw downtown on Sherman were Antifa members? 25 A. I had taken pictures to ask people and I'd interacted

Page 49 1 with protesters and other people I didn't know. 2 Q. And how did those actions of taking pictures and then 3 interacting with people you didn't know provide a 4 basis to conclude that people in downtown 5 Coeur d'Alene in 2020 were from Antifa? 6 MR. BOYLES: I would object to the relevancy, 7 also speculation. 8 You can answer the question. 9 THE WITNESS: I interacted with them and they 10 said they were Antifa. They'd also -- would also lie 11 and say they were local. When you asked them 12 questions that someone who lives in the county would 13 know, they could not answer them. 14 Q. (BY MS. OLSON) So you had people directly tell you 15 that they were from Antifa. 16 A. Correct. 17 Q. So in June of 2022 then you're going to get together 18 with some people related to Gun d'Alene. So what 19 exactly were you going to do? What was the plan? 20 A. Just hanging out and talking about memories of that 21 year. 22 Q. All right. And where were you planning to hang out? 23 A. We had planned out -- the previous year we'd been at 24 the pavilion at McEuen Field -- it's actually that way -- 25 (indicating) -- and so we were planning to hang out	Page 51 1 horrible at guessing distance. I would think one 2 football field. 3 Q. So it's the pavilion that's in, do you call it, McEuen 4 Park? 5 A. Yeah. 6 Q. And so it is to the -- it is near the Coeur d'Alene 7 Resort, correct? 8 A. It's between this building and the Coeur d'Alene 9 Resort. 10 Q. Okay. I'm trying to make sure we have a clear -- 11 A. Okay. 12 Q. -- identification because we have a written record 13 here and anyone reading this won't sit down and go, 14 "Oh, we were all in the conference room at Smith Malek 15 and she was pointing and we know exactly" -- 16 A. Sorry. 17 Q. -- "where you were." 18 COURT REPORTER: Excuse me. 19 THE WITNESS: Okay. 20 Q. (BY MS. OLSON) And from where you were, where was 21 Pride in the Park going on? 22 A. It's called City Park and it's near the band shell in 23 what everyone calls the "big wooden fort" that's in 24 that park. 25 Q. Closer to the campus of North Idaho College?
Page 50 1 there again. 2 Q. All right. And did you, in fact, do that on June the 3 11th of 2022? 4 A. Correct. 5 Q. Where did you go? 6 A. Oh. Like I was saying previously, I went and got 7 coffee at what's called Life Coffee, hung out with a 8 friend in that parking lot, and then drove over and 9 parked over here and walked down to the pavilion area. 10 Q. And when you say "drove over here and parked over 11 here," what do you mean? 12 A. Well, I stopped at Life Coffee, and then I parked I 13 would assume either in the 2-hour parking I'm in right 14 now -- I think, though, I had parked over near City 15 Hall and then walked across the park to the pavilion 16 area. 17 Q. All right. And you said the 2-hour parking you're in 18 now. Is that the 2-hour parking near the library or 19 the parking -- 20 A. No; right in front of this building. 21 Q. So right in front of the Smith Malek building on Front 22 Street in Coeur d'Alene? 23 A. Yeah. 24 Q. And the pavilion you went to, how far away was that? 25 A. It's -- actually, you can see it from here. I'm	Page 52 1 A. Yes. 2 Q. And kind of across the street from Paul Bunyan's 3 Burgers? 4 A. No. That's down further -- 5 Q. Okay. So -- 6 A. -- across -- across the street from the merry-go-round 7 and the baseball field. 8 Q. So you were not within visual distance of Pride in the 9 Park, correct? 10 A. Correct. 11 Q. What did you do after you got to the pavilion place 12 where you're going to meet with others regarding 13 Gun d'Alene? 14 A. Well, we had hung out and talked for a while. I do 15 not recall what time, at some point we started hearing 16 rumors about people getting arrested over on Northwest 17 Boulevard and that Antifa was over that way. So I got 18 in the car with a friend and we drove over that way to 19 see what was going on. 20 Q. Where did you drive to? 21 A. I drove and parked over -- it's between -- it's like 22 the merry-go-round, the baseball field, and then 23 there's a new skate park playground area, and I parked 24 in there. 25 Q. And where did you go after you parked in that area?

Page 53

- 1 A. We went over to the sidewalk near Northwest Boulevard
2 and we watched the Patriot Front gentlemen get
3 arrested.
4 **Q. Approximately how long were you there watching the**
5 **Patriot Front men get arrested?**
6 A. My best guess would be at least an hour.
7 **Q. Okay. And approximately what time of day was that?**
8 A. I would say early afternoon; 1 or 2 P.M. would be my
9 best guess.
10 **Q. All right. And you said there was someone else with**
11 **you. Who was that?**
12 A. A friend of mine. Her name's Janette (ph).
13 **Q. What is her last name?**
14 A. I think it's Delia, D-E-L-I-A.
15 **Q. And did she stay with you that entire time that you**
16 **were there watching the Patriot Front members get**
17 **arrested?**
18 A. Correct.
19 **Q. Did you have any conversations with anyone other than**
20 **your friend Janette while you were watching the**
21 **Patriot Front members get arrested?**
22 A. There was a friend, he does local videos, his name's
23 Casey Whalen.
24 **Q. What interaction did you have with him?**
25 A. He was filming with his videocamera everything, and he

Page 54

- 1 kept getting too close to the sheriffs that were
2 establishing a perimeter, so I told him to back off
3 and let them do their job.
4 **Q. What -- How long was Mr. Whalen with you at that**
5 **time?**
6 A. I would guess he was there about the same time. I
7 wasn't really paying attention to him. I was talking
8 with my friend. I do remember having a conversation
9 with someone else in the crowd and talking about how
10 those people were the people that were hateful.
11 **Q. What do you mean -- did you mean that those people**
12 **were the people that were hateful?**
13 A. I'd assumed because of the way they were dressed they
14 were there to cause a disturbance.
15 **Q. And are you talking about the Patriot Front people who**
16 **were being arrested?**
17 A. Correct.
18 **Q. Okay. Who was -- did you know the name of the person**
19 **that you talked to in the crowd?**
20 A. No. I know it was a -- I would -- 25-year-old-looking
21 woman.
22 **Q. And were you communicating with other people by phone,**
23 **or any other texting, talking while you were there?**
24 A. I think my husband had texted me at one point to ask
25 if I was okay because he had -- someone had said,

Page 55

- 1 "Hey, there's stuff going on downtown."
2 **Q. Okay. And after about the hour that you were there,**
3 **what did you do?**
4 A. I went back to McEuen Park and parked and went over to
5 the pavilion.
6 **Q. So when you walked -- I take it you walked back --**
7 A. No, I got back in my car and drove back.
8 **Q. Well, I was actually -- let me finish my question --**
9 A. Okay. Sorry.
10 **Q. -- first.**
11 **So you walked back from where you were on**
12 **Northwest Boulevard to the place that you had parked**
13 **near the new skate park and everything, is that right?**
14 A. Um-hmm. Correct.
15 **Q. Was your friend Janette with you that entire time?**
16 A. Correct.
17 **Q. What, if anything, did you observe as you were walking**
18 **from where you were near Northwest Boulevard back to**
19 **where you had parked your car?**
20 A. Not much. I parked right where there's parking that
21 butts almost directly up to Northwest Boulevard.
22 **Q. So you get back in your car, Janette gets back in with**
23 **you; is that right?**
24 A. Correct.
25 **Q. And then you went back -- came back over to McEuen**

Page 56

- 1 **Park and to the pavilion, correct?**
2 A. Correct.
3 **Q. During that time, were you communicating by phone or**
4 **otherwise with other people who had been either over**
5 **at Northwest Boulevard or in that vicinity?**
6 A. If I remember correctly, I would -- I don't think so.
7 **Q. And how much longer were you in the McEuen Park or**
8 **pavilion area?**
9 A. If I remember correctly, I think I left between 3 and
10 4.
11 **Q. Where did you go after that?**
12 A. Home.
13 **Q. What did you do when you got home?**
14 A. I made the video, because I was looking online and saw
15 people talking online, so I made the video to express
16 my opinion and try to give a more accurate picture of
17 what had happened.
18 **Q. When you said you made "the video," you made the**
19 **Bushnell Report video that became the subject of this**
20 **lawsuit?**
21 A. Correct.
22 **Q. All right. So you did not attend, you said, Pride in**
23 **the Park at all; correct?**
24 A. Correct.
25 **Q. And you didn't watch any portion of any drag show,**

Page 57 1 correct? 2 A. Correct. 3 Q. You did not watch any portion of Mr. Posey's 4 performance, correct? 5 A. Correct. 6 Q. Who is John Sullivan? 7 A. He is a gentleman that lives in Rathdrum that I've 8 become friends with through Facebook and have now 9 conversed with in person a few times. 10 Q. By the time of Pride in the Park in June of 2022, had 11 you met Mr. Sullivan in person? 12 A. No. 13 Q. You had only corresponded with him through social 14 media posts or something of that sort? 15 A. Correct. 16 Q. I'm going to have you -- 17 MS. OLSON: Yeah, we'll mark Tab 6 as 18 Exhibit 4. 19 (Exhibit No. 4 - Facebook exchange between 20 Summer BushnellHome and John Sullivan - 21 marked for identification.) 22 Q. (BY MS. OLSON) Ms. Bushnell, if you'd take a look at 23 Exhibit 4, do you recognize what that is? 24 A. Yes. 25 Q. And what is it?	Page 59 1 produced documents to us, they weren't Bates-stamped, 2 which is what we typically do in cases so you can 3 identify documents, and so our system, when we 4 processed them, calls this REV number to be assigned. 5 And within this document, if you would turn 6 to page 40, so it's REV00000443_0040. And do you have 7 that in front of you, Ms. Bushnell? At the top 8 there's a message from Mr. Sullivan that says, "I 9 don't know why this bust it was way out in front of me 10 and for the cars were all pulled over at the same time 11 by 3 to 4 police cars right there on Northwest 12 Boulevard exit." Do you see that? 13 A. Correct. 14 Q. Just to make sure we're looking at the same page here. 15 And, Ms. Bushnell, for these Facebook Message 16 exchanges, conversations, they go from most recent to 17 an earlier time, right? They're in reverse 18 chronological record? 19 A. Correct. 20 Q. If you would look on that page, page 40, about halfway 21 down there's a message from you on June 11th, 2020, 22 where you say, "I'm heading down to CDA in a bit. 23 Prayers appreciated;" correct? 24 A. Correct. 25 Q. And so that's the day that you were going down to
Page 58 1 A. My -- looks like my conversations with John Sullivan..... 2 through Facebook Messenger. 3 Q. Is he someone you correspond with through Facebook 4 Messenger pretty regularly? 5 A. Twice a month, maybe more, depends on the time of 6 year. 7 Q. And then you also said since then you've met him. 8 When did you -- where did you meet Mr. Sullivan? 9 A. I was doing a sign wave for Janice McGeachin and he 10 saw me and pulled over and introduced himself. 11 Q. And was that in May of last year? 12 A. I'm trying to remember the exact time frame and I'm 13 not remembering. 14 Q. Well, was it in advance of the Republican Primary in 15 2022? 16 A. It may have been April of 2022. So I was mistaken in 17 the previous statement. 18 Q. Yeah. And that was before, obviously, Pride in the 19 Park in 2022; correct? 20 A. Correct. 21 Q. All right. If I could direct your attention, if you 22 look in the lower right-hand corner of the document, 23 there are numbers that say REV, a bunches of zeroes, 24 and this one starts at 443. Do you see that? 25 And I'll represent to you that when you guys	Page 60 1 Pride in the Park -- excuse me -- going into downtown 2 Coeur d'Alene to McEuen Park and the pavilion; is that 3 right? 4 A. Correct. 5 Q. And this is consistent, I think, with what you just 6 described; the whole time you were there there's -- 7 you were at the arrest, but not at Pride in the Park 8 at all -- 9 A. Correct. 10 Q. -- is that right? 11 And if you'd take a look there at page 40 12 again sort of about -- 13 MR. CARONE: Page 39. 14 Q. (BY MS. OLSON) -- sorry -- page 39, so a little bit 15 later in your conversation with Mr. Sullivan. Did you 16 see him? Was he there at all? 17 A. I don't know. I did not interact with him. 18 Q. All right. And I guess sort of a third of the way 19 down on -- there's a message from you that says 20 June 11, 2022, 7:42:52 P.M., and you say, "It was just 21 a gathering of patriots;" correct? 22 A. Correct. Give me a moment to -- 23 Q. Sure. 24 A. -- read over this. 25 Okay. I'm done reading.

Page 61

1 Q. And that was at 7:42:52 P.M. you say, "It was just a
2 gathering of patriots;" correct?
3 A. Correct.
4 Q. And who were you referring -- or what were you
5 referring to as the "gathering of patriots"?
6 A. If you look down -- one, two, three, four -- I was
7 referring to where I say, "Gun d'Alene is at McEuen at
8 the pavilion."
9 Q. So that's the event you were actually at, was
10 Gun d'Alene for June of 2022?
11 A. Correct.
12 Q. Do you know why Gun d'Alene was set for the same day
13 as Pride in the Park?
14 A. No. I did not plan it. I assisted in letting people
15 know that we were doing that and did not realize until
16 closer to the event that they were on the same day.
17 Q. What did you mean by "I assisted in letting people
18 know that we were doing that"?
19 A. People that we knew had been at the original event in
20 2020, we would text them and say, "Hey, you want to
21 hang out?"
22 Q. And for "Gun d'Alene," what is that?
23 A. It's our way of remembering what happened in 2020 with
24 Antifa coming to town and us being down there to deter
25 them from doing anything, like destroying property.

Page 62

1 Q. All right. Well, is there any items or is there any
2 way you guys would identify yourselves as being part
3 of -- or participating in Gun d'Alene?
4 A. Well, for the people that came to the years after
5 2020, we all knew each other.
6 Q. Okay. Did you -- were you -- Did you bring guns with
7 you? Is that why it was called Gun d'Alene?
8 A. Correct.
9 Q. Okay. And so you brought guns with you?
10 A. Yeah. But I carry regularly.
11 Q. Okay. There was sort of two questions there and I
12 wasn't sure which one you were answering. So --
13 And then you say -- well, Mr. Sullivan
14 responds at 8:26:56 and says, "With your day
15 interesting or just so (sic)?" You see that?
16 A. Yep.
17 Q. And then you respond to him, "Good times," correct?
18 A. Correct.
19 Q. What did you mean by that, "Good times"?
20 A. It was nice to hang out at McEuen and talk with people
21 I hadn't seen I would say in almost a year.
22 Q. And a minute ago when you were describing what you did
23 in -- on June 11th, you said you made the video;
24 correct?
25 A. Correct.

Page 63

1 Q. What time of day did you do that?
2 A. I don't remember exactly. I would assume it was
3 around the same time. Maybe a little bit before or
4 after this conversation.
5 Q. What do you mean "a little bit after this
6 conversation"? What conversation are you talking
7 about?
8 A. The one on this paper, the John Sullivan.
9 Q. Yeah. So the Facebook Message exchange you were
10 having with John Sullivan that we see in Exhibit 4
11 around 7 -- 8:30 at night on June 11th?
12 A. Correct. That would be my best guess.
13 Q. All right. So you made the video later in the
14 evening; is that right?
15 A. Correct.
16 Q. How did you -- What information did you get that
17 caused you to make the video? You weren't there,
18 correct?
19 A. Correct.
20 Q. You had not seen it with your own eyes, correct?
21 A. Correct.
22 Q. How did you learn about anything that had happened
23 during the drag show at Pride in the Park?
24 A. I had seen posts online. Jeremy had sent me a link to
25 some footage that's now part of the lawsuit, too.

Page 64

1 Q. What post did you see online?
2 A. There were a lot of comments about people having shown
3 inappropriate parts in public at the park.
4 Q. Have you produced all of those comments that you saw
5 online in the course of this lawsuit?
6 A. I think so, yeah.
7 Q. The ones that you saw on June the 11th of 2022.
8 A. Correct.
9 Q. All right. And in those posts that you saw online
10 initially that expressed the concern, did you see
11 any -- were there any videos or photos associated with
12 that?
13 A. I'm not recalling specifically.
14 Q. You don't recall there being any specific videos or
15 picture, or you don't recall whether there was or was
16 not?
17 A. Was or was not.
18 Q. And then you referred to a person named Jeremy,
19 correct?
20 A. Correct.
21 Q. Who is that?
22 A. He is a local videographer.
23 Q. Do you know what his full name is?
24 A. Jeremy Ludd (ph).
25 Q. Is it possible his name is Jeremy Lokken?

Page 65

- 1 A. He -- I've looked him up, and I know we've had
2 discussions by that through Colton, and it appears
3 that his name is Lokken, and I referred to him as
4 Jeremy Ludd because that's how I knew him for a long
5 time.
6 **Q. How did you know him or through what means did you**
7 **know him as Jeremy Ludd?**
8 A. He had been taking a lot of video at various protests
9 and various political events previously.
10 **Q. Had you spoken to him at those prior events?**
11 A. Only briefly. We had gotten to know each other
12 filming various political events previous months.
13 **Q. Prior to June of 2022?**
14 A. Correct.
15 **Q. And how did you have contact with him? How did that**
16 **originate on June the 11th of 2022?**
17 A. I learned later in the day that people I knew, based
18 on their Facebook comments, had been at Pride in the
19 Park to see what was going to happen, and he was one
20 of them.
21 **Q. So he made comments on Facebook that he had been at**
22 **Pride in the Park?**
23 A. No; other people had.
24 **Q. Other people had done what?**
25 A. Said who was listed down there.

Page 66

- 1 **Q. So other people on Facebook said that Jeremy was down**
2 **there.**
3 A. Yes.
4 **Q. All right. So how did you get into contact with**
5 **Jeremy on June the 11th of 2022?**
6 A. I'm assuming I texted him, or he had texted me.
7 **Q. All right. Have you produced those texts in**
8 **connection with this litigation?**
9 A. I believe I have.
10 **Q. Do you recall who initiated the text communication,**
11 **you or Mr. -- or Jeremy?**
12 A. I do not.
13 **Q. What was that -- What was communicated in the text**
14 **exchange?**
15 A. If I'm remembering correctly, he said had footage he'd
16 want me to see.
17 **Q. Did he describe the footage at all in the text**
18 **communication you had with him?**
19 A. That there had been a wardrobe malfunction.
20 **Q. Is that the language that he used, was "wardrobe**
21 **malfunction"?**
22 A. Yeah.
23 **Q. All right. And did you then receive a communication**
24 **from Jeremy that had a video with it?**
25 A. I don't -- I don't remember if he sent me a link that

Page 67

- 1 day or a day after. But, yes.
2 **Q. Well, you made your post on Bushnell Report, I think**
3 **you said that evening, on June the 11th; correct?**
4 A. Yes. I believe so.
5 **Q. Did you have -- did you have the video at that time?**
6 A. I'm pretty sure I did.
7 **Q. And so you would have had to have received it by that**
8 **night, correct?**
9 A. Correct.
10 **Q. How did you receive the video that you used in your**
11 **Bushnell Report post?**
12 A. Usually when it's a longer video format, it's Google,
13 Google Drive link.
14 **Q. And in the course of producing discovery in this case,**
15 **did you go back and identify that you had received the**
16 **video through a Google Drive link?**
17 A. Correct.
18 **Q. And you -- Did you produce it from that Google Drive**
19 **link, to the best of your knowledge?**
20 A. Correct.
21 **Q. And is the video the first -- or the copy of the video**
22 **you got that you used in the Bushnell Report, is that**
23 **the video that you received from Jeremy Lokken?**
24 A. Can you rephrase that?
25 **Q. Sure. You did your Bushnell Report post on the night**

Page 68

- 1 **of June the 11th of 2022, correct?**
2 A. Correct.
3 **Q. And you used a video with it.**
4 A. Correct.
5 **Q. All right. Who did you get that video from?**
6 A. Jeremy.
7 **Q. So you got the video from Jeremy on June the 11th of**
8 **2022.**
9 A. Pretty sure, yes.
10 **Q. And -- well, if you -- if it's part of the Bushnell**
11 **Report blog post, is it -- or however you describe**
12 **that, your Bushnell Report on your web site -- is**
13 **there any other place you would have gotten the video**
14 **that you used with your initial posting?**
15 A. Can I ask a question to clarify --
16 **Q. Sure.**
17 A. -- for your question?
18 The video that I saw and the video I posted
19 online, one was there was no blur. The one I posted
20 online was blurred. So that's where I think my
21 confusion is with your question.
22 **Q. Okay. So there's a video that you post online where**
23 **you're talking to the camera, correct?**
24 A. Correct.
25 **Q. All right. And that's your initial post on the**

Page 69 1 Bushnell Report, correct? 2 A. Correct. 3 Q. All right. And in that talking to the camera, was 4 there a -- did you post the video with that? That's 5 my question. 6 A. No. 7 Q. Okay. At that time when you did your -- you were 8 talking to the camera, Bushnell Report, had you seen a 9 video of Mr. Posey's performance? 10 A. Correct. 11 Q. All right. And so you had -- by the time you made 12 that posting, you had received the video, correct? 13 A. Yes. 14 Q. All right. And the video that you received that you 15 were talking about in your June 11th posting, was that 16 an unedited video? 17 A. Correct. 18 Q. All right. And who did you get that video from? 19 A. Jeremy. 20 Q. All right. And then you talked about a blurred video. 21 A. Right. 22 Q. How did you get a blurred video? Or what happened to 23 the unedited video to get a blurred video? 24 A. Jeremy -- I can't remember -- I'm pretty sure it was 25 me. I'm familiar with YouTube's and Facebook's	Page 71 1 A. I saw one of his testicles. 2 Q. Did you see anything else? 3 A. I wasn't sure if I'd seen both testicles and part of 4 his penis. 5 Q. All right. When you say you saw one of his testicles, 6 how do you -- how were you able to tell it was one of 7 his testicles? 8 A. Flesh-colored. 9 Q. So you saw something that was flesh-colored and you 10 concluded that was his testicle, correct? 11 A. Correct; it was hanging down like a testicle would. 12 Q. All right. What do you mean by "it was hanging down 13 like a testicle would"? 14 A. Well, like with my husband, when you're naked, your 15 testicles hang below your penis. 16 Q. Okay. And how could you tell that it was a testicle? 17 A. It hung down like one would; it did not look like the 18 rest of what he was wearing. 19 Q. All right. And in looking at the video, is there 20 anything that you had to do? Did you have to enlarge 21 the video, or how were you able to tell? 22 A. I just slowed it down and watched it twice. 23 Q. Okay. And did you slow it -- Is there any reason you 24 slowed it down and watched it twice? 25 A. Because I -- the first time I was like, "Did I just
Page 70 1 policies on what you can and cannot show on their 2 platforms. And so I wanted to show the video, but I 3 wanted it blurred so I would not offend or get a 4 violation from Facebook. 5 Q. All right. So how did you then get a blurred or 6 edited version of the video? 7 A. I asked Jeremy to make one. 8 Q. All right. And he did that? 9 A. Correct. 10 Q. And then he provided that to you. 11 A. Correct. 12 Q. When did that occur? 13 A. I do not think it was that night. I believe it would 14 have been the next day. But I could be mistaken on 15 that. 16 Q. With respect to the video that you received on June 17 the 11th of 2022, did you watch it before you made 18 your -- the video that shows you talking to the 19 camera? 20 A. Correct. 21 Q. How many times did you watch it? 22 A. My best guess would be two or three times. 23 Q. And when you watched that, what did you see that you 24 thought was offensive such that you needed to go on 25 your -- the Bushnell Report and make your video?	Page 72 1 see what I thought I saw," and then go back to confirm 2 and slow down. 3 Q. Had Mr. Lokken said anything to you about what was 4 depicted in the video? 5 A. I had seen online concern expressed that -- 6 Q. Okay. That wasn't quite my question. Did Mr. Lokken 7 tell you anything about the video? 8 A. He said to look and see if I saw the wardrobe 9 malfunction that he did. 10 Q. All right. And that was by either text or some other 11 method of communication, correct? 12 A. Correct. 13 Q. And what did he mean by "wardrobe malfunction"? 14 A. I think he was thinking along the same line as me, 15 like did I just -- I can't believe I saw what I just 16 saw. 17 Q. Well, I'm trying to figure out the term wardrobe 18 malfunction. Are you referring to like an article of 19 clothing that, you know, broke, came undone? What do 20 you mean by that? 21 A. I think we were both in disbelief that we were seeing 22 a testicle. 23 Q. Well, I'm trying to understand like the "wardrobe" 24 part of it. So I'm trying -- Did it look to you like 25 there was an article of clothing that's broken?

Page 73 1 A. No. 2 Q. All right. Did it look to you like there was an 3 article of clothing that had slid over? 4 A. I think at that time I wasn't sure what had happened, 5 but something had gone wrong if I was able to see a 6 grown man's testicle on video. 7 Q. Um-hmm. And after you looked at the video and watched 8 it two or three times, you decided to do your piece on 9 the Bushnell Report; correct? 10 A. Correct. 11 Q. Did you confer with, other than what you saw on the 12 internet, anyone to determine whether that's in fact 13 what you had seen? 14 A. I believe I had my husband look at it. 15 Q. And did you have a conversation with your husband 16 about what was on there? 17 MR. BOYLES: Object to the spousal privilege. 18 MS. OLSON: It's a "yes" or "no" question. 19 MR. BOYLES: You can answer. 20 THE WITNESS: Say again. 21 Q. (BY MS. OLSON) Did you have a conversation with your 22 husband about what was on there? 23 A. Correct. 24 Q. Do you intend to call your husband as a witness in 25 this case?	Page 75 1 no idea that there were preparations made. I thought 2 they just put on underwear, and put on the dress, and 3 did their thing. 4 Q. Did you have any idea if they put on tights? 5 A. I had -- from the video, it looked like he was wearing 6 tights. 7 Q. And full tights, right? 8 A. I would describe them as like boxer briefs, kind of 9 like bicycle shorts. 10 Q. All right. And, well, how about tights like, you 11 know, pantyhose type of tights? Could you tell if he 12 had those on? 13 A. I could not tell. 14 Q. Did you see any hair on the legs? 15 A. No. 16 Q. You could tell that there was some sort of bicycle 17 shorts on, correct? 18 A. Correct. 19 Q. And the bicycle shorts were tight against the legs, 20 correct? 21 A. Correct. 22 Q. And tight around Mr. Posey generally, correct? 23 A. Correct. 24 Q. And you could tell from looking at the pictures that 25 he had tights on, correct?
Page 74 1 THE WITNESS: Colton? 2 MR. BOYLES: You can answer the question. 3 THE WITNESS: Okay. 4 No. 5 Q. (BY MS. OLSON) All right. Then I'm not going to ask 6 you any more questions about your conversation with 7 your husband in light of the privilege that Mr. Boyles 8 has asserted. But if he turns up as a witness, we'll 9 reopen the deposition. 10 MR. BOYLES: Understood. 11 THE WITNESS: Yep. 12 Q. (BY MS. OLSON) So you made -- made your video, put it 13 on the Bushnell Report. What, if any, other steps 14 before you posted it did you take to see whether -- to 15 determine whether or not there actually had been any 16 exposure during the performance? 17 A. I don't believe I took any other steps. I may have 18 prayed, and I think I took a while to just sit and 19 think about it. 20 Q. Did you -- did you do any research on the internet 21 about how drag performers prepare to do a show, 22 especially men who then perform as if they were women? 23 A. No. 24 Q. Why not? 25 A. Until we did the deposition a couple months ago, I had	Page 76 1 A. Correct. 2 Q. And could you tell whether he had underwear on? 3 A. I could not tell. 4 Q. Could you tell whether he had a leotard on over the 5 top of the shorts? 6 A. It looked like he did, yes. 7 Q. And what else do you recall about what Mr. Posey had on 8 based on your -- 9 A. He had -- 10 Q. -- recollection of the videos? 11 A. Had a dress on. 12 Q. And all of -- you're aware that he had all of that on 13 him at the time you first looked at the video, 14 correct? 15 A. Correct. 16 Q. So I'm trying to understand this wardrobe malfunction 17 thing. What are you asserting about how it's possible 18 that with all of that on, you could see still a 19 testicle? 20 A. That's why I watched it more than once, because I was 21 astonished at what I was seeing. 22 Q. All right. Well, I'm trying to understand how with 23 all of that, knowing he had all of that on, I'm just 24 trying to understand how you are thinking that he had 25 a testicle exposed.

Page 77 1 A. It was different colored, it was flesh-colored, and 2 everything else he had on was more bright or more 3 dark. 4 Q. Was the video that you looked at, essentially the part 5 where you're asserting that there was a testicle, did 6 you -- was that zoomed in, or was it from the distance 7 of where someone should be in the audience? 8 A. I -- Someone in the audience, and then later on we 9 had seen zoomed up. 10 Q. And so is it fair to say that Jeremy was -- he was not 11 on stage with Mr. Posey, correct? 12 A. Correct. 13 Q. He was in the audience -- 14 A. Correct. 15 Q. -- correct? 16 And was he to one side of the stage? 17 A. Correct. 18 Q. And did you look to see -- have you ever looked to see 19 how close that stage is toward the audience would be? 20 A. Yes. I've been there -- 21 Q. All right. 22 A. -- multiple times over the years. 23 Q. About how far away was Mr. Lokken, based on your 24 having seen the video not zoomed up, and been to the 25 stage and seen where Mr. Posey was, at the time you	Page 79 1 A. Correct. 2 Q. Did you receive any other copies of the video or any 3 other still shots from anyone other than Mr. Lokken? 4 A. Within a few days, I had asked Casey Whalen if he 5 could send me his footage from that event. He was 6 also there; different camera, different angle. 7 Q. And did Mr. Whalen send you video of Mr. Posey's 8 performance? 9 A. He sent me the entire time he was there. 10 Q. So this is the same Mr. Whalen who was doing the video 11 when you were at -- up watching on Northwest 12 Boulevard, near Northwest Boulevard, the Patriot Front 13 individuals get arrested; correct? 14 A. Correct. 15 Q. All right. And you got his video that included -- all 16 of that included the Patriot Front video? 17 A. No. I specifically asked him for his Pride in the 18 Park footage. 19 Q. All right. And he provided that to you? 20 A. Correct. 21 Q. How did he provide that to you? 22 A. Similar to how Jeremy did. He sent me a Google Drive 23 link, and he also sent me some links to his Rumble 24 channel because he had -- I was unaware at the time, 25 but he already been posting video related to Pride in
Page 78 1 say there was an exposure? How far away? 2 A. I'm horrible at judging distances. 10 to 15 feet 3 would be my best guess. 4 Q. All right. So as close as you are to the camera at 5 the other end of the table? 6 A. Maybe a smidge further back, maybe against the wall. 7 Q. All right. So you think Mr. Lokken was from within 8 where you are here to the wall at the end of the 9 conference room here at Smith Malek; correct? 10 A. Yes. 11 Q. And was the zoom feature on on Mr. Lokken's camera, 12 could you tell? 13 A. Based on the footage I saw, I would assume yes. 14 Q. All right. And when you looked at this footage, you 15 had already seen people posting on Facebook their 16 concerns about what they had seen at Pride in the 17 Park, correct? 18 A. Correct. 19 Q. Did you comment on any of those posts? 20 A. I believe I did, yes. 21 Q. And is it your position that then you've produced all 22 of those in discovery in this case? Is that right? 23 A. Correct. 24 Q. You personally did not take any videos or photoes 25 (ph) -- photos of Mr. Posey's performance, correct?	Page 80 1 the Park and Patriot Front. 2 Q. How did -- Well, when did you get Mr. Whalen's video 3 of Pride in the Park? 4 A. I believe it was a couple days later. 5 Q. So maybe June 13th or 14th of 2022? 6 A. That sounds about right. 7 Q. And the video that he sent you, you said there was 8 video of Pride in the Park? 9 A. Yes. 10 Q. What video -- what did that video of Pride in the Park 11 show? 12 A. It showed a different angle of all the events. 13 Q. All right. Well, what -- 14 A. More than just -- I think there were -- if I'm 15 remembering right, there were two other performers 16 that he basically recorded the whole time. 17 Q. Did his video that he produced show Mr. Posey? 18 A. Correct. 19 Q. And what angle did he have of Mr. Posey? 20 A. He was further off to the side. 21 Q. What do you mean by "further off to the side"? 22 A. It looked like, from the footage, that -- so if you're 23 staring right at the band shell, that Jeremy was on 24 one side and then Casey was on the other side, because 25 you could see Jeremy in Casey's footage and Casey in

Page 81 1 Jeremy's footage. 2 Q. And did you have to do anything special to get the 3 footage from Mr. Whalen? 4 A. No. 5 Q. You just asked him and he provided it? 6 A. Yep. 7 Q. All right. Did you watch the footage that 8 Casey Whalen provided? 9 A. I watched -- I went back through and watched the 10 entire thing; but at the time I was -- went to the 11 part specifically with the different dancers. 12 Q. All right. Well, my question was: Did you watch the 13 footage that Mr. Whalen provided? 14 A. Correct. 15 Q. Including the video of the people who were the 16 performers in the drag show at Pride in the Park? 17 A. Correct. 18 Q. And in watching Mr. Whalen's video, did you see 19 anything that concerned you similar to the assertion 20 you made regarding what you saw in Mr. Lokken's video? 21 A. I did not see the testicle, but from his video you 22 could see a bunch of the children in the audience gasp 23 at about the same time I had seen the testicle in 24 Jeremy's footage, if that makes sense. 25 Q. How were you able to determine that in Casey Whalen's	Page 83 1 A. Because Casey Whalen was there, we were both watching 2 the Patriot Front people get arrested. And I went 3 back to McEuen Field, and I had assumed that Casey 4 went back to continue to record Pride in the Park. 5 Q. In Mr. Whalen's video, did it record all of the drag 6 performances that occurred during Pride in the Park? 7 A. Correct. 8 Q. And how many times -- How many different performers 9 were there? 10 A. I think there were three. 11 Q. And how many times did each of them perform? 12 A. I think two of the three performers had -- went twice. 13 Q. Okay. Which of the -- which of the performers went 14 twice? 15 A. Mr. Posey went twice, and then there was another 16 person in a yellow dress that performed twice. 17 Q. All right. And did you watch both of Mr. Posey's 18 performances on Casey Whalen's video? 19 A. Yes. 20 Q. Okay. And in which of the performances are you 21 asserting that there was exposure? 22 A. His first one. 23 Q. Were the performances identical? 24 A. No. 25 Q. With respect to this video that you got from
Page 82 1 footage you can see the children gasping at about the 2 same time you could see the testicle in Mr. Lokken's 3 video? 4 A. Mr. Posey walked around the stage and it was about the 5 same point where he came to the front of the stage, 6 and then went backwards. 7 Q. Yeah. Do you know -- All right. And so you could 8 see the entire performance from both angles, and you 9 think those two match up; correct? 10 A. Correct. 11 Q. But just to make sure I understand, in Mr. Whalen's 12 video you don't see any exposure; correct? 13 A. Correct. 14 Q. All right. So all of the alleged exposure happened on 15 the side of the stage that Mr. Lokken was on, right? 16 A. Correct. 17 Q. And you got both the unedited footage from Mr. Lokken, 18 and then he sent you a copy with the image blurred -- 19 A. Correct. 20 Q. -- correct? 21 Do you recall what time of day it was that 22 Mr. Posey performed at Pride in the Park? 23 A. No. I think I assumed it was after the Patriot Front. 24 Q. And why did you assume that it was after the Patriot 25 Front?	Page 84 1 Mr. Whalen, that you just had to call him up and ask 2 for it, do you know what his purpose was there to 3 videotape everything, what he was doing there? 4 A. I can guess as to why he was there. He always showed 5 up to events to record. 6 Q. And do you know what he did? I mean based on your 7 having seen him at events recording, do you know what 8 his purpose was in that? 9 A. Just to get video footage and potentially put it 10 online. 11 Q. Have you looked at video footage that -- of other 12 events that Mr. Whalen's put online? 13 A. Yes. He runs a You-Tube channel, a Rumble channel 14 called North Idaho Exposed. 15 Q. Did you have to do anything special to get his -- the 16 copy of the video that he took at Pride in the Park? 17 A. No. 18 Q. You just had to ask him, correct? 19 A. Correct. 20 Q. Okay. I think we're at like 10:41 and I know you have 21 to move your car, and we've been going for a while. 22 So let's take -- 23 A. I was going to say I would like to use the restroom, 24 too. 25 Q. -- yeah -- about a 10- to 15-minute break.

Page 85 1 MS. OLSON: So, Mr. Boyles, are you good with 2 us going off the record? 3 MR. BOYLES: Absolutely. Thank you. 4 MS. OLSON: Um-hmm. 5 VIDEOGRAPHER: Off the record at 10:41. 6 (Recess taken.) 7 VIDEOGRAPHER: We're back on the record at 8 10:58. 9 MS. OLSON: All right. Back on the record in 10 the deposition of Summer Bushnell. 11 Q. (BY MS. OLSON) Ms. Bushnell, did you ever receive an 12 original video or photo of Mr. Posey's performance at 13 Pride in the Park from anyone other than Jeremy Lokken 14 or Casey Whalen? 15 A. No. 16 Q. Did you ever receive any still photos of Mr. Posey's 17 performance at Pride in the Park from anyone other 18 than -- from anyone? 19 A. From Jeremy. 20 Q. He provided still photos as well as the -- a video? 21 A. Correct. 22 Q. When did he provide the still photos? 23 A. I believe it was two or three days afterwards. 24 Q. All right. And how did it come about that he provided 25 you with still photos?	Page 87 1 A. I'd been thinking and praying. 2 Q. You'd already made the decision, right, because you'd 3 already posted it? 4 A. Correct. 5 Q. And you'd already blasted it out to whoever was on the 6 internet and followed your report, correct? 7 A. Correct. 8 Q. And you had already blasted it out to people that you 9 interacted with on Facebook, correct? 10 A. Correct. 11 Q. Did Mr. Whalen ever provide any still photos? 12 A. No. 13 Q. So just to make sure we've got the total universe on 14 this: So videos from Jeremy Lokken and Casey Whalen, 15 correct? 16 A. Correct. 17 Q. And still photos from Mr. Lokken, correct? 18 A. Correct. 19 Q. Any other original source video or photos from anyone 20 else? 21 A. No. None. 22 Q. Are you aware of any other existing or original source 23 video or photos? 24 A. No. 25 Q. I'm going to play for you now what we're going to mark
Page 86 1 A. I wanted to clarify once again that I'd actually seen 2 what I'd seen. 3 Q. And so how about did it come about? Did you reach out 4 to him, did he reach out to you, asking for the still 5 photos or -- 6 A. We talked by phone, I believe that I asked for a still 7 photo. 8 Q. And what did you say to him when you were requesting 9 the still photo? 10 A. "Could I have an unedited photo and then a blurred 11 photo?" 12 Q. And when you asked Mr. Lokken for the still photos, 13 the unedited and the blurred, that was after you had 14 posted the blurred video online; correct? 15 A. Correct. 16 Q. And it was after you had made your Bushnell Report 17 post about what you say you saw in the video, correct? 18 A. Correct. 19 Q. And was it also after you had provided the video to 20 the Coeur d'Alene Police Department? 21 A. Yes. 22 Q. Why did you think you needed to seek clarification 23 after you'd already posted it? 24 A. Just to make sure I was making the right decision. 25 Q. Well, you'd already --	Page 88 1 as Exhibit 5, we'll call it Exhibit No. 5. 2 (Exhibit No. 5 - Video, Tab 37 - marked for 3 identification.) 4 MR. CARONE: I've not hit Play yet. 5 Q. (BY MS. OLSON) Okay. Can you see the -- 6 A. Yes, I can see it. 7 Q. I'm going to let -- 8 MR. CARONE: I had my volume off, too, so you 9 might want to -- 10 MS. OLSON: Well, I'm going to have you do 11 it. 12 I'm going to let -- Mr. Carone will 13 briefly -- 14 (Discussion off the record.) 15 MR. CARONE: Sorry. Yeah, we're -- 16 MS. OLSON: All right. We're now turning the 17 audio on and pressing Play on the video, which we're 18 watching from Mr. Carone's computer. 19 Q. (BY MS. OLSON) Ms. Bushnell, do you recognize, just 20 from this, what is depicted here? 21 A. Yep. Yes, I do. 22 (Discussion off the record.) 23 MS. OLSON: Yes, so now we're going to hit 24 Play. Sorry. As you can see, we're not a well-oiled 25 news organization.

Page 89	Page 91
1 MR. CARONE: Okay. 2 (Video playing.) 3 Q. (BY MS. OLSON) And that video that we just watched in 4 Exhibit 5, was that the full Bushnell Report video 5 that you posted the night of June 11th of 2022? 6 A. Correct. 7 Q. And when you post that, is it like one take, do you 8 rehearse? How does that work? 9 A. One take. 10 Q. And you at one point referred to notes. Do you write 11 down everything that you're going to say? 12 A. No. Usually when I speak on video, or if I give 13 public comment at like a public hearing, I just 14 have -- make sure I hit my talking points on -- I 15 maybe have a bullet point or two. 16 Q. Did you have talking points or bullet points with 17 respect to what you were going to say about the -- 18 Mr. Posey's drag performance at Pride in the Park? 19 A. I just had written -- if I'm remembering right, I just 20 had written down to talk about how I thought the focus 21 was on the wrong group. 22 Q. You thought that law enforcement should have focussed 23 on Mr. Posey and what he did that day at the park, 24 correct? 25 A. Correct.	1 Q. And is that what you were also hoping to spur people 2 to do when you made your Bushnell Report? 3 A. I was just trying to get my opinion out there from 4 someone who was down there. There was a lot of 5 speculation on online from people that weren't down at 6 any of the events downtown. 7 Q. And you weren't at the drag performance, correct? 8 A. Correct. 9 Q. And you said that the dancer "flashed his genitals to 10 minors," correct? 11 A. Correct. 12 Q. What did you mean "flashed his genitals"? 13 A. From the video I'd seen, it looked like it slipped out 14 and showed, as a flash of skin. 15 Q. So by "flashed," you meant that his testicle slipped 16 out and you could see his skin, correct? 17 A. Correct. 18 Q. And I'm trying to understand. It sounds like today 19 you're saying that it was not an intentional act; that 20 that was something that slipped out, correct? 21 A. Can you say that again? 22 Q. Sure. I mean I'm trying to understand. "Flashed his 23 genitals," I mean wouldn't you agree that it sounds 24 like somebody, you know, opened their pants or 25 flashed, intentionally showing something?
Page 90	Page 92
1 Q. And you describe what happened as "vulgar and 2 inappropriate," correct? 3 A. Correct. 4 Q. What part of it was vulgar and inappropriate? 5 A. Sexual suggestive dancing in public with minor 6 children present. 7 Q. So you thought the whole drag performance was vulgar 8 and inappropriate, correct? 9 A. In front of children, yes. 10 Q. And you wanted that to be stopped, correct? 11 A. Correct. 12 Q. And was part of the purpose of your post to -- Well, 13 what was the purpose of including that in your post? 14 A. Expressing my opinion. 15 Q. And did you -- were you hoping that people who 16 followed the Bushnell Report would see it? 17 A. Hoping? No. I'm not sure what you mean. 18 Q. Well, you anticipated that people who followed the 19 Bushnell Report would see that video, correct? 20 A. Correct. 21 Q. And were you hoping that they would act on it, take 22 some sort of action based on it? 23 A. Yes, that they would -- like later I asked people to 24 e-mail to ask the Coeur d'Alene Police to look into 25 the matter.	1 A. I think I can see how other people would think that. 2 That's not what I meant. 3 Q. And I'm -- 4 A. I meant a flash of skin, a -- flesh-colored skin 5 against a darker background. 6 Q. And that's not what you said on the video, though, 7 right? 8 A. I wasn't that specific on the video, no. 9 Q. And you would agree that "flashed his genitals" might 10 suggest to others something more or greater exposure 11 than an inadvertent wardrobe malfunction, correct? 12 A. Correct. 13 Q. Yeah. And what you saw, the most it possibly could 14 have been was an inadvertent, according to your view, 15 wardrobe malfunction, correct? 16 MR. BOYLES: I would object on misstating 17 testimony. 18 Q. (BY MS. OLSON) You can answer. 19 A. I have no idea if it was inadvertent or not. I don't 20 know his intentions. I'm basing it on what I saw on 21 the film. 22 Q. All right. Well, I want to make sure I understand 23 what you're asserting you saw on the film. In the 24 film, are you asserting that you saw Mr. Posey pull 25 his shorts over or his leotard down, or his tights, in

Page 93

- 1 a way that would allow his testicle to be exposed?
- 2 A. I didn't see him pull anything, no.
- 3 Q. Right. And what you're interpreting as a testicle was
- 4 based on coloration of the video that you saw,
- 5 correct?
- 6 A. And the way it hung, yes.
- 7 Q. Yeah. And it was just one testicle you saw hanging,
- 8 correct?
- 9 A. I wasn't sure initially, but, yes, it looked like it
- 10 was like one and a half, but it -- when I reviewed it
- 11 again, it was one.
- 12 Q. When did you review it again?
- 13 A. When I watched it the second time, like I previously
- 14 stated.
- 15 Q. So the first time you watched it, you thought there
- 16 might have been one and a half; and the second time,
- 17 you decided one; is that right?
- 18 A. Correct.
- 19 Q. And that's what you decided that you had seen the
- 20 evening of June 11th of 2022, correct?
- 21 A. Correct.
- 22 Q. And you said that it was a man in a dress that was
- 23 flashing his genitalia, correct?
- 24 A. Correct.
- 25 Q. And you would describe what Mr. Posey had on as a

Page 94

- 1 dress?
- 2 A. At one point he had a dress on, yes, correct.
- 3 Q. Well, I'm asking about in the video that you saw,
- 4 where he -- you assert that you could see -- and I
- 5 want to make sure -- on June 11th that you -- by the
- 6 time you looked a second time, you thought it was one
- 7 testicle, correct?
- 8 A. Correct.
- 9 Q. All right. And in that video where you're asserting
- 10 he flashed his genitalia to minors, are you asserting
- 11 that at that point Mr. Posey had on a dress?
- 12 A. I believe I was referring to the second time that
- 13 he -- He did not have a dress on during the
- 14 performance where I saw his testicle, but he did put
- 15 on a dress later.
- 16 Q. How do you know he put a dress on later?
- 17 A. Because I watched the entire footage from
- 18 Casey Whalen.
- 19 Q. Well, isn't -- I mean the video we just looked at in
- 20 Exhibit 5, that's the post that you made on June 11th,
- 21 2022, correct?
- 22 A. Correct.
- 23 Q. And you didn't have Mr. Whalen's video then, correct?
- 24 A. Correct.
- 25 Q. All right. So when you say in that video that, "The

Page 95

- 1 man in the dress flashed his genitals," you hadn't
- 2 seen Mr. Whalen's video, correct?
- 3 A. Correct.
- 4 Q. So you couldn't have based that statement on
- 5 Mr. Whalen's video, correct?
- 6 A. Correct.
- 7 Q. So when you said, "The man in the dress flashed his
- 8 genitals," what were you saying? Why were you saying
- 9 "man in the dress"?
- 10 A. Drag shows have men in dresses.
- 11 Q. All right. But in the video, or the film, where
- 12 you're asserting Mr. Posey exposed himself, he didn't
- 13 have a dress on, right?
- 14 A. No; he had a leotard and a boa.
- 15 Q. And shorts.
- 16 A. Yeah.
- 17 Q. And tights.
- 18 A. Yeah.
- 19 (Exhibit No. 6 - Facebook exchange between
- 20 Summer BushnellHome and Carla Mattare -
- 21 marked for identification.)
- 22 Q. (BY MS. OLSON) I'm going to hand you what I've marked
- 23 as Exhibit 6. Ms. Bushnell, do you recognize what
- 24 Tab 7 is?
- 25 A. Yes. A Facebook post between me and Carla Mattare.

Page 96

- 1 Q. And Mattare is spelled M-A-T-T-A-R-E?
- 2 A. Correct.
- 3 Q. And who is Ms. Mattare?
- 4 A. She is the wife of Bruce Mattare. She is a part of
- 5 Kootenai County Republican Women. Bruce is now a
- 6 Kootenai County Commissioner.
- 7 Q. Isn't it fair to say in this exchange of Facebook
- 8 messages, starting at the bottom of that first page on
- 9 June 12th of 2022, it starts with a message from you
- 10 that says, "Please pass this on to law enforcement."
- 11 Do you see that?
- 12 A. Let me read over it. Hold on. (Reading.)
- 13 Q. Sure.
- 14 All right. Are you -- you're having a
- 15 Facebook message exchange with Ms. Mattare?
- 16 A. Mattare, yes.
- 17 Q. Mattare.
- 18 And at the bottom here you say, "Please pass
- 19 this on to law enforcement," correct?
- 20 A. Correct.
- 21 Q. And what were you forwarding to her to pass on to law
- 22 enforcement?
- 23 A. The links from Jeremy.
- 24 Q. And the links from Jeremy at this time, on June the
- 25 12th of 2022, at 10:05 in the morning, was this

Page 97 1 unedited video or the edited video? 2 A. I believe it was both. 3 Q. There are two files here, is that right? 4 A. Correct. 5 Q. Do you remember when you received the blurred video? 6 A. I do not. 7 Q. Did you receive it before you made your blog post for 8 Bushnell Report? 9 A. I do not think I did. 10 Q. Did you receive it later that night or the next 11 morning before you sent this Facebook message to 12 Carla? 13 A. If I'm remembering right, it was the next morning. 14 Q. And you're asking her to please pass it on to law 15 enforcement? 16 A. Correct. 17 Q. Why were you doing that? 18 A. Because she and her husband know more of the law 19 enforcement people than I do. I had sent it through a 20 general e-mail and I wanted to make-sure that it got 21 to people like a chief or lieutenant that would take a 22 look at it and not get lost in a general contact 23 e-mail. 24 Q. And then your next statement to her is "multiple Idaho 25 statue (sic) violations"?	Page 99 1 with anyone just to see if you were right about 2 whether there were statute violations? 3 A. Later on. Not at this time in this conversation. 4 Q. All right. And then -- 5 MR. BOYLES: And for the record, I didn't 6 have a conversation at that time. I just thought when 7 you referred to defense counsel you might be getting 8 into an AC privilege. So -- 9 MS. OLSON: All right. Well, I'm not asking 10 her for -- 11 MR. BOYLES: Okay. 12 MS. OLSON: -- questions about if anyone was 13 representing her. I'm talking about if she went to 14 anyone to sort of get a second opinion on her take on 15 the statutes. 16 MR. BOYLES: Understood. 17 Q. (BY MS. OLSON) At this point, you hadn't gone to 18 anyone regarding whether you were accurately -- your 19 interpretation of the statutes; correct? 20 A. Correct. 21 Q. And then you asked Ms. Mattare -- 22 A. Mattare. 23 Q. -- Mattare to share it with the undersheriff, correct? 24 A. I wasn't sure if she was going to do that. I had 25 said, "Pass it on to law enforcement."
Page 98 1 A. Correct. 2 Q. And did you mean "statute"? 3 A. Yes. 4 Q. That's one of those ones that gets misspelled all the 5 time. 6 A. Correct. 7 Q. The "t" or not the "t." 8 And what -- at this point, what "multiple 9 Idaho statute violations" were you -- did you have in 10 mind? 11 A. The ones -- I believe it's Title 18 about obscenity. 12 Q. And what research, if any, did you do to determine 13 whether or not the obscenity laws were violated by 14 what you saw in the video? 15 A. I had gone online to look up if there were any laws 16 pertaining to dancing in public or obscenity. 17 Q. And did you have a conversation with anyone, a 18 prosecutor or anyone, criminal defense attorney, 19 anything like that, about whether your take on the law 20 was correct? 21 MR. BOYLES: I'm going to object to 22 attorney-client privilege. 23 You can answer. 24 Q. (BY MS. OLSON) Other than conversations with 25 Mr. Boyles after that. Did you have conversations	Page 100 1 Q. Well, then above that, after she says, "This is 2 disgusting," you ask her to share it with the 3 undersheriff; correct? 4 A. Correct; and I had assumed that she would share it 5 with Coeur d'Alene PD because she knows some of them 6 pretty well, too. 7 Q. And then she says, "My understanding is that someone 8 had to file a complaint with the police," like a 9 parent of a child who was actually there, correct? 10 A. Correct. 11 Q. And then you ask her if she -- if you can file a 12 complaint, correct? 13 A. Correct. 14 Q. And you say a few things. The other thing you say is, 15 "The person who took the video has blurred versions," 16 correct? 17 A. Correct. 18 Q. Who are you referring to there? 19 A. Jeremy. 20 Q. And you say, "I'm going to release the blurred ones," 21 correct? 22 A. Correct. 23 Q. Why were you going to do that? 24 A. Like I previously stated, because I didn't want to get 25 a violation from Facebook or YouTube. I didn't want

Page 101 1 any children to see the unblurred version. 2 Q. All right. Well, my question, though, is: Why were 3 you going to release the blurred ones? Why did you 4 feel like you needed to release the blurred ones? 5 A. Like I just said, because otherwise it would violate 6 the standards for Facebook and YouTube. 7 Q. Well, why did you need to release a video at all, 8 blurred or unblurred? Why were you going to put this 9 out in public? 10 A. Because people weren't sure what had gone on down 11 there. There were lots of different rumors about what 12 had happened that I was reading about online. 13 Q. All right. And so you wanted to put out the video 14 that you had obtained from Mr. Lokken, correct? 15 A. Correct. 16 Q. All right. And you wanted to put out the edited, or 17 the blurred, version that you received from 18 Mr. Lokken, correct? 19 A. Correct. 20 Q. Would you agree that the blurred version doesn't show 21 what happened? 22 A. I'm not sure what you mean. 23 Q. Well, with the blurred version, there's a relatively 24 large area that you can't see around Mr. Posey's 25 crotch area and legs, correct?	Page 103 1 Q. Well, why not? 2 A. I wanted to make sure the entire area was covered. 3 Q. Well, why? 4 A. That way I -- 5 MR. BOYLES: Objection. Asked and answered. 6 Continue. 7 Q. (BY MS. OLSON) You can answer. 8 A. Because of I did not think I could post it on Facebook 9 without blurring out a larger area. 10 Q. Well, you're not asserting that there was any other 11 kind of exposure other than the one testicle that you 12 say you saw the evening of June the 11th of 2022; 13 correct? 14 MR. BOYLES: Objection. Asked and answered. 15 Please answer. 16 THE WITNESS: The first time I looked at it, 17 I thought I saw more than one testicle, as I 18 previously stated. And then the second time I viewed 19 it, it was just one testicle. 20 Q. (BY MS. OLSON) Okay. And that was on June 11th of 21 2022, correct? 22 A. Correct. 23 Q. And you would agree that the blurring covers much more 24 than that, correct? 25 A. Correct.
Page 102 1 A. Correct. 2 Q. And the blurring is over far more than one testicle 3 that you assert you could see from the side, correct? 4 A. Correct. 5 Q. All right. And you would agree that by blurring out 6 the entire crotch area, that could suggest that there 7 was much greater exposure than even you did after 8 looking at it a second time, correct? 9 MR. BOYLES: Objection. Speculation. 10 You can answer. 11 THE WITNESS: I felt like the whole crotch 12 area would make sure I didn't violate any standards or 13 have anybody saying anything. 14 Q. (BY MS. OLSON) Yeah. Well -- 15 A. I couldn't post the unblurred version on Facebook. 16 Q. I'm not asking you about that. I'm asking about 17 what -- you know, there was blurring over the entire 18 crotch area, not just like the one little part to the 19 side where you're now saying you thought there was a 20 testicle; correct? 21 A. Correct. 22 Q. And by blurring out the entire crotch area, there's a 23 suggestion that there's much more exposure than there 24 actually was; correct? 25 A. No.	Page 104 1 Q. And you would agree that the blurring suggests that 2 the blurred part is covering up something that's 3 inappropriate or showed exposure, correct? 4 A. No. I'm not -- 5 Q. Well, my question is then -- well, let me ask you 6 this? Who decided how much to blur out in the 7 picture? 8 A. I believe I told Jeremy that I wanted more than just 9 what we saw covered just to be safe, so I could post 10 it online. I don't know if we discussed anything 11 specific, what I said, you know. 12 Q. At any time when you posted the blurred image online, 13 did you ever accompany it with a post that said 14 something like, "This covers much more than anything 15 we saw where there was exposure"? 16 A. No. 17 Q. All right. So it would just be left to whomever was 18 looking at the blurred image to decide, "Boy, I wonder 19 what's underneath there that Ms. Bushnell doesn't want 20 me to see"? 21 A. I was not thinking in terms of that. I was thinking 22 in terms of what I needed to blur so I could post it 23 online. 24 Q. And you were posting it online so other people could 25 see it, right?

Page 105 1 A. Correct; so there could be clarification as to what 2 actually happened. 3 Q. And if clarification is what you were seeking, why 4 didn't you include some language that said, "Hey, I'm 5 blurring out" or "have had blurred out the entire 6 crotch area, but there's really only this little bit 7 of exposure that it took me two times looking at it to 8 supposedly see"? Why didn't you include some sort of 9 a clarification like that? 10 A. I don't know. It didn't occur to me at the time, I 11 don't think. 12 Q. Yeah. And then in your conversation with Ms. Mattare 13 you say, "I filed complaints before and nothing 14 happened," correct? 15 A. Correct. 16 Q. What did you mean by that? 17 A. The Coeur d'Alene PD had a mask mandate in 2020, and I 18 felt like they were only enforcing it when they felt 19 like it and were very not logical in their approach, 20 so I filed more than one complaint about that. 21 Q. And there was no action taken on it? 22 A. Correct. 23 Q. And then you say, "Pardon my tone. I'm emotional raw 24 today," correct? 25 A. Correct.	Page 107 1 store, and to Kootenai Health by e-mail, and Heritage 2 Health by e-mail; correct? 3 A. Correct. 4 Q. And what were you hoping to accomplish by involving 5 law enforcement? 6 A. That they would determine if a law had been violated 7 or not. 8 Q. Well, you were asserting the law had been violated, 9 correct? 10 A. Correct. 11 Q. And in your view, there was criminal conduct that had 12 occurred, correct? 13 A. Yeah. 14 Q. And when you said in your Bushnell Report that the man 15 in the dress flashed his genitalia to minors, you were 16 asserting that he had committed a crime, correct? 17 A. Correct. 18 Q. And that person was -- you now know to have been -- or 19 now know to be Eric Posey, correct? 20 A. Correct. 21 Q. All right. So in your Bushnell Report post on 22 June 11th of 2022, you were asserting that he had 23 committed the crime of flashing his genitalia to 24 minors; is that right? 25 A. No. I believe I've always referenced obscenity law
Page 106 1 Q. And then she says, "Did you see the picture I texted 2 you?" 3 A. Correct. 4 Q. And do you recall the picture that she texted you? 5 A. I -- if my memory's right, it was a picture of Patriot 6 Front. 7 Q. It says that when you -- When she says, "I was 8 driving downtown and saw the guys from the truck 9 passing out flyers," do you know what she was 10 referring to there? 11 A. Someone had posted online earlier in the day that 12 Patriot Front was walking down near the Resort passing 13 out flyers. 14 Q. Why did -- why did you think it was necessary to 15 involve law enforcement over this video? 16 A. Because I believe Idaho statute was violated. 17 Q. Well, why did you think with this particular incident 18 it required you to report it? 19 MR. BOYLES: Objection. It's ambiguous. 20 Q. (BY MS. OLSON) You can still answer. 21 A. Suggestive dancing in public's not appropriate, 22 especially with minor children present. 23 Q. And that was the thing that you had been concerned 24 about initially when you sent those Facebook messages 25 to the dress shop, and then the message to the jewelry	Page 108 1 and suggestive dancing in public. 2 Q. All right. Well, I'm asking you about the video that 3 you made on June 11th of 2022. In that video, you 4 said, "The man in the dress flashed his genitalia to 5 minors;" correct? 6 A. Correct. 7 Q. And you were asserting that that's criminal conduct, 8 correct? 9 A. Correct. 10 Q. And that's the -- that's the conduct that you assert 11 was criminal; flashing his genitals to minors, 12 correct? 13 A. Correct. 14 Q. Did you file a complaint with the Coeur d'Alene 15 Police? 16 A. I called them and sent them an e-mail with the drive 17 links. 18 Q. And have you produced those e-mails -- 19 A. I believe I have, yeah. 20 Q. -- in the course of discovery in this case? 21 A. Yes. 22 Q. All right. We're going to next mark Exhibit 7? 23 (Exhibit No. 7 - Facebook exchange between 24 Summer BushnellHome and Keith Boc - marked 25 for identification.)

Page 109 1 Q. (BY MS. OLSON) And, Ms. Bushnell, do you recognize 2 what Exhibit 7 is? 3 A. Yes. Keith Boe and me, various dates of messaging. 4 Q. On Facebook? 5 A. Correct. 6 Q. Who is Keith Boe? 7 A. An acquaintance of mine. I met him through Facebook. 8 He runs a very popular Facebook group, North Idaho 9 Life. 10 Q. Have you ever met Mr. Boe in person? 11 A. Correct. 12 Q. Yes? 13 A. Yes. 14 Q. Okay. How would you describe -- I mean I think you 15 called him an acquaintance, but is he a social 16 acquaintance, or just an acquaintance in this -- these 17 messages that you all put online and engage in 18 politically? 19 A. Social acquaintance. 20 Q. How often do you see Mr. Boe? 21 A. In person, maybe twice a year. 22 Q. When's the last time you had contact with him in 23 person? 24 A. Gosh. I think I ran into him like last August, about 25 a year ago.	Page 111 1 A. Correct. 2 Q. And by then, on June the 13th of 2022, had you already 3 posted the blurred video? 4 A. Correct. 5 Q. And he then tells you he wants to send it to the 6 police, AG and FBI, and then she says, "And source? 7 Witness." Do you see that? 8 A. Yep. 9 Q. Then you respond and say, "I do. I am only sharing 10 the unedited with law enforcement. Apparently another 11 angle has been shared by North Idaho News and doesn't 12 show what the angle my video shows has. I can get you 13 in contact with witnesses." Do you see that? 14 A. Yep. 15 Q. When you say, "Apparently another angle has been 16 shared by North Idaho News and doesn't show what the 17 angle my video shows has," what were you referring to? 18 A. They had posted video from someone else that was not 19 Casey or Jeremy. 20 Q. And what angle was that that you're referring to? 21 A. If I remember right, I believe it was just straight on 22 at the band shell. 23 Q. Okay. And you would agree that in that angle straight 24 on from the band show -- band shell, you couldn't see 25 anything like Mr. Posey's testicle or anything else,
Page 110 1 Q. If I could direct your attention to -- if you look in 2 the lower right-hand corner, this one starts REV, a 3 bunch of zeroes, 548. If you would turn to page 27, 4 which is REV, a bunch of zeroes, 548_0027, and that's 5 an -- on this page of the exhibit you're having a 6 discussion with Mr. Boe regarding videos from 7 Mr. Lokken and Pride in the Park, correct? 8 A. Correct. Can you give me a moment to read over it? 9 Q. Sure. 10 A. (Reading.) Okay. 11 Q. All right. Do you recognize these exchanges with 12 Mr. Boe in June of 2022? 13 A. Correct. 14 Q. How did you first connect with Mr. Boe about this 15 particular topic, the video of the performance at 16 Pride in the Park? 17 A. I believe he had expressed his concern to me. 18 Q. How did he express his concern to you? 19 A. I'd seen him on Facebook. I believe he had tagged me 20 on stuff. 21 Q. And your first communication on June 13th of 2022 22 appears to be this message from him at the very bottom 23 of page 27, correct? 24 A. Correct. 25 Q. That says, "Do you have the unblurred video?"	Page 112 1 correct? 2 A. Correct. 3 Q. At this point, had you already -- had you seen that 4 video that was straight on from the band shell? 5 A. I think I had just seen like a -- like scrolled by and 6 seen that there was another video out there. 7 Q. And then Mr. Boe says, "I would like to see it." He's 8 still referring there to the unedited video, correct? 9 A. Correct. 10 Q. And you say, "A friend filmed and edited. I am taking 11 the heat for a friend;" correct? 12 A. Correct. 13 Q. And you're referring to Mr. Lokken there in terms of, 14 "A friend filmed and edited"? 15 A. Correct. 16 Q. And then you say, "I'm taking the meet heat for the 17 friend." What did you mean there? 18 A. He did not want to post it as himself, so I said I 19 would post it. 20 Q. Tell me about the conversation you had with Mr. Lokken 21 about whether or not it would be appropriate to post? 22 A. Well, we had discussed that in a previous question. 23 It was -- our main thing was how much do we blur it, 24 how much -- you know, do we post it? Do we blur it? 25 Q. And is that --

Page 113 1 A. How much do we blur? 2 Q. And is that the conversation when -- that you had with 3 him where he said he didn't want to post it? 4 A. As himself, no. 5 Q. And did he say why he didn't want to post it as 6 himself? 7 A. No. 8 Q. Do you have any idea why he didn't want to post it as 9 himself? 10 A. I would think it's a lot of pressure to take and that 11 he'd prefer to not get personally attacked. 12 Q. Did he tell you why he didn't want to post it, or are 13 you just sort of presuming that? 14 A. Presuming. 15 Q. Did he say anything about why he did or didn't want to 16 post it? 17 A. If I remember right, he didn't want to get personally 18 attacked. 19 Q. And he said something to that effect? 20 A. Correct. 21 Q. Why were you concerned about being personally 22 attacked, or why was he concerned about personally -- 23 being personally attacked? 24 A. In my experience in this area, if you put out on 25 Facebook an opinion that the local liberals don't	Page 115 1 Q. And you didn't say, in your blog post or your several 2 Bushnell Report posts, "You should look for yourself 3 and see if you can see what I see." You didn't say 4 that either, right? 5 A. Correct. 6 Q. And based on your affirmative assertion, you started 7 encouraging people to contact the police, correct? 8 A. Correct. 9 Q. And to contact the police so that Mr. Posey could be 10 prosecuted, correct? 11 A. Correct. 12 Q. Let's look at -- 13 MS. OLSON: Are we up to Exhibit 8? 14 (Exhibit No. 8 - Facebook exchange between 15 Summer BushnellHome and Kris Molnar - marked 16 for identification.) 17 Q. (BY MS. OLSON) Ms. Bushnell, we're handing you 18 Exhibit No. 9 -- 19 MR. CARONE: Exhibit 8. 20 MS. OLSON: 8. Sorry. 21 (Discussion off the record.) 22 Q. (BY MS. OLSON) Ms. Bushnell, have you ever just 23 posted videos online without commentary? 24 A. I don't believe I have. If I have, they're cutesy 25 TikTok videos that are just for laughs.
Page 114 1 like, they tend to personally attack you, call you bad 2 names. 3 Q. All right. So you were putting out an opinion on 4 Facebook? 5 A. Correct. 6 Q. Well, you were putting out a video, correct? 7 A. Correct. 8 Q. And so what about putting a video was the opinion? 9 A. That -- because I had stated what I believe I saw, but 10 everybody can view it for themselves. 11 Q. Well, you were stating factually what you said you 12 saw, correct? 13 A. Correct. 14 Q. You said that, "The man in the dress flashed his 15 genitals to minors," correct? 16 A. Correct. 17 Q. That was a factual assertion, correct? 18 A. I would view that as an opinion, but I can see how you 19 could view it as factual. 20 Q. Well, you didn't say, "In my opinion, the man in the 21 dress flashed his genitals to minors," correct? 22 A. Correct. 23 Q. You said, "The man in the dress flashed his genitals 24 to minors," correct? 25 A. Correct.	Page 116 1 Q. But that's possible to do, correct? 2 A. Correct. 3 Q. With respect there to Exhibit No. 8 that you have in 4 front of you, do you recognize what that is? 5 A. Give me a moment to read over it. (Reading.) 6 Yes. 7 Q. All right. What is that? 8 A. That is a conversation on Facebook Messenger between 9 me and Kris. 10 Q. Kris Molnar? 11 A. Correct. 12 Q. And Kris is K-R-I-S and Molnar is M-O-L-N-A-R, 13 correct? 14 A. Correct. 15 Q. And when did you -- what did you -- How do you know 16 Kris Molnar? 17 A. I know her through a mutual friend, Corilynn Smith. 18 Q. And what is the nature of your relationship with 19 Ms. Molnar? 20 A. I occasionally see her in person when I'm up in the 21 Athol area where she lives, and we've conversed by 22 Facebook and then Facebook Friends for a while. 23 Q. Okay. And then with respect to the video from Pride 24 in the Park, you start Facebook-messaging with her on 25 June the 14th of 2022, correct?

Page 117

- 1 A. Which page is that on?
- 2 Q. I'm sorry. If you -- This one starts at REV00000575.
- 3 And if you go to the page 7, which is
- 4 REV00000575_0007, do you see that?
- 5 A. Yes.
- 6 Q. So there are -- toward the bottom there's some
- 7 messages from April 29th of 2022, and then it jumps to
- 8 June 14th of 2022; correct?
- 9 A. Correct.
- 10 Q. All right. And she's reaching out to you, is that
- 11 fair to say?
- 12 A. Correct.
- 13 Q. And she also sends to you, it appears to be, links to
- 14 stories about the Kootenai County Sheriff's Office and
- 15 Coeur d'Alene Police sending out press releases
- 16 indicating that they're investigating reports of a
- 17 dancer exposing, correct?
- 18 A. Correct.
- 19 Q. And do you know whether those reports are a result of
- 20 the complaints that you made or that you made -- or
- 21 suggested to others that they make?
- 22 A. No idea for sure. I think at the time I had assumed.
- 23 So --
- 24 Q. And then Ms. Molnar is saying, "So I'm confused." The
- 25 video posted by North Idaho News on Facebook was not

Page 118

- 1 the same video you posted and shared to law
- 2 enforcement, right? Same performance, but different
- 3 angle and source, right?"
- 4 A. Correct.
- 5 Q. And then you say, "Different angle," correct?
- 6 A. Correct.
- 7 Q. And then you say, "The bias to protect gay and black
- 8 is strong," correct?
- 9 A. Correct.
- 10 Q. Why did you say that?
- 11 A. Like my video stated previously, I felt like all the
- 12 focus was on the Patriot Front, and that focus needed
- 13 to also be on a drag performance in public in front of
- 14 minor children.
- 15 Q. Well, nothing in that statement says anything about
- 16 drag performance in front of children, correct?
- 17 A. Well, correct.
- 18 Q. You say, "The bias to protect gay and black is
- 19 strong," correct?
- 20 A. Correct.
- 21 Q. And what did you mean by that?
- 22 A. Well, Pride in the Park is for gay people, and most of
- 23 the performers that day were black, so I felt like
- 24 there was a bias to focus on the Patriot Front and not
- 25 on Pride in the Park.

Page 119

- 1 Q. And then if you look at page 6, you say, "I've ask
- 2 multiple media outlets to ask CDA PD to see the
- 3 unedited footage. Nothing." Correct?
- 4 A. Correct.
- 5 Q. What did you mean by that?
- 6 A. I thought if people like KHQ saw the unedited footage
- 7 from the police department, maybe they would come to a
- 8 different conclusion.
- 9 Q. And you also say, "NIN does actual journalism,"
- 10 correct?
- 11 A. Correct.
- 12 Q. What did you mean by that?
- 13 A. North Idaho News, they actually just report on what
- 14 the local paper and other people used to do, where
- 15 they're talking about traffic accidents and bigger
- 16 headlines things like that.
- 17 Q. And that's what you meant by doing "actual
- 18 journalism"?
- 19 A. Correct.
- 20 Q. Was that -- I mean it's hard -- I guess from the
- 21 context, is that -- were you complimenting them? Was
- 22 it a criticism of North Idaho News?
- 23 A. Leaning towards a compliment, yes.
- 24 Q. Let's next look at what we'll mark as Exhibit 9 --
- 25 Sorry, there's another question from that one

Page 120

- 1 I forgot to ask you about. If you'd go back to
- 2 Exhibit 8 and go to page 5, and do you see about
- 3 two-thirds of the way down on July 1st, 2002 (sic),
- 4 where you say, "Thank you. Prayers are appreciated.
- 5 Funny thing is, it is not my video. I am protecting
- 6 someone else. Taking the heat for them." Do you see
- 7 that?
- 8 A. Yes.
- 9 Q. What did you mean by "I'm protecting someone else"?
- 10 A. Jeremy. I was taking the heat for him.
- 11 Q. Between the time that you had this discussion you had
- 12 about how much to edit and that he didn't want to post
- 13 it, did you have any other conversations with him
- 14 about that between June 11th or 12th, 2022 and July
- 15 the 1st when you send this Facebook message to
- 16 Kris Molnar?
- 17 A. No, I don't believe so.
- 18 Q. So you were basing that comment still based on the
- 19 conversation you had with Jeremy Lokken back, oh,
- 20 about three weeks before?
- 21 A. Correct.
- 22 Q. All right. Let's take a look at what's marked as
- 23 Exhibit 9.
- 24 (Exhibit No. 9 - Facebook exchange between
- 25 Summer BushnellHome and North Idaho News -

Page 121

1 marked for identification.)

2 **Q. (BY MS. OLSON) And, Ms. Bushnell, do you recognize**

3 **what Exhibit 9 is?**

4 A. Yes. Facebook messaging between myself and North

5 Idaho News.

6 **Q. And do you know who you were communicating with at**

7 **North Idaho News? Because it says "North Idaho News,"**

8 **but do you know the individual who was behind that**

9 **handle?**

10 A. The person goes by the name of Matt. I do not know a

11 last name.

12 **Q. And how do you know that, that the person you're**

13 **corresponding with on Facebook messages is someone**

14 **whose first name is Matt?**

15 A. Two other friends, they had received e-mails on other

16 political situations, said that's how they signed

17 their name.

18 **Q. Okay. All right. If we look at page 3 of this, so**

19 **it's the one that in the lower right corner says --**

20 A. Yes.

21 **Q. -- REV and then bunch of zeroes 593_0003, do you see**

22 **that?**

23 A. Yep.

24 **Q. And it says -- about two-thirds of the way down, on --**

25 **June the 13th of 2022, there's a question there that**

Page 122

1 says, "So have you personally seen the video that

2 shows the male genitals? Can you send us the video

3 that shows the genitals?" So they're asking for the

4 unedited footage, correct?

5 A. Correct.

6 **Q. And you say, "I'm not showing the video to anyone but**

7 **law enforcement." Right --**

8 A. Correct.

9 **Q. And why weren't you sharing the unedited video at this**

10 **point with anyone but law enforcement?**

11 A. I didn't feel like that was the right thing to do. I

12 didn't want it to accidentally get leaked out.

13 **Q. Well, why not?**

14 A. Because then someone would post it online, and I

15 didn't think that would be a good idea to do that

16 without it being blurred.

17 **Q. And why is that?**

18 A. I didn't want people to see the testicle of a guy on

19 the internet.

20 **Q. And then when you respond and say, "I'm not showing**

21 **the video to anyone but law enforcement," you say, "I**

22 **have asked the people I know who saw the action with**

23 **their own eyes to file a complaint with CDA PD,"**

24 **correct?**

25 A. Where is that on there?

Page 123

1 **Q. Right above the, "So have you personally seen the**

2 **video?" It's a message from you at 5:05:04 P.M. Do**

3 **you see that?**

4 A. No.

5 **Q. About two-thirds of the way down, it starts, "I am not**

6 **showing the video..."**

7 A. Aha. Okay. Yes.

8 **Q. All right. And then you say, "I have asked the people**

9 **I know who saw the action with their own eyes to file**

10 **a complaint with CDA PD," correct?**

11 A. Correct.

12 **Q. Who are the people you're referring to here who saw**

13 **the action with their own eyes that you're asking to**

14 **file a complaint with CDA PD?**

15 A. Tony Wisniewski, Rochalle -- and I'm going to

16 mispronounce her last name -- Ottosen (ph), and

17 Casey and Jeremy.

18 **Q. How did you learn that Tony had seen the actual with**

19 **her own eyes?**

20 A. Someone else had posted pictures that they were there,

21 to try and shame them from being there. I believe her

22 name's Teresa Bholenphol.

23 **Q. So Teresa Bholenphol posted pictures to shame Tony?**

24 A. To show that they were there in an attempt, I believe,

25 to shame them.

Page 124

1 **Q. Did you have a conversation with Tony about her having**

2 **been there?**

3 A. No.

4 **Q. So you don't know first hand from Tony whether or not**

5 **she saw anything, correct?**

6 A. Correct.

7 **Q. All right. And then who is Rochalle Ottosen?**

8 A. I knew her socially at the time. She is now a

9 Community Library Network Trustee.

10 **Q. And how did you know that Rochalle Ottosen was there**

11 **and saw the action with her own eyes?**

12 A. Teresa Bholenphol had posted a picture of her on

13 Facebook.

14 **Q. So same thing?**

15 A. Correct.

16 **Q. Did you have any conversation ever with**

17 **Rochalle Ottosen about what she had seen with her own**

18 **eyes?**

19 A. I think we had a phone call about it later after the

20 event.

21 **Q. How much later?**

22 A. I would think within a week.

23 **Q. And what did Rachel (ph) tell you on that -- or**

24 **Rochalle tell you in the telephone call?**

25 A. That she thought it was inappropriate and that it --

Page 125 1 she believed it may have violated Idaho statute. 2 Q. Did she tell you what she thought was inappropriate 3 and may have violated Idaho statute? 4 A. The suggestive dancing. 5 Q. And Tony -- Well, based on the picture that 6 Teresa Bholenphol posted, where was Tony with respect 7 to the stage? 8 A. If you're looking straight on at the band shell, she'd 9 be off to the left. 10 Q. Closer to Mr. Whalen or closer to Mr. Lokken? 11 A. From the picture I remember seeing, I don't know which 12 way. I believe Casey was on the left side, so he 13 would have been closer to Casey. 14 Q. Okay. And how about Rochelle Ottosen? Based on the 15 picture that Teresa Bholenphol posted online, where 16 was Rochalle Ottosen with respect to the stage? 17 A. It was of her walking to the event, so I do not know. 18 Q. And with respect to Casey Whalen, he was on the 19 opposite side from Jeremy, correct? 20 A. Correct. 21 Q. So what things -- or what did you think he had seen 22 with his own eyes that he could report to the 23 Coeur d'Alene Police? 24 A. That there had been inappropriate dancing in public in 25 front of minors.	Page 127 1 A. In general. 2 Q. Okay. All right. Remind me, when did you think you 3 received the video from Casey Whalen? 4 A. I believe it was the next day. 5 Q. On June the 12th then, is that right? 6 A. Correct. 7 Q. And you recently reached out to Mr. Whalen for some 8 information so it could be provided to us for this 9 lawsuit, is that correct? 10 A. Correct. 11 Q. I'm going to have you look at what we'll mark as 12 Exhibit No. 10. 13 (Exhibit No. 10 - Screenshots of text 14 messages - marked for identification.) 15 MS. OLSON: Tab 12. 16 MR. BOYLES: Thank you, sir. 17 Q. (BY MS. OLSON) And do you recognize, Ms. Bushnell, 18 what's depicted here in Exhibit 10? 19 A. Yes. 20 Q. What is it? 21 A. It's screenshots of my text conversation that I 22 provided to you. 23 Q. With Casey Whalen? 24 A. Yes. 25 Q. And you -- can you tell what day this is that you're
Page 126 1 Q. And that's like -- that was your view of the whole 2 drag performances, correct? 3 A. Correct. 4 Q. And then further up, you tell North Idaho News that, 5 "I posted the video recorded and edited by a friend. 6 I was over watching the U-haul guys get arrested right 7 around when this is happening," correct? 8 A. Correct. 9 Q. And so was that your understanding, that the -- Well, 10 let me ask you this: What are you referring to as, 11 you know, "what was happening" right around the time 12 you were over watching the U-Haul guys get arrested? 13 A. Can you state the question again? I'm not sure I 14 understand. 15 Q. Sure. I'm kind of -- in the sentence you say, "I was 16 over watching the U-Haul guys get arrested right 17 around when this is happening." What did you mean by 18 "this" in that sentence, "right around when this is 19 happening"? When what was happening? 20 A. The drag dancing at Pride in the Park. 21 Q. And here are you referring to all of the drag dancing? 22 A. I believe it -- I think at the time, I believed it had 23 started about -- around then. 24 Q. So you mean all of the drag dancing generally, or 25 Mr. Posey's performance? That's what I'm --	Page 128 1 having this text conversation with him? 2 A. No. I believe it was before the last, where you asked 3 for additional discovery and you were asking for 4 addresses. 5 Q. And in this particular exhibit, Exhibit 10, there's no 6 date reflected on the screenshot of the text, correct? 7 A. Correct. 8 Q. All right. And your texts to him are in green on the 9 right? 10 A. Correct. 11 Q. And then the ones where he's texting you are in gray 12 and more formatted to the left, or left-justified; is 13 that correct? 14 A. Correct. 15 Q. And texts, different from the Facebook messages that 16 we've looked at, they read from top to bottom, 17 correct? So the most recent one is at the bottom? 18 A. Correct. 19 Q. So in this conversation Mr. Whalen says, "Who is the 20 prosecutor again?" And you say, "Your footage from 21 last years Pride in the Park;" and you're explaining 22 to him why he's going to -- why his information is 23 requested, correct? 24 A. Correct. 25 Q. And you say, "Can I get a current address for you. My

Page 129	Page 131
1 lawyer is asking for one;" correct? 2 A. Correct. 3 Q. Then he says, "Well, I wasn't there when that freak 4 danced. I was covering Patriot Front." Do you see 5 that? 6 A. Correct, yes. 7 Q. And so Mr. Whalen is asserting that his video doesn't 8 show the dance that's in question in this lawsuit, 9 correct? 10 A. Correct. 11 Q. And then you say, "You are in footage from Jeremy's 12 camera. That's why they want your information." 13 Right? 14 A. Correct. 15 Q. And you can see Mr. Whalen in footage from Mr. -- from 16 Jeremy's camera, is that right? 17 A. Yes. 18 Q. And I'm trying to understand. If Mr. Whalen was 19 saying, "I wasn't there when that freak danced. I was 20 covering Patriot Front," how is it that you're now 21 asserting that Mr. Whalen was there at the time of the 22 exposure and provided footage of that? 23 A. I wasn't going to argue with him in this text to me. 24 He was there because you can see him in Jeremy's 25 footage.	1 AFTERNOON SESSION 2 12:45 P.M. 3 4 VIDEOGRAPHER: Back on the record at 12:49. 5 6 EXAMINATION (Resumed) 7 Q. (BY MS. OLSON) All right. Ms. Bushnell, we're back 8 in your deposition after the lunch break; and I'm 9 going to start by showing you another video and see if 10 you recognize that; and we'll have Mr. Carone play it 11 for you. It will also be Exhibit No. 11. 12 MS. OLSON: And, also, for the record, on the 13 videos, we're not asking the court reporter to 14 transcribe what's being said in the video; the video 15 will speak for itself, as it did with Exhibit No. 5, 16 the earlier video. 17 (Exhibit No. 11 - Video, Tab 13 - marked for 18 identification.) 19 (Video playing.) 20 Q. (BY MS. OLSON) All right. Ms. Bushnell, the portion 21 of the video that you just watched in Exhibit No. 11, 22 is that the video you received from Jeremy Lokken on 23 June the 11th of 2022? 24 A. Correct. 25 Q. And that's what you watched to then make the assertion
Page 130	Page 132
1 Q. All right. And then in the footage from Jeremy that 2 you can see, can you also see what -- who's dancing? 3 A. Correct. 4 Q. All right. I don't know if the lunch is here yet, but 5 this might be a good time to take a break, because 6 we're not -- we're going to play a video again. Do 7 you want to break now, or should we go ahead and play 8 this video and -- 9 MR. BOYLES: I have no reference. 10 Whatever -- 11 THE WITNESS: I don't have a preference 12 either. 13 MS. OLSON: All right. Why don't we go ahead 14 and take the lunch break now -- 15 MR. BOYLES: Okay. 16 THE WITNESS: Yeah. 17 MS. OLSON: -- and work to start up again at 18 12:45? 19 MR. BOYLES: Sure. That's about 50 minutes? 20 MS. OLSON: Right. 21 MR. BOYLES: Does that work? 22 THE WITNESS: Yeah. 23 MS. OLSON: Go off the record. 24 VIDEOGRAPHER: Off the record at 11:54. 25 (Lunch recess taken.)	1 that the man in the dress flashed his genitals in 2 front of minors? 3 A. Correct. 4 Q. And at what point -- Well, first tell me the process 5 you used, when you saw that video, to determine that 6 there was -- or on what you based your assertion that 7 there had been flashing of the genitalia by the man in 8 the dress? 9 A. I watched it all the way through and thought I had 10 seen, as I said previously, part of a ball; so then I 11 went back and watched it again some more. 12 Q. Did you watch the entire thing again? 13 A. I think up until where he walks out to get the tips, 14 if I remember correctly. 15 Q. And so then you said you -- you slowed it down, is 16 that right? 17 A. Yeah, just watched it slower, slow mode. 18 Q. And in order to make your determination that what you 19 said was a testicle, you had to slow it down? 20 A. Correct. 21 Q. And did you also have to zoom in on it at all? 22 A. No. Jeremy did provide footage of that later. 23 Q. Okay. What do you mean by "Jeremy did provide footage 24 of that later"? 25 A. We wanted to confirm, so he -- that's why I'd asked

Page 133

1 him previously in the day, where we had talked about
2 the stills.
3 **Q. Okay. And that's what you mean by that's what he**
4 **provided later, were the stills?**
5 A. Correct, yes.
6 **Q. And are there any other, you know, videos that you**
7 **contend show exposure, or is it just that one?**
8 A. I believe it's just that one.
9 **Q. When you say you believe it's just that one, are**
10 **you -- do you doubt that at all or --**
11 A. 95 percent sure.
12 **Q. Okay. What is the other 5 percent lack of certainty**
13 **based on?**
14 A. I could be remembering wrong.
15 **Q. All right. As we go along here in the rest of your**
16 **deposition this afternoon, if that 5 percent, if you**
17 **remember something differently, will you let us know?**
18 A. Yeah.
19 **Q. All right. Did you see Casey Whalen in that video**
20 **that you just watched?**
21 A. No, I did not.
22 **Q. What -- Describe Mr. Whalen.**
23 A. He's about my height, maybe a smidge taller, usually
24 has longer hair in a ponytail, scruffy kind of guy,
25 Caucasian.

Page 134

1 **Q. Does he have facial hair?**
2 A. Depends. Sometimes he tends to vary that a lot.
3 **Q. Do you recall whether he had facial hair on June 11th,**
4 **2022?**
5 A. I believe he did.
6 **Q. Do you recall what he had on that day?**
7 A. No.
8 **Q. What kind of a camera did he use to record?**
9 A. I don't know the specific name type. It's similar --
10 a similar get-up to that one (indicating).
11 **Q. And when you say "that one," you're looking at the**
12 **camera at the other end of the table that is**
13 **videotaping your deposition; correct?**
14 A. Correct. A similar camera lens, similar configuration
15 of the buttons.
16 **Q. And so not a cell phone then, is that right?**
17 A. Hmm-mm.
18 **Q. Is that a "no"?**
19 A. "No." Sorry, I was drinking.
20 **Q. Understood. All right. I'm next going to show you an**
21 **exhibit that we're going to mark as Exhibit No. 12.**
22 MS. OLSON: I'm going to have this next
23 document marked as Exhibit 12.
24 (Exhibit No. 12 - Color photo, Bates
25 REV00005760 - marked for identification.)

Page 135

1 **Q. (BY MS. OLSON) And, Ms. Bushnell, do you recognize**
2 **what Exhibit No. 12 is?**
3 A. Yes.
4 **Q. What is it?**
5 A. A still of Mr. Posey's crotch area.
6 **Q. All right. And when you look at that picture, that's**
7 **the image or the portion of the performance that on**
8 **June 11th of 2022 you asserted showed exposure,**
9 **correct?**
10 A. Correct.
11 **Q. That's the part where you said that there was a -- the**
12 **"man in the dress flashed his genitals" to the minors,**
13 **correct?**
14 A. Correct.
15 **Q. All right. I'm going to have you take Exhibit 38**
16 **(sic), I'm going to hand you my red pen, and I want**
17 **you to circle on there what you assert is the testicle**
18 **that you can see in that picture.**
19 MR. BOYLES: Objection. Lack of foundation
20 regarding Exhibit 38.
21 **Q. (BY MS. OLSON) You can still do as I've asked you to**
22 **do.**
23 A. (Drawing.)
24 **Q. Okay. Hand it back to me. So you've circled here in**
25 **red, faint red, an area that is on the left, below the**

Page 136

1 **left leg, and the shadowed area. So I'm wondering if**
2 **you can make an X on what you assert is the testicle.**
3 **And if you could push pretty hard; that pen is not as**
4 **good as I thought it was.**
5 A. (Drawing.) Yeah, that's not --
6 **Q. Why do you say that's a testicle under that X?**
7 A. Because of the way it's hanging.
8 **Q. What is hanging?**
9 A. The area that's hanging down; it's not his thigh.
10 **Q. Well, what area is -- I mean your X is sort of in**
11 **that dark shadowy area, so what is it that you're**
12 **seeing there?**
13 A. Like I said, part of it's hanging down.
14 **Q. And you've made your mark on what is -- you would**
15 **agree that that's a black where you've made your mark,**
16 **a dark black area?**
17 A. Correct, with the -- that border of white below it.
18 **Q. And the border of white below it is from the boa,**
19 **correct?**
20 A. Correct.
21 **Q. And the different -- the black area is a different**
22 **color from what you see as Mr. Posey's leg in that**
23 **still shot, correct?**
24 A. Correct.
25 **Q. And that's -- your assertion is that with respect to**

Page 137	Page 139
1 Exhibit 12 that you're able -- or you've made a circle 2 and an X, that's the total exposure that you assert 3 that you see in that picture; correct? 4 A. Correct. 5 Q. I'm next going to hand you a still photo that we'll 6 mark as Exhibit 13. 7 (Exhibit No. 13 - Color photo, Bates 8 REV00005761 - marked for identification.) 9 Q. (BY MS. OLSON) And I'll ask you the same thing with 10 respect to Exhibit 13. First, do you recognize what 11 that is? 12 A. Same shot as Exhibit 12. 13 Q. Do you know if it's the exact, same shot or a 14 different frame from the video? 15 A. No idea. One of the hands looks slightly different. 16 Q. And Exhibit No. 13, is this -- does it show the time 17 or the portion of Mr. Posey's performance where you 18 allege there was an exposure? 19 A. Yes. 20 Q. And same exercise I asked you to engage in with 21 respect to Exhibit No. 12: On Exhibit 13, will you 22 circle the area and make an X where you allege the 23 exposure is? 24 A. (Drawing.) 25 Q. And for the record, you've made, again, an X right	1 is? 2 A. (Drawing.) 3 Q. And with respect to Exhibit 14, you've placed the 4 circle and then that X. Again, the circle is around 5 the area that includes the white part that you think 6 is from the boa, and is around a darker shaded area on 7 Mr. Posey's left leg, and the X is in the area that is 8 shaded black; is that right? 9 A. Correct. 10 Q. And what is that you assert that you can see in 11 Exhibit No. 14? Can you describe for me what it is 12 you see there that you allege is -- 13 A. Same as the other two, a faint outline of a testicle. 14 Q. Next I'll have you look at what we'll mark as Exhibit 15 No. 15. 16 (Exhibit No. 15 - Color photo, Bates 17 REV00005763 - marked for identification.) 18 Q. (BY MS. OLSON) And with respect to Exhibit No. 15, do 19 you recognize what that is? 20 A. Yes, same as the previous three. The hand motion's 21 different, so I'm assuming a still shot from the 22 video, yeah. 23 Q. And a slightly different frame perhaps from what we 24 looked at in Exhibits 12, 13 and 14? 25 A. Yes.
Page 138	Page 140
1 above where we can see sort of the white shading and 2 it's over an area that's black shading; correct? 3 A. Correct. 4 Q. And what is it that you're asserting that you can see 5 in that photo? 6 A. A faint outline of a testicle. 7 Q. All right. I'm going to hand you next what we'll mark 8 as Exhibit No. 14. 9 (Exhibit No. 14 - Color photo, Bates 10 REV00005762 - marked for identification.) 11 Q. (BY MS. OLSON) And with respect to Exhibit No. 14, do 12 you recognize what's depicted in that photo? 13 A. Yes. 14 Q. What is that? 15 A. It's the same as the last two exhibits. The hand 16 motion is different than the other two, so I assume 17 another frame. 18 Q. A different still photo frame from the -- 19 A. Yeah, based on the hands. 20 Q. -- from the video that you assert that shows that 21 Mr. Posey exposed a faint outline of a testicle? 22 A. Correct. 23 Q. Okay. And with respect to Exhibit 14, would you also 24 please circle the area that you assert shows the 25 exposure and put an X on where you assert the testicle	1 Q. And you would agree that with respect to each of 2 Exhibits 12, 13, 14 and 15, it's the same general time 3 frame of Mr. Posey's performance, but these appear to 4 be different still shots or different frames because 5 the hand positions are slightly different; correct? 6 A. Correct. 7 Q. And using that same red pen, would you -- if you see 8 any exposure in Exhibit 15, will you please circle 9 that and put an X over it? 10 A. (Drawing.) 11 Q. And hand that back to me, Exhibit No. 15. And on 12 Exhibit No. 15, you've made the circle in the same 13 general area, around sort of the white part that you 14 think is part of the boa, and then the X is in the 15 dark shaded area just above that; is that right? 16 A. Correct. 17 Q. And, again, you're calling that a faint outline of a 18 testicle, is that right? 19 A. Correct. 20 Q. And it's based on basically -- I mean you didn't have 21 the still shots on June 11th when you made the first 22 Bushnell Report post, correct? 23 A. Correct. 24 MR. BOYLES: Objection. Compound. 25 Q. (BY MS. OLSON) You had only seen the video that

Page 141 1 Mr. Lokken provided to you, correct? 2 A. Correct. 3 Q. All right. Were you able to, when you saw the video, 4 slow it down and go frame by frame, essentially like 5 we've done with these still shots? 6 A. I don't know what speed my slow motion goes on my 7 computer, so I wouldn't say frame by frame but 8 definitely slower. 9 Q. Okay. And when you went frame by frame on the slow 10 motion part on your computer, was it zoomed in as much 11 as we see in Exhibits 12, 13, 14 and 15? 12 MR. BOYLES: Objection. Misstates testimony. 13 Q. (BY MS. OLSON) You can respond. 14 A. I didn't -- I don't know if it was frame by frame, 15 like I previously stated. 16 Q. Okay. When you were zooming in on the slow motion 17 thing that you did on your computer, my question is: 18 Was it zoomed in? Did you zoom in on the video as 19 much as is zoomed in, or closed in closely, as you see 20 in the pictures that are in Exhibits 12 through 15? 21 A. No, not that day. I did that later. 22 Q. So when you were looking at the video on June 11th of 23 2022 before you posted your video, it was from a 24 further distance back, basically, from Mr. Posey's 25 performance.	Page 143 1 County Prosecuting Attorney, or the Kootenai County 2 Sheriff's Office; correct? 3 A. Correct. 4 Q. And at times you provided what -- the text of what you 5 believed were the applicable criminal statutes, right? 6 A. Yes. 7 Q. How did you identify what you felt were the applicable 8 criminal statutes? 9 A. I did a Google search for obscenity and then looked 10 into dancing. 11 Q. All right. I'm going to have you -- just ask you some 12 questions about some of those exchanges that you had, 13 and we'll start with what I guess we're going to mark 14 now as Exhibit No. 16. I'm going to hand you what 15 we'll mark as Exhibit 16. 16 (Exhibit No. 16 - Facebook exchange between 17 Summer BushnellHome and Dustin Hurst - marked 18 for identification.) 19 Q. (BY MS. OLSON) And do you recognize the pages of the 20 document that's marked as Exhibit 16? 21 A. Yes. It looks like Facebook message conversations 22 between Dustin Hurst and myself. 23 Q. How do you know Dustin Hurst? 24 A. I'm aware of him through politics. 25 Q. And do you -- What is the nature of your relationship
Page 142 1 A. Correct. 2 Q. All right. You've communicated with -- You can -- 3 We're done with those if you want to turn those over. 4 You've communicated with several people, 5 correct, regarding the -- what you claim you saw in 6 the video and what should be done about it, correct? 7 A. Correct. 8 Q. On Facebook in the comments, correct? 9 A. Correct. 10 Q. Facebook Messenger? 11 A. Correct. 12 Q. Any other platforms you were communicating with people 13 about the video on? 14 A. I texted people. And all the other platforms I 15 mentioned, I'd also posted the same video I think on 16 almost every single one. I know Gab for sure and 17 Miwee for sure. 18 Q. Why -- why did you post it on all of the different 19 social media platforms that you're on? 20 A. To get the word out. 21 Q. What do you mean by "to get the word out"? 22 A. So people could see it for themselves so that people 23 would be aware of what was going on. 24 Q. Okay. And you also encouraged people to contact the 25 Coeur d'Alene Police, or Barry McHugh, the Kootenai	Page 144 1 with Mr. Hurst? 2 A. Facebook acquaintance. 3 Q. Have you ever met Mr. Hurst in person? 4 A. I think once or twice when he's been up this way. 5 Q. And is he the same person who's now the Superintendent 6 for the West Bonner School District? 7 A. No. That would be Brandon Hurst. 8 Q. Oh, okay. 9 A. There are a bunch -- 10 Q. But similar -- 11 A. -- of people with similar names. 12 Q. Okay. 13 A. But there's three different people with a very similar 14 name. 15 Q. Okay. All right. 16 A. I think they've actually made a meme about it, the 17 difference between the three of them, because it's 18 confusing. 19 Q. All right. So here you're communicating, at least on 20 the first page, with Mr. Hurst regarding the events of 21 Pride in the Park; and that communication starts on 22 the page before, correct? 23 A. Correct. 24 Q. And on the page before Mr. Hurst is saying -- asking 25 if the exposure act really happened or not and news

Page 145 1 reports don't seem to indicate that it did; right? 2 A. Correct. 3 Q. And then your response to him includes a citation to 4 the statute, right? 5 A. Yes. 6 Q. And then you say at the top of the second page, "The 7 person in the video will be dealt with by the law;" 8 correct? 9 A. Correct. 10 Q. And what did you mean by that? 11 A. That it would be investigated and he would get due 12 process. 13 Q. And that's what you were hoping would happen, correct? 14 A. Correct. 15 Q. And you say at the -- if we go on the bottom of page 1 16 of Exhibit 16, "The angle sent to the CDA PD and 17 sheriff's office is what I had based what I said on;" 18 correct? 19 A. Correct. 20 Q. And so you sent to the CDA PD and the sheriff's office 21 the video that you asserted would prove that Mr. Posey 22 had done something unlawful; correct? 23 A. Correct. 24 Q. And you did that because you thought the Coeur d'Alene 25 Police and the sheriff's office would take law	Page 147 1 Q. Well, I thought you said that when you made the post, 2 you had confirmed and you only saw one testicle; 3 correct? 4 A. Correct. 5 Q. And here on June 13th you're still staying, "I saw 6 berries," correct? 7 A. Correct. 8 Q. And you also say "and an obscured penis," correct? 9 A. Correct. 10 Q. And you didn't see that on June the 11th of 2022, 11 correct? 12 A. No. Like I stated previously, the first time I went 13 through it, I thought I'd seen more than I thought I 14 saw. 15 Q. But on June 11th, by the time you post it, I think 16 it's your testimony that you saw one testicle; 17 correct? 18 A. Correct. 19 Q. And here on June 13th, this is when you're talking to 20 Mr. Hurst, correct? 21 A. Correct. 22 Q. And so here you're telling him "berries," so multiple, 23 correct? 24 A. Correct. 25 Q. "And an obscured penis," correct?
Page 146 1 enforcement action against Mr. Posey, correct? 2 A. I'm not sure what you mean by "law enforcement 3 action." I figured they would investigate it, and I 4 figured, covering my bases; I wasn't sure who had 5 jurisdiction in that. 6 Q. Okay. 7 A. I was pretty sure it was Coeur d'Alene PD, but I 8 wasn't positive. 9 Q. And you anticipated -- or you wanted them to press 10 charges against Mr. Posey, correct? 11 A. Correct. 12 Q. All right. And then above that, you tell Mr. Hurst, 13 "I saw berries if you know what I mean;" correct? 14 A. Correct. 15 Q. And you said "berries" plural, correct? 16 A. Correct. 17 Q. And is "berries" the term you used in this exchange 18 for "testicles"? 19 A. Correct. 20 Q. So here you were asserting two berries, multiple 21 berries; correct? 22 A. Correct. 23 Q. And then -- 24 A. Like I had said previously today, it was one and a 25 half. I thought I'd seen one and part of another one.	Page 148 1 A. Correct. 2 Q. And that's different from what you had concluded the 3 evening of June 11th of 2022 when you made your 4 Bushnell Report post, correct? 5 A. Correct. 6 Q. All right. Let's look at what we'll mark as Exhibit 7 No. 17. 8 And before we leave Exhibit No. 16, if you'd 9 go back -- sorry -- to that same page, and just above 10 there where you're communicating with Mr. Hurst, he 11 says to you at 6:20 P.M. and 20 seconds, "So you're 12 confident," correct? 13 A. Correct. 14 Q. And you don't respond to that, right? 15 A. Correct. 16 Q. You didn't tell him that you were confident, correct? 17 A. Correct. I stated neither way. 18 Q. Well, you just didn't respond. 19 A. Correct. 20 Q. But when he asked if you were confident, you did not 21 respond "I'm confident," correct? 22 A. Correct. 23 Q. And that's because you had only seen one testicle when 24 you made your Bushnell Report post, correct? 25 A. I would think my thinking then was the conversation

Page 149

1 was over.

2 **Q. And then here you talked about, "The discrediting by**

3 **Alicia Abbott is amazing," correct?**

4 A. Correct.

5 **Q. What did you mean by that?**

6 A. She tends to focus on things I don't agree with, and

7 she was discrediting the people I mentioned previously

8 that were down at the Pride in the Park.

9 **Q. And Teresa -- is this that person Bholenphol who**

10 **had --**

11 A. Yeah, that's her. I think we're both butchering her

12 last name, but yes.

13 **Q. Well, it's spelled in this text here:**

14 **B-H-O-L-E-N-P-H-O-L.**

15 A. I probably misspelled it, too. She has a very complex

16 last name.

17 **Q. All right. And what did you mean here by, "And**

18 **Teresa Bholenphol," however her name is pronounced?**

19 A. As I previously mentioned, she was posting pictures of

20 people that were attending that I knew down there; So

21 I was including her in that.

22 **Q. Including her in the fact that she was discrediting?**

23 A. Correct.

24 **Q. And what was she doing to discredit?**

25 A. Posting pictures of people being at Pride in the Park

Page 150

1 talking about the religion and how they shouldn't be

2 down there.

3 **Q. Oh. So your assertion is that when Teresa was posting**

4 **pictures of Pride in the Park, her purpose was to say,**

5 **"Look who's down there. They're not religious;**

6 **they're at Pride in the Park." Correct?**

7 A. Correct.

8 **Q. All right. Let's now take a look at what we're going**

9 **to mark as Exhibit 17.**

10 (Exhibit No. 17 - Facebook exchange between

11 Summer BushnellHome and Heather Johnson -

12 marked for identification.)

13 **Q. (BY MS. OLSON) And, Ms. Bushnell, do you recognize**

14 **what we have there as Exhibit 17?**

15 A. Yes. It's a string of Facebook messages between

16 Heather Johnson and myself.

17 **Q. And who is Heather Johnson?**

18 A. She is a mom that I have been in some Facebook groups

19 with, and she reads my Bushnell Report and we've

20 communicated on Facebook.

21 **Q. If I could have you turn to page 12 of Exhibit 17, and**

22 **in the lower right-hand corner is REV, a bunch of**

23 **zeroes, 371. So the page you're going to is REV, a**

24 **bunch of zeroes, _0012; correct?**

25 A. Correct.

Page 151

1 **Q. And at the very bottom there, there's a conversation**

2 **or a communication that you have with Ms. Johnson**

3 **beginning on July -- that's on July the 2nd of 2022,**

4 **correct?**

5 A. Correct. Let me read over it for a moment, please.

6 **Q. Yeah, I'm going to actually direct you, if you want to**

7 **read the part I'm going to ask you about.**

8 A. Okay.

9 **Q. If you start about halfway down on the following page,**

10 **page 13, and read up from there your conversation with**

11 **Ms. Johnson.**

12 A. Okay. I've read it.

13 **Q. All right. And you're having this Facebook discussion**

14 **with Ms. Johnson about the video of Mr. Posey's**

15 **performance at Pride in the Park, correct?**

16 A. Correct.

17 **Q. And on July 1st of 2022 at 10:48 and 20 seconds P.M.,**

18 **she says, "I generally don't see anything from this**

19 **angle?" Correct?**

20 **It's on page 13 about a third of the way**

21 **down.**

22 A. Okay. I was reading page 12.

23 Okay. I know where you are.

24 **Q. That's what she says, right?**

25 A. Correct.

Page 152

1 **Q. Right. And then she sends you the link to a Facebook**

2 **post with videos. Do you know what link that was?**

3 A. I'm assuming it's the -- You know, I'm not sure. It

4 would either be the video that I posted or it could be

5 the one that like KREM and North Idaho News posted.

6 I'm not sure.

7 **Q. And then she says, "Wait. Over on his left thigh**

8 **area?"**

9 A. Correct.

10 **Q. Do you see that?**

11 **And this is a conversation on July 1 of 2022?**

12 A. Correct.

13 **Q. And your response is, "I see berries." Correct?**

14 A. Correct.

15 **Q. Multiple, correct?**

16 A. Correct.

17 **Q. And that's different from seeing the faint outline of**

18 **one testicle, correct?**

19 A. Correct.

20 **Q. And different from what you say you saw the evening of**

21 **June 11th of 2022, correct?**

22 A. What do you mean "different"?

23 **Q. Well, I mean I think it's your testimony today,**

24 **Ms. Bushnell, that you said, when you made your post**

25 **on June the 11th of 2022, that you could see one**

Page 153 1 testicle; correct? 2 A. Correct. 3 Q. And so saying, "I see berries," that's a plural; 4 correct? 5 A. Correct. 6 Q. And that's different from seeing one testicle, 7 correct? 8 A. Correct. 9 Q. And then on the next page, page 12, since we're going 10 forward, Ms. Johnson said, "My friend has a pixilated 11 screenshot from a slightly different angle claiming 12 it's clear as day penis, but I can't tell because it's 13 pixilated;" correct? 14 A. Correct. 15 Q. And then you say, "I see two berries and partial 16 twig," correct? 17 A. Correct. 18 Q. And what is "partial twig"? 19 A. "Twig" would be a nice way of referring to "penis." 20 Q. All right. And this is on July 2nd of 2022 in the 21 morning; right? 22 A. Yep. 23 Q. And that's different from what you, here in your 24 deposition, say that you saw when you made your blog 25 post on June the 11th of 2022; correct?	Page 155 1 Exhibit 18. 2 (Exhibit No. 18 - Facebook exchange between 3 Summer BushnellHome and John Paul Webb - 4 marked for identification.) 5 Q. (BY MS. OLSON) And do you recognize what the document 6 is that -- what we've marked as Exhibit 18? 7 A. Yes. This is Facebook messages between John Paul Webb 8 and myself. 9 Q. And who is John Paul Webb? 10 A. He works for a local news station, a younger guy. 11 Q. He's a camera guy? 12 A. No; younger guy. 13 Q. Younger guy. What -- 14 A. I believe he's like 24, 25. 15 Q. What news station does he work for? 16 A. I am not remembering off the top of my head. I think 17 it's KHQ. That would be my best guess. 18 Q. And what is the nature of your relationship with 19 Mr. Webb? 20 A. We have shared interests in news stories. 21 Q. And how do you share interests in news stories with 22 him? 23 A. Through, as you can tell on the first page -- what was 24 that -- 409, showing him an article he might not have 25 seen, miste4liberty, Idaho -- like it says "IDAHO CPS
Page 154 1 A. Correct. 2 Q. And then if you go up about halfway on that same page, 3 you say, "You didn't get these from me," and then, 4 "Click for a video;" correct? 5 A. Correct. 6 Q. Did you send Ms. Johnson on July 2nd of 2022 the 7 unedited video? 8 A. Correct. Time had passed and I felt like I could 9 trust her to not share it and I wanted her to see it. 10 Q. All right. Did you tell -- say something on here, 11 tell her not to share it? 12 A. No. 13 Q. You just said, "You didn't get these from me," 14 correct? 15 A. Correct. 16 Q. What did you mean by that? 17 A. I didn't want her to source me if she shared it with 18 other people. 19 Q. Why not? 20 A. Because it was the unedited video. 21 Q. Well, why didn't you want her to honestly tell people 22 that you had given to her? 23 A. I assumed it was a private conversation between her 24 and me. 25 Q. All right. Let's take a look at what we'll mark as	Page 156 1 is forcing a foster adoption." 2 Q. So are you saying on Facebook you would exchange 3 information about news stories with him? 4 A. Correct. 5 Q. Okay. 6 A. Or just things of interest that we think would be of 7 interest to each other. 8 Q. If I could direct your attention, within Exhibit 18, 9 to page 6. That's the one at the bottom that says 10 REV, lots of zeros, 409_0006. 11 A. Yes. 12 Q. And your conversation with him starts actually on the 13 prior page, but you're talking on June 14th, 15th and 14 16th about the -- Mr. Posey's performance in Pride in 15 the Park and the video; correct? 16 A. Correct. 17 Q. All right. And at this time, had you shared the 18 unedited video with Mr. Webb? 19 A. Well, I say about two-thirds of the way down, "I'm 20 willing to show you the unedited footage." 21 Q. So is it your position at this point you had not 22 shared that with him? 23 A. Correct. 24 Q. And why were you willing to show him the unedited 25 footage on June the 15th of 2022?

Page 157 1 A. I trusted him. I thought he would show it to people 2 at his news organization so they could see if they 3 would change their statement about me, as I say up 4 further on that page. 5 Q. Well, what's the statement that they had made about 6 you? 7 A. That they did not see any genitalia. 8 Q. All right. And you say, up there higher on the page, 9 right below you inquiring him of whether his employer 10 would change their statement about you, the two 11 comments before that is you say, "I see berries and 12 partly twig," correct? 13 A. Correct. 14 Q. And "berries" refers to two testicles, correct? 15 A. Correct. 16 Q. And "partly twig" refers to "penis" again, correct? 17 A. Correct. 18 Q. And that's -- you're asserting that that's what you 19 saw when you looked at the video that we've looked at 20 in Exhibit No. 11, correct? 21 A. I haven't asserted all of that; we were talking -- 22 Q. Well -- 23 A. -- about one -- 24 Q. Well, let me -- 25 A. -- one ball.	Page 159 1 You can answer. 2 THE WITNESS: Correct. 3 Q. (BY MS. OLSON) And you would agree now that there's 4 nothing in any of Exhibits 12 through 15 that look 5 like a penis, correct? 6 A. Correct. 7 Q. And there's nothing in Exhibits 12 through 15 that 8 look like both testicles on a human male, correct? 9 A. Just one. 10 Q. And faintly one, correct? 11 A. Correct. 12 Q. And that's also -- those are the video and the images 13 that you had on -- well, the video that you had on 14 June 11th, 2022, correct? 15 A. Correct. 16 Q. And then the still photos that you got shortly after 17 that, correct? 18 A. Correct. 19 Q. Do you know how many people you told that you had seen 20 multiple testicles and either a penis or a partial 21 twig? 22 A. Three or four. I think they were all included in 23 discovery to you. 24 Q. All right. Well, let's go back to Exhibit 4, which 25 should be in that pile in front of you, your
Page 158 1 Q. So the only -- Yeah. When we looked at Exhibit 11 2 and Exhibits 12 through 15, your assertion was that 3 you could only see one testicle; right? 4 A. Correct. 5 Q. And only faintly in the pictures we looked at in 12 6 through 15; correct? 7 A. Correct. 8 Q. And so if that's what you could see on this video, why 9 on June the 15th are you telling Mr. Webb, "I see 10 berries and partly twig"? 11 A. If I'm remembering correctly, I would -- I kept going 12 back and forth on what I saw, but I think I concluded 13 that it was one berry per se, one ball. 14 Q. But you at times told people that you had seen a 15 penis, correct? 16 A. Correct. 17 Q. And at times you told people that you had seen 18 multiple testicles, correct? 19 A. Correct. 20 Q. And those statements were all based solely on the 21 video we see in Exhibit 11, correct? 22 A. Correct. 23 Q. And on still photos similar to those that we see in 24 Exhibits 12 through 15, correct? 25 MR. BOYLES: Object to compound.	Page 160 1 conversations with Mr. Sullivan. 2 And if you'd go to page 34 within Exhibit 4, 3 and if you'd go to the bottom of page 34, and do you 4 see your statement on June the 14th of 2022 at 5 8:31:11 A.M., "CDA Press has White saying nothing 6 happened in the video. I saw berries and partial 7 twig?" 8 A. I see that, yes, correct. 9 Q. Yeah. And that's a statement you made on June the 10 14th, correct? 11 A. Correct. 12 Q. After you had posted the Bushnell Report post, 13 correct? 14 A. Correct. 15 Q. And then you say, "CDA Press has White saying nothing 16 happened in the video." Who is White? 17 A. He is the Chief of Police for Coeur d'Alene. I 18 believe he still is the Chief of Police for 19 Coeur d'Alene. 20 Q. Okay. And did you read an article in the 21 Coeur d'Alene Press where the Chief of Police for the 22 Coeur d'Alene Police Department said, "Nothing 23 happened in the video"? 24 A. Correct. I don't know if it was at that point. I 25 think it was around that time, though.

Page 161

- 1 Q. Okay. All right. Let's go back to what you looked at
2 as Exhibit 7, and those are your Facebook messages
3 with Keith Boe; and if you'd look at page 26 within
4 that.
5 A. 26 or 27?
6 Q. 26.
7 A. Okay.
8 Q. And on page 26, that's part of your communications at
9 the bottom there with Mr. Boe on June the 13th of
10 2022, correct?
11 A. Correct.
12 Q. And Mr. Boe, at the very bottom there, says, "And
13 you've seen the unedited version and you clearly see
14 the guy's dick?" That's his question to you, correct?
15 A. Correct.
16 Q. And what is your response?
17 A. It's right there, "Berries for sure and what I think
18 is the penis."
19 Q. So here again on June the 13th you're telling
20 Keith Boe that you've seen multiple testicles, right?
21 "Berries."
22 A. Correct.
23 Q. And what you think is the penis, correct?
24 A. Correct.
25 Q. So I think that's, if I'm counting correctly, at least

Page 162

- 1 the fourth person -- the fifth person that you've told
2 you see "berries" and either "a partial twig" or "an
3 obscured penis" or the "penis," correct?
4 A. Correct.
5 Q. All right. Let's take a look at what I think will be
6 a new exhibit, and we're up to Exhibit No. 19.
7 (Discussion off the record.)
8 MS. OLSON: We'll mark this one as Exhibit
9 No. 19.
10 (Exhibit No. 19 - Facebook exchange between
11 Summer BushnellHome and Mary White - marked
12 for identification.)
13 Q. (BY MS. OLSON) And, Ms. Bushnell, do you recognize
14 the document we've marked as Exhibit No. 19?
15 A. Yes, Facebook messages between Mary White and myself.
16 Q. Who is Mary White?
17 A. She is a Republican Precinct person on the Kootenai
18 County Republican Central Committee.
19 Q. And what is the nature of your relationship with her?
20 A. I've known her off and on socially for years. We have
21 a lot of acquaintances in common.
22 Q. Yeah. And these are Facebook messages with her; the
23 ones in June are on June 17th, correct?
24 A. Correct.
25 Q. And Ms. White says, "Can I get a peak at the drag

Page 163

- 1 video? My in-law works in the CDA Police Department
2 and she said there was no exposure. I saw the other
3 videos that claimed there was no exposure, but your
4 might be a different angle. Thanks. Mary." Do you
5 see that?
6 A. Yes.
7 Q. And you say, "Can I text it to you?" Correct?
8 A. Correct.
9 Q. And you texted it to her, right?
10 A. I would assume so, yes.
11 Q. Yeah. And why would you assume so?
12 A. I don't remember for sure, but she's someone that I
13 would trust to not share it around without having to
14 ask her to not share it around.
15 Q. All right. And she gives you her phone number to text
16 here, is that correct?
17 A. Correct.
18 Q. And in here Ms. White is informing you that her in-law
19 "that works at the police department said the drag
20 queen already came into the office for an interview;"
21 correct?
22 A. Correct.
23 Q. And then you tell her, "I see berries and a partial
24 twig," correct?
25 A. Correct.

Page 164

- 1 Q. And so, again, you're saying multiple testicles;
2 correct?
3 A. Yep.
4 Q. And a partial penis, correct?
5 A. Correct.
6 Q. And that's what you're asserting on June the 17th of
7 2022 --
8 A. Correct.
9 Q. -- correct?
10 And then Ms. White up above, she tells you
11 what she sees. She said she sees a "shift in white
12 undies to the left that expose a ball on the right,"
13 correct?
14 A. Correct.
15 Q. All right. Well, even in the exhibits that we've
16 looked at, 12 through 15, it's your position that the
17 exposure occurs on the left side, right? I mean
18 "correct"?
19 A. Correct.
20 Q. And then above that, Ms. White says, "Oh, by the way,
21 it wasn't my in-law that told me about the police
22 saying there was no exposure. My husband said it was
23 one of his friends that told him;" correct?
24 A. Correct.
25 Q. And so you had some information on June the 17th that

Page 165 1 the police were saying there was no exposure, correct? 2 A. Correct. 3 Q. And you would agree in this communication with 4 Ms. White that this is another person that you're 5 telling in June of 2022 that you see "berries and a 6 partial twig," correct? 7 A. Correct. 8 Q. All right. We'll look at the next document that we're 9 going to mark as Exhibit 20. 10 (Exhibit No. 20 - The Bushnell Report page 11 reply to Michael Brown - marked for 12 identification.) 13 (Discussion off the record.) 14 Q. (BY MS. OLSON) And, Ms. Bushnell, do you recognize 15 the document that's been marked as Exhibit 20? 16 A. Yes, it looks like a reply on my Bushnell Report page 17 to Michael Brown. 18 Q. And your Bushnell page, is this on your Facebook page? 19 A. Correct. 20 Q. All right. And this is something you're saying, 21 correct? 22 A. I believe so. That's the format it looks like. 23 Q. Yeah. The format is typically if you send a Reply, it 24 has the name of the person you're replying to and then 25 what the text of the Reply is, right?	Page 167 1 Q. I'm not certain what the date of this is. Do you see 2 anywhere where it tells us what the date is? 3 A. No. 4 Q. In the -- I guess it will be the one, two, three, 5 fourth bubble down, where it says "Author" and there's 6 a little microphone, "The Bushnell Report," is that a 7 reply or post by you? 8 A. Yes. 9 Q. And what do you say to Mr. Lathrop in that bubble? 10 A. The fourth one down -- 11 Q. Correct. 12 A. "Blurred areas are fully exposed genitals." 13 Q. So you're telling him that the blurred-out areas in 14 the edited video are "fully exposed genitals;" 15 correct? 16 A. Correct. 17 Q. Those are statements that you decided to make, 18 correct? 19 A. Correct. 20 Q. And you would agree that the phrase "blurred areas are 21 fully exposed genitals" conveys the message that 22 everything under that blurred area shows Mr. Posey's 23 genitals; correct? 24 A. I'm referring to balls. I can see how that can get 25 misconstrued, though.
Page 166 1 A. Correct. 2 Q. And you're asserting that there was "the flashing of 3 the genitals and everyone stood there?" Correct? 4 A. Correct. 5 Q. And the "flashing of the genitals," that's multiple 6 genitals, correct? 7 A. Correct. 8 Q. And this is the same language that you had used in 9 your Bushnell Report the night before, correct? 10 A. Correct. 11 Q. I'll next have you look at what we'll mark as 12 Exhibit 21. 13 (Exhibit No. 21 - The Bushnell Report page, 14 public conversation with Max Lathrop - marked 15 for identification.) 16 Q. (BY MS. OLSON) Ms. Bushnell, do you recognize what's 17 depicted there in Exhibit 21? 18 A. Public conversation on my Bushnell Report between 19 myself and Max Lathrop. 20 Q. Do you know Max Lathrop? 21 A. No. He comments on my Bushnell Report from time to 22 time. 23 Q. All right. And you obviously respond from time to 24 time, correct? 25 A. Correct.	Page 168 1 Q. Well, you say "fully exposed genitals," correct? 2 A. Correct. 3 Q. Those are the words you chose -- 4 A. Correct. 5 Q. -- to respond to Mr. Lathrop. 6 A. Yes. 7 Q. And other people on your Facebook page could also see 8 those comments, correct? 9 A. Correct. 10 Q. And you knew that. 11 A. Correct. 12 Q. And you also chose to say that the "blurred area 13 covered fully exposed genitals," correct? 14 A. Correct. 15 Q. And "fully exposed genitals" means that you can see 16 all the genitals, right? 17 A. Correct. 18 Q. Those are the words that you chose to respond to 19 Mr. Lathrop, correct? 20 A. Correct. 21 Q. And at the very top Mr. Lathrop says, "We need to see 22 the video unedited. As someone whose wife was 23 recently victim of a witch hunt, I would see to see 24 the unedited video to make an honest judgment;" 25 correct?

Page 169 1 A. Correct. 2 Q. And he says, "If I see twig and berries, I'll get my 3 pitchfork;" correct? 4 A. Correct. 5 Q. So that was someone who would seem to be on your side, 6 correct? 7 MR. BOYLES: Objection. Speculation. 8 You can answer. 9 THE WITNESS: What do you mean by on my side? 10 Q. (BY MS. OLSON) Well, he says -- 11 A. He asked to see the unedited footage. 12 Q. Right. 13 A. I don't see -- Are you saying "pitchfork" means he's 14 on my side? 15 Q. Well, let me ask the question a different way. He 16 says, "We need to see the video unedited," correct? 17 A. Correct. 18 Q. He wants to see what you saw, correct? 19 A. Yes. 20 Q. And he says at the end, "If I see twig and berries, 21 I'll get my pitchfork;" correct? 22 A. Correct. 23 Q. What did you mean understand that to mean? 24 A. He would be upset. 25 Q. And that's what your objective was, was for people to	Page 171 1 Facebook, and she used to live in Coeur d'Alene. 2 Q. And how often did you communicate with Ms. Costello? 3 A. Well, I'd go through spurts where we'd talk more and 4 then not, and then occasionally we'd hang out -- we 5 have a common friend named Shauna -- the three of us 6 would go out to lunch occasionally. 7 Q. All right. I'm going to direct your attention to 8 page 3 of this Exhibit 22. It's at the bottom and it 9 says REV, multiple zeroes, 570_0003. Do you see that? 10 A. Yes. 11 Q. And in about the middle of that page are 12 communications between yourself and Ms. Costello on 13 June the 14th of 2022, correct? 14 A. Correct. 15 Q. All right. And you say, "His berries are showing," 16 correct? 17 A. Correct. 18 Q. And that's multiple berries, correct? 19 A. Correct. 20 Q. And then in this communication that you have with 21 Ms. Costello, you then send her this sort of long 22 communication with various statutes that you assert 23 are violated; correct? 24 A. Correct. 25 Q. And is it fair to say that in this message that you
Page 170 1 be upset, correct? 2 A. No. 3 Q. Well, you wanted people to reach out to law 4 enforcement just based on what you seen, correct? 5 A. Correct. 6 Q. And what you had seen, or what you had said you had 7 seen, was a single testicle, correct? 8 A. Correct. 9 Q. And in responding to Mr. Lathrop, you didn't give him 10 the unedited video, right? 11 A. I did not. I do not know him or trust him. 12 Q. Instead what you said to him is, "Blurred areas are 13 fully exposed genitals," right? 14 A. Correct. 15 Q. And that's not true, is it? 16 A. It is not. 17 Q. Next we'll look at Exhibit 22. 18 (Exhibit No. 22 - Facebook exchange between 19 Summer BushnellHome and Kelly Costello - 20 marked for identification.) 21 Q. (BY MS. OLSON) And, Ms. Bushnell, do you recognize 22 what is Exhibit 22 is? 23 A. Facebook messages between Kelly Costello and myself. 24 Q. Who is Kelly Costello? 25 A. She is a friend of a friend. We talk a lot through	Page 172 1 send to her that this is sort of a template or a 2 format for a complaint that you wanted her to make to 3 the Kootenai County Prosecuting Attorney's office? 4 A. Correct. This looks like the same -- it looks like I 5 copied text from a post that I had done. 6 Q. Okay. And you copied this text into Facebook messages 7 with multiple people, correct? 8 A. Correct. 9 Q. And you were trying to get them to complain or reach 10 out to the Kootenai County Prosecuting Attorney's 11 Office and assert that Mr. Posey had violated the 12 number of Idaho criminal statutes that are set out 13 here, correct? 14 A. Correct. 15 Q. And that's you start out with "Title 18-1506, Sexual 16 abuse of a child under the age of 16 years," correct? 17 A. Correct. 18 Q. And then the next one you have is Title 18, 19 Section 1507, "Sexual exploitation of a child;" 20 correct? 21 A. Correct. 22 Q. And then the next one Title 18-1513, "Obscene 23 materials dissemination to minors;" correct? 24 A. Correct. 25 Q. And below that Title 18, Section 1514, "Obscene

Page 173 1 materials;" right? 2 A. Correct. 3 Q. And it was your assertion that Mr. Posey had violated 4 all of those statutes, correct? 5 A. I think at that time I wasn't sure. I knew that -- 6 the first one and the second one; but I wasn't sure, 7 so I was sending the other ones around. 8 Q. Well, you were asking people to include those statutes 9 in the communications they had with Mr. McHugh, 10 correct? 11 A. Correct. 12 Q. And if we look back at, here on Exhibit 22, to 13 page 1 -- 14 A. I don't see a page 1. 3? 15 Q. Well, it doesn't have a 1 on it, but the very front 16 page -- 17 A. Front page. 18 Q. -- where the sticker is. 19 A. Okay. 20 Q. And do you see there, it's like the third 21 paragraph-ish from the bottom above where it says 22 "Title 18 Crimes and Punishments?" 23 A. Yes. 24 Q. And this is something that you typed, correct? --- 25 A. Correct.	Page 175 1 and Ronna Snyder. 2 Q. And who is Ms. Snyder? 3 A. She's a Facebook friend of mine. 4 Q. And do you have any other contact with Ms. Snyder? 5 A. I think we have ran into each other a couple times in 6 person, if I remember, at different political rallies, 7 campaign events. 8 Q. And if I could direct your attention to the page 9 within this that's page 8, so REV, lots of zeroes, 10 619_0008 at the very top of the page. 11 A. Yes. 12 Q. And that -- if you go then to the page ahead of that, 13 page 7, can you tell that the statement that's made at 14 the top of page 8 is a statement by you? 15 A. Yes. 16 Q. All right. And that's made on July 1st of 2022? 17 A. Correct. 18 Q. And what do you say then? 19 A. "I see two berries." 20 Q. So here you're very specifically asserting that in 21 this video of Mr. Posey's drag performance that you 22 see two testicles, correct? 23 A. Correct. 24 Q. And that's different from what you assert that you saw 25 on June the 11th of 2022, correct?
Page 174 1 Q. And what do you say right above that? 2 A. Are you talking about, "Based on Idaho statutes" or 3 "You are well aware"? 4 Q. One below that. So do you see where it says, 5 "Sincerely, Summer Bushnell, Post Falls"? 6 A. Yes. 7 Q. Okay. What do you say right below that? 8 A. "The statutes that were violated are:" 9 Q. So you're asserting that these statutes were violated, 10 correct? 11 A. Correct. 12 Q. There's no "maybe" about it in this Facebook message 13 that you sent, correct? 14 A. Correct. 15 Q. And that's the message that you want people to send to 16 Barry McHugh, correct? 17 A. Correct. 18 Q. All right. Let's take a look at what we'll mark as 19 Exhibit 23. 20 (Exhibit No. 23 - Facebook exchange between 21 Summer BushnellHome and Ronna Jones Snyder - 22 marked for identification.) 23 Q. (BY MS. OLSON) And, Ms. Bushnell, do you recognize 24 the documents in Exhibit 23? 25 A. Yes. This looks like Facebook messages between myself	Page 176 1 A. Correct. 2 Q. And that's not true then, this comment that you have 3 in Exhibit 23 "I see two berries;" correct? 4 A. Correct. 5 Q. All right. I'm going to have you look at what we'll 6 next mark as Exhibit 24. 7 (Exhibit No. 24 - Facebook exchange between 8 Summer BushnellHome and Allie Anderton - 9 marked for identification.) 10 Q. (BY MS. OLSON) And do you recognize the document 11 that's Exhibit 24? 12 A. Yes. This looks like Facebook messages between myself 13 and Allie Anderton. 14 Q. And do you know Allie Anderton? 15 A. Yes, through politics and we've hung out socially a 16 couple times. 17 Q. How do you know her through politics? 18 A. She ran for and is currently one of the Coeur d'Alene 19 School Board trustees. 20 Q. And your communication with her, at least in 21 Exhibit 24, are on June the 14th of 2022? 22 A. Correct. 23 Q. And you say to Ms. Anderton, "There are berries in the 24 unedited," correct? 25 A. Correct.

Page 177	Page 179
1 Q. And that's multiple testicles, in your vernacular; 2 correct? 3 A. Correct. 4 Q. And that wasn't true, correct? 5 A. Correct. 6 Q. And then about that you say, "But people threatening 7 the dude with death, not okay." What did you mean by 8 that? What was "people threatening the dude with 9 death"? 10 A. Apparently, I had heard rumors, that people had gone 11 to his work and harassed him and were threatening him 12 over what had happened at Pride in the Park. 13 Q. And how did people know about what had happened at 14 Pride in the Park? 15 A. Looking on -- 16 MR. BOYLES: Objection. 17 THE WITNESS: -- social media -- 18 MR. BOYLES: Speculation. 19 Q. (BY MS. OLSON) You can respond. 20 A. Looking at social media, watching the video put out by 21 the news. 22 Q. Including social media put out there by you, is that 23 right? 24 A. Correct. 25 Q. So you were aware by June 14th of 2022 that there were	1 I don't know her legal last name. Her name 2 is -- first name is Mona and that's what she goes by 3 on Facebook. 4 Q. (BY MS. OLSON) Do you know Mona Mona outside of 5 whatever communications you had with her on Facebook? 6 A. I've ran into her political campaign events and 7 rallies. 8 Q. What kind of political campaign events and rallies 9 have you run into her at? 10 A. We've had rallies over the years to protest the mask 11 mandate, to support the truck convey to DC, and then 12 various local -- you know, inviting her to stuff to 13 support local candidates. 14 Q. And this is a communication you had with her, at least 15 the earliest part starts on June the 13th of 2022, 16 correct? 17 A. Correct. 18 Q. And Ms. -- or Mona Mona initially asked you, "Can you 19 e-mail the original video?" and then she gives you an 20 e-mail address, correct? 21 A. Correct. 22 Q. And you say, "Unedited? Nope," correct? 23 A. Correct. 24 Q. And then she asks you a question, "Why wasn't the 25 audience more shocked? Did it seem like a wardrobe
Page 178	Page 180
1 death threats being made against Mr. Posey. 2 A. Correct. 3 Q. And in that same conversation, you made a statement 4 that you knew wasn't true, that there were two 5 berries; correct? 6 A. Correct. 7 Q. How many people did you send the unedited video to? 8 A. My best guess would be four to five. 9 Q. And who do you recall sending it to? 10 A. Mary White. I'm assuming Carla saw it because I gave 11 her the links to pass on to law enforcement. And I'm 12 assuming there's another person or two that I'm not 13 remembering. 14 Q. I'm going to have you take a look at next what we'll 15 mark as Exhibit 25. 16 (Exhibit No. 25 - Facebook exchange between 17 Summer BushnellHome and Mona Mona - marked 18 for identification.) 19 Q. (BY MS. OLSON) And, Ms. Bushnell, do you recognize 20 what this is, Exhibit 25? 21 A. This looks like Facebook messages between myself and 22 Mona Mona. 23 Q. Who is Mona Mona? 24 COURT REPORTER: Mona? Okay. 25 THE WITNESS: Right.	1 malfunction or deliberate complete nudity? Was it 2 completely visible or could it have been something 3 else?" 4 And what was your response? 5 A. It's the next one up, "Obscene per Idaho law." 6 Q. And then you sent her the video, correct? 7 A. No. 8 Q. Well, above that you say, "Don't share," correct? 9 A. I -- if I remember right, I'd sent her a still shot. 10 Q. And it was an unedited or an unblurred still shot? 11 A. Correct. 12 Q. And then you say to her, "Berry," correct? 13 A. Correct. 14 Q. And her response up above is, "I can't figure out what 15 I'm looking at. The purple is his shin/boot and the 16 green his thigh of same leg?" 17 A. Correct. 18 Q. And you say, "Look at the star. It's not his thigh." 19 Correct? 20 A. Correct. 21 Q. What was the star? 22 A. I believe when we were looking at those pictures in 23 our early exhibits, it's right next to that white part 24 we were referring to. 25 Q. All right. Well, let's go back and look at

Page 181 1 Exhibit 12. 2 And then you say, "Look at the leg next to 3 the star," correct? 4 A. Correct. 5 Q. What is the star that you're talking about? 6 A. Those guys there, there's stars on both sides. 7 Q. All right. So you just said "the star," correct? 8 A. Correct. 9 Q. And did you mean just -- I'm trying to understand 10 what the star referenced in your -- 11 A. Right there (indicating). 12 Q. All right. And you're pointing with your little 13 finger. Can you take your blue pen and put a circle 14 around what you assert is the star that you're 15 referring to your Facebook messages with 16 Ms. Mona Mona? 17 A. It does want -- There we go. Okay. (Drawing.) 18 Q. All right. Just -- and so the area that you've 19 circled is to the left and a little above the X and 20 intersects with the -- if I remember my geography -- 21 but overlaps with the circle that you tried to draw in 22 red earlier; is that right? 23 A. Correct. 24 Q. So we'll put that back. 25 How many people did you send unedited still	Page 183 1 going to mark as Exhibit 26. And similarly, with the 2 last video, the court reporter is not going to 3 transcribe any audio from the video; we'll let that 4 stand for itself. 5 Ms. Bushnell, you posted a video of 6 Mr. Posey's performance to Facebook as well, correct? 7 A. Correct. 8 Q. And what is the source of the video that you posted to 9 Facebook? 10 A. Jeremy gave me the video and I posted it online, like 11 I previously said. 12 Q. All right. Well, when you posted -- The video that 13 you posted online, you only did that one time? 14 A. Correct. 15 Q. I'm going to have Mr. Carone hand to you his computer 16 again and push this -- I think this is about a 17 5-minute video. 18 (Video playing.) 19 Q. (BY MS. OLSON) And the video that you just watched 20 that we've marked as Exhibit 26, that's the video that 21 you posted on Facebook, correct? 22 A. Correct. 23 Q. Was that on June 12th of 2022? 24 A. I don't remember the exact date. 25 Q. And how did -- how was the video made? Did you make
Page 182 1 shots to? 2 A. I would guess about the same amount as the video, four 3 to five. 4 Q. And how did you decide whether or not you were going 5 to send the still shots of the video to people? 6 A. My level of trust in them. 7 Q. I think we're going to move to another area and show 8 another video. 9 MS. OLSON: Does anyone need a break or are 10 we ready to keep going? 11 MR. BOYLES: I'll like to maybe turn the AC 12 up a little in here. 13 MS. OLSON: I know. It's getting warm in 14 here. 15 (Discussion off the record.) 16 MS. OLSON: All right. Let's take a short 17 break and then we'll see if I can find someone who 18 can -- 19 VIDEOGRAPHER: Off the record at 1:53. 20 (Recess taken.) 21 (Exhibit No. 26 - Video, Tab 43 - marked for 22 identification.) 23 VIDEOGRAPHER: Back on the record at 2:00. 24 Q. (BY MS. OLSON) All right. Ms. Bushnell, we're going 25 to start with an exhibit, another video, that we're	Page 184 1 the video? 2 A. No. 3 Q. Who made the video? 4 A. Jeremy made it and gave it to me. 5 Q. And did you discuss with him what should be in the 6 video? 7 A. The only discussion that I remember us having was by 8 phone and I thought the statutes should be included. 9 Q. And in the video that appears in Exhibit 26 that you 10 posted on Facebook, it's not just an edited or blurred 11 out version of Exhibit No. 11; correct? Exhibit 12 No. 11 is the video that we watched right after the 13 lunch break. 14 A. Correct. 15 Q. There was some music added to Exhibit No. 26, your 16 Facebook post video? 17 A. Correct. 18 Q. And there was some slowing down of the video footage 19 from Mr. Posey's performance, correct? 20 A. Correct. 21 Q. And it was slowed down from what you would have seen 22 if you were actually there, correct? 23 A. Correct. 24 Q. And it was interspersed with images of people in the 25 audience, correct?

Page 185 1 A. Correct. 2 Q. Do you know where those images of people in the 3 audience came from? 4 A. The longer footage that Jeremy had of that day. 5 Q. All right. So the longer footage you had from that 6 day -- well, strike that. 7 When we watched the video that's in 8 Exhibit 11, that was all of Mr. Posey's performance, 9 correct? 10 A. Correct. 11 Q. And in that, all of Mr. Posey's performance, the 12 camera didn't ever pan out to the kids in the 13 audience, right? 14 A. Correct. 15 Q. And so the video of the kids and the audience that's 16 in your Facebook video, that wasn't taken during 17 Mr. Posey's performance in which you alleged that 18 there was exposure; correct? 19 A. I don't know. I know that Jeremy had discussed 20 getting a different angle from Casey. I do not know 21 if he did or not. 22 Q. You would agree that Mr. Lokken's video of Mr. Posey's 23 performance that we looked at in Exhibit 11 doesn't 24 show any of the kids in the audience where you can see 25 their faces straight on from the vantage point of the	Page 187 1 that we look at Exhibit No. 11. 2 A. When I had viewed Casey's footage, you do get that 3 impression from his footage. 4 Q. That wasn't my question. My question was: That's 5 different from and that's not the impression you get 6 when you watch Mr. Lokken's video footage; correct? 7 A. Correct. 8 Q. All right. Have you watched, in the entirety, 9 Mr. Whalen's video footage? 10 A. Correct. 11 Q. All right. And I think you testified earlier that by 12 watching it, you're able to match up a portion of the 13 children's reaction with what you assert is the same 14 time Mr. Posey was making the motion that you say 15 resulted in the exposure; is that right? 16 A. Correct. 17 Q. And in the video that we showed you, Exhibit 11, you 18 said that you did not see Mr. Whalen in that video; 19 correct? 20 A. Correct. 21 Q. And the video that you received from Mr. Whalen, in 22 that were you able to see the exact, same performance 23 of Mr. Posey that -- in which you allege there was an 24 exposure? 25 A. Yes, a different angle.
Page 186 1 stage or the side of the stage; correct? 2 A. Correct. 3 Q. And so that video that is -- that portion of the video 4 that is inserted in Exhibit 26, your Facebook post, 5 came from some source other than Mr. Lokken's video of 6 Mr. Posey's performance; correct? 7 A. Correct. 8 Q. And you knew that at the time, correct? 9 A. I assumed it was either from -- 10 MR. BOYLES: Objection. Ambiguous. 11 Go ahead. 12 THE WITNESS: I assumed it was either from 13 other footage Jeremy had or that he had obtained a 14 different angle from Casey. 15 Q. (BY MS. OLSON) Well, did you ask him about that? 16 A. No, I did not. 17 Q. Why not? 18 A. I trusted his judgment. 19 Q. Well, the purpose of that -- you would agree that the 20 purpose of that portion of the video is to make it 21 appear as if that's the reaction of those children to 22 seeing what you allege to be an exposure; correct? 23 A. Correct. 24 Q. And you would agree that you don't get that impression 25 and you don't see that from Mr. Lokken's video alone	Page 188 1 Q. All right. When you -- so when we saw the pictures of 2 the children in this video that you posted on 3 Facebook, that's Exhibit 26, you couldn't also see 4 Mr. Posey in that footage; correct? 5 A. I don't think so, no. 6 Q. So you couldn't tell from that video alone exactly 7 what was going on in Mr. Posey's performance or even 8 if those pictures of the children were from 9 Mr. Posey's performance; correct? 10 A. Can I ask a clarifying question? 11 Q. Sure. 12 A. So are you saying -- Well, no. I guess I'm stating 13 that I looked at Casey's footage, it seemed about the 14 same time period you could see the reaction from the 15 children. 16 Q. Okay. 17 A. Am I answering the question or no? 18 Q. I actually asked a different question. But if not, 19 I'll ask it now. 20 A. Okay. 21 Q. So in this video that we just looked at, in 22 Exhibit 26, you would agree that there's a portion of 23 that that shows the reaction of children; correct? 24 A. Correct. 25 Q. And in that portion of the video that shows the

Page 189 1 reaction of children, you cannot see Mr. Posey; 2 correct? 3 A. Correct. 4 Q. And so you couldn't tell, just from looking at that, 5 what portion of Mr. Posey's performance was going on 6 or if Mr. Posey's performance was going on; correct? 7 A. Correct; but I had seen the entirety of Casey's 8 footage, so I had assumed it was from the same time 9 period. 10 Q. But you don't know from looking at that video alone, 11 correct -- 12 A. Correct. 13 Q. -- Exhibit 26? 14 A. Correct. 15 Q. And there's this part where it slows down rather 16 dramatically, and there's the blurring and the music 17 changes and it's no longer the actual music that 18 Mr. Posey was performing to; correct? 19 A. Correct. 20 Q. Whose decision was it to slow it-down and use this 21 other kind of music? 22 A. Jeremy. 23 Q. And then when you included the statutes, I noticed a 24 lot of the statutes were highlighted; correct? 25 A. Correct.	Page 191 1 Q. Did you ever discuss with Mr. Lokken whether he also 2 wanted to post it? 3 A. No. 4 Q. And, to your knowledge, did Mr. Lokken ever post the 5 video? 6 A. Not to my knowledge, no. 7 Q. Did you ever see any of the raw footage that you know 8 that he used to make the video that we see in 9 Exhibit 26? For example, do you know if you ever saw 10 the actual raw footage of the picture of the children? 11 A. Yes. As I just stated previously, I had seen it from 12 Casey Whalen's video -- 13 Q. All right. Did you -- 14 A. -- footage. 15 Q. -- give Mr. Lokken Casey Whalen's videos? 16 A. No. They know each other. I would assume that they 17 had communicated and that he had asked -- Jeremy had 18 asked Casey for the footage. 19 Q. All right. And did Mr. -- Do you know -- do you know 20 if that's the case or are you speculating? 21 A. Speculating, based on other times they've shared 22 videos. 23 Q. All right. Did Mr. Whalen ever say to you, "Hey, I 24 gave Mr. Lokken," or Jeremy or however they refer to 25 one another, "the video I took so he could use it in
Page 190 1 Q. Who did the highlighting of the statutes? 2 A. I think I had discussed, like with that e-mail we 3 looked at in one of the earlier exhibits where I had 4 said -- cited all the statutes, he and I had a phone 5 discussion about what we thought was pertinent. 6 Q. And then he actually did the editing -- or, excuse 7 me -- the highlighting of the statutes that appeared 8 in the video that's Exhibit 26? 9 A. Correct. 10 Q. And did you -- How did that process work that you 11 ended up with that video and then posted it on 12 Facebook? Did you have the phone conversation with 13 him and sort of discuss it, and then he sends you a 14 video and you just post it, or was there some back and 15 forth, some editorial discussion? How did that work? 16 A. I don't remember a back-and-forth. We discussed, by 17 the phone, statutes, kind of went back and forth with 18 what we thought was pertinent, were we 19 understanding -- we had to look up some of the words 20 on the legalese to make sure we were understanding it; 21 and then I -- he created the video and sent it to me, 22 and I watched it and then I posted it. 23 Q. Was it always the plan for you to be the one to post 24 it? 25 A. Correct.	Page 192 1 that video that you posted on Facebook"? Anything 2 like that? 3 A. Maybe. I don't remember for sure. 4 Q. And why do you say "maybe"? 5 A. Because we discussed a lot of who has what footage for 6 different events. 7 Q. Okay. Is there anyone else you discussed who has 8 footage with respect to this performance by Mr. Posey 9 at Pride in the Park on June 11th, 2022? 10 A. No. 11 Q. I'm going to have you look at what we'll mark as 12 Exhibit 27. 13 (Exhibit No. 27 - Page Vault documents, 14 screenshots of video - marked for 15 identification.) 16 Q. (BY MS. OLSON) And, Ms. Bushnell, if you'd take a 17 look at the documents within Tab 42, do you recognize 18 what that is? 19 A. It looks like screenshots of my video that I had 20 posted on Facebook. 21 Q. And if we look at the second page of the exhibit, 22 because the first page says "Page Vault," on the 23 second page of the exhibit there's a -- there appears 24 to be an image of a -- or a screenshot of a video, and 25 there's sort of a band at the top and the bottom that

Page 193

- 1 are indistinguishable, and in the middle there's
2 portions of a photo of Mr. Posey; correct?
3 A. Correct.
4 Q. And below that it says, "We got one win. Let's go for
5 two! Can this guy be arrested for exposing his
6 genitals to minors?" Correct?
7 A. Correct.
8 Q. Who wrote that?
9 A. I did.
10 Q. And you say, "Let's go big and hold all of the
11 extremists accountable." Correct?
12 A. Correct.
13 Q. So you were encouraging or hoping that Mr. Posey would
14 be arrested for exposing his genitals to minors,
15 correct?
16 A. Correct.
17 Q. And you said here "genitals" plural, correct?
18 A. Correct.
19 Q. You didn't say "one small faint outline of a
20 testicle," right?
21 A. Correct.
22 Q. And in the video that you shared on Facebook, it was
23 the edited version, correct, where the entire crotch
24 area was blurred out, correct?
25 A. Correct.

Page 194

- 1 Q. It was that video we just watched in Exhibit 26,
2 right?
3 A. Correct.
4 Q. And so anyone who even clicked to watch on the video
5 would see your assertion that this guy had exposed his
6 genitals to minors, right?
7 A. Correct.
8 Q. And if we look at the picture and look across to sort
9 of the lower left, the portion that's not Mr. Posey,
10 do you see a person who's in all black holding a
11 camera and appears to have on some orange-ish-tinted
12 sunglasses?
13 A. Yes.
14 Q. Do you recognize that person?
15 A. That could be Casey Whalen. I am not positive because
16 of the smallness of the image.
17 Q. All right. Did he have that sort of sandy blond hair?
18 A. Correct.
19 Q. And you can see that there is a -- appears to be a
20 hand-held camera that is not a cell phone, right?
21 A. Correct.
22 Q. And it doesn't appear like he's -- doesn't --
23 certainly doesn't have the viewfinder right up to his
24 eye, but he could be filming; is that right?
25 A. Correct.

Page 195

- 1 Q. And then if you go through the pages of Exhibit 27,
2 there are various comments; is that fair to say?
3 A. Yes.
4 Q. And there was a lot of comment on this Facebook post
5 you made regarding Mr. Posey, right?
6 A. Yes.
7 Q. And you responded and interacted back and forth with
8 various individuals, right?
9 A. Correct.
10 Q. And there were several people who disagreed with your
11 assertion, and made it clear to you that they
12 disagreed with your assertion that the video showed
13 any exposure; right?
14 A. Correct.
15 Q. And you engaged in responses to some of these
16 individuals, right?
17 A. Yes.
18 Q. And some of the people who comment on your Facebook
19 page are some of the ones that we looked at your
20 messages with them. So, for example, if we look at
21 your -- the comments with -- in this and go to page 3,
22 and in the sort of lower right-hand corner of page 3
23 there's something there from John Sullivan, right?
24 A. Yes.
25 Q. And he's one of the people that you communicated with

Page 196

- 1 about this separately on Facebook Messenger, right?
2 A. Yes. On that page he's commenting with
3 Rochalle Emery.
4 Q. And these are all comments on your Facebook page,
5 right?
6 A. Correct; public, yeah.
7 Q. And so everyone can see these, right?
8 A. Yes, unless I've blocked them from the page.
9 Q. Yeah. And so all of these people who have -- are
10 commenting, they had an opportunity to see this
11 statement that you made about Mr. Posey and asserted
12 that he'd exposed his genitals, correct, to minors,
13 correct?
14 A. Correct.
15 Q. And you would agree that the editing that was done to
16 the video, where the area of Mr. Posey's crotch was
17 blurred out, that was intended to mean this is
18 covering up the genitals that he was exposing to the
19 minors; is that right?
20 A. So that I could post it on Facebook without violating
21 content standards.
22 Q. But that's what it was intended to mean, that's what
23 you wanted people who observed it to think and
24 understand, that this blurring thing is covering up
25 the genitals that Mr. Posey was exposing to minors;

Page 197 1 correct? 2 MR. BOYLES: Objection. Compound. Asked and 3 answered. Ambiguous. 4 You can proceed. 5 Q. (BY MS. OLSON) You can answer. 6 A. Okay. Like I said previously, I blurred out more than 7 I had seen because I wanted to play it safe. 8 Q. All right. Well, that wasn't quite my question. My 9 question was that you intended for the blurring-out to 10 signify to the viewers that what was below that were 11 the genitals that were -- that Mr. Posey had exposed 12 to minors; correct? 13 A. Correct. 14 MR. BOYLES: Same objection. 15 Q. (BY MS. OLSON) Let's next take a look at what we'll 16 mark as Exhibit 28. 17 (Discussion off the record.) 18 (Exhibit No. 28 - Document dated June 30, 19 2022, City Attorney's Office - Public 20 Information Release - marked for 21 identification.) 22 Q. (BY MS. OLSON) And I'll have -- hand you what we've 23 marked -- we'll mark for identification purposes as 24 Exhibit 28. And, Ms. Bushnell, do you recognize the 25 document that is there in Exhibit 28?	Page 199 1 alleged that a specific dancer exposed their genitals 2 to the audience." That's the next sentence, correct? 3 A. Correct. 4 Q. And that's the allegation that you had made, correct? 5 A. Yes. 6 Q. Then it says, "This office reviewed both the unedited 7 video recording of the incident and an edited video 8 recording that has been widely circulated on various 9 social media platforms," correct? 10 A. Correct. 11 Q. And you had provided that unedited video recording of 12 the incident to the Coeur d'Alene Police, correct? 13 A. Correct. 14 MR. BOYLES: Objection. Speculation. 15 You can answer. 16 THE WITNESS: Correct. 17 MS. OLSON: She did. 18 Q. (BY MS. OLSON) And that unedited video that you've 19 provided to the Coeur d'Alene Police Department was 20 the video we looked at in Exhibit No. 11; correct? 21 A. Correct. 22 Q. The one you got from Jeremy Lokken, correct? 23 A. Yes. 24 Q. And you had also circulated on social media an edited 25 video recording, that video recording that we just
Page 198 1 A. Yes. Let me read it for a moment, though, please. 2 Q. All right. 3 A. Okay. I've finished reading it. 4 Q. All right. Do you recognize the document that's there 5 within Exhibit 28? 6 A. Yes. 7 Q. What is that? 8 A. It's an Information Release. 9 Q. On the -- 10 A. On the incident. 11 Q. From the City Attorney's Office, correct? 12 A. Correct. 13 Q. And you received a copy of this Information Release 14 from Wes Somerton, right? 15 A. Yes. 16 Q. And in this Information Release, it's dated June 30th 17 of 2022, correct? 18 A. Correct. 19 Q. And it says, "The City of Coeur d'Alene Prosecuting 20 Attorney's Office has received and reviewed the 21 incident reports of an alleged indecent exposure 22 incident at the Pride in the Park on June 11th of 23 2022." That's the first sentence, correct? 24 A. Correct. 25 Q. And it says, "During the drag queen performance, it is	Page 200 1 looked at in Exhibit 26; correct? 2 A. Correct. 3 Q. And then the letter says, "Additionally, a longer 4 version of the contest was provided to our office for 5 review." Do you see that? 6 A. Yes. 7 Q. Do you know who provided that longer version of the 8 contest? 9 A. My best guess would be Casey Whalen. 10 Q. And then it says, "The unedited video recordings do 11 not depict any exposure of genitalia," correct? 12 A. Correct. 13 Q. That was the determination of the Coeur d'Alene City 14 Attorney's Office, correct? 15 A. Correct. 16 Q. And he says, "The allegation of indecent exposure or 17 other crimes cannot be supported by the evidence. 18 Therefore, prosecution is declined;" correct? 19 A. Correct. 20 Q. Signed by Wes Somerton, as his name appears there, 21 "Wes Somerton, Chief Criminal Deputy City Attorney," 22 correct? 23 A. Yep. 24 Q. And you received a copy of this, correct? 25 A. Yes.

Page 201 1 Q. When did you receive a copy of it? 2 A. I think within a day or two of it being sent out. 3 Q. So it's dated June 30th of 2022. 4 I'll next have you look at what we'll mark as 5 Exhibit 29. 6 (Exhibit No. 29 - E-mail exchange, Somerton 7 and Bushnell - marked for identification.) 8 Q. (BY MS. OLSON) And, Ms. Bushnell, if you'd take a 9 look at Exhibit 29 and see if you recognize what that 10 is. 11 A. Yes, an e-mail between my -- on the bottom part, 12 myself and Wes Somerton; and then the top one is 13 Wes Somerton sending me and other people the Press 14 Release. 15 Q. All right. And in this particular exhibit, the 16 earliest e-mail is the one that's on top from 17 Mr. Somerton to various individuals, right? 18 A. Correct. 19 Q. It's on July 1st of 2022 at 9:05 A.M. -- 20 A. Yes. 21 Q. -- correct? 22 And what you received was the document we 23 just looked at in Exhibit 28, that June 30th, 2022 24 Public Information Release; correct? 25 A. Yes.	Page 203 1 Q. And you didn't restrict yourself to saying "one faint 2 outline of a testicle," at times you said "multiple 3 testicles and partial twig," correct? 4 A. Correct. 5 Q. And you knew that wasn't true. 6 A. Correct. 7 Q. I'm going to next have you look at what we'll mark as 8 Exhibit 30. 9 (Exhibit No. 30 - Facebook exchange between 10 Summer BushnellHome and Beau Monde - marked 11 for identification.) 12 Q. (BY MS. OLSON) And, Ms. Bushnell, do you recognize 13 the document that is Exhibit 30? 14 A. Yes. This is a Facebook Messenger conversation 15 between myself and -- I'm going to butcher the name of 16 that store -- Beau Monde. I always say it wrong. 17 Q. Beau Monde is a store? 18 A. Correct. 19 Q. Okay. What kind of a store is it? 20 A. They do reselling of clothes. They have a couple 21 different locations in our county. 22 Q. All right. What is your connection or relationship to 23 Beau Monde? 24 A. I know the owners -- 25 Q. Okay.
Page 202 1 Q. So you knew on July 1st in the morning that the City 2 Attorney's Office had concluded that there was no 3 exposure of genitalia in the unedited video; correct? 4 A. Correct. 5 Q. And your response is, "I suggest that the City release 6 the unedited video since you don't see any genitals in 7 it" -- 8 A. Correct. 9 Q. -- correct? 10 Did you release the unedited video at that 11 time? 12 A. No. 13 Q. Why not? 14 A. Because I still maintain that you can see a ball in 15 there. 16 Q. And by you "still maintain" you "can see a ball in 17 there," it's the area that you circled and put an X on 18 in Exhibits 12, 13, 14 and 15; right? 19 A. Correct. 20 Q. The faint outline? 21 A. Yes. 22 Q. And after receiving that information from the 23 Coeur d'Alene Police Department, you continued to 24 assert that Mr. Posey had exposed himself, correct? 25 A. Correct.	Page 204 1 A. -- Brook Miller and her husband, I believe his name's 2 Dave. 3 Q. If we look at page 2 of this exhibit, it's 4 communications that you're having on July 3rd of 2022, 5 correct? 6 A. Correct. 7 Q. And this is after you've received that copy of the 8 Coeur d'Alene City Prosecutor's Office saying that 9 they're declining prosecution and the unedited video 10 shows no exposure; is that right? 11 A. Correct. 12 Q. And on July 3rd of 2022 at 10:23 A.M. you say, "Know 13 any lawyers?" Correct? 14 A. Correct. 15 Q. Why were you asking that question? 16 A. I wasn't sure what type of lawyer would take this type 17 of case. I didn't know there was a specialty for this 18 type of case, so I was just looking -- I didn't want 19 to get someone just off an internet search. 20 Q. Why were you looking for a lawyer on July 3rd of 2022? 21 A. I wanted to ask them questions because of the video 22 and to see if my interpretation of the statute was 23 correct or not. 24 Q. And were you worried about being sued at that point? 25 A. No. I just felt like it was good to cover my bases

Page 205

1 and talk with someone that understood the statute
2 better than I did.
3 **Q. Did you ever locate someone to talk to about the**
4 **statute?**
5 A. I tried talking with the Van Ry guy, as it says up
6 like two more sections from there. He said he didn't
7 deal with that type of litigation, he only did like, I
8 think it was, medical malpractice and stuff like that.
9 **Q. Did you ever find someone that you could speak to**
10 **about whether your interpretation of statutes was**
11 **correct?**
12 A. No. I did go on later to talk with Barry McHugh and
13 have him try to explain the law to me.
14 **Q. When did that occur?**
15 A. I think it was way later in July because he was on
16 vacation for a while. It took us a while to get an
17 appointment to see each other in person.
18 **Q. In July of '22?**
19 A. Correct.
20 **Q. And he told you that the unedited video didn't violate**
21 **any Idaho statutes either, correct?**
22 A. He said he did not think he had a case to prosecute.
23 **Q. If you would look at page 1 of Exhibit 30, and this is**
24 **correspondence that you're having with the people at**
25 **the store in May of this year, correct, about three**

Page 206

1 months ago?
2 A. Yes.
3 **Q. And you say, "The CDA City Prosecutor said he didn't**
4 **see anything on the video, therefore he refused to**
5 **press charges;" correct?**
6 A. Correct.
7 **Q. And that's a fact that you had known at that time for**
8 **about 10 months, right?**
9 A. Yes.
10 **Q. Let's have you next look at what we'll mark as**
11 **Exhibit 31.**
12 (Exhibit No. 31 - Facebook exchange between
13 Summer BushnellHome and Charlene Baron -
14 marked for identification.)
15 **Q. (BY MS. OLSON) And do you recognize what Exhibit 31**
16 **is?**
17 A. Yes; Facebook Message conversations between myself and
18 Charlene Baron.
19 **Q. And who is Charlene Baron?**
20 A. She is a friend of mine. We've done a lot of Trump
21 campaign stuff, and then she's worked with me on the
22 Janice McGeachin campaign and other local campaigns.
23 **Q. And in the communications that you had with her, if I**
24 **can direct your attention to page 7, where it says at**
25 **the bottom REV00000298_0007; correct?**

Page 207

1 A. Yes.
2 **Q. All right. And there's a conversation with her on**
3 **that page that you have on July 1st of 2022, correct?**
4 A. Correct.
5 **Q. And toward the bottom, one of the things you say is,**
6 **"I have the unedited video;" correct?**
7 A. Correct.
8 **Q. It says, "So does North Idaho News and other local**
9 **outlets;" correct?**
10 A. Correct.
11 **Q. Why did you think it was important to tell her that**
12 **other -- that North Idaho News and other local outlets**
13 **had the unedited video?**
14 A. Because they'd come to a different conclusion than I
15 had on the unedited video.
16 **Q. All of the other local outlets and North Idaho News**
17 **had come to a different conclusion, correct?**
18 A. Correct.
19 **Q. And Ms. Baron says, "Oh, I don't know where I got**
20 **that. Some boy took it. Must be confused. If it**
21 **shows a penis, the guy (or trannie), needs to be**
22 **cuffed. Or, it's just one more corrupt illegitimate**
23 **issue and lie;" correct?**
24 A. Correct.
25 **Q. And you weren't asserting -- at least you knew it**

Page 208

1 wasn't true that it showed a penis, correct?
2 A. Correct. She said -- I'm reading that as and she
3 ascertains that she saw more than just balls.
4 **Q. Well, she says "if it shows a penis," correct?**
5 A. Correct.
6 **Q. And did you correct her and say, "Oh, no, it didn't**
7 **show a penis. It shows the faint outline of one**
8 **testicle"?**
9 A. No.
10 **Q. And then if you go up above that, you say, "I've asked**
11 **the City of CDA to release the video if indeed it has**
12 **no parts showing;" correct?**
13 A. Correct.
14 **Q. And you also say, "Or open up myself up to the dude**
15 **being able to sue me," correct?**
16 A. Correct.
17 **Q. Why were you being concerned about the "dude" being**
18 **able to sue you?**
19 A. Because of the sentence right underneath that, "I'm
20 pretty sure if I posted the unedited, I will get
21 charged with distribution of illicit material."
22 **Q. And why then would the dude -- and there you're**
23 **referring to Mr. Posey, right? Why would he --**
24 A. Correct.
25 **Q. -- be able to sue you?**

Page 209 1 A. Because I -- if the unedited video was shown, it would 2 show his genitalia and then he could sue me because 3 I'd showed his genitalia on the internet. 4 Q. So why did you think that he could sue you if it 5 showed the faint outline of a testicle on the 6 internet? 7 A. I had -- I still assume that if you're showing 8 someone's breasts or genital areas, they could sue you 9 over that if you didn't have permission to show it. 10 Q. You had shared it with other people by that time, 11 correct? 12 A. Correct. 13 Q. And you had shared it, I think you said, with about 14 four or five different people, correct? 15 A. Correct. 16 Q. And you had shared still photos with about four or 17 five different people, correct? 18 A. Correct. 19 Q. Did you think he could sue you for sharing the 20 pictures of him with other people? 21 A. No. 22 Q. You only thought you could be sued by him if you put 23 it on the internet, correct? 24 A. Publicly, yes. 25 Q. Well, publishing it to another person is making it	Page 211 1 A. I don't know. At the time, I did not understand what 2 she had meant by "stay tucked." I did not know that, 3 until we went to mediation, what she meant by that. 4 Q. And did -- did you look at that statement and say, 5 "Boy, I should do some additional investigation to see 6 whether or not a penis was tucked or whether it had 7 tight underwear over it, whether it had pantyhose over 8 it?" Did you consider that at all? 9 A. No. 10 Q. I'll have you next look at what we'll mark as 11 Exhibit 32. 12 (Exhibit No. 32 - Facebook exchange between 13 Summer BushnellHome and Chris Kirk - marked 14 for identification.) 15 Q. (BY MS. OLSON) And do you recognize what Exhibit 32 16 is? 17 A. Yeah; it's a Facebook Message conversation between 18 myself and Chris Kirk. 19 Q. And who is Chris Kirk? 20 A. He is a person I just interact with through Facebook 21 Messenger. He comments on my Bushnell Report on 22 occasion. 23 Q. And have you ever met Chris Kirk in person? 24 A. No. 25 Q. Do you know whether Chris Kirk is male or female?
Page 210 1 public to that person, right? 2 A. I don't know. 3 Q. Well -- 4 A. It's a private conversation between two people. Or am 5 I misunderstanding? 6 Q. No. So is it -- well, I want to make sure I 7 understand your position. So is your position that if 8 you just tell one person about it, it's not making 9 something public? 10 A. Correct. 11 Q. Do you know whether any of the people that you 12 provided the video to ever put it on the internet? 13 A. I don't think so. I trusted them not to. 14 Q. Well, my question was: Do you know if they did or 15 not? 16 A. I do not know. 17 Q. And then at the very top, Ms. Baron says to you, "Not 18 sure of the origin of the photo. If it's a penis, it 19 wouldn't stay tucked unless it has tight underwear 20 over it. In Phila, the drag deviants wore pantyhose. 21 I think, though BS and repulsive, that it constitutes 22 as covered;" correct? 23 A. Correct. 24 Q. And she was explaining to you why there might not have 25 been exposure, is that right?	Page 212 1 A. I'm assuming male by the name; and I believe, if I'm 2 remembering the right Facebook profile picture, it's a 3 guy. 4 Q. And in this exchange you're having with Chris Kirk 5 on -- in June of 2022, on June the 14th of 2022, he 6 says, "Well, there's a video going around showing a 7 video and it doesn't show anything. North Idaho News 8 has shared this video." Do you see that? 9 A. Yes, I see that. 10 Q. And then he asks you, "Did any charges ever get filed 11 for the drag queen at the park?" Correct? 12 A. Correct. 13 Q. Did it cause you any -- What was your reaction to him 14 saying that there was this video that North Idaho News 15 has shared, and it doesn't show anything"? 16 A. To me, he was stating what had been -- other people 17 expressed online what had been going on. 18 Q. Yeah. And you were aware, certainly as early as 19 June 14th of 2022, that there were assertions being 20 made, including by North Idaho News, that there was no 21 exposure by Mr. Posey during Pride in the Park; 22 correct? 23 A. Correct. 24 Q. And you also shared with Mr. -- with Chris Kirk the 25 post of something that was from Rumble indicating that

Page 213	Page 215
1 the City of Coeur d'Alene had declined to prosecute 2 the drag performer; correct? 3 A. Correct. 4 Q. And this Rumble article, the headline actually says, 5 "City of Coeur d'Alene denies to prosecute drag 6 performer after exposing himself to kids, 7 northidahoexposed Published July 3rd of 2022;" 8 correct? 9 A. Correct. 10 Q. So what is North Idaho Exposed? 11 A. As I mentioned previously, that is Casey Whalen, he 12 does YouTube and Rumble videos through North Idaho 13 Exposed. 14 Q. Okay. So this is his assertion, "City of 15 Coeur d'Alene denies to prosecute drag performer after 16 exposing himself to kids;" correct? 17 A. Correct. 18 Q. But what he put forward is -- or do you know, did he 19 attach the actual Press Release to his post on Rumble? 20 A. He does not normally put wording in his footage. He 21 usually does just video and he'll edit it and add his 22 own narration over it. So I would say no. 23 Q. Do you know what this thing is or what he actually 24 posted there? Did you watch it? 25 A. I did.	1 A. Correct. 2 MR. BOYLES: Objection. Compound. 3 THE WITNESS: I already answered. 4 MR. BOYLES: That's fine. 5 THE WITNESS: Sorry. 6 Q. (BY MS. OLSON) Next I'll have you look at what we'll 7 mark as Exhibit 33. 8 (Exhibit No. 33 - Screenshots of text 9 messages between Summer Bushnell and Barbra - 10 marked for identification.) 11 Q. (BY MS. OLSON) And do you recognize what Exhibit 33 12 is? 13 A. Messenger conversations between myself and someone 14 named Barbra, but it looks misspelled. 15 Q. Well, it's B-A-R-B-R-A? 16 A. Correct. 17 Q. Do you know this person? 18 A. I believe she's interacted on my Bushnell Report with 19 me a few times. 20 Q. All right. And are the -- Which of the 21 communications on this are the things that you wrote? 22 A. The darker ones. She's the light gray, and I'm the 23 darker ones. 24 Q. And she says, "In general, drag queens are horribly 25 offensive and degrading to women and exposing children
Page 214	Page 216
1 Q. What was that? Was it him talking or was it -- 2 A. It was him talking interspersed with different cuts 3 from the day of. 4 Q. And it was the different cuts from the day of, all of 5 Mr. Posey? 6 A. If I remember right, he usually starts with like a 7 wider shot of the area, and then he goes to the topic 8 at hand; so in that case, it would be the performance. 9 Q. And this is a video that he posted on the internet on 10 Rumble.com; correct? 11 A. Correct. 12 Q. Ms. Bushnell, you were concerned about generally the 13 dancing and the inappropriate nature of the dancing in 14 the drag show, correct? 15 A. Correct. 16 Q. It wasn't just whether or not there had been some 17 exposure, correct? 18 A. Correct. 19 Q. And you thought that that conduct generally was in 20 violation of Idaho statutes, correct? 21 A. Correct. 22 Q. And you thought it was important for the people who 23 engaged in that behavior to have law enforcement look 24 into their conduct; and if they determined that it was 25 unlawful, that they should be prosecuted, right?	1 to them should be considered child abuse;" correct? 2 A. Correct. 3 Q. And then there's a little thumbs-up below that. Is 4 that from her or from you, or someone else, if you can 5 tell? 6 A. I can't tell. Usually with Facebook, the little icon 7 there means it's her. 8 Q. And it's the same color at least as the text that 9 she -- 10 A. Yes. 11 Q. -- uses, correct? 12 A. Correct. 13 Q. And then is the response below that yours? 14 A. Correct. 15 Q. And you write, "There is an expectation of being 16 videotaped when you are performing," and then there's 17 a ellipses, "the moves were offensive, it was a slap 18 to our integrity as a community, and even without the 19 exposure it was a disgusting display of perversion 20 that our city council and prosecutor's office thinks 21 is okay and allowed. I'm going to make sure they all 22 get it." That's what you wrote? 23 A. Yes. 24 Q. And when you say here that "the moves were offensive," 25 what were you referring to?

Page 217 1 A. I believe the dancing in general and his general 2 moves, even if you ignore the genital being -- the 3 ball being out, it is not something that should be 4 done in public. 5 Q. All right. Well, the ball actually wasn't out, right? 6 I mean it wasn't like hanging outside of his clothing, 7 was it? 8 A. As I previously stated, it looked like it was hanging 9 out to me. 10 Q. In that little shadowy area? 11 A. Correct. 12 Q. And then you say, "Even without the exposure, it was a 13 disgusting display of perversion;" correct? 14 A. Correct. 15 Q. And you wanted the City Council and the prosecutor's 16 office to do something about the dancing generally, 17 correct? 18 A. Correct. 19 Q. And you were hoping that the fact that there was an 20 alleged exposure would make them more prone to 21 prosecute and to take action against Mr. Posey, 22 correct? 23 A. No, not by my wording. Either way, I think it needed 24 to be looked into by the police. 25 Q. Well, and my question is really whether when -- if you	Page 219 1 that Bobby Wire-Roberson is a relative of Posey's? 2 A. Because he said "my brother." 3 Q. Where is that? 4 A. I think it's page 2, No. 2. 5 Q. Had you ever corresponded, to your knowledge, with 6 Bobby Wire-Roberson before this Facebook Messenger 7 exchange that begins on June 13th of 2022? 8 A. No. 9 Q. And I take it that Mr. Wire-Roberson reached out to 10 you. You didn't reach out to him, is that right? 11 A. Correct. 12 Q. And if we look first at the bottom of page 1 of 13 Exhibit 34, you say, "The sheriff and PD have the 14 unedited version," right? 15 A. Correct. 16 Q. And then it says, "I'm speechless. You won't believe 17 me, but my only intention was to stop obscene behavior 18 in public;" -- 19 A. Correct. 20 Q. -- correct? 21 And what was the obscene behavior in public 22 that you were seeking to stop? 23 A. The dancing and the exposure of the ball. 24 Q. And you say, "The sheriff and PD have the unedited 25 version." Why did you think it was important to let
Page 218 1 add into this dancing that you thought was something 2 that should be looked into, if you added in the 3 allegation of exposure, that would sort of heighten 4 the attention the police should give it, correct? 5 A. Correct. 6 Q. And you believed that, generally, Mr. Posey's routine 7 was inappropriate for children; correct? 8 A. Correct. 9 Q. We'll next have you look at what we're going to mark 10 as Exhibit 34. 11 (Discussion off the record.) 12 (Exhibit No. 34 - Facebook exchange between 13 Summer BushnellHome and Bobby Wire-Roberson - 14 marked for identification.) 15 Q. (BY MS. OLSON) All right. We're going to have this 16 marked as Exhibit 34. And, Ms. Bushnell, do you 17 recognize what's there in Exhibit 34? 18 A. Yes. Facebook messages between myself and 19 Bobby Wire-Roberson. 20 Q. An who is Bobby Wire-Roberson? 21 A. From the conversation, I assumed it to be either a 22 relative or the partner of Posey. 23 Q. And what did you mean by the -- by the conversation, 24 you assumed to be a relative of Posey? What are the 25 parts of the conversation that lead you to believe	Page 220 1 Mr. Wire-Roberson know that the PD and the sheriff had 2 the unedited version? 3 A. I assumed he hadn't seen it yet and that he could ask 4 them to see the edited -- the unedited version, if he 5 was a family member. 6 Q. And were you also suggesting that because it was your 7 purpose and your belief that in sending it to the PD, 8 that the PD could be trusted, they were the law 9 enforcement source, and that they would take action if 10 there was criminal behavior? 11 A. Correct. 12 Q. And then I think you already referred, in Exhibit 34, 13 to some of the earlier communications with 14 Mr. Wire-Roberson and he tells you -- initially, he 15 tells you, "And by the way, me and about 18 other 16 people have the unedited video as proof, just to let 17 you know;" correct? 18 A. Correct. 19 Q. And did you understand him there to be that 20 Mr. Wire-Roberson was asserting that the actual 21 footage of the performance would show that there was 22 no exposure? 23 A. I'm not sure if I knew what he meant by that. I'm not 24 sure what his source of "unedited video" would be. 25 Q. Well, he was asserting that the unedited video was

Page 221

- 1 proof, correct?
- 2 A. Correct.
- 3 Q. And earlier on, what he said was, "Have you ever heard
- 4 of defamation of character or getting in big trouble
- 5 for doctoring videos? Well, I've got a big one for
- 6 you. You've been warned to take that false propaganda
- 7 post about my family member showing genitalia" --
- 8 "showing genitals. You need to take it down. If you
- 9 don't, you could possibly face legal action from me
- 10 and my family. I've already contacted the local news,
- 11 police department and reported you for false posts.
- 12 You have been warned, lady." Do you see that?
- 13 A. Yes.
- 14 Q. So he was telling you that your post was false,
- 15 correct?
- 16 A. Correct.
- 17 Q. That there was no exposure, correct?
- 18 A. Correct.
- 19 Q. And then he said there's unedited video as proof of
- 20 that, correct?
- 21 A. Correct.
- 22 Q. And so you knew at that time that other people were
- 23 asserting that the video, different from the edited
- 24 video that you had posted, that the video showed that
- 25 there was no exposure; correct?

Page 222

- 1 A. Correct.
- 2 Q. And you said, "The angle sent to the CDA and PD and
- 3 the sheriff's office is what I have based what I've
- 4 said on;" correct?
- 5 A. Correct.
- 6 Q. And, again, you're saying, "That's the evidence that
- 7 will show there was exposure;" correct?
- 8 A. Correct.
- 9 Q. And you say, "Other unedited videos from other angles
- 10 are not showing what I gave to the Coeur d'Alene
- 11 Police and the sheriff;" right?
- 12 A. Correct.
- 13 Q. And, again, you're saying, "Look, I gave them the
- 14 evidence that proves my conduct" -- or "proves my
- 15 statement;" correct?
- 16 A. Correct.
- 17 Q. And they concluded, in fact, that it didn't prove your
- 18 statement; correct?
- 19 A. Correct.
- 20 Q. And you knew that from the Press Release that they
- 21 provided to you, correct?
- 22 A. Correct.
- 23 Q. And then Mr. Wire-Roberson says, "Well, as has been
- 24 proven, your doctrine video is fake and false, and
- 25 because of your little video, you have caused my

Page 223

- 1 family to get death threats on me and my brother, and
- 2 I promise you I will be taking legal action against
- 3 you for this;" correct?
- 4 A. Correct.
- 5 Q. And so you understood on June the 13th that
- 6 Mr. Posey -- you may not have known his name at the
- 7 time -- but that he was getting death threats; right?
- 8 A. Yes.
- 9 Q. And did that cause you any concern that he was getting
- 10 death threats based on the video that you had posted
- 11 on Facebook?
- 12 A. Yes. If you go two up, "Why would people death threat
- 13 you? What assholes! Agree on law enforcement."
- 14 Q. And your video, you would admit that was a doctored
- 15 video, correct?
- 16 A. No.
- 17 Q. Well, the video you put on was edited; correct?
- 18 A. Correct.
- 19 Q. And it was edited to put a bit blur over Mr. Posey's
- 20 crotch area, correct?
- 21 A. Correct.
- 22 Q. And so are you just disagreeing with the use of the
- 23 term "doctored"?
- 24 A. Yes.
- 25 Q. You'd at least agree that it was edited, correct?

Page 224

- 1 A. Correct.
- 2 Q. It did not show what actually occurred at Pride in the
- 3 Park on June the 11th of 2022.
- 4 A. Correct.
- 5 Q. And your hope was that the people who read your post
- 6 and watched that video would agree with your assertion
- 7 that Mr. Posey had exposed his genitals; correct?
- 8 MR. BOYLES: Objection. Asked and answered.
- 9 You can answer.
- 10 THE WITNESS: Oh. Okay. You confused me
- 11 there.
- 12 MR. BOYLES: Sorry.
- 13 THE WITNESS: Yes.
- 14 MR. BOYLES: Unless I specifically direct you
- 15 to not answer, you'll answer.
- 16 THE WITNESS: Okay. Keep saying that,
- 17 though, because I'll forget.
- 18 MR. BOYLES: Sure.
- 19 THE WITNESS: Thank you.
- 20 Q. (BY MS. OLSON) And if we're -- we're still on
- 21 Exhibit 34, more toward the top, Mr. Wire-Roberson
- 22 describes to you some of the other adverse
- 23 consequences that both he and his brother are
- 24 receiving as a result of your video; correct?
- 25 A. Correct.

Page 225

- 1 Q. And some of that relates to problems at the place of
2 employment, is that right?
3 A. Correct.
4 Q. And then you later learned, in fact, that Mr. Posey
5 had worked at the Wal-Mart in Hayden; correct?
6 A. Yes.
7 Q. And that he had trouble at his work at the Wal-Mart in
8 Hayden as a result of the publicity surrounding your
9 video and this assertion that he had exposed himself;
10 correct?
11 A. Correct.
12 Q. And you're aware that it, in essence, cost him his
13 job; is that right?
14 A. No, I was not aware of that.
15 Q. You just knew that he had difficulty at his job,
16 correct?
17 A. Correct. Bobby had sent me the names of some people
18 that had been harassing them, and I contacted them and
19 told them to back off and let due process happen.
20 Q. And due process happened, right?
21 A. Yes.
22 Q. And the police and the prosecutor said, "No evidence
23 of a crime," correct?
24 A. Correct.
25 Q. And you continued to assert that there had been an

Page 226

- 1 exposure, correct?
2 A. I disagree with their conclusion, correct.
3 Q. That wasn't my question. You continued to assert that
4 there had been an exposure, correct?
5 A. Correct.
6 Q. And you knew that that was the exact assertion that
7 had caused Mr. Posey to get death threats.
8 A. I don't know that for sure.
9 MR. BOYLES: Object to speculation.
10 You can answer.
11 Q. (BY MS. OLSON) Well, you were aware that after you
12 making that assertion and putting your Facebook post
13 out there, that Mr. Posey had received death threats.
14 A. Yes.
15 Q. And the due process that you wanted to play out played
16 out and he wasn't charged, correct?
17 A. Correct.
18 Q. And you continued to make your assertion that there
19 had been exposure, correct?
20 A. Yes.
21 MS. OLSON: Why don't we take a short break?
22 I think we have probably about 20 minutes left. That
23 will help me --
24 MR. BOYLES: Did you say 20?
25 MS. OLSON: -- get some stuff done.

Page 227

- 1 That's what I think I have left, yeah. Let's
2 just take a short break and go off the record.
3 VIDEOGRAPHER: Off the record at 2:54.
4 (Recess taken.)
5 VIDEOGRAPHER: Back on the record at 3:01?
6 (Exhibit No. 35 - Facebook exchange between
7 Summer BushnellHome and Daniella Cross
8 - marked for identification.)
9 Q. (BY MS. OLSON) All right. Ms. Bushnell, you have in
10 front of you a document that's been marked as
11 Exhibit 35.
12 A. Yes.
13 Q. And do you recognize what Exhibit 35 is?
14 A. Facebook Message conversations between myself and
15 Daniella Cross.
16 Q. Who is Daniella Cross?
17 A. A Facebook acquaintance. We talk about politics
18 through Facebook.
19 Q. I'll direct your attention to page 4 of Exhibit 35,
20 and that's messages you're exchanging with
21 Daniella Cross on June 16th of 2022, correct?
22 A. Yes.
23 Q. And in this, you tell Ms. Cross that, "He's getting
24 harassed at work and death threats," correct?
25 A. Yes.

Page 228

- 1 Q. And there you're referring to, and you didn't know his
2 name at the time, but Mr. Posey; is that right?
3 A. Yes.
4 Q. And so you understood what the consequence were to
5 Mr. Posey of the allegation you had made that he had
6 exposed himself, right?
7 MR. BOYLES: Objection. Speculation.
8 MS. OLSON: Um-hmm.
9 MR. BOYLES: Go ahead and answer.
10 THE WITNESS: Can you say your question
11 again?
12 Q. (BY MS. OLSON) Sure. So you were aware at the time
13 that you were corresponding with Ms. Cross on Facebook
14 Message that Mr. Posey was getting death threats and
15 harassed at work based on your allegations that he had
16 exposed himself in the video that you had posted;
17 correct?
18 A. Yes, I was aware of that.
19 Q. Ms. Bushnell, one of the entities or individuals to
20 whom you gave the unedited video was North Idaho News;
21 correct?
22 A. Correct.
23 Q. If you could go back to Exhibit No. 9 --
24 A. Got it.
25 Q. -- Exhibit No. 9 and page 2, this is the interaction

1 that you were having with North Idaho News, correct?
2 A. Correct.
3 Q. And at the bottom, the North Idaho News person says,
4 "Oh, I'm not going to post it. If PD has it, then
5 great. We'll wait for their official stance;"
6 correct?
7 A. Yes.
8 Q. And you knew at the time that PD had the unedited
9 video, correct?
10 A. Yes.
11 Q. And you were also waiting for their official stance,
12 correct?
13 A. Yes.
14 Q. And you put great, at the time, great faith in what
15 the official stance of the PD would be; correct?
16 A. Great faith? No.
17 Q. "No." Well, you anticipated that they would follow
18 whatever the evidence was, correct?
19 A. Yes.
20 Q. And your hope was that Mr. Posey would get due
21 process, correct?
22 A. Yes.
23 Q. And you were awaiting their decision on prosecution as
24 well, correct?
25 A. Yes.

1 Q. And you got that? You received --
2 A. What do you mean, I got that?
3 Q. You received the news of what their decision was,
4 right?
5 A. Through the Press Release, yes.
6 Q. And at the top of page 2, you say to North Idaho News,
7 "Here is the unedited footage. Do not share." Right?
8 A. Yes.
9 Q. Why were you telling North Idaho News not to share? I
10 mean you knew they were a media outlet, correct?
11 A. Correct.
12 Q. And North Idaho News, they never published the
13 unedited footage that you provided to them, correct?
14 A. Not that I'm aware of.
15 Q. Yeah. And they never published any sort of a story or
16 anything that suggested that there had been any kind
17 of exposure by Mr. Posey at Pride in the Park, right?
18 A. I believe they re-shared what one of either KREM or
19 KHQ -- the video that they posted.
20 Q. Right. But they never said, "Oh, look, Mr. Posey
21 exposed himself;" correct?
22 A. They usually don't make statements of that kind. They
23 usually just share other articles or video.
24 Q. And articles and videos they shared were ones that
25 either said that there was no exposure or didn't show

1 any exposure, correct?
2 A. As far as I know, yes.
3 Q. You referred a couple of times to the video that
4 Casey Whalen shot, and part of it was in the video
5 that Mr. Lokken put together that you put on Facebook;
6 correct?
7 A. Yes.
8 Q. Did you ever receive any video from Mr. Whalen?
9 A. Yes, as I previously stated. Yes.
10 Q. And it's your assertion that you've produced that in
11 the course of this litigation?
12 A. Yes.
13 Q. All right. How much -- how many videos did you
14 receive from Mr. Whalen?
15 A. I believe it's just one, and it's 3 -- 2, 3 hours of
16 footage. He just gave me all his raw footage to
17 watch.
18 Q. How did you obtain it from him?
19 A. Called him and asked him.
20 Q. With the video that you posted on Facebook, the one
21 that's Exhibit 26, it's your assertion that some of
22 the footage in that video came from Mr. Whalen; is
23 that right?
24 A. Correct.
25 Q. And did you ever have any discussion with Mr. Whalen

1 about whether he would put a similar video on his --
2 his publication -- I'm forgetting the name of -- North
3 Idaho Exposed?
4 A. I don't believe I did. He usually puts out stuff on
5 his own. I just assumed, because what had gone on
6 that day, that he'd put out video about Pride in the
7 Park and the Patriot Front people.
8 Q. And did he ever post footage on his own channel
9 regarding Mr. Posey's performance?
10 A. Yes. It was just referenced in one of the previous
11 exhibits.
12 Q. Well, did he post -- what I'm asking -- I mean in the
13 previous exhibit that was he was posting about the
14 police declined; correct?
15 A. Correct.
16 Q. Did he ever post any video, his footage, of
17 Mr. Posey's performance, to your knowledge?
18 A. I'm not aware. I do not know.
19 Q. All right. You didn't ever watch anything of
20 Mr. Posey's performance on Mr. Whalen's North Idaho
21 Exposed channel, correct?
22 A. I don't think so, no.
23 Q. Did -- Oh. I'll hand you next ask what we'll mark as
24 Exhibit 36.
25

(Exhibit No. 36 - Page Vault documents re

Page 233	Page 235
1 Sheriff Kootenai County Media Release - 2 marked for identification.) 3 Q. (BY MS. OLSON) And, Ms. Bushnell, do you recognize 4 what Exhibit 36 is? 5 A. Yes. My sharing of the sheriff's department's Media 6 Release on the Pride in the Park event. 7 Q. And the Media Release from the sheriff's office on 8 June 13th says, "Hey we're looking into this 9 allegation that there was" -- "that at Pride in the 10 Park a dancer's genitals may have been exposed," 11 correct? 12 A. Correct. 13 Q. And this is your Facebook -- or Bushnell Report 14 Facebook web page? 15 A. Facebook page, yes. 16 Q. And if we look at the second page of the exhibit, 17 there's some exchanges between you and somebody who's 18 going by Bennett Jess on here? 19 A. Are you on where it says "Page 2 of 4" in the right 20 column down there? 21 Q. I apologize. It's actually the third page of the 22 exhibit, but, you're right, it is "Page 2 of 4." 23 A. Okay. 24 Q. The first page of the exhibit says "Page 1" on it. 25 Do you see it about two-thirds of the way	1 showing no exposure." Do you see that? 2 A. I see that. 3 Q. Do you remember reading these posts at the time on 4 approximately June 13th of 2022? 5 A. Yes. 6 Q. Because then you responded to Bennett Jess, right? 7 That's the one that's at the very bottom? 8 A. Yes. 9 Q. And you say, "It is a way to disagree credit me. I 10 don't dare. The kids are what is important. CDA PD 11 and sheriff's department have the angle I based my 12 statements on. I'm going to let law enforcement take 13 it from here." Correct? 14 A. Correct. 15 Q. And so you knew on June the 13th that eye witnesses 16 who were there at the time said that there was no 17 exposure; correct? 18 MR. BOYLES: Objection. Speculation. 19 You can answer the question. 20 THE WITNESS: I don't know the person 21 personally. I have no idea if they were telling the 22 truth or not. That's their opinion. 23 Q. (BY MS. OLSON) Well, Bennett Jess is asserting that 24 she was there, correct? 25 A. Yes.
Page 234	Page 236
1 down there's an exchange you had with someone who goes 2 by Bennett Jess? 3 A. Yes. 4 Q. In reading these, the order of messages is the big one 5 that's left-justified and then responses to it come 6 below? 7 A. Yes. 8 Q. So the post or comment by Bennett Jess that says, "The 9 unedited version has been posted and there was no 10 exposure." That's what then the people below are 11 responding to, correct? 12 A. Yes. 13 Q. And someone responds, Heather Yuill Sullivan. Do you 14 know that person? 15 A. Yes; we're Facebook friends. 16 Q. She says -- "Bennet Jess says North Idaho News. No 17 news from the CDA Police or the Prosecutor's office 18 yet." Correct? 19 A. Correct. 20 Q. So it sounds like Ms. Sullivan, like you, was waiting 21 to hear what the police or the prosecutors had to say 22 about the unedited video that they had; right? 23 A. Yes. 24 Q. And then Bennett Jess says, "I was there. There was 25 no exposure. The video is clear and unedited -	1 Q. And Bennett Jess is telling you, "I was there. There 2 was no exposure;" correct? 3 A. Correct. I'm not inclined to believe her because I 4 don't know her. 5 Q. And so -- but what you do know is that a person who 6 asserts they were there said there was no exposure; 7 correct? 8 A. Yes, she's asserting that there. 9 Q. Yeah. And that's information you had at the time on 10 June 13th of 2023, correct? 11 A. Yes. 12 Q. And you also tell her, "We're going to wait to see 13 what the police and the sheriff's department do with 14 the angle I provided to them;" correct? 15 A. Yes. 16 Q. And they declined to prosecute, correct? 17 A. Correct. I do not agree with their assessment, and I 18 still don't. 19 Q. And they said there was no evidence of exposure, 20 correct? 21 A. That's what they said. 22 Q. Let's look at -- we'll have you look at what we'll 23 mark as Exhibit 37. 24 (Exhibit No. 37 - Page Vault document - 25 marked for identification.)

Page 237 1 Q. (BY MS. OLSON) And, Ms. Bushnell, do you recognize 2 the document that is there in Exhibit 37? 3 A. Yes. Let me read it for a moment. (Reading.) 4 Q. Sure. 5 A. Okay. I'm done reading. 6 Q. All right. And this is a post that you made on your 7 own Bushnell Report web page, is that right? 8 A. Facebook page. 9 Q. Facebook page. On June the 14th of 2022? 10 A. Yes. 11 Q. Here again, you're talking about the angle that you 12 sent to the police and the sheriff's office and that's 13 what you based what you have said on; correct? 14 A. Yes. 15 Q. And, again, the police and the sheriff's office said, 16 "No exposure here;" correct? 17 MR. BOYLES: Objection. Lack of foundation. 18 You can answer. 19 THE WITNESS: That is what they said, and I 20 continue to disagree with their conclusion. 21 Q. (BY MS. OLSON) Well, you would agree that the police 22 and the prosecutor's office have the video that we 23 looked at in Exhibit 11, correct? 24 A. Yes. 25 Q. And they could have made still photos like those we	Page 239 1 mediation. 2 Q. And -- well, at the time that you made your post, you 3 didn't do that either -- 4 A. No. 5 Q. -- correct? 6 And you didn't make any inquiry into whether 7 or not that was done, correct? 8 A. I was not even aware that that was a possibility or a 9 thing that people did. 10 Q. And you weren't aware of whether or not Mr. Posey used 11 any kind of adhesive or tape or anything to make sure 12 that the tucking process worked and that his genitals 13 could not be seen; correct? 14 A. I was not aware of that until mediation. 15 Q. And then you also were not aware and didn't do any 16 investigation as to what he actually had on, correct, 17 what articles of clothing he had on? 18 A. No. Like I previously stated earlier today, just what 19 I had seen from the video. 20 Q. Yeah. So you don't know, you didn't do any inquiry 21 into whether or not he had on tights, correct? 22 A. I could see he had on those, what I would call, boy 23 shorts in the video. 24 Q. And I'm talking about tights, like the things you put 25 on, you know, similar to pantyhose. I don't know if
Page 238 1 saw in Exhibits 12 through 15, correct? 2 A. Yes. 3 Q. And they had the ability to slow it down and look at 4 it in slow motion, correct? 5 A. I would assume so. 6 Q. Yeah. And -- well, you gave it to them because you 7 thought they would be able to adequately investigate 8 it, correct? 9 A. Yes. 10 Q. And you're aware that they interviewed Mr. Posey as 11 well, correct? 12 A. I was not aware of that until, I would say, I think it 13 was a couple days after that. 14 Q. All right. Well, you became aware that they 15 interviewed Mr. Posey, correct? 16 A. Yes. 17 Q. And you didn't interview Mr. Posey. 18 A. No. I've never met him in person. 19 Q. And you had no idea whatsoever what he had gone 20 through to prepare for his performance, correct? 21 A. No idea. 22 Q. You had no idea if he, in preparing for his 23 performance, would tuck his penis up so it wouldn't be 24 visible? 25 A. I wasn't aware of that until we went through	Page 240 1 you ever had to wear pantyhose, if you ever lived in a 2 world where they -- you pull them on each leg and they 3 come up to your waist. 4 A. Yeah. 5 Q. That's tights, that's what I'm referring to then. Did 6 you ever do any investigation or learn whether he had 7 any tights on? 8 A. No. 9 Q. Did you ever learn or do any investigation regarding 10 how many pairs of tights he had on? 11 A. No. 12 Q. So you didn't do any investigation of anything other 13 than look at the video in Exhibit 11, slow it down, 14 and look in the crotch area before you made the 15 assertion online that Mr. Posey had exposed his 16 genitals to minors; correct? 17 MR. BOYLES: Objection. Relevance. 18 You can answer the question. 19 THE WITNESS: I guess the phrasing "exposing 20 genitals to minors." 21 Q. (BY MS. OLSON) -- Well, I think you said "flashing 22 genitals to minors." Those were your words, 23 correct -- 24 A. Yes. 25 Q. -- in the post?

Page 241 1 A. I would -- I think I assumed he was like most people; 2 you'd put your underwear, put on a leotard. 3 Q. Okay. Well, my question was: You didn't do any 4 investigation before you made that assertion on the 5 Bushnell Report, correct? 6 A. Correct. I assumed, like most people, he'd put on 7 underwear and then put on a leotard. 8 Q. And -- but you didn't do any investigation, correct? 9 A. No. 10 Q. And then you made this public assertion on your 11 Bushnell Report post, correct? 12 A. Yes. 13 Q. And then you had a conversation with Mr. Lokken, and 14 this other video that we see in Exhibit 26 was made; 15 correct? 16 MR. BOYLES: Asked and answered. Objection. 17 Go ahead. 18 THE WITNESS: I don't understand the 19 question. 20 Q. (BY MS. OLSON) Sure. So it was after that, after 21 your post on June 11th of 2022, that you corroborated 22 with Mr. Lokken and you end up with this video that 23 you post on Facebook that's Exhibit 26; correct? 24 A. Yes. 25 Q. And if I remember correctly, that was -- you know, you	Page 243 1 was not going to share it publicly. Period. 2 Q. And what -- Tell me about the conversation where he 3 said he wasn't going to share it publicly. 4 A. It was when we were talking about the whole statute. 5 Q. Did he say why he didn't want to share it publicly? 6 A. He was uncomfortable. 7 Q. Did he say why he was uncomfortable? 8 A. No. 9 Q. What did you understand him to mean when he said he 10 would be uncomfortable sharing it publicly? 11 A. Because of the potential comments that he would get 12 for posting it. 13 Q. Did you talk about what potential comments he might 14 get for posting it? 15 A. No. I feel like we both assumed it was based on 16 previous political topics where people will on and 17 be -- not want to have an adult conversation with, I 18 call it, a dialogue; they'll just be mean if you don't 19 agree with their opinion. 20 Q. Ms. Bushnell, have you talked to Jeremy Lokken since 21 this lawsuit was filed? 22 A. Yes. 23 Q. How many times? 24 A. Regarding this lawsuit or other things? 25 Q. Regarding this lawsuit, how many times have you talked
Page 242 1 basically had a discussion Mr. Lokken, he made the 2 video, you got it and said, "Perfect. Let me put it 3 on my Facebook page;" correct? 4 A. I didn't say, "Perfect." I probably said, "Looks 5 good" and then put it up, yes. 6 Q. Any other conversation you remember with Mr. Lokken at 7 all about that video? 8 A. No. Like I previously stated, we had had a phone 9 conversation about what law applied; we both looked up 10 what some of the terms meant. 11 Q. Does Mr. Lokken have a Facebook post or anything he 12 would ordinarily post his videos to? 13 A. At that time, no. I believe he has a Rumble channel 14 now. But at that time, I do not believe he had that 15 Rumble channel. 16 Q. Did Mr. Lokken ever post that video that's in 17 Exhibit 26 on his Rumble channel? 18 A. I do not believe so. 19 Q. To your knowledge, did he ever post it anywhere? 20 A. Not that I'm aware of. 21 Q. Did you have -- ever have a discussion with him about 22 whether he would or could or should post the video 23 that we see in Exhibit 26? 24 A. I assumed, based on our previous conversations where 25 he was not comfortable sharing it publicly, that he	Page 244 1 to him? 2 A. I would guess three, four times. I had submitted 3 texts asking for his address. He did not want -- we 4 had conversation about his true last name, and then I 5 looked up his -- once I got his true last name, then I 6 looked up his address and confirmed it with him. 7 Q. What is the conversation you had about his true last 8 name? 9 A. I didn't appreciate him lying to me about the name. 10 Q. So did he -- What name did he initially give you? 11 A. Ludd, like we said earlier today. And then he said -- 12 then he admitted it was Lokken. 13 Q. When did he tell you what his last name was 14 originally? 15 A. I think it was just recently. I sent you the text 16 message. I'm not remembering the date off the last 17 month or two. 18 Q. When did you learn that his last name is not Ludd, 19 that it's Lokken, L-O-K-K-E-N? How do you -- 20 A. In the last month or two. 21 Q. All right. Well, when did you first -- When did you 22 learn or when did he tell you his different last name 23 the first time, the Ludd or Luntz, or whatever? I 24 think it's "Luntz" in the discovery. When did he tell 25 you that last name?

Page 245 1 A. Within the last month or two. 2 Q. So both last names you learned in the last month or 3 two? 4 A. Yes. 5 Q. All right. So when you knew him in June of 2022 and 6 got the video from him, the unedited footage, and then 7 got Exhibit 26, what did you understand to be his last 8 name? 9 A. I thought it was Ludd, and he had used Luntz once or 10 twice and it confused me; but I hadn't paid much 11 attention to it. 12 Q. Okay. What else did -- have you discussed with Jeremy 13 since the lawsuit was filed related -- anything 14 related to the lawsuit? 15 A. He was concerned about getting served at home; he 16 wanted to meet up with you guys. So we talked about 17 his concerns with that. 18 Q. All right. Anything else, any other conversations 19 discussing communications that you've had with him 20 regarding this lawsuit or the subject matter of this 21 lawsuit? 22 A. No. I've given you all our conversations that were by 23 text. 24 Q. How about by phone? Anything that's not in a text or 25 an e-mail, any conversations with him by phone or in	Page 247 1 A. I've asked friends to pray for me for today. 2 Q. Have you talked about the subject matter of this case 3 with anyone else? 4 A. No, just my spouse, and then asking people to pray in 5 preparation for today. 6 Q. Have you done any research about how drag performers 7 prepare themselves for shows? 8 A. No, because what I learned in -- when we were talking 9 with the mediator during mediation was a lot of 10 information to digest. 11 Q. All right. Well, my question was whether you had 12 looked up anything on the internet or done any 13 research regarding how drag performers perform -- 14 prepare themselves. 15 A. No. 16 Q. Give me just one minute. I think we might be done. 17 VIDEOGRAPHER: Want to go off the record? 18 MS. OLSON: Yeah, let's go off the record 19 just briefly. 20 VIDEOGRAPHER: Off the record at 3:23. 21 (Pause in proceedings.) 22 MS. OLSON: Okay. Sorry, it was shorter than 23 we anticipated. 24 (Discussion off the record.) 25 VIDEOGRAPHER: Back on the record at 3:24.
Page 246 1 person? 2 A. No. 3 Q. All right. How about with respect to Casey Whalen? 4 Have you talked to him regarding this lawsuit since it 5 was filed? 6 A. Just the texts. I knew that he had been moving around 7 quite a bit, and so the text in that previous exhibit 8 I was confirming his address. 9 Q. Any other communications with him, texts, e-mails, 10 conversations regarding this lawsuit? 11 A. No. 12 Q. How would you describe Mr. Whalen's job if he has one? 13 A. He is similar to me; he's very opinionated on what 14 goes on locally, and he's trying to get footage out on 15 topics that are important to him. 16 Q. How about back in June of 2022, would you describe his 17 job or his presence in the community in every -- in 18 any different way? 19 A. No. 20 Q. Did Mr. Whalen talk to you at all about the Motion to 21 Quash the subpoena that was served on him related to 22 this case? 23 A. No, I'm not aware of that. 24 Q. Have you talked to anybody else other than Mr. Boyles 25 regarding the subject matter of this case?	Page 248 1 Q. (BY MS. OLSON) All right. I'm going to have you look 2 at I think one more item that we'll mark as 3 Exhibit 38. 4 (Exhibit No. 38 - Page Vault documents, text 5 messages - marked for identification.) 6 Q. (BY MS. OLSON) Ms. Bushnell, do you recognize the 7 pages that are within Exhibit 38? 8 A. Yes. It's me sharing the North Idaho News post on my 9 Bushnell Report. 10 Q. And what do you mean, the North Idaho News post on 11 your Bushnell Report? 12 A. Say again? 13 Q. So what do you mean by that? I mean is this -- well, 14 let me ask you -- 15 A. The original post is partway down that first page. 16 It's indented just a little. It says "North Idaho 17 News" with their logo July 1st. And then I'm sharing 18 their post. Above, is that "Page 1 of 4" or page 2? 19 And then I'm sharing their post and I'm commenting on 20 it. 21 Q. Okay. So on what is page 2 of the exhibit and it says 22 "Page 1 of 4" at the bottom of the page, there's a 23 post from you on July 1st that says, "This is 24 interesting. I obviously don't agree. I know 25 everyone wants to see the unblurred video. How do I

Page 249

1 do that without getting charges myself on this
2 question?" Do you see that?
3 A. Yes.
4 Q. And on July 1st of 2022 you had already shared the
5 unedited video with other people, correct?
6 A. Correct. Not publicly.
7 Q. But you did share it with other people, correct?
8 A. Correct; not publicly.
9 Q. You had shared it with other people, correct?
10 A. Yes.
11 Q. And below that is, I think you said, this post from
12 North Idaho News; and they're basically pushing out
13 the news that the Coeur d'Alene City Attorney's Office
14 had declined prosecution, correct?
15 A. Yes. I still disagree with their conclusion.
16 Q. Ms. Bushnell, you made multiple statements in the
17 Facebook messages that you shared with other people
18 that you saw "two berries and a twig" or "a partial
19 twig," correct?
20 A. Correct.
21 Q. And that wasn't true, correct?
22 A. Correct.
23 Q. I think that's all the questions that I have. Thank
24 you for your time today, Ms. Bushnell.
25 A. Thank you.

Page 250

1 MS. OLSON: Do you have anything?
2 MR. BOYLES: No. Thank you.
3 VIDEOGRAPHER: Okay. This concludes the
4 videorecorded deposition of Summer Bushnell. We're
5 off the record at 3:27.
6 (Discussion off the record.)
7 MS. OLSON: Let's go back on the video for
8 it.
9 VIDEOGRAPHER: We're back on the record at
10 3:27.
11 MS. OLSON: Just one sort of housekeeping
12 matter. There have been some items identified during
13 today's deposition by Ms. Bushnell that we think we
14 don't have in discovery. And so, Mr. Boyles, we'll
15 follow up with you and possibly may need to recall
16 Ms. Bushnell to answer questions about that. But
17 we'll make that decision after we get the documents if
18 you determine that they're available in any way.
19 MR. BOYLES: Thank you.
20 VIDEOGRAPHER: Now this deposition is
21 concluded at 3:27.
22 COURT REPORTER: Mr. Boyles, if it's ordered,
23 does she want to read or sign or waive?
24 MR. BOYLES: She probably wants to read and
25 sign. There's quite a bit there.

Page 251

1 COURT REPORTER: Okay. And, Ms. Olson, did
2 you want it transcribed?
3 MS. OLSON: Yes, please.
4 (Discussion off the record.)
5 COURT REPORTER: And, Mr. Boyles, you had
6 mentioned before you wanted a copy of the transcript?
7 MR. BOYLES: Yes.
8 COURT REPORTER: Okay. Thank you. I just
9 need to have it on the record for everybody.
10 (Deposition concluded at 3:29 P.M.)
11 (Signature reserved.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 252

1 CORRECTION SHEET
2 PAGE LINE CORRECTION
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I have read the foregoing 251 pages of my
testimony and I declare (or certify) under penalty of
perjury that the foregoing is true and correct except
for the corrections noted above. Dated this _____
day of _____, _____, at _____.

SUMMER BUSHNELL,
Deponent