

Cory Bain Esslinger - August 24, 2020

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

MICHAELLA LYNN SURAT,

Civil Action No.

19-cv-00901-WJM-NRN

Plaintiff,

vs.

RANDALL KLAMSER, in his individual capacity,  
and CITY OF FORT COLLINS, a municipality,  
Defendants.

---

VIDEOCONFERENCED DEPOSITION OF CORY BAIN ESSLINGER

August 24, 2020

---

**EXH. F**  
**Case No.**  
**19CV00901**

Cory Bain Esslinger - August 24, 2020

1           A.     So I had shifted my attention back to,  
2     you know, Officer Klamser. I believe we had started  
3     talking about the incident again when, you know,  
4     Officer Klamser had either looked back or something  
5     alerted him to the fact that the female that -- you  
6     know, Michaela Surat, that had just bumped into us  
7     was trying to, you know, pull her boyfriend away from  
8     this investigation.

9           And at that point Officer Klamser had  
10    just -- you know, he stopped talking to me and went  
11    to handle that and left me there at the doorway.

12          Q.     Okay. And could you hear any words  
13    exchanged between Officer Klamser and Ms. Surat?

14          A.     I remember -- and, you know, part of  
15    this might be mixed in with, you know, I've seen the  
16    videos since then, you know, part of the criminal  
17    trial. I had seen all of those. So I'm not sure how  
18    much directly came from my memory and how much came  
19    from the video, and it's all kind of mixed together  
20    now, but I recall that, you know, he was telling her  
21    that she was free to leave but the boyfriend was not.  
22    And that, you know, she was saying that, you know,  
23    she was going to be leaving with him.

24          You know, so while this was going on, I  
25    wasn't directly watching, you know, their interaction

Page 29

Cory Bain Esslinger - August 24, 2020

1 the whole time, because we had our whole fence line  
2 full of college students started getting riled up.  
3 They were all standing on the tables, pulling out  
4 their cameras and, you know, all putting in their  
5 drunken two cents. So it was kind of a chaotic  
6 situation.

7 Q. So when you say "drunken two cents,"  
8 what do you mean?

9 A. You know, there's -- there was  
10 always -- I wouldn't say hecklers, but you'd have  
11 college kids yelling, you know. Some would just be  
12 hooting and hollering and some would be, you know,  
13 yelling for their friends to come check this out.

14 You know, there was always people  
15 yelling at the cops saying, you know, like, don't do  
16 that -- oh, yeah, arrest her. Just, basically, you  
17 know people with all sort of opinions being loud and  
18 drunk and stating their opinions.

19 Q. Was this a typical crowd -- well,  
20 strike that.

21 This was, I think, a Thursday night,  
22 correct?

23 A. I believe so, sir, yeah.

24 Q. And in your experience, did you  
25 consider this a typical crowd on a Thursday night?

Page 30

Cory Bain Esslinger - August 24, 2020

1 A. Yes, sir.

2 Q. And you said that once  
3 Officer Klamser and Ms. Surat started to engage, it  
4 became somewhat of a chaotic scene with these college  
5 kids, correct?

6 A. Correct.

7 Q. And what do you mean by that?

8 A. Just the fact that, you know, we have  
9 some sort of altercation between, you know, Michaela  
10 and the police and, you know, the boyfriend and the  
11 police out front where, you know, tensions are  
12 getting higher.

13 And then from our job, you know, at the  
14 bar, we have to make sure that, one, people aren't  
15 supposed to be standing on tables. It's a huge risk  
16 because there's drinks on the table, and then it's  
17 even a higher risk with people who are drinking quite  
18 a bit and just college kids in general.

19 But just trying to maintain the fence  
20 line, keeping people from doing anything too silly or  
21 too stupid. So it just seemed like the -- you can  
22 kind of feel it in the air the excitement level went  
23 from, like, the typical Thursday-night-bar level to,  
24 oh, wait, something is happening, let's pull out our  
25 cameras and everyone react to it.

Page 31



Cory Bain Esslinger - August 24, 2020

1 Q. Was it your impression, as you stood  
2 there, that the crowd was starting to react about  
3 what was happening?

4 A. Oh, yeah, definitely, sir.

5 Q. All right. So you heard  
6 Officer Klamser tell Ms. Surat that she could keep on  
7 walking, correct?

8 A. Yes, sir.

9 Q. And did Ms. Surat keep on walking?

10 A. I do not believe so. I believe that  
11 she did not want to leave without her boyfriend.

12 Q. And then so describe to us what  
13 happened from that point forward.

14 A. So once again, my attention was flipped  
15 between our fence line, you know, my responsibilities  
16 towards the bar and my job there and, you know, kind  
17 of what was going on in the square between Michaela  
18 and Officer Klamser.

19 You know, I recall that he was trying  
20 to control her, you know, or telling her that, you  
21 know, she was under arrest. I believe it was for,  
22 you know, obstruction or, you know, her kept trying  
23 to get into the situation between the boyfriend and,  
24 you know, Officer Pastor.

25 And then as Officer Klamser was trying

Page 32