

Michael Anthony Findlay - September 11, 2020

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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.

VIDEO VIDEOCONFERENCED DEPOSITION OF
MICHAEL ANTHONY FINDLAY
September 11, 2020

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1 like, say every move to you and every physical thing
2 that she did.
3 But that's kind of the best
4 illustration -- visual I can give to you, is throw on
5 some tape of one of the defensive linemen, no matter
6 their size, trying to get past an offensive lineman
7 and try to get to the quarterback, and that's what
8 she was trying to do. And in part of doing that and
9 initiating contact, yeah, she was trying to evade
10 being detained by one of the offensive linemen to get
11 there. It was that kind of sight.
12 Q. Now, you said she was swearing up a
13 blue streak pretty good, right?
14 A. Yeah.
15 Q. And do you recall what her context was?
16 I mean, she said, Get the fuck out of my way. That's
17 my boyfriend. What was she saying?
18 A. I can't remember what the context was.
19 I just remember the striking words and the abusive
20 nature of them. And a little bit ago I said
21 everything, and I would like to not repeat those
22 words if at all possible.
23 Q. Since we last spoke, you have followed
24 the news, I presume, correct?
25 A. Sparingly.

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1 A. Okay.
2 Q. So do you believe that police brutality
3 is a problem in the United States?
4 A. I think there's certain instances
5 absolutely where there is a problem.
6 Q. Okay. And do you believe it's limited
7 to African American's interactions with the police?
8 A. No. I think -- by and large, I think,
9 you know, a lot of minorities -- I think it is
10 primarily an issue within that community, being more
11 educated about it, but it is -- it is an issue for
12 other ethnicities as well and other minorities,
13 certainly.
14 Q. Okay. Now, based on your testimony, I
15 believe that you -- you're basically saying that
16 there is no way that you believe that Officer Klamser
17 used excessive force against Michaela Surat; isn't
18 that correct?
19 A. That's correct. I see the George Floyd
20 case and I see other cases completely different from
21 this case.
22 Q. Okay. In what way?
23 A. Well, the George Floyd incident, right,
24 I don't think George Floyd was, you know, for lack of
25 a better term attacking the police, you know. I

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1 Q. Well, you're familiar with
2 George Floyd, are you not?
3 A. Yes, I am.
4 Q. And you're familiar with the civil
5 unrest that the George Floyd incident has caused
6 throughout America, correct?
7 A. I live in Portland, Oregon. I'm very
8 aware of the protests.
9 Q. And you understand that much of America
10 believes that police brutality is a serious social
11 problem? Are you aware of that fact?
12 MR. RATNER: Object to foundation and
13 form.
14 Q. (BY MR. LANE) Go ahead and answer.
15 A. Yeah. I mean, right now the Black
16 Lives Matter movement is about racial injustice and
17 systemic racism. And I think the community believes
18 that, you know, police departments all over the
19 country have, you know, targeted them, their
20 community more than other communities. I didn't know
21 that extended to Caucasian folks in college. So is
22 that what you were trying to say?
23 Q. No. I'm just asking questions. I'm
24 not trying to say anything. If I have something to
25 say, I'll say it, but I'm just asking you questions.

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1 think in this case Ms. Surat was and initiated the
2 contact and was not only physically abusive but
3 verbally abusive to the cop.
4 And I think in the George Floyd -- I
5 mean, look at all of the other cases, right? Like
6 those are folks with their hands up that aren't doing
7 anything that excessive force is used upon them.
8 This to me is very different. I would think this is
9 a self-defense case for that officer.
10 I -- again, and I testified, and I will
11 say that today, I think the officer used a great deal
12 of restraint and tried to deescalate the situation as
13 much as he could before it kind of came to a point
14 where he had to detain her.
15 Q. Do you recall other officers being on
16 the scene?
17 A. Yes.
18 Q. Did you ever hear Officer Klamser ask
19 any other officer, Hey, could you come over here and
20 help me control this woman?
21 A. I did not hear him say that. But,
22 again, there was a huge crowd, and I think cops were
23 coming in at that time. But at the beginning --
24 there was a difference at the beginning and the end.
25 By the end, there was a lot of cops there. At the

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1 beginning there was only a handful so I don't know.
 2 I didn't hear him say that.
 3 Q. You indicated in your report that the
 4 crowd reacted at some point. What did the crowd
 5 react to?
 6 A. A couple of different things. It
 7 reacted about three or four times. You know, when
 8 she hit him, there was a big reaction, you know.
 9 There was also a reaction when she ultimately hit the
 10 ground and then, you know, there was a reaction when
 11 she was taken off, you know, taken to Old Town
 12 Square.
 13 Q. And this was not a reaction that was
 14 favorable to the police in your estimation; is that
 15 fair?
 16 A. I don't know if it was a reaction that
 17 could be characterized as favorable or not favorable
 18 to either. It was a reaction like -- the best way to
 19 describe it would be, especially with her first one,
 20 would be like watching a boxing match where, you
 21 know, somebody connects and the crowd goes, Ohhh.
 22 Like that's what I saw with the reaction of the
 23 crowd.
 24 Q. Okay. And after this whole incident,
 25 you walked up to Klamser and identified yourself and

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1 basically said, Listen, I saw the whole thing, I'm a
 2 witness, I'll write a report, I'll testify on your
 3 behalf?
 4 A. Yeah. Yes. Not on your -- not on your
 5 behalf. I said, I am willing to -- you know, this is
 6 what I saw, and I'm willing to write a report on it
 7 and state the facts. I didn't say on your behalf.
 8 Q. Now, there were literally probably a
 9 couple of hundred people that were eyewitnesses to
 10 this, right?
 11 A. Yeah, I think so. At least, you
 12 know -- at least in the tens, 40, 50, 60. I don't
 13 know if it was to the hundreds, but there were a lot
 14 of people.
 15 Q. Did you see Michaela Surat leaving the
 16 bar and pushing anybody to get through the crowd?
 17 A. I did not see her push anybody else. I
 18 saw her at -- I think at one point another bouncer
 19 was in her way, but it quickly became the officer and
 20 not the bouncer.
 21 Q. Did --
 22 A. And I don't even know if that was a
 23 bouncer. It just seemed like it.
 24 Q. Did you ever see her grab her boyfriend
 25 by the hand and try and lead him away from the scene?

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1 A. Yes.
 2 Q. And did you see the other officer grab
 3 her boyfriend by the other hand and say -- and pull
 4 him back away from Ms. Surat?
 5 A. I didn't see the pull. You know, I
 6 know at the time they said -- and I don't know if it
 7 was physical at the time. But it was, You can go.
 8 He has to stay here. We're not done speaking with
 9 him was the issue, was the gist that I heard, that I
 10 can remember.
 11 MR. LANE: All right. I don't think I
 12 have any further questions. Thank you, Mr. Findlay.
 13 MR. RATNER: Just a couple more
 14 questions for you. I'm trying to screen share
 15 something, and it says, "The host has disabled
 16 participant screen share."
 17 THE REPORTER: I think you can do it
 18 now.
 19 THE VIDEOGRAPHER: You should be able
 20 to, Counsel.
 21 EXAMINATION
 22 BY MR. RATNER:
 23 Q. Do you see anything on your screen?
 24 A. I do. I see the top of a PDF file. It
 25 says, Findlay Statement. I can't read further than

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1 the line that says, Name, Michael Findlay.
 2 Q. Okay. Of course it's not working for
 3 me. Let me ask you this: You've been asked a number
 4 of times by Mr. Lane with respect to an incident
 5 report that you filled out, correct?
 6 A. I believe, yeah.
 7 Q. And the incident report was actually a
 8 written statement prepared by you; is that correct?
 9 A. Yes.
 10 Q. Oh, here you go. And if I scroll
 11 down -- so what I'm showing you, we're going to mark
 12 that as Exhibit No. 8. And for the record, it's
 13 Bates Stamped FC Surat 2259 and FC Surat 2260. Is
 14 this the written statement that you prepared?
 15 A. Yes, it appears to be.
 16 Q. And about how soon after the incident
 17 did you prepare this?
 18 A. It was within a week.
 19 Q. Okay. The statement on the bottom of
 20 FC Surat 2259, if you can see that, is dated
 21 April 13, 2017. Do you see that?
 22 A. Yeah. Within a week.
 23 Q. Is that the date that you would have
 24 signed this written statement?
 25 A. Yeah. I believe that's when I wrote it

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