

Attachment 1

Respondent/Furlong Relationship

Furlong was a social friend of respondent for many years before September 2013. (Root Tr 10/3/18, p 573/5-18) Shawn Ryan was the prosecutor in respondent's court when respondent was first appointed to the bench in 2005. Ryan socialized with Furlong and Corriveau as of that time. Respondent initially became a part of this socializing at Ryan's invitation in about 2006. (Ryan Tr 10/2/18, pp 476/3-10; 477/15-21)

The socializing became more "concentrated" from 2007 forward. (Ryan Tr 10/2/18, p 478/4-9) From Ryan's perspective there was no fixed group, and those who participated would sometimes be just respondent, Furlong, Corriveau, and Ryan. (Ryan Tr 10/2/18, pp 478/19 – 479/9) Respondent described a nucleus of people who regularly met at the bar, in which she included Ryan, Furlong, and herself. (Respondent Tr 10/1/18, pp 186/18 – 187/11, 191/3-10)

When respondent identified the nucleus who met after work, she denied that Kim Morrison was part of it, although the evidence shows Morrison was often there. (Respondent Tr 10/1/18, p 187/4-6) Morrison met Corriveau and Furlong around 2007, and started socializing with them and respondent around that time. (Morrison Tr 10/4/18, pp 834/7-20, 835/1-7, 839/15-22) They mostly hung out in a restaurant or bar, and occasionally at respondent's house. (Morrison Tr 10/4/18, p 836/19-21) Morrison stated that she, respondent, Furlong, and Corriveau were close friends during the period 2008 through 2012, and the other three were close enough to regularly socialize together without Morrison being there. (Morrison Tr 10/4/18, p 854/2-11)

Morrison recalled that in the very early stages Ryan was sometimes a part of the group when Morrison socialized with Furlong, Corriveau, and respondent. (Morrison Tr 10/4/18, pp 837/14 – 839/3) Ryan's complementary perspective is that the group sometimes included

Morrison. (Ryan Tr 10/2/18, p 479/8-16) Although Morrison only hung out with this group every two to three weeks, as their friend she was aware they socialized without her when during the weeks she could not make it. (Morrison Tr 10/4/18, pp 837/21 – 838/15) For example, Morrison would talk to Corriveau, who would say he was at the bar with Furlong and respondent, and early on, with Ryan. (Morrison Tr 10/4/18, p 838/9-15) The bars where they hung out were primarily Jameson's and Stone Fire Grill. (Ryan Tr 10/2/18, p 482/2-5 Morrison Tr 10/4/18, pp 836/24 – 837/3)

Morrison recalled that Ryan dropped out of the group, perhaps after one year or two years (about 2009), after which it was still respondent, Furlong, Corriveau, and at times Morrison, who got together. (Morrison Tr 10/4/18, pp 838/23 – 839/3, 840/11-24) Ryan's similar recollection is that between 2007 and early 2010 she, respondent, Furlong, and Corriveau, sometimes with others, went out once or twice per week for drinks (Ryan Tr 10/2/18, pp 479/23 – 480/11, 496/12 – 497/7) Beginning in 2010 she was less a part of this activity because she began spending a lot of time with her then-boyfriend. (Ryan Tr 10/2/18, p 479/17-22; pp 496/12 – 497/9) After Ryan turned her focus elsewhere, Morrison continued to socialize regularly with respondent, Furlong, and Corriveau through 2011, until personal circumstances circumscribed her own ability to do so. (Morrison Tr 10/4/18, p 841/10 – 842/25)

Morrison had multiple picnics with Furlong and Corriveau at Kensington Metropark before the *Kowalski* trial. She thought respondent was also with them, though she had no specific memory of her presence. (Morrison Tr 10/4/18, p 847/6-9) Although Morrison was not certain, respondent confirmed Morrison's recollection, testifying that she was at 3-5 picnics at Kensington with Morrison, Furlong, and Corriveau. (Respondent Tr 10/1/18, p 187/17-24) Respondent's testimony about the picnics also included one of her efforts to shift the focus to

Shawn Ryan. She volunteered, as part of her answer, that Ryan would have been to more of these picnics than she. (Respondent Tr 10/1/18, p 187/17-24) Like respondent's other efforts to shift the Furlong focus to Ryan, this one misses the mark. Morrison did not mention Ryan's presence at all, and Ryan testified that she went to only one of these picnics. (Ryan Tr 11/19/18, p 1770/8-24)

When Morrison did not pass the bar exam on her first try, respondent, Furlong, and Corriveau (but not Ryan) met her at Kensington to comfort her. (Morrison Tr 10/4/18, pp 847/17 – 848/8) Morrison believes part of the reason she did not pass is she spent too much time hanging out with respondent, Furlong, and Corriveau. (Morrison Tr 10/4/18, pp 848/15 – 849/3)

The Judicial Tenure Commission asked respondent to describe her friendship with Furlong. Her answer, across several statements, frequently invoked Ryan though the question had been about Furlong. (Ex. 16 pp 9 – 13, 15; Ex. 19 pp 8 – 14, 17; Ex. 21 pp 1-2, 8 – 9) Respondent's statements to the Commission convey the impression that she was straining to include Ryan in her answers about Furlong whenever she could.

As part of explaining her relationship with Furlong, respondent told the Commission that Furlong came for drinks "because" Ryan was there. (Ex. 16 p 9; Ex. 19 p 10 ¶ 5.1.c) She also told the Commission it would be "extremely rare" for her to be at Jameson's with Furlong without Ryan also being there. (Ex. 21 p 8 ¶ 25; see also Ex. 19 p 23 ¶ 31: "When I socialized with Furlong and Corriveau, [Ryan] was present")

These statements were false. (Ryan Tr 11/19/18, p 1768/11-24) Ryan described the outings as a group thing, in which no one person was there because of another person. (Ryan Tr 10/2/18, pp 482/23 – 483/9) Although respondent may have initially participated with the group because Ryan invited her to do so, Ryan was only the impetus behind respondent's initial

involvement in 2006. After that, respondent had her own friendship with Furlong and Corriveau. (Ryan Tr 10/2/18, pp 483/18 – 484/1)

Morrison’s description of her own socializing with respondent, Furlong, and Corriveau, as summarized in the above paragraphs – usually *without* Ryan after 2009 – also contradicts respondent’s claims about Ryan’s role in she and Furlong both being present. Morrison testified that it is inconsistent with her recollection that the only reason Furlong was at Jameson’s was because of Ryan, or that the reason respondent socialized with Furlong was because she was socializing with Ryan. (Morrison Tr 10/4/18, pp 843/25 – 844/11) Morrison explicitly denied that, before early 2013 (when the *Kowalski* trial took place), it would have been “extremely rare” for respondent to have socialized with Furlong and Corriveau with Ryan not there. Rather, she confirmed that it was pretty common for them to socialize without Ryan. (Morrison Tr 10/4/18, p 843/11-22)

Preferential Treatment for Furlong & Corriveau

Kristi Cox was respondent’s secretary and court recorder from 2005, when respondent took the bench, until sometime in 2015. (Cox Tr 10/3/18, pp 580/16 – 581/12) Cox knew both Furlong and Corriveau, and observed respondent’s contact with them around the courthouse and on some social occasions. (Cox Tr 10/3/18, pp 581/16 – 582/21) Although Furlong and Corriveau came around during Judge Hegarty’s tenure, their pace of doing so picked up in 2007 or 2008, during respondent’s tenure, when they were there more frequently. (Cox Tr 10/3/18, pp 582/22 – 583/6)

From Cox’s perspective, the main business reason Furlong and Cox came to respondent’s court was for search warrants or to testify. (Cox Tr 10/3/18, p 583/17-21) In general, when a police officer came into the court room for a search warrant while a matter was proceeding,

respondent would stop the proceedings and go off the record, the officer would approach, and respondent would handle the warrant on the bench. (Cox Tr 10/3/18, p 584/10-20) If respondent was not in the courtroom, respondent would handle the warrant in her office. When respondent did this for most officers, the door would not be closed and the officer would be in the office a short time. (Cox Tr 10/3/18, pp 584/22 – 586/4)

However, if Furlong or Corriveau made search warrant requests while respondent was in a proceeding in the courtroom, respondent would take a recess, take Furlong or Corriveau to her office, and close the door. Furlong's and Corriveau's visits always took longer. Cox noticed this because she had people waiting in the courtroom for respondent to return to the bench. (Cox Tr. 10/3/18, p 586/9-23) The only other officer Cox observed who received treatment similar to that accorded Furlong and Corriveau was a Trooper Singleton, and he received that treatment only right before Cox left respondent's employ in 2015, well after *Kowalski*.¹

Respondent did not close the door with any officer other than Furlong and Corriveau (and later, Singleton). (Cox Tr 10/3/18, pp 585/18 – 586/4) Other Michigan State Police officers came to the court to get warrants besides Furlong, Corriveau, Singleton, but none of them received the "off-the-bench, closed-door" treatment that Furlong and Corriveau received. (Cox Tr 10/3/18, p 677/9-21) There were probably 30-40 times over Cox's employ with respondent that she met with Furlong, Corriveau, or Singleton behind closed doors. (Cox Tr 10/3/18, p 588/12-22)

The pattern Cox saw is consistent with what other court employees observed. Lisa Bove was a Brighton district court employee between 2008 and 2013. She described respondent as being noticeably friendly with Corriveau and Furlong during that time. She noticed that respondent would meet with them behind closed doors, did not know if any other officers were

¹ Cox recalled a conversation with respondent in which respondent made the comment that Singleton was "hot." (Cox Tr 10/3/18, pp 586/24 – 587/13)

treated that way. (Bove Tr 10/4/18, pp 786/14 – 787/7) Similarly, Francine Zysk observed that Furlong was at the court a lot during the period she was chief probation officer, which began in 2006. She stated respondent was “very close” with Furlong, and “simply friends” with Corriveau. She described respondent’s relationship with Furlong and Corriveau as different than her relationships with other law enforcement officers. (Zysk Tr 10/9/18, p 1463/18 – 1464/20)

Though Felica Milhouse only began working for respondent in late 2016, during her employment she observed that when officers came to obtain search warrants, if respondent was on the bench she would pause the record, turn on the “white noise” machine and do the warrant from the bench. That matches Cox’s observation. If respondent was in her office when an officer came by, Milhouse would walk the officer back into respondent’s office. Milhouse thought the door remained open, though she was not sure. (Milhouse Tr 10/3/18, pp 533/6 – 534/1)

Francine Zysk was the chief probation officer in the Brighton courthouse from 2006 until 2015. (Zysk Tr 10/9/18, p 1453/2-3) Between 2006 and about 2012 she saw Furlong and Corriveau come to the courthouse. She saw that Furlong was there “a lot”; he would get things signed, then sometimes extend the stay beyond business. Zysk observed that respondent and Furlong were very close, while respondent appeared to be simply friends with Corriveau. (Zysk Tr 10/9/18, pp 1463/18 – 1464/16) Zysk saw that respondent treated Furlong and Corriveau differently than she treated other law enforcement officers. (Zysk Tr 10/9/18, p 1464/17-20)

Respondent painted a significantly different picture. In her letters to the Judicial Tenure Commission she represented that she met with law enforcement officials behind closed doors most of the time, and rarely did warrants on the bench; she confirmed those representations while testifying at the formal hearing. (Respondent Tr 10/1/18, pp 223/9 – 225/2; Ex. 19 pp 16 ¶ 13.d, 23 ¶ 30.e, 26 ¶ 33; Ex. 21 pp 2 ¶ 4.h, 7 ¶ 14.f) Her testimony and statements to that effect are

obviously inconsistent with the observations of neutral observers. It is telling that were she to agree with the other witnesses to her meetings with police officers, she would have had to admit a) she had an unusually close relationship with Furlong and Corriveau, perhaps necessitating her disclosure of that relationship in *Kowalski*, and b) she provided false information to counsel while hearing the motion to disqualify her from the *Kowalski* trial.

In order to give this alternate reality plausibility, respondent developed a rationale for it, one that also seeks to discredit Kristi Cox. She claimed that part of the reason she met with officers behind closed doors was that Cox was too friendly with officers. Respondent claimed she had to impose restrictions on Cox, such as not giving officers preferential treatment, not allowing them to come back when they were witnesses, and not dating them. (Respondent Tr 10/1/18, pp 242/19 – 243/10)

In light of respondent's unusually close years-long relationships with Furlong and Corriveau, it is a little ironic that she claims she needed to restrict Cox in this regard. In any event, her claim is false. Cox denied having any such relationships or restrictions imposed on her. She noted that soon after respondent became a judge she only allowed attorneys and police officers into the back area when they were present to see respondent. (Cox Tr 11/19/18 pp 1813/14 – 1815/16) However, that policy neither adds to, nor subtracts from, Cox's observation that for most of her tenure with respondent, only two of those officers met with respondent behind a closed door.

Further Evidence of Respondent's Relationship with Furlong

Respondent turned 50 in 2007. She later told Shawn Ryan and Francine Zysk, separately, that about the time of that birthday she and Furlong shared a kiss in the courthouse in her chambers. (Ryan Tr 10/2/18, pp 494/11 – 495/7; Zysk Tr 10/9/18 pp 1465/17 – 1466/15) At the

formal hearing respondent denied saying this to Ryan. (Tr 10/1/18 p 193/8-10) This is one of the litany of contradictions between respondent and the other witnesses at the formal hearing. Ryan and Zysk are more credible, both because they have not made multiple false statements as respondent has, and because they have the same recollection of what respondent told them though she told each of them at a different time.

Respondent's close friend, Shari Pollesch, knew Furlong. The way she did was through social engagements Pollesch was at with respondent. Pollesch met Corriveau at the same time she met Furlong. She saw Furlong and Corriveau often enough to refer to them as "the Bobbsey Twins" because they were so often together. (Pollesch Tr 10/9/18, p 1398/1-14)

Respondent's close friendship with Furlong manifested itself in 2009. Kristi Cox had a conversation with respondent before *Kowalski* was assigned to her in early 2009. At that time Cox had been retained by the Michigan State Police to transcribe interviews with Kowalski, and told respondent she did not understand a lot of what was being discussed. Respondent advised Cox that she was sure Kowalski was guilty, because Furlong had told her about the case. (Cox Tr 10/3/18, pp 590/12 – 591/19)

In the sea of other misconduct shown by the evidence, there is a risk of overlooking the significance of respondent's ex parte conversation with Furlong about Kowalski's guilt. It should not be missed. It was highly inappropriate for respondent to have prejudged the case based on an ex parte contact with Furlong. It was equally inappropriate for her to not have disclosed that contact to the *Kowalski* parties.

In addition to witnessing the in-chambers friendship between respondent, Furlong, and Corriveau, Cox was aware of other social activity between them. She noted that "any combination" of them went to lunch frequently. (Cox Tr 10/3/18, pp 588/23 – 589/19) She was

not aware of any other officers with whom respondent had a similar sort of social arrangement. (Cox Tr 10/3/18, p 589/20-22)

Other court employees also noticed that respondent often ate lunch with Furlong or Corriveau. Lisa Bove recalled that respondent went to lunch with Furlong and Corriveau, which she knew because respondent would announce that she was going to lunch with “Sean” or Corriveau. (Bove Tr 10/4/18, 787/8-10) As a good friend of both respondent and Furlong, Ryan was also aware that respondent and Furlong had lunch together, and sometimes it was the two of them. (Ryan Tr 10/2/18, p 484/8-12) They ate together often enough that Ryan considered their doing so common knowledge. (Ryan Tr 10/2/18, p 484/13-17)

Zysk was another court employee who observed respondent and Furlong go to lunch. Often the two of them went with Ryan, but at times it was just Furlong and respondent who went. (Zysk Tr 10/9/18, pp 1464/21 – 1465/7) Zysk considered it common knowledge in the Brighton courthouse that respondent and Furlong had a special relationship. (Zysk Tr 10/9/18, p 1465/9-12)

Respondent claimed that it would have been rare for her to have lunch with Furlong after he transferred to Lansing. When pushed to define “rare” she refused, giving as her reason that she did not recall having lunch with him alone. (Respondent Tr 10/1/18, pp 188/24 – 189/20) She testified that it would have been difficult to have lunch with Furlong after his transfer because he was then too far away. (Respondent Tr 10/10/18, pp 1632/20 – 1633/3)

However, in reality Furlong was never too far away. He continued to live in Plymouth. (Respondent Tr 10/10/18, p 1633/14-21) He passed through Brighton each time he went to Lansing and each time he returned. Equally important, Furlong’s position in Lansing made him responsible for detectives in Livingston County and other counties to the east and south of

Livingston, and Furlong had to visit those locations as part of his duties. (Stipulation dated November 19, 2018) There was never a shortage of opportunities for Furlong to be in Brighton for lunch.

The fact that Furlong was an especially good friend of respondent for years before the *Kowalski* trial is corroborated by their telephone and texting relationship. From November 2011 through the eve of the *Kowalski* trial, respondent talked with three people on her cell phone substantially longer than she talked with anyone else: her sister Denise, Furlong, and Ryan. (Ex 1-24 as revised) Respondent was on the phone with Furlong at least one hour, and as much as two hours, every month between November 2011 and the start of the *Kowalski* trial. (Respondent Tr 10/1/18, pp 166/13-22, 169/2-9; Ex. 1-22) Since we are exploring whether respondent felt close enough to Furlong to require some sort of disclosure to the parties in a case in which Furlong was to be a witness, it is relevant that, between November 2011 and the start of the *Kowalski* trial, it was respondent who initiated about 80% of the calls. (Ex. 1-29)

But the 200+ calls between respondent and Furlong reflected in Exhibit 1-24 are only the tip of the iceberg. Just before the formal hearing began, the Michigan State Police provided the Examiner with records for Furlong's cell phone going back to mid-2008. Those records show respondent had more than 1500 calls with Furlong between July 2008 and the start of the *Kowalski* trial.² (Ex. 1-31, rows 3-1935) In other words, respondent and Furlong talked with each other even more, per year, *before* November 2011, than they did between November 2011 and the start of the *Kowalski* trial. In addition to the phone calls, respondent and Furlong texted each other about 400 times from 2010 until the start of the *Kowalski* trial. (Ex. 1-31, seriatim between rows 536 and 1935) All of these contacts were personal, not business. (Respondent Tr

² Exhibit 1-31 shows that respondent and Furlong called each other via their cell phones 96 times from 7/08 through the end of 2008; 397 times in 2009; 465 times in 2010; and 351 times in 2011.

10/1/18, pp 165/19-23, 169/10-12; Ex. 1-14 respondent Dep Tr *Root v Brennan* 2/9/17, p 120/2-9; Ex. 16 p 13)

Respondent and Root owned a cottage in Holland, which respondent controlled. (Root Tr 10/3/18, pp 572/18 – 573/1) Beginning in 2007, 2008, or 2009, and continuing through 2012, the cottage was reserved for Furlong one week early each year. (Root Tr 10/3/18, pp 573/22 – 574/9; Ryan Tr 10/2/18, pp 484/18 – 485/3, 9-25) As a close friend of respondent and Furlong, Ryan heard both of them talk about Furlong using respondent's cottage at different times over the years, through 2013. (Ryan Tr 10/2/18, p 486/3-10) Respondent allowed Furlong to use her cottage with his son, for no charge. (Respondent Tr 10/1/18, p 182/10-22)

Respondent testified that Furlong began to use the cottage at Shawn Ryan's request. (Respondent Tr 10/10/18, p 1623/2-18) This testimony is consistent with respondent's effort to keep the focus on Ryan, but it is false. As Ryan said, she never did ask respondent to let Furlong use her cottage, and never would do that, because she knew the cottage was very special to respondent. (Ryan Tr 11/19/18, pp 1778/5 – 1779/7).

Furlong was also a guest of respondent at the cottage. (Respondent Tr 10/1/18, pp 182/23 – 183/6) In June 2009, respondent and her husband, Ryan and her husband, Ryan's sister and her sister's husband, and Furlong, were all at respondent's cottage for about a week. (Ryan Tr 10/2/18, p 481/3-20; Ryan Tr 11/19/18 p 1773/17-22; respondent Tr 10/10/18, pp 1624/8 – 1625/8) As yet another part of her effort to make Ryan the focus of any relationship with Furlong, respondent testified that she, Root, Ryan, and Furlong were there for the whole time, but Ryan's family left early. (Respondent Tr 10/10/18, pp 1624/9 – 1625/8) That was also false. Ryan was clear that she and her family were all at the cottage for the whole trip. (Ryan Tr 11/19/18, pp 1773/17 – 1778/4, 1805/14 – 1807/19) Ryan supported her testimony with pictures

from several days of the trip. (Ex. 66) This is another instance of respondent falsely attempting to make it appear that the Ryan took up all the oxygen when it came to Furlong, presumably to make respondent's own relationship with Furlong seem less significant by comparison.

Kim Morrison made two trips to respondent's cottage for weekends with just respondent, Furlong, and Corriveau, the first of which took place in 2012. (Morrison Tr 10/4/18, pp 852/18 – 853/19; respondent Tr 10/8/18 pp 1647/25 – 1648/6 (confirming two trips, though not the year of the first trip))

In 2009 the Judicial Tenure Commission investigated a grievance against respondent. Respondent had three people proofread her answer to the Commission's request for comments: Shari Pollesch, Shawn Ryan, and Sean Furlong. (Respondent Tr 10/1/18, pp 195/20 – 196/14; Ryan Tr 10/2/18, pp 487/24 – 488/25) In the process of answering the Commission's question in this investigation about her relationship with Furlong, respondent claimed she suspected Furlong was only present to work on respondent's 2009 answer to the Commission because of Ryan. (Ex. 16 p 15; Ex. 19 p 17 #2) This is yet another instance of respondent falsely attempting to shift the focus of her relationship with Furlong to Ryan. Ryan did not arrange for Furlong to help respondent proofread her answer. As Ryan noted, she did not consider it her place ever to invite someone else to respondent's chambers, and especially not for something as personal and serious as a statement to the Judicial Tenure Commission. (Ryan Tr 10/2/18, p 489/4-20)

A subconscious indication of how close respondent considered herself with Furlong is her claim that she gave Shawn Ryan money for a gift for Furlong, possibly for Christmas. (Respondent Tr 10/1/18, pp 191/23 – 192/18) This is not something a person normally does for a casual acquaintance.

Respondent acknowledged engaging in other miscellaneous activities that involved Furlong before the *Kowalski* trial. For example, she went golfing with Furlong and Ryan several times one summer. (Respondent Tr 10/1/18, p 196/15-17) She claims she once went to a movie with Ryan and Furlong. (Respondent Tr 10/1/18, p 191/11-13) Ryan, Furlong, and respondent sometimes went out for a birthday. (Ryan Tr 10/2/18, p 486/14-16) Respondent went Christmas shopping at Somerset Mall with Ryan and Furlong three years, beginning in 2009. (Ryan Tr 10/2/18, p 486/11-22; Ryan Tr 11/19/18, pp 1768/25 – 1770/7, 1807/20 – 1808/20; respondent Tr 10/1/18, p 191/16-21) Although respondent appeared to link the Christmas shopping to the “relationship” between Furlong and Ryan, Ryan explained that her sexual relationship with Furlong had ended months before the first shopping trip. (Respondent Tr 10/10/18, p 1626/16 – 1627/2; Ryan Tr 11/19/18, p 1760/4-24)

Respondent’s husband had University of Michigan football tickets. (Root Tr 10/3/18, p 574/12-14) Respondent controlled the use of the tickets. (Root Tr 10/3/18, pp 574/23 – 575/2) At respondent’s initiative, Furlong was one of the beneficiaries of free tickets for several years. (Root Tr 10/3/18, pp 574/21 – 575/25; respondent Tr 10/1/18, pp 193/11-17)

Respondent claimed, in response to a question from the Commission about her relationship with Furlong, that it was “[her] husband” who gave Furlong the tickets. (Ex 16 p 11) This was misleading. Not only did Root testify that respondent controlled the tickets, respondent herself acknowledged that she would have initiated giving the tickets to Furlong. Even respondent, when asked whether she caused Root to give Furlong the tickets, said she was the one who asked. (Respondent Tr 10/1/18, pp 194/20 – 195/14)

At the time respondent told the Commission it was Root who gave the tickets to Furlong, she certainly knew she had probably asked him to do so. She was also certainly aware that her

giving Furlong free University of Michigan football tickets was a significant demonstration of her close relationship with him. On the basis that this statement was a deliberate effort to mislead the Commission about her relationship with Furlong, the Examiner charged it as misconduct in Count XVII(k) of the complaint. However, Root also testified that it was possible he might have told respondent to give Furlong tickets. (Root Tr 10/3/18, p 574/3-9) The Examiner believes that while respondent's statement to the Commission was an attempt to minimize respondent's role in giving valuable football tickets to Furlong, Root's testimony that he may have told respondent at least some tickets were available for Furlong creates enough ambiguity that respondent's statement should not support a finding of misconduct as alleged in Count XVII(k).

Kim Morrison sometimes cooked for groups of people at respondent's home. (Morrison Tr 10/4/18, pp 844/20 – 845/8) Any time she did this for a large group, Furlong and Corriveau were there, but she had no specific memory of respondent's husband being there. (Morrison Tr 10/4/18, pp 845/2-7, 878/24 – 879/5)

In May of 2011 there was a dinner party at respondent's home, at which Furlong was present but respondent's husband was not, that involved skinny dipping by female attendees, including respondent. (Ryan Tr 10/2/18, pp 491/4-24, 492/5-13, 492/25-493/1; Ryan Tr 10/3/18, pp 561/19 – 562/12; Ryan Tr 11/19/18, pp 1771/14 – 1772/8) Shari Pollesch was also there. (Pollesch Tr 10/9/18, pp 1426/25 – 1427/5) Ryan and Pollesch explained that the participants entered the water with their swimsuits on, and departed the water with either their swimsuit or a towel on, but removed their clothing while in the water. (Ryan Tr 10/2/18, pp 491/4 – 492/13; Pollesch Tr 10/9/18 pp 1428/15 – 1430/9)

Respondent testified about this event before Ryan and Pollesch explained how it actually proceeded. Her testimony was revealing of her truthfulness. When asked whether she had skinny

dipped, respondent did not explicitly deny or acknowledge doing so, but answered only that she got into the pool with her bathing suit on and got out of the pool with her bathing suit on. (Respondent Tr 10/1/18, p 197/10-24) Respondent's answer was clearly intended to imply that she had not skinny dipped without directly saying so, although the evidence developed later in the hearing showed she had removed her clothing while in the water. This is another instance in which respondent said something that was literally correct, but was intended to mislead the listener.

Kim Morrison had a phone conversation with respondent that she believes took place in 2012, which caused her to think respondent had a romantic interest in Furlong. Morrison told respondent she was seeing someone who was "kind of cute." Respondent asked Morrison whether the "someone" was Furlong. (Morrison Tr 10/4/18, pp 849/23 – 850/11) Morrison recalled thinking during the conversation that it was odd for respondent to raise that question. The way the conversation proceeded made Morrison wonder whether respondent liked Furlong – whether respondent and Furlong were "a thing" – and she found herself glad she had not told respondent that she was referring to Furlong. (Morrison Tr 10/4/18, pp 850/19 – 851/1)

Shawn Ryan recalled having dinner with respondent, Furlong, and Corriveau at Burroughs restaurant in November or December 2012, shortly before the *Kowalski* trial. The dinner was memorable to Ryan because it was the first time she noticed respondent looking at Furlong with a certain "look of affection." (Ryan Tr 10/2/18, pp 497/24 – 498/18)