

# **Gibson Bros., Inc., et al. v. Oberlin College, et al.**

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## **Frequently Asked Questions (“FAQ”) Answered with Evidence Presented at Trial and Additional Supplemental Information\***

*“Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence: nor is the law less stable than the fact.”*

-John Adams, 3-4 December 1770

\*Supplemented 8/7/2019

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## 1. Did Oberlin College and Dean Raimondo act with actual malice?

This case involved two (2) “types” of malice: (1) libel actual malice; and (2) common law malice.

To recover punitive damages on their libel claims, the Gibsons were required to show libel actual malice, which was defined by the Court in the jury instructions as follows:

LIBEL ACTUAL MALICE. You may not award punitive damages on Plaintiffs’ libel claims unless you find that the Plaintiffs have met their burden to prove by clear and convincing evidence that Defendants libeled Plaintiffs while acting with libel actual malice:

LIBEL ACTUAL MALICE. “Actual malice” for purposes of a libel claim occurs when a defendant makes a false statement either with knowledge that it is false or with reckless disregard of whether it is false or not.

RECKLESS DISREGARD. “Reckless disregard” means that a defendant acted while actually aware of the probable falsity of the statement, or the defendant entertained serious doubts as to the truth of the statement. The defendant’s failure to investigate may be considered evidence that the defendant acted with reckless disregard to the statement’s truth or falsity, but only if you find from the facts and circumstances that a defendant had serious doubts about the truth of the statement.

[Punitive Phase Jury Instructions, p. 6].

To recover punitive damages on their other claims, the Gibsons were required to show common law actual malice, which was defined by the Court in the jury instructions as follows:

ACTUAL MALICE. “Actual malice” necessary for an award of punitive damages is:

(A) a state of mind characterized by hatred, ill will, or a spirit of revenge; or

(B) a conscious disregard for the rights and safety of another person that has a great probability of causing substantial harm.

[Punitive Phase Jury Instructions, p. 5].

Following the presentation of all the evidence in both compensatory and punitive phases of trial, the 8-member jury unanimously determined that Oberlin College<sup>2</sup> and Dean Raimondo<sup>3</sup> acted with libel actual malice in the publication of defamatory statements about the Gibsons and that Oberlin College acted with common law actual malice when it intentionally inflicted emotional distress on Dave<sup>4</sup> and Grandpa Gibson.<sup>5</sup>

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<sup>2</sup> “Oberlin College” refers to Defendant Oberlin College & Conservatory.

<sup>3</sup> “Dean Raimondo” refers to Oberlin College Vice President and Dean of Students Meredith Raimondo.

<sup>4</sup> “Dave” refers to Plaintiff and Gibson’s Bakery owner David R. Gibson.

<sup>5</sup> “Grandpa Gibson” refers to Plaintiff and Gibson’s Bakery owner Allyn W. Gibson.



## 2. What led the jury to conclude that Oberlin College and Dean Raimondo acted with actual malice?

The jury heard substantial evidence about the various ways in which Oberlin College and Dean Raimondo acted with both libel actual malice and common law actual malice.

The evidence presented below are the actual charts displayed to the jury during the punitive phase of trial. For reference, “EX.” refers to an exhibit presented to the jury during trial.<sup>6</sup>

There was evidence of Oberlin College’s and Dean Raimondo’s actions showing a state of mind characterized by hatred, ill will, or a spirit of revenge:

EX. 63	After Ben Jones forwards an email from OC employee Emily Crawford about Gibsons not being racist, Tita Reed replies, <b><i>“Doesn’t change a damned thing for me.”</i></b>
EX. 86	When OC professor Kirk Ormand tells President Krislov, VP Raimondo, and Special Assistant Reed that shoplifting perpetrated by students needs to be addressed, VP Raimondo says, “I’m so sick of Kirk.”
EX. 100	Special Assistant Reed calls cutting off Obie dollars from Gibson’s <b><i>“a great bargaining chip.”</i></b>
EX. 101	Special Assistant Reed calls Obie dollars <b><i>“Another tool for leverage.”</i></b>
EX. 134	After Special Assistant Reed reports that Gibsons will not drop charges, VP Jones sends email, <b><i>“We should just give all business to Leo at IGA.” “Fuck ‘em”</i></b> and Gibsons <b><i>“made their bed now...”</i></b> Special Assistant Reed responds, <b><i>“100%!!!!!!”</i></b>
EX. 134	Family sends email to President Krislov, who forwards to VP Jones and Special Assistant Reed, about OC not stopping to determine the facts. Special Assistant Reed says, “I love how Gibson supporters accuse us of making rash assumptions / decisions but are totally blind to their own assumptions.” <b><i>VP Jones refers to the family and Gibson supporters as “idiots”.</i></b>

EX. 145	Special Assistant Reed sends President Krislov, <b><i>“So can we draft a legal agreement clearly stating that once charges are dropped orders will resume? I’m baffled by their combined audacity and arrogance to assume the position of victim.”</i></b>
EX. 206	Director Myers texts Raimondo during three students’ court hearing, <b><i>“After a year, I hope we rain fire and brimstone on that store.”</i></b>
EX. 248 [NEW]	VP Raimondo sends text message to Special Assistant Reed, <b><i>“It will break my heart if that stupid bakery order is used to screw these kids.”</i></b>
EX. 91	VP Raimondo sends email to Oberlin Student Senate and two Senators, <b><i>“At this point, demonstrations are driving u[p] Gibsons business...”</i></b>

<sup>6</sup> A selection of these exhibits has been reproduced in the Addendum section below.

EX. 322 [NEW]	VP Raimondo sends text to OC employees McGhee, Peck, and Reynolds, Interim Director Myers, and Dean Bautista, <b><i>“counter-protestors will only send even more business into Gibsons if student protestors are there today.”</i></b>
EX. 211	After Emeritus Professor Roger Copeland writes letter to the editor in favor of Gibsons, VP Jones texts Raimondo, <b><i>“FUCKING ROGER COPELAND.”</i></b> Raimondo replies, <b><i>“Fuck him. I’d say unleash the students...”</i></b>
Trial Testimony May 15, 2019	OC Professor Jan Miyake testified in Court that the Gibson brand <b><i>“has definitely been smeared”</i></b> , through the flyer, through the actions of distributing the flyer in the student community.

There was evidence of Oberlin College’s and Dean Raimondo’s actions showing a conscious disregard for the rights and safety of another person that has a great possibility of causing substantial harm:

EX. 111 [NEW]	Email from OC alumni couple (one POC and one white) to President Krislov, forwarded to VP Raimondo, VP Jones, Chief of Staff Mathison, Special Assistant Protzman, and others, strongly informing that treating Gibsons as racist is <b><i>“completely inappropriate in multiple ways.”</i></b>
EX. 161 [NEW]	Email from <b><i>50-year OC alum</i></b> to President Krislov and forwarded to VP Raimondo, about the falsity of the statements made against the Gibsons and that <b><i>OC should not tarnish the Gibsons reputation and impair their income by rushing to judgment.</i></b>
EX. 458-1 [NEW]	VP Raimondo texts VP Jones and Director Wargo, “Very challenging interaction with guy <b><i>who says he’s a photographer for the Tribune.</i></b> ” (i.e. Jason Hawk)
Ferd Protzman 30(B)(5) Testimony	OC never even considered issuing any retraction or statement that Plaintiffs were not racist, do not racially profile, and are not white supremacists. <b><i>OC and VP Raimondo failed to issue any correction or retraction.</i></b>
Trial Testimony May 29, 2019	President Krislov testified in Court that <b><i>“being called racist is one of the worst things a human being can be called.”</i></b>

Trial Testimony May 30, 2019	Lt. McCloskey testified in Court that <b><i>OC’s administration has even been obstructionist to Oberlin Police Department work.</i></b>
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Trial Testimony May 10, 2019	Chief of Staff Protzman testified in Court that even in January 2017, <i>there was nothing that justified the discontinuation of the longstanding order</i> and <i>neither he, President Krislov, or former Chief of Staff Mathison thought it was a good idea to discontinue the order.</i>
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There was evidence that Oberlin College and Dean Raimondo had knowledge and recklessly disregarded the falsity of the statements that an owner of Gibson’s Bakery assaulted a member of the community:

Trial Testimony May 10, 2019	VP Raimondo knew that David Gibson and Grandpa Gibson did not assault anyone because Sergeant Victor Ortiz of the OPD told her and Assistant Dean Toni Myers about the charges and circumstances surrounding the shoplifting incident at Gibson’s Bakery on <b>November 9, 2016</b> . (P149:3-150:7).
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There was evidence that Oberlin College and Dean Raimondo had knowledge and recklessly disregarded the falsity of the statements that the Gibsons and Gibson’s Bakery have a long history of racial profiling and racial discrimination:

Trial Testimony May 16, 2019	<b>90-year-old</b> Grandpa Gibson testified that Gibson’s Bakery had been doing business with Oberlin College since “before [he] was born.” (P17:2-9). No claims of racial profiling or discrimination for that century-long relationship.
EX. 111 [NEW]	On November 16, 2016, while the Student Senate Resolution was posted in Wilder Hall, an Oberlin College alum sent an email that was forwarded to President Krislov and VP Raimondo stating, “ <i>To treat either Mr. Gibson or his business as racist ... seems to us completely inappropriate in multiple ways.</i> ”
EX. 161 [NEW]	On December 20, 2016, while the Student Senate Resolution was posted in Wilder Hall, an Oberlin College alum sent President Krislov an email that was forwarded to VP Raimondo stating, “I have known Dave Gibson and his father for more than fifty years. <i>They are a family of gentle and fine people.</i> ”

EX. 485 [NEW]	On November 11, 2016, during the protests, James Henderson, a long-time resident of Oberlin, sent VP Raimondo an email stating, “My greatest concern is a statement ... that Gibson’s bakery and the Gibson family specifically are racists, and that they have a long history of mistreating customers of color. <i>That does not sound like the family that I have known for nearly my entire life[.]</i> ”
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Trial Testimony May 10, 2019	Chief of Staff Protzman confirmed that <i>none of the Oberlin College administrators “thought the Gibsons are racists.”</i> (P23:19-22)
EX. 458-1 [NEW]	On November 10, 2016, VP Ben Jones sent VP Raimondo a text message relaying that he heard that “the shoplifting was clear and <i>there was no racial profiling.</i> ”
Trial Testimony May 10, 2019	Chief of Staff Protzman confirmed that <i>he “had never heard anything that suggested, prior to November of ’16, that the Gibson family or the Gibson’s Bakery had a long history of racial profiling[.]”</i> (P19:17-23).
Trial Testimony May 10, 2019	Special Assistant Tita Reed testified that she has not had <i>any</i> experience of racism with David Gibson. (P75:22-76:6).

Trial Testimony May 10, 2019	President Krislov confirmed that during his tenure with Oberlin College, “no one had ever suggested to [him] that the Gibson family or Gibson’s Bakery was racist[.]” (Ex. 460, pp. 5-6).
Trial Testimony May 13, 2019	Former Oberlin College Director of Security Rick McDaniel confirmed that in his 15 years with the college there was no “issue with racial profiling or racial discrimination by the Gibsons.” (P8:8-17).
EX. 63	On November 11, 2016, in the middle of the protests, former Oberlin College employee Emily Crawford sent an email to VP Ben Jones that was forwarded to VP Raimondo, stating, “i have talked to 15 townie friends who are [people of color] and they are disgusted and embarrassed by the protest ... to them this is not a race issue at all and <i>they do not believe the gibsons are racist.</i> they believe the students have picked the wrong target.”  Tita Reed responded on November 11, 2016 that the information “ <i>Doesn’t change a damned thing for me.</i> ”

There was further evidence that Oberlin College and Dean Raimondo recklessly disregarded the truth or falsity of both the defamatory flyer and the defamatory Student Senate Resolution. Oberlin College’s and Dean Raimondo’s failure to investigate could also be used to show that they acted with a reckless disregard as to the truth or falsity of the statements:

EX. 67	President Krislov and VP Raimondo sent an email to the entire student and faculty body stating that the college will “commit every resource to determining the full and true narrative, including whether this is a pattern and not an isolated incident.”
Trial Testimony May 21, 2019	Dave testified VP Raimondo “sent people door to door into the neighborhoods to find out about [Gibsons] racism, <i>and not one person admitted that [Gibsons] were racist[.]</i> ” (P182:10-15).
EX. 158	However, when questioned by the media about the status of the investigation, VP Raimondo looked for a way to “ <i>dodge</i> ” the question.
EX. 160	Eventually, Director of Media Relations, Scott Wargo, told the media, “ <i>The College is not investigating Gibsons.</i> ”
Trial Testimony May 30, 2019	Lt. McCloskey confirmed that <i>Tita Reed made no effort to “gain more facts about the November 9<sup>th</sup> arrest or [the] accusation that the Gibsons [are] racists[.]”</i> (P37:17-21).

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**3. Did Oberlin College interfere with a 100-year business relationship without justification, and support by its words or actions a boycott against Gibson’s Bakery?**

While the protests were ongoing, the jury was presented with evidence on the issue of whether the College and/or Dean Raimondo ordered the cancelation or suspension of business with Gibson’s Bakery.

Prior to the November 2016 protests, Gibson’s Bakery had been providing products to Oberlin College since before WWI. In response to questioning from Gibsons’ Attorney Owen J. Rarric, Grandpa Allyn W. Gibson, who is 90 years old, testified that the bakery had been providing products to the college since before he was born:

2	Q. Was Gibson's Bakery doing business with the
3	college even before you were born?
4	A. Before I was born? I would say. See, my father
5	was older than 50 when I was born.

[May 16, 2019 Trial Transcript, p. 17].

Chief of Staff Protzman, in response to questioning by Gibsons’ attorney Lee Plakas, also testified that Gibson’s Bakery provided high quality products at a reasonable price:

17 Q. Okay. Let me ask you this. As part of your own  
18 evaluation as to the appropriateness of the decision to  
19 cancel this longstanding business relationship, you  
20 formed the opinion, and had the opinion, that Gibson's  
21 was supplying good quality baked goods at a fair price,  
22 and they were a reliable supplier, and that when the  
23 college had a special request, like asking them to  
24 create a vegan bagel, they came through and created a  
25 vegan bagel for the college.

1 You would agree with all those points; good  
2 equality, fair price, reliable supplier and when a  
3 special need arose, Gibson's met that need, correct?  
4 A. I came to know this after the fact, yes.  
5 Q. Okay. But you would agree with those points,  
6 that's the conclusion that you formed when you evaluated  
7 the situation?  
8 A. In January of 2017, correct.

[May 10, 2019 Trial Transcript, pp. 8-9].

Despite this long relationship, the jury was presented with evidence that on November 14, 2016, Dean Raimondo ordered the suspension of business with Gibson's Bakery. Dean Raimondo sent the following text message to Michele Gross, the head of dining services at Oberlin College in November of 2016:

From: From: + **REDACTED** Meredith Raimondo  
Timestamp: 11/14/2016 11:58 (UTC-5)  
Source App: iMessage: + **REDACTED**  
Body:  
Do not place Gibsons order today

[Trial Exhibit 55].

The jury was also presented with evidence that the business remained suspended for more than two months.

The jury also heard testimony from Chief of Staff Protzman in response to questioning from Gibsons' attorney Lee Plakas that there was no justification for Oberlin College's cancelation of business with Gibson's Bakery and that he would not have made that decision had it been his to make:

3	Q.	So bottom line, even in January of 2017, nothing
4		that you learned or knew in your mind could justify the
5		discontinuation of that longstanding order, correct?
6	A.	After the gathered facts, correct.
7	Q.	And in your mind, you would have handled the
8		situation differently than Vice President Raimondo. If
9		the decision had been yours to make, you would not have
10		discontinued that decades-long business relationship,
11		correct?
12	A.	It was not my decision, but that's correct, I
13		would not have made that decision.

[May 10, 2019 Trial Transcript, p. 13].

Chief of Staff Protzman also testified in response to questions from Attorney Lee Plakas that other senior leaders thought the business cancelation was not a good idea but that orders were not reinstated because the administration wanted to support Dean Raimondo:

14	Q.	And in fact, when the senior leaders, when you
15		and President Krislov and former chief of staff Jane
16		Mathison discussed it on numerous occasions, none of the
17		three of you thought that it was a good idea to have
18		discontinued the order, correct?
19	A.	That's my recollection.

\*\*\*

3 Q. But President Krislov and former chief of staff  
 4 Mathison, although they agreed that it had been a bad  
 5 decision to cancel the order, at that point they were  
 6 concerned about protecting Vice President Raimondo,  
 7 correct?  
 8 A. They were concerned about supporting her.  
 9 Q. Supporting her, protecting her; they wanted to  
 10 support her even though they believed that she had made  
 11 an inappropriate decision, correct?  
 12 A. Yes, that's correct.

[May 10, 2019 Trial Transcript, pp. 13-14].

The jury was even presented with evidence that senior level administrators, including Vice President of Communications Ben Jones, recognized that the suspension of business was a boycott of Gibson's Bakery:

<b>From:</b>	Ben Jones <bjones@oberlin.edu>	<b>EXHIBIT</b> <b>168</b>
<b>Sent:</b>	Friday, January 06, 2017 10:19 AM	
<b>To:</b>	Meredith Raimondo	
<b>Cc:</b>	Tita Reed; Marvin Krislov; Ferd Protzman	
<b>Subject:</b>	Re: preliminary draft of one approach	

Hi all,

I like Meredith's draft a lot. I do think we should probably avoid trying to explain away the boycotting accusation because I don't think we can win that one, since the decision to suspend our business partnership was entirely one-sided.

Here's an edit for consideration... all thoughts welcome. Thanks Meredith for the great first draft!

B.

[Trial Exhibit 168].

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**4. Did the Oberlin College administration fail to act as the adult in the room and instead succumb to the threat of students throwing nursery-school like temper tantrums in the school dining halls?**

Chief of Staff Protzman, in response to questions by Gibsons' Attorney Lee Plakas,



testified that one of the reasons orders were canceled with Gibson's Bakery was because the college was afraid that students would throw the food on the floor and stomp on it:

25 | Q. Okay. And actually, in terms of the fear of the

1 | students, as you understood it, the fear was that angry  
2 | students would be dumping food or throwing food on the  
3 | floor in the dining halls and stamping on the food, that  
4 | was the concern, right?

5 | A. Yeah. That was the concern.

[May 10, 2016 Trial Transcript, p. 14-15].

The jury heard testimony that the fear of food being thrown on the floor was more akin to nursery school instead of a college. Chief of Staff Protzman testified as follows in response to questions from Gibsons' Attorney Lee Plakas:

7 | Q. Isn't that what happens at nursery school?

8 | THE COURT: Hold on. Hold on.

9 | A. It's been a while since my children were in  
10 | nursery school. Nursery school children do throw food  
11 | on the floor sometimes, yeah.

12 | Q. And you would expect even a nursery school  
13 | teacher to tell those very young children, you can't  
14 | throw food on the floor and just start stamping just  
15 | because you are having a tantrum over something. You  
16 | would expect, if you took your children to a nursery  
17 | school, you would expect the teacher to stop them from  
18 | throwing tantrums and stamping on food on the floor,  
19 | wouldn't you?

20 | A. Yeah, at a nursery school, I guess I would.

[May 10, 2016 Trial Transcript, p. 16].

There was evidence presented to the jury that the college thought of its students as customers. Chief of Staff Ferdinand Protzman, in response to questioning by Gibsons' attorney Lee Plakas, testified as follows:

6 Q. And the reason you explained that the college  
7 could not send out a notice supportive of the Gibsons,  
8 among other things, is, in your words, that college  
9 students were the college's customers. And you said,  
10 "Both the college and the Gibsons are dealing with the  
11 same customer base." And you are referring to your  
12 students as the customers, right?  
13 A. Correct.

[May 10, 2019 Trial Transcript, p. 64].

The jury heard evidence that, instead of being the adult in the room, Oberlin College looked to its students for advice and guidance. For instance, the jury was presented with an email communication wherein President Krislov reached out to the Oberlin College Student Senate for advice on how the college should respond to the Student Senate Resolution against Gibson's Bakery:

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On Thu, Nov 10, 2016 at 10:27 PM, Marvin Krislov  
<Marvin.Krislov@oberlin.edu> wrote:  
>  
> Meredith and I were just talking and I wanted to seek your guidance on  
> what I (and the College) might say or do about the Gibson's situation.  
> Happy to meet tomorrow morning if you'd like say 815, or we can try to  
> do this by email. Thank you for your advice and counsel, MK  
>  
> Marvin Krislov, President  
> Oberlin College  
> 70 North Professor Street  
> Oberlin, Ohio 44074
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[Trial Exhibit 36].

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## 5. (NEW) Did Oberlin College enable a culture that excused student shoplifting? \*\*

Trial testimony acknowledged the issue of student shoplifting, both on and off campus. This problematic issue was not unknown to Oberlin College and its administration in November 2016. In fact, years before, managers in Oberlin College's own stores noticed that students were shoplifting. Michele Gross, who had been the head of dining services at the College, stated in trial that they were told to look the other way:

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\*\* This section is new or has been supplemented

16 Q. While you were employed with Oberlin College,  
17 were you aware of any shoplifting problems by campus --  
18 on campus by students?  
19 A. I was aware that we thought there was quite a  
20 bit of shoplifting occurring in our store that was in  
21 the student union.  
22 Q. And so would this have been a store provided by  
23 Oberlin College to the students?  
24 A. Correct.  
25 Q. Does it have a name?

1 A. DeCafé.  
2 Q. And so did you have an understanding that there  
3 were problems specifically with student shoplifting from  
4 DeCafé?  
5 A. That's what I had been told by managers, yes.  
6 Q. And could you tell the jury, how did the college  
7 deal with that situation?  
8 A. I was told many years ago that we were to look  
9 the other way if we thought a student was taking  
10 something from the store.

11 Q. And who told you that?  
12 A. I believe it would have been the dean of  
13 students. I don't really recall. It's been too long  
14 for me to remember who it was.  
15 Q. It pre-dates Meredith Raimondo?  
16 A. Oh, yes.

[May 14, 2019 Trial Transcript, pp. 80-81].

The record of students shoplifting from Gibsons is highlighted by three student shoplifting arrests in the days prior to November 9, 2016. Three individual shoplifting arrests occurred in the days and even hours before the November 9 incident, all of which involved Oberlin College students, two of whom were white. These thefts occurred on

November 6, November 7, and even November 9, 2016 – mere hours prior to the arrests that sparked the protests and distribution of defamatory materials outside Gibson’s Bakery. One of the arrested students was a member of the Oberlin Review student newspaper, which has published numerous critical articles about the Gibsons since the November 9 incident. Further, each of those students from the prior thefts either pled guilty or were found guilty in court. Copies of the police reports are available publicly online.

Oberlin College and its administration were aware of this culture and history early on when they chose to aid and abet the defamatory conduct. On the morning prior to the protests occurring outside Gibson’s Bakery, Jane Mathison, the former Chief of Staff at Oberlin College, informed Dean Raimondo of the problem:

**From:** Jane Mathison <jmathiso@oberlin.edu>  
**Sent:** Thursday, November 10, 2016 8:27 AM  
**To:** Meredith Raimondo  
**Subject:** Re: Advice re MK

I thought your e-mail to him last night was appropriate -- this is the situation, we have things under control.

If you want to fill me in, I could be ready with any questions he has. I wonder, too, if it would be helpful to have Tita involved? She and I are meeting at 9:30 and could have a quick conversation with you to bring us both up to speed

**I do know the downtown merchants are complaining about the amount of theft going on** -- not to say it's all our students but that's always the first line.

If you want to talk at 9:30 with Tita and me, just let me know. Last time something like this happened we brought Saul in, but not sure if that's a solution.

J

[Trial Exhibit 37].

Then, after November 9, 2016, with the ensuing misguided protests and libelous statements made about the Gibsons and Gibson’s Bakery, Oberlin College discusses whether it will issue a joint statement with the Gibsons, reminding the students that shoplifting is not acceptable. However, there was a hitch for Oberlin College’s President, Marvin Krislov:

On Nov 23, 2016, at 1:56 PM, Marvin Krislov <[Marvin.Krislov@oberlin.edu](mailto:Marvin.Krislov@oberlin.edu)> wrote:

Worry that mention of shoplifting will trigger reactions...how about softening? What abt reference to tense times?

[Trial Exhibit 140].

When questioned by Gibsons' Attorney Lee Plakas, President Krislov claimed that after that point, they were trying to teach students the apparently novel concept that shoplifting is harmful:

15 **Q. Based upon your testimony, you feel strongly**  
16 **about consequences for criminal conduct. Why can't you**  
17 **just come out in a memo to the students and the**  
18 **community say what's obvious; that there was an arrest**  
19 **for shoplifting as well as other crimes? Why did you**  
20 **think that a mention of shoplifting would trigger**  
21 **reactions among the students?**  
22 A. So this allows me to give an answer other than  
23 "yes" or "no"?  
24 THE COURT: Yes, it does.  
25 A. Yes. I want to make sure.

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1 So couple of things. One is that at that point  
2 the legal process was still very much in process, and so  
3 it was not clear what -- whether there would be guilt or  
4 not. But the other thing is that we were working very  
5 actively to try to get students to understand that  
6 shoplifting and the understanding about the crime of  
7 shoplifting would be in fact harmful. We were working  
8 with and had gotten the student senate to agree in  
9 theory that if we were able to work things out with Mr.  
10 Gibson, and we mentioned this, that we would do an  
11 antishoplifting campaign, an awareness campaign.

[May 29, 2019 Trial Transcript, pp. 188-189] (highlight added).

But, despite President Krislov's claim that they wanted students to understand that shoplifting is harmful, trial testimony indicated that Oberlin College and Dean Raimondo wanted Gibson's Bakery to treat Oberlin College students differently than everyone else, which is detailed further in FAQ Question 6 below.

Less than one month after the Gibsons filed their lawsuit, an Oberlin College student newspaper which has been critical of Gibsons since November 9, 2016, *The Grape*, published an article entitled "The Culture of Theft."<sup>7</sup> While the author takes issue with Gibson's Bakery's handling of shopliftings, he then goes on to show that Oberlin College

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<sup>7</sup> The article can be found at [https://issuu.com/theoberlingrape/docs/december\\_1\\_2017\\_a7a89147e3b3ea](https://issuu.com/theoberlingrape/docs/december_1_2017_a7a89147e3b3ea)

students, including himself, view items in the Oberlin town as theirs for the taking. When the author anonymously interviewed students, he gathered the following responses:

- “I totally have [taken things from a store downtown without paying for it]. I think I’ve stolen from Gibson’s twice. I took a packet of those noodles that come in boxes... It wasn’t expensive and I felt like it. I just preferred not paying for it, but I could have.”
- A female student admitted that she has stolen many things from Gibson’s Bakery and Ben Franklin’s. “I took a wine bottle. I had a large winter jacket and I put the bottle in the lining and I walked right out.” And, “I took pens from Ben Franklin because individually the pens cost \$4 and I thought it was a racket.”
- “Probably [I have stolen from downtown] but let me think about it...yeah, no, I do that all the time.” The same student then talked about how they stole a one-hundred-dollar (\$100) bottle of wine from Gibson’s Bakery.
- “I have stolen from Gibson’s, Kim’s, IGA. I took some dumb stuff. From Gibson’s I took some steak knives for an avocado that I also stole. I was really drunk and that was really bad.”
- “I think I’ve taken candy and just small shit from Ben Franklin’s and the Oberlin Market.”
- “[I have taken] a few pens from Ben Franklin over the years... they’re hard to resist.”
- One said she’s never paid for Chapstick while at Oberlin for four years.
- The author: “I myself have stolen from the very people I’ve interviewed for this story. I could have paid for the items easily, but I chose to steal them instead.”

This student and/or institutional attitude was supported by the statistics provided from the Oberlin Police Department of thefts at Gibson’s Bakery from January 1, 2011 to November 14, 2016. These statistics show that of the 40 adults arrested for theft during that time period, 33 of those adults (82.5%) were Oberlin College students. [Trial Exhibit 269].

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**6. (UPDATED) Did Oberlin College insist that its students were above the law and entitled to special treatment outside the criminal justice system?**

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Despite Oberlin College's institutional knowledge of the culture of theft, the jury was presented with evidence that Oberlin College wanted special treatment for its students. On November 21, 2016, David Gibson attended a meeting that former Oberlin College President Marvin Krislov and Tita Reed attended. In response to questioning by Gibson's Attorney Lee Plakas, Dave Gibson testified that during this meeting, Oberlin College requested that Gibson's Bakery give a "first-time pass" to shoplifters:

1 Q. When you were in front of the president, can you  
2 tell us your observations, whether he seemed intent on,  
3 or very interested in, getting some sort of special  
4 treatment for the students?  
5 A. The direction was that what they wanted was  
6 essentially for me not to press charges on first-time  
7 shoplifters.

[May 21, 2019 Trial Transcript, p. 172].

A few days later on November 23, 2019, Dave testified in response to questioning from Attorney Lee Plakas that high-level administrator Tita Reed called Dave to inquire about charges being dropped against the three students arrested on November 9, 2016:

21 Q. And by Wednesday morning, November 23rd, had you  
22 received a follow-up call from special assistant to the  
23 president, Tita Reed?  
24 A. Yes, I did. It was two days later in the  
25 morning and Tita Reed called me. She asked me, she

1 said, I want to -- I want to fully understand exactly  
2 what you're planning on doing with the three students.  
3 And I -- then I told her again that -- and she asked,  
4 are you dropping the charges? What are you doing with  
5 these students? I told her that they would be treated  
6 the same as anybody else is. It's not going to be

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\*\* This section is new or has been supplemented



7 anything more or less. I'm not going to punish them  
8 explicitly or anything extra. Everybody gets treated  
9 the same. I could hear her anger on the phone with me  
10 when she asked me that, and she then simply didn't  
11 respond anymore. She hung up on me.

[May 21, 2019 Trial Transcript, pp. 172-73].

Then, consistent with Dave's testimony above, the jury was presented with evidence that the same high-level administrator, Tita Reed, circulated the thought of contractually linking the dropping of charges against the three students arrested on November 9, 2016 in exchange for a resumption of business with Gibson's Bakery:

**From:** Tita Reed <treed@oberlin.edu>  
**Sent:** Friday, December 02, 2016 3:27 PM  
**To:** Marvin Krislov  
**Subject:** Re: The College and Gibson's

So can we draft a legal agreement clearly stating that once charges are dropped orders will resume? I'm baffled by their combined audacity and arrogance to assume the position of victim.

[Trial Exhibit 145].

The jury was also presented with evidence that at a follow-up meeting in January of 2017, Dean Raimondo and Chief of Staff Ferdinand Protzman requested that Oberlin College student shoplifters be reported to the college as opposed to the police. In response to questioning from Gibsons' Attorney Lee Plakas, one of the attendees of the meeting, Oberlin community member Eddie Holoway, testified that:

16 Q. As the meeting progressed and finally concluded,  
17 at any point in time during the meeting did the college  
18 representatives, either Dean Raimondo or chief of staff  
19 Protzman, make any type of request that Gibson's Bakery  
20 going forward give special treatment to the college  
21 students that were caught shoplifting at his store?

\*\*\*



4 | A. In that regard, Mr. Protzman and Ms. Raimondo,  
5 | they handed out cards, you know. And they told David  
6 | Gibson and myself that really before the authorities  
7 | were to be called, they were to -- I guess David was to  
8 | call them first, you know. They would -- wanted to be  
9 | called first. My, my history of what happened when  
10 | someone was caught shoplifting was that the authorities  
11 | were called. I thought it was wrong because they -- in  
12 | the past they treated nobody any different when they  
13 | were caught shoplifting.

[May 16, 2019 Trial Transcript, pp. 68-69].

Further evidence of the College's expectation of special treatment outside the legal system was Dean Raimondo's email to senior administrators of Oberlin College, including President Marvin Krislov, Special Assistant Tita Reed, and V.P of Communications Ben Jones stating that she wanted a resolution of the shoplifting outside the legal system:

On Nov 23, 2016 3:06 PM, "Meredith Raimondo" <[Meredith.Raimondo@oberlin.edu](mailto:Meredith.Raimondo@oberlin.edu)> wrote:  
Hi all,

I'm sorry that I am just now able to get to this. I also have very serious reservations about this strategy and would suggest that we not proceed in this fashion. My support for this approach - which I know I voiced strongly - **was based on the assumption that some different outcome to the legal process might be possible.** Given what we now know, I am not sure why we have to commit to supporting Gibsons institutionally or fixing this situation for them. **Had the Gibsons been willing to support a resolution outside of the legal system, I would have supported the College moving forward in this way as part of as a restorative strategy.** Since it appears the resolution will occur in the legal system, it seems to me they have chosen that form of resolution rather than this one. Further, I am concerned that this makes it look like the College has responsibility for what happened (it does not), and that we are rebuking the student protestors (not a position I am willing to take, personally). I am not sure why the College is obligated to provide concessions to Gibsons under the circumstances and would not be prepared to support resuming the CDS contract with no clear indication that anything has or will change with Gibsons (which I have yet to see any evidence of).

My inclination would be to say nothing publically, and to discuss privately whether or if we intend to resume business.

[Trial Exhibit 135].

**7. Did the College recklessly disregard the truth that the Gibsons do not have a history of racial profiling or racial discrimination?**

During trial, President Krislov, in response to questioning from Gibsons' attorney Lee Plakas, testified that being called a racist is one of the worst things that can be done to a person:

8 Q. You would agree that, in your words, "being  
9 called a racist is one of the worst things a human being  
10 can be called," correct?  
11 A. Yes.

[May 29, 2019 Trial Transcript, p. 179].

Despite this acknowledgement, the jury heard evidence that Oberlin College recklessly disregarded the truth that the Gibsons do not have a history of racial profiling or discrimination.

As shown through the testimony at trial, Oberlin College's senior administration had never heard of any allegations of racism or racial profiling prior to November 2016 when the defamatory messages were spread. Chief of Staff Ferdinand Protzman, when questioned by Gibsons' Attorney Lee Plakas, confirmed this:

17 Q. And in your own relation -- in your own  
18 experience, you had confirmed that prior to any rumors  
19 or justifications flying around after the arrests of  
20 November 2016, in your own experience, you had never  
21 heard anything that suggested, prior to November of '16,  
22 that the Gibson family or the Gibson's Bakery had a long  
23 history of racial profiling, correct?  
24 A. That is correct.

\*\*\*

5 Q. And in addition to your entire experience here  
6 at Oberlin, your employment, in addition to never having  
7 heard anyone say that the Gibsons had a history of  
8 racism or racial profiling, in terms of your own  
9 experience and your observations in the store and how  
10 they treated people, you never saw any evidence of any  
11 sort of racial profiling, did you?  
12 A. That is correct, I did not.

\*\*\*

19 "Question, Did the college privately challenge  
20 the protesters' statement?"  
21 "Answer, I don't think we did in part because I  
22 don't think any of us thought the Gibsons are racists?"

\*\*\*

4 Q. Okay. Well, let's move on. It's clear that you  
5 didn't think that the Gibsons were racists, correct?  
6 A. Correct.

7 Q. Okay. And I think we've already established  
8 that no one in the administration came to you at that  
9 time to give you any sort of notice that they thought  
10 the Gibsons were racists, correct?  
11 A. Right. They didn't hear anything from anyone,  
12 but what their personal opinions were, I don't know.

[May 10, 2019 Trial Transcript, pp. 19-20, 23-24].

Tita Reed, a senior administrator at the College who is a woman of color, confirmed when asked by Gibsons' Attorney Lee Plakas:

8 | Q. You've lived in Oberlin for about 25 years?  
9 | A. Approximately.  
10 | Q. You yourself personally have never had any bad  
11 | experiences with Gibson's Bakery, correct?  
12 | A. Correct.

\*\*\*

22 | Q. Would it be fair to say when you were asked that  
23 | question, you said -- the question was, "Do you believe  
24 | that David Gibson is a racist?" And you said, "I don't  
25 | know David Gibson to be a racist. I've not had that

1 | experience."  
2 | So at least when you were asked in deposition,  
3 | there was no basis for you to say that you believed that  
4 | David Gibson was a racist, correct?  
5 | A. I agree with what I said in my deposition. I've  
6 | not had that experience with Dave Gibson.

[May 10, 2019 Trial Transcript, p. 75-76].

President Marvin Krislov also testified via video clips of his deposition, which were played during the trial, after being questioned by Gibsons' Attorney Owen Rarric:

9 | Q. Prior to November 10, 2016, did  
10 | you have any reason to believe that  
11 | Gibson's Bakery or the Gibson family was  
12 | racist?  
13 | A. I did not have occasion to think  
14 | about it. I had a very cordial  
15 | relationship with Mr. Gibson. My family  
16 | and I patronized Gibson's Bakery and I  
17 | know many people have very fond feelings  
18 | for Gibson's.

\*\*\*

10 Q. When you say you had not had  
11 occasion to think about whether they are  
12 racist prior to November 10, 2016, does  
13 that mean that during your entire tenure  
14 at Oberlin College, no one had ever  
15 suggested to you that the Gibson family or  
16 Gibson's Bakery was racist?  
17 MS. CROCKER: Objection.  
18 THE WITNESS: I don't believe --  
19 I don't believe that the topic had  
20 come up before this incident.

[M. Krislov Deposition Vol. I, pp. 105-106].

Additionally, numerous people of color from the Oberlin community who have known the Gibsons for decades testified that there has never been any hint of racism by David Gibson, Grandpa Gibson, or Gibson's Bakery

Henry Wallace, an African American man who has lived in the Oberlin community for around 52 years and served the Oberlin Police Department from 1984 to December 2018, testified when asked by Gibsons' Attorney Brandon McHugh:

11 Q. As a customer of Gibson's Bakery, have you ever  
12 felt that you were treated differently on account of  
13 your race?  
14 A. No, I never did.  
15 Q. And prior to November of -- November of 2016,  
16 were you even aware of any hint of racism at Gibson's  
17 Bakery?  
18 A. No.

[May 10, 2019 Trial Transcript, p. 140].

Numerous other current or former Oberlin community members of color also confirmed that the Gibsons do not have a history of racial profiling or discrimination:

- Sharon Patmon, an African American woman who also grew up in Oberlin, whose first job was with Gibson's Bakery, stated unequivocally when questioned by

Gibsons' Attorney Jeananne Ayoub, that the Gibsons always treated her fairly, justly, and with love and that there was not even a hint of racism from the Gibsons. [May 10, 2019 Trial Transcript, pp. 89, 92-94].

- Dr. Roy Ebihara, a Japanese American who had been confined in one of America's concentration camps in Utah during WWII, who has lived in Oberlin for more than 55 years, and who was recently presented with an award by Oberlin College, testified when asked by Gibsons' Attorney Brandon McHugh that neither Dave nor Grandpa Gibson were racists. [May 15, 2019 Trial Transcript, p. 15].
- Vicky Gaines, an African American woman who works as a Nurse at Oberlin College and who has known the Gibsons for around 40 years, testified in response to questions from Gibsons' Attorney Brandon McHugh that she did not believe the Gibsons to be racists and had never witnessed any racial profiling or discrimination. [May 13, 2019 Trial Transcript, p. 35].
- Eric Gaines, an African American man who has known the Gibson family his entire life, when questioned by Gibsons' Attorney Jeananne Ayoub, testified that "it is beyond the realm of possibility" that the Gibson family is racist or engages in racial profiling. [May 15, 2019 Trial Transcript, pp. 21-23].

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## **8. (NEW) Has Oberlin College engaged in bullying tactics or attempted to stifle those who voiced opinions critical of the college's actions?\*\*\***

The trial and pre-trial records reflect a strategy by which the College was intolerant of anyone critical of the college.

Roger Copeland, an Emeritus Professor of Theater and Dance at Oberlin College, authored a letter to the editor of the Oberlin Review titled "Gibson's Boycott Denies Due Process."<sup>8</sup> Following its publication on September 8, 2017, Vice President of Communications at Oberlin College Ben Jones sent the below text message with a link to Copeland's article to Dean Raimondo:

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-----  
From: From: REDACTED Ben Jones  
Timestamp: 9/8/2017 17:34 (UTC-4)  
Source App: iMessage: REDACTED  
Body:  
FUCKING ROGER COPELAND
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\*\*\* This section is new or has been supplemented

<sup>8</sup> The letter can be found at <https://oberlinreview.org/14086/opinions/gibsons-boycott-denies-due-process/>

And Dean Raimondo responded:

From: From: [REDACTED] Meredith Raimondo  
Timestamp: 9/8/2017 17:42 (UTC-4)  
Source App: iMessage: [REDACTED]  
Body:  
Fuck him. I'd say unleash the students if I wasn't convinced this needs  
to be put behind us

[Trial Exhibit 211].

In addition to the tactics noted throughout these FAQs, Oberlin College engaged in other actions and behaviors that some would characterize as bullying.

For example, Oberlin College and Dean Raimondo attorneys took thirty-two (32) depositions, with numerous witnesses subjected to multiple days of questioning. This includes:

- 90-year-old Grandpa Gibson, who was subjected to five (5) days of questioning that lasted nearly nineteen (19) hours;
- 65-year-old Dave Gibson, who was subjected to three (3) days of questioning lasting twenty (20) hours;
- Lorna Gibson, a non-party and Dave's wife, who was subjected to two (2) days of questioning lasting nearly ten (10) hours;
- 85-year-old Roy Ebihara, a friend of the Gibson family, was subjected to questioning for two (2) days;
- 84-year-old Bob Piron, a former Oberlin College professor and friend of the Gibson family, was subjected to questioning for two (2) days;
- Jason Hawk, a non-party and reporter for the local newspaper, was subjected to questioning for two (2) days lasting over ten (10) hours, with the vast majority of questioning by Defendants; and
- Trey James, a Gibson's Bakery employee, was subjected to questioning for two (2) days lasting over eleven (11) hours.

At his deposition, witness Eric Gaines described these bullying tactics in response to questioning by Oberlin College's attorney:

9 Q. Let me ask, then, what is the basis of  
10 your knowledge, specifically, that Oberlin  
11 College has done to bully Gibson's Bakery?

12 A. The basis of my knowledge is the fact  
13 that I'm over here testimony -- or testifying in  
14 this case. I gave a video affidavit speaking to  
15 the character of the family and the legacy in the  
16 community that they've had, and instead of taking  
17 that testimony on its surface for being what it  
18 is, truthful and from the heart, I get carted 30  
19 minutes way, I get paid \$34, and I sit in a room  
20 for five hours while you dissect everything I've  
21 said. That's a classic bullying tactic.

22 You know, if you put Dr. Ebihara, for  
23 instance, if you bring him in here and you do  
24 that to him for six hours, that's bullying. If  
25 you bring my wife in here and you send her

1 through the ringer for eight hours dissecting  
2 every word that she said, "What about this? What  
3 do you mean by that?" I think that that is  
4 disingenuous, I think it's intimidating, and I  
5 think it's bullying.

\*\*\*

20 Q. Other than you being subpoenaed to  
21 testify today, how else in your estimation has  
22 Oberlin College -- well, let me back up.

23 You being subpoenaed to testify isn't --  
24 how is that bullying to Gibson's?

25 A. Because, again, as I said, it's like



1 this entity has latched onto this host, and every  
2 tentacle that goes out and you squeeze that, it  
3 damages the host. It hurts them. They see their  
4 friends and their colleagues that they've built  
5 up over the year being -- having their  
6 testimonies and their heartfelt affidavits  
7 minimized by legalese. And I think that hurts  
8 them as well as their friends. I think that the  
9 tactics would potentially limit the number of  
10 people who want to come forward, which is, I  
11 think, probably their ultimate intent anyway.

[E. Gaines Depo, pp. 115-117].

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**9. (UPDATED) Did Oberlin College refuse at any time to issue a statement to correct the false narrative calling the Gibsons racists?\***

During trial, the jury was presented with the following testimony, from Chief of Staff Ferdinand Protzman, on behalf of and as a representative of Oberlin College, in response to Gibsons' attorney, Brandon McHugh's line of questioning:

**To view the embedded video of Ferdinand Protzman's testimony, download the PDF**



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\*\* This section is new or has been supplemented

5 Q. Okay. And did Oberlin College at any point in  
6 time consider agreeing to that demand and issuing  
7 a statement stating that Gibson's Bakery was not a  
8 racist establishment?  
9 A. No.  
10 Q. Okay. Did Oberlin College ever consider at any  
11 point in time issuing a statement affirming that  
12 David Gibson individually was not racist?  
13 A. No.  
14 Q. Did Oberlin college ever issue a -- or excuse me.  
15 Strike that.  
16 Did Oberlin College ever consider at any  
17 point in time issuing a statement stating that  
18 Allyn W. Gibson was not racist?  
19 A. No.  
20 Q. Did Oberlin College at any point in time ever  
21 consider issuing a statement stating that Gibson's  
22 Bakery did not racially profile customers?  
23 A. No.  
24 Q. Did Oberlin College -- actually, strike that.  
25 Did Oberlin College at any point in time

1 ever consider issuing a statement that Gibson's  
2 Bakery did not have a long account of racial  
3 profiling?  
4 A. No.  
5 Q. Did Oberlin College at any point in time ever  
6 consider issuing a statement stating that Gibsons  
7 are not white supremacists?  
8 A. No.

[F. Protzman 30(B)(5) Depo. on behalf of Oberlin College pp. 16-17;  
Clip noted in May 29, 2019 Trial Transcript p. 186].

**10. (NEW) Could the damage to the Gibsons, a lawsuit, and trial have been avoided?\***

During closing arguments of the compensatory phase, the jury was presented with a hypothetical letter drafted by Gibsons' counsel, Lee Plakas. This is the letter that Attorney Plakas suggested to the jury should have been written:

**IF ONLY OBERLIN COLLEGE HAD  
CHOSEN TO DO THIS:**

*Dear Oberlin College Community,*

*Many of you are aware of an incident involving three Oberlin College students at Gibson's Bakery on November 9, 2016. These three students have been charged with robbery, simple assault and attempted petty theft-shoplifting. Their cases are now being prosecuted in the criminal justice system.*

*We would like to reaffirm that Oberlin College respects the rule of law and believes that no individuals should expect, nor receive, special treatment, regardless of their affiliation with any institution, their gender, their skin color, or any other grouping.*

*Oberlin College has enjoyed a very long term relationship with Gibson's Bakery and the Gibson family and we have no indication or record of any complaints or history of racism or racial profiling by the Gibsons.*

*Therefore, we urge all of you to not rush to judgment and say or do things that can harm others before all the facts are established.*

*Respectfully,  
Marvin Krislov  
Oberlin College President  
Meredith Raimondo  
V.P. & Dean of Students*

[June 5, 2019 Trial Transcript pp. 11-12].

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\*\* This section is new or has been supplemented

This letter, which was unfortunately never drafted or sent by Oberlin College and Dean Raimondo, would have been able to prevent, or at least significantly decrease, the damage suffered by Gibson's Bakery and the Gibson family.

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**11. (UPDATED) Is this a free speech issue protected by the First Amendment and was Oberlin College held liable for the speech of its students?\***

No, first it is important to remember that the verdict was based on three separate kinds of tortious conduct committed by the college: (1) Intentional Interference with Business Relationships for Dean Raimondo's actions in requiring that the Gibson's 100 year old business supplying food products be suspended; (2) Intentional Infliction of Emotional Distress for the College's actions; (3) Defamation by Libel for the College's actions in publishing or aiding and abetting defamation.

Further, in this case, it's important to remember that Oberlin College was not on trial for the speech of its students. Instead, Oberlin College was on trial libeling the Gibsons. Libelous statements have *never* enjoyed the protections under the First Amendment. And, in this case, the Judge ruled and instructed the jury that the statements in the Flyer and the Student Senate Resolution, which Oberlin College helped to publish and disseminate, were libelous *per se*:

Furthermore, I have also found that the statement contained within the flyer that "This is a RACIST establishment with a LONG ACCOUNT of RACIAL PROFILING and DISCRIMINATION" and the statement contained within the student senate resolution that "Gibson's has a history of racial profiling and discriminatory treatment of students and residents alike" if false, are libelous *per se*, meaning they are of such a nature that it is presumed they tend to degrade or disgrace plaintiffs, or hold plaintiffs up to public hatred, contempt, or scorn because they tend to injure Plaintiffs in their trade or profession.

[June 6, 2019 Instructions of Law to the Jury, p. 11].

The jury determined, *unanimously*, that Oberlin College and Dean Raimondo libeled the Gibsons. With every significant right provided to citizens of this country, there are equally significant responsibilities. This policy recognizes that recklessly aimed words can be just as dangerous and damaging as recklessly aimed bullets. The right to free speech doesn't give anyone the right to recklessly support the destruction of reputations with false information or induce panic by yelling fire in a crowded theater.

The recent effort from Oberlin College to frame this case as one of free speech has been referred to as spin. Free speech and the First Amendment were not on trial in this case – what was on trial was the College's reckless conduct. Indeed, a local reporter from the *Elyria Chronicle-Telegram*, Scott Mahoney, who was present and reporting for nearly the entire trial, recognized during a recent interview that:

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\*\* This section is new or has been supplemented

“They're saying that the students wouldn't be able to protest because then the college would be held responsible, is the way I'm understanding it. Which, I'm not sure that's exactly what this was all about... It almost feels like it's a spin on this entire thing that they're putting out there. Because I don't see it as this was a free speech issue. The protest itself was constitutionally protected... I'm not exactly sure where the college is coming from with that, saying that this is going to stop free speech because that was all protected.”<sup>9</sup>

Finally, based on the instructions of law given to the jury, it was made clear that any verdict against the College was to be based on the actions of the College and their authorized employees.

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## 12. Did Oberlin College and Meredith Raimondo defame or libel the Gibsons?

An 8-member jury attentively listened to the evidence presented over the 6-week long trial. When it was the jury's turn to speak, they clearly and ***unanimously*** determined that both Oberlin College and Dean Raimondo libeled Gibson's Bakery, Dave Gibson, and Grandpa Gibson:

JURY INTERROGATORY #1 – GIBSON BROS., INC. LIBEL CLAIM AGAINST OBERLIN COLLEGE		
A. Did Gibson Bros. Inc. prove by a preponderance of the evidence that Oberlin College libeled it?		
Please circle one:	<input checked="" type="radio"/> YES	or NO

JURY INTERROGATORY #2– GIBSON BROS., INC.'S LIBEL CLAIM AGAINST MEREDITH RAIMONDO		
A. Did Gibson Bros., Inc. prove by a preponderance of the evidence that Meredith Raimondo libeled it?		
Please circle one:	<input checked="" type="radio"/> YES	or NO

---

<sup>9</sup> Mr. Mahoney's entire interview can be found at: <https://www.ideastream.org/programs/sound-of-ideas/impact-of-gibsons-bakery-versus-oberlin-college>. The above quote can be heard at the 15:34 mark of the interview.

**JURY INTERROGATORY #1 – DAVID R. GIBSON LIBEL CLAIM AGAINST OBERLIN COLLEGE**

A. Did David R. Gibson prove by a preponderance of the evidence that Oberlin College libeled him?

Please circle one:  YES or  NO

**JURY INTERROGATORY #2– DAVID R. GIBSON’S LIBEL CLAIM AGAINST MEREDITH RAIMONDO**

A. Did David R. Gibson prove by a preponderance of the evidence that Meredith Raimondo libeled him?

Please circle one:  YES or  NO

**JURY INTERROGATORY #1 – ALLYN W. GIBSON LIBEL CLAIM AGAINST OBERLIN COLLEGE**

A. Did Allyn W. Gibson prove by a preponderance of the evidence that Oberlin College libeled him?

Please circle one:  YES or  NO

**JURY INTERROGATORY #2– ALLYN W. GIBSON’S LIBEL CLAIM AGAINST MEREDITH RAIMONDO**

A. Did Allyn W. Gibson prove by a preponderance of the evidence that Meredith Raimondo libeled him?

Please circle one:  YES or  NO

---

**13. So, what did Oberlin College and Meredith Raimondo do for the jury to find that they libeled the Gibsons?**

This answer is fairly extensive and best answered using testimony and exhibits from the trial itself.

The jury was presented with documentary evidence that before the protests even began, Dean Raimondo scheduled and conducted a meeting with senior staff members to determine how to support the protesters:

**From:** Meredith Raimondo <Meredith.Raimondo@oberlin.edu>  
**Sent:** Thursday, November 10, 2016 7:35 AM  
**To:** Adrian Bautista; Barb Lucky; Brenda Grier-Miller; Clif Barnes; Jan Miyake; Marjorie Burton; Shozo Kawaguchi; Tita Reed; Toni Myers  
**Subject:** Meeting at 930 in Wilder 105

Good morning everyone,

Let's gather at 930 to discuss a student protest planned for an Oberlin business at 11 today. I can share a bit of the context when we meet. Please let me know if there are others who should be included. Barb, please check on conference room availability.

Best,  
Meredith

[Trial Exhibit 33].

Oberlin College and Dean Raimondo already admit that she passed out, or using legal terminology, published a copy of the defamatory flyer to Jason Hawk, an Editor of the Oberlin News Tribune. When questioned by Gibsons' Attorney Owen Rarric, Hawk testified about his interaction with Dean Raimondo, including when she handed him the flyer on her own accord:

10	Q.	At those protests, did you encounter vice
11		president and dean of students Meredith Raimondo?
12	A.	Yes.
13	Q.	Tell us how that came about.
14	A.	She approached me.
15	Q.	Which day, the first day of the protest or the
16		second day?
17	A.	The first day.

18	Q.	She sought you out, she approached you; is that
19		right?
20	A.	Yes, sir.

\*\*\*

5 Q. And were you standing in a public area when you  
6 were attempting to take those photographs?

7 A. Yes. I was right on the curb.

8 Q. How did Vice President Raimondo react to your  
9 attempts to take photographs of the protest?

10 A. She stepped in front of the camera.

11 Q. Did she physically block or attempt to take  
12 photographs?

13 A. She stood in the way, but she didn't physically  
14 touch me.

15 Q. Did it prevent you from taking a photograph as  
16 she stood in the way?

17 A. Momentarily, until I moved.

\*\*\*

1 Q. And then you said that you attempted, that you  
2 moved away; is that correct?

3 A. I moved to the side.

4 Q. You moved to the side. What does Vice President  
5 Raimondo do?

6 A. She moved to block me again.

7 Q. So she moved to the side and blocked you again?

8 A. Yes, sir.

9 Q. In addition to physically blocking your ability  
10 to take the photographs, did Dean Raimondo say anything  
11 about your right to take photographs of the protest?

12 A. She told me to stop.

\*\*\*



6 Q. What did she do then to get you that flyer that  
7 talks about Gibson's Bakery having a long history of  
8 racism?  
9 A. She asked if I had one already. When I said no,  
10 she offered to get one for me.  
11 Q. Did you initially ask her for a flyer?  
12 A. No.  
13 Q. It was Vice President Raimondo's idea to give  
14 you a flyer?  
15 A. Yes.

[May 10, 2019 Trial Transcript, pp. 98, 101-02, 104].

Another witness, Trey James, when questioned by Gibsons' Attorney Lee Plakas, testified about his observations of Dean Raimondo:

22 Q. And with regard to that flyer, can you tell us  
23 what your observations were with regard to Vice  
24 President Raimondo utilizing or in any way dealing with  
25 that flyer?  
1 A. Well, throughout, the most specific thing I can  
2 recall is she had a stack of them. It looked like it  
3 might have been half a stack of a paper ream. And while  
4 she was talking through the bullhorn, she actually  
5 handed it, about half of that stack, to another student  
6 who was standing next to her, who walked off and started  
7 passing out the flyers.

8 Q. From your observation, were there a lot of  
9 flyers being passed out?  
10 A. Yes.

[May 14, 2019 Trial Transcript, pp. 178-179].

11 Q. And did you see, in addition to seeing doctor --  
12 excuse me -- Vice President Raimondo taking that half a  
13 ream, or whatever, that stack of flyers and giving them  
14 to a student who then passed them out, did you see her  
15 do anything else with those flyers?  
16 A. Yeah, she did. There was a table behind her and  
17 she had things behind her, so she turned and put some  
18 down and picked some up and handed some to another kid,  
19 and handed them several times.

[May 14, 2019 Trial Transcript, p. 179].

Additionally, multiple observers testified that they witnessed Dean Raimondo on a bullhorn/megaphone at the protests:

- Trey James, when questioned by Gibsons' Attorney Lee Plakas further testified about Dean Raimondo:

16 A. I saw her standing directly in front of the  
17 store with a megaphone in her hand, orchestrating some  
18 of the activities of the students.  
19 Q. Okay. When you say -- when you use the term  
20 "orchestrating," what do you mean? What did you see and  
21 what caused you to believe she was orchestrating the  
22 activities?  
23 A. Well, what I saw was it appeared as though she  
24 is speaking as a voice of authority, telling the  
25 students where they could find comfort, in terms of

1 water and restrooms, telling the students where they  
2 could find additional support for their materials, and  
3 including where to make copies. Seemed that she was an  
4 authority in the situation in terms of influencing what  
5 was happening.

[May 14, 2019 Trial Transcript, pp. 177-178].

- Rick McDaniel, a longtime Oberlin resident and Oberlin College Director of Security from 1980-1995, when questioned by Defendants' Attorney Julie Crocker, testified about Dean Raimondo:

5 | Q. And you said that when you observed her, she was  
6 | constantly on the bullhorn; is that correct?  
7 | A. I would say probably 75 or 80 percent of the  
8 | time I glanced, my vision looked over to the square, she  
9 | had the bullhorn and was using it. Again, I could not  
10 | tell what she was saying because of the noise on my side  
11 | of the street.

12 | Q. And how long were you at the protest?  
13 | A. Probably 30, 35 minutes.

[May 13, 2019 Trial Transcript, p. 28].

- Jason Hawk, the Editor of the Oberlin News Tribune, also observed Raimondo standing in front of Gibson's Bakery speaking to protestors on the bullhorn. [May 10, 2019 Trial Transcript, pp. 109-110]. Questioned by Gibsons' Attorney Owen Rarric, Hawk added:

3 | Q. What is Dean Raimondo, Vice President Raimondo  
4 | saying on the bullhorn as all these protesters are  
5 | watching her in front of Gibson's store?  
6 | A. She was telling them that there were -- there  
7 | was a space that was available to them to rest and  
8 | refreshments of some sort there.  
9 | Q. She was offering them food and refreshments; is  
10 | that fair to say?  
11 | A. Yes.  
12 | Q. She was offering them a space to rest and  
13 | rejuvenate if they needed that?  
14 | A. Yes.

[May 10, 2019 Trial Transcript, p. 111].

- Longtime Oberlin resident, Sue McDaniel, when questioned by Gibsons' Attorney Brandon McHugh, testified:

19 Q. What did you observe Vice President Raimondo  
20 doing at the protest?  
21 A. She was standing on the tree lawn across from  
22 Gibson's. She had a megaphone in her mouth, and she was  
23 telling the students what to do.

[May 15, 2019 Trial Transcript, p. 06].

3 Q. Was Dean Raimondo addressing the protesters?  
4 A. Yes. She was using the megaphone and as I said,  
5 she was actually standing in the middle of the  
6 protesters. If the curb lawn is here, she was right  
7 here (indicating), right by the curb itself. So she was  
8 addressing across, but she was also surrounded by  
9 students. There were students on all sides of her and  
10 behind her, and she was the center of attention.  
11 Q. And will you please describe for the jury what  
12 Vice President Raimondo's -- what her tone of voice was  
13 like?  
14 A. It was extremely authoritative. She was  
15 encouraging the students, but it wasn't just her tone of  
16 voice, it was her mannerisms. It was the students'  
17 mannerisms. They were looking at her, they were  
18 responding to things she was saying. At one time they  
19 actually moved almost in concert with, closer to her.

[May 15, 2019 Trial Transcript, p. 07].

The jury also received evidence that college employee Julio Reyes, the Assistant Director of the College's Multicultural Resource Center, who reported to Dean Raimondo, distributed the defamatory flyers.

Rick McDaniel, the College's former Director of Security, testified that Reyes had a stack of the defamatory flyers and that he attempted to hand him a copy. He also testified that Reyes aggressively blocked McDaniel from taking photographs of the public protest. McDaniel testified that this college official tried to intimidate McDaniel and repeatedly

said that he was “with the College” as shown in the questioning by Gibsons’ Attorney Owen Rarric:

7 Q. Were you approached by anyone else at the  
8 protest?  
9 A. Yes.

10 Q. Okay. Who else?  
11 A. Later on, when I was down there, a male subject  
12 came up to me and handed me another copy of the flyer,  
13 the same flyer. When I saw what it was, I handed it  
14 back to him and said, I've already seen it.

\*\*\*

17 Q. How long of an interaction did you have with  
18 that gentleman?  
19 A. When I handed him back the flyer, I then walked  
20 away from him over to the front of my car, and went to  
21 take another picture down the street. And this same  
22 gentleman held a stack of these flyers up in front of my  
23 camera like this (indicating) to block me from taking  
24 the picture. And I recognized it because of the star  
25 here that says, "Don't buy." He was holding it in such

1 a manner that that was facing me. And I asked him what  
2 I'll describe as very blunt in terms what he thought he  
3 was doing, and his reply to me is, "Oh, I'm with the  
4 college." And I told him, "Well, I don't give a holy  
5 hell or damn what you are. You can't do this." I moved  
6 again.  
7 Q. Where did you move now?  
8 A. I moved further toward the sidewalk and my car.

9 Q. Okay.

10 A. And went to take a picture. He again moved and

11 held the stack right up in front. This time he was

12 probably distance of this microphone stand to me the

13 whole time, very physically threatening, physically

14 intimidating. I told him again to stop it, to knock it

15 off, he had no business doing it. And his reply again

16 was, "Oh, I'm with the college." So --

17 Q. When you say he has "a stack," a stack of those

18 flyers?

19 A. Correct.

20 Q. So it's more than one of those -- those same

21 flyers we saw up on the screen?

22 A. Correct.

[May 13, 2019 Trial Transcript, pp. 15-16].

Finally, Oberlin Police Department Sergeant Victor Ortiz came over to tell the College official to leave Mr. McDaniel alone. [May 13, 2019 Trial Transcript, pp. 17-19]. Sergeant Ortiz confirmed Mr. McDaniel's factual account at trial. [May 10, 2019 Trial Transcript, pp. 156-157]. After Reyes ended the interaction described by McDaniel above, Reyes walked across the street toward his superior, Dean Raimondo, who was addressing protestors on the bullhorn at the time. [May 13, 2019 Trial Transcript, p. 19].

Sergeant Ortiz, who was in charge of the police presence at the protest, testified that he did not see any evidence of College officials acting as a calming influence at the protest. In fact, he testified that he did not see anybody from the College trying to calm the situation down at all.

7 There were cars just driving down college street

8 unloading cases of water and snacks onto, like, little

9 carts for the college students to drink and snack on

10 while they were out there. And they seemed to be

11 encouraged to do so. There were flyers being passed

12 | around. There was just -- there was a lot of stuff  
13 | going on. I didn't see anybody try to calm that  
14 | situation down at all.

[May 10, 2019 Trial Transcript, p. 154].

Sergeant Ortiz even warned an Oberlin College dean that he may need to call in the county riot team:

3 | I have a personal relationship with Adrian  
4 | Bautista, who is the dean at the college. He and I used  
5 | to coach our boys basketball team together. So I had  
6 | his number. I called him and I told him, I says, "Hey,  
7 | if we can't get this under control, I'm going to end up  
8 | calling the county riot team in."

[May 10, 2019 Trial Transcript, p. 155].

Dean Raimondo also authorized reimbursement for the purchase of gloves for the protestors, so that they could keep their hands warm as they distributed the defamatory flyers. [May 28, 2019 Trial Transcript, pp. 176-177].

**From:** Meredith Raimondo <Meredith.Raimondo@oberlin.edu>  
**Sent:** Friday, November 11, 2016 4:06 PM  
**To:** Dana Kurzer-Yashin  
**Subject:** Re: funding for gloves

Yes - bring the receipt to 105 Monday. Thanks for helping folks stay warm.

On Fri, Nov 11, 2016 at 4:01 PM Dana Kurzer-Yashin <[dkurzery@oberlin.edu](mailto:dkurzery@oberlin.edu)> wrote:  
sorry for the curt nature of that email!  
I forgot to say I emailed you because I spoke to Becky and she suggested I reach out to you. I can also be reached at **REDACTED** if that's helpful.

Thank you so much for everything you do!

All the best,  
Dana

> On Nov 11, 2016, at 3:57 PM, Dana Kurzer-Yashin <[dkurzery@oberlin.edu](mailto:dkurzery@oberlin.edu)> wrote:  
>  
> hi  
> if I bought 75-100 more worth of gloves to bring to the protest would it would be possible to get reimbursed?  
>  
> all the best,  
> dana

[Trial Exhibit 74].

Additionally, Trey James heard Dean Raimondo advise the protesters through the bullhorn on where to make copies of the defamatory flyer, as seen below when he was questioned by Gibsons' Attorney Lee Plakas:

13	Q.	And finally, you were asked about the copies of
14		the flyer and when you heard Vice President Raimondo
15		give orders or directions or suggestions as to where the
16		copies were, copies could be made. Do you remember what
17		building she said?
18	A.	Yeah. In the Conservatory office.
19	Q.	The Conservatory office?
20	A.	Which is down at the end of the block.

[May 14, 2019 Trial Transcript, p. 190].

In relation to Trey James' testimony above, the jury received evidence addressing whether, based on Raimondo's direction, students did go into the Conservatory office to make copies of the flyer. Leslie Lubinski, an administrative assistant in the Conservatory dean's office, in the Bibbins building, provided background on this when questioned by Gibsons' Attorney Brandon McHugh:

3	Q.	So during the protests, some students came to
4		your office to make copies of a flyer, didn't they?
5	A.	Yes.
6	Q.	And they handed you a copy of the flyer?
7	A.	Correct.

[May 14, 2019 Trial Transcript, p. 192].

Then, after Lubinski's supervisor, Greta Williams became involved, she confirmed when questioned by Gibsons' Attorney Jeananne Ayoub, that Assistant Dean Chris Jenkins took the defamatory flyer and told her the following:

2	Q.	And your response to that question, "I'll make
3		the copies" was, you said that he said, "I don't have a
4		problem with making the copies," right?
5	A.	Yes.

[May 30, 2019 Trial Transcript, p. 62].



At trial, Chris Jenkins denied making any copies of the defamatory flyer. [May 30, 2019 Trial Transcript, p. 79]. However, when asked by Gibsons' Attorney Jeananne Ayoub, Greta Williams testified:

9 Q. Mrs. Williams, prior to the break, we had talked  
10 about how based on your observations and being right  
11 there, you held the belief that Dean Chris Jenkins was  
12 going to make copies of the flyer. After you left the  
13 workroom, he didn't come out and tell you he did not  
14 make copies, right?  
15 A. No.  
16 Q. And he didn't tell you that in the following  
17 days?  
18 A. No.  
19 Q. The following months?  
20 A. No.  
21 Q. The following year?  
22 A. No.

[May 30, 2019 Trial Transcript, p. 67].

The same day that the defamatory flyers were being distributed by Oberlin College and Dean Raimondo, the Student Senate resolution, containing the defamatory statements, was passed. Dean Raimondo, the advisor of the Student Senate, testified when questioned by Gibsons' Attorney Lee Plakas that the defamatory resolution remained posted for one year:

7 Q. Okay. At that time in November of 2016, and  
8 currently, you're actually the faculty advisor for the  
9 Oberlin student senate, correct?  
10 A. Yes, that's correct.  
11 Q. And this Exhibit Number 35, you were able to  
12 confirm that this was posted in Wilder Hall, which is  
13 where your office is, correct?  
14 A. I learned that later, yes.

15 Q. Okay. And you learned that it had been posted  
16 for more than a year, correct? It was still posted in  
17 November of 2017, a year after the protests, right?  
18 A. Yes, a year. That's right.

[May 13, 2019 Trial Transcript, p. 55].

President Marvin Krislov, via his video deposition that was played at trial, testified when questioned by Gibsons' Attorney Owen Rarric that the student union was the right place for people to see the defamatory resolution:

19 Q. Am I correct then that any  
20 student that's using Wilder Hall could  
21 potentially see that; correct?  
22 MS. CROCKER: Objection.  
23 THE WITNESS: If the student  
24 looked in the Student Senate box and  
25 it was there, sure, or the bulletin  
1 board, sure.  
2 BY MR. RARRIC:  
3 Q. Prospective students and family  
4 visiting Wilder Hall could see that?  
5 A. If that was a resolution, then  
6 they put it in the right place.

[M. Krislov Deposition Vol. 1, pp. 210-211].

President Krislov, when asked by Gibsons' Attorney Lee Plakas, admitted that a college's general counsel could ask for defamatory materials to be taken down:

1 Q. In fact, isn't it true that the college's  
2 general counsel -- you've been a general counsel for a  
3 college. You can agree that the general counsel can  
4 require a defamatory document to be taken down?  
5 A. You know, that situation never came up. I think  
6 general counsels could certainly advise if something  
7 was -- that are not said.

8 Q. Haven't you previously testified under oath that  
9 if a defamatory document is posted, general counsel can  
10 require or request that that document be taken down?  
11 A. I suppose the general counsel could ask  
12 something like that, yes.

[May 29, 2019 Trial Transcript, p. 180].

The jury was also presented with evidence that Dean Raimondo had the power to “unleash the students.” The following text message was submitted to the jury wherein Dean Raimondo was responding to article written by a former Oberlin College professor in support of the Gibsons:

```
-----  
From: From: REDACTED Meredith Raimondo  
Timestamp: 9/8/2017 17:42 (UTC-4)  
Source App: iMessage: REDACTED  
Body:  
Fuck him. I'd say unleash the students if I wasn't convinced this needs  
to be put behind us  
-----
```

[Pl. Trial Exhibit 211].

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**14. (NEW) Did the students’ prior claim that Oberlin College itself was racist cause the college to deflect those claims by aiding and abetting the racism allegations against the Gibsons?\***

Prior to the events of November 2016, there was evidence at trial that Oberlin College was dealing with its own tumultuous environment. In December 2015, a group of African American students sent President Marvin Krislov and others at the College a 14-page list of demands, with the very beginning stating:

Oberlin College and Conservatory is an unethical institution. From capitalizing on massive labor exploitation across campus, to the Conservatory of Music treating Black and other students of color as less than through its everyday running, Oberlin College unapologetically acts as unethical institution, antithetical to its historical vision.

[Trial Exhibit 257].<sup>10</sup>

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\*\* This section is new or has been supplemented

<sup>10</sup> The list of demands can be viewed in its entirety at <https://www.scribd.com/document/293326897/Oberlin-College-Black-Student-Union-Institutional-Demands>.

The jury heard that this list of demands was reported by regional and national media. The list of demands by students also accused Oberlin College of functioning “on the premises of imperialism, white supremacy, capitalism, ableism, and a cissexist heteropatriarchy.” President Krislov’s response to these demands was not good enough for some students, as he testified to when questioned by Gibsons’ Attorney Lee Plakas:

17 Q. And it would be fair to say -- we've previously  
18 had testimony the ABUSUA group was not enthralled by  
19 your response, correct?  
20 A. I think some students were not happy with my  
21 response, yes.

[May 29, 2019 Trial Transcript, p. 198].

So, even when Meredith Raimondo was appointed to the position of interim Vice President and Dean of Students and also Special Assistant to the President for Equity, Diversity, and Inclusion, it was part of her duties to handle certain demands made by minority students.

- **Continue assessment and programming to address campus climate, including the five items identified as high priority by ABUSUA in Spring 2016**

[Trial Exhibit 303].

Her permanent position as Vice President and Dean of Students was effective as of November 1, 2016. When the shoplifting incident occurred on November 9, 2016, with following protests where people claimed that Gibson’s Bakery and the Gibson family had a long history of racial profiling and discrimination, and accused an owner (who are only David Gibson and Grandpa Allyn W. Gibson) of assaulting a student, the jury was able to consider whether Oberlin College and Dean Raimondo took the opportunity to support their minority students, making the Gibsons a proxy for the College’s own issues.

Dave Gibson, when asked by Gibsons’ Attorney Lee Plakas, testified about his point of view that the Gibsons were used by the College to deflect away from their own issues:

23 Q. So you just said something interesting. The  
24 college recognizes it, but they don't want to stand up  
25 publicly, which you think is important. Tell us, based

1 upon everything you've observed and learned and  
2 experienced, and in light of this over hundred-year  
3 relationship, why did Oberlin College do this from your  
4 own observation?

5 **A.** That's a good question. I tried to get my head  
6 around this for some time, why they would do this to us.  
7 I think the college, as of recent, has lost their way,  
8 there's no question in my mind. We -- I look at this  
9 and I realize that the college wanted me to not  
10 prosecute these students. They wanted me to set up a  
11 system where we didn't prosecute first-time offenders.  
12 I know there's many other issues.

13 I believe there was deflection where they wanted  
14 to -- they were at the process during this that they  
15 were being accused, Marvin Krislov specifically, of  
16 racism by students in their college. I believe that  
17 they used us to deflect that, to send it to us while  
18 they went through this process. They have many demands.  
19 Marvin Krislov simply did not respond to those demands  
20 and just pushed it off. I think we were used to make it  
21 so that would go away.

[May 21, 2019 Trial Transcript, pp. 206-207].

---

**15. What are the undisputed facts with regards to the three students who were arrested for shoplifting on November 9, 2016?**

Oberlin College admitted from the first day of the trial that the three students had committed crimes and they deserved the result that the criminal justice system imposed on them. Importantly, this trial was not used to re-litigate the clearly admitted crimes that occurred on November 9, 2016. It is undisputed that in August 2017, the students pled guilty to charges of attempted theft and aggravated trespass. The students stated in open court that the Gibson's employee was within his legal rights to detain them and that the arrests were not a result of racial profiling. This was confirmed by Oberlin College's co-lead attorney Ron Holman during opening statements at trial:

16                   You will learn in this case the three students  
17                   who were involved in shoplifting at Gibson's Bakery were  
18                   made to account for their crimes. They had their day in  
19                   Court. They actually pled guilty in Court, and the  
20                   judge who was assigned to that case declared them to be  
21                   guilty, he convicted them, and they sentenced them, *and*  
22                   *they got exactly what they deserved.*

[May 9, 2019 Trial Transcript, p. 130] (emphasis added).

---

**16. (NEW) Was there evidence that any high-ranking college representatives did not respect the process or decision of the criminal justice system that accepted the students' guilty pleas or the civil justice system that found in favor of Gibsons?\***

First, as to Oberlin College's reaction to the criminal justice system, Dean Raimondo, when questioned by Gibsons' Attorney Lee Plakas, admitted that she was aware of the three students' public admissions of crimes and statements through real-time text messages from an Assistant Dean who was at the Lorain County Courthouse:

8                   Q.           Okay. I'm sorry. You were aware of it. And  
9                   Toni Myers, who was an interim assistant dean working  
10                  under your authority, actually went to the courthouse in  
11                  August of 2017, when ultimately the three students pled  
12                  guilty to the crimes and read statements saying that  
13                  their arrests and conviction were not the result of any  
14                  sort of racism or racial profiling, correct?  
15                  A.           Yes, that's correct.  
16                  Q.           And she was reporting to you by text messages in  
17                  real time from the courthouse and telling you exactly  
18                  what was happening, right?  
19                  A.           From her perspective, yes.

[May 14, 2019 Trial Transcript, p. 32].

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\*\* This section is new or has been supplemented

In those text messages, the Assistant Dean recognized the students would be eligible for expungement in a year, after which the College could “rain fire and brimstone” down upon Gibson’s Bakery. Dean Raimondo thanked her:

```
This is the most egregious process. Alan is here and Dave will make a
statement. After a year, I hope we rain fire and brimstone on that store.
-----
From: From: + [REDACTED] Meredith Raimondo
Timestamp: 8/11/2017 12:13 (UTC-4)
Source App: iMessage: + [REDACTED]
Body:
Wow. Thank you for being there with them.
```

[Trial Exhibit 206].

Next Oberlin College’s Vice President Ben Jones and Tita Reed emails reflect their thoughts regarding the Gibsons’ community reaction to the thefts:

**From:** Tita Reed <treed@oberlin.edu>  
**Sent:** Wednesday, November 23, 2016 6:45 PM  
**To:** Ben Jones  
**Subject:** Re: Gibsons Protest


100%!!!!!!

On Nov 23, 2016 5:52 PM, "Ben Jones" <[bjones@oberlin.edu](mailto:bjones@oberlin.edu)> wrote:

Here is the text I just sent to Meredith:

We should just give all business to Leo at IGA. Better donuts anyway. And all these idiots complaining about the college hurting a "small local business" are conveniently leaving out their massive (relative to the town) conglomerate and price gouging on rents and parking and the predatory behavior towards most other local business. Fuck 'em.

I wanted this to work out in a restorative way with shared responsibility (albeit generous on our part) because it's what's best for the town. But they've made their bed now...



[Trial Exhibit 134].

While the three students accepted responsibility for their conduct nearly two years ago, the College has never accepted responsibility for its conduct even after the jury’s clear and unanimous verdict.

Finally, between the compensatory and punitive portions of the trial, Oberlin College sent a public letter to thousands of recipients reflecting Oberlin College’s opinion of the jury’s verdict:





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**17. (UPDATED) Was the jury representative of the Lorain County community?\***

Yes.

There have been suggestions that the jury was not representative of the Lorain County community. These suggestions are false.

Both parties were involved in selecting the representative nature of the jury. Oberlin College made absolutely no objections to the selection of the jury or the representative nature of the jury pool. The facts presented in court are what led to the verdict against Oberlin College, not the demographics of the jury.

The demographics of the jury closely aligned with those of Lorain County and included members of differing age, race, socioeconomic status, and political views. The jury contained five females and three males. There were two people of color, one of Hispanic or Latino descent and another of multiracial descent, and six White jurors. The racial demographics of the jury closely aligned with the general demographics of Lorain County according to the U.S. Census Bureau, where 8.9% are Black or African-American, 10% are Hispanic or Latino, and 78.3% are White alone.<sup>11</sup>

There have also been suggestions that Black or African American jurors were struck on account of their race or because of an implicit bias against the Gibsons. These suggestions

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\*\* This section is new or has been supplemented

<sup>11</sup> See, <https://www.census.gov/quickfacts/fact/table/loraincountyohio/PST040218>.



are false. Indeed, at least one Black or African American juror was struck because he was biased *in favor of the Gibsons*. During the jury selection process, Prospective Juror No. 10, who is Black or African American, disclosed to the Court that he favored the Gibsons:

13                   PROSPECTIVE JUROR: I'm kind of biased because  
14 of the fact that I know the Gibsons. I've been in the  
15 business. I shop with them. I don't condone the  
16 shoplifting.  
17                   THE COURT: So in your eyes, your opinion is  
18 favoring the Gibsons?  
19                   PROSPECTIVE JUROR: Favoring the Gibsons, yes.

[May 8, 2019 Trial Transcript, p. 55].

Because of this explicit bias in favor of the Gibsons, the Court struck Prospective Juror No. 10 for cause.

---

## **ADDENDUM**

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**From:** Meredith Raimondo <Meredith.Raimondo@oberlin.edu>  
**Sent:** Friday, November 11, 2016 12:26 PM  
**To:** Ben Jones; Tita Reed  
**Cc:** Ferd Protzman; Jane Mathison; Marvin Krislov  
**Subject:** Re: Fwd:

Sure- ok to send

On Fri, Nov 11, 2016 at 12:25 PM Tita Reed <[treed@oberlin.edu](mailto:treed@oberlin.edu)> wrote:

Doesn't change a damned thing for me.

On Nov 11, 2016 11:48 AM, "Ben Jones" <[bjones@oberlin.edu](mailto:bjones@oberlin.edu)> wrote:

Hi all,

Please see below thread with Emily Crawford, who grew up here. Does this change anything? I would recommend that we drop the last paragraph that implies support for the protest, so we don't inadvertently further divide college and town. But the rest holds up okay, I think.

Thanks,  
B.

Begin forwarded message:

**From:** Emily Crawford <[ecrawfor@oberlin.edu](mailto:ecrawfor@oberlin.edu)>  
**Subject: Re:**  
**Date:** November 11, 2016 at 11:42:47 AM EST  
**To:** Ben Jones <[bjones@oberlin.edu](mailto:bjones@oberlin.edu)>

i have talked to 15 townie friends who are poc and they are disgusted and embarrassed by the protest. in their view, the kid was breaking the law, period (even if he wasn't shoplifting, he was underage). to them this is not a race issue at all and they do not believe the gibsons are racist. they believe the students have picked the wrong target.

the opd, on the other hand, IS problematic. i don't think anyone in town would take issue with the students protesting them.

i find this misdirected rage very disturbing, and it's only going to widen the gap btw town and gown.

and sure you can share if you want.

On Friday, November 11, 2016, Ben Jones <[bjones@oberlin.edu](mailto:bjones@oberlin.edu)> wrote:



I agree that both sides of this behaved very badly. Gibson's hands are not clean in this, nor are those of the three students. But the bigger issue is that this is not an isolated incident but a pattern, and one that has been confirmed by a lot of people including the many high school kids who showed up yesterday to join the protest.

The police report is bullshit. It's so obviously biased towards Gibson. They didn't even try to hear the other side of the story.

What are you hearing in your recon?

Also, may I share whatever your response is with others?

On Nov 11, 2016, at 11:26 AM, Emily Crawford <[ecrawfor@oberlin.edu](mailto:ecrawfor@oberlin.edu)> wrote:

> i've been doing recon and the students are on the wrong side of this protest. they acted without ascertaining the facts first. they didn't even consider consulting poc in the community who know the gibson family a lot better than they do. i talked to some of the protestors and they refuse to hear anything that doesn't fit their narrative. the townspeople are furious and i think the college needs to speak out. this is not good.

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**From:** Tita Reed <treed@oberlin.edu>  
**Sent:** Monday, November 14, 2016 5:54 PM  
**To:** Marvin Krislov  
**Cc:** Mike Frandsen; Meredith Raimondo  
**Subject:** Re: College spending at Gibson's

I think that's a great bargaining chip.

On Nov 14, 2016 5:10 PM, "Marvin Krislov" <[Marvin.Krislov@oberlin.edu](mailto:Marvin.Krislov@oberlin.edu)> wrote:  
Students are talking about urging college to cut off Obie dollars from Gibson's.

Marvin Krislov, President  
Oberlin College  
70 North Professor Street  
Oberlin, Ohio 44074  
[\(440\) 775-8400](tel:(440)775-8400)

On Mon, Nov 14, 2016 at 3:08 PM, Mike Frandsen <[mfrandsen@oberlin.edu](mailto:mfrandsen@oberlin.edu)> wrote:  
We do. Someone involved in Commencement planning would know about the arrangement.

On Mon, Nov 14, 2016 at 3:05 PM, Tita Reed <[treed@oberlin.edu](mailto:treed@oberlin.edu)> wrote:

Don't we use Gibson bakery as the vendor for Illumination?

On Nov 14, 2016 2:42 PM, "Mike Frandsen" <[mfrandsen@oberlin.edu](mailto:mfrandsen@oberlin.edu)> wrote:

FY14 \$5,258.36  
FY15 \$4,454.40  
FY16 \$3,694.97

Spending by individuals using Obie Dollars

FY14 \$60,919.91  
FY15 \$46,721.03  
FY16 \$54,058.17

What I cannot measure is how much spend at Gibson's was submitted on expense reports and paid to employees.

--

Mike Frandsen, Ph.D.  
Vice President for Finance and Administration  
[mfrandsen@oberlin.edu](mailto:mfrandsen@oberlin.edu)  
[440-775-8460](tel:440-775-8460)



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**From:** Tita Reed <treed@oberlin.edu>  
**Sent:** Monday, November 14, 2016 2:44 PM  
**To:** Mike Frandsen  
**Cc:** Marvin Krislov  
**Subject:** Re: College spending at Gibson's

Obie Dollars!! Another tool for leverage.

On Nov 14, 2016 2:42 PM, "Mike Frandsen" <[mfrandsen@oberlin.edu](mailto:mfrandsen@oberlin.edu)> wrote:

FY14 \$5,258.36  
FY15 \$4,454.40  
FY16 \$3,694.97

Spending by individuals using Obie Dollars

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Mike Frandsen, Ph.D.  
Vice President for Finance and Administration  
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[440-775-8460](tel:440-775-8460)

**OBERLIN**  

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**COLLEGE ☉ CONSERVATORY**



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**From:** Ginny O'Dell <vodell@oberlin.edu>  
**Sent:** Thursday, November 17, 2016 10:08 AM  
**To:** Meredith Raimondo; Ben Jones; Jane Mathison; Marvin Krislov; Ferd Protzman;  
Jennifer Bradfield; Danielle Young  
**Subject:** Fwd: Gibson's

----- Forwarded message -----

From: **Russell Pittman** <[russellpittman3@gmail.com](mailto:russellpittman3@gmail.com)>  
Date: Wed, Nov 16, 2016 at 3:05 PM  
Subject: Gibson's  
To: [ginny.odell@oberlin.edu](mailto:ginny.odell@oberlin.edu)

Dear President Krislov,

We are proud Oberlin College alums with long-standing affection for both the college and the town. One of us is black, and one is white.

We write to express our concerns about the college's response to the recent events at Gibson's Bakery.

Of course we were not there, but our understanding is that Mr. Gibson's actions regarding a shoplifter in his store were appropriate and reasonable, actions that one would expect a shop owner to take in response to product theft, with no particular connection to the race of either party. Similarly, it appears that the Oberlin police department acted appropriately and with restraint.

Why the college would terminate its dealings with Gibson's in response to this incident is a complete mystery to us. The pressures to do so sound like a classic case of overreaction by students and/or other community members sensitive, understandably, to racial injustice. The problem is that this incident had no connection to the race of anyone involved.

To treat either Mr. Gibson or his business as racist because of what took place here seems to us completely inappropriate in multiple ways. First, it ignores the fact that Gibson's is a local business that has, for decades, responded to minor incidents like this in ways that acknowledge the youthfulness of the September to May population, working with the college and the police to seek restitution in ways that do not destroy careers. Second, it ignores the fact that Oberlin is a college that models civil discourse based on facts and principles, even when those facts and principles stand in opposition to political correctness.

We urge you and other members of the Oberlin community not only to decline to politicize this incident, but also to step up to use this as a learning and healing opportunity.

Sincerely,

Karen Johnson Pittman '73  
Russell Pittman '73





**From:** Tita Reed <treed@oberlin.edu>  
**Sent:** Wednesday, November 23, 2016 6:45 PM  
**To:** Ben Jones  
**Subject:** Re: Gibsons Protest



100%!!!!!!!

On Nov 23, 2016 5:52 PM, "Ben Jones" <bjones@oberlin.edu> wrote:

Here is the text I just sent to Meredith:

We should just give all business to Leo at IGA. Better donuts anyway. And all these idiots complaining about the college hurting a "small local business" are conveniently leaving out their massive (relative to the town) conglomerate and price gouging on rents and parking and the predatory behavior towards most other local business. Fuck 'em.

I wanted this to work out in a restorative way with shared responsibility (albeit generous on our part) because it's what's best for the town. But they've made their bed now...

On Nov 23, 2016, at 5:01 PM, Tita Reed <treed@oberlin.edu> wrote:

I love how Gibson supporters accuse us of making rash assumptions/decisions but are totally blind to their own assumptions.

----- Forwarded message -----

From: "Marvin Krislov" <Marvin.Krislov@oberlin.edu>

Date: Nov 23, 2016 3:31 PM

Subject: Fwd: Gibsons Protest

To: "Ben Jones" <ben.jones@oberlin.edu>, "Tita Reed" <treed@oberlin.edu>

Cc:

----- Forwarded message -----

From: <dmaher414@aol.com>

Date: Nov 23, 2016 12:32 PM

Subject: Gibsons Protest

To: <Marvin.Krislov@oberlin.edu>

Cc:

**My family just got back from visiting Oberlin for the purpose of purchasing items from Gibson's (along with a sizable crowd of other supporters) - trying to insure that a family business, is not driven out of business, mainly due to totally miss informed students, and faculty of Oberlin College.**

**Encouraging a protest, based on a totally false narrative - without having everyone pause long enough, to determine the facts, of what really happened**



at this establishment, is showing a total lack of basic decency to the owners of this establishment.

I also think an apology from Oberlin College, should be in order, if the students involved in this case, are eventually found guilty, by the court.

Also any boycott of their store, by the University, should be rescinded immediately, if the Gibson's are found to be innocent, of any wrong doing.

Sincerely,  
The Maher Family

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**From:** Meredith Raimondo <Meredith.Raimondo@oberlin.edu>  
**Sent:** Thursday, December 15, 2016 11:47 PM  
**To:** Scott Wargo  
**Cc:** Ben Jones  
**Subject:** Re: Another Q from Chronicle Telegram ...

I expect yes - Carlson was also exorcised about that. I wonder if there's a way to dodge it by saying something that makes it clear we respect the prerogatives of the legal system and simply meant to communicate this to students at a time there were many questions? Our phrasing was unfortunate but we are where we are Or alternatively just put it to rest by saying there's no OC investigation?

On Thursday, December 15, 2016, Scott Wargo <[swargo@oberlin.edu](mailto:swargo@oberlin.edu)> wrote:

Hi Meredith

Any idea what she is referring to? Wondering if she is talking about this from MK statement to students ...

Regarding the incident at Gibson's, we are deeply troubled because we have heard from students that there is more to the story than what has been generally reported. We will commit every resource to determining the full and true narrative, including exploring whether this is a pattern and not an isolated incident.

Thanks  
Scott

to me



I guess what I'm wondering is, why is the school doing its own investigation into Gibson's and what does that look like?

---

**Jodi Weinberger**

Reporter

The Chronicle-Telegram

**Office:** [440-329-7245](tel:440-329-7245)

**Cell:** **REDACTED**

[jweinberger@chroniclet.com](mailto:jweinberger@chroniclet.com)



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**From:** Scott Wargo [mailto:[swargo@oberlin.edu](mailto:swargo@oberlin.edu)]  
**Sent:** Thursday, December 15, 2016 12:46 PM  
**To:** Jodi Weinberger  
**Subject:** Re: Gibsons

We can, but don't know that I'll have anything new to share. Regarding the daily purchases, the dining halls will be closed until classes resume in February so won't know anything until then.

On Thu, Dec 15, 2016 at 12:17 PM, Jodi Weinberger <[JWeinberger@chroniclet.com](mailto:JWeinberger@chroniclet.com)> wrote:

Can we talk at some point today?

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**Jodi Weinberger**

Reporter

The Chronicle-Telegram

**Office:** [440-329-7245](tel:440-329-7245)

**Cell:** **REDACTED**

[jweinberger@chroniclet.com](mailto:jweinberger@chroniclet.com)

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Meredith Raimondo (she/her/hers)  
Vice President and Dean of Students  
Special Assistant to the President for Equity, Diversity, and Inclusion  
Associate Professor of Comparative American Studies  
Wilder 105  
Oberlin College  
Oberlin, OH 44074  
440-775-8462

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**From:** Marvin Krislov <Marvin.Krislov@oberlin.edu>  
**Sent:** Tuesday, December 20, 2016 11:50 PM  
**To:** Meredith Raimondo; Danielle Young  
**Subject:** Fwd: The Gibson's Controversy

----- Forwarded message -----

From: "Daniel Brent" <[dfbrent@gmail.com](mailto:dfbrent@gmail.com)>  
Date: Dec 20, 2016 7:53 PM  
Subject: The Gibson's Controversy  
To: "Marvin Krislov" <[Marvin.Krislov@oberlin.edu](mailto:Marvin.Krislov@oberlin.edu)>  
Cc:

Dear Marvin,

I regret that our paths did not cross when I passed through Oberlin briefly for the Alumni Trustee Search Committee meeting two weekends ago. I always enjoy spending a moment or more with you, and look forward to doing so in early March, particularly to wish you well as you approach your future endeavors.

Had we met this trip, I would have candidly broached the subject of the ongoing Gibson's controversy and the College's troubling reaction. Having followed what happened through the limited lens of the Oberlin Review, augmented by speaking both with Dave Gibson and with Allen Gibson, I was distressed to learn that the College precipitously suspended Gibsons from providing baked goods to the College dining services, apparently peremptorily, before the facts and circumstances of the unfortunate incident that precipitated the controversy were fully investigated, much less adjudicated. I was also dismayed at the reported involvement of Dean of Students Meredith Raimondo as a partisan intervenor, if not a provocateur, in supporting boycotts and urging retribution against the Gibsons and their venerable establishment.

I have known Dave Gibson and his father for more than fifty years. They are a family of gentle and fine people. Allen Gibson also seems to be a gentle soul who has apparently been victimized by several students with a thirst for notoriety and a flair for controversy. Even if Allen is found to have overreacted on this particular occasion, some due process certainly should be afforded to the Gibson family, as pillars of the Oberlin community for many decades, before tarnishing their reputation and impairing their income by rushing to judgment.

I am asking that the hasty suspension of Gibsons as a supplier be rescinded pending additional fact finding and civil adjudication. As an active member of our 50th Reunion Committee, engaged in soliciting what we expect will be many millions of dollars in donations by our class to be announced this May, it is disheartening to have to explain, much less justify, this situation. Several classmates have already stated that they will not be giving to the College until this situation is reversed and the Gibsons vendor role



has been reinstated. I urge you to order those responsible for the reflexive and unjustified suspension of College purchases from Gibsons to rescind their directive immediately, and to help restore the the Gibson family's hard won reputation from the ravages imposed by the College administration at the behest of a few opportunistic student activists looking for a cause. The published Oberlin Police Department statistics apparently disprove unfounded allegations of chronic racial bias by Gibsons in confronting shoplifters.

Please advise what steps will be taken to rectify this situation so that I can reassure my fellow solicitors and classmate donors that Oberlin College still remains true to the standards of justice and fair play that permeate its essence as an institution.

Best wishes for a happy holiday season and a healthy, productive, and peaceful New Year. I look forward to seeing you on my next visit in early March and again in May at Commencement weekend

Cordially,

Dan Brent  
Class of 1967



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**From:** James Henderson <henkitime@gmail.com>  
**Sent:** Friday, November 11, 2016 7:44 AM  
**To:** Meredith.Raimondo@oberlin.edu  
**Subject:** Some concerns

Dear Professor Raimondo,

I am taking the time to write you as a concerned former resident of Oberlin. Up until yesterday I had always been proud to say that I grew up in a tolerant city, where everyone was equal, and although there were certainly firebrands (because what is a liberal town without a few), there was at the very least an opportunity for dialogue and informed discussion.

My family was one of the “founders” of what became the split off church from Christ Episcopal Church -

By 1974, however, storm clouds had gathered. A staunch supporter of women being ordained as priests, Mr. Beebe invited three women who had been irregularly ordained in Philadelphia the previous year to Christ Church to celebrate the Eucharist. Although opposed by Bishop John Burt, the service was held and the women were to come back several additional times as well.

Members of the parish were not opposed to the idea of women being ordained priests, but they were divided on how best this might be accomplished. Some felt that Mr. Beebe, having made his point, should not overplay his hand but rather wait for action on the question at the General Convention in 1976. His personal style became an issue as well and as emotions ran high, friendships became strained and in some instances, severed. Intense national press and television coverage of the Christ Church Story exacerbated an already bad situation. Adding to the extreme difficulties were the advent of trial liturgies and differences of opinion as to which forms of worship were best for Christ Church. Late in 1975, the groups supporting Mr. Beebe continued to have services at the Church while the other group attended services held at Fairchild Chapel [on the campus of Oberlin College, in Bosworth Hall] with the assistance of supply priests in the area.

At the Annual Meeting in January, 1976, those supporting the Rector were found to be in the minority; his supporters resigned from the Vestry, and soon thereafter, the Beebe followers left Christ Church to establish a new worshipping group, The Community for Christian Faith and Action . The remainder of the parish then resumed worshipping the Church. Mr. Beebe ended his service as Rector in March.

Our little group was founded by several Oberlin College professors and their families as well as regular residents like my family. After our church spun off we were pretty much ostracized, came in for a LOT of abuse from our next door neighbors, and kids we used to play with every day were instructed by their parents not to play with us - and I would point out that one of those families giving this message of "Christian love" was none other than Grover Zinn, a long time faculty member of the college and professor of religion.

And what I remember at that time was that Gibson’s bakery welcomed us, treated the newly arranged parish as they would any other and on more than a few times went well out of their way. Wasn't good for business, but that was the way that Mr. Gibson (Al) and his son were.

Clearly, I was not on the scene to see what happened this past week, but I have read the police report as well as any other bit of news as well as anecdotal accounts and there are a few items that cast a lot of doubt on the rationale of asserting that in attempting to protect their business that the Gibsons and their employees were “racial profiling”. Oberlin used to be one of the most tolerant communities around. And we all took pride in that. We could disagree without being disagreeable. But what has been happening at a quickening pace is a growing rift between the town and the college. A lot of this was fueled by the rather rapacious grasping of President Starr in the mid 80s when the library building was taken back from the town as he felt that the space as it was on college property should go back to the college. Thus the former Fisher Fazio’s grocery store became re-purposed. The behavior of the college student body has become a growing concern. And to be clear I am not speaking of yesterday’s protest, but rather the growing strain of town and gown relations.

My greatest concern is a statement that may have been incorrectly attributed to you, and if so I would appreciate



you clarifying it. The statement that Gibson's bakery and the Gibson family specifically are racists, and that they have a long history of mistreating customers of color. That does not sound like the family that I have known for nearly my entire life (judging by your cv and your graduation date from Brown I suspect we are of the same "vintage") so I am taking the time to reach out to you privately, respectfully and politely to ask you if you could please help me understand specifically what these instances of racism are?

Be well -

James Henderson  
Chief Messenger  
Tempus Fugit Media  
[www.tempusfugit.watch](http://www.tempusfugit.watch)  
Boston, MA USA  
(805) 259 - 9546

Start Time: 9/13/2016 12:15(UTC-4)

Last Activity: 5/20/2018 19:42(UTC-4)

Participants: + [REDACTED] Meredith Raimondo, + [REDACTED] Atiya McGee

# Redacted

EXHIBIT

25



# Redacted

REDACTED



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From: From: + [REDACTED] Meredith Raimondo

Timestamp: 11/10/2016 07:38 (UTC-5)

Source App: iMessage: + [REDACTED]

Body:

A staff group will meet at 930 in Wilder 105 to talk about how to support students who are protesting. You're welcome to come but I can also catch you up later

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From: From: + [REDACTED] Atiya McGee