

Interview with Leah Summers (full panel)
2/29/08, 3:27 p.m.
753 Engineering Sciences Building

Roy Nutter: Explained Jan Boyles' role as recorder. Also explained that information may be made public through Freedom of Information Act requests.

Art Centonze: You attended lunch with Heather Bresch and Paul Speaker. When did that lunch take place?

Leah Summers: In early Fall 1998. I had a child at the end of the fall. I remember being pregnant so it would have been early to middle fall 1998.

JB: In mid to late October.

Michael Lastinger: Do you remember the weather? How were you dressed?

LS: No, that was 10 years ago.

AC: Tell us your recollection of that lunch.

LS: Heather had asked me to go to lunch to talk to Dr. Speaker. I'm not sure why I was invited, but I was the ideal person to be there. I had graduated from the eMBA program a year earlier. I was someone that knew Dr. Speaker very well. I knew what went on in courses during that last time frame. I worked at Mylan as an attorney. I was familiar with what Heather working on.

AC: What was your reporting relationship at that time?

LS: We worked together. She was in business development; I was in legal. I knew her work required her to be out of Morgantown. She was on the West Coast for weeks at a time. She was concerned with what that would do with school. She wanted to talk to Dr. Speaker about what I'm doing, find a way to get my work and satisfy the requirements to graduate. She said, 'It stinks to think I've come that far and have work interfere with my eMBA.' We went to lunch and met with Dr. Speaker. It was a cordial meeting. She brought materials. I was under the impression that she had given him things before. It was a huge project – literally everything that we worked on in the MBA program – that entire last semester – it was a capstone. She was a living and breathing case study. She had spent a great deal of time. She shared what she knew about the project and how it had evolved into litigation. We had a discussion. It was a decent period of time. We talked about what they were doing at work, what was required. Everything seemed satisfied to me. It was clear that what she was doing would satisfy the requirements to graduate. There was no doubt about that.

AC: Do you remember her leaving documents with Speaker?

LS: She didn't leave anything, but they were talking about something he had looked at already.

AC: You believed it was clear from that meeting that Speaker was referring to total credits, not partially...

LS: Absolutely. When we went to that meeting, it was to take care of whatever credits were left and whatever was left would be satisfied by she what was doing.

AC: Do you recall what was said that would have led both of you to that conclusion?

LS: I don't remember the words, but we were both satisfied that it worked out. I didn't think about it until a couple of months ago. It was unequivocal. When she explained the magnitude and scope, he indicated it would satisfy everything that is outstanding.

AC: Did he say anything like we'll have to [REDACTED]?

LS: There was never any discussion about anything administrative.

Lori Franz: Was there discussion of [REDACTED]?

LS: No. There was never discussion about anything [REDACTED] at all.

LF: Was there discussion of future credits?

LS: I'm not sure if that's the proper characterization. They were discussing what she was working on – the remaining credits for graduation. I wasn't under the impression that there was anything.

LF: Did you have a sense of the magnitude of hours remaining?

LS: We never talked numbers. It was just simplistically – there are certain things left – certain things left to satisfy the requirements to graduation.

LF: One refers to outstanding at present time, the other outstanding in future.

LS: You are at this point right now, what you have left. If you do what you're doing.

LF: There are no specifics on that would satisfy [REDACTED], or that would satisfy [REDACTED]?

LS: It was not that kind of discussion. It didn't seem ambiguous to me. She said, I don't want to have to start over. If I explain what I'm doing, I'm ok to graduate.

LF: There was never discussion of joining other cohort?

LS: Not while I was there. I had the impression that she had given him materials before and they had materials.

ML: Did you have materials at the lunch?

LS: I think so. I know there were materials — [REDACTED] — she was basically running the company. She was trying to explain how to manage each of those functions. I know she brought some with her. I don't remember if she left anything or not. Clearly, they had talked about things that he already had in his possession.

AC: There was no discussion about alternative ways for Ms. Bresch to complete her program?

LS: I think that had already happened. I think they had other discussions. It was not the first time that she talked to Speaker. It was not let's line up all the different options.

JB: Do you remember when Heather first got involved in the California matters? Was it April 1998 to the best of your recollection?

LS: It started in 1992 when we invested in the company.

JB: She was heavily out there in the fall. But that isn't true -- she went in late spring/late summer?

LS: I don't know. It was more concentrated at certain points in time.

JB: Did she take Summer 1998 courses?

LS: I have no recollection.

JB: Were you just talking about the fall semester?

LS: It was my understanding that we were talking about the entire number of outstanding hours. She said, certain things like, I'm not going to be able to do in the traditional way.

JB: She had already missed a bunch of things,

LS: Let me be real frank — I was totally shocked by the articles. It was very clear that she had gone to class. She helped students with projects. I was the host of some show they did once. Some of the stuff that you read in the paper doesn't compute.

ML: What doesn't make sense?

LS: Her asking about other classes.

JB: Initially, she hadn't been going to summer classes.

LS: I don't know that.

JB: So you're thinking the discussion was about everything that you've missed.

LS: Everything that it may be.

ML: But you don't remember when it may be.

LS: I want to be careful. I have obviously read enough to understand why these things are important. However, in the meeting with Dr. Speaker – saying here are these specific classes, these specific courses – I don't know that. I know what the discussion is – I want to graduate – whatever there is that's outstanding. I don't know what they were. There was discussion -- here's what I'm doing – and it was matched up with what was outstanding. It fit hand in glove.

ML: He did match them up?

LS: He didn't. That wasn't the kind of discussion. I don't know what courses were outstanding. The first I became involved was roughly that time frame. Whatever he knew to be outstanding, it made sense and it matched up to him.

LF: Is it possible that there were a block of incomplete courses that have to be cleared up – trying to match this work with these incomplete courses – she's thinking the future and he's thinking about the past and they are not communicating well?

LS: It's not fair for me to speak for both of them. It's a clear understanding that I have – if you do this...you will satisfy.

AC: It wasn't understood that she had to do more work.

AC: Did he congratulate her at the end of the lunch?

LS: He wished us well – he didn't say here's your diploma. He wished us well. He wished me well on the baby.

AC: Did he confirm anything in writing?

LS: I have no idea.

JB: Did he give to her any document?

LS: I'm almost certain he didn't bring anything to give to her.

LF: So it was a meeting of the minds to accomplish this somehow. So what was the next step – something to trigger the university to give the degree?

LS: I disagree. We left the meeting not thinking twice about it. I wouldn't expect anything else to be done.

LF: If Paul Speaker doesn't do anything else and Heather Bresch doesn't do anything else...

LS: I went through the program. Speaker was the face of the program. I believe anything that he said he had the authority to do. He said her work satisfies the requirements outstanding to graduate.

LF: You registered for 48 hours, paid for those hours, filled out paperwork register/graduate...

LS: I have no idea whether he did or not.

LF: At that meeting, somebody has to do something beyond the lunch table for the degree to be conferred.

LS: I don't know what that is. I assume Speaker would do that, whatever that was. I don't know if any of that is true. I sat at that meeting that day. What she was doing satisfied what was outstanding. I didn't know what he had to do.

LF: At my university, if she were my student, I would have to register her for the courses and would have to pay the tuition.

LS: Why is this relevant to me?

LF: What happened after the lunch?

LS: That's the last I heard of it, that day. I saw paper the article in the paper in October. I graduated – I have two degrees from this university – I know what I was part of. Speaker is a professor and a friend of mine. He's a good guy. I don't know if he did or didn't [follow through]. I can't comment if somebody should have registered or paid.

LS: I don't know that that didn't happen.

LF: If it didn't happen...

LS: It's not fair for me to say. I don't know this [situation] at all.

ML: After this lunch, Speaker was going to finish...

LS: I don't know what he had to do. I know when we left there, that she was comfortable that what she was doing, I didn't know what he would do or not do...

AC: Was there any conversation about taking classes with another cohort?

LS: No. That was not the subject for this meeting. It was not a list of all the ways that we can try to fix this situation. It was -- you've got things outstanding....

LF: She was not asked to send materials in...

LS: I was under the impression that she had documents already. There was a stack of paper, but there was not anything else to send in.

AC: Is it possible that there could have been a misunderstanding? That he could have referred to a small subset of remaining credits? And Ms. Kirby thought it was all remaining credits?

LS: I don't know if there was any set number of credits. With that said, I don't know if it was one chunk or two chunks. It's hard for me to say that they were talking about two different things or the same thing. It's very clear to me that what I need to graduate with this class. He said let's talk about it. When we left, he said that satisfies it. There was no itemization or anything like that.

ML: He matched them up, but there was no itemization?

LS: No.

JB: Do you have any recollection about life credit other students? Did you ever talk with Speaker about that?

LS: No, I don't remember that being part of my group. I didn't want to write a paper for the business law class.

JB: When you first talked to Heather -- you were pretty confident -- reasonable so. What basis would you believe him when he had never done this before?

LS: Because the eMBA was new. It was designed to attract people with work experience. People with work experience have obligations. We need people in the workforce. If you're not in the workforce, you take the other MBA program. They said we will be flexible to accommodate you.

JB: Were you aware of flexibility personally or did you get the general impression that they would be flexible?

LS: I can't remember a specific example. I only missed class twice.

JB: Does this go beyond flexibility? If her account to believed, she would receive credit for a full semester or more. When you heard he would give her credit, weren't you shocked at how flexible he was?

LS: I wasn't.

JB: Why?

LS: If you had any clue of what she was working on...

JB: What she was working on – at the same time – was educational experience that should be fine to credit?

LS: I don't think it's fair to generalize any situation. There had been dialogue before.

JB: You came in the middle?

LS: I wasn't a part of it. I had just done the program. I know what the program was like. I would rather do what I did for an entire year/half [than what Bresch did].

JB: That was her job.

LS: When I was going through program...it was not my place to judge.

JB: Were you surprised with Speaker's decision? You didn't have any concern for her degree – that nearly ██████████ of her credit was for her work?

LS: I didn't know how many credits were outstanding. I was there to explain from my unique perspective what was going on. Speaker would make the decision. It wasn't my place to say yes/no, good/bad, right/wrong. Shocked isn't the right word. I know we would go make a case and describe to him, and he would rely on his own common sense. I believed he was the person who had the authority to make that decision. To answer your first question, I wasn't surprised at all.

JB: Did you talk to Heather about any of this?

LS: A little bit. She's on the road.

JB: What kind of things were talked about when you met with her?

LS: I didn't meet with her. I talked with her. It's the proverbial double edged sword – being a Manchin. People think you didn't earn what you had, but it gives you opportunities. She was smart enough to be an employee of Mylan. The best thing for me is to not make chit-chat talk about it. I imagine a lot of things that could flow from this. All that I know is that she sat by my side at lunch that day.

JB: You didn't talk to her after we invited you here?

LS: I report to the powers that be. It was said good, go. I'm glad to tell the story. I haven't talked to the media. I'm anxious to tell my side.

RN: Do you report to Heather now?

LS: No.

RN: For classes you missed, what procedures did they follow? How did you those make up?

LS: They assume that we are all mature, responsible, professional adults. I missed a grand total of four classes throughout my undergrad, MBA and law school.

RN: Were classes available on video?

LS: Ours were conferenced between Morgantown and Charleston.

RN: Were they videotaped so that you could watch it if you missed class?

LS: I don't know if it was videotaped. If I were going to miss, I would send the professor an e-mail. I would read whatever was on the syllabus. I would turn in my project on time.

RN: Some people have said they could go get a tape and watch it.

LS: I don't know if there was a video or not. I never had a need to watch one. Every professor had standard syllabus language. We were asked to be polite, professional – but there was no formal procedure.

RN: Professors didn't take roll?

LS: I didn't remember taking roll.

ML: To summarize the reason you were at the luncheon, you were an acquaintance of Paul Speaker and Heather Bresch, you were a recent grad of the eMBA program, you knew the program and how it functioned.

LS: And I was familiar with what Heather was doing. I don't know how it came about. I know her and trust her thoughts on this.

ML: What was your role in the conversation?

LS: I listened mostly. Mostly, Heather described the scope of what she was working on. I was there for smart aleck commentary.

ML: So you were mainly listening?

LS: It's been 10 years. When it was over, I never thought we'd talk about it again. I don't recall being a very active participant.

AC: Did you have a feeling like – we have to go out and celebrate? Was there euphoria? It's a major life accomplishment.

LS: I was just happy it was going to work out. The MBA was very important to her. The project upon which she was working was hugely absorbing her time and literally every waking moment. I was excited because I knew it was over. I didn't do cartwheels or have a drink, but there was a relief that everything made sense. He said, go back to California.

AC: You may have said this earlier – if the meeting was in September/October, did you do anything before your graduation in December?

LS: From a procedural aspect – I can't remember. I wrote a check. I bought a cap and gown. I wrote something. Is there any other thing to satisfy the substantive aspect – that was it.

RN: Did you go to graduation in 1998?

LS: I did not go.

AC: Did you go to yours?

LS: Yes.

AC: Was there anyone who walked, but had not completed the requirements?

LS: I don't know. There could be.

LF: Was there the sense that Heather and Paul would be in contact again?

LS: It was done. I didn't anticipate any follow up. I didn't know if you had to fill out paperwork – I didn't remember if I got letter of things – housekeeping things – to graduate. But the substantive aspect was done – she was eligible to graduate. I don't know...

LF: At lunch, was there discussion of going through graduation?

LS: Not that I remember.

LS: She and I are different in many ways. The symbolic aspect wouldn't matter to her. Thinking of how to order a cap and gown – I don't think of her that way.

LF: After you graduated, did you get a diploma?

LS: Yes.

LF: *Did she get one?*

LS: I have no idea.

RN: *Do you remember when graduation was in 1997? Were courses over?*

LS: I thought we were done about Thanksgiving.

ML: *Did you have all your grades?*

LS: I don't remember. I remember we joked about our diploma. I don't remember if we got anything that day. We did get a frame for the inaugural eMBA class.

RN: *Was your scheduling on the same schedule as the WVU normal semester?*

LS: Not really. We started in the fall. We did one who class at a time – it wasn't like normal with three classes at the same time with undergrad. We met one Saturday a month. We basically had a semester – had Christmas break – had class in the month of May – something in May/August and summer classes. I remember one class with an auto simulation where we had to build cars.

RN: *If you were going to start in January, you would take three courses sequentially...*

LS: I don't think the semesters were consistent.

RN: *How did you register for courses?*

LS: I don't remember.

RN: *Were you billed?*

LS: [REDACTED]. At first, [REDACTED]. [REDACTED] I wasn't sure how it started. I don't know if you had semester, then a mini-semester.

RN: *Did that change before you were finished?*

LS: I think from Mylan's point of view. I spoke at graduation.

LF: *Were courses cancelled if payments were off schedule? Did [REDACTED] were supposed to?*

LS: I don't remember any issues. It was formal, yet not as formal – it was a new program. They were trying to figure out how it would work. If someone was not on the roster, [REDACTED]. But after that, [REDACTED].

RN: Did Paul Speaker ever collect money?

LS: I don't think so. I remember some kind of invoice. I don't remember handing a check to anybody.

LF: Earlier, you said you took business law. You said if you didn't take the course, you could write a paper?

LS: Or some equivalent. As a result, I taught business law for the next three semesters. I never envisioned you could say I'm not coming – except for some unusual circumstance. What Heather was involved in was extraordinary. I had a comfort level with it. It was not shocking or unreasonable. It was appropriate.

RN: Is there anything else we should ask you?

LS: This is just a small piece of it. I hate this situation on so many levels. I'm a WVU fanatic. I have degrees from here. I know Heather well, and it breaks my heart. People automatically assume things. They think the worst.

LF: When Heather gets this that she doesn't have the degree – it would seem like the first thing would be to call Speaker. Did I miss something?

LS: No. Not in this area – would in a million would I call. I would want to keep it hands off. It would not work the way it worked for everyone else for her to pick up a phone. It would have had a weird feel. I don't know this – I would want to be at arms length from that.

LF: Wouldn't your first reaction be – this is a big mistake?

LS: By that point, it's the Post-Gazette. You've just been appointed to an earned position at a publicly traded company. Your father is the governor. You're connected to a president of the university. It's not easy to navigate. It's a perfect storm.

ML: Whom did she call?

LS: I don't know if she called anybody. I stayed away from it. I'm a lawyer by background. I'm an employee of Mylan. Things you learn after the fact never help you. I know I had lunch and I know how I felt in October. I know what I read because a lot of it makes me laugh, and I know most of the players involved. I think they are moral, ethical people. But people assume the worst.

Interview ending time: 4:22 p.m.