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STATE OF WISCONSIN
DEPARTMENT OF WORKFORCE DEVELOPMENT
EQUAL RIGHTS DIVISION
MILWAUKEE COUNTY

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MARILYN FIGUEROA,

Complainant,

-vs-

CITY OF MILWAUKEE,

Respondent.

ERD CASE NO.
CR200003454

Deposition of:

MICHAEL MILLERMilwaukee, Wisconsin
April 15, 2002

Reporter: Peggy S. Christensen, RPR, CRR

DEPOSITION of MICHAEL MILLER,

called as a witness, taken at the instance of the Complainant, under the provisions of Chapter 804 of the Wisconsin Statutes, pursuant to notice and subpoena duces tecum, before Peggy S. Christensen, a Registered Professional Reporter and Notary Public in and for the State of Wisconsin, at the offices of Murphy, Gillick, Wicht & Prachthauser, Attorneys at Law, One Plaza East Tower, 330 East Kilbourn Avenue, Suite 1200, City of Milwaukee, County of Milwaukee, and State of Wisconsin, on the 15th day of April 2002, commencing at 8:45 in the forenoon.

A P P E A R A N C E S

VICTOR M. ARELLANO, Attorney,
for LAWTON & CATES, S.C., Attorneys at Law,
10 East Doty Street, Madison, Wisconsin,
appearing on behalf of the Complainant.

LEONARD A. TOKUS, Assistant City Attorney,
for CITY OF MILWAUKEE, OFFICE OF CITY ATTORNEY,
200 East Wells Street, Suite 800,
Milwaukee, Wisconsin, appearing on
behalf of the Respondent.

Also present: Cheri Garcia

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I N D E X

WITNESS

Page(s)

MICHAEL MILLER

Examination by Mr. Arellano

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E X H I B I T S

No. Description

Identified

-- NONE --

(There were no exhibits marked for identification)

(Original transcript filed with Attorney Arellano)

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MICHAEL MILLER,

called as a witness, being first duly sworn,
testified on oath as follows:

EXAMINATION

By Mr. Arellano:

Q Sir, would you state your full name and current address for the record.

A Michael Miller, 402 North 31st Street, Milwaukee.

Q Is that your home address?

A Yes.

Q And did you say 402?

A Correct, 31st Street.

Q Thank you. What's your ZIP Code?

A 53208.

Q Very good. What's your business address?

A 200 East Wells, City Hall.

Q What was it?

A 200 East Wells, City Hall, Room 606.

Q What is the ZIP Code for the City Hall?

A 53202.

MR. TOKUS: Correct.

A Yeah.

Q Very good. Mr. Miller, have you ever been deposed, given testimony before?

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1 A Yes.
 2 Q How many times?
 3 A Once.
 4 Q When was that?
 5 A I don't remember. '96, '95 or '96.
 6 Q What was the nature of your testimony?
 7 A It related to some City issue. I don't remember.
 8 Q And why were you required to give testimony if that
 9 is what happened?
 10 A As a witness that attended a particular meeting.
 11 Q What kind of meeting did you participate --
 12 A Community meeting.
 13 Q What was the nature of the lawsuit?
 14 A I really don't remember.
 15 Q Was it a lawsuit against the City?
 16 A Yeah. I believe it was a lawsuit against the City
 17 from a City employee.
 18 Q Was it a civil rights lawsuit?
 19 A I don't remember.
 20 Q Was it a person of color?
 21 A Yes. In fact, Ms. Figueroa was involved in that.
 22 Q Okay. Was it a lawsuit against the office of the
 23 Mayor?
 24 A No. I don't remember. I don't remember it all.
 25 Q Which was the department involved?

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1 A I think it was against the City. I really don't
 2 remember. I don't remember, I really don't.
 3 Q How old are you, Mr. Miller?
 4 A 46.
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1 Q Have you ever taken time off due to illness, sick
 2 leave?
 3 A Not extended sick leave.
 4 Q What's the most time that you've taken sick leave?
 5 A At most a few days, two days.
 6 Q What's the maximum time?
 7 A Two days.
 8 Q Two days. When was that?
 9 A I don't remember.
 10 Q Let me give you some information so you are not
 11 taken by surprise.
 12 A Uh-huh.
 13 Q All right. We have access to everybody's personnel
 14 files.
 15 A Okay.
 16 Q And most people that work for the City for some
 17 reason come here telling me they don't remember a
 18 lot of things.
 19 A Okay.
 20 Q So you are not a party to this lawsuit. Nobody has
 21 named you in any way, shape or manner to be
 22 responsible for anything, and it is my duty as an
 23 attorney and an officer of the court to let you know
 24 that very often witnesses get caught in the
 25 crossfire but I also believe that at the end of this

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1 case I will determine whether or not people have
 2 committed perjury in this case. I have received
 3 many very inconsistent testimonies, and I take
 4 perjury very seriously.
 5 A Uh-huh.
 6 Q And since --
 7 MR. TOKUS: You'll have to answer
 8 yes or no so she can get that so don't say
 9 uh-huh, she can't get it.
 10 THE WITNESS: Okay.
 11 Q Since you are not a party to this lawsuit, I just
 12 want to make sure you don't get caught in the
 13 crossfire.
 14 You are obligated to answer a question if you
 15 know. Failure to answer the question is not being
 16 truthful, so I have people that come here and every
 17 other question is I don't remember, I don't
 18 remember, and that I consider not to be truthful.
 19 All right.
 20 When you gave testimony pursuant to a lawsuit
 21 against the City of Milwaukee, did you give
 22 testimony during a deposition or at trial?
 23 A Deposition.
 24 Q Okay. And do you recall how long that deposition
 25 lasted?

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1 A In terms of my time there?
 2 Q Right.
 3 A An hour maybe.
 4 Q Okay. Did the City Attorney represent you?
 5 A I don't remember.
 6 Q All right. Did you ever review your testimony for
 7 that particular case?
 8 A No.
 9 Q All right. Do you have a copy of your transcript
 10 testimony?
 11 A No.
 12 Q Okay. Have you ever been involved in any type of
 13 lawsuit?
 14 A No.
 15 Q Any type of internal complaint?
 16 A No.
 17 Q Have you ever been named in any type of grievance,
 18 complaint, lawsuit of any kind?
 19 A No.
 20 Q All right. Have you ever been married?
 21 A No.
 22 Q
 23 A
 24 Q
 25 A

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1 Q Who is that?
 2 A Do I have a relationship of any kind?
 3 Q Right, any romantic relationship with anyone?
 4 A Yes.
 5 Q And who is that?
 6 A Excuse me, can I consult counselor?
 7 Q Sure.
 8 THE WITNESS: Do I have to answer
 9 that? Is that relevant?
 10 MR. TOKUS: I would for the record
 11 state an objection to going into his personal
 12 matters unless you're prepared to show that it
 13 has significant issues in this case.
 14 Q All right. Well, let me be fair to you.
 15 MR. TOKUS: For the record, I'm
 16 stating an objection.
 17 Q I think you have a fair concern objection. Before I
 18 ask you to release that name, let me ask you another
 19 question. Have you ever had any type of intimate,
 20 romantic relationship with Marilyn Figueroa?
 21 A No.
 22 Q Okay. Then I'm not going to ask you to release the
 23 name of your friend.
 24 A Okay.
 25 Q Let me just give you a couple pointers here. As you

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1 Q
 2 A
 3 Q
 4 A
 5 Q
 6 A
 7 Q
 8 A
 9 Q
 10 A
 11 Q
 12 A
 13 Q
 14 A
 15 Q
 16 A
 17 Q
 18 A
 19 Q
 20
 21 A
 22 Q
 23 A
 24 Q Okay. Do you have a relationship of any kind?
 25 A Friendship?

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1 know, you're being recorded by a professional court
 2 reporter. She obviously wants to make sure that you
 3 speak clearly, and most importantly, that I let you
 4 finish your answer. Obviously she wants you to let
 5 me finish my question.
 6 And every time you respond in any manner, you
 7 have to make a verbal response as opposed to making
 8 sounds or nodding of the head. It's got to be yes,
 9 no. I understand your demeanor but we have to have
 10 the record clear at all times. Do you understand
 11 that?
 12 A I understand.
 13 Q Okay. And if for some reason, Mr. Miller, you don't
 14 understand my question, feel free to let me know.
 15 A Okay.
 16 Q I want to make sure that when we go to trial in this
 17 case you don't come back and tell me that at the
 18 time you gave a given answer you didn't quite
 19 understand my question. I want to make sure that we
 20 stay here until you understand my question. Is that
 21 fair?
 22 A That's fair.
 23 Q Excellent. If you feel that you want me to modify,
 24 change, repeat, read back the question so that you
 25 understand it, we'll be happy to do that.

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1 A Okay.
 2 Q You don't have to hesitate to let me know, I don't
 3 quite understand the question. Is that fair?
 4 A That's fair.
 5 Q All right. What's your education, Mr. Miller?
 6 A Bachelor's degree in social work, master's degree in
 7 information science and urban affairs, both received
 8 from the University of Wisconsin-Milwaukee.
 9 Q Okay. Anything else by way of academic education?
 10 A I'm a registered drug counselor, ADDA counselor,
 11 received certification in 1998.
 12 Q Okay. How long did that course or study last in
 13 order for you to be a certified counselor?
 14 A You're required to take so many hours of different
 15 types of courses. After a certain amount of
 16 courses, you're complete and then you take a test,
 17 and after that test you are certified to practice at
 18 a certain level.
 19 Q Okay. You were certified to be a counselor in 1998?
 20 A Right.
 21 Q Who certified you?
 22 A Wisconsin Certification Board.
 23 Q Okay. How many credits did you have to obtain in
 24 order to be a certified counselor?
 25 A They're hours. There is like 300 some hours of

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1 credit work.
 2 Q You completed them?
 3 A Yes, I completed them.
 4 Q You received a certificate?
 5 A I received a certificate of completion.
 6 Q What's the nature of this field?
 7 A It's alcohol and other drug abuse.
 8 Q Okay. And have you rendered any type of counseling?
 9 A Well, I trained at the Safe Group Services, some
 10 additional training but I didn't work in the field.
 11 Q All right. Are you certified to render counseling
 12 to individuals?
 13 A Counseling, you have to renew certification
 14 annually.
 15 Q Okay.
 16 A Since I haven't renewed it, I would have to go back
 17 and renew that.
 18 Q Have you ever given counseling to individuals under
 19 the umbrella of a certified counselor?
 20 A No.
 21 Q Or psychiatrist?
 22 A No.
 23 Q Psychologist?
 24 A Just research assistance.
 25 Q Where have you worked as a research -- as a

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1 counselor?
 2 A Research assistant meaning I worked under a
 3 counselor at Safe Group Services training.
 4 Q Okay. What else?
 5 A That's it.
 6 Q This Safe Group Services, is this a clinic or ..
 7 A Right, it was a clinic.
 8 Q Okay.
 9 A A mental health and drug abuse facility.
 10 Q Where is this clinic located?
 11 A It's -- I don't think it's any longer in existence.
 12 It was on Fond du Lac and Sherman Boulevard.
 13 Q How long were you associated with this clinic?
 14 A One, two years.
 15 Q Okay. Was this clinic in any way or the work that
 16 you did for this clinic in any way associated with
 17 the work that you have done for the City of
 18 Milwaukee?
 19 A No.
 20 Q All right. So that was an independent project that
 21 you were involved in?
 22 A Training, yes, training.
 23 Q Have you done any counseling within your employment
 24 setting for the City of Milwaukee?
 25 A No.

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1 Q Okay. Very good. Before coming to this deposition
 2 did you review any records pertaining to this
 3 particular case?
 4 A No.
 5 Q And when I say case, you understand what case I'm
 6 talking about?
 7 A Yes.
 8 Q We're talking about the Marilyn Figueroa versus the
 9 City of Milwaukee case.
 10 A Yes.
 11 Q Is that correct?
 12 A Yes.
 13 Q Okay. Did you discuss anything related to your
 14 testimony or anything related to this case with
 15 anyone?
 16 A No.
 17 Q Okay. Has anyone ever questioned you after Marilyn
 18 Figueroa left her employment on January 4th of 2000,
 19 has anyone questioned you, interviewed you,
 20 discussed anything related to this case?
 21 A No.
 22 Q Before Marilyn Figueroa left the City of Milwaukee
 23 employment in January of 2000, did anyone ever
 24 question you about Marilyn Figueroa?
 25 A In what capacity?

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1 Q In any manner.
 2 MR. TOKUS: Excuse me, just for the
 3 sake of clarity, may I have that question read
 4 back? My attention was diverted.
 5 (Question read)
 6 A Professional capacity.
 7 Q And with respect to personal issues involving
 8 Marilyn Figueroa, did anyone ever question you after
 9 January of 2000?
 10 A No.
 11 Q Did you ever discuss Marilyn Figueroa with anyone
 12 after January 4th, 2000?
 13 A In a professional capacity?
 14 Q Well, I don't know what you mean professional. What
 15 I'm asking you is did anyone ever question you about
 16 Marilyn Figueroa talking to you about any personal
 17 problems, about any --
 18 A No.
 19 Q -- problems relating to the Mayor?
 20 A No.
 21 Q Okay. Let me just see where we are.
 22 MR. ARELLANO: Can you please read
 23 my previous question and his answer?
 24 (Requested portion read)
 25 Q Is that accurate?

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1 A That's accurate.
 2 Q All right. Prior to January 4th, 2000 did anyone
 3 ever question you about Marilyn Figueroa's personal
 4 problems, discussions, issues she may have shared
 5 with you before she left?
 6 A No.
 7 Q Okay. So just so I am clear and the record is
 8 clear, what I understand you are telling me is that
 9 after January 4th, 2000 when Marilyn Figueroa left
 10 her employment with the City of Milwaukee, no one
 11 has questioned you about Marilyn Figueroa in any
 12 manner, is that what you're telling me?
 13 MR. TOKUS: Listen carefully and
 14 tell him what the truth is as you know it. Okay.
 15 A Yes, in some capacity.
 16 Q Okay.
 17 A Uh-huh.
 18 Q Who questioned you regarding Marilyn Figueroa after
 19 January 4th, 2000?
 20 A It really wasn't questioning. It was basically
 21 comments.
 22 Q Or any discussion.
 23 A Yeah, no, it was comments that I didn't respond to.
 24 Q Okay. Who made comments regarding anything related
 25 to Ms. Figueroa in any manner?

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1 A I can't say an individual. Like at a community
 2 meeting someone would say something; I wouldn't
 3 respond.
 4 Q What did you hear?
 5 A They would ask me about what's going on; no
 6 response.
 7 Q Anything else?
 8 A That's it.
 9 Q Did anyone from the Mayor's office, including John
 10 Norquist or any of the Chief of Staffs, ever
 11 question you about Marilyn Figueroa or discuss
 12 anything with you related to Marilyn Figueroa after
 13 January 4th, 2000?
 14 A No.
 15 Q All right. What about before January 4th, 2000?
 16 A Yes.
 17 Q Okay. Who if anyone questioned you about Marilyn
 18 Figueroa before January 4th, 2000?
 19 A I don't remember the staff member. It was a staff
 20 member asking me how she was doing. She was off
 21 ill.
 22 Q Who questioned you?
 23 A I don't remember.
 24 Q Was it Mayor Norquist?
 25 A No.

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1 Q Chief of Staff?
 2 A No. It was a staff, a regular assistant.
 3 Q Bill Christofferson?
 4 A No.
 5 Q Ruth Wyttenbach?
 6 A I don't remember.
 7 Q Michael Soika?
 8 A No.
 9 Q Ms. Marshall? Kimberly Pratt?
 10 A It might have been Kimberly.
 11 Q What did she say?
 12 A How is Marilyn.
 13 Q Do you recall approximately when she asked you this
 14 question?
 15 A No.
 16 Q Let me ask you this question, Mr. Miller. Before
 17 January 4th of the year 2000 you discuss anything
 18 related to Marilyn Figueroa's personal matters,
 19 including anything she may have shared with you
 20 before January 4th of 2000?
 21 A No.
 22 Q What about after January 4th, 2000?
 23 A No.
 24 Q All right. I want you to pay attention to this
 25 question. Before January 4th, 2000 did you have any

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1	knowledge of the intimate interaction that was	1	anything that you feel you need to clarify.
2	taking place between John Norquist and Marilyn	2	MR. ARELLANO: Let's go back to the
3	Figueroa before January 4th, 2000?	3	previous question and answer.
4	A No.	4	(The following was read:
5	Q Okay. Did anyone ever share any information	5	"Q. Okay. After January 4th, 2000,
6	regarding the intimate interaction that was taking	6	after Marilyn Figueroa left the City
7	place between Marilyn Figueroa and John Norquist	7	employment, have you had any contacts
8	before January 4th of 2000?	8	with Ms. Figueroa?
9	A No.	9	"A. No.)
10	Q All right. What about after January 4th, 2000, did	10	A Yes.
11	anyone in any way share with you the intimacies that	11	Q Okay.
12	had taken place between Marilyn Figueroa and John	12	A I'm sorry, I did.
13	Norquist after January 4th, 2000?	13	Q So you want to change --
14	A No.	14	A Yes, I remember that I did.
15	Q All right. That would include Ms. Figueroa?	15	Q Okay. Is there a reason why you said no the first
16	A Yes.	16	time?
17	Q All right. Very good. How long have you known	17	A Yeah, I just thought about a phone call.
18	Marilyn Figueroa?	18	Q Okay.
19	A About nine, I would say nine years.	19	A Yeah.
20	Q When was the first time that you met Marilyn	20	Q Okay. So what type of contact have you had with
21	Figueroa?	21	Marilyn Figueroa after January 4th, 2000?
22	A I don't remember. '93, but I don't remember the	22	A She called me. She called me.
23	date.	23	Q Okay. Do you recall when that occurred?
24	Q Where did she work at the time you met Marilyn	24	A I don't remember specifically. It was after -- it
25	Figueroa?	25	was after that date.
21		23	
1	A I don't know. I had no idea.	1	Q How soon or how far from January 4th, 2000?
2	Q Where did you work in 1993?	2	A I didn't lock it in my memory. I just discarded it.
3	A Campus Neighborhood Associates, Marquette.	3	Q Other than the phone call that you are referencing,
4	Q When did you become an employee of the City of	4	any other contact after January 4th of the year 2000
5	Milwaukee?	5	of any kind?
6	A 1994, July.	6	A No, no.
7	Q All right. When was the last time that you had any	7	Q Okay. And again I think I was following up with a
8	contact with Marilyn Figueroa?	8	question regarding any contacts that you may have
9	A I don't remember but -- I really don't remember.	9	had with Marilyn of a social nature before
10	Q Okay. After January 4th, 2000, after Marilyn	10	January 4th, 2000.
11	Figueroa left the City employment, have you had any	11	A Restate that question again.
12	contacts with Ms. Figueroa?	12	(Question read)
13	A No.	13	A Yes.
14	Q Okay. Before January 4th of the year 2000 when was	14	Q When was the last time that you had any type of
15	the last time that you had any contact with	15	contact with Marilyn Figueroa of a social nature,
16	Ms. Figueroa?	16	and by that I mean --
17	A Can I address that last statement?	17	A I don't remember any specific date. I just remember
18	Q Yeah, I want --	18	the circumstance of it.
19	A The question that you previously asked about	19	Q Okay.
20	contact.	20	A The situation.
21	Q You most definitely can because I just want to make	21	Q Do you recall if it was late 1999, summer of 1999,
22	sure that you understand, you and I don't know each	22	early 1999?
23	other, is that I certainly will hold you to the	23	A I believe it was late 1999.
24	record, so, yes, you do have that right. It is my	24	Q Okay. Do you remember if it was in December,
25	duty to give you every opportunity to clarify	25	November?
22		24	

1 A I don't remember.
2 Q All right. In 1999 do you recall how many contacts
3 of a social nature where the two of you may have
4 discussed personal interests or concerns, do you
5 remember how many contacts you had with Ms. Figueroa
6 in 1999?
7 A No.
8 Q All right. Do you think you had more than the one,
9 and I don't want you to assume, I just want you to
10 tell me what is clear in your memory and your mind.
11 A Okay.
12 Q Other than that contact that you believe occurred in
13 late 1999, do you recall any other contacts,
14 regardless of the time?
15 A I know there were more, there was more than one, but
16 I don't remember every one.
17 Q Do you remember the circumstances?
18 A Yes.
19 Q Okay. About how many times do you remember, or
20 let's put it by way of circumstances, how many do
21 you think took place?
22 A I don't have a number. I can't give you a number.
23 I don't remember a number.
24 Q All right. But you do remember the contents of your
25 discussions?

25

1 A Some of them.
2 Q Okay. When you spoke to Ms. Figueroa on any of
3 those occasions, did you create any notes or make a
4 record of your discussions with Ms. Figueroa?
5 A No.
6 Q With respect to that phone call that you believe
7 occurred after January 4th of 2000, the one that you
8 believe she made to you, did you make a record of
9 that phone call?
10 A No.
11 Q Okay. With respect to the contacts that you had
12 with Ms. Figueroa prior to January 4th of 2000, did
13 you convey to anyone the contents of your
14 discussions with Ms. Figueroa?
15 A No.
16 Q With respect to the telephone call that you claim
17 she made to you after January 4th of 2000, did you
18 discuss the contents of that conversation with
19 anyone?
20 A I don't remember that one.
21 Q Okay. How would you characterize your relationship
22 with Ms. Figueroa? Let me tell you she claims you
23 were a good friend.
24 A Well, you just characterized it.
25 Q Would you concur --

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1 A Yes.
2 Q -- with that assessment?
3 A Yes.
4 Q Okay. In fact, you probably suspect that we were
5 not interested in taking your testimony but we don't
6 trust Mr. Tokus. He's a good friend.
7 Have you ever -- and I think I may have asked
8 you this question and you responded in the negative
9 but I want to make sure that you understood the
10 question. Have you ever spoken to any member of the
11 Mayor's office, including the Chief of Staff or
12 Mr. Norquist, about any of the conversations you
13 ever had with Ms. Figueroa?
14 A I don't remember.
15 Q All right. Well, has anyone summonsed you or
16 contacted you via telephone to inquire about what
17 you know about Marilyn Figueroa, anyone from the
18 Mayor's office?
19 A No.
20 Q All right. Have you been interviewed by any
21 attorney about what you know about Marilyn Figueroa?
22 A Yes.
23 Q Who has interviewed you?
24 THE WITNESS: Should I answer that?
25 MR. TOKUS: Sure.

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1 A The City Attorney's.
2 Q Did Mr. Schrimpf and Mr. Tokus talk to you?
3 A Yes.
4 Q What about Mr. Langley?
5 A No.
6 Q Do you know an attorney by the name of Lester Pines?
7 A No.
8 Q When you were interviewed by Mr. Tokus and
9 Mr. Langley --
10 MR. TOKUS: Excuse me, he said --
11 MR. ARELLANO: Thank you. Thank
12 you, Mr. Tokus.
13 Q When you were interviewed by Mr. Tokus and
14 Mr. Schrimpf, was anyone else present other than
15 you?
16 A No, no.
17 Q All right. Where were you interviewed?
18 A At the City Attorney's office.
19 Q When were you interviewed?
20 A Last Thursday. Last Thursday.
21 Q Okay. Other than last Thursday has anyone ever
22 interviewed you in any manner, whether it's via
23 telephone, --
24 A Yes.
25 Q -- in writing?

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1 A Attorney Schrimpf.
 2 Q When was that?
 3 A A few months ago.
 4 Q A few months ago meaning how many?
 5 A Three, two, three.
 6 Q Was it Christmas, before Christmas, after Christmas?
 7 A Before Christmas. Before Christmas.
 8 Q Where did the interview take place?
 9 A Over coffee.
 10 Q Coffee meaning?
 11 A The Wyndham Hotel.
 12 Q Okay. Who else was present?
 13 A No one.
 14 Q Have you ever signed any records, documents,
 15 statements made by you?
 16 A No.
 17 Q Okay. Has anyone showed you any notes of statements
 18 made by you for you to certify, --
 19 A No.
 20 Q -- clarify, modify?
 21 A No.
 22 Q Has anyone told you that they will call you at trial
 23 with respect to these proceedings?
 24 A No.
 25 Q Okay. When did you begin your employment with the

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1 City of Milwaukee?
 2 A July of 1994.
 3 Q How did you happen to become an employee of the City
 4 of Milwaukee?
 5 A I interviewed, applied for the position.
 6 Q What position?
 7 A Block grant monitor, compliance monitor.
 8 Q Obviously you got the position?
 9 A Yes.
 10 Q Correct? And who was the Director of the block
 11 grant department at that time?
 12 A Mike Brady.
 13 Q All right. How long did you last with the block
 14 grant department?
 15 A Four years.
 16 Q Did your title ever change from block grant
 17 compliance officer?
 18 A No.
 19 Q Okay. And during that time were you given any type
 20 of performance reviews?
 21 A Yes.
 22 Q Okay. How many do you recall in those four years?
 23 A I don't remember.
 24 Q Was it once a year, twice a year?
 25 A I believe they're annual.

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1 Q Okay. Do you recall any one time when you received
 2 an unsatisfactory review?
 3 A No.
 4 Q All right. Where did you go from there then?
 5 A Mayor's office.
 6 Q How did you happen to move into the Mayor's office?
 7 A I interviewed.
 8 Q Was there a vacancy open?
 9 A Yes.
 10 Q Okay. What type of a vacancy was open?
 11 A Staff assistant.
 12 Q That would have been what year?
 13 A 1998.
 14 Q How did you learn that there was a vacancy within
 15 the Mayor's office?
 16 A Several avenues. From the Mayor's office and from
 17 Marilyn and from another staff member.
 18 Q Did anyone assist you to obtain an interview with
 19 the Mayor?
 20 A I didn't interview with the Mayor.
 21 Q Well, who did you interview with?
 22 A Chief of Staff.
 23 Q Who was that?
 24 A Jim Rowen.
 25 Q Did Marilyn Figueroa in any way recommend you for

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1 hire?
 2 A She said she did.
 3 Q Do you believe she did?
 4 A Yes.
 5 Q Okay. Do you know who if anyone else may have
 6 recommended you for hire?
 7 A Yes, my immediate supervisor, Director of block
 8 grant.
 9 Q Was that Mr. Mike Brady?
 10 A That was Mr. Mike Soika.
 11 Q Mr. Soika was --
 12 A The Director of block grant.
 13 Q When did he become the Director of block grant?
 14 A I don't remember. '98, '97, '98.
 15 Q Did he replace Mr. Brady?
 16 A No.
 17 Q Where did -- Wasn't Mr. Mike Brady the Director of
 18 the block grant department?
 19 A Right. There was a Steve Holt that came after Brady
 20 had left.
 21 Q Then Mr. Soika replaced --
 22 A Mr. Soika, right.
 23 Q -- Mr. Holt? How long had you known Mr. Soika
 24 before he came on board as the black grant
 25 department Director?

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1 A I was familiar with him. I didn't know him.
 2 Q Okay. And for how long did you work under his
 3 supervision?
 4 A Until I went to the Mayor's office.
 5 Q Okay. And so you worked for the Mayor's office
 6 since 1998?
 7 A Until 2001 of February.
 8 Q Okay. Then where did you go?
 9 A To the Department of Administration.
 10 Q Who was the Director of the Department of
 11 Administration at that time?
 12 A David Reimer.
 13 Q How long was Mr. Reimer in that position?
 14 A I don't know.
 15 Q Is he still in that position?
 16 A No.
 17 Q When did he leave?
 18 A I don't know.
 19 Q A year --
 20 A Recently.
 21 Q Recently?
 22 A Yeah.
 23 Q Do you know why Mr. Reimer left?
 24 A No.
 25 Q And who is the Director of the Department of

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1 Administration now?
 2 A Mike Soika.
 3 Q Do you report to Mr. Soika now?
 4 A No.
 5 Q Who do you report to?
 6 A Patrick Curley.
 7 Q What's his title?
 8 A He's the Director of Intergovernmental Relations.
 9 Q And does he report to Mr. Soika?
 10 A Yes.
 11 Q How long has Mr. Patrick Curley been an employee for
 12 the Department of Administration?
 13 A I don't know.
 14 Q I suspect the Department of Intergovernmental
 15 Relations is one of the sections --
 16 A Yes.
 17 Q -- within the Department of Administration?
 18 A Yes.
 19 Q Is that correct?
 20 A That's correct.
 21 Q Never been at the City or worked for the City. All
 22 right. What prompted you to depart from the Mayor's
 23 office?
 24 A An opening in the Intergovernmental Relations, there
 25 was an opening.

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1 Q Okay. Again, other than that, was there anything
 2 that developed your interest in leaving the Mayor's
 3 office?
 4 A Change, new challenges.
 5 Q Okay. Was this a promotion for you?
 6 A Yes.
 7 Q Was it a promotion in title and in salary?
 8 A Yes.
 9 Q In what manner?
 10 A Can you clarify in what manner?
 11 Q Yeah. How would a change from the Mayor's office as
 12 a staff assistant to the Mayor be a promotion by
 13 moving into the Department of Administration?
 14 A Pay scale and level. I went from a 7 to a 10.
 15 Q Okay. When you came on board in 1998, what was your
 16 range, classification?
 17 A A 6.
 18 Q A 6?
 19 A Yes.
 20 Q And do you remember in 1998 what was Ms. Figueroa's
 21 range, classification?
 22 A I believe it was a 7.
 23 Q A 7. And then when -- did there come a time when
 24 you became a 7?
 25 A Yes.

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1 Q At what point?
 2 A When I -- As soon as I came into the Mayor's office.
 3 Q How did that happen?
 4 A That's just the pay scale for that position.
 5 Q But you had stated previously, and I just want to
 6 understand, that you came in as a 6.
 7 A No, I was in block grant as a 6.
 8 Q Okay. So once you came into the Mayor's office, all
 9 the staff assistants, the entry level staff
 10 assistants were a 7?
 11 A That's my understanding.
 12 Q Okay. Was anyone working as a staff assistant who
 13 was higher than a 7 to your knowledge?
 14 A Yes.
 15 Q Who was that?
 16 A Most of the staff. Ruth, Steve Jacquart.
 17 Q Okay.
 18 A I'm not sure as to title. Staff assistant might not
 19 be their titles.
 20 Q I'm talking just about the specific staff
 21 assistants.
 22 A Oh, I don't know.
 23 Q Anyone that was higher than a 7?
 24 A Yes.
 25 Q Who was that?

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1 A It might have been Jeff Fleming I believe.
 2 Q Anyone else?
 3 A Not that I know of.
 4 Q What was Mr. Fleming's title?
 5 A He was a media communications person, so I'm not
 6 sure if it was -- I'm not sure if that was his
 7 title, staff assistant.
 8 Q To your knowledge were all other staff assistants 7
 9 as you were?
 10 A I don't know.
 11 Q Okay. Well, Marilyn was a 7; true?
 12 A That's what she said.
 13 Q Okay. What about Kimberly Pratt, was she a staff
 14 assistant to the Mayor?
 15 A I don't know what Kimberly's position was.
 16 Q To your knowledge was she a 7?
 17 A I don't know.
 18 Q What about Mr. Roland Perry?
 19 A He was a staff assistant.
 20 Q Was he a 7 to your knowledge?
 21 A I believe so.
 22 Q Do you know if Mr. Perry is still working for the
 23 Mayor's office?
 24 A No.
 25 Q Do you know when he left?

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1 A Do I know why he left?
 2 Q When?
 3 A When, I don't remember. It's been over a year.
 4 Q Okay. Do you know why he left?
 5 A I believe he was terminated.
 6 Q Do you know what reasons?
 7 A No.
 8 Q Do you know who terminated him?
 9 A I believe Soika terminated him.
 10 Q Who?
 11 A Soika.
 12 Q Mr. Soika?
 13 A Mike Soika.
 14 Q During the years that you performed for the Mayor's
 15 office as a staff assistant, did your title ever
 16 change?
 17 A No.
 18 Q All right. Did your classification, 7, ever change?
 19 A Yes.
 20 Q When did that happen?
 21 A Well, there is grades of 7, I mean you can be a 7
 22 level 2, 7 level 4, so each year there is, you know,
 23 I move up the scale.
 24 Q It's part of the --
 25 A Right.

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1 Q -- City policy?
 2 A I don't know if it's a policy but sometimes people
 3 move to a different scale, a 7 level 4.
 4 Q Do you know what level Marilyn Figueroa was at that
 5 time?
 6 A No. I believe she told me she was at the last, she
 7 was at the highest end of the 7.
 8 Q Within 7?
 9 A Right.
 10 Q Okay. Are these annual increases to maintain the
 11 increase in standards of living to your knowledge?
 12 A I don't know.
 13 Q Okay. Were these increases on the basis of
 14 performance, on the basis of seniority? What was
 15 your understanding?
 16 A I don't know.
 17 Q When you increased your levels within the 7 range,
 18 was that based on your performance to your knowledge
 19 or was that automatically done after a certain
 20 period of time?
 21 A I would -- Can I retract a statement, please?
 22 Q Go ahead.
 23 A I'm not sure, I would have to go back and review my
 24 grade scale, I'm not sure if I moved up in that two-
 25 and-a-half year period. I'm sure that I had -- I

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1 got an annual increase in pay but the scale, I'm not
 2 sure if the scale was consistent with that. I'd
 3 have to look at that.
 4 Q I understand. The increase in pay that you
 5 received, was that as a result of any sort of
 6 conduct?
 7 A No.
 8 Q That was just an annual increase that everybody
 9 would get?
 10 A Correct.
 11 Q Is that correct?
 12 A Correct.
 13 Q Do you recall, Mr. Miller, if you ever requested a
 14 reclassification of your position?
 15 A No.
 16 Q All right. Do you know if Marilyn ever requested a
 17 reclassification of her position?
 18 A She mentioned that she did.
 19 Q Okay. When did she tell you that?
 20 A I can't give you a date, a time. I don't remember
 21 when she told me.
 22 Q Can you tell me the year?
 23 A While we were -- during the time we worked there.
 24 The time we worked together, between '98 and when
 25 she left is when we worked together.

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1 Q The first time she mentioned to you anything about
2 reclassification, was that at the end of 1999 or --
3 A Before she left, right before she left she mentioned
4 it.
5 Q What did she tell you?
6 A She said she -- that she hadn't gotten a promotion.
7 Q Okay. Anything else?
8 A That's it.
9 Q Did she ever discuss promotions with you any time
10 before that time?
11 A Yes.
12 Q What did she say?
13 A She just told me how long she had been there and
14 that she wanted a promotion.
15 Q Okay. Did anyone else from the Mayor's office ever
16 mention anything related to Marilyn wanting a
17 reclassification, promotion?
18 A No.
19 Q Okay. Do you recall hearing anyone discuss Marilyn
20 Figueroa's reclassification or promotion?
21 A No.
22 Q Okay. Do you know what she was asking to be
23 promoted to?
24 A No.
25 Q Did she ever tell you that?

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1 A No.
2 Q Okay. Did she describe why in any way she wanted a
3 promotion or a reclassification, is that what she
4 told you?
5 A She wanted -- there was one job that she felt she
6 wanted to apply for but that job had already been
7 taken within the Mayor's office.
8 Q Which job?
9 A I don't know the title but I think it was, it might
10 have been Mike Dawson's old job.
11 Q Okay. Any other job?
12 A You mean in the Mayor's office? No.
13 Q Who got Mike Dawson's old job?
14 A I believe it was Brenda Wood.
15 Q Do you know when she got that job?
16 A No.
17 Q Was Brenda Wood working for the City, the Mayor's
18 office before you came on board in 1999, 1998?
19 A Yes, but I believe she was on maternity leave.
20 Q Do you know how long Brenda Wood was on maternity
21 leave?
22 A No.
23 Q Okay. Did anyone from the Mayor's office, and I
24 mean anyone that was employed there, ever talk to
25 you about Marilyn Figueroa?

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1 A Yes.
2 Q Who?
3 A Roland Perry.
4 Q Anyone else?
5 A Everyone.
6 Q Okay. Everyone meaning Kimberly Pratt?
7 A Yes.
8 Q Mr. Perry?
9 A Uh-huh, yes.
10 Q Ms. Wytttenbach?
11 A Yes.
12 Q Mr. Soika?
13 A No.
14 Q The Mayor?
15 A No.
16 Q Brenda Wood?
17 A Yes.
18 Q Tricia Geraghty?
19 A Yes.
20 Q When did she come on board?
21 A I don't remember.
22 Q Anyone else? Mr. Fleming?
23 A Yes.
24 Q Do you know Mr. Gillis?
25 A Yes, but he didn't, he didn't ask.

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1 Q He didn't?
2 A He never did.
3 Q Mr. Rowen?
4 A No.
5 Q Ms. Barb Candy?
6 A No.
7 Q Mr. Christofferson?
8 A No.
9 Q Was Mr. Christofferson the Chief of Staff when you
10 came on board?
11 A No.
12 Q Was it Mr. Rowen?
13 A Yes.
14 Q Okay. Do you know Florence Dukes?
15 A Yes.
16 Q Has she ever talked to you about Marilyn Figueroa?
17 A No.
18 Q What about, do you know Mr. Jeffrey Hansen?
19 A Yes.
20 Q Did he ever talk to you about Marilyn Figueroa?
21 A No.
22 Q What about Ms. Stawicki?
23 A Oh, Pat, no.
24 Q She never talked to you about Marilyn Figueroa?
25 A No.

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1 Q Did you ever talk to any of these people about
2 Marilyn Figueroa?
3 A Yes.
4 Q Okay. What about Ms. Huerta, did she ever talk to
5 you about Marilyn Figueroa?
6 A No.
7 Q Ms. Cubias, did she ever talk to you about
8 Ms. Figueroa?
9 A Yes.
10 Q Okay. Ms. Delaney, did she ever talk to you about
11 Marilyn Figueroa?
12 A Yes.
13 Q Okay. Anyone else, sir?
14 A No, that I can remember at this point.
15 Q The issues that these folks that you mentioned
16 discussed with you about Marilyn Figueroa and the
17 things you discussed with them about Marilyn
18 Figueroa, did you share any of that information with
19 any Chief of Staff?
20 A No.
21 Q With the Mayor?
22 A No.
23 Q All right. Did you ever complain to any Chief of
24 Staff about Marilyn Figueroa?
25 A No.

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1 members.
2 Q My question is did you speak to any Chief of Staff?
3 A Chief of Staff, okay, no, no.
4 Q Okay. All right. Did any of these people that you
5 just mentioned which I already identified on the
6 record, the ones that you believed talked about
7 Marilyn Figueroa, did any of them ever mention
8 Marilyn Figueroa's intimate relationship with the
9 Mayor before she left on January 4th of 2000?
10 A No.
11 Q All right. What about after January 2000, did any
12 of them say anything that would lead you to believe
13 that they knew of these rumors between Figueroa and
14 the Mayor?
15 A No.
16 Q All right. Did any of them complain about Marilyn
17 Figueroa?
18 A No.
19 Q Did you complain about Marilyn Figueroa?
20 A No.
21 Q After Marilyn Figueroa -- When you say around the
22 time she left, who did you talk to about Marilyn
23 Figueroa?
24 A In terms of the office or people?
25 Q Anything related, yes.

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1 Q To your knowledge did any of these people that you
2 just mentioned, Ms. Pratt, Mr. Perry,
3 Ms. Wyttenbach, Brenda Wood, Tricia Geraghty,
4 Mr. Fleming, Mr. Rowen, Ms. Cubias or Ms. Delaney
5 ever complain to the Chief of Staff about Marilyn
6 Figueroa to your knowledge?
7 A To my knowledge, no.
8 Q Okay. Did you ever complain to any Chief of Staff
9 about Marilyn Figueroa?
10 A No.
11 Q Did you ever discuss anything that you felt Marilyn
12 Figueroa had shared with you with any Chief of Staff
13 or with Mayor Norquist?
14 A Yes.
15 Q When did you do that?
16 A I don't remember.
17 Q Was it before Ms. Figueroa left or after?
18 A Right at the time when she left.
19 Q Meaning on January 4th?
20 A It's more in the time that she left, yes, January,
21 February.
22 Q January, February?
23 A Yes.
24 Q Who did you talk to?
25 A I believe I talked with some of the same staff

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1 A I don't remember.
2 Q What did you talk about?
3 A Newspaper articles.
4 Q What you were reading in the press?
5 A Yes.
6 Q What did you say about that?
7 A Nothing. It was the paper, what the paper said.
8 Q Mr. Miller, I asked you before -- we've been at this
9 for about an hour.
10 A Yes.
11 Q Whether or not you had discussed anything with
12 anyone about Marilyn Figueroa --
13 A Uh-huh.
14 Q -- after January 4th, and about a half hour ago you
15 said no.
16 A Okay.
17 Q Now you're telling me you spoke to about five or
18 seven people.
19 A Uh-huh.
20 Q Is there a reason why you are taking such an extreme
21 with first saying no and now you're telling me you
22 did?
23 A Because the date January 4th is not really
24 significant in my time scale. You keep harping on
25 that, and after the newspaper articles began to come

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1 out, people would mention, did you read this
 2 article, did you read that article. That was the
 3 extent of discussion so --
 4 Q Well, tell me, what did Ms. Pratt say to you about
 5 Marilyn Figueroa?
 6 A Nothing, in terms of what she read in the papers.
 7 Q Well, let's go back. You stated to me that these
 8 folks would talk about Marilyn Figueroa and you
 9 mentioned names.
 10 A In terms of what they read in the paper.
 11 Q Okay. So just so I understand, what you are telling
 12 me under oath here is that the conversations that
 13 you alluded to with respect to Ms. Pratt, Mr. Perry,
 14 Ms. Hyttenbach, Brenda Wood, Tricia Geraghty,
 15 Fleming, Rowen, Cubias and Delaney related to the
 16 articles in the newspaper?
 17 A In most cases.
 18 Q In most cases?
 19 A Yes.
 20 Q Do you recall any one instance where any of these
 21 individuals discussed with you anything other than
 22 what was being printed in the newspaper?
 23 A Prior to her leaving it was conversations of
 24 concern, what's wrong, you know, is she okay.
 25 Q Okay.

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1 A Are you communicating with her, is she okay.
 2 Q Okay.
 3 A So that was the extent of conversation.
 4 Q Okay. Who were some of the individuals that were --
 5 what I understand you are telling me is that people
 6 were concerned about her well-being?
 7 A Right, right.
 8 Q Is that correct?
 9 A Correct.
 10 Q All right. Now you clarified it for me. Thank you.
 11 I appreciate that. Then I don't see any
 12 inconsistency thus far. And I just want to know
 13 what you know. It's not about setting you up or
 14 anything. I just want to know what you know.
 15 A I understand.
 16 Q That is why I decided to talk to you. Which
 17 individuals made comments about Marilyn's
 18 well-being? I want to mention some of them.
 19 A Okay.
 20 Q Kimberly Pratt?
 21 A Yes.
 22 Q What did she say if you recall?
 23 A Is she okay, is she going to come back.
 24 Q Okay. What about Mr. Perry?
 25 A What's going on, is she okay.

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1 Q Okay. What about Ms. Hyttenbach?
 2 A Is she okay.
 3 Q Okay. Brenda Wood?
 4 A Yeah, is she okay, why is she so upset.
 5 Q Ms. Geraghty, any comments about Marilyn Figueroa?
 6 A Is she okay, why is she upset.
 7 Q Mr. Fleming?
 8 A Same thing.
 9 Q What about Mr. Rowen?
 10 A Same thing.
 11 Q Cubias?
 12 A No, Cubias was more -- Cubias had known Marilyn from
 13 the activities in the Latino community.
 14 Q What kinds of comments would she make?
 15 A She didn't really have an opinion.
 16 Q Okay. Ms. Delaney, any comments that she may have
 17 shared with you?
 18 A No, no.
 19 Q Let me see if I can summarize what we have so far.
 20 What I understand is that you never discussed
 21 Marilyn Figueroa with any Chief of Staff or the
 22 Mayor after she left the workplace; correct?
 23 A Correct.
 24 Q You never discussed anything with relation to
 25 Marilyn Figueroa with any Chief of Staff or the

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1 Mayor before she left the workplace?
 2 A Yes, I did.
 3 Q What did you discuss?
 4 A How is she doing.
 5 Q Who did you discuss that with?
 6 A I believe it was Jim Rowen asked me how is she
 7 doing.
 8 Q Was Mr. Rowen the Chief of Staff at the time you
 9 discussed Marilyn Figueroa?
 10 A Well, this was before she, you know, this was prior
 11 to her leaving, she was going through some changes
 12 and she was taking some time off and he asked me how
 13 is she doing and, you know, things like that.
 14 Q When did she take time off to your recollection?
 15 A I don't remember.
 16 Q Was it just before she left the office?
 17 A No, when I began she would take, you know, time off
 18 meaning not sick time but she would be involved in,
 19 you know, she would leave for a day, be involved in
 20 community activities or whatever. Sometimes she'd
 21 take sick time off.
 22 Q Okay. You stated to me that Marilyn Figueroa
 23 never shared or intimated anything with respect to
 24 Mayor Norquist to you; is that accurate?
 25 A No, that's not accurate.

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1 Q Okay. Did she ever intimate anything with respect
2 to Mayor Norquist?
3 A Yes.
4 Q When did she do that, before or after she left?
5 A Right before she left.
6 Q Okay. What did she say to you?
7 A She just mentioned that she was uncomfortable being
8 in the office with him alone.
9 Q Anything else?
10 A That she didn't like the way he looked at her.
11 Q Anything else?
12 A She inferred that he would look at her in a sexual
13 way, you know.
14 Q Anything else?
15 A That's it.
16 Q Have you received any training in the areas of civil
17 rights?
18 A Yes.
19 Q Okay. You understand that you are protected
20 whenever you give testimony in any type of
21 discrimination claim?
22 A Yes.
23 Q You understand that?
24 A Yes.
25 Q Okay. How many times did Marilyn show concerns-

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1 about feeling uncomfortable whenever the Mayor was
2 around her or close to her or in her vicinity?
3 A I don't remember. She told me once.
4 Q Several times? Once?
5 A No, she just told me once or twice.
6 Q That would have been in 1999?
7 A We were out to lunch. Yeah, in 1999, right before
8 she left.
9 Q Okay. But she was still working for the office?
10 A She was still working.
11 Q You did not know she was going to leave?
12 A No. She was always talking about it.
13 Q Okay. But she didn't tell you when she was going to
14 leave?
15 A No.
16 Q When she talked about leaving, was that in
17 conjunction with her concerns about being around the
18 Mayor?
19 A No.
20 Q Okay. How many times did she tell you she was going
21 to leave?
22 A When she didn't get the job that she felt she
23 deserved.
24 Q Was that back in 1998?
25 A I believe it was '99. Brenda Wood's position, after

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1 Mike Dawson left and Brenda Wood took over for that
2 position.
3 Q That would have been when --
4 A Whenever.
5 Q -- Brenda Wood --
6 A Yes.
7 Q Did she ever leave?
8 A Marilyn?
9 Q Yes.
10 A No. Not at that point.
11 Q Okay.
12 A After that point.
13 Q Do you recall at that point, I believe around early
14 1999, February or March when Marilyn resigned from
15 her position temporarily, left for some days after
16 Brenda Wood got the position?
17 A I don't remember the specific dates but I do know
18 she left for a few days.
19 Q Okay. Let me just tell you this. Mr. Rowen
20 testified that she issued a written resignation to
21 him and she left for 10 or 11 years -- days, excuse
22 me.
23 A Days.
24 Q Do you recall that?
25 A I don't remember the length of time but I know she

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1 did leave.
2 Q Okay. Did anyone tell you that she had resigned,
3 she had issued a written resignation?
4 A I don't -- I would remember that. No. I would
5 remember that. No, no one told me.
6 Q Did she ever share with you that she had resigned?
7 A Yes.
8 Q At what point did she tell you that in 1999?
9 A She called me.
10 Q Okay. While she was out?
11 A Yeah.
12 Q What did she tell you, she resigned?
13 A She said she was not coming back, she resigned,
14 she's not coming back.
15 Q Okay. Did she tell you anything else?
16 A No. It was based on the job that, not getting the
17 job.
18 Q Okay. And did she tell you anything else other than
19 that?
20 A That she felt overworked and she was doing so many
21 different things in the community, working on the
22 campaign and she had two children, she was just
23 tired.
24 Q Okay. How many contacts did you have with her other
25 than that telephone call while she was out?

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1 A Out, I don't remember, not many. Maybe a couple.
 2 Q Okay. What did she say the second contact?
 3 A Probably, I believe I asked her how she was doing,
 4 you know, and the extent of it was how she was
 5 doing.
 6 Q What did she say?
 7 A She probably -- I don't remember specifically but
 8 she reiterated that she was tired, you know.
 9 Q At that point did she say anything about coming back
 10 or was she still set on not coming back?
 11 A Set on not coming back I believe.
 12 Q Okay. Were you at that point, were you in any way
 13 close to her as a friend?
 14 A Yes.
 15 Q Okay. She talks about talking to you most of the
 16 time. Would that be accurate?
 17 A She talked to me quite a bit.
 18 Q Okay. All right. In early 1999 did she ever share
 19 the same concerns that she shared with you in late
 20 1999, that she felt uncomfortable when the Mayor was
 21 around? Did she ever tell you not to leave when the
 22 Mayor was around?
 23 A In late 1999?
 24 Q No, early 1999.
 25 A No.

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1 Q Okay. Did there come a time when she returned to
 2 work?
 3 A Yes.
 4 Q And I'm talking about early 1999.
 5 A Early 1999, yes, she eventually returned.
 6 Q Did you talk to her about why she returned?
 7 A No.
 8 Q Did she ever tell you why she returned?
 9 A No. Yeah, well, she was ready to work on the
 10 campaign, be working on the campaign.
 11 Q Okay. Did she ever share with you the conditions
 12 that would allow her to return after she had left
 13 early in 1999?
 14 A No.
 15 Q Did she ever tell you that she was expecting to be
 16 reclassified upon her return?
 17 A No.
 18 Q Did you ever know that her position was being
 19 studied for reclassification?
 20 A No.
 21 Q Did you ever know that she was being contemplated as
 22 a potential reclassification, at least her position
 23 was?
 24 A No.
 25 Q Did Mr. Rowen ever tell you that?

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1 A For that particular position?
 2 Q Right.
 3 A No, we didn't, I don't remember.
 4 Q Did you ever know or learn whether any staff
 5 assistant position was being studied for
 6 reclassification in 1999?
 7 A No.
 8 Q Okay. Do you know if any staff assistant position
 9 was ever reclassified in 1999?
 10 A No.
 11 Q All right. Did you ever question Marilyn why all of
 12 a sudden she returned if she was so set on not
 13 coming back?
 14 A No, I didn't press it.
 15 Q She didn't volunteer?
 16 A No. She basically focused on the campaign.
 17 Q Okay. Before you joined the Mayor's office in 1998,
 18 did you ever work for the campaign of Mayor
 19 Norquist, before 1998?
 20 A Yes.
 21 Q What years?
 22 A No, I didn't. No, I didn't.
 23 Q After you joined the Mayor's office --
 24 A Then I worked.
 25 Q You did?

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1 A Then I worked.
 2 Q What years?
 3 A '99.
 4 Q What did you do?
 5 A They dropped phone calls, organizing community
 6 meetings, outreach.
 7 Q I suspect as the reelection of 2000 became closer, I
 8 suspect you worked lots of hours?
 9 A Yes.
 10 Q When you worked lots of hours, did you get comp time
 11 to make up for the time you had invested in the
 12 campaign?
 13 A Yeah. That was optional.
 14 Q How would you take your comp time?
 15 A Come in a couple hours later or take some time off.
 16 Q Was that pretty much the practice?
 17 A Yeah, it was pretty much optional.
 18 Q All right. Would you keep track of your hours
 19 during campaign?
 20 A No.
 21 Q It was pretty much understood that you --
 22 A Yes.
 23 Q -- could take some time off?
 24 A Right.
 25 Q But you obviously had to tell the office when you

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1 were taking some comp time as a result of the work
 2 you had put into the campaign?
 3 A Yeah, you called it in.
 4 Q Okay. Who would you notify of that?
 5 A You would just call the front office. If Rowen is
 6 not in, if the Chief of Staff is not in, you leave
 7 the message with Danae.
 8 Q So you would just say I'm taking some comp time?
 9 A That I'll be in at 10:30 instead of 8:30.
 10 Q It was understood then because you had worked late?
 11 A I worked last night until 10:00.
 12 Q All right. Do you recall if Marilyn also took comp
 13 time due to the work she was doing?
 14 A I don't know if it was comp time but she would take
 15 time off. She would come in late.
 16 Q Okay. So it was like a silent understanding that
 17 you could take time off for the time you put into
 18 the campaign?
 19 A Yes.
 20 Q All right. Did you ever do any political
 21 campaigning from the office?
 22 A No.
 23 Q Like calling people or sending magazines?
 24 A No.
 25 Q Pamphlets, anything of that nature?

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1 A No, I didn't.
 2 Q All right. Do you know, Mr. Miller, why Marilyn
 3 Figueroa left the job, and I'm talking about based
 4 on evidence or information that you had.
 5 A I know what she told me.
 6 Q What did she tell you?
 7 A The reason she told me, race, discrimination.
 8 Q Anything else?
 9 A No.
 10 Q Okay. Anything else that, other than race,
 11 discrimination?
 12 A That was the deciding factor. That was the key.
 13 Q Okay. But did you know that she had other factors
 14 other than race?
 15 A Other issues, yes.
 16 Q Like what issues?
 17 A The issue of the Mayor and her office but that was
 18 vague, very vague.
 19 Q She told you that obviously the Mayor was looking at
 20 her in a sexual way, --
 21 A Right.
 22 Q -- as you put it on the record. And she also told
 23 you that she didn't like the way he looked at her at
 24 work?
 25 A Correct.

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1 Q And told you that she was not comfortable being with
 2 him alone?
 3 A Correct.
 4 Q All right. So there could have been also some type
 5 of other, other type of complaint as well, at least
 6 based on what she was telling you?
 7 A Yeah, right.
 8 Q Did you ever tell her anything or respond to her
 9 comments when she told you she was feeling
 10 uncomfortable about the way the Mayor was looking at
 11 her?
 12 A Yes. I told her to express it.
 13 Q Okay.
 14 A Verbally.
 15 Q To tell.
 16 A To explain it.
 17 Q Okay, all right. You told me at the beginning of
 18 your deposition that you had spoken to Marilyn
 19 several times, one after she left over the phone?
 20 A Uh-huh.
 21 Q Is that correct?
 22 A That's correct.
 23 Q Okay. And other occasions before she left; correct?
 24 A That's correct.
 25 Q Was one of those occasions the one that you already

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1 mentioned when she told you that she was feeling
 2 uncomfortable around the Mayor?
 3 A I believe before she actually left one time she came
 4 by my house.
 5 Q Okay.
 6 A Yeah.
 7 Q And what did you discuss?
 8 A She told me she was, again she was leaving.
 9 Q Okay.
 10 A And then she said she's not coming back this time.
 11 Q Okay. Anything else?
 12 A And she told me she was filing a discrimination suit
 13 against the City for racial discrimination.
 14 Q Anything else?
 15 A She told me she had an attorney and she told me that
 16 she had to give her attorney a document, a written
 17 document about the issues, and she asked me not to
 18 say anything about it and she gave me the document.
 19 Q She gave you a document?
 20 A Yes.
 21 Q And did you keep that document?
 22 A No. I read a page of it there in her presence.
 23 Q And what did you do with that document?
 24 A I gave it back to her and suggested that she not
 25 share this with anyone else and that I didn't want

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1 to really get involved in it, the extent.
 2 Q Did you ever read that document?
 3 A No. I read a page and a half of it and I gave it
 4 back to her and asked that we refrain.
 5 Q Okay. Was it in penmanship or in typewritten form?
 6 A I believe it was typewritten.
 7 Q Okay. And was that the telephone -- was that during
 8 the telephone call you had with her after she left?
 9 Let me just assist you.
 10 A Yeah.
 11 Q I think that the record reflects that Marilyn didn't
 12 have an attorney until after she left.
 13 A Okay. Well, it must have been after she left.
 14 Q Okay. And the document, the page that you read or
 15 whatever you read, did you disclose that information
 16 with anyone?
 17 A No.
 18 Q To this date have you disclosed --
 19 A No.
 20 Q -- that information with anyone?
 21 A No.
 22 Q In that document did you read anything with respect
 23 to the fact that the Mayor was using his position to
 24 obtain sex --
 25 A No.

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1 Q -- from Ms. Figueroa?
 2 A No.
 3 Q So as I understand, you didn't read the whole --
 4 A The whole document.
 5 Q -- the whole document?
 6 A No.
 7 Q Okay. Do you know, did she mention who had assisted
 8 her in putting that document together?
 9 A Her first attorney. I don't remember the name.
 10 Q Was it Mr. John Fuchs?
 11 A Fuchs I believe it was.
 12 Q Okay, sir, obviously it would have been after she
 13 left.
 14 A Okay.
 15 Q Okay. And as I understand now you're giving me two
 16 contacts after she left, one by telephone and
 17 another one when she came to your house.
 18 A Right.
 19 Q Is that --
 20 A Correct.
 21 Q Is that what you wish to clarify for the record?
 22 A Yes, yes.
 23 Q Okay. Now, the telephone contact, when did that
 24 take place, before she came to your house or after?
 25 A After I believe.

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1 Q What was exchanged between you and Marilyn at that
 2 time?
 3 A She told me that you told her to call me and told
 4 her to call me to get some of the Mayor's calendars.
 5 She said she needed, that you were kind of
 6 pressuring her to get the calendars and asking me to
 7 go in the Mayor's calendars and I said that that
 8 would cost me my job and that would be illegal and
 9 then she was kind of disappointed and then she
 10 called me back. I don't know if she called me back.
 11 I think I told her I couldn't do it.
 12 Q Okay.
 13 A And then that was it. I never heard from her again.
 14 Q All right. Did you disclose that phone call to
 15 anyone?
 16 A No.
 17 Q Did you discuss any of this with the City Attorneys?
 18 A No.
 19 Q All right. And I just want you to know that I
 20 concur with you, that you did the right thing by not
 21 getting those records.
 22 A I know.
 23 Q All right. So you haven't had any contact since --
 24 A No.
 25 Q All right. Prior to her leaving, any other

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1 significant discussion that you may have had which
 2 may have any type of relevance to this case?
 3 A Her concern to me and to the other African-American
 4 employee was race.
 5 Q Okay.
 6 A That's what she based everything on.
 7 Q This phone call that she had made to you, did she
 8 mention the name of the attorney that was asking you
 9 to obtain the Mayor's calendars?
 10 A Yeah.
 11 Q Who? Which name did she assign?
 12 A She told me she had a new attorney in Madison.
 13 Q Obviously that telephone contact must have occurred
 14 in late 2000; correct?
 15 A It could of. I don't remember the date. I didn't
 16 catalog my conversations and I didn't really put it
 17 in my memory bank.
 18 Q All right. Who was the other employee that Marilyn
 19 talked to about race issues?
 20 A The other African-American.
 21 Q Was that Roland Perry?
 22 A Roland, yeah.
 23 Q All right.
 24 A Not directly. She would talk with me and then I
 25 would talk with him, and she mentioned it to him

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1 once or twice.
 2 Q So what was -- what did she say with respect to
 3 race?
 4 A Well, we were new employees basically and she had
 5 been there for years and she was suggesting to us
 6 that there was -- she felt that there was racial
 7 separation within the structure of the office.
 8 Q And any other issues that she may have raised with
 9 respect to race?
 10 A That was her emphasis.
 11 Q Did she in any way mention lack of promotions and
 12 the reclassifications on the basis of race?
 13 A No. It was -- the emphasis was on what she felt was
 14 access to, the community to the Mayor's office.
 15 Q All right.
 16 A And to the City departments.
 17 Q Okay. Anything else?
 18 A Not that I can remember at this point.
 19 Q Okay. And she began to share that information with
 20 you in early, well, as soon as you came on board?
 21 A As soon as I came on board.
 22 Q All right. And during the years that you worked
 23 with Marilyn Figueroa, did she mention anything
 24 about -- when you say separation, are you talking
 25 about separation on the basis of race?

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1 A Well, she would call them cliques, you know.
 2 Q Did she ever use the term two-tier system?
 3 A Yes.
 4 Q Okay. And by that what did you understand she was
 5 saying?
 6 A Cliques, that she and I gravitated toward each other
 7 and that she felt that the whites gravitated toward
 8 each other.
 9 Q Did she complain that people of color within the
 10 Mayor's office did not participate in policymaking
 11 decisions?
 12 A Yeah, she mentioned that I believe.
 13 Q Okay. That the Mayor was not doing enough contacts
 14 with minority communities?
 15 A No.
 16 Q Or making himself available to talk to minority
 17 communities?
 18 A No, she didn't say that because that wasn't the case
 19 at the time.
 20 Q You stated access to the Mayor.
 21 A Right.
 22 Q Is that what she was complaining?
 23 A But it wasn't from the minority community. She was
 24 talking about her and the staff having access to the
 25 Mayor.

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1 Q Okay. If I understand what you're saying, she was
 2 complaining that minority staff didn't have access
 3 to the Mayor?
 4 A Access, right.
 5 Q As much as the white folks?
 6 A Right.
 7 Q Is that right? During the entire period of time
 8 that you worked for the Mayor's office, did you see
 9 some merit to what she was saying?
 10 A In the context of my job, no.
 11 Q Okay. In any other context?
 12 A I really didn't put a lot of emphasis on that from
 13 my position as the outreach person. I had no
 14 reason, I really didn't focus on that because I was
 15 out, out and that was our job.
 16 Q All right. So you believe she was -- let me see if
 17 I understand what you're saying. What you are
 18 saying is you didn't really pay attention to that?
 19 A I looked at her complaints but because she had
 20 encouraged me to come there and before I came there
 21 I asked her specifically about that issue and she
 22 said it was cool so I took the job so when I got
 23 down there, I just went right to work and I began to
 24 do things that I felt to get the people to the Mayor
 25 from the community.

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1 Q Okay.
 2 A And I didn't have a problem doing that.
 3 Q So what are you telling me, that her views were
 4 wrong or that you didn't pay any attention to her
 5 views?
 6 A I'm not saying they were wrong. I didn't pay any
 7 attention to them. I'm saying that I had a job to
 8 do.
 9 Q All right. You were concentrating on your job?
 10 A I was concentrating on my job.
 11 Q You didn't have time to verify whether or not what
 12 she was saying was accurate?
 13 A Well, I listened and I watched but I had to do my
 14 job.
 15 Q You listened and watched what she -- you listened to
 16 what she was saying?
 17 A I listened to what she talked about, yeah.
 18 Q I guess what I'm not clear on so I can move on is
 19 you didn't pay attention to whether or not there was
 20 in fact a two-tier system or you didn't see any or
 21 was there any?
 22 A It could have been interpreted that depending on how
 23 you looked at it.
 24 Q Okay.
 25 A You know.

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1 Q Do you remember Marilyn complaining about a Hispanic
2 box system within the Mayor's office?
3 A She -- yeah, she inferred that.
4 Q Do you recall what she meant by that if you know?
5 A That she was assigned to the Latino community.
6 Q Okay. What about you, were you assigned to just the
7 Afro-American community?
8 A That was one of my assignments.
9 Q Okay. What other assignments did you have?
10 A I was assigned to the police department, fire
11 department, various large organizations, Red Cross,
12 I mean just vast, you know, vast amount of
13 assignments.
14 Q So you had a good mix?
15 A Yeah, I had a big mix, departments, boards of
16 organizations.
17 Q Okay. Do you recall any one time when the Mayor was
18 critical of your performance?
19 A No.
20 Q Do you recall at any one time when he was commending
21 your performance?
22 A A gesture, verbal, good job.
23 Q Is that what he would say?
24 A Yeah.
25 Q All right. Did Marilyn ever tell you that the Mayor

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1 had asked her to come back when she quit back in
2 early March of 1999 or thereabouts?
3 A Yes, I believe she did.
4 Q And did she tell you that he had promised her a
5 promotion?
6 A I don't remember that, her saying that to me.
7 Q Did she ever tell you that he had promised her an
8 increase in responsibilities?
9 A Yes. She -- no, I think it was Rowen. She might
10 have said that Rowen had said he would look into it
11 or something like that.
12 Q Okay.
13 A They would reevaluate it, her position.
14 Q Have you reviewed the testimony of Mr. Rowen?
15 A No.
16 Q Okay. Has anyone talked to you about what Mr. Rowen
17 testified?
18 A No.
19 Q All right. I just want to be clear. Did she tell
20 you in any manner that the Mayor had, I think you
21 did say yes, asked her to come back?
22 A Yes.
23 Q All right. And did he -- did she tell you why the
24 Mayor asked her to come back?
25 A Why did he ask her?

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1 Q Right.
2 A Because she was needed, she was key to the office,
3 to what we were doing.
4 Q Do you recall whether or not she told you how the
5 Mayor asked her to come back and where?
6 A She mentioned that he called her.
7 Q Okay.
8 A At home.
9 Q All right.
10 A And asked her to return to work.
11 Q Okay. Did she ever tell you that the Mayor went to
12 her home directly?
13 A No.
14 Q Okay. During all of the years that you worked with
15 Marilyn Figueroa, did she ever disclose to you that
16 the Mayor would visit her home?
17 A No.
18 Q Okay. Did anyone ever mention that to you?
19 A No.
20 Q Okay. Have you told me everything that Marilyn
21 shared with you by way of complaints?
22 A To my recollection, yes.
23 Q Okay. Have you told me everything that Marilyn
24 talked to you about after she left?
25 A Yes.

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1 Q Okay. Did anyone ever talk to you about Marilyn
2 being a promiscuous woman before she left on
3 January 4th of 2000?
4 A No.
5 Q Okay. Did you ever discuss or did Marilyn ever
6 discuss with you any relationships with other men?
7 A Her husband.
8 Q Okay. Anyone else other than her husband?
9 A She mentioned a young man that she had met. She was
10 very vague about it. She just said I met this guy
11 and he seems like a nice guy and that was it.
12 Q Those were the only two incidents?
13 A Yes.
14 Q Okay. When did she mention this guy that you're
15 referring here to today?
16 A It was during -- when I first got there, '98.
17 Q '98 or so?
18 A Yeah.
19 Q Okay. Did she ever mention that guy again?
20 A No.
21 Q All right. Did you ever see Marilyn with anyone?
22 A No.
23 Q All right. With respect to the husband, what did
24 she say?
25 A That he was back in Milwaukee and wanted to see the

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1 kids.
2 Q Anything else?
3 A And she told me, I think she told me he was going
4 back to Florida or something, you know.
5 Q Anything else that she mentioned about her husband?
6 A A little bit of history of the relationship and the
7 marriage.
8 Q How did she describe the relationship?
9 A Abusive somewhat.
10 Q Anything else?
11 A That's it.
12 Q When she told you that he was back in Milwaukee, was
13 she afraid, fearful?
14 A No. She didn't seem fearful.
15 Q Okay. Anything else?
16 A No.
17 Q Did she ever tell you -- When she was talking about
18 her husband, did she ever tell you how she felt
19 about her husband in spite of the abusive
20 relationship?
21 A No. She put more emphasis on the emotional
22 stability of the children, you know, that she wanted
23 the children to be okay.
24 Q In 1999 when the people that you described before,
25 the people in the Mayor's office were mentioning to

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1 you concerns about Marilyn's well-being, was there a
2 reason why people were concerned about her
3 well-being? Was there anything that was noticeable
4 on Marilyn's part that would lead people to be
5 concerned about Marilyn?
6 A She would be upset sometimes.
7 Q Okay.
8 A Sometimes she would not make the staff meetings.
9 Q Okay.
10 A You know.
11 Q All right.
12 A And so there was a concern.
13 Q Do you recall any time in 1999 when Marilyn Figueroa
14 complained about abdominal pains or stress?
15 A Yes.
16 Q Do you recall what she said?
17 A No. She just told me she was going to the doctor
18 and she was having some problems, abdominal
19 problems.
20 Q Given what she says about her closeness to you, do
21 you recall any one time when Marilyn would cry and
22 tried to talk to you?
23 A Yeah.
24 Q Tell me, describe that.
25 A We would go out to lunch and she would talk about

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1 how, you know, how she felt isolated there and then
2 she would start to just cry and she would never get
3 into details, just told me that I didn't understand.
4 That's it.
5 Q Do you feel that there was something else that she
6 wouldn't come out and tell you?
7 A Right, but she wouldn't tell me.
8 MR. ARELLANO: Okay. Let's go off
9 the record.
10 (Discussion held off record)
11 (Recess)
12 Q Have you disclosed all of the conversations you had
13 with Marilyn Figueroa regarding her complaints
14 against the Mayor's office?
15 A To you?
16 Q Yes.
17 A Yes.
18 Q Okay. And obviously you have disclosed all of the
19 contacts you had with Ms. Figueroa after she left
20 the City employment?
21 A Yes.
22 Q Is that correct? And your testimony is that you
23 have not been interviewed and/or disclosed any of
24 the information that you obtained from Ms. Figueroa
25 with any Chief of Staff or Mayor Norquist?

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1 A No.
2 Q Is that correct? Anyone that says that you did, it
3 would be a lie?
4 A It would be a lie.
5 MR. ARELLANO: Thank you. That's
6 all I have, Mr. Miller. Nice meeting you.
7 THE WITNESS: Nice meeting you.
8 Thank you.
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14 (adjourning at 10:30 a.m.)
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1 STATE OF WISCONSIN)
2 COUNTY OF DANE) ss.
3 I, PEGGY S. CHRISTENSEN, a Registered Professional
4 Reporter and Notary Public in and for the State of
5 Wisconsin, do hereby certify that the foregoing
6 deposition was taken before me at the offices of Murphy,
7 Gillick, Wicht & Prachthauser, Attorneys at Law, 330
8 East Kilbourn Avenue, City of Milwaukee, County of
9 Milwaukee, and State of Wisconsin, on the 15th day of
10 April 2002, that it was taken at the request of the
11 Complainant, upon verbal interrogatories; that it was
12 taken in shorthand by me, a competent court reporter and
13 disinterested person, approved by all parties in
14 interest and thereafter converted to typewriting using
15 computer-aided transcription; that said deposition is a
16 true record of the deponent's testimony; that the
17 appearances were as shown on Page 3 of the deposition;
18 that the deposition was taken pursuant to Notice and
19 Subpoena Duces Tecum; that said MICHAEL MILLER before
20 examination was sworn by me to testify the truth, the
21 whole truth, and nothing but the truth relative to said
22 cause.

Dated: April 22, 2002.

Registered Professional Reporter
Notary Public, State of Wisconsin
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