

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

MARILYN FIGUEROA,

Complainant,

-vs-

CITY OF MILWAUKEE,

Respondent.

ERD Case No.
CR200003454

Continuation of Videotape Deposition of:

JOHN O. NORQUIST

(Volume III)

Milwaukee, Wisconsin
March 26, 2002

Reporter: Tania Northouse, RDR, CRR

VOLUME III of VIDEOTAPE DEPOSITION of

JOHN O. NORQUIST, called as a witness, taken at the instance of the Complainant, under the provisions of Chapter 885 of the Wisconsin Statutes, pursuant to notice and subpoena duces tecum, before Tania Northouse, a Registered Diplomate Reporter and Notary Public in and for the State of Wisconsin, at the offices of Murphy, Gillick, Wicht & Prachthauser, Attorneys at Law, 330 East Kilbourn Avenue, City of Milwaukee, County of Milwaukee, and State of Wisconsin, on the 26th day of March 2002, commencing at 8:37 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.

BRUCE D. SCHRIMPF and LEONARD A. TOKUS, Assistant
City Attorneys, and THOMAS HAYES, Special Deputy
City Attorney, for CITY OF MILWAUKEE,
200 East Wells Street, Milwaukee, Wisconsin,
appearing on behalf of the Respondent.

LESTER A. PINES, Attorney,
for CULLEN, WESTON, PINES & BACH, Attorneys at Law,
122 West Washington Avenue, Madison,
Wisconsin, appearing on behalf of the witness.

Also present: Cheri Garcia and
Barbara Teipner-Wargolet

331

I N D E X

WITNESS

JOHN O. NORQUIST

Examination by Mr. Arellano

Page(s)

332

E X H I B I T S

No.

Description

Identified

4

Letter To Whom It May Concern
1/21/00 from Dr. Loiben

460

(Attached to the original transcript and
copies provided to counsel)

(Original transcript filed with Attorney Arellano)

330

JOHN O. NORQUIST

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

EXAMINATION

By Mr. Arellano:

Q Good morning, Mr. Norquist.

A Good morning.

Q This is a continuation of your previous deposition.

And obviously we're going to be questioning you this morning while you are under oath. And if for some reason you don't understand my question again, please feel free to let me know.

A Will do.

Q I would ask that you address my questions as opposed to wandering into areas that may not relate to the question.

If you feel that you need to have my question reread back, repeated, modified, please let me know. I just want to make sure that when we try this case we know we understood each other at your deposition. Is that fair?

A Yes.

Q Okay, very good. Before coming here today what, if any, records did you review, Mr. Norquist?

332

1 A None.
 2 Q From the last deposition that was taken of you to
 3 today, what records have you reviewed?
 4 A None.
 5 Q So have you produced any records today in response
 6 to our previous subpoena that was issued to you?
 7 A I'd have to defer that to counsel. We did find the
 8 date that we discussed at the last deposition of the
 9 meeting concerning Fond du Lac and North Avenue, so
 10 we have that for you.
 11 Q And --
 12 A I don't have it, have the paperwork, but the
 13 attorneys have it.
 14 Q How many records are we talking about?
 15 A It was just finding something on the schedule.
 16 Q Which schedule?
 17 A My schedule.
 18 Q Your calendar?
 19 A Correct.
 20 Q Tell me specifically what did you find.
 21 A The date when there was a meeting at Fond du Lac --
 22 at the Monumental Baptist Church which is a few
 23 blocks away from the intersection of Fond du Lac and
 24 North Avenue. It was an early evening, late
 25 afternoon meeting dealing with the development of

333

1 the neighborhood and the rebuilding of the street
 2 on Fond du Lac Avenue.
 3 Q And what is the significance of that date,
 4 Mr. Norquist?
 5 A That was a date when the, the meeting was one that
 6 Marilyn Figueroa wasn't specifically assigned to,
 7 but we mutually agreed that she would go there and
 8 then I'd get a ride home from her, which
 9 I did.
 10 Q In what year are we talking about?
 11 A I'm going to have to get you that a little later.
 12 Q Just give me a rough estimate of what year is in
 13 your mind with respect to that meeting.
 14 A It would be better -- we have the answer. Why don't
 15 we just get it.
 16 MR. TOKUS: What is that?
 17 THE WITNESS: Ruth gave that to
 18 Bruce yesterday.
 19 MR. TOKUS: Bruce?
 20 MR. SCHRIMPF: Ruth called in with
 21 a date yesterday and I wrote it down, but I
 22 don't remember it.
 23 A We'll have to get it later. I can get -- my rough
 24 guess is May of '97. It was something like May 19th
 25 of '97. But we can get the exact answer. If you

334

1 can look it up, it's better than guessing.
 2 Q I understand.
 3 A We should be able to get that during this day.
 4 Q What I understand you're telling me, at least in
 5 part, that you looked at your personal or a business
 6 calendar? What is it, a business calendar, a
 7 personal calendar?
 8 A My schedule.
 9 Q Your schedule. Which is kept by Ms. Wytenbach?
 10 A Correct.
 11 Q In 1997?
 12 A I believe. I mean we can get the exact date later
 13 on.
 14 Q I understand. And you, by looking at the calendar
 15 you were able to come up with a date when you had a
 16 meeting with Marilyn Figueroa?
 17 A After the meeting, right.
 18 Q After the meeting.
 19 A Correct.
 20 Q And as I understand it, that was in your view the
 21 time when you had a sexual encounter with
 22 Marilyn Figueroa after the meeting?
 23 A We did not have intercourse, but we went in her
 24 truck. As I said at the last deposition, we went to
 25 Canal Street, the valley near the Wisconsin Electric

335

1 Power plant. We parked for awhile.
 2 Q That was the incident where you engaged in some type
 3 of sexual exchange with Marilyn Figueroa in the
 4 streets of Milwaukee, one of the streets of the City
 5 of Milwaukee which did not include sexual
 6 intercourse?
 7 A Correct.
 8 Q Is that correct? All right. And just so I can put
 9 it in proper context, I think what you're telling me
 10 is that there was a work related meeting where
 11 Marilyn met you?
 12 A Uh-huh.
 13 Q And from there you then rode in her truck and
 14 eventually stopped in some city street?
 15 A And then she took me home.
 16 Q Is that correct? All right. What was the subject
 17 of this --
 18 A It's correct only that I would point out that it was
 19 not work that she was assigned to. She just came to
 20 it and at the end of the meeting saw what was
 21 happening at the meeting and I rode home with her.
 22 Q Did you ask Marilyn to meet you at the meeting, in
 23 spite of the fact that she was not, as you put it,
 24 assigned to that meeting?
 25 A We mutually agreed that that was an opportunity to

336

1 meet. We met there. She could have easily said no
 2 if she didn't want to go. Okay, I know you didn't
 3 ask that.
 4 Q I understand that's your position, sir.
 5 A Yeah.
 6 Q I just want to know what happened.
 7 A Right.
 8 Q Did you ask Marilyn to meet you at that particular
 9 meeting?
 10 A I wanted her to meet me at the meeting.
 11 Q And can you tell me what was the nature of that
 12 meeting?
 13 A Of the meeting at Fond du Lac and North or the
 14 meeting for Marilyn and I?
 15 Q I'm talking about the business meeting that you
 16 attended before.
 17 A It was a, sort of a neighborhood town hall type
 18 meeting around issues that have to do with
 19 Fond du Lac and North.
 20 Q Which staff assistant --
 21 A Steve Taylor.
 22 Q Let me just remind you one thing.
 23 A Okay.
 24 Q I think you and I understand each other. But the
 25 court reporter needs to get my entire question on

337

1 the record.
 2 A Okay, excuse me.
 3 Q And then I will give you an opportunity to provide
 4 me an entire answer. Is that okay?
 5 A Yeah.
 6 Q Otherwise she's going to --
 7 A I thought you'd finished. I apologize for that.
 8 Q That's fine. Which staff assistant was assigned to
 9 this particular neighborhood, if anyone?
 10 A Well, Steve Taylor was assigned to this meeting and
 11 to the issue of Fond du Lac and North. We don't
 12 normally -- I've never assigned neighborhoods to
 13 particular people.
 14 Q But your recollection is that Mr. Taylor would have
 15 been the person --
 16 A He was.
 17 Q -- assigned to this particular meeting?
 18 A Yes, he was. He was there.

19 MR. TOKUS: Counsel, I have that
 20 date for you now if you'd be interested in it.

21 MR. ARELLANO: I want the document,
 22 the actual document if you have it.

23 MR. TOKUS: We weren't talking
 24 about a document. We were talking about --
 25 oh, you mean the calendars?

338

1 MR. ARELLANO: Correct.
 2 MR. TOKUS: All right. Thank you.
 3 Q To your recollection, was Mr. Steve Taylor at that
 4 meeting --
 5 A Yes.
 6 Q -- that evening?
 7 A Yes.
 8 Q How did you get to that meeting?
 9 A In the City vehicle.
 10 Q Who, if anyone, transferred you to that meeting?
 11 A It would have been one of the people in the security
 12 detail.
 13 Q Do you know who was your security person at the
 14 time?
 15 A No.
 16 Q Was Ms. Velasco the driver at that time?
 17 A Could have been, but could have been one of the
 18 other two people.
 19 Q You don't remember?
 20 A No.
 21 Q And what did you do to determine the specific date
 22 in which this particular incident occurred? How did
 23 you discover the date?
 24 A Well, I knew that the meeting, the liaison between
 25 Marilyn and I was after this meeting, looked on the

339

1 calendar and found the meeting, as I said I would at
 2 the last meeting, you and I.
 3 Q Correct me if I am wrong, but I believe last time
 4 you testified that you have reviewed your calendars,
 5 your schedule calendar; correct?
 6 A I haven't systematically gone through the entire
 7 calendar from beginning to end, but when I'm trying
 8 to identify a date I'll look at the calendar to try
 9 to put it together with something I remember.
 10 Q My question is have you reviewed the entire schedule
 11 calendar from 1994 --
 12 A No.
 13 Q Have you looked at any aspects of the calendar?
 14 A I've looked at it wherever I'm trying to corroborate
 15 a date.
 16 Q Have you attempted to locate any other dates that
 17 may help you to corroborate some of the incidents,
 18 at least all of the incidents that you testified to
 19 before?
 20 A I've looked at the calendar where I thought it would
 21 be helpful. For example, the meeting that Marilyn
 22 and I had at her house on 19th Street, the day after
 23 the late night Brewer debate because I knew that was
 24 the same day as that late night debate. Once we
 25 found that date, which I think was October whatever

340

1 '95, I can't remember.	1 Q When did you review your schedule and work calendar
2 Q And my question is I understand you have looked at	2 for 1998?
3 your schedule and your calendar in order to assist	3 A Well, it would have been, for example, looking for
4 you to find some dates with respect to the incidents	4 the Fond du Lac and North date, which I -- Len's got
5 that --	5 it right there. I thought it was May of '97; is
6 A Correct.	6 that right?
7 Q -- you reported last time during your deposition;	7 MR. HAYES: Correct.
8 correct?	8 Q And with respect to your review --
9 A Correct.	9 A So I thought it might have been in '98, so I looked
10 Q Other than this incident that you found with respect	10 for a Fond du Lac and North meeting and didn't find
11 to that neighborhood meeting where eventually	11 one.
12 Marilyn gave you a ride home, did you find any other	12 Q Did you review your schedule work calendar or
13 significant dates?	13 anything that is available to you for 1998 in order
14 A Well, as I said, the baseball date.	14 to determine --
15 Q And what date are we talking about?	15 A Yes.
16 A I gave it to you at the last deposition.	16 Q -- any dates that you want to clarify for the
17 Q That's a date that you already gave me?	17 record?
18 A Correct.	18 A Specifically the Fond du Lac and North.
19 Q I'm talking about any new dates that you have not	19 Q Other than that one --
20 yet identified for the record.	20 A Yeah, I mean I scanned through it looking for a
21 A I can't think of any right now. If I do, I will	21 meeting like that.
22 share them with you.	22 Q Other than that one, you don't have any other dates
23 Q I know. But listen, Mr. Norquist, my question is	23 that you wish to clarify for the record?
24 based on the reviews that you have conducted of	24 A Not specifically. I mean if you go back and when I
25 those incidents that you testified to last time,	25 ask about a specific thing --
341	343
1 have you found any new dates that may help you to	1 Q 1996, Mr. Norquist, did you review your schedule
2 clarify anything for the record?	2 work calendar for that year?
3 A No.	3 A I would have looked for the Fond du Lac and North.
4 Q Have you reviewed your entire schedule work calendar	4 I would have looked for the baseball related
5 for 1999?	5 liaison.
6 A Well, I'm not sure I've looked at every day, but	6 Q And as I understand, the only thing that you found
7 I've probably looked at most of it for '99, at one	7 was that the incident occurred in 1997?
8 time or another.	8 A Yes.
9 Q And for 1999, other than what you have disclosed	9 Q From your review of the 1996 records and 1997
10 thus far, did you find any new dates for 1999 that	10 records --
11 may help you to clarify or corroborate any of the	11 A '98.
12 incidents that you disclosed during your last	12 Q -- you concluded that neighborhood incident occurred
13 depositions?	13 in 1997?
14 A No. And -- but I did try, for example --	14 A Yes. That's my -- that's my best opinion of when it
15 Q But you didn't find any?	15 happened.
16 A Not yet, no.	16 Q All right. Did you review your schedule work record
17 Q All right. Did you review your schedule of work	17 for 1995?
18 calendar for 1998?	18 A Yes. And found the baseball incident in October of
19 A Parts of it. I think the further back you go --	19 '95.
20 Q Let's talk about 1998.	20 Q Tell me about the baseball incident. What
21 MR. TOKUS: Let him finish his	21 specifically are you referring to?
22 answer before you start your question.	22 A That's the -- I was in Madison observing the passage
23 MR. ARELLANO: I think he answered	23 of the Brewer legislation.
24 my question about 1998.	24 Q All right.
25 A Less so than '99.	25 A And then later on --
342	344

1 Q I think you covered that during the last time?
 2 A Yes, I did.
 3 Q Did you review your schedule work calendar for 1994?
 4 A I would have in relation to the Brewer situation --
 5 well, no, I wouldn't have. I did look to see if
 6 there was any indication of when the first time we
 7 were to gather at her house on 19th, and I couldn't
 8 find anything specifically that would tie it to
 9 that.
 10 Q So just so we can leave this issue alone --
 11 A Okay.
 12 Q -- from your review of your work schedule, your work
 13 calendar from 1994 through 1999, today the only
 14 thing that you were able to find is the date for
 15 that incident involving a neighborhood in May of
 16 1997; correct?
 17 A No. There's the --
 18 Q Things that you have not yet covered?
 19 A There is the, there is the liaison that I discussed
 20 at the last event. I'm trying to remember what it
 21 was connected with. Anyway, there are other things
 22 if you want to mention particular things where the
 23 schedule is helping.
 24 Q I just want to know what other dates you found.
 25 A Well, the UMOS dinner, for example, that was easy to

345

1 look up, October 16th. I looked at the calendar,
 2 found the UMOS dinner and knew the date when that
 3 happened.
 4 Q Any other dates that you found after reviewing your
 5 schedule, work calendar from '94 through 1999?
 6 A I can't think of any right now, but you know, there
 7 may be things where I've talked about it before
 8 where the calendar helped me narrow down when it
 9 was.
 10 Q I'm not talking about things you already discussed.
 11 I'm talking about new things. So you have given me
 12 all what you found thus far?
 13 A Yes.
 14 Q All right, thank you. Did you find any other
 15 records that you believed would assist you in your
 16 position with respect to this case and the
 17 allegations Ms. Figueroa is making against you, any
 18 other records?
 19 A I mean any relevant records I think we've provided.
 20 You have a copy of the schedule.
 21 Q All right, very good. From your last deposition to
 22 today's date, did you review any transcripts, any
 23 testimonials from other witnesses?
 24 A No.
 25 Q Did you discuss with anyone other than your counsel

346

1 the testimony given by other witnesses?
 2 A No.
 3 Q Have you read any newspaper articles related to this
 4 case?
 5 A Anything that was in the daily newspaper I would
 6 have seen.
 7 Q Daily newspaper you're referring to which newspaper?
 8 A The Milwaukee Journal Sentinel.
 9 (Discussion off the record)
 10 Q Have you reviewed any other witnesses' exhibits?
 11 And I'm talking about exhibits that have been
 12 produced pursuant to this case, Mr. Norquist.
 13 A Not that I know of.
 14 Q All right, very good. Have you spoken to
 15 Mr. Christofferson about this case since your last
 16 deposition, sir?
 17 A No.
 18 Q Have you spoken to Mr. Soika, as you sit here under
 19 oath, have you spoken to Mr. Soika?
 20 A No.
 21 Q About anything related to this --
 22 A I've spoken to him but not related to the case.
 23 Q All right. Have you reviewed the deposition of
 24 Mr. Soika from the Pedro Colon/ Anne Shindell
 25 lawsuit?

347

1 A No.
 2 Q Anything related to that lawsuit?
 3 A No.
 4 Q Have you spoken to anyone other than your counsel
 5 about anything related to the Pedro Colon and
 6 Anne Shindell lawsuit?
 7 A No.
 8 Q Review any of the documents that have been produced
 9 in that lawsuit?
 10 A No.
 11 Q All right, very good. Have you reviewed your
 12 personal deposition transcript, Mr. Norquist?
 13 A No, I haven't. Although I don't know that there
 14 would be anything wrong with doing that, but I
 15 haven't done it. Is it? Am I not supposed to read
 16 my own transcript?
 17 MR. PINES: You can read your own
 18 transcript if you want to. We're not going to
 19 read it until it's all done, and then you can
 20 read it and sign it.
 21 Q And just for the record, any questions you may have,
 22 you're going to have to direct them to Mr. Pines
 23 outside the record.
 24 A Okay, I'm sorry.
 25 Q I can't give you any legal advice.

348

1 A All right. I was just trying to understand the
2 question.
3 Q That's fine, that's fine. Now, let me start today,
4 Mr. Norquist, by asking you to take me back to the
5 year when the relationship with Marilyn Figueroa as
6 you put it began. And just to get a little
7 background here, as I understand from your previous
8 sworn testimony, you believe that the exchanges
9 between you and Ms. Figueroa began in late of 1994;
10 is that correct?

11 A October of 1994.

12 Q

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18 A

19 Q

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21 A

22 Q

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24 A

25 Q

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22 Q So you knew as much about Marilyn as you knew about
23 your other staff assistants?

24 A Yeah, or they knew about each other. I mean it's --

25 I don't think it was a no knowledge and then more,

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2 A

3 Q

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6 A

7 Q

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10 A

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14 Q

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17 A

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23 Q How did you learn that she was separated or divorced
24 from her husband?

25 A She told me.

350

1 you know, enormous more knowledge afterward.

2 Q

3

4

5 A

6 Q Let me just finish my question.

7 A All right.

8 Q How many staff assistants did you have between 1991
9 and 1994?

10 A I don't know. We can look it up.

11 Q Do you recall any?

12 A How many what?

13 Q Staff assistants.

14 A Staff assistants?

15 Q Yes, people that work for you, Mayor.

16 A Yeah, right. How many are employed in my office?

17 Q Correct.

18 A Probably eight or seven, nine, whatever it is.

19 Q All right. And out of those eight or nine, how many
20 were females between 1991 and -- I'm talking about
21 identifying --

22 A Yeah, we had seven or --

23 Q Let me finish my question, Mayor.

24 A Okay.

25 Q Between '91 and '94 how many of your staff

352

1	assistants working for the Mayor's office were	1	identified by?
2	females?	2	A Not by me, no.
3	A I'm just trying to think who they were. Probably	3	Q By others?
4	four or five.	4	A Well, there seemed to be more among the staff, more
5	Q How many were males?	5	concern about you know, what particular --
6	A I don't know, about the same number, maybe five or	6	Q Sir, I just want to know if others --
7	six.	7	A Others on the staff might have had a title for it,
8	Q The females, let's identify who were they.	8	but I don't know what the title was. I mean I
9	Obviously Marilyn Figueroa was one of them; correct?	9	considered her one of my staff assistants.
10	A Yeah, starting in May of '92 I believe.	10	Q Was she also considered by others within the office
11	Q Who was the other four females?	11	as a senior staff assistant?
12	A Mike Dawson.	12	A It could be. I mean that had no meaning to me
13	Q When was Ms. Dawson hired?	13	particularly.
14	A 1988.	14	Q My question was answered, thank you.
15	Q Who was the next -- who was the other -- who were	15	A Okay.
16	the other females?	16	Q What about Sherry Street? Do you recall when she
17	A Well, Sherry Street could have worked at that time,	17	began her employment with the Mayor's office?
18	although that may have come later.	18	A No.
19	Q Okay.	19	Q Do you know when she left?
20	A I mean I'd have to go back and look at the list	20	A My questions would be maybe spring '99 or fall of
21	really. I'm just guessing.	21	'98, something like that.
22	Q Then let's guess. Just tell me all of the females	22	Q Okay.
23	that were employed by your office as your assistants	23	A But I mean we can look it up.
24	since you've been the Mayor of the City of	24	Q I know we can look a lot of things up. I just want
25	Milwaukee.	25	to know what you remember.
353		355	
1	A Eloisa Gomez, Brenda Wood, Kimberly Pratt, Roselyn,	1	A Okay.
2	I forgot her last name, Rouse, Ros Rouse, she would	2	Q With respect to Mike Dawson, do you know why she
3	have been there probably before and for several	3	left the Mayor's office?
4	years during the period that Marilyn was there. She	4	A To take a job as the deputy to Julie Penman.
5	was the press secretary.	5	Q To Julie?
6	Q Anyone else?	6	A Penman, the head of the Department of City
7	A I'm sure there are. I just, you know, it would be	7	Development.
8	easier just to look them up. I can get you their	8	Q Was that in your view a promotion for Ms. Dawson?
9	names.	9	A Yeah. She made a little more money and deputy head
10	Q Well, I just want to understand what you remember,	10	of the department.
11	sir.	11	Q All right. Did you have any input in that
12	A Okay.	12	promotion?
13	Q Anyone else?	13	A Yes.
14	A Yeah, there are. I'm just trying to think. Why	14	Q What kind of input?
15	don't you come back to that in a few minutes and	15	A Well, Julie asked if I had any objection to her
16	then I'll have some more names.	16	hiring Mike to be the deputy. I said no, go ahead.
17	Q All right. When did Mike Dawson leave your office?	17	Q Eloisa Gomez, do you recall when she began her
18	A I believe 19, the end of '98 maybe, beginning of	18	employment with your office?
19	'99, something like that.	19	A I'm not sure, but I would think 1988, maybe '89.
20	Q What were the titles, if there were more than one?	20	Q I suspect Ms. Eloisa Gomez was there before
21	If there was more than one, what were the titles	21	Ms. Marilyn Figueroa began --
22	that Mike Dawson held while she worked under your	22	A That's correct.
23	jurisdiction?	23	Q -- her job with the City as your staff assistant;
24	A In my mind, staff assistant.	24	correct?
25	Q And were there any other titles that she was	25	A Correct.
354		356	

1 Q Do you know why Ms. Eloisa Gomez left the Mayor's
2 office?
3 A Well, her stated reason to me was that she wanted to
4 study at UW-M. There was some consideration by her
5 of working maybe one day a week, but ultimately she
6 didn't like that idea.
7 Q And so what happened?
8 A She left.
9 Q She left? To your knowledge, did she leave
10 voluntarily, or was she asked --
11 A Yes.
12 Q -- to leave?
13 A To my knowledge, she left voluntarily.
14 Q To your knowledge, did Ms. Eloisa Gomez ever file
15 any type of complaint --
16 A Not to my knowledge.
17 Q -- against the Mayor's office?
18 A Not to my knowledge.
19 Q To your knowledge, did Ms. Eloisa Gomez ever enter
20 into any type of agreement with the City of
21 Milwaukee as a result of her departure?
22 A Not to my knowledge.
23 Q Brenda Wood, do you know when she came on board,
24 Mr. Norquist?
25 A Maybe '94, '95, something like that.

357

1 A Correct.
2 Q What other activities did Marilyn Figueroa absorb
3 from Eloisa Gomez?
4 A Liaison to some of the neighborhood groups, although
5 other staff members had that responsibility. One
6 area that they didn't have overlap, although from
7 time to time Marilyn was interested in it, Eloisa
8 was more into education. Sherry Street took on that
9 responsibility more than anybody else after she came
10 on.
11 Q What other responsibilities did Marilyn Figueroa
12 inherit from Ms. Gomez?
13 A I don't remember any others, but I'm sure there
14 were. Eloisa worked on a wide variety of issues.
15 Q Brenda Wood came on board approximately 1994;
16 correct?
17 A Correct.
18 Q Do you know when she left if she did?
19 A Wait. I don't know for sure; '94. I mean we can
20 look it up, but that sounds about right.
21 Q Do you know when she left?
22 A She left I would say either late '99 or 2000. I
23 don't know. We'll have to look that up. About two
24 years ago.
25 Q And again, was she also a staff assistant --

359

1 Q I suspect Marilyn Figueroa was already on board?
2 A Correct.
3 Q If I follow the structure that you're painting here,
4 Mr. Norquist, is it fair and accurate to --
5 A I'm not painting anything. I'm just answering your
6 questions.
7 Q Thank you for clarifying that. Is it fair and
8 accurate to say that Ms. Marilyn Figueroa was hired
9 as a replacement to Eloisa Gomez?
10 A You can say that. I don't precisely -- that was
11 right at the end of an election period. There would
12 be a lot of vacancies. I don't know if that
13 particular vacancy was one she filled.
14 Q Was Marilyn Figueroa assigned the same
15 responsibilities that Eloisa Gomez had before she
16 left your office?
17 A Not exactly. Somewhere overlapping.
18 Q She did receive some of the same assignments?
19 A Correct.
20 Q Which specific assignments did Marilyn Figueroa
21 inherit from Eloisa Gomez' responsibilities?
22 A I believe that Eloisa was involved in block grant
23 activity.
24 Q Was Marilyn Figueroa involved in block grants after
25 she became hired?

358

1 A Yes.
2 Q -- to the Mayor? Was she perceived by others within
3 your office as anything other than a staff
4 assistant?
5 A She may have been, but by me everybody's a staff
6 assistant except the chief of staff.
7 Q Was she also perceived as a staff assistant senior?
8 A She was at a pay grade that was higher than some of
9 the staff members.
10 Q Was she at a pay grade --
11 A I don't know what senior would mean I mean.
12 Q I understand. Was she assigned a higher pay than
13 Marilyn Figueroa to your knowledge?
14 A I think she was. I don't know precisely whether she
15 was making more money or not, but I do know she was
16 at a higher pay grade.
17 Q Was there a reason why she was at a higher pay grade
18 than Marilyn Figueroa?
19 A Yeah. I mean the various positions in the office
20 were assigned by pay grade. She was promoted to a
21 higher pay grade.
22 Q When was she promoted?
23 A My memory is March, February, something like that of
24 '99.
25 Q And I suspect you approved the promotion?

360

1 A I did.
 2 Q Is that correct?
 3 A I didn't take a really big interest in it as I've --
 4 I don't know if you want me to continue on at all on
 5 this, but I just --
 6 Q You approved the promotion?
 7 A I do.
 8 Q Is that correct?
 9 A Yeah.
 10 Q What specific tasks or responsibilities do you
 11 believe entitle Ms. Brenda Wood a higher pay than
 12 Marilyn Figueroa?
 13 A She was involved in liaison to the Council, economic
 14 development, to some extent supervising other staff
 15 members, although it was a fairly flat organization
 16 in terms of responsibilities. She has a master's
 17 degree. It's not a civil service type bureaucracy
 18 with rigid standards for different pay grades, so
 19 it's a discretionary decision.
 20 Q In what aspects was Ms. Wood, based on your opinion,
 21 was more qualified for the increase in pay promotion
 22 than Marilyn Figueroa?
 23 A Well, in part probably to keep her working there.
 24 She had experience in the private sector.
 25 Q Keep who working there, Marilyn Figueroa?
 361

1 A No, Brenda.
 2 Q Brenda.
 3 A She had private sector experience, a lot of campaign
 4 consultant type job opportunities. She could, at
 5 least my perception she could make more money other
 6 places, work for a corporation.
 7 Q My question was what specific aspects do you believe
 8 she was more qualified than Marilyn Figueroa? And
 9 you gave me a list of --
 10 A Oh, a master's degree and her, the likelihood she
 11 would work someplace else if she didn't get a pay
 12 increase.
 13 Q Did Ms. Wood ever threaten to leave the office if
 14 she didn't get a promotion?
 15 A No, but I knew that, you know, there were other
 16 organizations that were looking at her.
 17 Q Which organizations?
 18 A I don't remember.
 19 Q How did you learn this?
 20 A Through the rumor mill.
 21 Q Who gave you that rumor?
 22 A I don't remember.
 23 Q Was a master's degree required for the staff
 24 assistant position?
 25 A No. You don't even need a high school degree for
 362

1 these jobs.
 2 Q All right.
 3 A It's just a question of whether it's --
 4 Q It was your decision?
 5 A Ultimately, yeah.
 6 Q All right, very good. What about Mike Dawson? She
 7 was also in a higher pay grade than
 8 Marilyn Figueroa; correct?
 9 A Correct.
 10 Q And I think you also testified that she was also
 11 perceived as a staff assistant senior within the
 12 office. What do you believe made Mike Dawson more
 13 qualified than Marilyn Figueroa for an increase in
 14 pay?
 15 A Well, she had a lot of experience. She had been an
 16 aide to the finance chairman, Common Council when
 17 Sandy Hoeh Lyon was a member of the Common Council.
 18 She worked at DCD in a relatively high position, not
 19 deputy but an upper level to DCD under Bill Drew,
 20 who was the head of development under Henry Maier
 21 and for me for the first few months I was Mayor. So
 22 her experience.
 23 Q Was there anything in Marilyn Figueroa's
 24 professional background -- strike that. While
 25 Marilyn Figueroa was working for your office as your
 363

1 staff assistant, did you believe that
 2 Marilyn Figueroa was qualified to do the job as a
 3 staff assistant?
 4 A Yes.
 5 Q Do you believe that Marilyn Figueroa was qualified
 6 to receive an increase in pay equal to Ms. Wood
 7 and/or Ms. Dawson?
 8 A Well, if you had to make the comparison, which
 9 ultimately we did, Brenda Wood seemed more qualified
 10 than she did. It didn't mean that Marilyn wasn't or
 11 couldn't have, couldn't have gotten -- in fact, she
 12 was offered the job of being director of the block
 13 grant office which is --
 14 Q Before we deviate into that, I think you already
 15 covered that extensively last time.
 16 A I talked about it. I don't know if it's
 17 extensively.
 18 Q My question --
 19 A I'm sorry.
 20 Q That's fine. I believe you answered my question.
 21 You believe Marilyn Figueroa was also qualified to
 22 be upgraded even though you didn't -- you may not
 23 have felt that she was as qualified as others, but
 24 you felt she was qualified for a promotion?
 25 A Let me answer it this way. There would have been,
 364

1 there would have been nothing wrong or no violation
2 of any rule or anything else if she had had the
3 promotion instead of Brenda. There's no requirement
4 that people have a master's degree.

5 Q So by saying that you believed she qualified for
6 that promotion?

7 A If -- she could have if there's some minimum
8 qualification for it, you know, she could have
9 filled that position.

10 Q Do you believe she met the qualifications for those
11 two positions?

12 A Not as well as Brenda Wood did.

13 Q But do you feel she met the qualifications without
14 comparing her to Brenda or Ms. Dawson?

15 A Yes.

16 Q All right. We got there finally.

17 A Good.

18 Q

19

20

21

22 A

23 Q

24 A

25 Q

365

1 summer or spring.

2 Q Of '94?

3 A Yeah. But it didn't amount to anything other than
4 maybe a smile.

5 Q Anything else?

6 A Not that I can think of.

7 Q Waving at you or looking at you, those are the only
8 two things that you recall?

9 A Yeah. Oh, one other thing. A few times she
10 complained about how I would go out to work after
11 work with male members of the staff, but I wouldn't
12 have a, you know, go out and have a beer with her or
13 other female staff members.

14 Q Anything else?

15 A No.

16 Q Did she also complain about the office being divided
17 between Anglos and non-Anglos?

18 A I don't think so.

19 Q Ever heard that complaint?

20 A Later. Later a few times. But I brought it up
21 before she did.

22 Q But at some point you heard that she complained
23 about the office being divided between Anglos and
24 non-Anglos? That's my only question.

25 A I want to answer it by pointing out that I brought

367

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2 A

3

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5 Q

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9 A

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13

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15 Q

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17 A

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22 Q When did that happen?

23 A Well, from time to time.

24 Q What year?

25 A It would have been before October of '94, you know,

366

1 up the subject first in the context of Tony Earl's
2 ethnic desks, which I explicitly felt and expressed
3 to her and other staff members was a bad model. And
4 later on she kind of picked up on that to make the
5 comparison to our office.

6 Q She claimed that your office was practicing the same
7 approach?

8 A I don't think she was that explicit but --

9 Q That's what you understood?

10 A Yeah, that was the reference to it.

11 Q Did she complain also about people of color, meaning
12 non-whites, being excluded from policy making
13 decisions? Did she ever complain about that?

14 A A little bit, but not so much explicitly to me. I
15 think she complained about it more to other people.

16 Q But you learned of that fact through other people?

17 A Yeah, or her. I mean she didn't complain in a real
18 explicit way about it but referred to it. I took it
19 as a desire to do more work. That's good.

20 Q When she complained about you going with other males
21 to bars and not including women, did you take that
22 as a complaint of gender discrimination or did you
23 feel she was giving you another hint?

24 A Maybe a little bit of both.

25 Q All right. Well, did you follow up on that?

368

1 A Eventually.	1 afterward, after work. Bar association annual
2 Q	2 party, whatever.
3 A	3 Q Did you ever send any personal cards to Mike Dawson?
4	4 A Well, if somebody had something happen, like if
5 Q	5 their mother died or some tragedy in the family,
6	6 then I typically would send a card.
7 A	7 Q Did you ever send any flowers to any of these
8 Q	8 females, Mike Dawson, Sherry Street, Eloisa Gomez,
9	9 Brenda Wood, Kim Pratt?
10 A	10 A I think I did send flowers to Brenda Wood when her
11	11 baby was born. I might have sent her flowers then.
12	12 Q Anyone else?
13 Q Now, let's go back to your staff which included some	13 A I'd have to look. I mean there might be something
14 of the females that you described. Mike Dawson, was	14 in the record because we typically would -- I would
15 she a single woman when she was employed by your	15 order flowers from the office.
16 office?	16 Q As far as Mike Dawson, when you had a couple beers
17 A No, no.	17 outside the office, do you remember when that
18 Q No? Was she married?	18 occurred?
19 A Yes.	19 A No.
20 Q What about Sherry Street? Was she a single woman?	20 Q Was anyone else present when you had these social
21 A Yes. She was divorced.	21 hours with Mike Dawson?
22 Q Was she a white woman?	22 A Yeah. I don't remember having a beer with her
23 A Black woman.	23 alone.
24 Q Black woman?	24 Q Who else was present?
25 A African-American.	25 A Probably another staff member.
369	371
1 Q Eloisa Gomez, was she married or single?	1 Q Who?
2 A She was single. She may have been married toward	2 A I don't know. It was probably at a fund raiser for
3 the end of the time that she worked for me.	3 something. I mean it wasn't like let's go off and
4 Q Brenda Wood, was she married or single?	4 have a beer by ourselves.
5 A Married.	5 Q Anyone else with whom you may have had a social time
6 Q What about Kim Pratt? Was she married?	6 with?
7 A She's single, was and is as far as I know.	7 A Yeah, I mean if somebody was having a retirement
8 Q What about Ms. Rouse I believe?	8 party or whatever, I mean I'm not a big
9 A She was married for part of the time that she was in	9 go-to-bars-after-work kind of person, but if there's
10 the office and later divorced.	10 some special event, I'm likely to go.
11 Q	11 Q Did you ever go to any social event where you may
12	12 have danced with any of these females that we have
13 A	13 identified, Mike Dawson, Ms. Street, Eloisa Gomez,
14 Q	14 Brenda Wood, Kim Pratt, Ms. Rouse?
15 A	15 A No.
16 Q Did you ever visit any of them at home?	16 Q Any other individual with whom you may have had
17 A I may have been at a meeting at one or the other's	17 beers or social hours that you can think of as
18 homes. I was at a meeting at Eloisa's house, but I	18 opposed to giving me just a general answer?
19 don't remember whether it was after she worked for	19 A Male or female?
20 me or during the time she worked for me.	20 Q Females.
21 Q Did you ever socialize with any of these females	21 A Oh, I've had an after-work beer with, or glass of
22 outside the workplace? Let's start with	22 wine, whatever, with Julie Penman and Mike Dawson a
23 Mike Dawson.	23 few times since she became head of DCD, just as I
24 A I might have had a beer with her once or twice.	24 did when Mike Morgan was head of DCD.
25 Probably with, you know, at some kind of event	25 Q What about Kim Pratt? Have you had any social
370	372

1	gatherings with her?	1	
2	A Not that I can think of. Other than if she was at a	2	
3	fund raiser or something like that.	3	Q I understand that. We'll look. I just want to know
4	Q Have you ever shown any interest in any of these	4	what you remember.
5	females --	5	A Yeah, what I --
6	A No.	6	Q You sent the flowers to Marilyn Figueroa; correct?
7	Q -- that we just identified?	7	A Right.
8	A No.	8	Q In addition to sending flowers, did you go and visit
9	Q	9	her?
10		10	A I don't remember going to visit her, no.
11		11	Q Do you recall what, if any, was her response to your
12	A	12	gift of flowers to her?
13	Q	13	A I think she was pleased.
14		14	Q I want to know what you remember, not what you --
15	A	15	A I remember her being pleased to get the flowers.
16		16	Q How do you know that?
17		17	A My memory is she said she was pleased to get the
18	Q	18	flowers.
19	A	19	Q When did she tell you that?
20		20	A In the office after the flowers arrived.
21	Q	21	Q And just so I can put this in proper chronology,
22		22	when was the very next time after you sent the
23	A	23	flowers that you had any type of personal contact
24	Q Was that the very first time that you made any	24	with Marilyn Figueroa of a personal nature as
25	personal contact with Marilyn Figueroa --	25	opposed to work related?
	373		375
1	A Yes.	1	A It would have been the late afternoon at the end of
2	Q -- of that nature?	2	the workday in October where I fixed her tire. We
3	A You mean like a gift or anything?	3	rode -- she wanted to show me her house. We parked
4	Q Correct.	4	outside her house. I said that I was expected home.
5	A Yeah.	5	I had to go home. She drove me home.
6	Q Is that correct?	6	Then about a week later she gave me a ride
7	A Yeah. I mean at the time it wasn't intended as a,	7	again, and this time she said she wanted me to see
8	in my opinion it wasn't intended as anything other	8	her house. And we went in, and that was the first
9	than trying to make her feel better about something	9	time we had personal contact.
10	that must have been disturbing.	10	Q Is it fair and accurate to say, Mr. Norquist, that
11	Q I'm sorry, ma'am. Professional reporter, I	11	everything triggered after you sent those flowers to
12	apologize.	12	Marilyn Figueroa in 1994 as far as personal contact
13		13	and sexual interactions with her?
14		14	A No. I wouldn't say that for sure, no.
15		15	Q Well, time-wise everything developed, time-wise
16	A	16	everything developed after you sent her flowers in
17		17	1994; correct?
18		18	A Well, I agree the timeline is that way.
19		19	Q That's all I want to know, all right? Did Marilyn
20		20	show any interest, in your view, in you after she
21		21	received the flowers in 1994 from you?
22		22	A Well, I think there were signs that she had interest
23	Q	23	in me before that and after that. Later on when we
24		24	were, actually established more of a relationship
25	A	25	she told me that she wanted to attract me.
	374		376

1 Q My question, sir, is is it fair and accurate to say
2 that the interaction between you and Marilyn did not
3 begin until after you sent the flowers to her?
4 A Yeah, in terms of the timeline.
5 Q Did Marilyn begin to show interest in you after you
6 sent her the flowers?
7 A Yes.
8 Q Up to that point by the time you sent the flowers
9 had you had any other outside sexual relationships?
10 A No.
11 Q When you sent her the flowers, did you send a card
12 with it?
13 A Yes.
14 Q Do you know what the card said?
15 A My memory of it was that sorry to hear what
16 happened, you're a valuable person and doing a good
17 job, something like that. It probably would have
18 been a little shorter, but the gist of what I said.
19 Q /
20
21
22
23 A
24
25 Q I

377

1 Q
2 A
3
4 Q
5 A
6
7
8
9 Q
10 A
11 Q
12
13 A
14 Q
15
16 A
17
18
19
20 Q
21
22 A
23
24
25 Q I

379

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2 A
3 Q
4 A
5
6 Q
7 A
8 Q
9
10 A
11 Q
12 A
13
14
15
16
17
18 Q
19 A
20
21
22 Q
23
24 A
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378

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2 A
3
4
5
6
7
8
9 Q
10
11
12
13 A
14 Q
15 A
16 Q
17 A
18
19
20 Q
21
22
23 A
24 Q
25 A

380

1 after, but she definitely gave the impression that
2 her ex-husband had not been, you know, that he had
3 been abusive.

4 Q What type -- did she describe the type of abuse she
5 was subjected by her ex-husband?

6 A Yeah, both mental and physical abuse, without much
7 detail beyond that.

8 Q

9

10

11

12 A

13

14 Q

15

16

17 A

18 Q

19 A

20 Q

21

22

23

24 A

25 Q

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4 A

5 Q

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7

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9 A

10 Q

11 A

12 Q

13

14

15 A

16 Q

17

18

19 A

20 Q

21

22

23 A

24

25 Q

383

1 A

2

3 Q

4

5 A

6 Q

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10 A

11 Q

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13 A

14 Q

15 A

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22

23

24 Q

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382

1 A And earlier she had told me about the house and how
2 she wanted me to see it.

3 Q Up to that point -- strike that. Before you got to
4 the house, where as I understand the first sexual
5 interaction occurred; correct?

6 A Correct.

7 Q Before you got to that house, at what point did you
8 develop any type of personal interest on
9 Marilyn Figueroa?

10 A Well, there were looks that we exchanged, smiles.
11 And on that particular evening when I was fixing her
12 flat tire, she was kneeling down next to me as I
13 worked on the tire, took the lug nuts off,
14 et cetera, et cetera. There were sparks flying.

15 Q

16

17

18 A

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21

22

23

24 Q

25 A

384

1		1	thought mostly it was a bad idea. It was an
2	Q	2	attractive idea but a bad one.
3		3	Q
4		4	
5		5	
6	A	6	
7	Q	7	
8	A	8	A
9	Q	9	Q
10	A	10	
11		11	
12		12	
13	Q	13	A
14		14	Q All right, very good.
15		15	A I mean when she had the --
16	A	16	Q I'm satisfied.
17	Q Did you have any kind of sexual interest in	17	A Well, no. I'll answer when you ask me more about
18	Marilyn Figueroa?	18	it.
19	A Well, I thought she was attractive. I think she	19	Q Now, once -- obviously you knew you were engaged in
20	thought I was attractive. But later on after we had	20	an adulterous relationship when you began to have
21	developed a relationship we talked about it, how --	21	sex with Marilyn Figueroa; correct?
22	when she liked me and when I liked her.	22	A Well, I think I really felt that way once we had
23	Q I know you want to talk about what she told you and	23	intercourse.
24	you will have -- we will give you an opportunity.	24	Q And obviously you knew it all along until the
25	A I don't have to, I --	25	relationship ended; correct?
	385		387
1	Q Listen to my question.	1	A Correct.
2	A Okay.	2	Q And you obviously knew the first time that you had
3	Q I just want to know at what point you developed a	3	sexual interaction with Marilyn Figueroa that she
4	sexual interest in Marilyn Figueroa, you	4	was one of your subordinates; correct?
5	John Norquist.	5	A Correct.
6	A Yeah, I would say for sure that I knew I was	6	Q And she continued to be for as long as you kept
7	attracted to her when she drove me to her house and	7	having sexual intercourse with her; true?
8	said that she wanted me to look at her house. I was	8	A Yes. She could have left. She was offered other
9	also frightened about it so I asked her to take me	9	jobs.
10	home. She dropped me off. And then about a week	10	Q That wasn't really my question, sir.
11	later we went back to her house and did it again. I	11	A I'm sorry.
12	definitely was attracted to her.	12	Q All right. And as I understand, you wished to keep
13	Q So your sexual interest in Marilyn Figueroa	13	the sexual aspects of your relationship with
14	developed when do you think?	14	Marilyn Figueroa secret?
15	A Well, let's say that it --	15	A Absolutely.
16	Q I'm talking about sexual interest.	16	Q And I believe that that was your desire all the way
17	A I'd say the night that I fixed her flat tire.	17	until you felt compelled to disclose it; correct?
18	Q You believe you had an interest before, but your	18	A That's correct, with one exception. We had
19	sexual interest developed the night you fixed her	19	conversations about how it would be satisfying to
20	flat tire?	20	both of us if somebody else knew, like one of her
21	A Yeah, yeah. Before that there was nothing explicit.	21	sisters, not the oldest one but one of her other
22	Q At what point did you develop the idea to engage in	22	sisters. She was the manager of the parking lot at
23	an adulterous relationship with Marilyn Figueroa?	23	the Boston Store and sometimes would visit the
24	A The evening that she gave me the tour of her house	24	office. I had the impression from Marilyn that she
25	and then we ended up kissing. And at that point I	25	might have known a little bit about it. And a
	386		388

1 couple of times we talked about how we'd share the	1 Q When you were engaged in these sexual interactions
2 relationship with somebody we could trust but	2 with Marilyn Figueroa, were you concerned that
3 nothing ever came of that.	3 someone could come to the house when you were
4 But other than that, yeah, I had a 100 percent	4 engaged in sexual acts with Marilyn Figueroa?
5 desire to keep it secret other than the possibility	5 A Sure. That was part of the feeling of anxiety
6 of that happening.	6 around something, or around this.
7 Q And you let Marilyn know of that desire to keep this	7 Q You definitely --
8 relationship secret; correct?	8 A We had that happen once. We were -- one of the
9 A Well, we both let each other know that. I don't	9 times that 19th Street when we were just kissing,
10 think she wanted it.	10 one of her sisters, not the one from -- not the
11 Q I'm sorry, sir.	11 oldest one and not the one that worked at Boston, or
12 A Okay.	12 at Grand Avenue parking lot, but I think an even
13 Q I'm talking about you.	13 younger sister came to the house and then I left.
14 A Okay, yes.	14 She didn't -- she knocked on the door, rang the
15 Q You let Marilyn know that that was your desire;	15 doorbell and then I got dressed. Or I was already
16 correct?	16 dressed but I, you know, straightened up, and I was
17 A That's correct.	17 going out the door, you know, as if I had just
18 Q A lot was riding on your shoulders; correct?	18 stopped by for a second and left as she came in.
19 A I don't know what you mean by that.	19 Q To your knowledge, did she ever find out about this
20 Q Well, you had not separated from your wife at any	20 relationship?
21 point during these sexual exchanges you had with	21 A The younger sister?
22 Marilyn Figueroa; correct?	22 Q Right, to your knowledge specifically.
23 MR. PINES: Objection, invades the	23 A Well, I asked Marilyn about it once, and she said
24 marital privilege, direct the witness not to	24 that the one at the Boston Store parking lot she
25 answer the question.	25 thought was more suspicious than the younger one.
389	391
1 MR. ARELLANO: I believe this	1 And one of her brothers she told me on the day of
2 question was answered before. I don't believe	2 the Abel Ortiz party for his daughter, that one of
3 it invades anything.	3 her brothers was in front of her older sister's
4 MR. PINES: If it was answered	4 house a block from mine as she came by to drop me
5 before, it was answered before.	5 off, and she said that she thought maybe her brother
6 MR. ARELLANO: Let me finish,	6 had figured it out.
7 counsel.	7 And then also she said in September of '99
8 Q You were never physically separated from your	8 when I came back from vacation, we talked on the
9 household? You never lived anywhere else?	9 phone and she said that her mother had overheard the
10 A Correct.	10 conversation between us before I'd left on vacation
11 Q Is that correct? During these sexual encounters	11 early in August, and that her mother said that she
12 were you ever concerned that Marilyn may disclose	12 was praying for, you know, being -- doing the wrong
13 what was going on between you and her?	13 thing. So she said her mother knew about the
14 A Yes.	14 relationship. But she had had to confess to her
15 Q During these sexual encounters were you concerned	15 mother.
16 that she may have been recording the sessions that	16 Q She shared with you --
17 you were having with her at her home?	17 A That.
18 A No.	18 Q -- feelings. But you don't know of anyone that knew
19 Q Were you ever concerned that she may have been	19 for a fact that you were having sex with
20 writing some sort of a note on this relationship?	20 Marilyn Figueroa other than what you just told me?
21 A No. I mean I basically trusted her. But on the	21 A She told me that her mother knew. But whether her
22 other hand, you know, she could have told somebody.	22 mother knew for sure, I don't know. I assume she
23 I thought I knew her well enough to know that she	23 was telling me the truth.
24 wouldn't talk about it to other people, but you can	24 Q Were you ever caught actually having sex with
25 never be sure.	25 Marilyn Figueroa?
390	392

1 A No.	1 October meeting that we had where she returned some,
2 Q During these sexual exchanges you were also	2 a necklace and an item of clothing that I gave her.
3 concerned I suspect that the staff in your office	3 Q What's the --
4 would find out; correct?	4 A I mean we were breaking up, and I didn't know
5 A Well, we didn't --	5 whether it meant that she was then going to disclose
6 Q My question is were you concerned, sir?	6 the relationship.
7 A As long as there wasn't anybody from the staff	7 Q You testified previously that before December or
8 around, it wasn't a big concern. But it was --	8 late November of 1999, and I think you used the term
9 that's why, yeah, I was careful. I didn't want	9 that Marilyn had previously dumped you. I believe
10 anybody on the staff to know.	10 that was the term that you used.
11 Q During this entire sexual episode that you lived	11 A Right. That was the October 6th meeting.
12 through with Marilyn Figueroa, to your knowledge,	12 Q Was that in 1998 or 1999?
13 did any member of your staff, including all of the	13 A '99.
14 chiefs of staff that you ever had, had any knowledge	14 Q '99, all right. What specifically led you to fear
15 about what you were doing with Marilyn Figueroa?	15 that Marilyn Figueroa would disclose the
16 A No.	16 relationship?
17 Q Mr. Soika?	17 A Well, when we met on October 6th she was fairly
18 A No.	18 upset. She said that she felt that she had loved me
19 Q Mr. Rowen?	19 and that I had betrayed her. She wanted the
20 A No.	20 promotion that Brenda Wood got. That, you know, I
21 Q To your knowledge, any member of your political	21 hadn't stood up for her. And when she left she was
22 campaign organization at any point had any knowledge	22 still upset, so I didn't know what she was going to
23 before January of 2000 --	23 do.
24 A No.	24 Q Was that in October when you had a sexual encounter
25 Q -- of your exchanges with Marilyn Figueroa?	25 with Marilyn Figueroa?
393	395
1 A No.	1 A No. That was early in October. My memory is
2 Q All right. Now, as I understand from your previous	2 October 6th. We talked about this previously. I
3 testimony, these ongoing sexual contacts ended in	3 think that was the date. And October 16th we had
4 late 1999; correct?	4 what amounted to at least a temporary reconciliation
5 A Correct. In late November or early December.	5 the night of the UMOS event.
6 Q And at that time did Marilyn in any way lead you to	6 Q When she was, as you put it, very upset --
7 believe that she was going to disclose her sexual	7 A She was upset. I'm not sure I'd use the word very
8 exchanges she had had with you for the last four or	8 but upset.
9 five years previous?	9 Q Whichever way you feel would describe your
10 A No, not explicitly. Telling me that her mother knew	10 observation of Marilyn Figueroa, did she in any way
11 about it was a little frightening.	11 threaten to go to somebody or make it public?
12 Q Did she ever in any way tell you that she needed to	12 A Not explicitly.
13 talk to someone about the relationship?	13 Q Did you, when you developed the fear that she would
14 A No.	14 disclose this relationship, did you request of
15 Q Did you trust that Marilyn would not betray your	15 Marilyn that she not disclose the relationship if
16 trust with respect to disclosing these sexual	16 she was going to break up?
17 exchanges that had occurred between you and her?	17 A Not explicitly, no.
18 A I think in the middle of the relationship when the	18 Q Did you ever during, after October of 1999, did you
19 feeling was at its peak I had complete trust that	19 ever request that she not disclose the relationship?
20 she wouldn't. Toward the end of the relationship as	20 A No, I never said anything explicit like that.
21 it broke apart my fears were heightened.	21 MR. TOKUS: Counsel, you were
22 Q At what point did you fear, sir, that the	22 asking once before --
23 relationship would be disclosed by Marilyn Figueroa,	23 MR. ARELLANO: Hold on, let me just
24 before it ended or after it ended?	24 finish.
25 A Before it ended, I would say in the early	25 MR. TOKUS: Okay, very good.
394	396

1	MR. ARELLANO: When we take a	1	you were interested in not upsetting Marilyn to the
2	break, we can go into that.	2	point where she would disclose the relationship;
3	MR. TOKUS: Very good.	3	true?
4	Q You believe that on October 6th or so she was	4	A That was part of my thinking, yes.
5	basically breaking up with you?	5	Q And you obviously wanted her to know that you
6	A Yeah.	6	thought well of her?
7	Q Did she tell you that she wanted to end the	7	A Yes.
8	relationship?	8	Q But then now we have a contact on October 16th;
9	A Yeah. And I said that was fine with me.	9	correct?
10	Q But then again on October 16th you had another	10	A Uh-huh.
11	contact with her; correct?	11	Q After the breakup? Is that yes?
12	A That's correct. And she -- after October 6th	12	A Yes.
13	another thing that affected the feeling of fear was	13	Q And that October 16th encounter, where did that
14	that she didn't come to work for five or six days.	14	occur?
15	Q Is it your testimony, Mr. Norquist, that	15	A At the UMOS banquet.
16	Marilyn Figueroa was ending the relationship because	16	Q Is that the time when the two of you ended up at
17	she felt you were not helping her to get a	17	your home?
18	promotion?	18	A Correct.
19	A Well, I think it was --	19	Q All right. At the UMOS banquet who suggested to go
20	Q I believe you testified to that twice.	20	to your house?
21	A That's part of it. I think there is a little more	21	A I said, do you want to get together? She said yes.
22	to that but --	22	Leading up to that -- do you want to hear any more
23	Q What other factors did she display or discuss with	23	or not?
24	you as a reason for ending the relationship on	24	Q I think you already testified as to this particular
25	October 6th of 1999?	25	event.
397		399	
1	A She said that she had thought that I loved her and	1	A Okay.
2	that she now felt that I didn't love her.	2	Q And I don't want to repeat things that we already
3	Q And what else did she say?	3	covered, Mr. Norquist.
4	A That's all I can remember.	4	A Okay, fine.
5	Q Did she say I want to end the relationship? How did	5	Q I'm not trying to keep you from --
6	she put it?	6	A I appreciate that.
7	A Not those exact words, but something to the effect	7	Q -- getting that aspect going. That's the time when
8	that it's over. I said fine. I was a little upset	8	you went to the house; correct? She met you there?
9	too. I mean in the sense that it seemed very sad.	9	A Well, I went --
10	And I said, well, it's over, but I just want you to	10	Q I just want to know, is that the time?
11	know that I really admire you and I enjoy being	11	A Okay, the sequence was the UMOS banquet ended.
12	close to you. But I accepted the -- it was fine.	12	Q Right. You testified to this in the last
13	If it was over, that was good. There were a lot of	13	deposition.
14	good things about that.	14	A There was a -- well, there's one more to add. I
15	Q And it was during this time that you developed a	15	left one thing out which I don't think -- I'm not
16	fear that she was going to disclose the	16	saying this to -- I'm just trying to share the
17	relationship?	17	information.
18	A Particularly after she didn't come to work for five	18	Q I just want you to tell me --
19	or six days.	19	A Timeline.
20	Q And obviously you wanted to maintain a good	20	Q Is this something you already described in your last
21	working --	21	deposition?
22	A I did not want --	22	A No. The UMOS banquet ended. We hung around for
23	Q Let me finish my question.	23	about 20 minutes afterward. I left, picked up my
24	A I'm sorry.	24	son, went home, she called me up, is he asleep, he's
25	Q I know it takes me time to get it going. Obviously	25	asleep. Then she came.
398		400	

1 Q Is that the piece that was missing from your last
2 testimony?
3 A Well, only one other thing. When she left she took
4 the item, the necklace and the item of clothing
5 back.
6 Q Took them back?
7 A Yes.
8 Q Where were these items placed?
9 A I had put them out in the garage where they wouldn't
10 be easily found.
11 Q She went into the garage and picked them up?
12 A No. I went out and got them before she got there,
13 gave them back to her.
14 Q As a result of this October 16th incident, did your
15 fears that she would disclose the sexual interaction
16 that was taking place, did they get pacified?
17 A Yes.
18 Q To what extent?
19 A For about a month.
20 Q Why is that?
21 A She seemed to -- the relationship seemed to go back
22 to being warm.
23 Q Did there come a time after October 16th when you
24 again developed fears that she would disclose the
25 relationship?

401

1 A Well, things seemed to go pretty well. She showed
2 up for work, you know.
3 Q My question is --
4 A For 20 days or so. I mean everything was fine until
5 a little after Thanksgiving. And I think what may
6 have triggered that, I can't read other people's
7 minds, but when Tricia Geraghty got the position,
8 then Marilyn seemed to become unhappy.
9 Q Okay.
10 A I think that was a factor, maybe not the only
11 factor.
12 Q So in October and also in November was it your
13 feeling that Marilyn expected you to help her to get
14 promoted at work?
15 A Well, I asked her about it, and she said that she
16 didn't want to bother me with it.
17 Q Mr. Norquist, did you develop the feeling that
18 Marilyn expected you to help her with the promotion?
19 A Ask it again because I'm not quite sure what you're
20 asking.
21 Q During this period of time, December, Marilyn
22 complained about you not helping her with a
23 promotion at work. She complained in October and
24 again in December; correct?
25 A She didn't complain in December. She seemed to

402

1 be --
2 Q She got upset?
3 A She got quiet. I mean do you -- you know, Soika had
4 checked with her, does it bother you if Trish gets
5 this job. She said, no, do what you feel you have
6 to do.
7 Q Sir, I understand you want to tell me those things.
8 I just want to know --
9 A Yeah.
10 Q -- it was clear to you that Marilyn obviously was
11 upset when Ms. Wood was promoted; correct?
12 A Yes, and she was also disappointed at least, if not
13 upset, when --
14 Q Ms. Geraghty got promoted?
15 A That's correct.
16 Q Correct?
17 A Correct.
18 Q From her demeanor and/or reaction to the promotion
19 to Ms. Wood and Ms. Geraghty, did you perceive that
20 Marilyn expected you to help her in those promotions
21 or with promotions at work?
22 A I had that impression. I didn't know it for a fact,
23 but I had that impression.
24 Q How long had you had that impression, sir?
25 A I'd say from, particularly after the last time we

403

1 were together.
2 Q Which would have been?
3 A The end of November, early December.
4 Q You certainly knew that in October when she accused
5 you of not helping her with the promotion?
6 A That's right.
7 Q Right? Did you ever tell Marilyn -- strike that. I
8 suspect you and Marilyn discussed some of her desire
9 to be promoted or reclassified?
10 A Not very much. She --
11 Q Did you ever touch on that issue?
12 A Just, just touch on it. She was very -- it was like
13 I was supposed to read her mind and come up with
14 these answers. I mean that was part of the
15 discussion we had on October 6th. If you care so
16 much about it, why didn't you tell me.
17 Q Did you perceive that to be the case with respect to
18 Brenda Wood's promotion, that she expected you in
19 some way to help her to get promoted?
20 A I did on October 6th. She didn't explicitly ask me
21 to help with it way back in March or February when
22 it happened.
23 Q Then now comes the time when Ms. Geraghty gets
24 promoted?
25 A Well, she was hired, not promoted.

404

1 Q All right. And you sensed that here again Marilyn
2 is upset about that hire, at least that was your
3 perception?
4 A At least disappointed, yes.
5 Q Okay.
6 A But she said that she --
7 Q You answered my question. Now, did you, after you
8 learned that she was disappointed with
9 Ms. Geraghty's hire, did you develop a fear that she
10 would disclose the sexual interaction?
11 A I would say the fear grew a little bit, yeah.
12 Q Why is that?
13 A Well, she was unhappy. And when you're having a
14 relationship with somebody that you don't want to
15 have disclosed, there's a fear. There's always a
16 fear. There's just more fear than when things were
17 going well.
18 Q Did she ever threaten?
19 A No.
20 Q When was the very first time, Mr. Norquist, that you
21 learned that Marilyn Figueroa had disclosed your
22 sexual interaction with her?
23 A Disclosed to who?
24 Q To anyone. When was the first time that you learned
25 that she may have disclosed information about the

405

1 sexual interaction?
2 A I really don't know. I mean I didn't -- after
3 seeing her leaving as I was coming into the building
4 on January 4th I've never had a conversation with
5 her. So I really don't know.
6 Q Well, you're talking about January 4th of 2000?
7 A That's right.
8 Q Before January 4th of 2000 what evidence, if any,
9 did you have that would lead you to believe that
10 Marilyn Figueroa had disclosed the sexual
11 interaction between you and her?
12 A I don't. I don't -- I didn't have a conversation
13 with her. I had no way of knowing what she was
14 doing.
15 Q After January 4th of the year 2000, when was the
16 first time that you learned that Marilyn Figueroa
17 had disclosed the sexual interaction that you had
18 with her for four or five years previously?
19 A The first time would have been the
20 Milwaukee Magazine article where she discussed the
21 issue. Otherwise I had no communication with her,
22 didn't know one way or the other who she had
23 disclosed it to.
24 Q And when was the very first time that you disclosed
25 the sexual interaction that you had had with

406

1 Marilyn Figueroa?
2 A To the public or --
3 Q To anyone.
4 A I think to -- without getting into great detail, but
5 I admitted that I had a relationship with her when I
6 talked to Bill Christofferson, and then later that
7 afternoon I told my wife. I think that was
8 January 5th.
9 Q So up to that point is it fair and accurate to say
10 that as far as you knew, you were the first one to
11 disclose the relationship to anyone outside you and
12 Marilyn Figueroa?
13 A As far as I knew for sure.
14 Q Before January 5th, before you disclosed the sexual
15 relationship, did you have any knowledge that
16 Marilyn Figueroa was requesting a reclassification
17 within the Mayor's office?
18 A Yeah. I think she asked for a reclassification
19 sometime back in October, or it could have been
20 November.
21 Q Of 1999, sir?
22 A Yes.
23 Q Was that the first time that you learned that
24 Marilyn Figueroa was requesting a reclassification
25 within the Mayor's office?

407

1 A Well, she wanted the Brenda Wood job. I knew about
2 that long before back in March.
3 Q And you learned that from Marilyn Figueroa?
4 A I'm not sure if I learned it first from her. I
5 learned that she was disappointed that Brenda Wood
6 got the job instead of her.
7 Q And that would have been March of 1999?
8 A Yeah.
9 Q Okay.
10 A It could have been from her, it could have been from
11 somebody else on the staff.
12 Q And as far as the reclassification is concerned, is
13 it your sworn testimony that the first time you
14 learned about that was sometime in October or
15 November of 1999?
16 A Yes, to my best recollection of it, probably more
17 likely late October than November but sometime in
18 there.
19 Q That would have been about two to three months
20 before you disclosed your sexual interaction with
21 Marilyn to Mr. Christofferson; correct?
22 A Yes. In conference.
23 Q And as I understand, your sworn testimony today is
24 that Mr. Christofferson was the first person that
25 you disclosed your sexual interaction with

408

<p>1 Marilyn Figueroa; correct?</p> <p>2 A Correct.</p> <p>3 Q By the way, what prompted you to disclose your</p> <p>4 sexual interaction with Marilyn Figueroa with</p> <p>5 Mr. Christofferson?</p> <p>6 A Well, he had had a meeting with her in which she was</p> <p>7 fairly upset. She was -- that was after the</p> <p>8 January 4th when she was leaving City Hall as I came</p> <p>9 in. And she talked about quitting the campaign job,</p> <p>10 the half of her job was the campaign. She talked</p> <p>11 about quitting that. My memory is that Bill said to</p> <p>12 her, well, what's the big problem? And she said,</p> <p>13 ask the Mayor, he'll tell you. And when Bill</p> <p>14 confronted me with that, I hedged around a little</p> <p>15 bit. I didn't want to disclose it, but ultimately</p> <p>16 it sounded like something I should share with him at</p> <p>17 that point. I thought maybe that's what she was</p> <p>18 referring to.</p> <p>19 Q During this discussion that you had with</p> <p>20 Mr. Christofferson on January 5th of the year 2000,</p> <p>21 the discussion where as I understand for the very</p> <p>22 first time you disclosed your sexual interaction</p> <p>23 with Marilyn Figueroa to somebody; correct?</p> <p>24 A Yes. I didn't go to a great detail; but I admitted</p> <p>25 to Bill and Bill alone that I had had a</p> <p style="text-align: center;">409</p>	<p>1 (Recess)</p> <p>2 Q Mr. Norquist, after January 5th -- strike that.</p> <p>3 After January 4th, the day when Marilyn left her</p> <p>4 office, did there come a time when you learned that</p> <p>5 Marilyn Figueroa was intending to file a</p> <p>6 discrimination complaint against you?</p> <p>7 A Yes.</p> <p>8 Q When did that happen?</p> <p>9 A I'm really not sure.</p> <p>10 Q How soon after she left did you learn?</p> <p>11 A My guess would be two or three days later, something</p> <p>12 like that.</p> <p>13 Q How did you learn of that fact?</p> <p>14 A It maybe would have been like the 9th or something</p> <p>15 like that. I believe Mike Soika would have told me</p> <p>16 that.</p> <p>17 Q What did Mr. Soika tell you?</p> <p>18 A That she had asked for the form or taken out the</p> <p>19 form to file a complaint.</p> <p>20 Q Tell me verbatim if you can what Mr. Soika said to</p> <p>21 you.</p> <p>22 A That she had, either that she had picked up the form</p> <p>23 or asked for the form. I don't remember which.</p> <p>24 Q You're talking about the discrimination complaint</p> <p>25 form?</p> <p style="text-align: center;">411</p>
<p>1 relationship --</p> <p>2 Q Where --</p> <p>3 A -- with her.</p> <p>4 Q -- did this discussion occur?</p> <p>5 A Well, times of day, I mean we could try to narrow it</p> <p>6 down.</p> <p>7 Q What do you recall?</p> <p>8 A Either late morning or early afternoon, sounds like</p> <p>9 early afternoon.</p> <p>10 Q Where?</p> <p>11 A In my office in City Hall.</p> <p>12 Q How many discussions did you have with</p> <p>13 Mr. Christofferson on that day, January 5th, about</p> <p>14 Marilyn Figueroa?</p> <p>15 A I think we had a brief discussion in the morning, I</p> <p>16 don't remember if it was in person or on the phone,</p> <p>17 that he thought there was a problem that Marilyn was</p> <p>18 upset about something. And then we met again in the</p> <p>19 afternoon, and that's when he told me that she had</p> <p>20 said that -- to talk to me about it why she's upset.</p> <p>21 Q Did Mr. Christofferson during those two conferences</p> <p>22 ever mention anything to you about the fact that</p> <p>23 Marilyn was intending to file a discrimination</p> <p>24 complaint?</p> <p>25 A No.</p> <p style="text-align: center;">410</p>	<p>1 A Uh-huh.</p> <p>2 Q Is that yes?</p> <p>3 A Yes, excuse me, sorry.</p> <p>4 Q What else did Mr. Soika say to you with respect to</p> <p>5 Marilyn Figueroa's intent to file a complaint</p> <p>6 against you?</p> <p>7 A I really don't remember, other than he showed me a</p> <p>8 copy of the complaint, the form that would be used.</p> <p>9 Q Where did this discussion take place between</p> <p>10 Mr. Soika and yourself?</p> <p>11 A I believe in my office. It might have been in his</p> <p>12 office.</p> <p>13 Q Which was?</p> <p>14 A I'm not sure, but I'd say if I had to pick between</p> <p>15 the two, probably my office.</p> <p>16 Q What time was it when he spoke to you?</p> <p>17 A Well, I'm not sure which day it was, but probably in</p> <p>18 the middle of the day.</p> <p>19 Q Was anyone present when he gave you that</p> <p>20 information?</p> <p>21 A Not that I remember, but it's possible that maybe</p> <p>22 Steve Jacquardt might have been standing nearby, but</p> <p>23 most likely it was probably just he and I.</p> <p>24 Q Steve Jacobs?</p> <p>25 A Jacquardt.</p> <p style="text-align: center;">412</p>

1 Q Is it your recollection that Mr. Jacquardt was
2 present?
3 A No, no. It would be more that he wasn't, but it's
4 possible that he was.
5 Q Have you told me everything Mr. Soika said to you on
6 that day?
7 A That I can remember.
8 Q What prompted this discussion?
9 A Well, I mean you have to be concerned if somebody's
10 going to file a complaint. What does it mean?
11 Q What I'm saying is --
12 A The fear of it.
13 Q What I'm asking you, Mr. Norquist, how did Mr. Soika
14 happen to be talking to you about this complaint?
15 Did he call you before he got to your office, so you
16 went to his office?
17 A Well, his office is right across the hall from mine,
18 so he probably would have just walked in and said
19 did you know this?
20 Q Did you know this meaning what?
21 A That, either that she had picked up a complaint, the
22 complaint form or asked for a complaint form.
23 Q And that's when he showed you the complaint form?
24 A Yes.
25 Q And as I understand, this would have occurred

413

1 sometime on the 9th of January of 2000?
2 A It could have been -- I mean I don't know what day
3 of the week that is, but it could have been a day or
4 two before, a day or two after. I don't know.
5 Q How long did the discussion last when Mr. Soika was
6 telling you about Marilyn Figueroa's intent to file
7 a complaint against you?
8 A I don't remember, but -- except -- I don't remember
9 us talking about it very long. I mean I was
10 thinking to myself more, you know, what does this
11 mean?
12 Q What, if any, response did you give to Mr. Soika's
13 comments or information that he was providing to you
14 regarding Marilyn Figueroa's intent to file a
15 complaint of discrimination against you?
16 A That the City should just follow whatever procedures
17 they normally follow with anybody else.
18 Q Anything else?
19 A Not that I can remember.
20 Q Did Mr. Soika or you suggest any type of action
21 other than what you just stated?
22 A No.
23 Q Was this the very first time that Mr. Soika --
24 strike that. Was this the very first time that you
25 had learned of Marilyn Figueroa's intent to file a

414

1 discrimination complaint against you?
2 A I didn't have any explicit information, but I got
3 the impression from Marilyn back on October 6th that
4 she didn't say it explicitly, but I had the
5 impression from her that she was -- might be
6 considering some action. But I don't remember
7 specifically what she said that made me think that.
8 Q But as far as someone actually notifying you --
9 A Yeah, this would have been the first time.
10 Q With Mr. Soika?
11 A Correct.
12 Q Up to that point, January 9th when Mr. Soika
13 informed you that Marilyn Figueroa was planning to
14 file a complaint of discrimination against you, had
15 you disclosed to Mr. Soika anything related to your
16 sexual encounters with Marilyn Figueroa?
17 A I think I disclosed that we had had a relationship,
18 either right before or right after. It would have
19 been about in that time that, you know, I felt that,
20 you know, he should know that.
21 Q When exactly did you disclose your relationship with
22 Marilyn Figueroa to Mr. Soika?
23 A I don't remember. I can tell you within the -- it
24 was sometime around that. It might have been
25 before -- if I had to guess, I'd say maybe a little

415

1 before rather than a little bit after.
2 Q Well, tell me how did that happen. It certainly was
3 not on the day he informed you that Marilyn was
4 planning to file a discrimination complaint against
5 you?
6 A It might have been. I don't know.
7 Q Well, tell me what's in your mind as to when you
8 disclosed to Mr. Soika for the first time your
9 sexual relationship with Marilyn Figueroa.
10 A That --
11 Q No, I said when was the first time.
12 A When? I'm not sure.
13 Q Where did you disclose your sexual relationship with
14 Marilyn Figueroa to Mr. Soika?
15 A I'm not sure, but it would have been in the office,
16 or maybe I called him at home and talked about it.
17 Q What day?
18 A I don't remember. I remember for sure when I did
19 with Christofferson, but I don't remember for sure
20 when I disclosed it to Soika.
21 Q Did you disclose to Mr. Soika your relationship --
22 A Christofferson was the 5th, and it would have been
23 sometime after that, not on the 5th but some day
24 after that. It could be as late as the 10th. It
25 could be as early as the 6th.

416

1 Q Did you disclose to Mr. Soika your relationship with
2 Ms. Figueroa before you learned she was filing a
3 complaint or after?
4 A I'm not sure whether I did or not. If I had to
5 guess, it might have been before. If I had to guess
6 one way or the other.
7 Q You believe you disclosed to Mr. Soika your
8 relationship with --
9 A Actually --
10 Q Let me finish my question.
11 A I would actually say that I was more likely to have
12 told him about it after I heard about the complaint
13 of Ms. Figueroa, but I'm not sure.
14 Q Well, if you disclosed to --
15 A But I'm not sure. I'm just trying to be honest
16 about it. I'm not -- the dates --
17 Q I don't have any question. I just want to make sure
18 we allow the court reporter --
19 A Sorry.
20 Q -- enough time to get one at a time.
21 A Okay.
22 Q If you discussed -- strike that. If Mr. Soika
23 discussed with you Marilyn's intent to file a
24 discrimination complaint against you on the 9th and
25 now you believe that you may have disclosed to

417

1 Mr. Soika your relationship with Marilyn Figueroa
2 after that, when do you think that would have been
3 that you disclosed your relationship with
4 Marilyn Figueroa to Mr. Soika in relationship to the
5 9th?
6 A Probably -- yeah. My guess is probably on the 9th.
7 Q Where?
8 A Either in my office or on the phone. I mean I
9 remember wanting to wait awhile, you know. I was
10 thinking do I really want to tell Mike about this?
11 But then I thought he should know. And so it would
12 have been sometime later.
13 Q Well, and that's what I want to understand. You
14 believe it was later -- hold on a second.
15 A See --
16 Q We've got to get the record clear.
17 A Okay, sorry.
18 Q You testified that on January the 9th Mr. Soika for
19 the first time informed you that she was intending
20 to file a discrimination complaint.
21 A That's correct.
22 Q You spent quite a bit of time on that issue. Now,
23 what I want you to tell me is in relationship to
24 January 9th, when did you disclose your relationship
25 with Marilyn Figueroa to Mr. Soika?

418

1 A It would have been sometime later, whether it was
2 the same day or not or the next day. And whether --
3 and I'm unclear whether it was in response to him
4 saying that she had asked for the form or picked up
5 the form, you know. Those are two different events.
6 Q You're talking about two different discussions
7 regarding Marilyn's intent to file a complaint of
8 discrimination against you?
9 A I'm not sure whether I'm talking about two different
10 discussions, but I can't remember whether he said
11 that she had asked for the form or actually picked
12 up the form.
13 Q And that is what he informed you on January the 9th?
14 A To my -- that's my best guess of when he did it.
15 Q And now again I want you to tell me at what point
16 after January 9th did you disclose to Mr. Soika your
17 relationship with Marilyn Figueroa?
18 A Either later that day or probably the next day.
19 That's as best as I can narrow it down.
20 Q Where did the discussion occur with respect to your
21 disclosure regarding your relationship with
22 Marilyn Figueroa?
23 A Either in the office or over the phone calling him
24 at his house. If it was in the evening, I might
25 have done it over the phone.

419

1 Q Do you recall clearly where it happened?
2 A No. I mean it could have been the next day. Maybe
3 I would have taken him to lunch or something and
4 told him.
5 Q Well, what is it, sir, phone?
6 A I don't remember really. I mean there's a lot of
7 details to put together then.
8 Q When you disclosed your relationship with
9 Mr. Soika --
10 A I mean I can look at the schedule again, the other
11 things and see if I can narrow it down more before
12 the next time we meet.
13 Q Have you looked at that schedule before today?
14 A I have but not as carefully. I wasn't looking for
15 this particular point. And I can do that.
16 Q When you disclosed your relationship with
17 Marilyn Figueroa to Mr. Soika, what exactly did you
18 tell him?
19 A Nothing real explicit other than we had had a
20 relationship and that we had had intercourse
21 together and that was it. I didn't say how many
22 times or what the circumstances were.
23 Q When Mr. Soika informed you that Marilyn Figueroa
24 was intending to file a discrimination complaint
25 against you, did he specify the type of complaint he

420

1 believed --
 2 A No.
 3 Q -- Marilyn Figueroa was going to file?
 4 A No.
 5 Q Did you suspect she was going to file a sexual
 6 harassment complaint when you learned that she was
 7 intending to file a complaint?
 8 A Well, I wasn't sure of that, but I --
 9 Q Did you suspect it?
 10 A I had that fear, or in some way reveal the
 11 relationship, whether it was a complaint or not.
 12 Q You testified previously that on the 5th you had a
 13 conversation with Mr. Christofferson where you
 14 disclosed your relationship with Marilyn Figueroa;
 15 correct?
 16 A Correct.
 17 Q And I think you volunteered -- and I don't want you
 18 to tell me any more than that, I just want to know
 19 that this is what you said -- that on the same day
 20 you went and notified your wife.
 21 A Correct.
 22 Q So obviously your discussion with Mr. Soika would
 23 have happened almost four days, January 4th or
 24 after?
 25 A It would have been on the 5th.

421

1 Q Excuse me, January 9th, that would have been almost
 2 four days after you had discussed with
 3 Mr. Christofferson your relationship with
 4 Marilyn Figueroa; correct?
 5 A Well, I'm not sure about that. As I've said, I
 6 think the range of possibilities of when I first
 7 discussed with Soika the relationship could be as
 8 early as January 6th or as late as a day or two
 9 after the 9th. So let's say from the 6th to the
 10 11th.
 11 Q But it certainly was after you spoke to
 12 Mr. Christofferson?
 13 A The only person I spoke to before I spoke to my wife
 14 was Mr. Christofferson.
 15 Q Did anyone suggest to you, anyone from your -- the
 16 group of associates, anyone suggest that you
 17 disclose that relationship to your wife?
 18 A No.
 19 Q When you spoke to Mr. Soika about your relationship
 20 with Ms. Figueroa, did you share with him your fear
 21 that she may be thinking about a sexual harassment
 22 complaint?
 23 A No, not explicitly, but I did notice the word sex on
 24 the form. The word sex and the fact that we had a
 25 relationship did, you know, strike a note of fear

422

1 into me.
 2 Q Did you let Mr. Soika know about those fears that
 3 you were experiencing at that point with respect to
 4 a potential sexual harassment claim?
 5 A Not explicitly.
 6 Q Did you convey that feeling in some way to
 7 Mr. Soika?
 8 A Well, I am certain that he had the impression that I
 9 didn't -- that I was afraid that the nature of the
 10 relationship, that the relationship that we had had
 11 would become public.
 12 Q All right.
 13 A I was less terrified after I told my wife about it.
 14 I mean at that point at least that particular fear I
 15 had --
 16 Q Because I can't really ask you questions about what
 17 you told your wife, I will ask you to just wait
 18 until the next question.
 19 It was during this period, wasn't it, that the
 20 Bill Clinton and Monica Lewinsky episode had become
 21 public; is that correct?
 22 A I think it was quite a bit before this.
 23 Q When?
 24 A Well, we can look it up.
 25 Q Obviously it happened during the time that you were

423

1 having a sexual interaction with Marilyn Figueroa;
 2 correct?
 3 A Yeah. Our relationship began before that came out
 4 and ended after it came out.
 5 Q Did you and Marilyn Figueroa ever discuss that
 6 Clinton-Lewinsky episode in relation to what you
 7 were doing with Marilyn?
 8 A Well, it did -- I think a few times we talked about
 9 how we needed to be a little more careful. We
 10 looked at it -- also we discussed the fact that, you
 11 know, we were adults. It wasn't like, you know, he
 12 was a lot older than she was. But it did -- there's
 13 no question it heightened the fear of having the
 14 relationship revealed.
 15 Q You think that the Clinton-Lewinsky matter was
 16 different than your situation with Marilyn Figueroa?
 17 A Well, all relationships are different than other
 18 relationships. I don't know enough about -- I don't
 19 know anything more about it than you do.
 20 Q Well, but you just testified that Marilyn Figueroa
 21 was older. Do you feel or --
 22 A That's one difference, yeah.
 23 Q Did you believe that Monica Lewinsky was a minor
 24 when she engaged in sexual acts with
 25 President Clinton?

424

<p>1 A No, just above the age of majority. It's a 2 difference. I'm not -- I don't feel like that 3 somehow makes me feel better about it. 4 Q Did you feel you were on safer ground because 5 Marilyn Figueroa was older than Monica Lewinsky? 6 A No. Mostly I felt on safer ground because I felt 7 like Marilyn didn't want to disclose the 8 relationship any more than I did. I felt that I 9 could trust her. 10 Q Nevertheless, the Monica Lewinsky and Bill Clinton 11 alerted you to a potential trouble; correct? 12 A There's no question it ran through my mind. In 13 fact, one of the periods that we were not together 14 for a long time was when that story broke. 15 Q Did Marilyn Figueroa ever tell you that maybe the 16 exchange, sexual exchange should stop in light of 17 what had happened to President Clinton? Did she 18 ever make that suggestion at all during the entire 19 episode? 20 A No. 21 Q '94 through 1999? 22 A No. 23 Q After Mr. Soika informed you that Marilyn wanted to 24 file a discrimination complaint against you or 25 intended to, and after you disclosed to him your 425</p>	<p>1 lawyer, that a lawyer he had used in his divorce 2 case of his own when his first marriage broke up, 3 that he was impressed with Anne Shindell. 4 Q Is that what he suggested to you -- 5 A Yes. 6 Q -- on the day you disclosed your relationship? 7 A I don't think it was the same day, probably a day or 8 two later. 9 Q The day you disclosed your relationship with 10 Marilyn Figueroa did he suggest anything? Any plan 11 of action, any -- 12 A No. I mean I said her situation should be handled 13 like anybody else's. 14 Q When you spoke to Mr. Bill Christofferson on 15 January the 5th about your relationship with 16 Marilyn Figueroa, did Mr. Christofferson suggest any 17 plan of action of any kind? 18 A Well, I think he wanted to talk to Marilyn one more 19 time, you know, see how she was feeling. I don't 20 think he -- as far as I know, I don't think he 21 successfully reached her. 22 Q Other than that, did he propose any type of action, 23 any plan, any strategy? 24 A No. Other than, you know, if everything -- if the 25 relationship became public, that he tried to figure 427</p>
<p>1 relationship with Marilyn Figueroa -- 2 A I think I better -- just to clarify would be that 3 she might. I didn't know for sure. 4 Q Whichever. 5 A Yeah. I'm just saying my impression was that. 6 Q After you disclosed your relationship with 7 Marilyn Figueroa, what, if any, was the reaction of 8 Mr. Soika? 9 A Well, he's a very low key individual. He doesn't -- 10 Q I just want to know what was his reaction? 11 A It was difficult for me to, to say it, to reveal it 12 to him. I had a little hard time getting right down 13 to explaining what it was. He seemed to be 14 understanding without really saying much about it. 15 He went through a divorce, you know, so he 16 said, you know, life is complicated and tried to 17 reassure me that I, you know, shouldn't feel total 18 despair over it, whatever. But, you know, he really 19 didn't -- Soika's not somebody who's like a big 20 talker, you know. He's very tight, kind of terse 21 person, so he didn't spend a lot of time talking. 22 Q Did he make any suggestions as to how to deal with 23 the situation involving you and Marilyn Figueroa and 24 her intent to file a complaint? 25 A Well, he did suggest that if I was looking for a 426</p>	<p>1 out how to have some kind of way to communicate my 2 side of the story if that ever happened. 3 Q Did he do that? 4 A He didn't do anything. He just talked about how he 5 would think about how to do it if it came down. 6 Q My question is did he ever do that? Did he ever try 7 to provide an explanation to your side of your 8 story? 9 A Well, in December 1 of the year 2000 he, you know, 10 made some suggestions, including one to buy a 11 newspaper ad which most people other than him 12 thought that was a mistake but -- 13 Q Did you assist Mr. Christofferson with information 14 in order for Mr. Christofferson to come up with 15 providing your side of the story as you put it? 16 A No. I mean I told him that we had had the 17 relationship. I tried not to get into detail about 18 the individual liaisons that we had. 19 Q Did you ever -- 20 A And he didn't seem particularly, you know, anxious 21 to hear a lot about it. 22 Q Did you ever disclose to Mr. Christofferson any 23 details of your sexual encounters, any kind of 24 sexual encounter with Marilyn Figueroa? 25 A I did, I said, I told him that -- the first day I 428</p>

1 just told him we had had a relationship and that we
 2 had had intercourse. Later on a few days later I
 3 told him, you know, the intercourse was more like
 4 10 or 12 times, which is what I've said before. As
 5 far as I know, I think that's what Marilyn said.
 6 Q Anything else that you disclosed to
 7 Mr. Christofferson with respect to your sexual
 8 encounters with Ms. Figueroa?
 9 A I think he might have asked --
 10 Q No, sir, I want to know what you know you disclosed
 11 to him. I don't want you to assume.
 12 A I think I told him that I didn't think anybody knew
 13 about it other than Marilyn and I during the time it
 14 was happening.
 15 Q Did you ever to this day disclose any details to
 16 Mr. Christofferson about any of the sexual
 17 interaction that you had with Marilyn Figueroa?
 18 A Not, not to my knowledge. I don't think I ever did.
 19 Q Other than what you just stated --
 20 A A number, yeah.
 21 Q Other than what you just stated on the record --
 22 don't worry about it, sir. You're on camera and we
 23 want to keep you there. Thank you.
 24 Other than what you just disclosed, is it your
 25 testimony that you did not disclose to

429

1 Mr. Christofferson any of the details of the sexual
 2 encounters you had with Ms. Figueroa?
 3 A Other than the number of them.
 4 Q What about Mr. Soika? Did you ever disclose any of
 5 the details of your sexual encounters with
 6 Marilyn Figueroa at any point after the first week
 7 of January?
 8 A I don't know. I may have, particularly I think I
 9 might have mentioned to him how it started back with
 10 the October 4, or early October, whatever it was,
 11 you know, fixing the tire, going to the house, then
 12 a week later actually going in the house. I think I
 13 told him about that.
 14 Q Anything else that you disclosed?
 15 A It's possible I did, but I don't remember explicitly
 16 talking about individual incidents.
 17 Q When you say possible, do you know for sure, other
 18 than what you just told me, whether or not you
 19 discussed any details of any of the sexual
 20 encounters you had with Marilyn Figueroa to
 21 Mr. Soika?
 22 A I don't know for sure.
 23 Q Let me go back to 1999 just to put my chronology
 24 here --
 25 A Okay.

430

1 Q -- as close as possible. I wasn't very clear on
 2 your previous answer with respect to whether or not
 3 you had knowledge that Marilyn Figueroa had
 4 requested a reclassification sometime before
 5 Ms. Geraghty was hired. Did you know that she had
 6 requested a reclassification before Ms. Geraghty was
 7 hired?
 8 A I don't know that -- I didn't -- I don't think I
 9 knew formally whether or not she had actually
 10 applied for it, but I knew that she felt like she
 11 should get a reclassification, you know, similar to
 12 what Brenda Wood had gotten.
 13 Q Similar meaning staff assistant senior to the Mayor?
 14 A Well, whatever, you know, up some pay grade level.
 15 I don't know if she wanted the exact same level or
 16 not.
 17 Q Did you know in 1999, Mr. Norquist, whether or not
 18 the Department of Employment Relations had began a
 19 reclassification study of Marilyn's position?
 20 A I don't think I explicitly knew that. I knew
 21 something was going on but I didn't know --
 22 Q What did you know?
 23 A That she wanted to have a higher classification.
 24 Q How did you learn of that fact?
 25 A From her, from Rowen, from Soika.

431

1 Q To your knowledge, do you know if that
 2 reclassification study that was initiated by
 3 employment relations was ever completed on
 4 Marilyn Figueroa's position?
 5 A I don't know.
 6 Q To your knowledge, to this date has that position
 7 that was assigned to Marilyn Figueroa been upgraded
 8 in pay in any manner?
 9 A I don't know. I really don't know.
 10 Q The person that was eventually hired as a staff
 11 assistant senior to the Mayor, Ms. Geraghty --
 12 A Yes.
 13 Q -- do you know when that position that she got was
 14 selected for reclassification?
 15 A No.
 16 Q Did you have --
 17 A I mean I assume it was shortly before she was hired.
 18 Q Did you have any input in staffing in any way
 19 Marilyn Figueroa's reclassification of her position?
 20 A No.
 21 Q Did you know that her position, reclassification
 22 study was stopped by Mr. Soika?
 23 A No.
 24 Q Did Mr. Soika ever disclose to you that he had
 25 requested that Marilyn Figueroa's reclassification

432

<p>1 be stopped?</p> <p>2 A No.</p> <p>3 Q Did you have any input in reclassifying the position</p> <p>4 that eventually became the position where</p> <p>5 Ms. Geraghty was appointed?</p> <p>6 A Yes. In that she was in a relatively high position</p> <p>7 at Marquette. The only way we could get her, and</p> <p>8 Mike really wanted her to come and work in the</p> <p>9 office, was to offer her enough pay to get her.</p> <p>10 Q Let's go back to my previous question. You</p> <p>11 obviously had input on requesting the</p> <p>12 reclassification of the position which Ms. Geraghty</p> <p>13 got; right?</p> <p>14 A Well, I looked at that as an administrative detail.</p> <p>15 I thought it was a good thing to come up with a way</p> <p>16 to pay Ms. Geraghty to come and work for the City.</p> <p>17 Q And the way you went about doing that is by</p> <p>18 reclassifying one of the staff assistant positions;</p> <p>19 correct?</p> <p>20 A Correct, correct.</p> <p>21 Q When did you do that, sir?</p> <p>22 A I don't know the exact date, but we could look it</p> <p>23 up. I mean it would have been a week or so before,</p> <p>24 or two weeks before she occupied the job.</p> <p>25 Q Did you ever learn what happened with</p> <p style="text-align: center;">433</p>	<p>1 order to get her, according to you, to get her to</p> <p>2 come to work for you; true?</p> <p>3 A Correct.</p> <p>4 Q And the only way that that could have been done is</p> <p>5 by reclassifying one of the assistant, staff</p> <p>6 assistant positions; correct?</p> <p>7 A Yeah. Unfortunately that was the unnecessary --</p> <p>8 unfortunately unnecessary mechanical way to</p> <p>9 accomplish that.</p> <p>10 Q And do you know how long it took to complete that</p> <p>11 unfortunate mechanical process?</p> <p>12 A Yeah. I mean we should have been able to offer the</p> <p>13 pay that she needed without that process.</p> <p>14 Q Now listen --</p> <p>15 A I don't know how long it took, I don't know.</p> <p>16 Q Did it take a month, two months? I believe you</p> <p>17 stated two months.</p> <p>18 A No. I thought maybe a week or two. I don't know.</p> <p>19 Q Okay.</p> <p>20 A I don't know for sure, but I --</p> <p>21 Q That would have been obviously after your sexual</p> <p>22 encounters with Marilyn Figueroa had terminated;</p> <p>23 correct?</p> <p>24 A Well --</p> <p>25 MR. PINES: What would have?</p> <p style="text-align: center;">435</p>
<p>1 Marilyn Figueroa's reclassification study?</p> <p>2 A No.</p> <p>3 Q To this date do you know whatever happened to that</p> <p>4 study?</p> <p>5 A No.</p> <p>6 Q When was Ms. Geraghty appointed to that position?</p> <p>7 A I don't know, but my impression is beginning of</p> <p>8 December of '99.</p> <p>9 Q December of 1999?</p> <p>10 A Or late November.</p> <p>11 Q Do you know how long it took to conduct the</p> <p>12 reclassification study of the position that she</p> <p>13 eventually got?</p> <p>14 A No. But I mean my own view is that we shouldn't</p> <p>15 have had to do a reclassification study to elevate</p> <p>16 Marilyn or her.</p> <p>17 Q But one was done; isn't that true?</p> <p>18 A Apparently so.</p> <p>19 Q And based on your sworn testimony, sir, which I will</p> <p>20 hold you to --</p> <p>21 A Fine.</p> <p>22 Q -- on that issue is that you wanted to bring this</p> <p>23 person, Ms. Geraghty, on board; correct?</p> <p>24 A Correct.</p> <p>25 Q And you needed to find a way to pay her more in</p> <p style="text-align: center;">434</p>	<p>1 MR. ARELLANO: The appointment of</p> <p>2 Ms. Geraghty.</p> <p>3 A Well, the issue of appointing Ms. Geraghty would</p> <p>4 have been --</p> <p>5 Q Sir, my question is quite simple. The appointment</p> <p>6 of Ms. Geraghty occurred after your sexual</p> <p>7 encounters with Marilyn Figueroa had terminated;</p> <p>8 true?</p> <p>9 A It could have been either way.</p> <p>10 Q Around that time?</p> <p>11 A Either could have been a little before or a little</p> <p>12 after.</p> <p>13 Q Well, when do you think? If it was before, when do</p> <p>14 you think it could have happened?</p> <p>15 A Well, when -- we could look it up. When was she</p> <p>16 hired?</p> <p>17 Q Do you know? Do you know?</p> <p>18 A I don't know, but the time would have been fairly</p> <p>19 close one way or the other.</p> <p>20 Q And just so I leave this issue alone, is it your</p> <p>21 sworn testimony that you never directed Mr. Soika to</p> <p>22 stop the reclassification of her position in order</p> <p>23 to reclassify this other position for Ms. Geraghty?</p> <p>24 A I didn't order him to do that, no.</p> <p>25 Q Did you suggest that he do that?</p> <p style="text-align: center;">436</p>

1 A No. Because I don't -- I wouldn't have and don't
2 see any real connection between the two, other than
3 in order to accomplish Ms. Geraghty's hiring
4 Marilyn's reclass had to wait longer.

5 Q Sir, just want to know, did you suggest to Mr. Soika
6 at any time in 1999 --

7 A No.

8 Q -- that the reclassification of Marilyn Figueroa be
9 stopped?

10 A No.

11 Q With respect to the reclassification of the position
12 that Ms. Geraghty eventually received, the staff
13 assistant senior to the Mayor --

14 A Correct.

15 Q -- based on the years that you knew Marilyn, do you
16 believe that Marilyn was qualified to take the
17 responsibilities of that position before you
18 selected Ms. Geraghty?

19 A She met the, whatever the legal qualifications are,
20 which are minimal. She met those. She exceeded
21 those.

22 Q So you believe she would have qualified for that
23 position; correct?

24 A Yeah.

25 Q All right. When was the very first time that you
437

1 learned that Ms. Geraghty could be a candidate for
2 the staff assistant senior position that she
3 eventually received?

4 A Well, I would say probably sometime early on in
5 November.

6 Q How did you learn of Ms. Geraghty?

7 A Soika -- I knew Ms. Geraghty superficially. Her and
8 Rana Altenberger were the lobbyists, public
9 relations people for Marquette, so I knew who she
10 was. Soika had known her for years because he had
11 worked for the archdiocese.

12 Q When in November?

13 A My guess would be fairly early in November.

14 Q Obviously by that time you were aware of
15 Marilyn Figueroa's interest in the staff assistant
16 senior position?

17 A Yes.

18 Q True? Before you appointed Ms. Geraghty, did you
19 make a comparative analysis --

20 A No.

21 Q -- between Marilyn Figueroa's and Ms. Geraghty's
22 qualifications?

23 A No, no.

24 Q Do you know if Mr. Soika did, for a fact as opposed
25 to assuming?
438

1 A I would say that around mid November is probably
2 when I first found out about it, and I asked Mike to
3 check with Marilyn to see if she would be
4 disappointed or upset to wait longer for the reclass
5 so that he could hire Ms. Geraghty. He went to
6 Marilyn, talked to her about it. She said no
7 problem. I asked her about it and she said it's not
8 something I want you to worry about, you know. I'll
9 deal with it. It's not that big a problem. But I
10 think she was unhappier than she let on. But I took
11 her at face value that, okay, I'll wait and do it
12 later.

13 Q You instructed Mr. Soika to tell Marilyn that her
14 reclassification would take longer because of
15 Ms. Geraghty's hiring?

16 A No. I just asked him to -- I said, well, before you
17 do this, why don't you talk to Marilyn about it and
18 see if she's going to object because I know that she
19 was wanting to have a reclassification. She wanted
20 to make more money. I mean that's what it amounts
21 to.

22 Q What did you mean when you said to Mr. Soika that
23 Marilyn's reclassification would take longer?

24 A Well, as I understood it, I'm not an expert on --
25 this is a procedure, the Council doesn't apply to
439

1 its own positions.

2 Q I just want to know what you meant.

3 A I don't even know if I really said that to him. I
4 mean that's just the background knowledge of it.
5 What I know I said to him is why don't you go check
6 with Marilyn and make sure that she's not going to
7 be upset by having Trish Geraghty come in at this
8 higher pay level.

9 Q When did you direct Mr. Soika to check with Marilyn?

10 A My best guess would be around mid November, could
11 have been a little later, a little earlier.

12 Q Did you direct Mr. Soika in any way to stop the
13 reclassification of Marilyn Figueroa's position?

14 A No.

15 Q Did he ever notify you that he was stopping the
16 reclassification of Marilyn's position?

17 A No.

18 Q Did you ever -- strike that. You answered that
19 question. Did Marilyn ever request at any point
20 during her employment with your office to be
21 appointed to the Mike Dawson position when she left?

22 A When Mike Dawson left?

23 Q Correct.

24 A Not to me, but that's the position that Brenda Wood
25 got. I think she -- there's no question she would
440

Deposition of JOHN O. NORQUIST (VOL. III) 3/26/02

Case Compréss

1 have preferred to have it instead of Brenda.
 2 Q So up to this point you became aware by January of
 3 2000 that Marilyn Figueroa was not happy with the
 4 fact that she didn't get Mike Dawson's former
 5 position; correct?
 6 A By January of 2000 I was aware she was unhappy about
 7 that and the Geraghty position.
 8 Q And about her reclassification?
 9 A Correct, yeah.
 10 Q The reclassification was a separate issue, is that
 11 correct, than the Geraghty appointment?
 12 A Well, my understanding of the process is is that it
 13 would have been more than we could have run through
 14 the finance committee to do, you know, two
 15 reclassifications at the same time.
 16 Q So we're talking about two different issues;
 17 correct?
 18 A Yeah.
 19 Q Did Mr. Rowen ever recommend that Marilyn Figueroa
 20 be given the staff assistant senior position when he
 21 was the chief of staff?
 22 A He may --
 23 MR. TOKUS: Objection. Now that's
 24 not the state of the record in terms of the
 25 existence of that position.

441

1 Q You were the ultimate decision maker in all these
 2 appointments; isn't that correct?
 3 A That's correct.
 4 Q The Brenda Wood appointment; true?
 5 A Yeah.
 6 Q Reclassifications; correct?
 7 A Correct.
 8 Q Ms. Geraghty's appointment as well, true?
 9 A Yes. I'm sorry, yes.
 10 Q I understand you, but we've got to get the record
 11 clear.
 12 A Yeah, right.
 13 Q Is it fair and accurate to say, Mr. Norquist, that
 14 by the year 2000, January to be more specific,
 15 Marilyn Figueroa was the assistant to the Mayor with
 16 most seniority within the Mayor's office?
 17 A Yeah, if you don't count Ruth Wyttenbach.
 18 Q I'm talking about the staff assistants.
 19 A Well, I think Ruth is in a staff assistant position,
 20 so she would have had the second most seniority.
 21 Q Is Ruth -- Ruth is your secretary; correct?
 22 A Well, she's, she functions as more than that. She's
 23 a scheduler, office manager. Technically her
 24 position is in the staff assistant category rather
 25 than a clerical category.

443

1 Q Go ahead, sir.
 2 A I -- that may very well be. I don't know whether he
 3 did or he didn't. But I, you know, it certainly
 4 would have been fine with me if she had gotten that.
 5 Q During the entire period of time when you were
 6 having sexual interaction with Marilyn Figueroa did
 7 you personally recommend that Marilyn Figueroa be
 8 reclassified to any of the staff assistant senior
 9 positions?
 10 A No. I did recommend that she be considered but I
 11 did not -- I didn't want to force the issue, no.
 12 Q Who did you recommend that to?
 13 A Well, I mean after she felt like she didn't get
 14 considered alongside Brenda Wood back in March,
 15 another position came up that she should be able
 16 to -- her complaint was that she wanted to be able
 17 to interview for it and be seriously considered for
 18 it, and I certainly agreed with that. But I didn't
 19 want to say you must promote Marilyn Figueroa. I
 20 think that would have been inappropriate, especially
 21 after our conversation on October 6th where she said
 22 I hadn't stood up for her in these battles, because
 23 I didn't want any connection between our
 24 relationship and what happened on the job, nor did I
 25 want to hurt her ability to get an appointment.

442

1 Q But she's confined to your office; correct?
 2 A What do you mean by confined?
 3 Q In other words, she's not assigned any section of
 4 the City, any responsibilities outside the office.
 5 A Well, she does staff work once in awhile. She'll
 6 do, you know, weekend staff duty.
 7 Q But it's not included --
 8 A Her main role is office manager/scheduler.
 9 Q So aside from Ms. Wyttenbach, Ms. Figueroa would
 10 have been the one with the most senior seniority?
 11 A I believe so.
 12 Q Is that correct? And is it fair and accurate to
 13 say, Mr. Norquist, that during the entire period
 14 that she worked for your office she was never
 15 reclassified once?
 16 A I don't know that that's true.
 17 Q Tell me when was --
 18 A I think she was classification seven. She might
 19 have started as a four. I don't know. I'd have to
 20 go back and look it up.
 21 Q Other than the regular annual reclassifications or
 22 increase of pay, she was never reclassified as a
 23 senior within your office; correct?
 24 A Yeah, whatever senior means, yeah. She never
 25 exceeded seven, grade seven. But I think she might

444

1	have gone from a four to a seven.	1	Q So you knew that she had called in sick before she
2	Q And as I understand, all other staff assistants	2	was terminated? I just want to know that.
3	received similar gradual upgrading in their	3	A Yeah, at some point she called in sick.
4	classification and pay; correct?	4	Q All right.
5	A Well, there's two categories of pay increases. One	5	A She didn't call in sick after she was terminated.
6	is the regular increase based roughly on what the	6	Q Did you have any contact with anyone from employment
7	general City employees, AFSCME members get. And	7	relations --
8	then there's what's called step increases. And I	8	A No.
9	think she received both of those.	9	Q -- about Marilyn Figueroa?
10	Q And I believe all other staff assistants receive	10	A No.
11	those too as well; correct?	11	Q Did you receive any information from employment
12	A Well, there may have -- there's probably a few cases	12	relations with respect to how to treat Marilyn while
13	where somebody didn't get a step increase, but I	13	she was absent from work?
14	think she always did.	14	A I didn't directly communicate with anybody from DER.
15	Q But as far as promotions within the Mayor's office,	15	My advice to Soika who was the person, the only
16	any type of supervisory promotion, she never	16	person I talked to about this, was that her case
17	received one; is that correct?	17	should be treated like anybody else's.
18	A We should check and see whether she went from a four	18	Q Now listen to my question, sir.
19	to a seven, because that would be a promotion.	19	MR. ARELLANO: Do you want to read
20	Q Now --	20	that for me?
21	A She was offered promotions outside the Mayor's	21	(Question read)
22	office, but that isn't your question, so I shouldn't	22	Q That's the question.
23	have said that.	23	MR. PINES: He answered it.
24	Q After January 4th of the year 2000 when Marilyn left	24	THE WITNESS: Read it again. Let
25	her office, did Mr. Soika ever report to you that	25	me just hear it again.
445		447	
1	Marilyn Figueroa had called in sick?	1	(Question read)
2	A After the --	2	MR. PINES: Can you read the answer
3	Q After she left on January 4th.	3	-- too please.
4	A I don't remember when I heard about it, but at some	4	A No.
5	point she called Deanna, the woman who works mostly	5	(Answer read)
6	at the front desk and said she was calling in sick.	6	Q Your answer was no, you didn't receive any
7	I don't remember when that happened.	7	information from employment relations?
8	Q Did Mr. Soika --	8	A I didn't receive any information.
9	A I think that's a matter of record, I mean that you	9	Q Did anyone provide you with any report as to what
10	have access to.	10	the employment relations department was
11	Q So at least you knew that she had called sick after	11	suggesting --
12	she had walked out on January 4th of the year 2000?	12	A No.
13	A Yeah. I don't know when I knew that but --	13	Q -- with respect to Marilyn Figueroa?
14	Q Well, do you know when she was notified that she was	14	A No, not that I remember.
15	terminated from City employment?	15	Q All right. Did Mr. Soika report to you any
16	A I don't know a specific date, but my memory is maybe	16	information he obtained from employment relations
17	something like February 9th or 11th or 15th or	17	with respect to how to deal with Marilyn Figueroa?
18	something like that.	18	A No. He just said that he was trying to handle it
19	Q Before February 9th or 11th or whenever Marilyn was	19	the way DER would handle any other case.
20	terminated from her employment with the City of	20	Q And to your understanding, how do you believe the
21	Milwaukee, did you know that she had called sick	21	Department of Employment Relations would have
22	before that?	22	handled someone who had called sick and was not
23	A I knew she called in Deanna, and my understanding	23	coming to work?
24	was that she was sent a letter saying to send in	24	A Well, they would -- they would I presume ask for
25	documentation.	25	documentation. A certain period of time would go
446		448	

1 by. If they didn't provide the documentation or
 2 show up to work, then it would be considered a
 3 voluntary quit.
 4 Q What kind of documentation do you believe is
 5 required by the City of Milwaukee medical leave
 6 policy?
 7 A Well, I'm not an expert on it, but I would say a
 8 doctor's excuse.
 9 Q Did you ever inquire before Marilyn Figueroa was
 10 terminated as to what type of documentation would be
 11 required under City policy as far as medical leave
 12 is concerned?
 13 A No. I mean the only thing I know was that she
 14 hadn't provided any.
 15 Q My question is, sir, did you ever inquire what type
 16 of information is required under City policy?
 17 A No. I mean it would be more appropriate for her to
 18 do it.
 19 Q Do you know what specific information or
 20 documentation is required under City policy?
 21 A Not in detail.
 22 Q What is your understanding of the medical leave
 23 policy, Mr. Norquist? And let me clarify my
 24 question.
 25 A Yeah.

449

1 Q Well --
 2 A I mean anybody -- you have to have some form that
 3 people would --
 4 Q Well, that's what I want to understand.
 5 A Or some letter, you know, in a doctor's letter --
 6 let's just say that if I was sick on the job and I
 7 wanted to be off because I was sick, I would have to
 8 have some kind of letter from a physician or have
 9 the physician fill out a form.
 10 Q Let's go to the --
 11 A I don't know whether there's a specific form that
 12 the City had or whether a doctor's letter was
 13 sufficient.
 14 Q Did you ever inquire --
 15 A Either -- just strike it because it was late to a
 16 sentence which would be interrupting him so --
 17 Q In January of 2000 did you ever inquire as to the
 18 type of form --
 19 A No.
 20 Q -- that would be required under City policy?
 21 A No.
 22 Q During all of the years that you have been the
 23 leader of the City of Milwaukee, the mayor, have you
 24 ever seen any specific form used by your staff
 25 whenever medical leave was required?

451

1 Q What was your understanding in January 4th and after
 2 January 4th as far as the City's medical leave
 3 policy?
 4 A My understanding would be that somebody would go to
 5 a physician, get documentation of what their illness
 6 was and transmit that to the City of Milwaukee.
 7 Q And where did you learn about this particular
 8 information as far as City policy is concerned on
 9 medical leave?
 10 A It's common sense. I mean if somebody says they're
 11 sick and they don't show up for work and they never
 12 provide the documentation, then you'd assume that --
 13 you can't assume they're sick. They have to
 14 provide, like any -- I would assume most employers
 15 would operate that way.
 16 Q Do you know if the City policy requires any type of
 17 specific form in order to be entitled to medical
 18 leave?
 19 A No. But I'm sure we do. I'm not a very --
 20 Q What form is that?
 21 A I'm not familiar with the form. I don't know which
 22 form. It's a medical leave form.
 23 Q So you did know in January that the City requires a
 24 medical leave form; is that correct?
 25 A I assume that. I don't know that.

450

1 A No.
 2 Q Did you ever direct Mr. Soika to inquire as to
 3 whether or not a specific form was needed?
 4 A No.
 5 Q Did Mr. Soika ever report to you that the employment
 6 relations office had directed him, Mr. Soika, to
 7 place Marilyn on family leave before she was fired?
 8 A He may have said that to me. I don't remember. If
 9 it was just within the context of my general
 10 statement to him was follow whatever procedures you
 11 would for any other City employee. I wasn't really
 12 interested in getting the, you know, details of what
 13 the forms were or anything like that.
 14 THE WITNESS: Can we take a
 15 bathroom break.
 16 Q Hold on a second.
 17 MR. ARELLANO: Let me ask you to
 18 read back for me what he just stated.
 19 (Answer read)
 20 MR. TOKUS: And after this can the
 21 man have a bathroom break?
 22 MR. ARELLANO: He certainly can.
 23 MR. TOKUS: Please.
 24 MR. ARELLANO: I'm not going to
 25 stop him.

452

1 (Recess)	1 A I can't remember exactly when. It would have been
2 By Mr. Arellano: (Continuing)	2 sometime probably in early February.
3 Q Mr. Soika -- I apologize.	3 Q Before or after Marilyn Figueroa was terminated?
4 A That's all right. He's an honorable person. That's	4 A I'm not sure, but it would have been either just
5 fine.	5 before or just after.
6 Q Mr. Norquist, you testified that you instructed	6 Q All right. Before Marilyn was terminated what did
7 Mr. Soika to follow City procedures, is that	7 you do to ascertain that Marilyn was treated just
8 correct, with respect to dealing with	8 like any other employee?
9 Marilyn Figueroa after she left on January 4th,	9 A I think I asked whether she had sent in a medical
10 2000?	10 excuse, and I was told she hadn't.
11 A Treated like any other, follow the normal	11 Q When did you ask this question?
12 procedures.	12 A Probably sometime in early February.
13 Q Did you have any input in the termination of	13 Q Who was present when you asked this question?
14 Marilyn Figueroa when she was issued a letter of	14 A It would have been only Soika.
15 termination by Mr. Soika?	15 Q Who?
16 A Well, I knew that they were getting to the point	16 A Just Soika.
17 where so much time had passed that what they would	17 Q Where did that discussion take place?
18 call a voluntary quit had occurred. I mean I had no	18 A Either his office or mine.
19 reason to want to tick her off.	19 Q Which one was it, sir?
20 Q My question is, sir --	20 A I don't know. I mean we'd go between the two.
21 A We took as long as we could.	21 Q If I understand, you asked if the medical excuse had
22 Q Did Mr. Soika inform you that he was going to	22 been provided; correct?
23 terminate Ms. Figueroa before he did?	23 A Either that or he told me it hadn't been. I don't
24 A What he said to me was that he was going to try to	24 know.
25 wait as long as he possibly could for the events to	25 Q Which one was it?
453	455
1 run their course. If she didn't provide a medical	1 A Either way it effectively is the same communication.
2 excuse, then whenever the latest period that time	2 Q When you learned of that fact, what did you suggest,
3 would toll like for any other employee.	3 if anything, with respect to Marilyn Figueroa?
4 I mean we were not looking for ways to enrage	4 A Just to follow the normal procedure.
5 Marilyn Figueroa at that point.	5 Q What did that mean to you?
6 Q So just so I understand --	6 A You wait as long as you can.
7 A A happy Marilyn was a much better thing for me than	7 Q Tell me what's the procedure, sir. What's the
8 an unhappy Marilyn.	8 procedure that would be applied to any other
9 Q Just so I understand, sir --	9 employee that calls sick, was absent? What was your
10 A If we could have avoided having her, if we could	10 understanding in January 2000 as to what the
11 have -- I'm sorry. I apologize. Go ahead.	11 specific procedure was?
12 Q Just so I understand, you were notified by Mr. Soika	12 A Well, the reasonable thing to do, which would be
13 of the fact that he would be terminating	13 what I would think, not that -- I'm not an expert on
14 Marilyn Figueroa; is that what you're telling us?	14 the details of it, nor did I seek to be --
15 A Well, he could have told me after the fact too. At	15 Q I just want to know if you understand what the
16 the very end, you know, at some point he informed me	16 policy is as opposed to a guess.
17 that the time had run out. He also told me that he	17 A The policy as best as I understood it would be that
18 had sent her letters encouraging her to send in an	18 you would notify the person that they needed to send
19 excuse.	19 in medical documentation for being absent for
20 Q Did he ever tell you that he was going to be issuing	20 medical reasons.
21 a termination letter?	21 Q At what point?
22 A I think he probably told me that if she didn't	22 A Whenever, you know, whatever the time is. I don't
23 respond to request for medical excuse, that	23 know.
24 eventually that would happen.	24 Q What is the time?
25 Q When did he tell you that?	25 A I don't know.
454	456

Deposition of JOHN O. NORQUIST (VOL. III) 3/26/02

Case Compress

1	Q Well, when Marilyn was hired or let go, what do you	1	Q
2	believe was the time for her to comply with City	2	
3	policy?	3	
4	A Well, she had had, I don't know, a month, several	4	A
5	weeks.	5	
6	Q What do you think the City policy --	6	Q
7	A I wasn't her lawyer. I mean she had a lawyer by	7	
8	then.	8	
9	Q That wasn't my question, Mr. Norquist.	9	
10	A I'm sorry.	10	A
11	Q What was your understanding of the City policy as to	11	Q
12	the time she was supposed to provide any type of	12	
13	information?	13	A
14	A I didn't know specifically how many days.	14	
15	Q Did you inquire before she was let go?	15	Q
16	A It was just to follow the procedure that DER used.	16	A
17	They should use the same number of days as they	17	
18	would for anybody else.	18	
19	Q And so I leave you alone with this issue, do you	19	
20	know how many days that were required?	20	Q
21	A I don't know.	21	A
22	Q Did you ever find out before Marilyn was terminated?	22	
23	A No, I didn't. I assumed they were giving her	23	
24	whatever the number of days anybody else would get.	24	Q
25	Q Marilyn was absent since January 4th; correct?	25	
457		459	
1	A	1	
2	Q	2	
3		3	
4		4	A
5		5	Q
6		6	
7		7	A
8		8	
9		9	Q
10	A :	10	
11	Q	11	
12	A	12	A
13		13	
14		14	Q
15		15	
16		16	
17		17	A
18		18	Q
19	Q L	19	
20	f	20	A
21	t	21	Q
22		22	
23	A	23	
24	Q	24	
25	A	25	A
458		460	

1 Q	1	1
2	2	2
3	3 Q That wasn't my question. But --	3
4	4 A I mean that's a logical answer.	4
5 A	5 MR. PINES: He answered.	5
6 Q	6 Q You answered in part. Did Mr. Soika ever report to	6
7 A	7 you any communication he may have had with	7
8 Q	8 Mr. Hansen from the Department of Employment	8
9	9 Relations regarding Marilyn Figueroa?	9
10	10 A Not in any detail.	10
11	11 Q What, if anything, did he communicate to you as far	11
12 A	12 as his contacts with employment relations?	12
13	13 A That he was following whatever advice he got from	13
14	14 Mr. Hansen on how to deal with it.	14
15 Q	15 Q Did Mr. Soika ever notify you of Ms. Stawicki's	15
16	16 attempt to place Marilyn Figueroa on medical leave	16
17 A	17 before she was terminated?	17
18 Q	18 A No. I mean the idea was for her to have as long a	18
19 A	19 time and as many options to work it out as possible.	19
20	20 Q In your office who is required to hand out the	20
21	21 required forms for medical leave? Is that	21
22	22 Ms. Stawicki?	22
23 Q	23 A I think that's something that she normally does. I	23
24	24 suppose Ruth could do it.	24
25 A	25 Q Did you investigate or direct anyone to investigate	25
461	463	
1 I	1 whether or not anyone from your office, including	1
2 Q	2 Mr. Soika, had sent Ms. Figueroa the required	2
3 A	3 medical leave forms that the City of Milwaukee	3
4	4 requires pursuant to its medical leave policy?	4
5	5 A No.	5
6	6 Q Now, when Mr. Soika reported to you that Marilyn was	6
7 Q	7 intending to file a discrimination complaint, did he	7
8	8 at any point ask you to keep such information	8
9 A	9 confidential?	9
10	10 A He probably did.	10
11 A	11 Q What did he tell you?	11
12	12 A He probably told me to keep it confidential, or I	12
13	13 would have assumed that I should keep it	13
14	14 confidential.	14
15	15 Q When you say he probably did, do you know if he did?	15
16	16 A I don't know for sure. But either way I would have	16
17	17 assumed that.	17
18	18 Q Was this information disclosed by you to anyone else	18
19 Q	19 other than Mr. Soika?	19
20	20 A No.	20
21	21 Q Were there any meetings after January 4th through	21
22	22 January 31st to deal with the potential lawsuit	22
23	23 Marilyn Figueroa or discrimination complaint she was	23
24	24 planning to file against you?	24
25 A	25 A There were no meetings specifically to deal with the	25
462	464	

1 procedures of medical leave or any of the other
2 things. I would have met with my attorney. We
3 would have had, you know, meetings where the issue
4 would have come up. But I tried to stay away from
5 any real detail on it because I didn't really know
6 much about it.

7 Q In January of the year 2000 how many meetings were
8 held where Marilyn Figueroa's intent to file a
9 discrimination complaint against you was discussed?

10 MR. PINES: Object on the grounds
11 of attorney-client privilege if this is a
12 question about meetings with counsel.

13 MR. ARELLANO: Right. Thank you,
14 counsel.

15 Q And I'm talking about meetings where others outside
16 your spouse, yourself and Ms. Shindell were present.

17 A No meetings where we went into any detail of any of
18 these procedures. I mean my meeting would be just
19 with Soika to follow the advice of Jeff Hansen and
20 the DER. I did not want to get involved in it.

21 Q Listen to my question again, Mr. Norquist.

22 MR. ARELLANO: Would you read that
23 question back.

24 (Last two questions read)

25 MR. PINES: The question is how
465

1 many meetings.

2 A And the answer is meetings where Soika and I were
3 the only participants, you know, there might have
4 been two or three. And they would have been fairly
5 short.

6 Q So in the month of January 2000 you believe you met
7 with Mr. Soika two or three times for the purposes
8 of discussing Marilyn Figueroa; is that correct?

9 A It could have been a little more, it could have been
10 three or four. And it would have come down to the
11 same thing, handle it using the DER function.

12 Q I just want to know how many meetings; okay?

13 A Yeah.

14 Q Did you meet with anyone else or was anyone else
15 included in any of your meetings with Mr. Soika in
16 the month of January of 2000?

17 A Not outside of meetings with legal counsel or my
18 wife that I remember.

19 Q How many meetings did you have with your attorney
20 where others were present other than you and your
21 spouse?

22 MR. PINES: I'm going to object to
23 that question on attorney-client privilege and
24 direct the witness not to answer it.

25 MR. ARELLANO: Just so I
466

1 understand, Lester --

2 MR. PINES: Other people could be
3 present at a meeting with an attorney without
4 the waiver of the privilege.

5 MR. ARELLANO: Let me just tell you
6 that a recent decision here in the City of
7 Milwaukee, this specific issue was addressed.
8 And if what you're saying that any meeting
9 where Attorney Shindell or any of the
10 attorneys for John Norquist was present, that
11 automatically seals anything that was
12 discussed at the meeting?

13 MR. PINES: No.

14 MR. ARELLANO: I just want to
15 understand what your position is.

16 MR. PINES: I'm saying there could
17 be different purposes for meetings where other
18 people are present. The mere fact that
19 another person is present and something is
20 discussed with that person does not
21 necessarily waive the privilege.

22 For example, if I met with John in a case
23 with a person who I was asking questions about
24 in order to gather information about a case,
25 it would not be a waiver of the privilege. It
467

1 would be work product and would be privileged.
2 So that's my objection. The question is
3 sufficiently broad that I think that it
4 violates the privilege.

5 MR. ARELLANO: Well, I understand
6 your position. I think your objection is
7 premature. We haven't gotten there yet. We
8 don't even know if anyone was present. So
9 until I get there, the judge won't be able to
10 address this issue.

11 MR. PINES: Well, the question was
12 how many times did you meet when other people
13 were present? Is that the question?

14 MR. ARELLANO: Let me get back to
15 that issue.

16 Q In the month of January did you meet with your
17 attorney when others such as Soika, Christofferson,
18 any other individual who was not being represented
19 by Ms. Shindell were present?

20 MR. PINES: Okay. Answer that.

21 A Ask it again then so I understand.

22 (Question read)

23 A Yes.

24 Q How many meetings in the month of January under
25 those circumstances?

468

1 A One or two.	1 got, the less likely it was that either of them
2 Q Who was present besides you and your spouse and	2 would be involved. Christofferson stayed on a
3 Attorney Shindell?	3 little bit longer than --
4 A For a portion of the meeting Soika, for the entire	4 Q What about April? Any meetings where others were
5 or almost all of the meeting Christofferson. It	5 present while you met with your attorney, not
6 might have been two, but I think just one.	6 including your wife?
7 Q Any other meetings that may have taken place in	7 A I think there was a flurry of activity with Fuchs
8 January other than the ones that you just identified	8 toward the end of April, and Bill might have come to
9 regarding Mr. Soika and you, Mr. Soika,	9 one of those meetings, not Soika.
10 Mr. Christofferson, Shindell, your spouse and you?	10 Q Did Soika participate in any meetings during
11 Any other meetings for the month of January other	11 April of 2000 regarding anything related to
12 than those that you just identified?	12 Marilyn Figueroa?
13 A Not that I know of.	13 A Not that I remember. The main -- I don't know that
14 Q For the month of February of the year 2000, how many	14 we had meetings other than -- there was a flurry of
15 meetings do you recall were held to discuss, or	15 activity over settlement talks at the end of
16 where Marilyn Figueroa was discussed in any manner?	16 April with John Fuchs which were ultimately
17 A I don't know. I'd have to look at the schedule to	17 unsuccessful. And Bill Christofferson might have
18 see when I visited my attorney.	18 been at one of those meetings. I'm not sure he was.
19 Q Were there other meetings which did not involve your	19 I don't think Soika was.
20 attorney in the month of February of 2000?	20 Q What about May of 2000?
21 A Not that amounted to anything of substance. You	21 A There were no -- I don't think we met with our
22 know, I'd have people say, people on the staff how	22 attorney again until October after, whenever you
23 are you, how are things going. And I would try to	23 became counsel and communications started again.
24 say as little as possible.	24 The whole thing became dormant.
25 Q Even though you don't remember the specific dates	25 Q In October 2000 how many meetings were held which
469	471
1 for February 2000 when you met with your attorney,	1 included others, not your spouse, included?
2 do you recall how many times you met with your	2 A The only -- we might have had a meeting where
3 counsel when others were present, not including of	3 Christofferson was invited in October. I'm not
4 course your wife and yourself?	4 sure about that. But --
5 A I'd say maybe in February and March there might have	5 Q Who else was present?
6 been a few times when Christofferson was there.	6 A My wife and Anne Shindell. I don't know that there
7 Q And when you say few times, how many times are we	7 was any meeting in October. It would have been
8 talking about?	8 whenever your first communication to Anne Shindell
9 A One or two. I mean normally it would just be Sue	9 was after you became counsel to Marilyn Figueroa.
10 and I that would meet with the attorney.	10 Q In October of 2000 did Mr. Soika participate in any
11 Q In February how many times was Mr. Christofferson	11 meetings regarding the Figueroa matter?
12 present at any of these meetings?	12 A Not that I -- well, I had a meeting with him either
13 A One or two.	13 in my office or his where he informed me that
14 Q In March how many times did you meet with your	14 Marilyn had called the head of the election
15 counsel when Christofferson or anyone else was	15 commission and, God, I can't -- my brain's boiling.
16 present not including your spouse?	16 Q Would you like to take a minute?
17 A Well, I think by March Bill Christofferson would	17 A No.
18 have been much less likely to come to meetings. If	18 Q A break?
19 he communicated with Anne Shindell, it would have	19 A I'm just trying to think of -- I've known her my
20 been over the phone. I think he pretty well dropped	20 whole life. I mean I've known her for 20 years.
21 out of any meetings by then.	21 The head of the election board. Tom?
22 Q Did he attend any in March?	22 Q Okay. If you don't remember, people that are here
23 A He could have, but I don't remember that.	23 can't help you. If you don't remember, that's fine.
24 Q What about Mr. Soika, March of 2000?	24 You can't remember?
25 A It's possible but less likely. I mean the later we	25 A Okay. Well, anyway, she called down to Mike and
470	472

<p>1 told him, and he relayed this to me, that Marilyn 2 had called about Wisconsin Action who she had become 3 a consultant for. She wanted some information from 4 the elections board, Julieta Henry, it came to my 5 mind, that Julieta Henry said, all right, I'll send 6 it off for you. And Julieta, according to what 7 Soika told me, said you -- how are things going? 8 Marilyn -- 9 Q Mr. Norquist, I'm sorry to interrupt. 10 A You don't want to hear this. 11 Q I don't want to hear other than an answer to my 12 question. 13 A Okay, I'm sorry. I had a meeting with Soika to 14 discuss what Marilyn had said to Julieta. 15 Q And this was in October of 2000? 16 A I believe so. Probably early October. 17 Q And there was one where Christofferson was involved 18 in October 2000? 19 A I'm not -- it would have been whenever your first 20 communication to Anne Shindell, there was a meeting 21 sometime after that which I think Bill came to. 22 Q What about the following month, November? Any 23 meetings? 24 A I think after that pretty much whatever meetings 25 there were were just Sue and I and the attorney.</p> <p style="text-align: center;">473</p>	<p>1 Q Any meetings in December of the year 2000? 2 A Not that involved anybody other than attorney or my 3 wife. 4 Q For the year 2000 have you disclosed the names of 5 all of the individuals that participated at any of 6 those meetings from January through December 2000? 7 A I think through December of 2000, yeah, I think I've 8 disclosed everybody that I can remember. 9 Q What about 2001? Were there any other meetings to 10 address the Figueroa matter? 11 A Now we're January of 2001? 12 Q Correct. 13 A That's where you're at? Well, there would have been 14 meetings to deal with whatever events were going 15 along then. There was -- 16 Q Who was present? 17 A My wife and Anne Shindell. 18 Q Anyone else? 19 A I don't think so. I think we were down to 20 communicating, you know, meetings with the attorney 21 were just Sue and I. 22 Q Any meetings in January 2001 where Christofferson or 23 anybody else other than your wife were present? 24 A During the entire year of 2001? I'm trying to 25 think.</p> <p style="text-align: center;">475</p>
<p>1 It's possible that Bill might have been at one more 2 meeting. 3 Q Did you hold any meetings anywhere else with 4 Mr. Soika or Mr. Christofferson in November of 2000? 5 A Not with Mr. Soika but possibly with -- I think 6 Christofferson may have been at a meeting that we 7 had after Thanksgiving. You had called 8 Anne Shindell late on Wednesday. And then I think 9 on Monday or Tuesday after that we had a meeting and 10 it's possible -- I would say that -- I'd say my 11 memory would be that Bill Christofferson was at that 12 meeting. 13 Q Who else was at that meeting in November of 2000? 14 A Just my wife and I and Anne Shindell. 15 Q So it was Christofferson, your spouse, you and 16 Anne Shindell; correct? 17 A Uh-huh, yes. 18 Q How many other meetings occurred in November of 19 2000? 20 A I don't think he was involved in any more direct 21 meetings. I mean we basically got down to, you 22 know, anytime anybody would meet -- the only people 23 meeting with Anne Shindell were myself and Susan. 24 Anne Shindell may have talked to him. I'm sure she 25 did directly, but not with us present.</p> <p style="text-align: center;">474</p>	<p>1 Q I'm talking about January of 2001. 2 A Not that I know of in January of 2001. I mean at 3 some point once the case had been filed against the 4 City there was a meeting between the City Attorney 5 and his people and me and my counsel present. But 6 those would be on the schedule somewhere and I think 7 they fall within privilege. 8 Q Let me ask you, Mr. Norquist, for the year 2000, 9 January 2000 through December 2000 did you -- let's 10 talk about January through November before you went 11 public with your -- 12 A Okay. 13 Q -- version of the relationship. 14 A Before December 1st? 15 Q Correct. From January through November, last day of 16 November, did you discuss in any detail at any of 17 these meetings your sexual encounters with 18 Marilyn Figueroa? 19 MR. PINES: Objection, it's 20 privileged. I'm directing him not to answer 21 it and it's privileged on attorney-client 22 basis. It's also privileged on the grounds 23 that it seeks to discover discussions of 24 settlement which are not admissible and not 25 discoverable.</p> <p style="text-align: center;">476</p>

1 Q At any of the meetings where Mr. Soika,
2 Mr. Christofferson were present, any of the meetings
3 that you just described for January 2000 through
4 November of 2000, did you disclose any details of
5 your sexual encounters with Marilyn Figueroa?
6 A No.
7 Q After December 1st did you disclose any of the
8 details of your sexual encounters with
9 Marilyn Figueroa when others other than your wife
10 and your lawyer were present?
11 A Repeat that one.
12 Q Let me rephrase my question. After December 1 of
13 2000, did you ever disclose the details of the
14 sexual encounters you had with Marilyn Figueroa when
15 Bill Christofferson, Soika or any other associate of
16 yours not including your wife were present?
17 A No. In fact, Anne Shindell asked me not to talk
18 about any details of the sexual relationship.
19 Q On December 1st as I understand, you held a press
20 conference; correct?
21 A Correct.
22 Q And I--
23 MR. PINES: December 1st, 2000?
24 MR. ARELLANO: 2000.
25 Q And as I understand, you read a statement to the
477

1 purpose.

2 MR. PINES: At any time?

3 MR. ARELLANO: With respect to

4 Marilyn Figueroa.

5 MR. PINES: Oh.

6 A Well, the paid advertisement that was run in the
7 Milwaukee Journal. That didn't have a lot to do
8 with any intimate details of the relationship
9 though.

10 Q Any other statements that you believe he prepared
11 for you and/or anyone involved in the
12 Marilyn Figueroa case?

13 A I don't think so.

14 MR. ARELLANO: Let's go off the
15 record for a minute.

16 (Recess)

17
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19
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21 (adjourning at 1:03 P.M.)
22
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479

1 press and the public?
2 A That's correct.
3 Q Is that correct? Who prepared the statement that
4 you read to the public?
5 A Bill Christofferson worked on it with me. I
6 actually wrote the actual draft, but I got -- I ran
7 it by him.
8 Q When you read --
9 A And I also ran it by Anne Shindell because I
10 obviously wanted an attorney's opinion on it.
11 Q When you read the contents of that statement --
12 A Yes.
13 Q -- did you believe those statements to be true?
14 A Yes.
15 Q And accurate?
16 A Yes.
17 Q Did Mr. Christofferson ever prepare any other
18 statements on your behalf or for you?
19 A Well, he didn't prepare that on my behalf. I
20 prepared the statement. He helped me.
21 Q That wasn't my question, sir. Did he prepare any
22 other statements other than the one that you read on
23 December 1st?
24 MR. PINES: For any other purpose?
25 MR. ARELLANO: For any other
478

1 STATE OF WISCONSIN)
2) ss.
3 COUNTY OF DANE)
4 I, TAUNIA NORTHOUSE, a Registered Diplomate Reporter
5 and Notary Public in and for the State of Wisconsin, do
6 hereby certify that the foregoing deposition was taken
7 before me at the offices of Murphy, Gillick, Wicht &
8 Prachthauser, Attorneys at Law, 330 East Kilbourn
9 Avenue, City of Milwaukee, County of Milwaukee, and
10 State of Wisconsin, on the 26th day of March 2002, that
11 it was taken at the request of the Complainant, upon
12 verbal interrogatories; that it was taken in shorthand
13 by me, a competent court reporter and disinterested
14 person, approved by all parties in interest and
15 thereafter converted to typewriting using computer-aided
16 transcription; that said deposition is a true record of
17 the deponent's testimony; that the appearances were as
18 shown on Page 332 of the deposition; that the deposition
19 was taken pursuant to notice and subpoena duces tecum;
20 that said JOHN O. NORQUIST before examination was sworn
21 by me to testify the truth, the whole truth, and nothing
22 but the truth relative to said cause.
23 Dated April 7, 2002.

24 Registered Diplomate Reporter
25 Notary Public, State of Wisconsin

480