

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

=====

MARILYN FIGUEROA,  
Complainant,  
-vs-  
CITY OF MILWAUKEE,  
Respondent.

=====

Videotape Deposition of:

MICHAEL SOIKA

Milwaukee, Wisconsin  
February 6, 2002

Reporter: Taunia Northouse, RDR, CRR

No.	Description	Identified
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5	(Filed with the original transcript and copies provided to counsel)	
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13	(Original transcript filed with Attorney Arellano)	
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VIDEOTAPE DEPOSITION of MICHAEL SOIKA,  
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 Taunia 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  
6th day of February 2002, commencing at 9:30 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, for CITY OF MILWAUKEE, OFFICE OF  
THE CITY ATTORNEY, 200 East Wells Street,  
Milwaukee, Wisconsin, appearing on behalf  
of the Respondent.

Also present: Marilyn Figueroa and Cheri Garcia  
Emily Aurit (videographer)

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1 A A bit.  
 2 Q Is that correct? Have you reviewed any videos,  
 3 any --  
 4 A No.  
 5 Q Read any magazines on depositions?  
 6 A No.  
 7 Q Ever?  
 8 A No.  
 9 Q I would be asking you questions, and I suspect I may  
 10 have been already portrayed as asking you too many  
 11 questions, I may not, but one thing is very  
 12 important for me and for you, and that is that you  
 13 understand my question.  
 14 A I understand that.  
 15 Q If for some reason you don't understand my question,  
 16 I want to make sure that you ask me to repeat it,  
 17 rephrase it, modify it, change it. I just don't  
 18 want to go to trial and you telling me at that time  
 19 I didn't quite understand your question.  
 20 A I --  
 21 Q Is that fair?  
 22 A That is -- I understand that.  
 23 Q Excellent, okay. Similarly, you probably know that  
 24 the professional reporters are going to be taking  
 25 our exchanges, questions and answers. And they

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1 certainly want to make sure that the two of us give  
 2 each other enough time to finish the question and  
 3 also to allow you to finish the answer. And every  
 4 time there is a question and/or an answer it must be  
 5 done in a verbal fashion as opposed to nodding of  
 6 the head or making noises. And the reason is  
 7 because we want to make sure that the record is very  
 8 clear. Is that fair?  
 9 A I understand.  
 10 Q All right. Finally, if for some reason you need to  
 11 take a break because you feel that you need to take  
 12 a break, please let us know.  
 13 A I will do that.  
 14 Q I will probably object if you just want to take a  
 15 break to find a way to answer a question. You do  
 16 have the right to consult with counsel on privileged  
 17 matters or things that you think that you may have  
 18 some reservations on. Other than that, unless  
 19 counsel tells you not to answer, I still want you to  
 20 answer every question. Counsel from time to time,  
 21 as you know, lawyers will object and hopefully not  
 22 debate too long. We do that just to preserve our  
 23 record. But I still want you to answer the question  
 24 subject to any objections that counsel may want to  
 25 inject on the record.

10

1 A Unless advised by counsel not to.  
 2 Q Okay. Right. There are very few instances where a  
 3 witness may not answer some questions.  
 4 All right. Let's talk a little bit about  
 5 these proceedings that you were a part of while you  
 6 were with the Fire & Police Commission. Were these  
 7 employment related proceedings?  
 8 A Again, I correct it. One was the Fire & Police  
 9 Commission. The other one the City of Milwaukee.  
 10 Q See, I violated my own rule right away. Let's talk  
 11 about the one with the fire and police, you were  
 12 involved with the Fire & Police Commission.  
 13 A Okay.  
 14 Q Do you recall the year approximately?  
 15 A I would be guessing. I would --  
 16 Q Take a guess.  
 17 A Two years ago.  
 18 Q So that would have been possibly in the year 2000?  
 19 A Possibly.  
 20 Q And how many individuals are we talking about? I'm  
 21 talking about how many individuals that were the  
 22 subject of any type of disciplinary action taken by  
 23 the commission, how many are we talking about, 1, 2,  
 24 3?  
 25 A For this particular deposition that I was involved

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1 in?  
 2 Q Right.  
 3 A One.  
 4 Q One individual. Tell me who this person was.  
 5 A I'm not exactly sure. I think the last name was  
 6 Cardenas.  
 7 Q Was this individual a member of the police  
 8 department?  
 9 A The police department, yes.  
 10 Q Do you recall what his title was?  
 11 A I do not.  
 12 Q Did you know this person before?  
 13 A I did not.  
 14 Q So basically you got to know this person pursuant to  
 15 your role as a deputy of the Police & Fire  
 16 Commission?  
 17 A Correct.  
 18 Q Is that correct? And then you mentioned that that  
 19 same case ended up in federal court?  
 20 A I didn't say it ended up in federal court. It ended  
 21 up in some court. I don't know where.  
 22 Q In some court. And you don't recall if it was in  
 23 federal court or in state court?  
 24 A I have no knowledge.  
 25 Q But you were deposed once the case went to court; is

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1 particular deposition that you referenced in here  
 2 today?  
 3 A First the testimony didn't last very long. I am  
 4 remembering questions about the relationship between  
 5 Ms. Holloway trying to get a job at a west side  
 6 health clinic.  
 7 Q Anything else?  
 8 A That's pretty much what I remember.  
 9 Q Again, I don't know if I asked you this question,  
 10 but do you know what was the outcome of this  
 11 particular case?  
 12 A I don't know for sure. I believe that the City  
 13 prevailed but I, you know, I don't know for sure.  
 14 Q If the City prevailed, you would have gotten notice,  
 15 is that accurate?  
 16 A Yes.  
 17 Q And do you recall whether or not you got any notice  
 18 as to the outcome of this case?  
 19 A I believe that the outcome was the City prevailed.  
 20 I don't recollect receiving any written material on  
 21 that.  
 22 Q Any other case where you may have been involved  
 23 directly and/or indirectly in any fashion?  
 24 A No.  
 25 Q Any other case where you may have been named

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1 directly and/or indirectly as an agent of the City  
 2 of Milwaukee in any internal complaint, grievance,  
 3 lawsuit, claim of any kind?  
 4 A Such as a -- if you could give me an example.  
 5 Q Any type of claim where somebody felt discriminated  
 6 against, mistreated --  
 7 A Okay.  
 8 Q -- arbitrarily removed, affected in terms and  
 9 conditions of employment.  
 10 A Okay, yes. There was two discrimination complaints  
 11 lodged against me.  
 12 Q Let's talk about those two.  
 13 A Okay.  
 14 Q Can you tell me the very first time that any type of  
 15 discrimination complaint was made against you or  
 16 filed against you or raised against you in any form,  
 17 whether through an internal grievance procedure,  
 18 administrative forums or civil court, federal court?  
 19 A The first time that I remember is in my capacity as  
 20 director of the Lisbon Avenue Neighborhood  
 21 Development Corporation. I am unsure of the year,  
 22 could be '94, '93.  
 23 Q Who was the person alleging discrimination in this  
 24 particular incident?  
 25 A Linda Tatum.

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1 Q How do you spell the last name?  
 2 A T-A-T-U-M.  
 3 Q And the second incident that you were referencing?  
 4 A The second incident was when I was the director of  
 5 the Accisi Community Organization.  
 6 Q What does CC stand for?  
 7 A Accisi, A-C-C-I-S-I. It was a subsidiary of  
 8 Covenant Healthcare.  
 9 Q And what was the nature of the complaint and/or  
 10 complaints alleged against you?  
 11 A I'm actually more fuzzy on that one because it was  
 12 withdrawn.  
 13 Q Do you recall the year when that occurred?  
 14 A Maybe '96.  
 15 Q Do you recall the first incident in '93, '94 that  
 16 you cited previously, do you know where this  
 17 complaint was registered?  
 18 A Initially?  
 19 Q Yes.  
 20 A I get all these agencies confused because it's not  
 21 my business. It might have been Department of  
 22 Workforce Development. It might have been ERD. I'm  
 23 not sure.  
 24 Q And what about the second one?  
 25 A I absolutely don't know.

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1 Q But at some point with respect to the second  
 2 incident in 1996 you became aware that a complaint  
 3 had been filed against you?  
 4 A Correct.  
 5 Q And I suspect you reviewed the complaint?  
 6 A Yes.  
 7 Q Do you recall the nature of the allegations with  
 8 respect to the second complaint that we are  
 9 addressing now?  
 10 A Some sort of employment discrimination. I could not  
 11 say.  
 12 Q Have you ever received any types or any type of  
 13 informal complaints of discrimination in any of your  
 14 employment jobs that you ever held like a letter  
 15 sent to your superiors or just sent directly to you  
 16 alleging that someone felt discriminated under your  
 17 supervision, or whether the supervision was direct  
 18 and/or indirect, that never amounted to a formal  
 19 complaint?  
 20 A Yeah, I don't recall.  
 21 Q The first discrimination complaint that was filed  
 22 against you in 1994-93, what were the bases of the  
 23 complaint? Was that race, gender, age, religion?  
 24 A I believe it was race and gender.  
 25 Q What race was the complainant?

20

1 answered my question.  
 2 Q When this case -- do you recall approximately when  
 3 this case settled?  
 4 A '83 or '84.  
 5 Q Did you continue to use Attorney Shindell as your  
 6 attorney subsequent to that legal proceeding at any  
 7 point?  
 8 A One other time.  
 9 Q What other time?  
 10 A When I was director of Lisbon Avenue Neighborhood  
 11 Development, we had hired the Shindell Law Firm to  
 12 represent the organization in an action against  
 13 Ameritech.  
 14 Q Against Ameritech?  
 15 A Correct.  
 16 Q What was the nature of the complaint or the civil  
 17 action?  
 18 A Well, at the organization one of the functions we  
 19 performed was to offer an anonymous drug hotline  
 20 where neighborhood residents or individuals could  
 21 call anonymously to report suspected drug activity  
 22 in the neighborhood. Ameritech had published the  
 23 addresses in the phone book saying drug hotline,  
 24 this organization, this address. It was  
 25 particularly onerous because at the time we were

25

1 also using the facility as a community center for  
 2 children. So we had children in a facility that was  
 3 now identified as a drug hotline.  
 4 Q What did your agency claim Ameritech had done wrong?  
 5 A Wrongfully disclosed -- we had asked that the  
 6 address be --  
 7 Q Breach of confidentiality of some sort?  
 8 A Right, of some sort.  
 9 Q Was Ms. Shindell representing you as an individual?  
 10 A No.  
 11 Q Or was she attorney for the entity?  
 12 A She was the attorney for the entity.  
 13 Q Any other occasion when Ms. Shindell continued as  
 14 your attorney?  
 15 A No.  
 16 Q So is it fair and accurate to say, sir, that  
 17 Anne Shindell was your attorney only for purposes of  
 18 that claim that you settled in '83, '84; is that  
 19 true?  
 20 A Yes.  
 21 Q And that would have been at the personal level?  
 22 A Correct.  
 23 Q Is that correct? And then the second time that you  
 24 had any type of attorney-client relationship with  
 25 Ms. Shindell would have been in the form of an agent

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1 for the organization that you worked for --  
 2 A Correct.  
 3 Q -- when she was hired to sue Ameritech?  
 4 A Her firm was hired.  
 5 Q Is that correct?  
 6 A Yes.  
 7 Q When her firm was hired to deal with Ameritech, who  
 8 was the lead counsel?  
 9 A Larry Shindell.  
 10 Q Who is Larry Shindell?  
 11 A I believe it was Anne Shindell's husband at the  
 12 time.  
 13 Q Since -- and the 1993, '94 incident, who was the  
 14 lead counsel for your employment dispute?  
 15 A In '93, '94 incident with Ms. Tatum, is that what  
 16 you --  
 17 Q Well, the incident that you don't want to disclose.  
 18 A Oh, okay. Who was the lead counsel?  
 19 Q I was trying to set you up, see if you could bring  
 20 up the name. Just kidding.  
 21 A The lead --  
 22 Q You hired Anne Shindell's law firm to represent you  
 23 in an employment related claim through the labor  
 24 relations board.  
 25 A Right.

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1 Q Which as I understand concluded in a private  
 2 confidential settlement?  
 3 A Correct.  
 4 Q In '83, '84?  
 5 A I believe.  
 6 Q And my question to you is who was the lead counsel  
 7 from the Shindell law office at that time?  
 8 A Oh, I'm sorry, Anne Shindell.  
 9 Q All right, very good. So since that particular case  
 10 in that particular time Ms. Shindell has not acted  
 11 as your legal representative again?  
 12 A Correct.  
 13 Q Is that correct?  
 14 A That is correct.  
 15 Q Did you recommend Anne Shindell to Mayor Norquist  
 16 for purposes of representing him --  
 17 A Yes.  
 18 Q -- in this matter? When did you do that?  
 19 A Sometime in January of 2000.  
 20 Q What was the basis of your recommendation?  
 21 A I don't understand the question.  
 22 Q What did you tell him? How did you recommend  
 23 Ms. Shindell?  
 24 A I said that I had used Shindell in the past; that I  
 25 know that she was rated highly by objective sources

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1 Q Well, if you don't remember the specifics, tell me  
2 the gist of what the Mayor testified at that time.  
3 A That he had a consensual relationship with  
4 Marilyn Figueroa, and that we were told that she was  
5 contemplating filing some sort of complaint.  
6 Q Anything else?  
7 A That's all I remember.  
8 Q For how long did this meeting last?  
9 A I have no recollection of that.  
10 Q Where did you meet?  
11 A In Ms. Shindell's office.  
12 Q Where is that located?  
13 A I don't know the address. It's on Broadway in the  
14 Third Ward.  
15 Q And have you told me everything that you recall  
16 transpired during that meeting?  
17 A Yes.  
18 Q Was anyone else present other than you, the Mayor  
19 and Anne Shindell?  
20 A I don't believe so.  
21 Q When you met with the Mayor, was Marilyn Figueroa an  
22 employee of the City?  
23 A Again, I don't remember the date. I can, you know,  
24 frame it within mid to early January. At the time  
25 she was an employee of the City but was not

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1 appearing at work.  
2 Q When in your view, when did Marilyn Figueroa cease  
3 to be an employee of the City?  
4 A I don't have the exact date in front of me. It was  
5 whenever I had processed the voluntary quit letter  
6 that I had sent her.  
7 Q So you issued a written notice which would reflect  
8 when she stopped, or when she was terminated from  
9 employment with the City?  
10 A I provided a written notice that was a voluntary  
11 quit.  
12 Q And do you recall approximately the month when she  
13 ceased to be an employee of the City?  
14 A I believe it was early February.  
15 Q So any other occasion when you may have spoken to  
16 Ms. Shindell about Mayor Norquist and  
17 Marilyn Figueroa's situation?  
18 A There were several meetings between the Mayor and  
19 Ms. Shindell at which I was present.  
20 Q We already identified two meetings.  
21 A You identified a phone call and a meeting.  
22 Q You are very correct. Thank you for correcting me.  
23 We identified two contacts; correct?  
24 A Correct.  
25 Q A phone contact and a second contact. Both of which

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1 I believe occurred in the month of January?  
2 A Correct.  
3 Q Is that correct?  
4 A Yes.  
5 Q Let's chronologically and sequentially use the term  
6 third contact, if any.  
7 A I could not even hazard a guess.  
8 Q Well, let's talk about January. How many contacts  
9 were there in January?  
10 A I have no way of knowing that.  
11 Q After the second contact, without -- if you can't  
12 recall the date -- I want you to give me the date,  
13 but if you don't recall the date, tell me how many  
14 days transpired before you had any contact with  
15 Ms. Shindell related to the Norquist-Figueroa  
16 matter.  
17 A There is no way I can do that. I have no clear  
18 recollection of number of days that transpired or  
19 number of contacts that happened in January. I  
20 could not draw that.  
21 Q So based on your sworn testimony here, you don't  
22 remember, other than the two previous incidents that  
23 you described, you don't remember when the very next  
24 meeting would have occurred?  
25 A That is correct.

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1 Q But based on your sworn testimony, several meetings  
2 did occur?  
3 A Correct.  
4 Q Correct? In which you were present?  
5 A Correct.  
6 Q The Mayor was present?  
7 A Yes.  
8 Q Ms. Shindell was present?  
9 A Yes.  
10 Q Anyone else? Let's talk about in general, anyone  
11 else at any other meeting?  
12 A Yes. The Mayor's wife, Susan Mudd and  
13 Bill Christofferson.  
14 Q The time when the Mayor's wife was present, do you  
15 recall if it was during the same month, January?  
16 A I don't recall.  
17 Q Well, let me see if we can help you to refresh your  
18 recollection. Before you issued the notice of  
19 voluntary, as you put it, dismissal, how many  
20 meetings do you think had occurred?  
21 A I have no way of guessing that.  
22 Q Well, without limiting the number of meetings to one  
23 month, tell me how many meetings have occurred with  
24 Anne Shindell in which you and/or others from his  
25 staff, family, friends were present.

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1 Q With who?  
 2 A With Anne.  
 3 Q So Ms. Shindell was reporting to you that  
 4 Pedro Colon had made contact on behalf of  
 5 Marilyn Figueroa?  
 6 A Yes.  
 7 Q And you would have learned of that fact still while  
 8 Ms. Figueroa was an employee of the City of  
 9 Milwaukee; correct?  
 10 A Yes.  
 11 Q And obviously it would have happened in early  
 12 January at some point; correct?  
 13 A January at some point.  
 14 Q Did Anne Shindell continue to report to you and/or  
 15 others within the City, including the Mayor, her  
 16 contacts with Mr. Colon?  
 17 A Yes.  
 18 Q Did she -- tell me exactly how did she portray --  
 19 did she notify you that Mr. Colon was speaking on  
 20 behalf of Ms. Figueroa?  
 21 A She notified us that Colon had contacted her on  
 22 Marilyn's behalf. It is unclear that he was acting  
 23 as her attorney. And I say that because at no point  
 24 did he provide any documentation, any records, any  
 25 statement of fact of the matter.

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1 Q All right, sir. Let me again instruct you to just  
 2 answer my question and avoid narratives or  
 3 editorializing.  
 4 A Okay.  
 5 Q My question was quite simple. And I believe you  
 6 have answered that with your caveat. My question  
 7 was whether or not Anne Shindell was providing  
 8 information to you about her contacts with  
 9 Pedro Colon and the answer was yes?  
 10 A Correct.  
 11 Q Correct? And do you recall how many contacts  
 12 pursuant to your discussions with Ms. Shindell, do  
 13 you remember how many contacts Pedro made to  
 14 Ms. Shindell on behalf of Marilyn Figueroa?  
 15 A I have no way of knowing that.  
 16 Q Do you know if he made more than one contact?  
 17 A I have -- I would say more than one, yes.  
 18 Q And regardless of whether or not you saw anything in  
 19 writing, it became clear to you that someone was  
 20 speaking on behalf of Ms. Figueroa?  
 21 A Correct.  
 22 Q And that someone would have been Mr. Pedro Colon?  
 23 A Correct.  
 24 Q Is that correct? By the way, did you ever request  
 25 Mr. Pedro Colon to provide you with some type of

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1 affirmation that Marilyn Figueroa was in fact  
 2 approving of his representation?  
 3 A I did not.  
 4 Q To this date you have not?  
 5 A No.  
 6 Q Did Ms. Shindell ever tell you that she would not  
 7 recognize Mr. Colon as Marilyn's representative?  
 8 A No.  
 9 Q As you sit here under oath?  
 10 A No.  
 11 Q Now, tell me exactly the first time that  
 12 Mr. Pedro Colon made contact with Ms. Anne Shindell  
 13 how was this contact made?  
 14 A I have no idea.  
 15 Q You don't know if it was a telephone call or  
 16 person-to-person?  
 17 A I do not know.  
 18 Q She reported to you how the contact was made; true?  
 19 A She reported to me that there was a contact.  
 20 Q You didn't bother to inquire as to what kind of a  
 21 contact it was?  
 22 A She may have said a phone call. She may have said a  
 23 meeting. I don't recall.  
 24 Q Did Ms. Shindell relate to you or anyone within the  
 25 City the nature of Mr. Colon's contact?

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1 A That he was trying to settle things between the  
 2 Mayor and Marilyn.  
 3 Q Did she explain to you what, if any, proposals or  
 4 propositions Mr. Colon was making as a way to  
 5 resolve whatever issues were going on?  
 6 A She did explain that there was a request for money.  
 7 Q Was that during the very first time that she  
 8 reported to you that Mr. Colon had called her?  
 9 A I don't -- I don't recollect when in the course of  
 10 the conversations it was.  
 11 Q You mentioned that there were several contacts  
 12 between Mr. Colon and Ms. Shindell?  
 13 A As I understand it.  
 14 Q Were there more than five contacts?  
 15 A I could not tell you that. I do not know.  
 16 Q Well, did you make any notes about every time you  
 17 talked to Ms. Shindell?  
 18 A No, I did not.  
 19 Q Did you write any emails or memos, communications  
 20 through the Mayor?  
 21 A No, I did not.  
 22 Q Did you report to the Mayor your discussions that  
 23 you had with Anne Shindell?  
 24 A Yes, I did.  
 25 Q What did you tell him?

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1 for money to keep, in order to keep the relationship  
 2 between the Mayor and Marilyn out of the public eye.  
 3 Q Anything else?  
 4 A That was the gist of the complaint.  
 5 Q What, if anything, did the district attorney say to  
 6 you in response to that?  
 7 A He asked some questions such as did Mr. Colon ever  
 8 provide a statement of fact or any written record.  
 9 The answer was no. He said, thought that that was  
 10 unusual and he would investigate.  
 11 Q Who was present? Was there a meeting in the D.A.'s  
 12 office?  
 13 A Yes, there was.  
 14 Q And who was the D.A.?  
 15 A I believe his name is Feiss.  
 16 Q Did you know Mr. Feiss before?  
 17 A Never met him before.  
 18 Q Who else was present besides you and Mr. Feiss?  
 19 A And Ms. Shindell.  
 20 Q Anyone else?  
 21 A No.  
 22 Q What, if anything, did Ms. Shindell say at that  
 23 time?  
 24 A She related a conversation she had with Mr. Colon.  
 25 Q What did she say?

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1 A The conversation was in association with the event I  
 2 mentioned previously. Mr. Colon according to  
 3 Shindell called up Anne and said, did you get the  
 4 message? And Anne said something like, I'm told, I  
 5 don't know what you mean. And Colon then according  
 6 to Shindell said, did you get the message from  
 7 Marilyn's sister? And then at some point in the  
 8 same conversation began to ask for money.  
 9 Q Anything else?  
 10 A That's what I know.  
 11 Q Have you told me everything that was exchanged at  
 12 that meeting at the office of the D.A. Mr. Feiss?  
 13 A I told you the gist of what I remember.  
 14 Q Do you keep -- did anyone write any notes during  
 15 that meeting?  
 16 A I believe Mr. Feiss did.  
 17 Q Did you see Ms. Shindell write any notes?  
 18 A I don't remember.  
 19 Q Did you write any notes?  
 20 A I don't believe so.  
 21 Q Did you write any notes before about anything that  
 22 you just told me before and/or after the meeting  
 23 with Mr. Feiss?  
 24 A I don't believe so.  
 25 Q Did you prepare a memo for the file?

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1 A No, I did not.  
 2 Q Did you report to anyone your discussions with  
 3 Mr. Feiss?  
 4 A Probably to the Mayor, maybe to Bill Christofferson.  
 5 Q All right. Did you ever meet and/or discuss  
 6 anything related to these charges with Mr. Feiss or  
 7 any member of his office?  
 8 A Meet or discuss prior to going to Mr. Feiss's  
 9 office?  
 10 Q Discuss the complaint against Pedro Colon.  
 11 A Yes.  
 12 Q When was the second time that you discussed anything  
 13 with Mr. Feiss?  
 14 A Oh, no, I'm sorry. I didn't understand. I never  
 15 met with Mr. Feiss after that one encounter.  
 16 Q Did Mr. Feiss ever communicate to you pursuant to  
 17 your complaint against Pedro Colon?  
 18 A No.  
 19 Q Did he ever issue any type of written decision,  
 20 charges, actions taken with respect to your  
 21 complaint against Mr. Pedro Colon?  
 22 A I believe that he issued a statement that said that  
 23 he did not find that Mr. Colon acted as we had  
 24 alleged.  
 25 Q You received his decision in writing?

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1 A I did not receive anything from him. I received a  
 2 copy of a document that was forwarded by  
 3 Ms. Shindell.  
 4 Q Did you discuss those findings with the Mayor?  
 5 A Yes.  
 6 Q Before you went to file a complaint against  
 7 Mr. Colon with the district attorney, Mr. Feiss, did  
 8 you notify the Mayor that you were going to be  
 9 filing a complaint against Mr. Colon --  
 10 A Yes.  
 11 Q -- for extortion? That's what you were claiming;  
 12 correct? Were you claiming extortion against  
 13 Mr. Colon?  
 14 A Extortion is not a word I would use.  
 15 Q Well, what were you basically claiming he had done  
 16 wrong in violation of any law?  
 17 A He was asking for money to keep a relationship  
 18 quiet. He was doing so without providing any of the  
 19 legal documentation that normally, as I understand  
 20 it, comes with these types of matters.  
 21 Q Well, what is your understanding as far as the  
 22 requirements for this type of conduct? What is your  
 23 understanding as to the proper formula, criteria?  
 24 A My understanding is only through the questions that  
 25 Mr. Feiss had asked is did, and I don't remember the

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1 Q Any legal memorandum?  
 2 A No.  
 3 Q Who raised the issue first? I'm talking about the  
 4 propriety of Mr. Colon's, or impropriety?  
 5 A I believe Ms. Shindell did.  
 6 Q Was Ms. Shindell also the person who suggested to  
 7 file charges against Mr. Colon?  
 8 A She did offer that there were two ways to go. One  
 9 was to go to the D.A. the other was to go directly  
 10 to Mr. Colon's law partners.  
 11 Q And which one did you select?  
 12 A To go to the D.A.  
 13 Q So basically she suggested to you what to do;  
 14 correct?  
 15 A Correct.  
 16 Q And you selected to go to the district attorney;  
 17 correct?  
 18 A A decision was made to go to the district attorney.  
 19 Q And just so I can leave this issue alone, you never  
 20 once, before going to the district attorney, you  
 21 never once requested that Mrs. Shindell provide you  
 22 with a full report of her contacts with Mr. Pedro?  
 23 A Correct.  
 24 Q And I believe you in your sworn testimony before,  
 25 you stated that you told the Mayor you were going to

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1 go to the district attorney?  
 2 A Correct.  
 3 Q And I suspect you told him why you were going to the  
 4 district attorney?  
 5 A Yes.  
 6 Q Did he at any point object to your approach?  
 7 A No.  
 8 Q Did he encourage that you go to the district  
 9 attorney?  
 10 A He did not object.  
 11 Q Have you ever known Mr. Pedro Colon personally?  
 12 A I've had very few encounters with him.  
 13 Q Did you before going to the district attorney, did  
 14 you ever inquire about his reputation in the legal  
 15 community?  
 16 A No.  
 17 Q Did you ever check his background at all before  
 18 going to the district attorney?  
 19 A No.  
 20 Q Did you have any evidence of any nature as to  
 21 whether or not Mr. Pedro Colon was known to be the  
 22 kind that would attempt to extort money from people?  
 23 A As I said, I've had few encounters with Mr. Colon  
 24 and did not know him well, other than he was an  
 25 elected official.

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1 Q I don't know if we're getting all of your answers on  
 2 the record, but I will ask you to just raise your  
 3 voice a little bit because we are recording.  
 4 A I asked her previously for a mike check.  
 5 MR. ARELLANO: All right. Is  
 6 everything coming in? Thank you.  
 7 Q Did you ever inquire from Ms. Shindell as to whether  
 8 or not settlements need to be done in certain  
 9 fashion before they can be deemed appropriate in  
 10 nature as you were deciding whether or not to file  
 11 charges against Mr. Colon?  
 12 A Ms. Shindell was the attorney for the Mayor in this  
 13 matter. It was her observation that the actions of  
 14 Mr. Colon were outside the ordinary mode of  
 15 operation for these types of discussions.  
 16 Q And see if we can summarize it here. What you  
 17 learned from Ms. Shindell, your version of the  
 18 facts, giving you that benefit, is that Mr. Colon  
 19 was speaking on behalf of Marilyn Figueroa; correct?  
 20 A Correct.  
 21 Q And that Mr. Pedro Colon was attempting to obtain  
 22 money on behalf of Ms. Figueroa to keep this dispute  
 23 or what appears to be a dispute public; correct?  
 24 A Correct.

MR. SCHRIMPF: I'm going to object,

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1 counsel, you used the word public.  
 2 Q Or keep it secret.  
 3 A Secret.  
 4 Q Is that correct?  
 5 A That is correct.  
 6 Q Did Ms. Shindell tell you that Mr. Colon represented  
 7 to her that he and Marilyn Figueroa would keep this  
 8 alleged relationship secret; is that the word she  
 9 used?  
 10 A Yes.  
 11 Q Did she report to you what, if anything, she  
 12 responded to Mr. Colon when he made that request?  
 13 Allegedly.  
 14 A In turn -- no. I think that there was a report that  
 15 the money seemed out of line. It was too much.  
 16 That that was part of Anne's reason for wanting to  
 17 go to the D.A.  
 18 Q Well, did you inquire of Ms. Shindell what, if any,  
 19 reaction she presented to Mr. Colon when he  
 20 allegedly made a request for money in exchange for  
 21 secrecy?  
 22 A She would have reported it verbally.  
 23 Q My question to you is did you inquire, did you say,  
 24 Anne, or Ms. Shindell, what did you respond? Did  
 25 you ever inquire?

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1	MR. ARELLANO: True.	1	A
2	MR. SCHRIMPF: Go ahead.	2	Q
3	(Question read)	3	
4	Q Just to clarify, your fears that legal problems	4	A
5	would develop down the road.	5	
6	A Well, the answer is no.	6	
7	Q Well, you called Anne Shindell, you stated that you	7	
8	suggested that she represent the Mayor because you	8	Q Did you have a conversation with Ruth about this
9	sensed that legal problems would develop down the	9	fact?
10	road; correct?	10	A Yes.
11	A Correct.	11	Q Where did you hold this conversation?
12	Q Now an attorney gets into the picture which you	12	A In Ruth's office.
13	recognize was speaking on behalf of	13	Q And who was present?
14	Marilyn Figueroa; true?	14	A I believe it was only she and I.
15	A I recognized that Mr. Colon was speaking on behalf	15	Q Did there come a time when Ruth related this same
16	of Ms. Figueroa. It was unclear to me, as I had	16	information when others were present including the
17	previously stated, whether or not it was as a friend	17	Mayor?
18	or as an attorney.	18	A Likely yes, but I could not say specifically.
19	Q Nevertheless, you knew he was having ongoing contact	19	Q Well, did you -- I'm sorry. Were you done?
20	with Ms. Shindell on behalf of Ms. Figueroa?	20	A Yes.
21	A Correct.	21	Q Did you ever report this fact to the Mayor?
22	Q And Ms. Shindell was reporting that fact to you?	22	A Yes.
23	A Correct.	23	Q The information that Ruth had conveyed to you?
24	Q Just taking those facts alone, did the fact that	24	A Correct.
25	Mr. Colon was speaking on behalf of Ms. Figueroa	25	Q Where did you do this?
65		67	
1	with Ms. Shindell, did that confirm your earlier	1	A Where did I do that?
2	fear that legal problems would ensue down the road?	2	Q Yes.
3	MR. SCHRIMPF: I'm going to object	3	A I have no idea.
4	to the question based on form.	4	Q At his office?
5	Q Go ahead.	5	A It could have been over the phone. I don't
6	MR. ARELLANO: Read the question	6	remember.
7	back, please.	7	Q What did you tell him?
8	(Question read)	8	A I related the encounter I just discussed to the
9	A I will say that it increased the likelihood.	9	Mayor.
10	Q That legal problems would --	10	Q By the way, did you ever release that information to
11	A Correct.	11	the press, sir?
12	Q -- develop?	12	A Did I release that information? No.
13	A Right.	13	Q No? What, if anything, did the Mayor say when you
14	Q Correct? You also stated that at some point around	14	rendered that information?
15	the time when you decided to press criminal charges	15	A I don't recall what he said.
16	against Mr. Colon with the district attorney,	16	Q Did you report that information to anyone else other
17	Mr. Feiss, you also learned that Marilyn Figueroa	17	than the Mayor?
18	was hospitalized?	18	A To Anne Shindell.
19	A Correct.	19	Q What did Ms. Shindell say, if anything, with respect
20	Q	20	to that information?
21		21	A I don't recall.
22	A	22	Q What was the reason or purpose for notifying
23	Q	23	Mr. Norquist about this particular incident?
24	A	24	A A couple of reasons. One is Mr. Norquist had
25	Q	25	explained to me that he had had a consensual
66		68	

1 opinion from the City Attorney's Office?  
 2 A No.  
 3 Q Did Mr. Christofferson suggest that a legal opinion  
 4 be obtained from the City Attorneys?  
 5 A I don't believe so.  
 6 Q The City Attorney's Office represents the interest  
 7 of the City of Milwaukee; correct?  
 8 A Correct.  
 9 Q Did Mayor Norquist in any way, shape or manner  
 10 suggest that the legal representative for the City,  
 11 Mr. Langley, be notified of what was being planned  
 12 against Mr. Colon?  
 13 A No.  
 14 Q Did you ask for any legal opinions from the City  
 15 Attorney's Office as to whether or not it was proper  
 16 for you to meet with outside counsel in matters  
 17 affecting the City?  
 18 MR. SCHRIMPF: I'm going to object  
 19 to the question as to form.  
 20 MR. ARELLANO: Thank you. Go  
 21 ahead, sir.  
 22 THE WITNESS: Read back the  
 23 question, please.  
 24 (Question read)  
 25 A I viewed this matter as a, one affecting the Mayor

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1 personally.  
 2 Q That wasn't my question, sir. I just want to know  
 3 what, if any, contacts or communication or notice  
 4 you gave the City Attorney's Office regarding  
 5 meetings with Anne Shindell that related to the  
 6 Mayor's office.  
 7 A At this point there was no discussion with the  
 8 City Attorney.  
 9 Q When you went to see Mr. Feiss, as you stated  
 10 previously under oath, you were there as the chief  
 11 of staff?  
 12 A I did not state that previously. What I stated is I  
 13 may have said I am the chief of staff.  
 14 Q Right. You were not the legal representative of  
 15 Mayor Norquist; correct?  
 16 A Correct.  
 17 Q You were an employee of the City?  
 18 A Correct.  
 19 Q Paid by the City taxpayers?  
 20 A Correct.  
 21 Q Yet you never inquired with the City's counsel as to  
 22 whether or not it was proper for you to represent in  
 23 any manner the City in these legal matters?  
 24 MR. SCHRIMPF: I'm going to object  
 25 to the question as to form.

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1 A I did not, I just had told you --  
 2 Q So the answer is no, you didn't talk to them?  
 3 That's what you told me.  
 4 A I said that twice, yes.  
 5 Q All right, thank you. Did there come a time when  
 6 Marilyn obtained different legal representative?  
 7 A Yes.  
 8 Q Do you recall when that happened?  
 9 A I do not.  
 10 Q Was it in January?  
 11 A I do not recall.  
 12 Q February? How did you learn that Marilyn had  
 13 obtained a different legal representative?  
 14 A Anne Shindell informed me.  
 15 Q What did she tell you?  
 16 A That Marilyn was being represented by John Fuchs.  
 17 Q How did she convey that message to you?  
 18 A Verbally.  
 19 Q Did Ms. Shindell ever send you any information that  
 20 she may have received from Mr. Fuchs regarding  
 21 Marilyn Figueroa?  
 22 A No.  
 23 Q Did you ever see any correspondence indicating that  
 24 Mr. Fuchs was actually representing  
 25 Marilyn Figueroa?

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1 A I don't believe so. I don't remember.  
 2 Q Did Ms. Shindell in any way report to you that she  
 3 had received a notice from Mr. Fuchs informing her  
 4 that she -- that he was representing Ms. Figueroa?  
 5 A I just said that. That Anne had verbally said that  
 6 she was informed that Mr. Fuchs was representing  
 7 Ms. Figueroa.  
 8 Q Right. But -- right. And I know that's what you  
 9 said, but I just want to be even more specific. Did  
 10 Ms. Shindell ever tell you that she had received  
 11 something in writing, something which you believe  
 12 Mr. Colon did not do?  
 13 A You're asking actually two questions.  
 14 Q Well, let's start with the first one. Did she ever  
 15 tell you that Mr. Fuchs had forwarded a written  
 16 notice of appearance on behalf of Ms. Figueroa?  
 17 A I'm unfamiliar with the term written notice of  
 18 appearance. Does that --  
 19 Q A letter saying I represent Marilyn Figueroa.  
 20 A I have no knowledge of that.  
 21 Q Have you ever seen one?  
 22 A I don't believe so.  
 23 Q Have you ever seen any written notice from  
 24 Mr. Pedro Colon indicating to Anne Shindell that he  
 25 was representing Marilyn Figueroa?

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1 City. I don't know what you want to do with this.	1
2 I didn't feel that I was in a position to accept it	2 A
3 and read it.	3 Q
4 Q Based on that technicality, you didn't interest	4 A
5 yourself in learning what Marilyn Figueroa's doctor	5 Q
6 was relating to the City?	6 A
7 MR. SCHRIMPF: Objection, assumes	7 Q
8 facts not in evidence.	8 A
9 Q Is that correct?	9
10 THE WITNESS: Read the question	10 Q
11 again, please.	11
12 (Question read)	12
13 A I don't understand that question. Can you rephrase	13 A
14 it?	14 Q
15 Q Well, you knew Marilyn Figueroa was your employee,	15 A
16 correct, was a City employee?	16 Q
17 A At the time that I saw that she was no longer a City	17 A ical
18 employee.	18
19 Q	19 Q Did you or anyone from the City, to your knowledge,
20	20 make any contact with Marilyn Figueroa?
21 A	21 A I attempted to call Marilyn once.
22 Q	22 Q Where did you call?
23	23 A Where did I call?
24	24 Q Right.
25 A	25 A Her home.
81	83
1 Q	1 Q Did you have any contact with her?
2 A	2 A I had a brief conversation.
3	3 Q What did she tell you? What was the nature of your
4 Q	4 phone call?
5 A	5 A It was shortly after January 4th when she left
6 Q	6 employment, was not showing up. I was calling to
7	7 say what's going on, are you coming back, what can
8 A	8 we do? The conversation was abbreviated. Marilyn
9 Q	9 hung up on me.
10	10 Q What did she tell you?
11 A	11 A Something to the effect of there are some things I
12	12 have to work out.
13	13 Q Anything else?
14 A	14 A That's all I remember.
15 Q	15 Q Did you ever have any further contact with her?
16	16 A I don't believe so.
17	17 Q Did she ever tell you she wasn't feeling well at
18 A	18 that time?
19 Q	19 A In that conversation?
20	20 Q Correct.
21	21 A No.
22 A	22 Q Is it your testimony that you called her on
23	23 January 4th?
24 Q	24 A No, it is not my testimony.
25	25 Q When did you call her?
82	84

1 A Well, again, depends on what information you're, you  
 2 know, the number of times.  
 3 Q Well, you called Marilyn once?  
 4 A Right. But you were --  
 5 Q Sir, hold on. If you don't understand my question,  
 6 just tell me.  
 7 A I'm trying to create a context.  
 8 Q No, you're trying to create a story here.  
 9 A No, I'm -- you're asking --  
 10 MR. SCHRIMPF: I'm going to object.  
 11 A -- imprecise questions. I'm trying to create a  
 12 context so you have an accurate answer.  
 13 Q You have given me evasive answers all morning.  
 14 MR. SCHRIMPF: I'm going to object.  
 15 That's highly improper.  
 16 MR. ARELLANO: What's improper?  
 17 MR. SCHRIMPF: He has not been  
 18 evasive.  
 19 MR. ARELLANO: He's been evasive.  
 20 He's been argumentative and nonresponsive.  
 21 Don't raise your voice. Put it on the record  
 22 and let me continue with my deposition. All  
 23 right?  
 24 MR. SCHRIMPF: Counsel is trying to  
 25 characterize this witness's testimony

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1 inappropriately. The witness has been  
 2 completely honest and truthful and open with  
 3 you.  
 4 MR. ARELLANO: That's your version.  
 5 Q Sir, first the Mayor disclosed to you after Marilyn  
 6 left the employment, he disclosed to you this  
 7 alleged relationship; correct?  
 8 A Correct.  
 9 Q The first time that he disclosed that, is that when  
 10 he told you all this narrative?  
 11 A No, no.  
 12 Q Well, the very first time that he told you this,  
 13 when was that? Strike that. What exactly did he  
 14 tell you the very first time?  
 15 A He said that he and Marilyn had an affair.  
 16 Q Anything else?  
 17 (Discussion off the record)  
 18 Q You were testifying, sir, previously that the first  
 19 time the Mayor disclosed his alleged relationship  
 20 with Marilyn Figueroa he reported to you that he had  
 21 had an affair with Marilyn Figueroa. That was the  
 22 first time?  
 23 A Correct. I believe the first time over lunch he  
 24 says that he had had an encounter with Marilyn.  
 25 Q And by that what did you conclude he was conveying

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1 to you?  
 2 A He, he said that his first encounter with her was  
 3 more of hugging, kissing. Later he said that it  
 4 kind of grew into an affair with sexual encounters  
 5 that had lasted over a period of five years.  
 6 Q And this is what he told you the very first time  
 7 that he disclosed this to you?  
 8 A He and I actually had probably two or three  
 9 conversations over the course of the day.  
 10 Q And what I'm trying to do is put a chronology here.  
 11 A Okay.  
 12 Q I don't mean to be giving you a hard time. I just  
 13 want to know exactly what he disclosed the first  
 14 time that he raised this issue. And I'm referring  
 15 to the allegations of a sexual relationship with  
 16 Marilyn Figueroa.  
 17 A The very first time he said that he and Marilyn had  
 18 a, kind of a flirting, hugging, kissing encounter.  
 19 Q Anything else?  
 20 A That was it on that time. Then later on --  
 21 Q Hold on. Let's stick to the first one. Have you  
 22 told me everything that he related to you the first  
 23 time?  
 24 A Pretty much.  
 25 Q Did you conclude that he was referring to a sexual

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1 relationship?  
 2 A At that time --  
 3 Q Yes.  
 4 A -- in that conversation? I -- maybe. As I said, we  
 5 had two or three conversations over the course of  
 6 that day.  
 7 Q During that same day?  
 8 A Yes.  
 9 Q The first conversation occurred while you were  
 10 having lunch with him?  
 11 A Correct.  
 12 Q Where were you having lunch with him?  
 13 A It's that building downtown just up from the City  
 14 Hall where you have lunch in the bank building. It  
 15 would be the Firststar -- not the First Wisconsin  
 16 Center but where the Firststar Bank is on the first  
 17 floor.  
 18 Q How did you end up -- did the Mayor ask you to have  
 19 lunch with him?  
 20 A Yes.  
 21 Q Did he explain to you why he wanted to have lunch  
 22 with you?  
 23 A He did not.  
 24 Q Was anyone else present?  
 25 A A security guard would have been present.

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1 A I'm saying that there's too premature to say there  
 2 was a suggested plan because there was too much  
 3 information that I had to process at that time.  
 4 Q When the Mayor related to you this relationship as  
 5 he put it, did he tell you who else knew about it?  
 6 A Yes. And the only other person that knew about it  
 7 was Bill Christofferson.  
 8 Q Did he tell you when he notified Mr. Christofferson?  
 9 A I believe it was right before he went to lunch with  
 10 me.  
 11 Q The same day?  
 12 A Same day.  
 13 Q Do you know if Mr. Christofferson had any clue about  
 14 this relationship prior to that day?  
 15 A I don't know. I, in subsequent conversations with  
 16 him I can say that he says he did not have any clue.  
 17 Q So he learned anytime between the 5th and the 7th?  
 18 A Correct.  
 19 Q Is that correct? Did you work closely with  
 20 Mr. Christofferson?  
 21 A Not particularly closely. He was the campaign  
 22 manager. I was the chief of staff.  
 23 Q Do you know who else, if anyone, did the Mayor  
 24 disclose these facts to?  
 25 A Other than his wife, I believe that that was all

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1 that knew.  
 2 Q Did you and Mr. Christofferson ever discuss this  
 3 disclosure?  
 4 A Yes.  
 5 Q At what point?  
 6 A That same day, that same evening we had, I don't  
 7 know how many conversations, at least two.  
 8 Q Who initiated the contact?  
 9 A I don't know.  
 10 Q What was the nature of the first conversation?  
 11 A I believe they were both phone calls.  
 12 Q What was discussed in the first one?  
 13 A Okay. So now you know what the Mayor has said.  
 14 What are we going to do about it? It was kind of  
 15 like beginning to talk about how to, you know, arms  
 16 around this issue.  
 17 Q And what was suggested, if anything?  
 18 A You know, I don't think at that time anything was  
 19 really suggested. As I said, it was kind of new and  
 20 surprising information.  
 21 Q Before the Mayor made this disclosure to you and  
 22 Mr. Christofferson did you ever hear any rumors  
 23 and/or innuendo about this relationship?  
 24 A No.  
 25 Q Nothing in the newspapers?

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1 A No.  
 2 Q Nothing in the political circles?  
 3 A No.  
 4 Q Needless to say, when the Mayor disclosed these  
 5 facts to you, one issue that came to your mind was  
 6 the political campaign that was ongoing --  
 7 A Correct.  
 8 Q -- at that time? Did you discuss that concern with  
 9 Mr. Christofferson?  
 10 A Yes.  
 11 Q What was his reaction?  
 12 A That if this came to light, it would be harmful to  
 13 the campaign.  
 14 Q Did he suggest, did he issue, make any suggestions  
 15 as to how to handle?  
 16 A In that particular, on that particular day? I don't  
 17 think we were there.  
 18 Q Were there subsequent meetings after you learned of  
 19 this fact, were there subsequent meetings for the  
 20 purpose of addressing this disclosure?  
 21 A Yes.  
 22 Q How many approximately?  
 23 A I could not guess.  
 24 Q Who were the primary players in those meetings?  
 25 A Christofferson, the Mayor, myself.

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1 Q I'm sorry, I didn't hear.  
 2 A Christofferson, the Mayor and myself.  
 3 Q Did these meetings continue throughout the year  
 4 2000?  
 5 A Yes.  
 6 Q Did there come a time when people outside the office  
 7 began to inquire about rumors related to  
 8 Marilyn Figueroa --  
 9 A Yes.  
 10 Q -- and Norquist? Like who?  
 11 A Newspaper reporters.  
 12 Q Did they call you?  
 13 A Yes.  
 14 Q Did they call you -- did you receive any phone calls  
 15 before the April 4th re-election?  
 16 A Yes.  
 17 Q And did you ever admit that these rumors and/or  
 18 innuendo regarding Figueroa and the Mayor were true?  
 19 A No.  
 20 MR. SCHRIMPF: Object as it assumes  
 21 a fact not in evidence if you're relating it  
 22 to the previous question.  
 23 Q Did you, were there meetings held before the  
 24 re-election in order to deal with the Figueroa  
 25 issue?

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1 Q Well, there was sex involved, you learned that, from  
2 Mr. Norquist; correct?  
3 A Yes.  
4 Q When the employment relations office called you, did  
5 they tell you specifically the nature of her  
6 complaint? Did they disclose that?  
7 A My recollection is that they said it was against the  
8 Mayor and the office. Against the office, I don't  
9 see how it could be sexual harassment.  
10 Q What time did you get that information from the  
11 employment relations office?  
12 A What time of day?  
13 Q No. What date?  
14 A All -- this event happened again between the 5th and  
15 the 7th.  
16 Q Did you learn that she was going to file a complaint  
17 after the Mayor had disclosed his alleged  
18 relationship with Marilyn?  
19 A Prior.  
20 Q Was the Mayor --  
21 A Can I correct? I had learned that she had requested  
22 an EEOC complaint form prior.  
23 Q Did you notify the Mayor that you had received this  
24 information?  
25 A Yes.

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1 Q When you were informed that Marilyn -- as I  
2 understand, Mr. Soika, chronologically speaking, you  
3 learned of the fact that she had requested a  
4 discrimination form before the Mayor disclosed his  
5 alleged relationship with Marilyn Figueroa; correct?  
6 A Correct.  
7 Q So if you spoke to the Mayor sometime between the  
8 5th and the 7th of January, when did you learn that  
9 Marilyn had requested a discrimination form from the  
10 employment relations?  
11 A It was also sometime between the 5th and the 7th.  
12 Q Was it before or after Marilyn had left?  
13 A Marilyn had left the 4th.  
14 Q The 4th. So you learned of this fact about a day --  
15 A Day or so.  
16 Q But before the Mayor disclosed his relationship?  
17 A Yes.  
18 Q When you informed the Mayor that Marilyn was at  
19 least requesting a discrimination complaint form,  
20 where did this contact or discussion occur?  
21 A Between the Mayor and myself?  
22 Q Correct.  
23 A In his office.  
24 Q Was anyone else present?  
25 A Christofferson was present.

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1 Q Did you disclose that before the Mayor disclosed?  
2 A Yes.  
3 Q So subsequent to disclosing that information to the  
4 Mayor, the fact that you had learned that  
5 Ms. Figueroa had filed or was attempting to file a  
6 discrimination complaint --  
7 A Had taken out a form.  
8 Q -- okay, subsequent to that then the Mayor came and  
9 disclosed to you the alleged relationship?  
10 A Yes.  
11 Q True? Did you ever disclose to the staff or anyone  
12 else other than the Mayor that the employment  
13 relations office had told you that Marilyn was going  
14 to file or was attempting to file a discrimination  
15 complaint?  
16 A Yes.  
17 Q Who was present when that occurred?  
18 A It was at a general staff meeting. I don't -- I can  
19 tell you who the general staff was at the time. I  
20 couldn't tell you specifically who was there, who  
21 was not.  
22 Q Did you notify Mr. Christofferson immediately upon  
23 learning that Marilyn had requested a discrimination  
24 form?  
25 A Yes.

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1 Q What was the reaction of the Mayor, if any?  
2 A Surprise.  
3 Q Up to that point is it fair and accurate to say that  
4 you had no clue, is that what your position is --  
5 A Yes.  
6 Q -- about the alleged sexual encounters?  
7 A That's exactly true.  
8 Q All right. What was the reaction of  
9 Mr. Christofferson when you came into that office  
10 and disclosed that Marilyn had requested a  
11 discrimination form?  
12 A I believe we had a general discussion about, well,  
13 what could this mean, what would the impact be,  
14 those kinds of things.  
15 Q Did the Mayor at that point give either one of you a  
16 clue as to what was happening?  
17 A No.  
18 Q Did he disclose any possible unhappiness on the part  
19 of Ms. Figueroa at that time?  
20 A You know, other than him being surprised and angry,  
21 I don't remember specifics of that conversation.  
22 Q Just so we can take a break, let me see if I can  
23 summarize what's so far in the record. Before you  
24 sent Marilyn Figueroa the notice of involuntary  
25 quit --

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1 A No.  
 2 MR. SCHRIMPF: Again I'm going to  
 3 object because it assumes a fact not in  
 4 evidence.  
 5 Q Did you at some point learn that Marilyn Figueroa  
 6 had filed a federal complaint with the EEOC?  
 7 A A federal complaint with the EEOC? I'm not sure on  
 8 exact terminology. Yes. I believe it was  
 9 October of 2000.  
 10 Q And do you know who was the respondent or defendant  
 11 in that complaint?  
 12 A I'm unsure of whether it's the Mayor or the City.  
 13 Q Did you ever see a copy of the complaint that was  
 14 filed by Marilyn Figueroa?  
 15 A Yes.  
 16 Q And how did you get ahold of a copy of that  
 17 complaint?  
 18 A I have no idea.  
 19 Q Did the office of the legal counsel for the City of  
 20 Milwaukee provide a copy to you of that complaint?  
 21 A Likely, yes.  
 22 Q Did the Mayor provide a copy of that complaint to  
 23 you?  
 24 A Again, I just said I have no idea. I received a  
 25 copy.

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1 Q Did you read that complaint?  
 2 A Yes, I did.  
 3 Q Did you ever participate in preparing a response to  
 4 any of the claims that she was making in that EEOC  
 5 complaint?  
 6 A Yes.  
 7 Q To what extent did you provide input to answer those  
 8 claims?  
 9 A If the City Attorney said what do you know about  
 10 these items, tell me or give me whatever information  
 11 you have, I participated.  
 12 Q And let me see if I can refresh your recollection.  
 13 Are we talking about the October 11th, 2000  
 14 complaint?  
 15 A October is all I remember.  
 16 Q October 2000?  
 17 A Right.  
 18 Q Is that correct? Up to that point, based on your  
 19 previous testimony, you, Christofferson, the Mayor's  
 20 wife, the Mayor were still meeting on how to deal  
 21 with the Figueroa matter?  
 22 A Right.  
 23 Q Is that correct? Up to the point of October 11th  
 24 was Attorney Shindell involved in all of these  
 25 meetings?

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1 A No.  
 2 Q Did she attend any of the meetings?  
 3 A Yes.  
 4 Q Do you know how many?  
 5 A I do not.  
 6 Q Did Ms. Shindell at any point before the  
 7 October 2000 complaint filed by Marilyn Figueroa,  
 8 did she ever suggest how to deal with the  
 9 Marilyn Figueroa situation?  
 10 A I don't know what that question means.  
 11 Q Well, did she ever suggest any plan of action?  
 12 A My memory is that Anne's involvement was revolved  
 13 around the legal questions and the interaction  
 14 between the various attorneys.  
 15 MR. ARELLANO: I move to strike as  
 16 nonresponsive, judge.  
 17 Q My question to you now, sir, is did Anne Shindell  
 18 prior to October 11th, the time when  
 19 Marilyn Figueroa filed her complaint and you became  
 20 aware of it, did Anne Shindell ever suggest any type  
 21 of plan of action in order to deal with  
 22 Marilyn Figueroa's issues, allegations against the  
 23 Mayor?  
 24 A She suggested plans of actions that were limited to  
 25 her role, which was to be the legal counsel for the

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1 Mayor.  
 2 Q Prior to you becoming aware of the October 2000  
 3 complaint, did you suggest any type of action with  
 4 respect to how to deal with any allegations that  
 5 Marilyn Figueroa could, would or should make against  
 6 the City?  
 7 MR. SCHRIMPF: Could I have that  
 8 question reread, please.  
 9 (Question read)  
 10 MR. SCHRIMPF: Okay.  
 11 A The basic discussion was initially should there be a  
 12 settlement if it can be arranged or not. Absent  
 13 that, the other plan was should the Mayor be  
 14 proactive and go public with announcement of the  
 15 affair or not. Most of the strategy sessions dealt  
 16 with that, or they dealt with specific episodes that  
 17 would crop up.  
 18 Q These were issues that were entertained before  
 19 Marilyn Figueroa filed her official complaint with  
 20 the EEOC?  
 21 A Yes.  
 22 Q Did there ever come a time when a final decision was  
 23 made with respect to what to do before  
 24 Marilyn Figueroa actually filed her complaint?  
 25 A No.

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1 the public as well?  
 2 A Yes.  
 3 Q Is that correct? And you I think, and I may have to  
 4 ask you the same question again, but I just want to  
 5 put things in proper context here if you can help  
 6 me. You did testify that before the re-election you  
 7 received telephone calls from the news media?  
 8 A From reporters, yes.  
 9 Q Inquiring about rumors and/or innuendo regarding  
 10 Marilyn Figueroa and the Mayor?  
 11 A Yes.  
 12 Q And you mentioned that you got many phone calls?  
 13 A I don't think I said many, but I received several  
 14 phone calls, yes.  
 15 Q Do you recall any of the reporters that you talked  
 16 to?  
 17 A The only three that I would remember are Spivak and  
 18 Byce and then Scott Friedman from Channell 4.  
 19 Q Did you get any phone calls from a person by the  
 20 name of Ben Tracy?  
 21 A I may have. Our office is in contact with the press  
 22 on a daily basis.  
 23 Q Did you get any calls from Mary Nohl, a Milwaukee  
 24 reporter?  
 25 A I don't believe so.

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1 Q When Byce and Spivak called you before the  
 2 re-election to inquire about this relationship, what  
 3 was your response?  
 4 A I had a standard response. In fact, I had it  
 5 written on my desk, is that we don't respond to  
 6 rumors and innuendos. Until there is a filing  
 7 there's nothing to discuss.  
 8 Q And these phone calls came to you after you had  
 9 learned from the Mayor that in fact a relationship  
 10 had, at least based on his version, had occurred?  
 11 A Yes.  
 12 Q Is that correct? And so when you would tell the  
 13 press that you would not respond to rumors and/or  
 14 innuendos, what would you actually say? What were  
 15 you meaning by that?  
 16 A What I was saying is my impression was the press was  
 17 fishing. And what I was saying to them is if you  
 18 have something definitive that you can attribute to  
 19 a person, then say it. If you are telling me that  
 20 you've heard from an unnamed source that this is  
 21 going to happen or that was going to happen, I'm not  
 22 going to respond because it is simply a rumor and/or  
 23 innuendo attributed to an unnamed source.  
 24 Q Did you continue to take that same position?  
 25 A Yes. It switched after --

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1 Q Let me finish my question.  
 2 A Okay.  
 3 Q Did you continue to take the same position  
 4 throughout the year 2000 all the way until the Mayor  
 5 decided to become public with his alleged  
 6 relationship?  
 7 A After there was a filing we would either use the  
 8 rumor, innuendo response or this is a legal matter  
 9 and not at liberty to respond.  
 10 Q When these reporters called you before the  
 11 re-election, tell me what Spivak and Byce asked you.  
 12 What was the nature of the inquiry?  
 13 A I had numerous conversations with them.  
 14 Q Okay. Is it fair and accurate to say that they  
 15 wanted to know whether or not there was anything  
 16 going on between Marilyn and Mr. Norquist?  
 17 A Yes.  
 18 Q And you refused to tell them what you knew after you  
 19 learned from the Mayor that these rumors were no  
 20 longer rumors; correct?  
 21 A I told them that if they had definitive statements  
 22 from somebody that would be on the record, then we  
 23 could have a conversation, but I am not responding  
 24 to rumors made by unnamed sources.

MR. ARELLANO: Let me ask you,

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1 madame reporter, to read the same question  
 2 again. And I want to you give me a yes or no  
 3 answer.  
 4 MR. SCHRIMPF: Well, I'm going to  
 5 object because there may not be a yes or a no,  
 6 but we'll try.  
 7 (Question read)  
 8 A What rumors were you talking about?  
 9 Q Well, you refused to tell the press that in fact a  
 10 relationship had taken place between  
 11 Marilyn Figueroa and Mr. Norquist; true?  
 12 A Yes.  
 13 Q You identify their inquiries about the relationship  
 14 that the Mayor felt he had with Figueroa, you  
 15 interpret those inquiries as rumors; correct?  
 16 A Again, I did not interpret them as rumors.  
 17 Q But you --  
 18 A They did not have any specific evidence. They were  
 19 asking me to respond to rumors. I told them I would  
 20 not respond to rumors.  
 21 Q Well, Mr. Soika, let's not play word games here.  
 22 A Exactly.  
 23 Q You testified that at least Spivak and Byce,  
 24 Mr. Friedman, they wanted to know if something was  
 25 going on by way of an intimate relationship between

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1 meetings to deal with the Mayor and  
 2 Marilyn Figueroa's issues, was there a plan that  
 3 everyone was supposed to use the same response if  
 4 inquiries would be directed to the Mayor's office or  
 5 anyone involved in that?  
 6 A That was the general response that we were trying  
 7 to, yes.  
 8 Q Is it fair and accurate to say that the meetings  
 9 that involved the Mayor's wife, you,  
 10 Mr. Christofferson, Ms. Shindell and the Mayor, all  
 11 these meetings were designed to protect the Mayor;  
 12 correct?  
 13 A Yes.  
 14 Q And is it also fair and accurate to say, Mr. Soika,  
 15 that once you learned about this alleged sexual  
 16 exchange between the Mayor and Marilyn Figueroa from  
 17 Mayor Norquist, is it fair and accurate to say that  
 18 you never conducted or directed anyone to  
 19 investigate this alleged relationship between  
 20 Marilyn and John Norquist?  
 21 A Correct.  
 22 Q And you don't know of anyone involved in any of  
 23 these meetings or for that matter any representative  
 24 of the City that suggested that an investigation be  
 25 done in order to determine whether or not there was

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1 something improper about a relationship between a  
 2 superior and a subordinate?  
 3 A There was no decision to ask for a separate  
 4 investigation in the matter.  
 5 Q When the Mayor disclosed to you about his sexual  
 6 encounters with Ms. Figueroa, did you inquire  
 7 specifically whether or not that was the reason for  
 8 Marilyn Figueroa to obtain a discrimination form?  
 9 A No.  
 10 Q By the way, who -- did you ever inquire of that fact  
 11 before the re-election -- strike that. Did you ever  
 12 inquire from the Mayor, or do you know anyone who  
 13 may have done so, inquire whether or not Marilyn was  
 14 planning to file a discrimination claim of some kind  
 15 before you sent the voluntary quit notice?  
 16 A I'm sorry. That's a --  
 17 Q Well, my question is do you know if anyone ever  
 18 inquired from the Mayor whether or not he suspected  
 19 that Marilyn, when she went to get that  
 20 discrimination form, she was planning to bring a  
 21 claim against him?  
 22 A Did anyone ask the Mayor if he thought a claim would  
 23 be against him?  
 24 Q Right.  
 25 A My recollection was that that's what Marilyn had

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1 asserted when she asked for the form is a claim  
 2 against the Mayor and the office.  
 3 Q So basically you assumed that that is actually what  
 4 she was going to do?  
 5 A Correct.  
 6 Q She was going to file a sexual harassment claim?  
 7 A No, I did not assume that.  
 8 Q But you assumed that she was going to file a  
 9 complaint of some kind?  
 10 A Of some kind, right.  
 11 Q You also knew that it was somehow tied to this  
 12 sexual exchange with the Mayor?  
 13 A I would not say that.  
 14 Q Did you assume that?  
 15 A No.  
 16 Q Did you question that?  
 17 A Did I question that to whom?  
 18 Q To the Mayor.  
 19 A No.  
 20 Q Well, did the Mayor or anyone ever tell you what  
 21 Marilyn had in mind as far as filing a complaint  
 22 against the Mayor?  
 23 A No. How could he know?  
 24 Q So your knowledge was limited just to the fact that  
 25 she was planning or at least had requested a

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1 discrimination form? It was limited to just some  
 2 type of complaint?  
 3 A Some type of complaint against the Mayor and the  
 4 office.  
 5 Q By the way, who disclosed that information to you,  
 6 the fact that she had requested a discrimination  
 7 form?  
 8 A Florence Dukes.  
 9 Q What exactly did she tell you?  
 10 A That Marilyn had called her and had requested a, I  
 11 think she said an EEOC form, and that Florence had  
 12 asked Marilyn to come in and talk about it. Marilyn  
 13 had said no. Florence said, what is this about?  
 14 Marilyn said, it's about the Mayor and the office.  
 15 And then Florence said that she sent the letter,  
 16 sent the information out.  
 17 Q Anything else?  
 18 A I think that they said that because they had had  
 19 other conversations with Marilyn regarding her  
 20 request to be reclassified and her general feelings  
 21 about the office, that they might have to go outside  
 22 to have this investigated. My response was follow  
 23 your standard procedure.  
 24 Q And I understand, and correct me if I am wrong, but  
 25 I believe you testified previously that you notified

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1 recall.  
 2 Q But your recollection is based on your prior  
 3 testimony that Ms. Shindell wanted to inquire  
 4 directly from Marilyn as to what she wanted;  
 5 correct?  
 6 A Basically, yes.  
 7 Q Did you ever, or to your knowledge the Mayor and/or  
 8 you ever keep the office of the City Attorney  
 9 informed of every contact that Shindell had with  
 10 Figueroa, Pedro Colon or Mr. Fuchs?  
 11 A The City Attorney became somewhat involved at the  
 12 same time that, roughly that Mr. Fuchs was involved.  
 13 Q Who from the City Attorney's became involved?  
 14 A Mr. Langley. Specifically on the question of  
 15 whether or not Shindell could represent the City.  
 16 Q How did that occur? How did that happen? What were  
 17 the issues?  
 18 A You know, I don't know. I just know that that was a  
 19 question that needed to be handled.  
 20 Q Was there a meeting to address this issue?  
 21 A Yes, there was.  
 22 Q Were you present at that meeting?  
 23 A Yes, yes, I was.  
 24 Q Was Ms. Shindell present at that meeting?  
 25 A Yes.

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1 Q Was the Mayor present?  
 2 A Yes.  
 3 Q Mrs. Norquist, was she present?  
 4 A I don't remember.  
 5 Q And what was the specific question posed at that  
 6 time, if any?  
 7 A As best as I can recall, there was a question of  
 8 whether or not Anne could or should represent the  
 9 City. I don't know if what context that is.  
 10 Q Do you know who, if anyone, initiated the contact  
 11 with the City Attorney's Office regarding this  
 12 Figueroa-Norquist matters?  
 13 MR. SCHRIMPF: Objected to based on  
 14 foundation.  
 15 Q Go ahead, sir.  
 16 A Who first contacted the City Attorney? I may have.  
 17 I don't know for sure.  
 18 Q During this entire year of 2000 did you ever write  
 19 any notes about all these meetings and activities  
 20 that were going on?  
 21 A I wrote very few notes.  
 22 Q What did you do with those notes?  
 23 A I have them.  
 24 Q We'll get there. When you spoke to  
 25 Marilyn Figueroa, did you write any notes of your

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1 discussion with her?  
 2 A When I spoke to her on the phone?  
 3 Q Correct.  
 4 A I believe I did.  
 5 Q When you spoke to the Mayor about Pedro Colon and  
 6 filing criminal charges, did you write any notes?  
 7 A No.  
 8 Q Whenever you spoke to Ms. Shindell about talking to  
 9 Figueroa, did you make any notes?  
 10 A No.  
 11 Q Whenever you spoke to Ms. Shindell about Mr. Fuchs,  
 12 did you write any notes?  
 13 A No.  
 14 Q Well, which incidents did you make notes of?  
 15 A I would not have made notes of meetings or  
 16 conversations with Shindell because I'm very aware  
 17 of the open records law and at some point they would  
 18 be requested and we'd have to produce them. So I  
 19 made very sparse notes, if any. I made no notes of  
 20 those meetings.  
 21 Q You felt that any communication that you may have  
 22 had with Shindell as a representative of the Mayor's  
 23 office and public employee would be subject to the  
 24 open records law?  
 25 A Any notes that I created would be subject to the

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1 open records law, right.  
 2 Q And that is because you were working for the City of  
 3 Milwaukee?  
 4 A Yes.  
 5 Q During this entire period of time from January 4th,  
 6 the time that Marilyn Figueroa left her office until  
 7 December of the year 2000, did you ever take any  
 8 time off from the City of Milwaukee in order to work  
 9 on John Norquist's legal issues such as meetings,  
 10 strategy meetings, planning meetings, meetings with  
 11 Shindell, dealing with the Pedro Colon issue,  
 12 records that I could see?  
 13 A No.  
 14 Q So you were working at all times under your current  
 15 umbrella with your current salary; correct?  
 16 A Yes.  
 17 Q Did you ever ask or request an opinion from the City  
 18 of Milwaukee legal office in order to determine  
 19 whether or not you could actually bill the City of  
 20 Milwaukee for the time you were investing in dealing  
 21 with the John Norquist-Marilyn Figueroa issues?  
 22 A No.  
 23 Q The notes that you made with respect to your  
 24 discussion with Marilyn Figueroa, at what point did  
 25 you make those notes?

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1 the City of Milwaukee, employment handbook?  
 2 A I don't recall.  
 3 Q What about 1999?  
 4 A Did I receive an employment handbook?  
 5 Q Supervisory handbook or any type of rules and  
 6 policies that apply to employees for the City of  
 7 Milwaukee.  
 8 A No, I can't draw up a handbook but I may have. I  
 9 don't know.  
 10 Q You don't know. When you were the director of the  
 11 block grant section, did you supervise any City  
 12 employees?  
 13 A Yes.  
 14 Q Did you supervise City employees that were entitled  
 15 to the civil service system protections,  
 16 entitlements?  
 17 A You know, I don't think so. I think they were all  
 18 exempted.  
 19 Q And when you became a chief of staff, did you  
 20 supervise anybody?  
 21 A Yes.  
 22 Q How many people did you supervise?  
 23 A 12, 15.  
 24 Q Did that include Marilyn Figueroa?  
 25 A Yes.

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1 Q I requested that you produce the policies and  
 2 procedures for the City of Milwaukee.  
 3 MR. SCHRIMPF: I believe we have --  
 4 A We have what we have.  
 5 MR. SCHRIMPF: -- something.  
 6 MR. ARELLANO: I asked counsel  
 7 because I hope somebody is going to give me a  
 8 straight answer.  
 9 MR. SCHRIMPF: I think, counsel,  
 10 we've been giving you straight answers.  
 11 A I have two originals here.  
 12 Q Let me see.  
 13 A I have employee manuals.  
 14 Q Let me show you, sir, a document that appears to be  
 15 labeled or titled Rules of the Board of City Service  
 16 Commissioners.  
 17 A Okay.  
 18 Q Is that accurate?  
 19 A That's what the title is.  
 20 Q Can you describe for me what's the nature of that  
 21 document?  
 22 A You know, I've never looked at this until I was  
 23 handed it yesterday. I can tell you what the table  
 24 of contents are.  
 25 Q Well, I think I can at least for now live with the

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1 previous explanation. Let me mark this document.  
 2 MR. SCHRIMPF: Wait a minute.  
 3 Before we start marking all sorts of things,  
 4 are these originals?  
 5 THE WITNESS: These are originals,  
 6 right.  
 7 MR. SCHRIMPF: Can you spare these  
 8 or do you have to return these?  
 9 THE WITNESS: We can spare these.  
 10 MR. SCHRIMPF: Okay.  
 11 (Exhibit No. 1 marked for  
 12 identification)  
 13 Q Let me show you, sir, what has been marked as  
 14 Exhibit No. 1 of your deposition. Just by reading  
 15 the title, can you please identify that  
 16 Exhibit No. 1 for the record.  
 17 A The title reads Rules of the Board of City Service  
 18 Commissioners.  
 19 Q And to your understanding, if any, to whom does that  
 20 document, Exhibit No. 1, apply to?  
 21 A Having not ever read this document, I can only  
 22 assume.  
 23 Q Well, why don't you go ahead and take your very best  
 24 shot.  
 25 A It would be employees of the City of Milwaukee.

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1 Q Is there any one employee who is not covered by that  
 2 Exhibit No. 1 to your knowledge?  
 3 A Again, I've not read the exhibits. I don't feel  
 4 like I can answer that.  
 5 Q You produced that document pursuant to my subpoena;  
 6 is that correct?  
 7 A Correct.  
 8 Q And we are referring to -- let me ask you to mark  
 9 Exhibit No. 2.  
 10 MR. SCHRIMPF: Does the witness  
 11 have the subpoena he was actually served with  
 12 or not?  
 13 MR. ARELLANO: I don't know. Do  
 14 you?  
 15 THE WITNESS: I do, yes.  
 16 MR. SCHRIMPF: I would prefer that  
 17 we mark that one.  
 18 THE WITNESS: Let me make sure I  
 19 didn't mark it.  
 20 MR. ARELLANO: May I see that, sir,  
 21 when you are done?  
 22 THE WITNESS: Well, I don't think  
 23 this is part of it.  
 24 (Exhibit No. 2 marked for  
 25 identification)

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1 such document for the record if you will, Mr. Soika.  
 2 A The title at the bottom is Sexual Harassment Policy  
 3 1992 through '95.  
 4 Q And do you know whether or not the rules that you  
 5 have identified in Exhibit No. 4 are also contained  
 6 in Exhibits 1 and 3?  
 7 A I do not know.  
 8 Q When Marilyn Figueroa was still an employee of the  
 9 City of Milwaukee, up to the time when you notified  
 10 her that she was no longer an employee of the City  
 11 of Milwaukee, were the policies, rules, regulations  
 12 that have been identified as Exhibit No. 4 were in  
 13 effect?  
 14 A I will say yes, because as you get further into the  
 15 document there's another title that says  
 16 Anti-Harassment Policy Including Sexual Harassment  
 17 1999 Through Present.  
 18 Q Since you have been an employee for the City of  
 19 Milwaukee up to January 5th, 6th or 7th, the time  
 20 when you learned that sexual interaction had  
 21 occurred between a superior and a subordinate, were  
 22 you familiar with these rules which have now been  
 23 identified as Exhibit No. 4?  
 24 MR. SCHRIMPF: Objected to as  
 25 inspecific with respect to time.

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1 Q Go ahead. Do you want the question read back?  
 2 A Please.  
 3 (Question read)  
 4 Q And I'm talking about January 5th, 6th or 7th of the  
 5 year 2000.  
 6 A I understand. I am vaguely familiar. Could I cite  
 7 chapter and verse of these rules? Absolutely not.  
 8 Q When Mr. Norquist reported to you that he had  
 9 engaged in sexual contact with a subordinate of  
 10 yours and his, is it fair and accurate to say that  
 11 you did not check those rules and regulations?  
 12 A Yes.  
 13 Q Is it also fair and accurate that you did not  
 14 request from the City Attorneys or from any other  
 15 legal entity an opinion as to whether or not the  
 16 information that you learned from Mayor Norquist  
 17 regarding his sexual interaction with a subordinate  
 18 could be deemed in violation of the City of  
 19 Milwaukee policies?  
 20 A I did not because my vague understanding is if  
 21 there's a consensual relationship, it is not  
 22 harassment.  
 23 MR. ARELLANO: Let the record  
 24 reflect that I have before me Exhibit 4 which  
 25 contains a total of eight pages.

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1 MR. SCHRIMPF: No, I count nine.  
 2 MR. ARELLANO: Sold.  
 3 MR. SCHRIMPF: And by the way, it  
 4 appears to be actually two different documents  
 5 put together.  
 6 MR. ARELLANO: I'm going there.  
 7 I'm going there. I'm going there.  
 8 Q The first two pages would you agree with me, sir,  
 9 contain what appears to be labeled as Policy and  
 10 Definition on the left margin on the top?  
 11 A It says Policy and Definition on the left top.  
 12 Q And then the second large paragraph has a second  
 13 title identified as Sexual Harassment Complaint  
 14 Procedure?  
 15 A Correct.  
 16 Q Right? And then the second page is a continuation  
 17 of the second item identified as Sexual Harassment  
 18 Complaint Procedure?  
 19 A Correct.  
 20 Q Would that be accurate? Okay. And part of  
 21 Exhibit No. 4 contains a Policy and Definition  
 22 two-page document; correct?  
 23 A Correct.  
 24 Q Which also includes another paragraph identified as  
 25 Sexual Harassment Complaint Procedure?

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1 A Correct.  
 2 Q Correct? And the second page appears to be a part  
 3 of the second paragraph of the first page?  
 4 A There seems to be a disclaimer or a definition on  
 5 what that document is at the bottom.  
 6 Q Correct. Sexual Harassment Policy; is that right?  
 7 A I believe there's a date there as well.  
 8 Q Thank you for bringing this to my attention. The  
 9 first two pages have a sexual harassment policy  
 10 dated 1992 through 1995; correct? And then there is  
 11 a second one that has a date of 1996 through 1998;  
 12 correct?  
 13 A I'm sorry, correct.  
 14 Q And then the next section of Exhibit No. 4 contains  
 15 the anti-harassment policy including sexual  
 16 harassment from 1999 to the present; is that  
 17 correct?  
 18 A Correct.  
 19 Q And it's identified as Department of Employee  
 20 Relations, and it provides the definitions of sexual  
 21 harassment and so on and so forth; is that correct?  
 22 A Correct.  
 23 Q It's a total of three pages; true?  
 24 A True.  
 25 Q And then the final is the appendix of the City of

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1 violation of Section 703 of Title VII of the 1964  
2 Civil Rights Act." Did I read that correctly?  
3 A You read the first sentence correctly, yes.  
4 Q And then I continue with the second sentence which  
5 states as follows: "Unwelcome sexual advances."  
6 Did I read that correctly?  
7 A Correct.  
8 Q "Request for sexual favors and other verbal or  
9 physical conduct of a sexual nature constitutes  
10 harassment." Did I read that correctly?  
11 A You left out the word when.  
12 Q I will include that, thank you. "When, one,  
13 submission to such conduct is made either explicitly  
14 or implicitly a term or condition of an individual's  
15 employment." Did I read that correctly?  
16 A Correct.  
17 Q And we move to the second one, which you can read  
18 with me, "Submission to or rejection of such conduct  
19 by an individual as used for the basis of employment  
20 decisions affecting such individual"; did I read  
21 that correctly?  
22 A Correct.  
23 Q Or, No. 3, "Such conduct has the purpose or effect  
24 of unreasonably interfering with an individual's  
25 work performance or creating an intimidating,

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1 hostile or offensive working environment." Did I  
2 read that correctly?  
3 A Yes.  
4 Q Do you know, sir, whether or not in the year 2000,  
5 January to be more specific, the City of Milwaukee  
6 had this sexual harassment policy in place?  
7 A This exact policy?  
8 Q At least the concept which we have covered thus far.  
9 A The concept or the exact policy?  
10 Q Both. Let's start with the exact policy.  
11 A I have no idea whether the exact policy was in  
12 effect in 2000.  
13 Q Do you know if the City of Milwaukee had a sexual  
14 harassment policy pursuant to Title VII of the 1964  
15 Civil Rights Act?  
16 A I believe so.  
17 Q Once Mr. Norquist confided in you that he had  
18 engaged in a sexual conduct with a subordinate, in  
19 this case Marilyn Figueroa, what, if anything, did  
20 you do to determine whether or not John Norquist had  
21 engaged in unwelcome sexual advances towards  
22 Ms. Figueroa?  
23 A Absent a complaint, I would have no knowledge that  
24 the advancement was welcome or unwelcome.  
25 Q What, if any, investigation and/or inquiry did you

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1 conduct to determine whether or not Ms. Figueroa  
2 felt that the alleged sexual exchanges that  
3 Mr. Norquist confided in you were unwelcome?  
4 A I had initiated no investigation.  
5 Q Is it fair and accurate to say that before you  
6 issued Marilyn Figueroa the voluntary quit notice  
7 you did not conduct any investigation in order to  
8 determine whether or not the policy and definition  
9 of sexual harassment for the City of Milwaukee was  
10 violated by John Norquist?  
11 A There was no complaint issued. Therefore, I had no  
12 basis to do that.  
13 Q In spite of the fact that there was no complaint, I  
14 believe you testified on more than two occasions  
15 that you fear that a complaint was forthcoming?  
16 A I feared that some type of complaint was  
17 forthcoming. I did not testify that I feared a  
18 sexual harassment complaint was coming.  
19 Q Now, let's go to the second item of the first two  
20 pages of Exhibit No. 4. The first item states as  
21 follows: "Sexual harassment complaint procedure.  
22 Any employee who believes he or she has been the  
23 victim of sexual harassment should immediately  
24 inform his or her supervisor, department manager of  
25 the Equal Employment Opportunities Division staff in

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1 room 705 of City Hall, 278-2974." Did I read that  
2 correctly?  
3 A Correct.  
4 Q Directing your memory, if I can say it that way, to  
5 January of 2000, did this policy apply to any  
6 employee within the City of Milwaukee, including  
7 Marilyn Figueroa?  
8 A If this was the policy in effect at the time, it  
9 would have applied to every employee, including  
10 Marilyn Figueroa.  
11 Q And by looking at this policy, Mr. Soika, would it  
12 be fair and accurate to say that pursuant to this  
13 policy Ms. Figueroa could have gone to any of the  
14 assigned key sources?  
15 A Correct, yes.  
16 Q And who in January of 2000 and/or in 1999, who was  
17 the manager or -- strike that. Where was the Equal  
18 Employment Opportunity Division office?  
19 A 7th floor of City Hall.  
20 Q Who was the director of that office?  
21 A In January of 2000?  
22 Q Correct.  
23 A Jeffrey Hanson.  
24 Q And was Florence Dukes an employee of that  
25 department?

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1 prohibits retaliation against people who file  
2 complaints protected by law?  
3 A I can't say that I did or not. But there was no  
4 complaint filed prior to her willful quit  
5 termination.  
6 Q My question is did you know?  
7 A My answer is I'm not sure if I knew at that time or  
8 not.  
9 Q Did you from January 4th till the time you issued  
10 the notice of voluntary quit to Ms. Figueroa, did  
11 you investigate or inquire as to the policies and  
12 definitions of sexual harassment applicable to the  
13 City of Milwaukee at that time?  
14 A Because there was no complaint filed, I had no  
15 reason to do that.  
16 Q Let me direct your attention to the last paragraph.  
17 The last paragraph states, "Complaints will be  
18 investigated in a timely and confidential manner."  
19 Did I read that correctly?  
20 A Yes.  
21 Q "In no event will information concerning a complaint  
22 be released to or discussed with anyone who is not  
23 involved with the investigation." Did I read that  
24 correctly?  
25 A Correct.

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1 Q And then the final aspect of this last paragraph of  
2 Exhibit 4 of the first two pages reads as follows:  
3 "The purpose of this provision is to protect the  
4 confidentiality of the complainant, to encourage the  
5 reporting of incidents of sexual harassment and to  
6 protect the reputation of an employee wrongfully  
7 accused of sexual harassment." Did I read that  
8 correctly?  
9 A Yes.  
10 Q Do you know if the City of Milwaukee had this policy  
11 or a similar policy of confidentiality related to  
12 complaints, do you know if the City had one of these  
13 policies in effect in January of 2000?  
14 A I don't know directly. I assume that it would have  
15 a similar policy.  
16 Q Were you aware of a confidentiality provision within  
17 the complaint procedure?  
18 A Again, I can't say that I was aware of a  
19 confidentiality.  
20 Q Now, you testified earlier that you received a  
21 telephone call from the Department of Employment  
22 Relations; correct?  
23 A Employee Relations, yes.  
24 Q I believe you identified Ms. Florence Dukes?  
25 A Correct.

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1 Q And she disclosed to you that Marilyn was at least  
2 demanding a complaint form?  
3 A Requested a complaint form, yes.  
4 Q Is that correct? And did she at any time tell you  
5 to keep that information confidential?  
6 A I don't believe so.  
7 Q And as I understand it, you subsequently disclosed  
8 that to Mayor Norquist?  
9 A Yes.  
10 Q And to your staff?  
11 A Yes.  
12 Q Assuming that this policy was in place, you would  
13 agree with me, would you not, that disclosing  
14 Marilyn's intent to file a complaint would violate  
15 this policy?  
16 A I did not --  
17 MR. SCHRIMPF: Objected to as  
18 calling for a legal conclusion of this  
19 witness.  
20 A I would not agree.  
21 Q Do you believe that your disclosure or the  
22 disclosure on the part of Mrs. Dukes was not a  
23 violation of the policy?  
24 A There was no complaint filed.  
25 Q So the answer is no?

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1 A That's what I said.  
2 Q Did you ever contact any member of the Common  
3 Council to inform any of them that Mayor Norquist  
4 was having sexual acts with a subordinate?  
5 A No.  
6 Q Did you feel an obligation to do so?  
7 A No.  
8 Q To your knowledge, was there a policy in place with  
9 respect to dating coemployees in the workplace?  
10 A I have no idea.  
11 Q You have no clue? The second aspect of  
12 Exhibit No. 4 contains the sexual harassment policy  
13 for 1996 through 1998. Would you agree with me,  
14 sir, that this revised policy had the exact same  
15 definition of sexual harassment you have --  
16 A I don't have that.  
17 Q Let me give it to you.  
18 A Given the review, I believe it's the same.  
19 Q It's pretty much the same; is that correct?  
20 A Yes.  
21 MR. SCHRIMPF: Well, I'm going to  
22 object. Is it pretty much the same or is it  
23 the identical? Which was the question?  
24 THE WITNESS: The question was  
25 identical. I couldn't read it carefully

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1 questions.  
 2 MR. ARELLANO: Noted.  
 3 Q Did he ever tell you that he engaged in sexual acts  
 4 in the workplace?  
 5 A I can't recall if he told me or that it was a  
 6 discussion that was generated by one of the filings.  
 7 Q You don't remember -- what is it that you don't  
 8 remember?  
 9 A I don't remember that was there -- was -- did one of  
 10 the filings say that there was a sexual encounter in  
 11 the workplace and then we had the discussion or vice  
 12 versa.  
 13 Q The discussion related to the filings, what exactly  
 14 did he relate to you?  
 15 A Again, I can't say.  
 16 Q Well, tell me the gist of what he said to you  
 17 regarding the filings.  
 18 A That's a pretty broad question. Could you narrow it  
 19 please?  
 20 Q I'm not the one -- I just want you to explain to me  
 21 what is it that he related to you with respect to  
 22 the filings.  
 23 A I would often be present when the Mayor was talking  
 24 to his attorney or subsequently to the City  
 25 Attorney.

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1 A I absolutely could not say. I don't know.  
 2 Q Was that while Marilyn was still an employee of the  
 3 City?  
 4 A Oh, absolutely not.  
 5 Q Was it at what point?  
 6 A It was at some point in the year 2000.  
 7 Q Was it before or after she left?  
 8 A I would believe it's after she left.  
 9 Q When he made that statement, did he disclose any  
 10 witnesses to this incident?  
 11 A He did not.  
 12 Q Did he ever mention anything about getting apples  
 13 from Marilyn?  
 14 A Only when the issue was raised in one of the  
 15 filings.  
 16 Q What did he say with respect to that?  
 17 A As it relates to the filings?  
 18 Q I'm talking as it relates to apples.  
 19 A What did the Mayor say as it relates to apples?  
 20 Q Correct.  
 21 A Well, there is the information that was provided in  
 22 the filing that the accusations that Marilyn made.  
 23 The Mayor says that this was a consensual act and it  
 24 was a way for the two partners to be together when  
 25 they could not be together.

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1 Q Okay.  
 2 A And if the issue came up and the Mayor was  
 3 describing that, I would have been there.  
 4 Q What did he describe as far as having sexual conduct  
 5 or sexual contact or sexual exchanges as defined by  
 6 the City policies, what did he say happened at work?  
 7 A The only incident that I remember is the Mayor  
 8 reporting that Marilyn came into his office and  
 9 exposed her breasts.  
 10 Q And did he tell you when that occurred?  
 11 A No, he did not.  
 12 Q Who was present when he made those comments?  
 13 A The City Attorney staff. I'm not sure, but it would  
 14 have been some attorneys' staff.  
 15 Q Did he tell you the time when this alleged exposure  
 16 occurred?  
 17 A No.  
 18 Q Did he explain what was his reaction to that?  
 19 A I remember his comment is -- because it kind of  
 20 stuck out is he said, well, Marilyn, put your shirt  
 21 down, the windows are open.  
 22 Q Anything else that he may have related to you by way  
 23 of discussing what happened at the office?  
 24 A That's all I remember.  
 25 Q When did you learn of this particular incident?

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1 Q Did he agree with the allegation that Marilyn made  
 2 that apples were exchanged during the work hours?  
 3 A Again, apples were exchanged during the work hours?  
 4 Yes.  
 5 Q Did he -- what else did he say? Did he go into  
 6 specifics as to how the apples came into play?  
 7 A No, I don't believe so.  
 8 Q When he claimed that Marilyn came and exposed  
 9 herself, did he describe the date when this  
 10 occurred?  
 11 A No.  
 12 Q Did he describe the period of the year?  
 13 A No.  
 14 Q Did he in any way identify, was it a weekend or  
 15 during the week?  
 16 A He did not. He did not identify.  
 17 Q Then he disclosed to you that other incidents  
 18 occurred at his house and some at her house?  
 19 A Correct.  
 20 Q With respect to incidents that occurred at his  
 21 house, when did they occur?  
 22 A I have no idea.  
 23 Q How many times did it happen, did he disclose that?  
 24 A I have no idea.  
 25 Q How many times did it happen at her house?

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1 involve any of the legal representatives for  
2 the City Attorney's Office.

3 MR. SCHRIMPF: It was my  
4 understanding that they did.

5 MR. ARELLANO: Let's go back  
6 because as it is it's been difficult to get  
7 this witness to respond to questions. Let me  
8 ask the professional reporter to go back to --

9 MR. SCHRIMPF: And just for the  
10 record, I will object to counsel's gratuitous  
11 remarks about difficulty of the witness  
12 answering questions.

13 MR. ARELLANO: Let's go back to  
14 line 15 of the previous page.  
15 (Answer read: Let me ask if the conversation  
16 occurred between the Mayor and his attorney  
17 and I was present, is that protected  
18 information?)

19 MR. ARELLANO: The question that I  
20 asked starts at line 15, the previous  
21 question, madame reporter. My notes reflect  
22 that on line 15 I asked the following  
23 question: I just want to know what  
24 Mr. Norquist said with respect to the trip to  
25 Chicago. At line 17 this witness answered as  
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1 follows: Let me ask if the conversation  
2 occurred between the Mayor and his attorney  
3 and I was present, is that protected  
4 information?

5 MR. SCHRIMPF: And the answer is  
6 no? If what we're talking about is  
7 Mr. Norquist's personal attorney.

8 MR. ARELLANO: That's correct.

9 Q With respect to the trip to Chicago, Mr. Soika, what  
10 did Mr. Norquist relate as far as Marilyn Figueroa  
11 is concerned?

12 A As I said, I'm not sure if the trip to Chicago ever  
13 occurred.

14 Q That's not what I asked you, sir. I asked you to  
15 tell me what --

16 A You're right.

17 Q -- what Norquist said.

18 A That Marilyn was supposed to meet him in Chicago.  
19 There was some sort of car trouble.

20 Q Did he describe what was the purpose for being in  
21 Chicago?

22 A I believe he was there for a convention or a  
23 meeting.

24 Q And did he describe whether or not Marilyn Figueroa  
25 met him, did he, not whether you, but did  
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1 Mr. Norquist describe whether or not  
2 Marilyn Figueroa had met him in Chicago?

3 A And as I said previously, it's unclear to me whether  
4 or not she did.

5 Q You stated before that Mr. Norquist had disclosed  
6 certain conduct on the part of Ms. Figueroa at his  
7 office before?

8 A Yes.

9 Q And is it fair and accurate to say that this  
10 disclosure came long after Ms. Figueroa had left --

11 A Yes.

12 Q -- the work? Is it fair and accurate to say that  
13 this allegation about Ms. Figueroa allegedly showing  
14 part of her body to Mr. Norquist in his office, is  
15 it fair and accurate to say that that disclosure  
16 came from Mr. Norquist after Marilyn Figueroa had  
17 filed her complaint with the Equal Rights Division?  
18 You were referring to --

19 A Right.

20 Q -- the complaint?

21 A The complaint. I believe so, but I can't say  
22 definitively.

23 Q Is it also fair and accurate to say that when he  
24 talked about the apples in the workplace also  
25 occurred after Marilyn Figueroa had filed her  
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1 complaint with the Equal Rights Division?

2 A Yes.

3 Q Assuming that what Mr. Norquist related to you after  
4 Marilyn Figueroa filed her detailed complaint  
5 against Mr. Norquist, do you --

6 MR. ARELLANO: I've got to finish  
7 my question before you --

8 MR. SCHRIMPF: Yes, finish your  
9 question.

10 MR. ARELLANO: Jesus, I lost my  
11 train here.

12 MR. SCHRIMPF: I'm sorry, I didn't  
13 mean to interrupt.

14 Q Assuming that what Mr. Norquist related to you as he  
15 was trying to find an explanation to some of the  
16 allegations that Marilyn Figueroa filed in her  
17 complaint with the Equal Rights Division, which  
18 included disclosing or showing parts of her body as  
19 you put it, assuming that those things did in fact  
20 occur, do you believe that such conduct is  
21 appropriate?

22 MR. SCHRIMPF: Well, I'm going  
23 to -- first of all, I'm going to object  
24 because it actually calls for speculation on  
25 the part of the witness. And I don't see how  
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1 Q Was his wife present?  
 2 A No.  
 3 Q Was she present at any point when he was trying  
 4 to -- strike that. Were you ever present when the  
 5 Mayor was trying to respond to each and every  
 6 allegation?  
 7 A Yes.  
 8 Q Was Mr. Christofferson present as well?  
 9 A No.  
 10 Q Was he ever present at any point when he was trying  
 11 to respond to allegations?  
 12 A No.  
 13 Q What about Ms. Shindell? Was she present at all?  
 14 A No, because it would have been through the City  
 15 Attorney.  
 16 Q Well, who was present when the Mayor was trying to  
 17 address some of those detailed allegations filed by  
 18 Ms. Figueroa?  
 19 A I believe Mr. Schrimpf was present, Mr. Tokus,  
 20 possibly Mr. Langley; I'm not sure.  
 21 Q You were present?  
 22 A And I was present.  
 23 Q How many meetings do you recall being present in  
 24 when the Mayor was trying to address some of the  
 25 allegations?

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1 A Gees, I don't know, three, four.  
 2 Q Did the Mayor ever tell you or express an opinion as  
 3 to why Marilyn left on January 4th?  
 4 A Did the Mayor ever tell me why Marilyn left on  
 5 January 4th? No.  
 6 Q Was he in the office on January 4th?  
 7 A My memory is that he was in the office the afternoon  
 8 January 4th.  
 9 Q Well, what time do you believe he was in the office?  
 10 A Because I've been asked to look at this calendar for  
 11 so many times, that's the only recollection that I  
 12 have. It shows that the Mayor was scheduled to be  
 13 making phone calls out of the office and was not  
 14 scheduled to come in till 11:30 or so.  
 15 Q Did you see Marilyn Figueroa at the office that day?  
 16 A I believe I did.  
 17 Q What time did you see her?  
 18 A Probably around 8:30.  
 19 Q Do you know when Marilyn Figueroa left the office?  
 20 A I do not.  
 21 Q How far is your office from Marilyn Figueroa's  
 22 office?  
 23 A Not being a good judge of distance, 40 feet maybe.  
 24 Q When you saw her at around 8:30, where did you see  
 25 her?

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1 A We have a standing meeting at 8:30 where all staff  
 2 gather in like a hallway to go over the issues of  
 3 the day or issues of the previous day. It was in  
 4 that meeting.  
 5 Q Did the Mayor -- did you notify the Mayor that you  
 6 were going to issue a notice of voluntary quit to  
 7 Marilyn Figueroa before you did?  
 8 A Yes.  
 9 Q When did you do that?  
 10 A When did I notify him?  
 11 Q Correct.  
 12 A At some point prior.  
 13 Q Well, do you have any notes or records that can help  
 14 you to refresh your recollection?  
 15 A No, no.  
 16 Q When you say at some point prior, what are we  
 17 talking about, weeks, days, minutes, hours?  
 18 A I sent Marilyn a letter, I believe it was  
 19 January 14th, that said she had X amount of days to  
 20 provide documentation as to why she was not coming  
 21 to work. That letter said that if you don't provide  
 22 the information within whatever amount of days that  
 23 is, then we would have to take further action. It  
 24 was some point between that letter and the letter of  
 25 voluntary quit.

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1 Q When you notified the Mayor that you were going to  
 2 be issuing a notice of voluntary quit, did he object  
 3 to your proposal?  
 4 A I don't believe so.  
 5 Q How did you convey the message to the Mayor?  
 6 A Probably verbally.  
 7 Q Where did this occur?  
 8 A I have no idea.  
 9 Q When the Mayor disclosed to you anytime in  
 10 January 5th, 6th or 7th about his relationship with  
 11 Marilyn Figueroa, did he disclose to you when was  
 12 the last sexual contact that he had had with  
 13 Marilyn Figueroa?  
 14 A I don't believe so.  
 15 Q Did you inquire?  
 16 A No, I did not.  
 17 Q Did he disclose to you when was the last  
 18 communication he had with Marilyn Figueroa?  
 19 A I don't believe he did.  
 20 Q Did the Mayor ever show you any records, documents,  
 21 notes, cards, greetings from Marilyn Figueroa?  
 22 A No.  
 23 Q Have you ever seen any?  
 24 A No.  
 25 Q Did you ever see the Mayor sending flowers to

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1 A It would have been after.  
 2 Q After, okay. And when you folks were meeting to  
 3 strategize on how to deal with Marilyn Figueroa's  
 4 situation, did you include all these possible  
 5 potential claims that you suspected?  
 6 A Pretty much.  
 7 Q That would have included the race, the gender and  
 8 the sexual harassment; is that correct?  
 9 A Yes.  
 10 Q She's got to hear you.  
 11 A I'm sorry.  
 12 Q I understand when you're nodding. She's got to get  
 13 you clearly here.  
 14 Here's what I want to do now. I've requested  
 15 that you produce -- I'm far from finishing with your  
 16 deposition.  
 17 A I assumed that. I'm enjoying this.  
 18 Q And I suspect that you read the subpoena; correct?  
 19 A Yes.  
 20 Q You enjoy giving testimony?  
 21 A I was being facetious.  
 22 Q You do enjoy speaking on behalf of the Mayor; true?  
 23 A Actually I don't.  
 24 Q You're still working for him; true?  
 25 A I'm currently the chief of staff.

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1 Q Have you campaigned on his behalf as well?  
 2 A Yes.  
 3 Q Have you campaigned on work time?  
 4 A Never.  
 5 Q Do you take sick leave or time off?  
 6 A Yes.  
 7 Q And are there records that would reflect that?  
 8 A Yes.  
 9 Q Well, let's right here take a little juncture and  
 10 see what records you have produced today. Let's  
 11 start by asking you whether or not you produced  
 12 Marilyn Figueroa's personnel file.  
 13 A That's a good question. No, I did not.  
 14 Q Do you have a personal file for Marilyn Figueroa?  
 15 A Yes, I do.  
 16 Q And where do you keep that file, sir?  
 17 A It's kept in the general filing area in the Mayor's  
 18 office.  
 19 Q Since you have supervised Marilyn Figueroa, do you  
 20 recall any one time when you issued any type of  
 21 disciplinary action for any reason whatsoever  
 22 against her?  
 23 A No.  
 24 Q And other than the file that is kept at the Mayor's  
 25 office, to your knowledge, are there any other files

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1 on Marilyn Figueroa kept at any other place?  
 2 A No.  
 3 Q What about the human resources office? Do you know  
 4 if they keep a personnel file on Marilyn Figueroa?  
 5 A They do not.  
 6 Q And why would that be, if you know?  
 7 A Why would that be?  
 8 Q Yes.  
 9 A Standard practice at the City is for the individual  
 10 departments to hold their own personnel files.  
 11 Q When was the last time that you reviewed  
 12 Marilyn Figueroa's personnel file?  
 13 A Reviewed?  
 14 Q Yes.  
 15 A It would have been many months ago.  
 16 Q Have you reviewed her file after she left her  
 17 employment with the City of Milwaukee?  
 18 A Yes.  
 19 Q For what purpose?  
 20 A There was at least one freedom of information  
 21 request to produce her file.  
 22 Q Who submitted that request?  
 23 A Boy, I -- a reporter. I don't know.  
 24 Q Did the City of Milwaukee through your office  
 25 release any files of Marilyn Figueroa to the press?

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1 A I'm not sure. I know that we sent Marilyn a letter  
 2 saying that we had received this information request  
 3 and that she had X amount of days to object. I  
 4 cannot remember whether or not the attorney, the  
 5 reporter picked up the file or not. I don't know.  
 6 Q After Mayor Norquist disclosed to you his sexual  
 7 conduct with his subordinate Marilyn Figueroa,  
 8 before that did you ever hear from any source  
 9 anything related to this alleged relationship?  
 10 A Before the Mayor told me about his relationship with  
 11 Marilyn did I hear from any source?  
 12 Q Correct.  
 13 A Absolutely not.  
 14 Q All right. What is the reason why you don't have  
 15 Marilyn Figueroa's file with you?  
 16 A Well, I don't have any personnel files here. And I  
 17 probably could have brought Marilyn's, but I think  
 18 it got wrapped up with all the other ones. On the  
 19 advice of the City Attorney was told that we should  
 20 not bring personnel files until the individuals in  
 21 question had an opportunity to be notified that  
 22 these were being produced.  
 23 Q Well, it's unfair that I'm asking you these  
 24 questions.

25

MR. ARELLANO: Counsel, what's the

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1 A No.  
 2 Q Have you reviewed these documents before coming here  
 3 today?  
 4 A Before coming here today?  
 5 Q Right.  
 6 A No, I probably reviewed them in May of 2000.  
 7 Q Was there anything here that you found of interest,  
 8 significance?  
 9 A I think I should take it home and read it. No.  
 10 Q Is it fair and accurate to say, Mr. Soika, that  
 11 other than the version that Mayor Norquist has given  
 12 to you regarding the sexual interaction that he had  
 13 with Marilyn Figueroa, you have no other source to  
 14 verify what the Mayor has disclosed to you which he  
 15 deems a consensual relationship?  
 16 A Correct.  
 17 Q Now, I have another voluminous amount of records  
 18 that you have produced today with a label of Marilyn  
 19 email No. 1. Can you just describe for the record  
 20 what these records represent?  
 21 A They represent all of the email documents that were  
 22 in Marilyn's file, computer file.  
 23 Q And again, the same question, when was the very  
 24 first time that you reviewed any of these records?  
 25 A It would have been when we were asked to produce

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1 them under freedom of information by a reporter.  
 2 Q Would that have been after Ms. Figueroa was no  
 3 longer with the City of Milwaukee?  
 4 A Yes.  
 5 Q Inversely, is it fair and accurate to say that  
 6 before she left the City of Milwaukee you had never  
 7 seen these records?  
 8 A Yes.  
 9 MR. ARELLANO: Let me ask to mark  
 10 these records which we just addressed, hold on  
 11 a second, as Exhibit No. 7. You were going to  
 12 say something.  
 13 THE WITNESS: With the caveat there  
 14 might be some email exchanges between Marilyn  
 15 and myself that I've obviously seen.  
 16 (Exhibit No. 7 marked for  
 17 identification)  
 18 Q Exhibit No. 6 and No. 7, I believe you testified  
 19 that you did review Exhibit No. 6 before; correct?  
 20 A I believe, I testified I believe I reviewed them  
 21 around May of 2000.  
 22 Q True. Have you reviewed Exhibit No. 7?  
 23 A At the time that we had produced them for the  
 24 reporter.  
 25 Q Have you produced all of the contents Ms. Figueroa

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1 had in her WordPerfect?  
 2 A I believe so.  
 3 Q So is it fair and accurate to say as you provide  
 4 this testimony under oath that everything that  
 5 relates to Marilyn's WordPerfect has been produced  
 6 today?  
 7 A Yes.  
 8 Q Is that correct? Based on your review of these  
 9 documents, Exhibit No. 6 and No. 7, did you find  
 10 anything in any of these records that would in any  
 11 way make reference to the relationship that  
 12 Mr. Norquist believed existed between him and  
 13 Marilyn Figueroa, anything in these records?  
 14 A Anything in those records that would indicate what  
 15 again?  
 16 Q That there is some type of relationship going  
 17 between --  
 18 A No, no.  
 19 Q -- between the Mayor Norquist and Ms. Figueroa.  
 20 A No.  
 21 Q What other records -- strike that. As I suspect you  
 22 conducted a search of all of the work site of  
 23 Marilyn Figueroa, in other words, checked everything  
 24 that she left behind? If she left anything.  
 25 A I did not. Somebody did, but I did not.

211

1 Q Do you know who did?  
 2 A Probably the support staff.  
 3 Q Did anyone find anything that would lead you to  
 4 believe that Marilyn Figueroa and Mayor Norquist  
 5 were having a relationship?  
 6 A No.  
 7 Q Did the staff that conducted a check of what  
 8 Ms. Figueroa left behind, did anyone report to you  
 9 anything unusual --  
 10 A No.  
 11 Q -- that would lead you or anyone to conclude that  
 12 there was a relationship going?  
 13 A No.  
 14 Q Anything else that you produced today? Let me just  
 15 ask you this. You have another box full of  
 16 documents, and in general terms what do you have  
 17 here?  
 18 A You asked for time cards and past pay records of all  
 19 employees. I did assume that you meant professional  
 20 employees. We didn't include the support staff.  
 21 Q Correct.  
 22 A You asked for documentation of salary and position,  
 23 and we provided the originals which we need to keep,  
 24 what's called the VOI, the visual --

MR. SCHRIMPF: Visual

212

1 right. Go ahead.  
 2 A You asked for a copy of my calendars.  
 3 Q You have two --  
 4 A 1998 through 2000, I believe.  
 5 Q Who maintains these calendars for you?  
 6 A Patty Marshall.  
 7 Q Is that your secretary?  
 8 A Yes.  
 9 Q We're going to mark both as one exhibit.  
 10 MR. ARELLANO: Is that okay,  
 11 counsel?  
 12 MR. SCHRIMPF: That's fine.  
 13 (Exhibit No. 13 marked for  
 14 identification)  
 15 Q Did you produce any calendars for Mayor Norquist?  
 16 A Yes.  
 17 Q Let me see those. You have handed me a large volume  
 18 of documents. Can you just please tell me what  
 19 these documents purport to represent?  
 20 A These are the computer generated calendars of the  
 21 Mayor from 1995 through 2000. I believe that we  
 22 redacted personal information such as the Mayor's  
 23 physician, et cetera.  
 24 Q Did you produce any other calendar that the Mayor  
 25 may have used --

217

1 A No.  
 2 Q -- for the period in question? Does he have any  
 3 other calendar to your knowledge?  
 4 A There is a handwritten calendar that Ruth Wytenbach  
 5 keeps. It's more of a draft calendar and then  
 6 information gets produced to a document like this.  
 7 Q So these are the calendars that would be kept for  
 8 the Mayor at his office?  
 9 A Yes.  
 10 Q Do you know if he has any other type of calendar?  
 11 A I don't believe he does.  
 12 Q Did you ask him?  
 13 A No, I didn't. But I've never seen him use one.  
 14 MR. ARELLANO: Here's what I  
 15 propose, counsel, and then you can tell me on  
 16 Friday what your position will be. I request  
 17 that I be allowed to inspect what personal  
 18 matters were excluded just for my inspection.  
 19 And if I perceive that some of those matters  
 20 need to be disclosed, then we can involve the  
 21 participation of Judge Lawent.  
 22 MR. SCHRIMPF: I don't think I can  
 23 agree to that. I think on that particular  
 24 issue we're going to have to involve Mr. Pines  
 25 who is Mayor Norquist's personal attorney.

218

1 MR. ARELLANO: All right. Let's  
 2 mark these exhibits. Well, hold on a second.  
 3 Q What else do you have here, sir?  
 4 A I have one other item. You know, I don't know which  
 5 request it relates to. It's the email from the  
 6 receptionist about Marilyn calling in sick. It's  
 7 the letters that, the two letters I sent her, the  
 8 February 14th and the -- I'm sorry, January 14th,  
 9 February 2nd, and then an email from myself to  
 10 Pat Stawicki asking her to draft one of those  
 11 letters.  
 12 MR. ARELLANO: I would like to mark  
 13 each document separately.  
 14 (Exhibit Nos. 14 through 17 marked  
 15 for identification)  
 16 Q Mr. Soika, when Mr. Norquist related to you for the  
 17 first time after learning that Marilyn had requested  
 18 a discrimination complaint form that he was, that he  
 19 had had some type of sexual interaction with  
 20 Ms. Figueroa, I believe you testified that he did  
 21 not tell you when was the last time he had had any  
 22 contact with her?  
 23 A Correct.  
 24 Q True? Did he ever explain to you when the alleged  
 25 exchange ended, if it did?

219

1 A Did he explain to me during that first conversation?  
 2 Q Yes.  
 3 A No.  
 4 Q Did he ever explain to you at any point when he  
 5 believed the relationship ended?  
 6 A I do know that that was an item that was somehow  
 7 disputed in documents going between the attorneys.  
 8 Q So back to my question. Did he ever describe when  
 9 the relationship ended?  
 10 A He did, but I couldn't give you the date.  
 11 Q Did he describe the reasons for the relationship  
 12 coming to an end as he perceived it?  
 13 A No.  
 14 Q Is it fair and accurate to say that in the course of  
 15 roughly 12 months -- well, 11 months from  
 16 January 5th, 6th or 7th when he disclosed his sexual  
 17 exchanges with Marilyn Figueroa until December of  
 18 the year 2000 when he decided to come out with his  
 19 version about the relationship, is it fair and  
 20 accurate to say that you folks were meeting  
 21 regularly to deal with this issue involving  
 22 Marilyn Figueroa?  
 23 A Yes.  
 24 Q In a period of a given month, how many times did you  
 25 meet to address the Marilyn Figueroa issue?

220

1 is that as they provide a historical record of  
2 positions and incumbents and rates of pay, and  
3 once printed that's it, so offices hang onto  
4 them because if you have to reconstruct things  
5 it's a key for doing that. As a result, we  
6 can photocopy them for you and you're free to  
7 inspect them because they're certainly matters  
8 of public record. But the problem is that we  
9 can't release them to you because they're our  
10 only ones.

11 MR. ARELLANO: I wanted to wait  
12 until you get me copies.

13 MR. SCHRIMPF: As to the time  
14 cards, again you're free to look at them. The  
15 problem is is that they're our only time  
16 cards, so we have to photocopy them.

17 MR. ARELLANO: Right. I can wait  
18 for that as well. But there's another large  
19 batch of records here.

20 THE WITNESS: Right. These are  
21 time cards and pay records which you asked  
22 for.

23 MR. ARELLANO: So those are the  
24 records you're going to copy for me?

25 MR. SCHRIMPF: Uh-huh.

225

1 MR. ARELLANO: That's fine.  
2 THE WITNESS: And of course, you'll  
3 pay for them; right?

4 MR. ARELLANO: No.

5 MR. SCHRIMPF: Well, that's  
6 customary, counsel. Well, here it is. Let's  
7 mark these records. 18, why don't we identify  
8 them as -- yeah, probably separate exhibits.  
9 I can give them to you.

10 (Exhibit Nos. 18 through 23 marked  
11 for identification)

12 Q Now, the records that you have provided to me from  
13 Mayor Norquist's calendar, do they contain the  
14 handwritten notes from his administrative assistant?

15 A No.

16 Q Ruth Wyttenbach? Where would those records be?

17 A Ruth would have those.

18 MR. ARELLANO: Counsel, I suspect  
19 she's going to produce those records on  
20 Monday?

21 MR. SCHRIMPF: Remember what I  
22 said. If there are handwritten notes on those  
23 and some of those relate to privileged  
24 information, I'm going to have to cross check  
25 that with Mr. Pines.

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1 MR. ARELLANO: So we have an open  
2 record here, I just want you to identify the  
3 entries that you are objecting to and then let  
4 Mr. Pines do whatever he wants to do.

5 MR. SCHRIMPF: Until I look at the  
6 record, counsel, and I haven't looked at the  
7 record myself, I don't know what I'm objecting  
8 to.

9 MR. ARELLANO: Counsel, I'm trying  
10 to communicate. Not everything is an  
11 argument. Just communication here. Now, I  
12 requested that you produce the block grant  
13 calendars.

14 THE WITNESS: We don't keep those  
15 records.

16 Q As far as block grants records, what records are  
17 kept?

18 A In our office?

19 Q Right.

20 A Virtually nothing. I have a, one file of current  
21 block grant issues in my office.

22 Q I would request that you produce those next Friday.

23 A That one file?

24 Q Yes.

25 A It has nothing to do with this.

227

1 Q Well, I request that you bring them.

2 A Sure.

3 Q And who would have the block grant records within  
4 the City of Milwaukee?

5 A The block grant office.

6 Q And again, who's the director of that office?

7 A Juanita Hawkins.

8 MR. ARELLANO: Can you tell me,  
9 counsel, at some point what's your position on  
10 providing those records without me having to  
11 subpoena Ms. Hawkins and those records? I  
12 mean those records, that record request was  
13 made to the City of Milwaukee obviously.

14 MR. SCHRIMPF: Well, I have asked  
15 the block grant office to produce the minutes  
16 of block grant meetings. And those I have and  
17 that would obviously be a public record.  
18 Insofar as I'm concerned, you can have those.  
19 What other records are around, I don't know.  
20 I have no particular contact with the block  
21 grant office.

22 MR. ARELLANO: When can I get those  
23 records?

24 MR. SCHRIMPF: I can try to bring  
25 them on Friday.

228

1           MICHAEL SOIKA,  
2           called as a witness, being first duly sworn,  
3           testified on oath as follows:  
4  
5           EXAMINATION  
6       By Mr. Arellano:  
7       Q Now I can tell you good morning.  
8       A Good morning.  
9       Q My name is Victor Arellano, as you heard, and I  
10      represent Marilyn Figueroa in these proceedings. I  
11      will be asking you questions this morning. The  
12      first thing I want to do is ask you to state your  
13      name and current address for the record.  
14      A Michael Soika, address is 2162 North 58th Street,  
15      Milwaukee, Wisconsin.  
16      Q And you just have finished giving me an address. Is  
17      that your home address?  
18      A Correct.  
19      Q 58th North?  
20      A 2162 North 58th Street.  
21      Q Thank you. What's the zip code?  
22      A 53208.  
23      Q And your business address, sir?  
24      A 200 East Wells, Milwaukee, Wisconsin 53202.  
25      Q And what's your current occupation, sir?

5

1       A Chief of staff.  
2       Q Chief of staff for?  
3       A For Mayor Norquist, City of Milwaukee.  
4       Q Thank you. Have you ever given testimony before,  
5       sir?  
6       A Yes.  
7       Q How many times?  
8       A Twice.  
9       Q Can you describe for me the nature of these two  
10      prior occasions? Let's start with the date.  
11      A I have no idea of the date. I was appointed to the  
12      Milwaukee Fire & Police Commission, so I was a  
13      commissioner on the Fire & Police Commission. In  
14      that capacity I was asked to give depositions twice.  
15      Q In relation to what?  
16      A In relation to cases that were before the commission  
17      and subsequently follow-up lawsuits.  
18      Q The follow-up lawsuits were related to your position  
19      with the Fire & Police Commission?  
20      A Correct.  
21      Q Is that correct? How many lawsuits were you  
22      participating in?  
23      A I attended two depositions. Excuse me, correction.  
24      One deposition was for the Fire & Police Commission.  
25      Another deposition was in my capacity as chief of

6

1       staff, City of Milwaukee.  
2       Q Any other occasion where you may have provided sworn  
3       testimony, sir?  
4       A No. Other than my divorce do you think, does that  
5       count?  
6       Q Sometimes. Although quite painful, but it counts.  
7       A Okay.  
8       Q You did provide testimony with respect to your  
9       divorce?  
10      A Not in a deposition.  
11      Q In court?  
12      A In court.  
13      Q For the conclusion of your divorce?  
14      A Correct.  
15      Q When did you divorce?  
16      A Gees, '82, '83, somewhere in there.  
17      Q Are you currently married?  
18      A Yes.  
19      Q What's the name of your spouse?  
20      A Jennifer.  
21      Q Jennifer Soika?  
22      A Correct.  
23      Q What was her prior maiden name?  
24      A Reiland.  
25      Q How do you spell the last name?

7

1       A R-E-I-L-A-N-D.  
2       Q How long have you been married to Ms. Soika?  
3       A Now you're going to get me in trouble here. It will  
4       be 17 years in September.  
5       Q Do you have any children?  
6       A I have three children.  
7       Q How old is the oldest?  
8       A 25.  
9       Q And the youngest?  
10      A 11. She thinks she's 21.  
11      Q The oldest child is, has he ever been employed for  
12      the City of Milwaukee?  
13      A She.  
14      Q She?  
15      A No.  
16      Q What's her name?  
17      A Hilary.  
18      Q Have you ever had any relatives, distant and/other  
19      close relatives work for the City of Milwaukee?  
20      A No.  
21      Q All right. So obviously you have had some  
22      experience with respect to depositions; correct?  
23      A Correct.  
24      Q And I am sure you have discussed the procedures of a  
25      deposition before coming here today?

8

1 that correct?  
 2 A Right.  
 3 Q Do you recall whether or not that case ever went to  
 4 trial?  
 5 A I have no direct knowledge of that.  
 6 Q You did not participate in any trial?  
 7 A I did not.  
 8 Q Do you have any idea as to what was the outcome of  
 9 this case?  
 10 A I don't.  
 11 Q Do you have any idea as to what this Mr. Cardenas  
 12 was claiming in court?  
 13 A My recollection is it was a residency issue. I  
 14 believe the individual wanted to be allowed to move  
 15 outside of the city.  
 16 Q This was not a disciplinary matter?  
 17 A No.  
 18 Q Mr. Cardenas was not disciplined for any reason?  
 19 A For that particular incident.  
 20 Q For that particular, no, okay. And then you were  
 21 involved in another -- have you told me all about  
 22 anything related to any lawsuits where you may have  
 23 provided testimony while you participated as a  
 24 Fire & Police Commission deputy?  
 25 A Yeah. That's the only one I remember.

13

1 Q And then you mentioned another lawsuit or legal  
 2 proceeding while you were the chief of staff?  
 3 A Correct.  
 4 Q Can you tell me what was the nature of the legal  
 5 matter that you are referencing?  
 6 A It had to do with the then deputy director of the  
 7 City of Milwaukee health department.  
 8 Q And who is this individual?  
 9 A I believe it was Holloway was the last name.  
 10 Q Is that a man or a woman?  
 11 A A woman.  
 12 Q Ms. Holloway?  
 13 A Ms. or Mrs. I don't know.  
 14 Q And what was the nature of Ms. Holloway's claims, if  
 15 any?  
 16 A I could not tell you accurately what the nature of  
 17 the claims was. I believe she felt that she was  
 18 discriminated against in some way.  
 19 Q So it was a discrimination claim?  
 20 A I'm not saying that definitively. That's what I  
 21 believe.  
 22 Q Who was she suing?  
 23 A City of Milwaukee.  
 24 Q City of Milwaukee. Who was, if anyone, who was  
 25 named as a defendant or defendants?

14

1 A I could not tell you that.  
 2 Q Was Ms. Holloway in any way under your supervision,  
 3 directly and/or indirectly?  
 4 A No. Perhaps indirectly. I relate to all of the  
 5 cabinet members.  
 6 Q Which cabinet member did she report to?  
 7 A It would have been the health commissioner,  
 8 Seth Foldy.  
 9 Q Is that F-O-L-D-I-Y?  
 10 A F-O-L-D-Y.  
 11 Q N-G?  
 12 A F-O-L-D-Y.  
 13 Q Okay, thank you. And what was his title at this  
 14 time?  
 15 A Commissioner of health.  
 16 Q And her title was the director of, deputy director?  
 17 A I, you know, actually don't think that was the exact  
 18 title, but I think that's somewhat the function she  
 19 fulfilled.  
 20 Q Were you and/or the Mayor were named in this  
 21 complaint?  
 22 A As a defendant?  
 23 Q Correct.  
 24 A I don't believe so.  
 25 Q Was the City of Milwaukee the only respondent?

15

1 A Again, I had one deposition in this, did not follow  
 2 it.  
 3 Q What was the outcome, if any, of this lawsuit?  
 4 A Again, I couldn't accurately say.  
 5 Q What year are we talking about?  
 6 A I'm stuck on two years. I don't know. About two  
 7 years ago, maybe --  
 8 Q How old are you, Mr. Soika?  
 9 A How old am I? Are you asking me that because I  
 10 couldn't remember the years?  
 11 Q Yes. You look too young.  
 12 A I will be 50 in July.  
 13 Q I was giving you about 15 years less.  
 14 A Well, I don't believe that but --  
 15 Q Not because I'm nice but because you look young.  
 16 But let me ask you this. Are you under any  
 17 medication that may inhibit your ability to  
 18 recollect, remember?  
 19 A No, I'm not. No, I'm not.  
 20 Q You're not under the influence of anything that may  
 21 affect you in any way?  
 22 A Maybe too much coffee, but other than that, no.  
 23 Q Has coffee ever affected your ability to remember?  
 24 A No.  
 25 Q What was the nature of your testimony during this

16

1 A African-American.  
2 Q What was the end result of that particular  
3 complaint?  
4 A I was exonerated of all charges or complaints.  
5 Q Was there a hearing held?  
6 A I never attended a hearing.  
7 Q So when you say you were exonerated, on what basis,  
8 what basis do you have to rely upon such allegation?  
9 A There was the individual took the case all through  
10 the process. I believe it ended up at some federal  
11 court. I received the determination from the judge.  
12 Q What about the second complaint? Whatever happened  
13 in that complaint?  
14 A I was told that it was dropped.  
15 Q Did you ever see any basis for such conclusion?  
16 A No, I did not.  
17 Q Do you know if any of these cases resulted in some  
18 type of monetary settlement or settlement of any  
19 kind?  
20 A I do not know.  
21 Q The case that Ms. Holloway filed, is that still  
22 pending?  
23 A I don't believe so.  
24 Q Was this case resolved at some point?  
25 A I believe it was resolved at some point.

21

1 Q Do you know what the outcome was?  
2 A Again, you asked me that.  
3 Q I think I did.  
4 A I'm unsure exactly. I believe that the City  
5 prevailed in the matter.  
6 Q These three cases involved African-American  
7 employees of the City?  
8 A Yes. Excuse me, the first two cases did not involve  
9 City employees.  
10 Q All right. But involved African-American persons?  
11 A Yes.  
12 Q Okay, very good. Any other case where you may have  
13 been named and/or participated in any direct and/or  
14 indirect way that you have not mentioned yet?  
15 A Well, there was an employment action that I filed  
16 years ago that resulted in a settlement, and part of  
17 the settlement was that we wouldn't talk about it.  
18 Q Were you a state employee, a city employee?  
19 A I was not.  
20 Q You were in the private sector?  
21 A Correct.  
22 Q Did you file a complaint with a state or federal  
23 agency?  
24 A With the labor relations board.  
25 Q For what entity?

22

1 A For what entity?  
2 Q The state, city, village, county?  
3 A It was either the state or city. I'm not sure.  
4 Q And I suspect this became a public matter at some  
5 point?  
6 A Did not.  
7 Q If you filed with the labor relations board,  
8 obviously it became a public record?  
9 A Oh, right.  
10 Q What was the nature of your complaint?  
11 A Unfair discharge.  
12 Q Wrongful discharge?  
13 A Correct.  
14 Q On what basis?  
15 A That I was actively involved in organizing a union  
16 in the place and was discharged for those  
17 activities.  
18 Q So did you file an unfair labor practice?  
19 A You know, I really don't know what the exact filings  
20 were.  
21 Q What it was. Did you have a lawyer representing you  
22 at that time?  
23 A I did.  
24 Q Who was your attorney?  
25 A Anne Shindell.

23

1 Q You were not a City employee --  
2 A No, I was not.  
3 Q -- at that time? What year are we talking about?  
4 A Oh, Lord. '83 maybe.  
5 Q Where were you employed?  
6 A Maybe '84. Well, if I tell you that, then -- I'm  
7 not supposed to disclose that there was this action  
8 against this organization and that there was a  
9 settlement. So if I tell you that, then I would  
10 have disclosed that.

MR. SCHRIMPF: In light of the  
witness's testimony, I will now interpose an  
objection against any further inquiries along  
these lines.

MR. ARELLANO: Well, I don't know  
that this may or may not be relevant, but are  
you instructing this witness not to answer?

MR. SCHRIMPF: No. If he's got --  
he is representing --

MR. ARELLANO: I just want to  
know --

MR. SCHRIMPF: He has represented  
that he can't talk about it, and I'm not going  
to have him violate that answer.

MR. ARELLANO: Counsel, you

24



1 as being a good attorney in labor law relations.  
 2 Q To your knowledge, did Mayor Norquist know  
 3 Anne Shindell before you recommended her?  
 4 A I don't believe he did.  
 5 Q Who, if you know, who, if anyone, made a contact  
 6 with Shindell for purposes of representing  
 7 Mayor Norquist?  
 8 A I did.  
 9 Q Tell me what you did.  
 10 A I called her.  
 11 Q What did you say?  
 12 A I said I believe that we're heading down a road  
 13 where the Mayor may need an attorney with labor  
 14 background and would you be interested in talking to  
 15 the Mayor.  
 16 Q What did she say?  
 17 A She said she would be interested in talking to the  
 18 Mayor.  
 19 Q You stated that in January 2000 is when you  
 20 recommended Anne Shindell?  
 21 A Correct.  
 22 Q Do you recall exactly when you called Ms. Shindell?  
 23 A I do not.  
 24 Q Was it in early January, middle of January, late  
 25 January?

29

1 A I do not recall.  
 2 Q Did you provide Ms. Shindell any additional  
 3 information?  
 4 A Not at that time. Over the phone?  
 5 Q Right.  
 6 A I did not.  
 7 Q Did there come a time when you did discuss with  
 8 Ms. Shindell additional information?  
 9 A When the Mayor and I went to her office.  
 10 Q Would that have been the second time you had any  
 11 contact with Ms. Shindell related to the Mayor's  
 12 need for an attorney?  
 13 A Yes, I believe so.  
 14 Q And when would that have been?  
 15 A Early, mid January. I'm not sure.  
 16 Q And at that time what was discussed with  
 17 Ms. Shindell?  
 18 A I have no recollection of that specific  
 19 conversation.  
 20 Q When you gave testimony in those two previous  
 21 occasions that you disclosed this morning, did you  
 22 give testimony under oath?  
 23 A Yes.  
 24 Q Did you tell the truth back then?  
 25 A Absolutely.

30

1 Q And subsequently when you gave testimony in any of  
 2 the cases that you have referenced here today, did  
 3 you give testimony under oath?  
 4 A In the actions against me in the organizations that  
 5 I described I was never deposed.  
 6 Q And I suspect based on that experience it would not  
 7 be necessary to remind you that you are under oath?  
 8 A You wouldn't have to remind me I was under oath at  
 9 all.  
 10 Q You and I don't know each other, so I'm just getting  
 11 to know you, all right?  
 12 A You had asked me to recall a specific conversation  
 13 that occurred over two years ago. I cannot recall a  
 14 specific conversation.  
 15 Q When did you marry Ms. Soika, Mrs. Soika, what year?  
 16 A '85.  
 17 Q What day?  
 18 A What day? September 28th.  
 19 Q So is it your sworn testimony here today that you  
 20 don't remember any aspect of what was discussed with  
 21 Anne Shindell during that second contact?  
 22 A No, no, I did not say that.  
 23 Q Well, tell me what you remember.  
 24 A I remember that --  
 25 Q Let's put it in proper perspective. You were there

31

1 to introduce Mayor Norquist to Anne Shindell;  
 2 correct?  
 3 A Correct.  
 4 Q You were there because you felt that things were  
 5 leading down the road to where he needed a lawyer;  
 6 correct?  
 7 A Correct.  
 8 Q And was Marilyn Figueroa the subject of concern --  
 9 A Correct.  
 10 Q -- at that time? Is that correct?  
 11 A Yes.  
 12 Q And now tell me what was discussed during that  
 13 second contact that you had with Ms. Shindell in  
 14 early January 2000.  
 15 A Again, I don't remember the specifics of the  
 16 conversation. The general topic would have been the  
 17 Mayor had had a consensual relationship with  
 18 Ms. Figueroa. There was threatened of some action  
 19 against the Mayor and he needed an attorney.  
 20 Q Anything else?  
 21 A That's all I remember.  
 22 Q All right. And what, if anything, did the Mayor say  
 23 at that meeting?  
 24 A I've already testified that I don't remember the  
 25 specifics of that conversation.

32

1 A Any number I gave you would be a guess. It would be  
2 somewhere 10, maybe more. I really can't answer.  
3 Q When the Mayor's wife was present, I suspect you  
4 were present?  
5 A Yes.  
6 Q Who else was present?  
7 A Bill Christofferson and Anne Shindell and the Mayor.  
8 Q You were the main contact with Anne Shindell;  
9 correct?  
10 A The main contact? Initially, yes.  
11 Q Right. Did you continue to be the main contact  
12 throughout these meetings?  
13 A No.  
14 Q Who was then the main contact, if you know?  
15 A At some point it was decided that the main contact  
16 would be the Mayor or his wife.  
17 Q It was decided by whom?  
18 A By the Mayor or his wife.  
19 Q Were you present when that decision was made?  
20 A No.  
21 Q Did anyone inform you?  
22 A The Mayor did.  
23 Q What did he tell you?  
24 A He said that let's limit the contacts with Anne to  
25 Susan and myself unless circumstances require that I

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1 get involved.  
2 Q Susan being the Mayor's wife?  
3 A Mayor's wife, correct.  
4 Q The first time when she was present, and I'm  
5 referring to the Mayor's wife, was Ms. Figueroa  
6 still an employee of the City?  
7 A I believe so.  
8 Q Tell me what was the input, if any, of Mrs. Norquist  
9 at these meetings?  
10 A I couldn't tell you the specifics of any  
11 conversation.  
12 Q Before you had contacted Ms. Shindell in January of  
13 2000, when was the very first time that you,  
14 Mr. Soika, learned about this alleged consensual  
15 relationship?  
16 A Sometime between January 5th and January 7th.  
17 Q Of the year 2000 are we talking about?  
18 A Of the year 2000.  
19 Q January what, 5th?  
20 A Through 7th.  
21 Q How did you learn of this alleged consensual  
22 relationship?  
23 A The Mayor told me.  
24 Q Where did this conversation occur?  
25 A Over lunch.

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1 Q Before that did you have any knowledge of any nature  
2 related to the Marilyn Figueroa/John Norquist  
3 alleged relationship?  
4 A Absolutely not.  
5 Q So is it your sworn testimony today that you learned  
6 on January 5th?  
7 A Sometime between January 5th and January 7th.  
8 Q Did there come a time when you learned that  
9 Marilyn Figueroa had retained counsel before she was  
10 released from employment by you?  
11 A I believe so.  
12 Q What did you learn with respect to that issue?  
13 A What is confusing me is that Pedro Colon was  
14 involved in some fashion in discussions. It was  
15 completely unclear to me whether he was acting as a  
16 friend of Marilyn or as representing her as her  
17 attorney.  
18 Q I know that that is the position you want to advance  
19 here, but just listen to my question carefully.  
20 MR. ARELLANO: Can you read my  
21 previous question back.  
22 (Question read)  
23 MR. SCHRIMPF: Just for the record,  
24 I'll note that I think that the witness is  
25 answering the question.

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1 Q Did you understand the question, sir?  
2 A I did, but I don't know as my answer would be  
3 different. At some point Pedro Colon inserted  
4 himself in the conversations. It was unclear to me  
5 whether or not he was acting as a friend of Marilyn  
6 or as her attorney.  
7 Q And at what point did you learn that Mr. Colon had,  
8 as you put it, inserted himself into the case?  
9 A In January of 2000.  
10 Q Obviously before she was terminated?  
11 A Correct.  
12 Q And did you know who Pedro Colon was before that?  
13 A Yes.  
14 Q Did you know he was an attorney?  
15 A I believe so.  
16 Q Did Pedro at any time in any fashion represent to  
17 the City, any member of the City including the Mayor  
18 that he was speaking on behalf of Marilyn Figueroa?  
19 A I don't believe that Pedro Colon talked directly to  
20 the Mayor. I believe that he did talk directly to  
21 Anne Shindell. Anne Shindell was not representing  
22 the City at that time or ever.  
23 Q How did you learn that Pedro Colon had spoken to  
24 Anne Shindell?  
25 A I believe in a conversation with Anne.

40

1 A I relayed whatever the information was.  
2 Q Anything else that you recall Ms. Shindell telling  
3 you pursuant to her contacts with Pedro Colon?  
4 A Anything else?  
5 Q Yes. I mean she said to you that Pedro Colon was  
6 trying to resolve the matter between --  
7 A Trying to resolve the matter, had asked for a sum of  
8 money to -- I believe the term was to keep things  
9 quiet and out of the press.  
10 Q Is that what Ms. Shindell said to you?  
11 A It may not have been the exact words, but --  
12 Q But that's what you understood she was telling you?  
13 A Correct.  
14 Q Is that correct? Do you recall whether or not  
15 Pedro Colon ever met with Ms. Shindell in person?  
16 A I have no idea.  
17 Q Were you ever present when Mr. Colon met with  
18 Ms. Shindell?  
19 A Never.  
20 Q When he spoke to her?  
21 A Never.  
22 Q Did there come a time when you filed a complaint  
23 against Mr. Pedro Colon?  
24 A Yes.  
25 Q When was that?

45

1 Q Well, I didn't ask you about Marilyn's relatives and  
2 I move to strike that. Just, I know you are eager  
3 to tell me your version, but I want you to answer my  
4 questions.  
5 A I'm --  
6 Q So my question is tell me exactly what you said to  
7 the D.A. And if what you're telling me related to  
8 Marilyn's sister is what you told the D.A., then I  
9 want to hear that. But if that's not what you said  
10 to the D.A., I just want you to tell me what you  
11 said to the D.A.  
12 A I was trying to create the context.  
13 Q I know you are trying to create something, but I  
14 just want you to answer my questions. You will have  
15 a chance to give your spin. Right now I just want  
16 you to answer my question. Tell me --  
17 MR. SCHRIMPF: Well, I will object  
18 to those remarks by counsel.  
19 MR. ARELLANO: I apologize.  
20 A To me?  
21 Q No. To counsel.  
22 A I see.  
23 Q Just tell me what specific complaint you filed  
24 against Mr. Pedro Colon with the D.A.  
25 A I answered that question previously.

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1 A I don't know the date. I believe it was  
2 January 2000.  
3 Q What type of complaint did you file against  
4 Mr. Colon?  
5 A Anne Shindell and I filed a complaint with the  
6 District Attorney's Office stating that we believed  
7 that Pedro Colon was acting inappropriately asking  
8 for money to keep the matter between the Mayor and  
9 Marilyn Figueroa out of the public eye.  
10 Q Who actually spoke to the D.A.? You did?  
11 A I did briefly.  
12 Q What did you tell him?  
13 A I explained to him my understanding -- I explained  
14 to him a conversation I had with Anne Shindell.  
15 Q Which was? Tell me verbatim what you said to the  
16 D.A.  
17 A I cannot tell you verbatim.  
18 Q Well, tell me the gist of what you told him.  
19 A  
20  
21  
22  
23  
24 Q Sir, let me ask you to please answer my question.  
25 A I'm getting to your answer.

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1 Q Go ahead and answer it again.  
2 A Could you read back my answer, please.  
3 Q Sir, I want you to tell me verbatim or the gist of  
4 what you told the D.A.  
5 MR. SCHRIMPF: Well, I will join and  
6 now object because the witness has answered  
7 that question. If the witness needs something  
8 reread in order to understand it so that he  
9 doesn't get tricked up on some changes in the  
10 answer, that's perfectly appropriate.  
11 MR. ARELLANO: Well, I don't trick  
12 anybody.  
13 MS. GARCIA: He didn't answer that.  
14 MR. ARELLANO: Hold on a second. I  
15 don't trick people. And secondly this  
16 witness, just so the record is clear so the  
17 judge can address this issue, in my view has  
18 been evasive and nonresponsive. Now I'm not  
19 going to get in major debates. This is my  
20 time and this is your video deposition.  
21 Q I want you to tell me the nature of the complaint  
22 that you filed with the District Attorney against  
23 Pedro Colon.  
24 A I already answered that. The nature of the  
25 complaint was that Pedro Colon seemed to be asking

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1 term exactly, but did Colon provide any  
 2 documentation? Did he provide a finding of fact or  
 3 some matter like that? Did he provide anything in  
 4 writing?  
 5 Q And before that, before Mr. Feiss asked those  
 6 questions of you, what was your understanding, what  
 7 was your interpretation of what would constitute an  
 8 appropriate demand if that's what you believed he  
 9 was making?  
 10 A Well, I felt that there should have been some  
 11 attempt to create a case that could stand up in a  
 12 legal proceeding.  
 13 Q And how should he go about doing that?  
 14 A I think that he could have provided a recitation of  
 15 facts as he saw them pertinent to the matter.  
 16 Q Do you know if he ever did that?  
 17 A I don't know that he did.  
 18 Q Did you ever talk to Mr. Colon before going to the  
 19 district attorney about --  
 20 A About this matter?  
 21 Q Correct.  
 22 A No.  
 23 Q Do you know if Mr. Colon ever reported to  
 24 Ms. Shindell why he felt that the Mayor could be  
 25 liable for something?

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1 A I don't know.  
 2 Q During this entire period before going to the  
 3 district attorney what, if any, inquiries did you  
 4 conduct to determine the propriety or lack thereof  
 5 on the part of Mr. Colon?  
 6 A My determination was based on a conversation or two  
 7 that I had had with Anne Shindell about the nature  
 8 of her contact with Mr. Colon.  
 9 Q So you basically relied a hundred percent on the  
 10 representations that were made to you by  
 11 Ms. Shindell?  
 12 A Correct.  
 13 Q And it's fair and accurate to say that you  
 14 personally never called Mr. Colon to inquire?  
 15 A That's correct.  
 16 Q And to this date you have not spoken to Mr. Colon  
 17 about what, if anything, he reported to  
 18 Ms. Shindell?  
 19 A I did not.  
 20 Q Did Ms. Shindell issue any specific memos and/or  
 21 communication to you describing exactly what  
 22 Mr. Colon had said?  
 23 A No, she did not.  
 24 Q Do you know, do you have any knowledge as to whether  
 25 or not Ms. Shindell recorded any of the contacts

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1 that she had with Pedro Colon?  
 2 A I do not know if she did or not.  
 3 Q Did you ever ask whether or not she had any  
 4 recordings?  
 5 A I did not ask.  
 6 Q Did you demand a written report from her regarding  
 7 her contacts with Mr. Colon?  
 8 A I did not.  
 9 Q Did you contact the office of legal counsel for the  
 10 City of Milwaukee to determine how to proceed --  
 11 A I did not.  
 12 Q -- with Mr. Colon? Did Ms. Shindell at any time  
 13 from the moment that you learned about this alleged  
 14 relationship between the Mayor and Ms. Figueroa, did  
 15 Ms. Shindell at any time represent with your consent  
 16 or with anyone's consent, did she ever represent the  
 17 interest of the City of Milwaukee?  
 18 A She was not empowered to do so.  
 19 Q And when you went to the district attorney, did you  
 20 identify yourself as the chief of staff for Mayor  
 21 Soika -- for Mayor Norquist? I'm already electing  
 22 you.  
 23 A Thank you. I may have. I don't know.  
 24 Q So you were there in your capacity as a City  
 25 employee; correct?

55

1 A I said I may have said --  
 2 Q That wasn't my question, sir. My question is, based  
 3 on your recollection, you were there in your  
 4 capacity as a City employee, correct?  
 5 MR. SCHRIMPF: I'm going to object  
 6 as it calls for a legal conclusion.  
 7 Q Go ahead.  
 8 A I was there in my, as a result of my being employed  
 9 as chief of staff.  
 10 Q Okay. And needless to say, it was at that time that  
 11 you were still the supervisor of Marilyn Figueroa;  
 12 correct?  
 13 A Correct.  
 14 Q She was still an employee of the City?  
 15 A Yes, yes.  
 16 Q True? Did Ms. -- did you ever ask Ms. Shindell or  
 17 anyone with knowledge as to what type of law  
 18 violation you felt Mr. Colon was engaging in?  
 19 A Ms. Shindell offered that Mr. Colon's proposal was  
 20 unusual and maybe illegal.  
 21 Q Did she say that to you verbally?  
 22 A Yes.  
 23 Q Did she ever provide any legal research for you to  
 24 review?  
 25 A No.

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1 A Before we started here you said that we would give  
2 each other respect to finish our answers. You just  
3 did not do that.  
4 Q Have you got my question, sir?  
5 A Could you read it back, please.  
6 MR. ARELLANO: All right. Can you  
7 read my question back.  
8 (Question read)  
9 A The conversation was such that Anne would report  
10 this is what he said, this is what I said. I  
11 meaning Shindell.  
12 Q All right. In that context did she tell you what  
13 was her response to Mr. Colon's alleged attempts to  
14 extort money?  
15 A She likely did, but I couldn't tell you exactly what  
16 she said.  
17 Q Before going to the D.A. was it significant for you  
18 to ascertain the accuracy of what Ms. Shindell was  
19 telling you with respect to Mr. Pedro Colon's  
20 conduct?  
21 A I trusted Ms. Shindell's decision.  
22 Q You relied completely on her representation?  
23 A Right.  
24 Q Is that correct? Even though she was not your  
25 attorney at the time?

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1 A Correct.  
2 Q She was not the attorney for the City at the time?  
3 A Correct.  
4 Q Now, at what point did Ms. Shindell allege that  
5 Pedro Colon was attempting to extort money in  
6 exchange for secrecy about the alleged sexual  
7 exchanges between Figueroa and Norquist? At the  
8 beginning of the initial contacts or during the last  
9 contact that Pedro Colon and Shindell ever had?  
10 A I couldn't say whether it was the last contact or  
11 the beginning. I do know for certain that it was  
12 the contact that Pedro had with Anne shortly after  
13 Marilyn's episode in the hospital.  
14 Q By virtue of your prior sworn testimony, you knew  
15 that Shindell and Colon were talking?  
16 A Correct.  
17 Q And I believe your testimony was that Shindell was  
18 reporting to you every time she had a contact with  
19 Mr. Colon, at least you believed that to be the  
20 case?  
21 A I believed that to be the case.  
22 Q All right. And you obviously knew that they were  
23 engaged in some type of negotiations; correct?  
24 A Conversations, yes.  
25 Q Regarding negotiations; true?

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1 A I don't know if I could characterize it  
2 negotiations.  
3 Q Well, did Ms. Shindell ever report to you that they  
4 were talking numbers?  
5 A The only time I remember her reporting that they  
6 were talking numbers was in, as I just discussed,  
7 after Marilyn's episode in the hospital.  
8 Q Did she report to you before that they were trying  
9 to find some negotiation to resolve the issue even  
10 when she didn't report numbers to you?  
11 A Yeah. I think that there was conversations between  
12 Anne and Colon to try to resolve the issue.  
13 Q So before you went to the district attorney you  
14 obviously knew that they were talking negotiating in  
15 some fashion; true?  
16 A I knew that there were conversations between Colon  
17 and Shindell.  
18 Q Regarding how to resolve the issues?  
19 A Regarding how to resolve the issues, yes.  
20 Q You also obviously knew before you decided to  
21 terminate Ms. Figueroa's employment that as far back  
22 as early January you suspected that legal problems  
23 were going to develop down the road as you put it?  
24 A Correct.  
25 Q True? And when you suspected that legal problems

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1 were going to develop down the road as you put it,  
2 you were referring to Marilyn Figueroa filing some  
3 type of legal claim against Mayor Norquist?  
4 A Correct.  
5 Q And you knew that obviously, your fears I suspect  
6 were confirmed when Mr. Colon, a lawyer, came into  
7 the picture?  
8 A Well, again, you try to make Mr. Colon's entering  
9 into the picture a definitive statement that he was  
10 representing --  
11 Q Sir, hold on a second, sir.  
12 A I'm trying to answer your question.  
13 Q This is a question and an answer. I don't know you.  
14 I don't want to engage in debate with you. I just  
15 want you to stick to listening to the question and  
16 answer my question. You will get a chance to take,  
17 to take the deposition you want to take at some  
18 point, but right now it's my time. It's my money.  
19 A No. It's our time.  
20 MR. ARELLANO: Could you read back  
21 the question, please. Just read my question  
22 and I want you to answer yes or no.  
23 MR. SCHRIMPF: If he can. It's  
24 yes, no or I don't know or he can't answer the  
25 question as phrased.

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1 relationship with Marilyn. I suspected that he  
2 would be concerned, A. B, clearly this would have  
3 an impact if it became highly publicized.  
4 Q Highly publicized?  
5 A Right.  
6 Q  
7 A  
8  
9  
10  
11 Q  
12  
13  
14 A  
15 Q  
16 A  
17  
18  
19  
20 Q  
21  
22  
23 A  
24  
25 Q Did you report these facts to the Mayor first before

69

1 Q Was he an employee of the City of Milwaukee to your  
2 knowledge?  
3 A No.  
4 Q Do you recall what he was, what was his relationship  
5 to Mr. Norquist business-wise?  
6 A Mr. Christofferson was Mayor Norquist's campaign  
7 manager.  
8 Q When you were entertaining the idea to go to the  
9 City Attorney Mr. Feiss, the district attorney --  
10 MR. SCHRIMPF: I'm going to object.  
11 Q District attorney.  
12 MR. ARELLANO: That was going to be  
13 about the most significant objection I've  
14 heard in the last 10 years, but it's always  
15 possible.  
16 Q Before going to the district attorney were there any  
17 meetings to discuss the proposition of filing  
18 criminal charges against Mr. Colon?  
19 A Yes.  
20 Q How many meetings were held?  
21 A One that I remember.  
22 Q When did this occur?  
23 Q Well, how close to the day that you actually decided  
24 to file charges against Mr. Colon?  
25 A Within a few days.

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1 communicating those same facts to Ms. Shindell?  
2 A Probably. Do I know definitively? I don't know.  
3 Q Nevertheless you communicated these facts to  
4 Ms. Shindell?  
5 A Correct.  
6 Q Did you communicate these facts to  
7 Mr. Christofferson?  
8 A I may have.  
9 Q Your may, is that because it's not clear in your  
10 mind?  
11 A That's because it is not clear.  
12 Q Before you went to the district attorney, did you  
13 notify Mr. Christofferson that you were going to be  
14 pressing charges against Mr. Pedro Colon?  
15 A Mr. Christofferson was aware.  
16 Q Did Mr. Christofferson encourage you to press  
17 charges against Mr. Pedro Colon?  
18 A He thought it would be a good idea.  
19 Q Did Mr. Christofferson initiate the idea to press  
20 charges against Mr. Pedro Colon?  
21 A I don't believe so.  
22 Q In January of the year 2000, what was the  
23 relationship between Mr. Christofferson and the City  
24 of Milwaukee?  
25 A There's no formal relationship.

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1 Q A few days. And who were the participants in these  
2 meetings as you sit here under oath, sir?  
3 A Mr. Christofferson, Anne Shindell, the Mayor,  
4 myself.  
5 Q Who orchestrated this meeting?  
6 A I have no recollection of that.  
7 Q Well, did you suggest to have a meeting?  
8 A I don't recall that I suggested that.  
9 Q Did Mr. Christofferson suggest to have a meeting?  
10 A I don't recall that.  
11 Q What about the Mayor?  
12 A I don't recall that. I just said that.  
13 Q What about Ms. Shindell? Did she convene a meeting?  
14 A I don't know who called for the meeting.  
15 Q You folks didn't just happen?  
16 A Of course not, but I don't recall who called the  
17 meeting.  
18 Q Where did the meeting occur?  
19 A In Ms. Shindell's office.  
20 Q To your knowledge, was the office of the City  
21 Attorney ever notified about this meeting --  
22 A To my knowledge, no.  
23 Q -- regarding Mr. Colon? Before you went to file  
24 charges against Mr. Colon with the district  
25 attorney, Mr. Feiss, did you ever request a legal

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1 A No.  
2 Q To this date do you know for a fact that Mr. Fuchs  
3 represented Marilyn Figueroa for awhile?  
4 A I believe that Mr. Fuchs has publicly stated that.  
5 Q Did you ever -- do you recall whether or not  
6 Ms. Shindell continued to report to you her  
7 communication with Mr. Fuchs?  
8 A Yes.  
9 Q Did there come a time when you learned that  
10 Mr. Fuchs and Ms. Shindell were speaking numbers in  
11 this case?  
12 A At the time that Mr. Fuchs came into the picture was  
13 about the time that I was not the primary contact.  
14 Q My question is did there come a time when you  
15 learned that Mr. Fuchs and Ms. Shindell were  
16 speaking numbers?  
17 A Yes, there did come a time.  
18 Q And what did you learn with respect to that issue?  
19 A That there was discussions on numbers.  
20 Q Did Ms. Shindell -- or did you learn in any shape or  
21 form whether or not Mr. Fuchs was making a demand  
22 for a monetary settlement on behalf of  
23 Marilyn Figueroa?  
24 A I don't know if the term demand is appropriate, but  
25 there was a request for money, yes.

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1 Q Did you ever file any criminal complaints against  
2 Mr. Fuchs?  
3 A I did not.  
4 Q Is there a reason why you did not pursue criminal  
5 charges against Mr. Fuchs?  
6 A Because as Ms. Shindell had said that Mr. Fuchs was  
7 presenting written material on the matter, was  
8 presenting a statement of facts is the term I  
9 remember, and that this appeared to be following  
10 what she believed was an appropriate mode of  
11 operation.  
12 Q Did you ever see those written documents that  
13 Ms. Shindell was referring to coming from Mr. Fuchs?  
14 A I believe not.  
15 Q And again, you don't know if Mr. Colon ever related  
16 to Ms. Shindell similar facts verbally and/or in  
17 writing?  
18 A I know that Ms. Shindell says that she did not  
19 receive such.  
20 Q Did there come a time when you learned that  
21 Mr. Fuchs had provided Ms. Shindell with a medical  
22 release authorization?  
23 A Yes.  
24 Q When did you learn of that fact?  
25 A I don't recollect the time. I know that was after

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1 February, after I sent the notice to Marilyn of her  
2 voluntary quit.  
3 Q Did Ms. Shindell ever report to you that Mr. Fuchs  
4 had informed her that Marilyn was on medical leave?  
5 A I was at a meeting in Ms. Shindell's office, at what  
6 point she put a document on the table. She says,  
7 I'm not empowered to represent the City. Fuchs gave  
8 this to me. I don't know what you want to do with  
9 it.  
10 Q When did this exchange occur?  
11 A Sometime after the voluntary quit letter was sent by  
12 myself.  
13 Q Before that what was she handing you?  
14 A Excuse me?  
15 Q What document was she handing you?  
16 A It appeared to be a medical release of some kind.  
17 Q Was that a release from Dr. Loiben?  
18 A I never picked up the document. I could not testify  
19 to that.  
20 Q Is it your sworn testimony that you never read the  
21 document?  
22 A The document was on the table. I looked at it. I  
23 did not pick it up.  
24 Q Even though she was informing you that the document  
25 had come from Marilyn Figueroa's attorney?

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1 A Correct.  
2 Q Mr. Fuchs? And to this date is it your testimony  
3 that you have never read that medical record or that  
4 letter or document?  
5 A I may have seen it in one of the transcripts back  
6 and forth between your office and the City  
7 Attorney's Office.  
8 Q Before the transcripts began to fly back and forth,  
9 did you ever bother to look at that medical  
10 authorization?  
11 A I've already said I looked at it as it was sitting  
12 on the table in Anne Shindell's office.  
13 Q Were you able to read the contents of it?  
14 A I read it. I did not study it. It was there. I  
15 looked at it.  
16 Q You read it?  
17 A I read it.  
18 Q You understood the contents?  
19 A I understood that it was some sort of medical  
20 release.  
21 Q You're not clear as to what it was?  
22 A I did not scrutinize it at that time.  
23 Q You didn't pay close attention?  
24 A No. Because Anne Shindell clearly said I'm not  
25 authorized to present this. I don't represent the

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1 A I don't recall the date. It was in early January.  
 2 Q But it was not on January 4th?  
 3 A I don't recall the date.  
 4 Q Well, do you know when she left?  
 5 A January 4th.  
 6 Q Do you recall whether or not the day she left you  
 7 had any contact with Marilyn?  
 8 A I don't recall that.  
 9 Q So it would have been after she left?  
 10 A Likely.  
 11 Q Is that correct?  
 12 A Likely.  
 13 Q Do you know if you called her a day or two after she  
 14 left?  
 15 A I just said at least twice I don't recall.  
 16 Q Did you call her after the Mayor had confided in you  
 17 that he had had a consensual relationship with  
 18 Marilyn Figueroa?  
 19 A Probably.  
 20 Q So up to that point you already knew that, and  
 21 feared that Marilyn could file some type of claim  
 22 against the Mayor?  
 23 A Could you state that in a different way?  
 24 Q Sure. The Mayor tells you that he had a consensual  
 25 relationship, that is his version.

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1 Q That is my question.  
 2 A I don't believe I had to because the impression I  
 3 got that it was consensual.  
 4 Q Well, what exactly did he tell you that led you to  
 5 believe that it was a consensual relationship?  
 6 A Something to the effect that he had had an  
 7 on-and-off again five-year affair with Marilyn.  
 8 Q What else did he tell you?  
 9 A I mean in what context?  
 10 Q In the context of the on-and-off disclosure  
 11 regarding Marilyn.  
 12 A You have to give me something more specific.  
 13 Q Sure. Let's be very specific. When he told you  
 14 that he had had an on-and-off relationship with  
 15 Marilyn, did he describe what type of relationship  
 16 it was?  
 17 A He described what I would term as an affair.  
 18 Q Tell me what he said. How did he put it?  
 19 A He said that it started out rather innocent, kind of  
 20 flirting, then kissing, hugging, then eventually  
 21 sexual intercourse. He said that it was sometimes  
 22 at her house, sometimes at other places. That it  
 23 seemed to be -- he thought that Marilyn loved him;  
 24 that at some point he had strong feelings for her as  
 25 well.

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1 A Uh-huh.  
 2 Q By the way, was that his version or your version?  
 3 A Did he use the words consensual relationship?  
 4 Q When he disclosed that fact to you.  
 5 A That's a good question. I don't know if he used  
 6 those exact words.  
 7 Q Did you ever use those words?  
 8 A Did I ever use those words?  
 9 Q Yes.  
 10 A Yes.  
 11 Q Did you suggest to him that this was a consensual  
 12 relationship, that he should come out?  
 13 A I'm sorry, I don't know what you're asking me.  
 14 Q When he disclosed to you that he had a relationship  
 15 with Marilyn Figueroa, he didn't use the word  
 16 consensual; correct?  
 17 A I didn't say that. I don't recall exactly what  
 18 words he used.  
 19 Q Well, I'm asking you. You don't know if he ever  
 20 used the word consensual at that time?  
 21 A I don't know if he used the word consensual, but the  
 22 impression that I had from the conversation was that  
 23 it was consensual.  
 24 Q Did you ask him if it was consensual?  
 25 A Did I ask him directly was it consensual?

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1 Q Anything else?  
 2 A That's kind of the gist of it.  
 3 Q Did he explain to you what other places these sexual  
 4 exchanges occurred?  
 5 A Over the course of the two years as things unfolded  
 6 I have come to know what has now been in the public  
 7 realm.  
 8 Q I just want you to tell me what else did he tell you  
 9 when he disclosed this relationship with Marilyn?  
 10 A Well, that's such a broad question. I don't know  
 11 how to even put a context to it.  
 12 Q Well, did he tell you where each sexual act  
 13 occurred?  
 14 A Oh, God, no.  
 15 Q Did you inquire?  
 16 A No.  
 17 Q Did he tell you years, months, dates?  
 18 A No. I read that in whatever the proceedings was.  
 19 Q I know. I want to know what he told you.  
 20 A No, I didn't get specific incidents. I didn't get  
 21 years, months, dates.  
 22 Q And when he relayed this information to you, that  
 23 was after Marilyn had left?  
 24 A Correct.  
 25 Q Correct? But before you called Marilyn; correct?

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1 Q Who was that?  
 2 A I don't recall who it was.  
 3 Q Security guard meaning a security guard for  
 4 Mayor Norquist?  
 5 A Correct.  
 6 Q Was it anyone you know?  
 7 A I would have known who it was, but I don't recall.  
 8 Q Male, female?  
 9 A Male.  
 10 Q Black, white, Hispanic?  
 11 A Again, I don't -- I don't recall.  
 12 Q He was sitting in the table?  
 13 A No.  
 14 Q To your knowledge, do you know if this person was  
 15 close enough to hear?  
 16 A I do not believe he was close enough to hear.  
 17 Q Once he told you that, what you just described for  
 18 the record, did you inquire further the first time?  
 19 A No.  
 20 Q Did you make any comments in response to what he was  
 21 telling you?  
 22 A I'm sure I did.  
 23 Q Do you know what you may have said?  
 24 A No.  
 25 Q And is it your sworn testimony that this was the

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1 first time that you learned that some type of  
 2 physical contact was going on between the Mayor and  
 3 Marilyn Figueroa?  
 4 A Yes, it is.  
 5 Q Is that correct?  
 6 A Correct.  
 7 Q Did you before that time ever suspect that something  
 8 more than business was going on between the Mayor  
 9 and Marilyn Figueroa?  
 10 A Never.  
 11 Q All right. When was the very next time that you  
 12 then again spoke to the Mayor?  
 13 A It was sometime during the course of that afternoon.  
 14 Q Where did the second discussion occur?  
 15 A Maybe, probably my office.  
 16 Q When he told you during the first discussion when he  
 17 disclosed these facts to you, were you surprised?  
 18 A I was shocked.  
 19 Q Did you let him know that you were shocked?  
 20 A I didn't say to him I'm shocked. I said, I might  
 21 have said, you know, I'm surprised. I have no idea.  
 22 Q Then there was a second time later on during the  
 23 course of the day?  
 24 A You mean the third time?  
 25 Q We're going on the second time.

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1 A Right. Then there was another conversation.  
 2 Q And where did that conversation occur?  
 3 A That one was in my office, I believe.  
 4 Q All right. And how did you happen -- how did he  
 5 happen to be in your office?  
 6 A His office is directly across from mine. He would  
 7 have come in.  
 8 Q Was anyone else present?  
 9 A No.  
 10 Q What was discussed at that time?  
 11 A We laid out a little bit more of the affair, said  
 12 that, you know, he and Marilyn did have sex. That  
 13 was part of what was going on in the relationship.  
 14 Q All right.  
 15 A He also at that juncture said that he was going to  
 16 go home and have this discussion with his wife so  
 17 that he can kind of start the record clean that way.  
 18 Q Up to that juncture did you conclude that, based on  
 19 what he was relating to you, that his wife was not  
 20 aware of this?  
 21 A At that point I did conclude that.  
 22 Q Did he tell you that, that his wife did not know?  
 23 A Right. He said I'm going home to tell my wife.  
 24 Q All right. And was there a third time during that  
 25 day?

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1 A There was a phone conversation. The Mayor called my  
 2 house after he had talked to his wife.  
 3 Q What did he tell you?  
 4 A Well, he said that I've talked to her. You know,  
 5 I'm -- something like I'm very blessed. She's not  
 6 happy, but she's going to stand by me. I told her  
 7 how the relationship had unfolded over the course of  
 8 the five years.  
 9 Q Did the Mayor -- was there a fourth time during that  
 10 day?  
 11 A During that day, no.  
 12 Q During any of these conversations that occurred at  
 13 that time, and I think you identified the date as  
 14 being the 5th --  
 15 A No. I said it was sometime between the 5th and the  
 16 7th.  
 17 Q All right. Taking that, did you suggest any type of  
 18 solution or plan? Did you give him any suggestions?  
 19 A Well, did I suggest solution or plan? We would have  
 20 talked about what does this mean. We are at that  
 21 point several weeks away from a primary election.  
 22 What happens if this comes out? I wouldn't take it  
 23 so far as to say that there was a plan. It was,  
 24 there was just too much new information for me to --  
 25 Q My question is did you suggest any type of plan?

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1 A In order to discuss, yes.  
 2 Q Were there meetings also to deal with the Figueroa  
 3 issue after the re-election?  
 4 A I believe so.  
 5 Q And I believe that's what you testified. Did they  
 6 continue all the way until the Mayor finally decided  
 7 to come out and admit --  
 8 A Yes.  
 9 Q -- the relationship? Other than Mr. Christofferson,  
 10 you and the Mayor, who else would have been involved  
 11 in these meetings?  
 12 A Nobody else.  
 13 Q What about Susan?  
 14 A I'm sorry, Susan.  
 15 Q What about any free-lance reporters?  
 16 A No.  
 17 Q To your knowledge, did anyone, including the Mayor,  
 18 did anyone on behalf of the Mayor ever contracted or  
 19 paid anyone to do marketing with respect to the  
 20 Figueroa-Norquist issue?  
 21 A Polling, is that what you --  
 22 Q Correct.  
 23 A I don't recall that at all.  
 24 Q The Mayor spoke to you on approximately three times  
 25 between the 5th and the 7th; correct?

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1 Q When you were trying to inquire as to when she was  
 2 coming back?  
 3 A Right.  
 4 Q Correct? I believe your testimony was that she told  
 5 you that there were some issues that you had  
 6 resolved?  
 7 A No. There were some issues that she had to resolve.  
 8 Q Obviously this discussion was a telephone call?  
 9 A Correct.  
 10 Q At that time did you inform Ms. Figueroa that the  
 11 Mayor had disclosed --  
 12 A No.  
 13 Q -- the relationship?  
 14 A No.  
 15 Q Before you terminated Ms. Figueroa -- by the way,  
 16 when did you issue the notice of termination?  
 17 A You know, I don't recall the specific date. I'm  
 18 remembering February 2nd, you know.  
 19 Q Before you issued that letter did you ever discuss  
 20 with Ms. Figueroa the disclosure that Mayor Norquist  
 21 made to you?  
 22 A No, no. The only contact I had with Ms. Figueroa  
 23 was that one phone call I made.  
 24 Q Did you ever send a letter to Ms. Figueroa  
 25 requesting her side of the story?

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1 MR. SCHRIMPF: Object. That's not  
 2 the state of the record.  
 3 A The same day, as I said.  
 4 Q Right. And these three discussions related to his  
 5 affair with Ms. Figueroa as he put it?  
 6 A Right.  
 7 Q Would it have occurred anytime between the 5th and  
 8 the 7th?  
 9 A The discussions occurred on one day. That day would  
 10 have been anytime between the 5th and the 7th.  
 11 Q Thank you. How soon after that did you contact  
 12 Ms. Figueroa?  
 13 A I could not say. I don't know.  
 14 Q  
 15  
 16  
 17  
 18 A  
 19  
 20  
 21 Q Did you, do you recall whether or not you contacted  
 22 Ms. Figueroa before the 19th?  
 23 A It would definitely have been before the 19th.  
 24 Q And I believe you related the contact previously?  
 25 A Correct.

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1 A No.  
 2 Q At that time you were her immediate supervisor;  
 3 correct?  
 4 A Correct.  
 5 Q And Mayor Norquist was her superior as well; true?  
 6 A True.  
 7 Q And Mayor Norquist was your superior as well?  
 8 A True.  
 9 Q And before you issued the notice of termination --  
 10 A The voluntary quit notice.  
 11 Q Correct. You were already concerned that she was  
 12 going to file some type of a legal claim; true?  
 13 A That was a concern, true.  
 14 Q Did the Mayor at any point during his first three  
 15 discussions that occurred in one day between the 5th  
 16 and the 7th share any concerns that Marilyn Figueroa  
 17 would try to file a claim against him?  
 18 A Yes. Because I think what precipitated his  
 19 disclosure was the fact that we were alerted by the  
 20 Department of Employee Relations that Marilyn had  
 21 asked for an EEOC complaint form.  
 22 Q Did that alert you, put you on guard that she  
 23 perhaps was going to be filing a sexual harassment  
 24 complaint?  
 25 A I -- no.

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1 A Voluntary quit.  
 2 Q -- voluntary quit, thank you -- you had learned that  
 3 she had requested a discrimination form?  
 4 A Correct.  
 5 Q Which led you to be concerned about what that meant?  
 6 A Correct.  
 7 Q You had disclosed that fact to the Mayor and to the  
 8 staff?  
 9 A Yes.  
 10 Q Including Mr. Christofferson?  
 11 A Yes.  
 12 Q You had also obtained information from the Mayor  
 13 about an alleged relationship?  
 14 A Yes.  
 15 Q You had called Marilyn and it was clearly evident to  
 16 you that she was upset?  
 17 A Yes.  
 18 Q By virtue of the fact that she hung up on you?  
 19 A Right.  
 20 Q By the time you called Marilyn Figueroa, you already  
 21 had knowledge of these sexual exchanges?  
 22 A Yes.  
 23 Q You also before issuing the voluntary quit notice,  
 24 you also learned through Ruth Wyttenbach that  
 25 Marilyn Figueroa had been hospitalized?

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1 A Yes.  
 2 Q You also knew that Mr. Pedro Colon and Mr. Fuchs  
 3 were speaking on behalf of Ms. Marilyn Figueroa?  
 4 A Well --  
 5 Q Just give me what you know.  
 6 A Well, that was at, you know, over an extended period  
 7 of time. Knew --  
 8 Q But at least they came in and continued? At least  
 9 they came in before the voluntary quit notice was  
 10 issued?  
 11 A I could not say that about Mr. Fuchs.  
 12 Q And having known all these facts with the  
 13 clarifications you just made regarding Mr. Fuchs, is  
 14 it fair and accurate to state that you never once  
 15 verbally and/or in writing requested Ms. Figueroa to  
 16 give you her version of this alleged relationship?  
 17 A That's correct.  
 18 MR. ARELLANO: All right. Let's  
 19 take a couple minutes, five-minute break.  
 20 (Recess)  
 21 By Mr. Arellano:  
 22 Q Mr. Soika, this is a continuation of your  
 23 deposition. As you know, you continue to be under  
 24 oath.  
 25 A Correct.

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1 Q You testified that after Mr. Norquist disclosed his  
 2 interaction with Ms. Figueroa there were several  
 3 meetings which were held at various times from the  
 4 time that disclosure came to your attention until  
 5 Mr. Norquist decided to become public with such  
 6 disclosure; is that correct?  
 7 A Correct, yes.  
 8 Q Do you recall -- at some point you learned of course  
 9 that Marilyn's version of that alleged relationship  
 10 was totally different; correct?  
 11 A At some point, yes.  
 12 Q And at some point you also learned that she was  
 13 threatening through her lawyers with filing a  
 14 lawsuit?  
 15 A Yes.  
 16 Q Is that correct? When this information came to your  
 17 attention, did that in fact confirm your fears, the  
 18 fears that you expressed to Anne Shindell -- strike  
 19 that -- the fears that you expressed to Mr. Norquist  
 20 when you recommended him to Anne Shindell? That in  
 21 fact Ms. Figueroa would eventually file some type of  
 22 a complaint?  
 23 A Yeah. I'm remembering that the action of actually  
 24 filing a complaint was some 10 months after I found  
 25 out.

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1 Q I understand. So the answer would be yes to my  
 2 question? The claim or the threat of filing a  
 3 complaint and eventually the actual filing of the  
 4 complaint did confirm your initial fears?  
 5 A There was a filing of a complaint, yes.  
 6 Q Right. And do you recall whether or not at any  
 7 point during any of these meetings before you issued  
 8 the notice of termination, I know you didn't, do you  
 9 know if anyone involved in any of these meetings  
 10 suggested that Marilyn be asked her side of the  
 11 story before you issued the voluntary quit letter?  
 12 MR. SCHRIMPF: I'm going to object  
 13 because it assumes a fact not in evidence.  
 14 Q Go ahead.  
 15 A From my view voluntary quit letter was written  
 16 because Marilyn did not show to work and did not  
 17 present any evidence of why.  
 18 MR. ARELLANO: I move to strike and  
 19 ask you to answer my question. I would like  
 20 you to read my question back so that we avoid  
 21 wasting a lot of time. Just limit yourself to  
 22 my question, sir.  
 23 (Question read)  
 24 Q Did anyone involved in any of those meetings,  
 25 Susan Mudd, Mr. Christofferson, the Mayor, anyone?

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1 Q Did anyone ever suggest to the Mayor before  
 2 Marilyn Figueroa filed her complaint with the EEOC  
 3 in October 2000, that she go public and disclose  
 4 this relationship to the City of Milwaukee?  
 5 MR. SCHRIMPF: Objected to because  
 6 I heard the word she.  
 7 A She, right.  
 8 Q Did he, Mr. Norquist?  
 9 A Could you repeat the question?  
 10 Q Yes. Prior to Marilyn Figueroa filing her  
 11 October 2000 complaint, did anyone tell the Mayor to  
 12 go public with this alleged relationship?  
 13 A I had previously testified that that was an item of  
 14 discussion. It was not a definitive decision.  
 15 Q So in answer to my question, no one decided, Mayor,  
 16 you've got to go public on this?  
 17 A Correct.  
 18 Q After Marilyn Figueroa filed -- strike that. Was  
 19 there any reason as to why a decision to go public  
 20 before Marilyn filed her complaint was not made?  
 21 MR. SCHRIMPF: Could I have that  
 22 question reread.  
 23 Q Let me rephrase my question. Before the complaint  
 24 was filed by Marilyn Figueroa on October 2000, was  
 25 there any reason for the Mayor not to come out and

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1 Q And how did you learn of the fact that another  
 2 complaint was coming?  
 3 A I have no idea. I don't recall that.  
 4 Q Did Shindell ever disclose any such information to  
 5 you?  
 6 A Again, I don't know. I suppose that there were  
 7 conversations between, would it have been Fuchs at  
 8 that time and Shindell. I really don't remember  
 9 exactly what precipitated it.  
 10 Q Did you know John Fuchs before January 2000?  
 11 A Only in his capacity as attorney for the Milwaukee  
 12 Police Association.  
 13 Q I suspect that the City had been dealing with  
 14 Mr. Fuchs for some years?  
 15 A Yes.  
 16 Q In his capacity as an attorney for the Police & Fire  
 17 Commission, association?  
 18 MR. SCHRIMPF: That's objected to.  
 19 A For the Milwaukee Police Association.  
 20 Q Okay. Do you recall whether or not at the time the  
 21 Mayor disclosed his alleged relationship with  
 22 Marilyn Figueroa in January of 2000 after you  
 23 notified him that she had requested a discrimination  
 24 complaint, do you know if Mr. Fuchs was representing  
 25 the association in labor negotiations with the City?

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1 disclose his alleged relationship with  
 2 Marilyn Figueroa?  
 3 A Our basic strategy was to hold the information tight  
 4 within a small defined group and to ride this out as  
 5 far as we could.  
 6 Q At some point the Mayor did disclose this alleged  
 7 relationship; correct?  
 8 A Yes.  
 9 Q What prompted the Mayor to finally come out and  
 10 disclose this alleged relationship?  
 11 A I know there was the October filing, but I think  
 12 that there was another filing that was pending that  
 13 the anticipation was it was going to be filed soon.  
 14 Q Were there any meetings to deal with that  
 15 anticipated filing?  
 16 A Yes.  
 17 Q And who was present?  
 18 A You know, I'm sure that it was people who were  
 19 present at all the meetings. It would be Bill and  
 20 myself, the Mayor, likely Susan, maybe Anne, maybe  
 21 not.  
 22 Q And so I perceive that the decision to come out  
 23 publicly with this disclosure was in anticipation of  
 24 a complaint, another complaint that was coming?  
 25 A Yes.

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1 A I could not say. I have no idea. I believe that  
 2 Fuchs is on retainer to the Milwaukee Police  
 3 Association.  
 4 Q To the association. All right. Is Mr. Fuchs still  
 5 having --  
 6 A I have no idea.  
 7 Q You have no idea if he continues to have dealings  
 8 with the City of Milwaukee in his capacity?  
 9 A Oh, I see, with the City of Milwaukee?  
 10 Q Right.  
 11 A You know, I can't draw up a specific incident, but  
 12 it's likely he does.  
 13 Q So let me see if I can put this in proper context.  
 14 Right after the Mayor disclosed his alleged  
 15 relationship with Marilyn Figueroa to you and to  
 16 Mr. Christofferson, one of the immediate concerns  
 17 had to do with the re-election; true?  
 18 A Yes.  
 19 Q And then several meetings were held to strategize on  
 20 how to deal with any potential legal claims that  
 21 Marilyn Figueroa would file?  
 22 A Or a public disclosure.  
 23 Q Is that correct?  
 24 A Or a public disclosure.  
 25 Q And that would include dealing with the press and/or

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1 Mr. Norquist and Ms. Figueroa; correct?  
2 A Yes.  
3 Q And you knew when they were asking you these  
4 questions that in fact there was a relationship  
5 going on?  
6 A Yes.  
7 Q And you didn't tell them the truth?  
8 A That's not correct.  
9 MR. SCHRIMPF: Objected to.  
10 Q Well, you did not -- you deemed those inquiries as  
11 rumors when you knew they were not rumors; correct?  
12 MR. SCHRIMPF: Objected to.  
13 A That is not the truth.  
14 Q Well, they asked you if something was going on. You  
15 knew something was going on; correct?  
16 A Correct. Had gone on.  
17 Q You avoided telling the press what you knew; true?  
18 A I forced the press to frame the question in a way  
19 that could be attributed to someone. And if they  
20 could not attribute a direct quote, I then refused  
21 to answer.  
22 Q Okay, sir, you refused to tell the press what you  
23 knew; true?  
24 A I forced the press to ask me a question in a way  
25 that would define what they were asking, how they

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1 knew it and by whom this information had come. If  
2 they did not do that, then they were presenting me  
3 with a rumor that they could not verify.  
4 MR. ARELLANO: Judge, I believe  
5 that this witness is being nonresponsive, and  
6 I will have to do one of two things. One, I  
7 will have to wait for your ruling because I  
8 believe he's an adverse witness and he's  
9 avoiding responding to the question. In my  
10 view this is a witness that has been for the  
11 most part nonresponsive or argumentative. And  
12 on this particular issue I request that  
13 counsel advise this witness to answer my  
14 question. Otherwise we either can stop here,  
15 call the judge or leave this for the judge's  
16 ruling.  
17 MR. SCHRIMPF: The judge -- the  
18 witness has answered your question repeatedly  
19 a number of times. You, counsel, are  
20 trying --  
21 MR. ARELLANO: I don't want to  
22 argue with you. I just want to know what your  
23 position is.  
24 MR. SCHRIMPF: You put your  
25 argument on the record and I'm entitled to put

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1 my position on the record.  
2 MR. ARELLANO: Sir, there have been  
3 several times, and I don't know where you get  
4 this habit, where you raise your voice and  
5 point the finger at me.  
6 MR. SCHRIMPF: I have not pointed  
7 my finger at you until just now.  
8 MR. ARELLANO: That is not only a  
9 violation of the code of professional conduct,  
10 but I will not tolerate it. So I'm asking you  
11 to simply put your position on the record.  
12 Are you going to instruct him to answer my  
13 question, and do not direct any arguments to  
14 me? Just put it on the record.  
15 MR. SCHRIMPF: I am entitled to  
16 respond to your argument and I will respond.  
17 No. 1 --  
18 MR. ARELLANO: Well, do so without  
19 raising your voice and without pointing your  
20 fingers at me. You don't know me. I don't  
21 know that. You have absolutely no authority  
22 to do that.  
23 MR. SCHRIMPF: No. 1, the witness  
24 has responded to the question any number of  
25 times. You are trying to put the word lie or

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1 untruth into his mouth, and there's no factual  
2 basis or it. And this witness does not have  
3 to answer such a question.  
4 MR. ARELLANO: If you point the  
5 finger one more time --  
6 MR. SCHRIMPF: I did not point a  
7 finger at you.  
8 MR. ARELLANO: Or you raise your  
9 voice again, I will file a complaint against  
10 you.  
11 MR. SCHRIMPF: That's ridiculous.  
12 MR. ARELLANO: And to your  
13 colleague here that continues to interrupt  
14 with noises and funny -- I don't know what he  
15 does, but he's constantly --  
16 MR. SCHRIMPF: Mr. Tokus has done  
17 no such thing.  
18 MR. ARELLANO: He just did it,  
19 unless you're losing your hearing.  
20 Q Okay, now, let me go back to this issue. When the  
21 press asked you to clarify the alleged relationship  
22 between Marilyn Figueroa and Mr. Norquist, you  
23 refused to tell them what you knew; correct?  
24 A Correct.  
25 Q Was there a plan for all those involved in these

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1 the Mayor and the staff that Marilyn had in fact  
 2 requested a discrimination form?  
 3 A And, right, whatever form it was.  
 4 MR. ARELLANO: Now, what I would  
 5 like to do, counsel, is take 30 minutes break.  
 6 Off the record.  
 7 (Discussion off the record)  
 8 (recess for lunch)  
 9 By Mr. Arellano: (Continuing)  
 10 Q Mr. Soika, let's go back as you continue this  
 11 deposition under oath. Let's go back to the period  
 12 of January 2000. Do you recall ever receiving  
 13 information from Ms. Shindell to the effect that she  
 14 had contacted Ms. Figueroa after she left her  
 15 employment --  
 16 A I do remember --  
 17 Q -- in January? What's your recollection?  
 18 A I remember a conversation where Shindell said she  
 19 had called Marilyn.  
 20 Q Now, is it fair and accurate to say based on your  
 21 previous testimony, that Ms. Shindell learned about  
 22 Ms. Figueroa and John Norquist's conflict as a  
 23 result of your intervention, by that I mean by the  
 24 fact that you contacted her on behalf of  
 25 Mayor Norquist and subsequently met with her to

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1 discuss a potential conflict with Marilyn?  
 2 A I never met with her alone. I would have met with  
 3 her with the Mayor, but yes, it's true.  
 4 Q Do you recall whether or not at any point during any  
 5 of the meetings that you held with Ms. Shindell when  
 6 it was suggested by anyone, and by that I mean you,  
 7 the Mayor, Ms. Shindell, Ms. Norquist or  
 8 Mr. Christofferson, that Shindell initiate a contact  
 9 with Ms. Figueroa?  
 10 A I believe that very early on it did not appear that  
 11 Marilyn had an attorney, so Shindell called her  
 12 directly.  
 13 Q And again, to be a little more precise, who, if  
 14 anyone, initiated the suggestion that a contact be  
 15 made with Figueroa on the part of Ms. Shindell?  
 16 A I don't know who would have initiated that.  
 17 Q Were you present when that decision was made  
 18 regardless of when it was made?  
 19 A I don't remember a specific meeting where that was  
 20 decided.  
 21 Q To try a different way, did you know that  
 22 Ms. Shindell was going to contact Marilyn Figueroa  
 23 before the contact actually took place?  
 24 A I don't remember that. I remember that I knew that  
 25 she had talked to her, but I don't remember that I

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1 knew ahead of time.  
 2 Q And is it fair and accurate just for chronological  
 3 reasons, is it fair and accurate to say that this  
 4 contact between Shindell and Figueroa occurred  
 5 before Mr. Pedro Colon came into the picture?  
 6 A That's my belief, yes.  
 7 Q And how did you learn that Ms. Shindell had actually  
 8 made contact with Ms. Figueroa?  
 9 A I would have had a conversation with Anne or been  
 10 present when Anne discussed it.  
 11 Q Tell me as close as you can the nature of your  
 12 discussion with Ms. Shindell or Ms. Shindell with  
 13 you related to the contact that she made with  
 14 Ms. Figueroa. What did she tell you, what did you  
 15 say?  
 16 A Again, I have no recollection of specifics. In  
 17 general, I believe the conversation was her trying  
 18 to reach out to Marilyn to find out where was this  
 19 going, what did she want, those kinds of things.  
 20 Q Do you know how many contacts Ms. Shindell had  
 21 directly with Ms. Figueroa?  
 22 A I have no idea.  
 23 Q To your knowledge, did Ms. -- well, strike that.  
 24 How many times do you recall Ms. Shindell reporting  
 25 to you that she was in contact with Ms. Figueroa

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1 directly?  
 2 A Just one time.  
 3 Q Just one time, okay. Now, did you notify the Mayor  
 4 that Ms. Shindell had contacted Ms. Figueroa  
 5 directly?  
 6 A Again, I don't remember the context of how the  
 7 information came to me. If it was a phone call I  
 8 would have notified the Mayor. If it was in a  
 9 meeting, the Mayor was likely there. So I don't  
 10 know.  
 11 Q Do you believe that you kept the Mayor informed of  
 12 any event and/or development related to the Figueroa  
 13 matter before the Mayor became public in December of  
 14 the year 2000?  
 15 A If I -- yes. If I believed that I knew information  
 16 he did not, I would have passed it on.  
 17 Q Now, going back to the contact that Ms. Shindell had  
 18 with Ms. Figueroa, can you relate to me what, if  
 19 anything, Ms. Shindell claims Ms. Figueroa said  
 20 during that contact?  
 21 MR. SCHRIMPF: Objected to based on  
 22 foundation.  
 23 Q If anything.  
 24 A I, I have no memory of that. I doubt it was  
 25 substantive or something would spark, but I don't

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1 A They would have either been as I was talking to her  
 2 or shortly thereafter.  
 3 Q Where did you make those notes?  
 4 A I made them in a notebook.  
 5 Q A notebook? What kind of notebook?  
 6 A A spiral bound notebook.  
 7 Q Was that a book that you use for your notes?  
 8 A Yes.  
 9 Q Is that a customary practice of yours?  
 10 A Yes.  
 11 Q Did you share those notes with the Mayor?  
 12 A No.  
 13 Q I suspect that your contact with Ms. Figueroa  
 14 occurred after Ms. Shindell had contacted  
 15 Ms. Figueroa directly?  
 16 A I could not say that. I don't know that for sure.  
 17 Q You don't, okay. When you called Ms. Figueroa, did  
 18 you ask her what she was looking for or what she  
 19 wanted?  
 20 A No.  
 21 Q Did you write verbatim everything that you discussed  
 22 with her?  
 23 A No.  
 24 Q All right. I believe you testified that you don't  
 25 recall what Ms. Shindell reported to you with

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1 A Yes.  
 2 Q Where did you work?  
 3 A I was working at Lisbon Avenue Neighborhood  
 4 Development.  
 5 Q Any other time when you worked for the City of  
 6 Milwaukee?  
 7 A And then in March '98 I became the block grant  
 8 director.  
 9 Q For how long?  
 10 A Until I took the job as chief of staff.  
 11 Q So you were there from 1998 till what year?  
 12 A I became chief of staff in October '99.  
 13 Q When you were the block grant director, were you  
 14 appointed by the Mayor?  
 15 A Yes.  
 16 Q Did you report to the Mayor?  
 17 A My immediate supervisor was the director of the  
 18 Department of Administration.  
 19 Q Were you entitled to any benefits under the City's  
 20 civil service?  
 21 A I was an exempt employee.  
 22 Q Exempted. Did you receive health insurance?  
 23 A Yes.  
 24 Q Vacation?  
 25 A Yes.

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1 respect to her conversation with Marilyn, at least  
 2 with respect to what Marilyn may have said to her?  
 3 A Correct.  
 4 Q Is that correct? Now, let me ask you this,  
 5 Mr. Soika. How long have you been employed by and  
 6 for the City of Milwaukee?  
 7 A Well, I was actually employed twice by the City of  
 8 Milwaukee, three times if you count the Fire &  
 9 Police Commission. Initially I was employed in '88  
 10 or '89 right after John Norquist was elected. I was  
 11 on a leave of absence from my other position to come  
 12 in and reorganize the block grant office. Then in  
 13 '94, I don't know if you count it as being employed,  
 14 I was appointed to the Fire & Police Commission. I  
 15 received a stipend from them. And then in March of  
 16 '98 --  
 17 Q I'm sorry, when you worked or performed as a member  
 18 of the Fire & Police Commission, what period are we  
 19 talking about?  
 20 A In '94, July '94 to March '98.  
 21 Q Did you receive a salary?  
 22 A A stipend.  
 23 Q How much was it?  
 24 A Somewhere around \$5,000 a year.  
 25 Q Were you working at that time somewhere else?

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1 Q Sick leave?  
 2 A Sick leave? Sick days, yes.  
 3 Q And did you continue to enjoy those privileges from  
 4 the City of Milwaukee once you became the chief of  
 5 staff?  
 6 A Yes.  
 7 Q Did you get a raise?  
 8 A Yes.  
 9 Q How big of a raise?  
 10 A I don't know. Maybe 15, \$20,000.  
 11 Q Which brought your salary to how much as the chief  
 12 of staff?  
 13 A I believe it was \$89,000.  
 14 Q And before you were making what, 69,000?  
 15 A 69,70 something. I don't know.  
 16 Q And during this entire period of time I suspect you  
 17 became familiar with the policies and procedures  
 18 applicable for the City of Milwaukee?  
 19 A Which entire period of time?  
 20 Q The period of time in which you were employed as a  
 21 manager of some kind.  
 22 A Yes.  
 23 Q Is that correct?  
 24 A Fairly.  
 25 Q And in 1988, 1989 did you receive a handbook from

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1 Q I have also marked a subpoena duces tecum as  
 2 Exhibit No. 2. Can you please take a look at that  
 3 document and tell me if that is a notice of a  
 4 deposition and subpoena duces tecum that you  
 5 received pursuant to these proceedings?  
 6 A Yes.  
 7 Q And now directing your attention to Exhibit No. 2,  
 8 could you please tell me to which request is  
 9 Exhibit No. 1 responding to?  
 10 A Sure. Just hold on. Request No. 3.  
 11 Q That request requires that you produce true and  
 12 complete copies of any and all handbooks/employment  
 13 manuals applicable to Mayor Norquist's staff which  
 14 were in effect from April 1991 through  
 15 February 2000.  
 16 Did I read that correctly?  
 17 A Correct.  
 18 Q And Exhibit No. 1 is one of the items that you have  
 19 produced pursuant to this request No. 3 --  
 20 A Right.  
 21 Q -- of your notice; is that correct?  
 22 A Correct.  
 23 MR. ARELLANO: Now, let me ask the  
 24 professional reporter to now mark this  
 25 additional document.

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1 (Exhibit No. 3 marked for  
 2 identification)  
 3 Q The item that is before you which I believe has been  
 4 marked as Exhibit No. 3 is another document that you  
 5 have produced, is that correct, sir?  
 6 A Correct.  
 7 Q Can you please for the record identify what this  
 8 Exhibit No. 3 purports to represent?  
 9 A The title is Working with the City of Milwaukee.  
 10 Q And is that also an item that you have produced  
 11 pursuant to your notice of deposition and subpoena  
 12 duces tecum request No. 3?  
 13 A Yes, it is.  
 14 Q All right. To your knowledge, are these the only  
 15 two documents that the City of Milwaukee has in  
 16 place as far as handbooks, employment manuals,  
 17 rules, regulations applicable to employees?  
 18 A These are the only documents we had in our office.  
 19 Q Are you aware of any other documents that may  
 20 reflect other rules, regulations, procedures?  
 21 A I am not aware, but that also means that that  
 22 doesn't mean that there aren't.  
 23 Q Let me take a look at both those documents. Thank  
 24 you, sir.  
 25 And is it fair and accurate to say, and I

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1 think your attorney can help you to stipulate, is it  
 2 fair and accurate to say that Exhibit No. 1 is a  
 3 document identified as Rules of the Board of City  
 4 Service Commissioners adopted August 4th, 1991, and  
 5 again revised on March 30th, 2001?  
 6 A Correct.  
 7 Q Is it fair and accurate to say by virtue of your  
 8 affirmance that this document applies during the  
 9 period in which Marilyn Figueroa was an employee for  
 10 the City of Milwaukee?  
 11 A Yes.  
 12 Q Thank you. This Exhibit No. 3 which is titled  
 13 Working with the City of Milwaukee indicates a date  
 14 of January 1994. To your knowledge, I'm willing to  
 15 entertain stipulations, was this document as  
 16 presented today, which has been marked as  
 17 Exhibit No. 3, to your knowledge, was this document  
 18 in effect and applicable through the year 2000?  
 19 A I don't know.  
 20 MR. SCHRIMPF: Counsel, you've  
 21 invited a stipulation. Let me point out that,  
 22 No. 1, it's my understanding that the board --  
 23 with respect to the first exhibit, the Rules  
 24 of the Board of City Service Commissioners,  
 25 that they are from time to time updated. And

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1 to be honest with you, I haven't looked at  
 2 that document, so I don't know and frankly  
 3 wouldn't know if it's an updated one or not.  
 4 And secondly, I don't know which or all of  
 5 those rules would apply to an exempt employee.  
 6 With respect to working with the City of  
 7 Milwaukee, I frankly have never seen that  
 8 document and wouldn't be able to stipulate to  
 9 anything.  
 10 Q Sir, to your knowledge, when Ms. Figueroa was still  
 11 employed for the City of Milwaukee, at any time  
 12 before you issued the voluntary notice letter in  
 13 February of the year 2000, to your knowledge did the  
 14 City of Milwaukee have an anti-sexual harassment  
 15 policy in place?  
 16 A Yes.  
 17 Q And do you have that sexual harassment policy with  
 18 you?  
 19 A I believe so.  
 20 Q Let me now move in that direction at least for now.  
 21 MR. ARELLANO: Let me ask the  
 22 professional reporter to mark this document --  
 23 (Exhibit No. 4 marked for  
 24 identification)  
 25 Q Let me ask you to look at Exhibit No. 4 and identify

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1 Milwaukee policy on sexual harassment effective  
 2 June 19th, 1981; is that correct?  
 3 A Correct.  
 4 Q Now, again, I believe going back to your previous  
 5 answer, you were not totally familiar with these  
 6 policies on January 5th, 6th or 7th of the year  
 7 2000?  
 8 A I was vaguely familiar. I've read them maybe years  
 9 ago.  
 10 Q Well, prior to January of 2000, how many years  
 11 previously?  
 12 A I would have looked at the policies when I was at  
 13 block grant.  
 14 Q What did you learn about the Milwaukee, City of  
 15 Milwaukee sexual harassment or anti-sexual  
 16 harassment policies?  
 17 A My basic understanding is that if someone brings to  
 18 you a complaint of sexual harassment, it's incumbent  
 19 upon you to move quickly to deal with that.  
 20 Q And was it your understanding that any complaint was  
 21 to be kept confidential?  
 22 A Yes.  
 23 Q And was that your understanding as well in  
 24 January of 2000?  
 25 A Vaguely, sure.

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1 Q All right. To your knowledge, which of these  
 2 policies were not in effect within the City of  
 3 Milwaukee in the years 1995 through 2000?  
 4 A I would say that in some fashion or another,  
 5 depending upon what year the title of the policy  
 6 that there is, there was -- that these cover that  
 7 time period.  
 8 Q So all of them would apply to that period of time?  
 9 A Well, I couldn't say all of them. They apply to the  
 10 period of time that is designated on the document.  
 11 So one of them would apply at the time of '91, '92.  
 12 The next one would apply for the period as my  
 13 understanding.  
 14 Q Where did you obtain this information?  
 15 A I received my copy of the subpoena yesterday. I  
 16 asked two of our support staff to put together  
 17 documents. One of them provided that.  
 18 Q Do you find any of these policies and procedures  
 19 which have been marked -- which now have been marked  
 20 as Exhibit No. 4, did you find them in any of the  
 21 two manuals or employment handbooks that you  
 22 produced today?  
 23 A I previously testified that I've never looked at  
 24 either of those books.  
 25 Q Well, inversely, where would I find the actual

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1 volumes where these policies were taken from? And  
 2 I'm talking about the policies which have been  
 3 marked as Exhibit No. 4.  
 4 A My belief is that the staff called the Department of  
 5 Employee Relations and asked them to send the  
 6 documents.  
 7 Q Who is the director of the Department of Employment  
 8 Relations?  
 9 A Jeffrey Hanson.  
 10 MR. ARELLANO: Put him on the list.  
 11 Q You would agree with me, would you not, sir, that  
 12 these records that you have produced today which  
 13 relate to the anti-sexual harassment complaint  
 14 system which the City of Milwaukee has in place  
 15 contains some stickies, some labels that were placed  
 16 on each document; correct?  
 17 A Correct.  
 18 Q These labels do not form part of the same printing  
 19 of each policy that you have produced today;  
 20 correct?  
 21 A Correct.  
 22 Q Do you know who placed those labels on these  
 23 documents?  
 24 A I have no idea.  
 25 Q Well, let me ask you, Mr. Soika, to look at the

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1 first aspect of Exhibit No. 4, which according to  
 2 the label that anti-harassment policy would have  
 3 been in place for the years what, 199 --  
 4 A '92 through '95.  
 5 Q '95. Tell me what aspects of that policy changed  
 6 after 1995, if any.  
 7 A I could not tell you that.  
 8 Q Well, let's take a look at this. Let's take --  
 9 let's go off the record.  
 10 (Discussion off the record)  
 11 (Recess)  
 12 By Mr. Arellano:  
 13 Q Mr. Soika, we continue with your sworn testimony  
 14 here. Let me direct your attention to the first two  
 15 pages of Exhibit No. 4 which relate to policy and  
 16 definition and sexual harassment complaint  
 17 procedure. Assuming that any of these rules and  
 18 policies and definitions were in effect when  
 19 Ms. Figueroa was employed for the City of Milwaukee,  
 20 directing your attention to item No. 1 of the first  
 21 policy and definition which states "submission" --  
 22 let me start with harassment. "This policy and  
 23 definition for the City of Milwaukee to provide a  
 24 work environment that is free of sexual harassment  
 25 states that harassment on the basis of sex is a

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1 A Yes.  
 2 Q Was she one of the individuals that would be  
 3 responsible for handling the complaint procedure?  
 4 A I don't know that.  
 5 Q Was she the person obviously employed by the Equal  
 6 Employment Opportunity Division, correct, in  
 7 January of 2000?  
 8 A She's the -- it's not called the Equal Employment  
 9 Opportunity Division any longer. It's the  
 10 Department of Employee Relations.  
 11 Q And Ms. Dukes, in other words, now -- in January of  
 12 2000 the Department of Employment Relations would be  
 13 basically responsible for handling any type of  
 14 discrimination complaint?  
 15 A I believe so.  
 16 Q And Ms. Florence Dukes would have been the person  
 17 responsible for handing out the discrimination  
 18 complaints forms?  
 19 A I can't say that she is the point person on that.  
 20 Q But at least someone within that office would be?  
 21 A Absolutely.  
 22 Q And I believe the paragraph states that the parties,  
 23 following the same paragraph but I would say the  
 24 second sentence reads as follows: "These parties  
 25 will provide confidential assistance to individuals

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1 in an attempt to resolve issues of sexual  
 2 harassment." Did I read that correctly?  
 3 A Correct.  
 4 Q And by that you understood to be the Department of  
 5 Employment Relations?  
 6 A Correct.  
 7 Q And then the last sentence says, "Efforts should be  
 8 made to resolve and correct sexual harassment issues  
 9 prior to the filing of a complaint." Is that  
 10 correct?  
 11 A Correct.  
 12 Q And again, is it fair and accurate to say that two  
 13 things were happening in January 5th, 6th or 7th?  
 14 One, you became aware that the Mayor had engaged in  
 15 sexual contact with a subordinate; correct?  
 16 A Correct.  
 17 Q You also knew that Marilyn Figueroa, consistent with  
 18 what we read, had gone to the Department of  
 19 Employment Relations to request a discrimination  
 20 form?  
 21 A Correct.  
 22 MR. SCHRIMPF: Objected to based on  
 23 foundation laid.  
 24 A A discrimination form, yes. Not specifically sexual  
 25 harassment.

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1 MR. ARELLANO: I never know what my  
 2 colleague objects, but I guess he's right.  
 3 MR. SCHRIMPF: Mr. Arellano, you do  
 4 agree that I have the right to object?  
 5 MR. ARELLANO: Oh, I will defend  
 6 you to exercise that right.  
 7 MR. SCHRIMPF: I greatly appreciate  
 8 that, Mr. Arellano.  
 9 MR. ARELLANO: If you ever request  
 10 my assistance.  
 11 Q You also suspected that legal problems as a result  
 12 of these two disclosures, legal problems would  
 13 likely occur down the road; correct?  
 14 A I suspected that there was the likelihood that there  
 15 would be legal and/or public political problems,  
 16 yes.  
 17 Q Based on your knowledge of those factors that you  
 18 just identified, what efforts did you make to  
 19 investigate Marilyn Figueroa's side of the story?  
 20 A I made no effort.  
 21 Q The second paragraph of the sexual harassment  
 22 complaint procedure specifically states at the  
 23 beginning of the second paragraph, "An investigation  
 24 of a sexual harassment complaint will begin with a  
 25 signed written statement by the complainant and will

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1 include interviewing the parties involved in the  
 2 complaint and any witnesses." Did I read that  
 3 correctly?  
 4 A Correct.  
 5 Q Did you know of that policy in January of 2000, sir?  
 6 A I can't say that I did.  
 7 Q The last sentence of that second paragraph reads as  
 8 follows: "Retaliation against an employee who has  
 9 filed a complaint or has assisted in an  
 10 investigation is strictly prohibited." Were you  
 11 aware of that prohibition, Mr. Soika?  
 12 A I can't say that I was -- if you had asked me -- no,  
 13 I was not aware of that provision.  
 14 Q Did you know that any employee who files or attempts  
 15 to file a legal complaint or complaint of any  
 16 nature, did you know that that employee was  
 17 protected under the law in January of 2000?  
 18 A I would have assumed that if there was a filing,  
 19 then there was some protection. I would not have  
 20 assumed that if there was, you take out papers or  
 21 there's a conversation saying I'm going to file,  
 22 that that does constitute any kind of protection.  
 23 Q Did you know in January of 2000 and before you  
 24 issued the notice of voluntary quit to Ms. Figueroa  
 25 in February of 2000, did you know that the law

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1 enough to say it was identical. I would say  
 2 it's pretty much the same.  
 3 Q Was the question to you or was the question to me?  
 4 I don't know.  
 5 A It don't matter. I'm going to answer.  
 6 Q Let me just show you what appears to be in effect  
 7 for the years 1996, 1998; is that correct?  
 8 A Yes.  
 9 Q Which is what I have characterized as the second  
 10 aspect of, or second section of Exhibit No. 4; is  
 11 that correct?  
 12 A Right, correct.  
 13 Q And now let me show you what also constitutes part  
 14 of Exhibit No. 4, the City of Milwaukee  
 15 anti-harassment policy applicable for 1999 to the  
 16 present. Is that accurate?  
 17 A That's what it says.  
 18 Q By looking at the two previous policies, would it be  
 19 fair to say, Mr. Soika, that the most recent policy,  
 20 the one that seemed to be in effect at the time  
 21 Marilyn Figueroa left her employment with the City  
 22 of Milwaukee, is it fair and accurate to say that  
 23 that particular policy 1999 to the present, it's  
 24 more extensive and more detailed than the two  
 25 previous anti-harassment policies that you reviewed?

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1 Q And it provides a verbal definition, nonverbal and  
 2 physical; is that correct?  
 3 A Correct.  
 4 Q The verbal definition reads as follows: "Verbal,  
 5 sexual innuendo, suggestive comments, jokes about  
 6 gender, specific traits, personal questions about an  
 7 employee's social or sexual life, sexual  
 8 propositions," did I read that correctly?  
 9 A I'm sorry, I was writing something down.  
 10 Q Why don't you go ahead.  
 11 A I'm done.  
 12 Q "The nonverbal illustrations relate to suggestive or  
 13 insulting noises, leering, making obscene gestures,  
 14 displaying sexually explicit materials, indecently  
 15 exposing one's self." Did I read that correctly?  
 16 A Correct.  
 17 Q And physical means "any unwelcome touching,  
 18 including but not limited to pinching, caressing,  
 19 coercing sexual relations or sexual assault." Did I  
 20 read that correctly?  
 21 A Yes.  
 22 Q Did Mayor Norquist ever relate to you his sexual  
 23 acts with Ms. Figueroa at any point?  
 24 A Yes.  
 25 Q Tell me some of the specific acts. Let's first talk

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1 A I would have to look at it first.  
 2 Q Why don't you do that.  
 3 (Witness looking at documents)  
 4 A The document '99 to present seems to include some  
 5 examples and it includes a section entitled  
 6 Harassment based upon other protected categories  
 7 that don't seem to appear in the previous documents.  
 8 Q So in answer to my previous question, would it be  
 9 accurate to say that the anti-harassment policy for  
 10 1999 to the present contains a more extensive  
 11 explanation, definition and illustration of what  
 12 constitutes sexual harassment?  
 13 A It provides examples and a new section, yes.  
 14 Q And it also contains the definition of sexual  
 15 harassment; is that correct?  
 16 A Correct.  
 17 Q So would it be fair to say by looking at the two  
 18 previous policies that the policy of 1999 to the  
 19 present basically contains the same definition of  
 20 sexual harassment; is that correct?  
 21 A Basically.  
 22 Q And then the 1999 to the present policy provides  
 23 definitions of what constitutes sexual harassment;  
 24 is that correct?  
 25 A Correct.

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1 about did he tell you where the sexual acts  
 2 occurred?  
 3 A He told me where some of them occurred, yes.  
 4 Q Well, tell me where did they occur?  
 5 A The ones that I remember were his house and her  
 6 house.  
 7 Q Did he ever disclose to you having sexual conduct or  
 8 acts with Ms. Figueroa in the workplace?  
 9 MR. SCHRIMPF: I'm going to object  
 10 until we can get an identification as to time  
 11 when the Mayor was disclosing this to  
 12 Mr. Soika.  
 13 Q Go ahead, sir. Tell me. Did he disclose at any  
 14 time that he was having sexual, some of these sexual  
 15 acts in the workplace?  
 16 MR. SCHRIMPF: No, counsel. What I  
 17 meant was I want either in your question or  
 18 Mr. Soika's answer --  
 19 MR. ARELLANO: I know what you  
 20 meant. I will conduct my deposition, and if  
 21 you have any clarification questions you can  
 22 come back. But right now I want him to answer  
 23 the question.  
 24 MR. SCHRIMPF: Then I have a  
 25 standing objection to this entire line of

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1 A I don't know.  
2 Q Did he disclose any other place?  
3 A I don't believe so. There was a question about a  
4 trip to Chicago, but it's unclear to me whether or  
5 not Marilyn ever showed up.  
6 Q Did he raise this issue, a trip to Chicago?  
7 A Again, you know, there was the trip to Chicago was  
8 in some of the papers that were going back and  
9 forth.  
10 Q I just want to know what Mr. Norquist said with  
11 respect to the trip to Chicago.  
12 A Let me ask if the conversation occurred between the  
13 Mayor and his attorney and I was present, is that  
14 protected information?  
15 Q Sir, I want you to answer my question. Unless this  
16 counsel tells you not to answer, I want you to tell  
17 me what, if anything, he said about the trip to  
18 Chicago.  
19 A At the beginning of the conversation you said that I  
20 was able to confer with my attorney. This is what  
21 I'm doing.  
22 Q I never said you could confer, nor do I believe it's  
23 proper to confer.  
24 A If we have to ask the reporter to report that back,  
25 then I will do that.

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Assistant City Attorneys.

2 MR. ARELLANO: Well, go and talk to  
3 your client and then we'll put it on the  
4 record.

5 MR. SCHRIMPF: No. I want to -- I  
6 want to check something out with my office at  
7 this point.

8 MR. ARELLANO: Right. But I just  
9 think it's improper for this witness to  
10 determine what he can and cannot answer.

11 MR. SCHRIMPF: Well, it sounds to  
12 me like he's asking for advice and he's  
13 entitled to do that. And I'm respectfully  
14 requesting that we go off the record for that  
15 purpose.

16 MR. ARELLANO: That's fine. That's  
17 fine.

(Recess)

18 (question read: I want you to tell me what  
19 the Mayor said with respect to the trip to  
20 Chicago involving Marilyn Figueroa.)

21 MR. SCHRIMPF: As to that question  
22 and any questions regarding conversations with  
23 the Mayor when the attorneys were present, I  
24 will object on the grounds of attorney-client  
25

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1 Q She cannot hear the two of us at the same time.  
2 Just a little common sense will tell you that. I  
3 want you to tell me what the Mayor said with respect  
4 to the trip to Chicago involving Marilyn Figueroa.

5 MR. SCHRIMPF: Excuse me, counsel,  
6 I'm going to have to ask for a recess at this  
7 point because I have to do some conferring not  
8 necessarily with the witness, although that  
9 might occur, but I want to do some conferring  
10 at this point.

11 MR. ARELLANO: Let me just object  
12 to that. You have the right to do whatever  
13 you want, but given the scenario that this  
14 witness has placed on the record, which is  
15 Mr. Shindell being the attorney for  
16 Mr. Norquist; right?

17 A No.

18 Q Ms. Shindell being the attorney for Mr. Norquist?

19 A Correct.

20 Q Present, Mr. Norquist present; correct?

21 A For this discussion?

22 Q Correct.

23 A I'm not saying that.

24 Q Well, who was present?

25 A I'm saying that it was likely the City Attorney or

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1 privilege and instruct the witness not to  
2 answer.

3 MR. ARELLANO: Which attorneys are  
4 you referring to?

5 MR. SCHRIMPF: The attorneys with  
6 the City of Milwaukee.

7 MR. ARELLANO: Well, let the record  
8 reflect that this witness has stated that with  
9 respect to some of the disclosures the Mayor  
10 made regarding a trip to Chicago, this witness  
11 stated that Norquist's attorney was present  
12 while this witness was present. None of that  
13 information addressed at that time can be  
14 privileged.

15 MR. SCHRIMPF: I'm not asserting  
16 that as a privilege if what we're talking  
17 about is Mr. Soika being present when the  
18 Mayor is present and Ms. Shindell or any other  
19 of his personal attorneys are present. But I  
20 am asserting the privilege if we're talking  
21 about these events when conversations are  
22 occurring with the City of Milwaukee City  
23 Attorney's Office present.

24 MR. ARELLANO: And I understand  
25 what you're saying, but this question does not

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1	that's going to lead to any evidence.	1	to the sexual harassment policy, do you believe that
2	MR. ARELLANO: What's your	2	the Mayor was required to notify you of such sexual
3	objection?	3	acts?
4	MR. SCHRIMPF: The second basis for	4	A No.
5	the objection is that since you're relating it	5	Q Inversely, do you believe that engaging in sexual
6	to a detailed complaint, there are a number of	6	acts in the office is an appropriate behavior on the
7	complaints on file in this matter, and I think	7	part of a City employee?
8	it's very unclear to me which complaint you're	8	A No.
9	talking about.	9	Q Did you ever tell the Mayor Norquist that you didn't
10	Q When Mr. Norquist disclosed that certain things	10	think that was appropriate?
11	occurred in the workplace, obviously it happened	11	A No.
12	while Marilyn Figueroa was his subordinate; correct?	12	Q You have been the spokesperson for Mayor Norquist
13	A Correct.	13	since you've been the chief of staff; correct?
14	Q And it obviously happened -- strike that. Did he	14	A I wouldn't say that.
15	provide you with any timetables?	15	Q What about Mr. Christofferson?
16	A No.	16	A Since I've been chief of staff?
17	Q Did he explain whether or not this occurred while	17	Q Correct.
18	you were Marilyn's supervisor?	18	A The spokesperson for the Mayor? The Mayor's public
19	A He did not.	19	relations person is really the spokesperson for the
20	Q Do you believe that these incidents occurred while	20	Mayor.
21	you were Marilyn's supervisor?	21	Q And who would that be?
22	A I don't believe so.	22	A Steve Filmanowicz.
23	Q You think that they occurred before you became	23	Q How do you spell the last name?
24	Marilyn's supervisor?	24	A F-I-L-M-A-N-O-W-I-C-Z maybe.
25	A That's the only thing left, yes.	25	Q When the Mayor was disclosing some of this sexual
	189		191
1	Q So the alleged disclosure of her breast at his	1	encounters, was he doing it in the context of
2	office would have occurred before you became	2	responding to Marilyn Figueroa's detailed
3	Marilyn's supervisor?	3	allegations of sexual harassment?
4	A Is my belief, yes.	4	A Could you say that again?
5	Q If the Mayor engaged in sexual acts in the workplace	5	MR. ARELLANO: Could you read that
6	or during work related hours, do you believe that it	6	back.
7	was his obligation to report those acts on the part	7	(Question read)
8	of Ms. Figueroa to you?	8	A I believe that that conversation, those
9	A I don't know that they occurred during work related	9	conversations were in relation to one of the
10	hours.	10	complaints.
11	Q I said assuming that they occurred during working	11	Q Obviously, as you testified previously under oath,
12	hours or work related activities.	12	when he first disclosed the relationship he did not
13	THE WITNESS: Okay. Could you read	13	disclose any of these details that you have just
14	back the question, please.	14	disclosed here today?
15	(Question read)	15	A That is correct.
16	MR. SCHRIMPF: I'm going to object.	16	Q In fact, while Marilyn Figueroa was the employee of
17	That's a very unclear question.	17	the City prior to your issuing the notice of
18	Q Go ahead.	18	voluntary dismissal, up to that point he had not
19	A I would ask you to restate the question, please.	19	disclosed any details; correct?
20	Q What is it that you don't understand? Let's assume	20	A Yeah, I believe not.
21	that the Mayor's allegations of sexual behavior on	21	Q Now, during the time that Mayor Norquist was
22	his part or on the part of Ms. Figueroa occurred	22	disclosing the details of the sexual acts, was his
23	during working hours or work related activities	23	wife present?
24	while you were Marilyn Figueroa's immediate	24	A My belief is that the most detailed answer was when
25	supervisor. Do you believe that the Mayor pursuant	25	the Mayor was meeting with the City Attorneys.
	190		192

1 Marilyn Figueroa?  
 2 A No.  
 3 Q I'm not very clear on what the Mayor said regarding  
 4 apples. I want you to tell me what's your  
 5 recollection as far as what the Mayor said regarding  
 6 the allegation with the apples.  
 7 A That the apples was -- using the apples was  
 8 Marilyn's idea, and it was a way to be close with  
 9 each other when they could not be together.  
 10 Q So he did not deny that apples were being used in a  
 11 sexual manner?  
 12 A No.  
 13 Q Is it fair and accurate to say that Mrs. Norquist  
 14 became involved in some of these strategy meetings  
 15 right after you and Mr. Christofferson learned in  
 16 January 5th, 6th or 7th?  
 17 A Shortly thereafter, yes.  
 18 Q Shortly thereafter. Did she provide direction or  
 19 suggestions as to how to handle some of these  
 20 allegations or the potential?  
 21 A You have to divide the meetings. There were legal  
 22 meetings and strategy meetings. The legal meetings  
 23 were primarily the ones that Ms. Mudd was present.  
 24 Q Well, how many, in how many legal meetings did she  
 25 participate?

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1 discrimination?  
 2 A I suspected that we would see some kind of  
 3 complaint, but I could not have said what kind  
 4 because there were allegations of discrimination,  
 5 employment issues. I mean there was a whole host of  
 6 issues that could have surfaced.  
 7 Q Including sexual harassment?  
 8 A Quite frankly, initially that didn't come up.  
 9 Q But once Mr. Norquist disclosed to you the sexual  
 10 conduct on both sides, did that also --  
 11 A It became a possibility.  
 12 Q So you concluded that possibly discrimination  
 13 related to employment issues, sexual harassment and  
 14 the like; is that correct?  
 15 A Yes.  
 16 Q With respect to employment issues, what type of  
 17 discrimination complaint did you suspect or sense  
 18 could be forthcoming? Race?  
 19 A Race.  
 20 Q Gender?  
 21 A Possibly gender.  
 22 Q After you issued the notice of voluntary quit, did  
 23 you add to your suspicion of possible complaints a  
 24 retaliation claim as well at any point?  
 25 A No.

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1 A I have no way of knowing.  
 2 Q Is it fair and accurate to say that strategy  
 3 meetings -- and I think you already answered this  
 4 question but I just want to make sure that the  
 5 record's clear. Is it fair and accurate to say that  
 6 strategy meetings began shortly thereafter when you  
 7 and Mr. Christofferson learned that there was a  
 8 sexual relationship with Marilyn Figueroa?  
 9 A Yes.  
 10 Q And they continued all the way until he disclosed --  
 11 A Yes.  
 12 Q -- his conduct to the press? All right. When  
 13 Marilyn Figueroa, when you learned that  
 14 Marilyn Figueroa had obtained a discrimination  
 15 complaint form, you obviously knew that sexual  
 16 contact had occurred between the two of them,  
 17 Mr. Norquist and Ms. Figueroa; correct?  
 18 A No, I don't think that is a correct statement.  
 19 Q That is true, that is true. You learned that before  
 20 you learned of the sexual exchanges?  
 21 A I learned that she had requested a complaint form  
 22 prior to I learned about the relationship.  
 23 Q And then once you learned about the relationship,  
 24 did you at any point suspect that she was going to  
 25 file any specific kind of complaint of

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1 Q Did you ever discuss with the Mayor that she had  
 2 other employment issues as well?  
 3 A I don't know what you mean other employment issues.  
 4 Q In other words, the concerns that you just related  
 5 here to me that you felt that there were a variety  
 6 of issues that you felt could be forthcoming --  
 7 A Yes.  
 8 Q -- by way of complaints?  
 9 A Yes.  
 10 Q You did relay that to the Mayor?  
 11 A Yes.  
 12 Q You relayed that to him before you decided to notify  
 13 her that she was no longer an employee?  
 14 A Because it was common knowledge that Marilyn was  
 15 agitating the workplace, you know, there wasn't an  
 16 extensive conversation that had to have happened.  
 17 Q Right. But nevertheless, you did convey your  
 18 concerns to the Mayor before she was terminated?  
 19 A Yes.  
 20 Q Do you recall approximately when you related to the  
 21 Mayor your concerns about other possible employment  
 22 related discrimination issues?  
 23 A No.  
 24 Q Was it before he disclosed to you his sexual contact  
 25 with Marilyn Figueroa or after?

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1 position of the City with respect to these  
2 personnel files that I've requested?  
3 MR. SCHRIMPF: That the  
4 personnel -- what we are doing is sending  
5 letters to the affected employees indicating  
6 that this request has been made and that they  
7 have 10 days from the date of the letter to  
8 indicate whether or not they want to institute  
9 a court action to stop it. And that if we  
10 don't hear from them or if they don't  
11 institute such a court action, they're going  
12 to be turned over to you.  
13 MR. ARELLANO: All right.  
14 MR. SCHRIMPF: Now, I should put a  
15 caveat on that, counsel. They will be turned  
16 over to you for your inspection. We will not  
17 under any circumstances let you have them. We  
18 certainly will let you under supervision of  
19 whoever you want make photocopies of whatever  
20 is in there that's not objected to.  
21 MR. ARELLANO: So in a nutshell,  
22 none of the personnel files including  
23 Marilyn Figueroa's file have not been  
24 produced?  
25 MR. SCHRIMPF: I'm sorry about  
205

1 Ms. Figueroa's. Clearly Ms. Figueroa's can be  
2 and that's just apparently an oversight.  
3 Because we're assuming under 103.13 you're her  
4 representatives.  
5 MR. ARELLANO: Sure. Can you  
6 have -- I need to see those -- well, can you  
7 bring those files --  
8 A On Friday?  
9 Q On Friday.  
10 A Marilyn's personnel files?  
11 MR. SCHRIMPF: We can bring  
12 Marilyn's, sure.  
13 Q Why don't you do that. What other records have you  
14 produced today, sir?  
15 A Travel records.  
16 Q Let me see that. Hold on a second. Let's go  
17 step-by-step. These travel records which I have not  
18 yet marked, who do they pertain to?  
19 A I believe you asked for the travel records of all  
20 staff in a certain period of time. You have my  
21 subpoena.  
22 Q And who prepares these records?  
23 A A woman named Pat Stawicki.  
24 Q And these records are kept where exactly?  
25 A In the bank of files in the Mayor's office.  
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1 Q And for what years are you producing these records?  
2 A Can I look at my subpoena?  
3 Q The five years?  
4 A Whatever you requested if we had it we produced it  
5 in that regard. In some instances you requested  
6 information from '92. In other instances you  
7 requested information from '95. So it's one of  
8 these two.  
9 MR. ARELLANO: Let me ask you to  
10 mark these records.  
11 MR. SCHRIMPF: I would just ask the  
12 witness if these are copies that --  
13 THE WITNESS: These are copies that  
14 they can keep.  
15 MR. SCHRIMPF: That they can keep  
16 and you have extra copies for us?  
17 THE WITNESS: No, we made one copy.  
18 MR. SCHRIMPF: You made one copy,  
19 okay. I just want to make sure that whatever  
20 we're turning over to counsel we also have a  
21 copy.  
22 THE WITNESS: Good point.  
23 (Exhibit No. 5 marked for  
24 identification)  
25 Q What else did you produce, sir?  
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1 A We have a list of all the documents we had in  
2 Marilyn's WordPerfect file. We have a copy of all  
3 the emails that were picked up off of the system by  
4 Marilyn, or to Marilyn.  
5 Q Hold on a second. You've got to give us a little  
6 time here.  
7 (Exhibit No. 6 marked for  
8 identification)  
9 Q Let me show you what has been marked as  
10 Exhibit No. 6, and can you identify those records  
11 for me?  
12 A These were the documents that were in Marilyn's  
13 computer record. I will note for the record that it  
14 appears that her -- she formatted her documents to  
15 print the date as the date that the items were  
16 printed. And that's what you would probably see in  
17 these.  
18 Q When were these documents retrieved from her  
19 WordPerfect?  
20 A Oh, looks like May of 2000.  
21 Q All right. Before May of 2000 but after  
22 Marilyn Figueroa was released from her position with  
23 the City, had you ever seen any of the documents  
24 that you retrieved from her WordPerfect which now  
25 have become Exhibit No. 6?  
208

1 organizational inventory.  
2 A Thank you. You asked for copies of the Mayor's  
3 calendars. We provided you a copy of the printed  
4 calendars from, I believe it's '95 through 2000 or  
5 some period of 2000.  
6 Q Did you provide copies of Marilyn Figueroa's  
7 calendars?  
8 A We have no copies of her calendars.  
9 Q Who was -- was Ruth Wytenbach, is that her name?  
10 A Wytenbach.  
11 Q Okay, bach. Was she responsible for maintaining the  
12 schedules of the staff?  
13 A No.  
14 Q Of the Mayor?  
15 A Of the Mayor.  
16 Q So is it your testimony that a search was conducted,  
17 I don't know if that's what you're telling us, about  
18 whether or not there were calendars pertaining to  
19 Marilyn Figueroa and none were found?  
20 A We found no calendars of Marilyn.  
21 Q You also have other manila folders in front of you.  
22 A Right. You asked for information regarding sick  
23 leave. And what I have produced are some emails to  
24 myself and staff on producing documents on Marilyn's  
25 sick leave, and I believe there's one email in here

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1 where Marilyn called in sick, some documentation on  
2 the family medical leave act that we had and such.  
3 Q Let me see the whole file. Did you provide records  
4 of other similarly situated staff, or is this  
5 subject to your 10-day?  
6 A Sick leave?  
7 Q Correct.  
8 A Well, let me --  
9 MR. ARELLANO: And while you do  
10 that, I'll ask the professional reporter to  
11 mark this.  
12 MR. SCHRIMPF: This will be  
13 Exhibit 8?  
14 MR. ARELLANO: Right.  
15 (Exhibit No. 8 marked for  
16 identification)  
17 Q Exhibit 8, I will keep it in here. Tell me what  
18 else you produced today.  
19 A Well, I did produce vacation/sick leave documents  
20 for other staff, but I'm not sure if those come  
21 under the Wisnicki (phonetic) type --  
22 MR. SCHRIMPF: I think they would.  
23 If anything -- vacations would not. If,  
24 however, sick leave documents reflect --  
25 MR. ARELLANO: I'll tell you what.

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1 Why don't you take them with you and tell me  
2 on Friday whether or not --  
3 MR. SCHRIMPF: Okay. That's fine.  
4 A You asked for job descriptions. We've got every job  
5 description that we have.  
6 (Exhibit No. 9 marked for  
7 identification)  
8 (Discussion off the record)  
9 A You asked for various phone numbers of the Mayor.  
10 Q You have given me a list of telephone numbers and  
11 you have included the residential telephone number,  
12 business telephone number and facsimile telephone  
13 number, and you have omitted cellular number, patrol  
14 car numbers, body guard phone numbers and any other  
15 telephone number?  
16 A The Mayor does not have a cell phone specifically  
17 assigned to him.  
18 Q Does he use any type of cell phone?  
19 A He does, yeah.  
20 Q And what number is that?  
21 A His cell number is not on there? Well, we'll get  
22 these for you Friday. It's not a big deal.  
23 (Exhibit No. 10 marked for  
24 identification)  
25 Q All right.

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1 A You asked for information on individuals that were  
2 transferred or promoted, et cetera. This is what we  
3 have.  
4 Q And these records that you produced indicate  
5 management staff 1995 to 2000?  
6 A Correct.  
7 Q Is that correct? Who prepared these diagrams?  
8 A There was two staff involved with that, Pat Stawicki  
9 and Patty Marshall.  
10 (Exhibit No. 11 marked for  
11 identification)  
12 MR. SCHRIMPF: As to Exhibits 10  
13 and 11, I would simply ask if you can produce  
14 copies for us.  
15 THE WITNESS: Well, we'll give you  
16 the whole pack.  
17 Q Anything else?  
18 A You asked for a list of information on media or paid  
19 ad. What we have here is a, roughly a transcript of  
20 the newspaper ad that the Mayor ran in December of  
21 2000.  
22 Q All right.  
23 (Exhibit No. 12 marked for  
24 identification)  
25 Q Did you have a folder for the sorry letter? All

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1 A I couldn't --  
2 Q In total did you meet 50 times at least in the  
3 period of 11 months?  
4 A Oh, I think that's excessive.  
5 Q Well, how many would you believe? 20, 30?  
6 A In total? You're asking me to guess on something.  
7 Q Well, take a wild guess.  
8 A It would be a wild guess. Somewhere between --  
9 MR. SCHRIMPF: And for that reason,  
10 I will object, and subject to that objection,  
11 if the witness can, he can answer.  
12 Q But it would save me the time to go step-by-step  
13 trying to refresh your recollection. So if you give  
14 me a nutshell number, I'll leave it.  
15 A 15, maybe 20.  
16 Q Did you ever make any notes of any of those  
17 meetings?  
18 A No.  
19 Q Do you know if anyone did?  
20 A I believe Ms. Shindell did.  
21 Q Did there come a time after Marilyn Figueroa left  
22 when the office of legal counsel for the City of  
23 Milwaukee began to participate in some of these  
24 meetings as well?  
25 A Yes.

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1 Q How soon after Marilyn left?  
2 A I don't remember.  
3 Q Did they continue to participate in meetings until  
4 December of the year 2000?  
5 A The City Attorney's Office participated in meetings  
6 on an as-needed basis.  
7 Q Who was the contact with the City Attorney for  
8 purposes of discussing Marilyn Figueroa and anything  
9 related to John Norquist and Marilyn Figueroa; you?  
10 A I was the contact -- I was the person who contacted  
11 the City Attorney's Office. The majority of  
12 conversations involving the City Attorney involved  
13 the Mayor and not me.  
14 Q And again, I believe you testified earlier this  
15 morning that the City Attorney's Office was not  
16 involved until after Marilyn had left?  
17 A That's my belief.  
18 Q And by that I mean after she was terminated?  
19 A After we processed the voluntary quit.  
20 Q Let's see. What records do you have in these manila  
21 folders?  
22 A This says police records. You asked for the  
23 records -- well, there's nothing here. You can look  
24 at it. You asked for the records --  
25 Q It's a good way to get me off course.

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1 A You asked for the records of the police personnel  
2 that were assigned as security guards. We don't  
3 keep those records. The police department does.  
4 That's all this says.  
5 Q Do you know the names of the people that were  
6 assigned to Mayor Norquist?  
7 A I know some of the names, yes.  
8 Q Who are they?  
9 A Dexter Hines, H-I-N-E-S. My God, we call him R. C.  
10 What's his name? Ron Costello. Don't ask me to  
11 spell it. There's a gentleman that's filling in  
12 right now. I don't know his name.  
13 Q What about Chief Jones?  
14 A Chief Jones was security staff for the Mayor at one  
15 point, yes.  
16 Q Did any security person assigned to the Mayor attend  
17 any of these strategy meetings?  
18 A No. Well, let me -- they would have driven -- if  
19 the meetings were at Anne Shindell's office, they  
20 would have driven the Mayor there, but then they  
21 would have been outside.  
22 Q Did you or anyone that you know contact Chief Jones  
23 to ask for his input regarding Marilyn Figueroa's  
24 lawsuit?  
25 A No. I had one conversation with Chief Jones when

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1 Marilyn first left and said, how close are you to  
2 Marilyn, can you reach out to her. And he said no.  
3 Q When was that?  
4 A It would have been within a week after January 4th.  
5 Q After she had left?  
6 A After she had stopped showing up for work.  
7 Q What prompted you to go to Chief Jones with this  
8 request?  
9 A I don't -- somehow I was aware that he was close to  
10 her. I don't know, I don't know how.  
11 Q Is it fair and accurate to say that you wanted to  
12 find a way to resolve any potential issues that she  
13 may have in mind against John Norquist?  
14 A It's fair to say that I was looking for a way to  
15 resolve any issues. If we could bring this to  
16 closure quickly, that would be wonderful.  
17 That's it. What we have here, as I said, are  
18 the employee records. This is the vacation/sick.  
19 Q You have other records in here, some of which you  
20 don't feel that you want to release.  
21 A Right.

22 MR. ARELLANO: I need copies of  
23 those records.

24 MR. SCHRIMPF: I understand that,  
25 counsel. The VOIs, the problem with the VOIs

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1 MR. ARELLANO: Very good. Well,  
2 here's what I think we should do. Now we can  
3 go off the record. We will continue the  
4 deposition of this gentleman. My experience  
5 is that I don't want to delay at least the  
6 scheduling because my calendar and your  
7 calendar and actually your calendar are  
8 extremely busy. So if we can bring our  
9 calendars on Friday so that we can select  
10 additional time for Mr. Soika. Now, we can go  
11 off the record.

12  
13  
14  
15 (adjourning at 4:46 P.M.)  
16  
17  
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22  
23  
24  
25

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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 6th day of February 2002,  
11 that it was taken at the request of the Complainant,  
12 upon verbal interrogatories; that it was taken in  
13 shorthand by me, a competent court reporter and  
14 disinterested person, approved by all parties in  
15 interest and thereafter converted to typewriting using  
16 computer-aided transcription; that said deposition is a  
17 true record of the deponent's testimony; that the  
18 appearances were as shown on Page 3 of the deposition;  
19 that the deposition was taken pursuant to notice and  
20 subpoena duces tecum; that said MICHAEL SOIKA before  
21 examination was sworn by me to testify the truth, the  
22 whole truth, and nothing but the truth relative to said  
23 cause.

24 Dated February 11, 2002.

25  
Registered Diplomate Reporter  
Notary Public, State of Wisconsin  
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