VOLUME III of VIDEOTAPE DEPOSITION of STATE OF WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT 2 MICHAEL SOIKA, called as a witness, taken at the EQUAL RIGHTS DIVISION 3 MILWAUKEE COUNTY instance of the Complainant, under the provisions of \_\_\_\_\_ 4 Chapter 885 of the Wisconsin Statutes, pursuant to 5 notice and subpoena duces tecum, before MARILYN FIGUEROA. 6 Taunia Northouse, a Registered Diplomate Reporter Complainant, ERD Case No. CR200003454 7 and Notary Public in and for the State of Wisconsin, 8 at the offices of Reinhart, Boerner, Van Deuren, CITY OF MILWAUKEE. 9 Norris & Rieselbach, S.C., Attorneys at Law, Respondent. 10 1000 North Water Street, City of Milwaukee, County of Milwaukee, and State of Wisconsin, on the 9th day of April 2002, commencing at 9:26 in the forenoon. 12 Continuation of Videotape Deposition of: 13 MICHAEL SOIKA 14 APPEARANCES (Volume III) 15 VICTOR M. ARELLAND, Attorney, for LAWTON & CATES, S.C., Attorneys at Law, 10 East Doty Street. Madison, Wisconsin, appearing on behalf of the Complainant. Milwaukee, Wisconsin April 9, 2002 16 17 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 18 Reporter: Taunia Northouse, RDR, CRR 19 20 of the Respondent. 21 1 Also present: Cheri Garcia 22 24 25 436 INDEX 1 MICHAEL SOIKA, 1 2 WITNESS Page(s) 2 called as a witness, being first duly sworn, 3 MICHAEL SOIKA 3 testified on oath as follows: 4 Examination by Mr. Arellano 439 4 (Exhibit No. 32 marked for 5 5 identification) 6 6 MR. TOKUS: Mr. Arellano, 7 7 EXHIBITS preliminarily by way of housekeeping matters, Identified 8 8 No. Description I have here documents that you had requested 9 Handwritten notes 7/30/99. 568 9 32 through this witness which I am about to hand Bates 7 0001 10 10 to you. You had requested copies of pages Notes from spiral notebook, Bates 7 0002-36 568 33 11 from a spiral notebook and I'm going to hand 11 Handwritten notes 12/20 and 12/22, 12 572 those to you. They've been Bates stamped as 12 Bates Soika 001 13 13 7-0002 through 7-0036. We have the original Diagram of staff assistants 527 35 14 spirals at our office which you may feel free 14 (Attached to the original transcript and copies provided to counsel) 15 to inspect by appointment. 15 16 In addition to those matters, you had 16 17 requested a certain notebook page. I have a 17 18 copy of that page which has been marked 18 19 Soika 001 and I hand that to you. If you want 19 20 to see the original, you may see that also by (Original transcript filed with Attorney Arellano) 20 21 appointment. 22 22 MR. ARELLANO: Anything else, sir? 23 23 MR. TOKUS: No, that's all I have 24 24 by way of preliminary matters. 25 25 MR. ARELLANO: Is it your 435 437

| 123 | 443  |    |   | 445  |
|-----|--|----|---|--|
| 25  |  | 25 | • | I said, yeah, I think the whole thing's absurd.      |
| 24  |  | 24 |   | And what did you say to him?                         |
| 23  |  | 23 | • | Yeah.  |
| 22  |  | 22 | Q | He did?  |
| 21  | A No.  | 21 | Α | Mr. Rowen would have, I believe.                     |
| 20  |  | 20 | • | Who raised the issue of conspiracy?                  |
| 19  |  | 19 |   | and there is none.                                   |
| 18  |  | 18 |   | impression is is that there's this grand conspiracy  |
| 17  | • • •  | 17 | Α | He's saying that it's kind of absurd. That the       |
| 16  |  | 16 |   | saying?  |
| 15  |  | 15 | Q | What about Mr. Rowen? What do you think he's         |
| 14  |  | 14 |   | I said that.   |
| 13  |  | 13 |   | a tragedy. Was that something                        |
| 12  |  | 12 | Q | I want you to tell me exactly who said that this was |
| 11  | Q Right.   | 11 |   | with me.   |
| 10  | A About her deposition?  | 10 | Α | I'm sure I said it. I'm sure that he commiserated    |
| 9   | Q What did Ms. Dukes tell you about her deposition?                  | 9  | • | Who said that?                                       |
| 8   | what's it like?  | 8  |   | on? Makes no sense to me or to he or to anybody.     |
| 7   | it go if it was after. If it was before, you know,                   | 7  |   | this is. Why is this kind of going on and on and     |
| 6   | A Again, it was kind of in general, you know, how did                | 6  | Α | Well, to be very honest, it's like what a tragedy    |
| 5   | Q What did you discuss with Ms. Dukes?                               | -5 |   | with Mr. Rowen regarding Marilyn Figueroa?           |
| 4   | I don't recall.  | 4  | ` | matter. I want you to tell me what did you discuss   |
| 3   | regards to this, it could have been before or after.                 | 3  | Q | And I'm not asking you to analyze the subject        |
| 2   | A Let's see, I talked to her quite frequently. So in                 | 2  |   | daily conversations at City Hall.                    |
| 1   | her testimony or after?  | 1  | Α | Just the issue of, Marilyn Figueroa is an issue of   |
|     | 442  |    |   | 444  |
| 25  | Q What about Ms. Dukes? Did you talk to her before                   | 25 |   | you discuss with Mr. Rowen?                          |
| 24  | A No.  | 24 | Q | Tell me with respect to Marilyn Figueroa, what did   |
| 23  | Q Did he in any way attempt to check dates, incidents?               | 23 |   | basis, absolutely.                                   |
| 22  | A Absolutely not.  | 22 | Α | Well, it was a subject of conversation on an ongoing |
| 21  | you?   | 21 | ` | Marilyn Figueroa before his deposition?              |
| 20  | Q Did he discuss the details of his testimony with                   | 20 | Q | Did you ever talk to Mr. Rowen about                 |
| 19  | just, kind of said it was pretty routine.                            | 19 | - | No.  |
| 18  | says, yeah, I went for a day and a half. It was                      | 18 | Q | Behaviors?   |
| 17  | imagine why it went for two days. And after he                       | 17 | - | No.  |
| 16  | that well, it was before. He said, I can't                           | 16 | Q | Disputed issues?                                     |
| 15  | A It was probably after his deposition. He said                      | 15 |   | No.  |
| 14  | Q Mr. Hansen, what did you discuss with Mr. Hansen?                  | 14 | Q | Did he mention anything about chronologies?          |
| 13  | A No, I've not.  | 13 | Α | No.  |
| 12  | deposition was taken?  | 12 | ` | discuss with Mr. Rowen Marilyn Figueroa?             |
| 111 | Q Have you spoken to Mr. Christofferson since his                    | 11 | Q | As you sit here under oath, Mr. Soika, did you       |
| 10  | conversation.  | 10 |   | prepared for it.                                     |
| 9   | reflects what your intent was. That was the kind of                  | 9  |   | two days. He only did one, felt that he was well     |
| 8   | something back to you, make sure the paraphrase                      | 8  |   | back problem. He said that his was scheduled for     |
| 7   | that you every word is read. If he paraphrases                       | 7  | Α | He said it was interesting trying to deal with his   |
| 6   | to if Arellano reads something to you, make sure                     | 6  | - | What did you discuss with Mr. Rowen?                 |
| 5   | saying in general you have to listen and you have                    | 5  |   | Sure. We work right next to each other.              |
| 4   | again was saying, well, what's it like? I was                        | 4  |   | deposition?  |
| 3   | A Nothing much. It was prior to him coming here. He                  | 3  | Q | What about Mr. Rowen? Did you talk to him after his  |
| 2   | Q With respect to Mr. Christofferson, what did you discuss with him? | 2  | Α | No. Again, we never talked about particulars.        |
| 1   |  |    | • | Anything that they regret that they may have said?   |

|  |             | ompress Deposition of Michael  |   |   | The second secon |
|--|-------------|--|---|---|--|
| 1  |             | described, discuss portraying Marilyn Figueroa as a  | 1   | Q                                       | Well, did she give you any indication as to who was  |
| 2  |             | disgruntled employee who quit because she would not  | 2   |   | pursuing who?  |
| 3  |             | "get her way"?   | 3   | Α                                       | It seemed to me that it was mutual. The initial  |
| 1 4  |             | Marilyn was a disgruntled employee. I don't  | 4   |   | conversation with the Mayor is it started out with   |
| 4  | ٨           | Mainly i was a disgranded employee. I don't  | 5   |   | kind of flirting and, you know, hugging, kissing and   |
| 5  |             | remember a strategy that was, she quit because she   | _   |   | then intercourse. So I who was the pursuer and   |
| 6  |             | didn't get her way, no.  | 6   |   |  |
| 7  | · Q         | And you don't recall that issue being discussed at   | 7   | ^                                       | who was the pursued, I couldn't say. I don't know.   |
| 8  |             | any of the meetings?   | 8   | Q                                       | After he told you that he had attempted to end the   |
| 9  | Α           | I recall the issue of her being a disgruntled  | 9   |   | relationship earlier before it actually ended, did   |
| 10   |             | employee being discussed, yes.   | 10  |   | he explain how the relationship continued in spite   |
| 11   | 0           | As a group?  | 11  |   | of his attempts to try to end it?  |
| 12   |             | Yes.   | 12  | Α                                       | Okay, I'm unclear on your question.  |
| 13   |             | All right. During any of these meetings, Mr. Soika,  | 13  |   | Yes. My question is you testified previously that  |
| •  | V           | that you have identified did Mayor Norquist disclose   | 14  | `                                       | the Mayor shared with you the fact that he had   |
| 14   |             |  | 15  |   | attempted to end the relationship earlier; correct?  |
| 15   |             | having told Marilyn that he was ending the   | 16  | Δ                                       | Uh-huh.  |
| 16   |             | relationship?  |   |   |  |
| 17   |             | I believe so.  | 17  | _                                       | You've got to say yes.   |
| 18   | Q           | During any of these meetings, Mr. Soika, did   | 18  |   | Oh, I'm sorry, yes.  |
| 19   |             | Mayor Norquist disclose to the group that Marilyn  | 19  | Q                                       | And my question is did he elaborate as to what   |
| 20   |             | was trying to coerce him into coming back into the   | 20  |   | happened, why the relationship did not end?  |
| 21   |             | "relationship"?  | 21  |   | No.  |
| 22   |             | I don't recall that.   | 22  | Q                                       | When the Mayor described to you the relationship as  |
| 23   | Q           | During any of these meetings did the Mayor ever tell   | 23  |   | being consensual, did he in any way tell you that he   |
| 24   | •           | the group that he told Marilyn that he was ending  | 24  |   | had been dating Marilyn Figueroa?  |
| 25   |             | the relationship because he was going back to his  | 25  | Α                                       | Dating?  |
|  |             | 450  | ļ   |   | 452  |
| 1  |             | wife?  | 1   | 0                                       | Correct.   |
|  | ٨           |  | ١   | •                                       |  |
| 2  |             | I remember bearing that from the Mayor It might  | 12  | Α                                       | Seeing. Dating's not a word that I recall.   |
| 1 2  | A           | I remember hearing that from the Mayor. It might   | 2 3   |   | Seeing. Dating's not a word that I recall.  He never used that word?   |
| 3  | A           | have been he and I talking, might have been a group.   | 3   | Q                                       | He never used that word?   |
| 4  | A           | have been he and I talking, might have been a group. I couldn't say for sure.  | 3<br>4  | Q<br>A                                  | He never used that word?<br>Not that I recall.   |
| 5  | A           | have been he and I talking, might have been a group. I couldn't say for sure. (Discussion off the record)  | 3<br>4<br>5   | Q<br>A                                  | He never used that word?  Not that I recall.  And did he describe to you some of the sexual  |
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| 4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19                         | Q<br>A<br>Q | have been he and I talking, might have been a group. I couldn't say for sure.  (Discussion off the record) (Question read)  During any of these meetings, Mr. Soika, including all of the people we already identified, including the Mayor, did he ever disclose to anyone including you that he had attempted to end the relationship in the previous year or earlier but that Marilyn would not accept?  That he had attempted to end the relationship in the previous year but Marilyn would not accept? I believe so but I'm —  Did Mayor Norquist at any point during these meetings ever say to the group, or to you, that Marilyn was constantly pursuing him?  I don't recall that.   | 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19                               | Q A Q A Q A Q A                         | Not that I recall.  And did he describe to you some of the sexual encounters?  He disclaimed that there were sexual encounters. He did not say sexual encounters to me.  Well, did he disclose he was having sexual interaction with Marilyn Figueroa?  Yes.  Did he describe for you sexual episodes?  No.  Ever?  No. He would describe that they sometimes had sex at her house, sometimes had sex at his house, those kinds of things.  Did he tell you when was the last time he had had sex with Marilyn Figueroa?   |
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| something — Q All right. And I believe you testified that the group that met to deal with the Marilyn Figueroa potential legal problem included Ms. Shindell? A Yes. True? And I also believe that, and I just reviewed testimony, I also believe that you testified that Ms. Shindell kept you informed at all times of her communications with Mr. Colon as well as her communications with Mr. Fuchs; is that correct? A At all times? I don't think that she called me after every conversation, but she did keep me informed. A At all believe that you sent Marilyn Figueroa a letter sometime in January 15th requesting that she provide you with a medical release? A I believe it was the 14th. C The 14th. And I believe that this was also discussed amongst the group? Just so you don't find yourself in a difficult predicament, I believe you testified that the Mayor and Ms. Shindell were aware of that? A Right. But that's different than saying it was  2 Q Did you send copies of your request for medical authorization to Mr. Fuchs? A I don't recall doing that.  Q Before you sent the request for medical authorization to Mr. Fuchs? A I don't recall doing that. Q Before you sent the request for medical authorization to Marilyn Figueroa, did you consult with Mr. Hansen, the director of employee relations, about the fact that you were going to be demanding that letter? Defore you sent the request for medical authorization to Marilyn Figueroa, did you consult with Mr. Hansen, the director of employee relations, about the fact that you were going to be demanding that letter? Defore you sent the request for medical authorization to Marilyn Figueroa, did you consult with Mr. Hansen, the director of employee relations, about the fact that you were going to be demanding that letter? Defore you sent the request for medical authorization to Marilyn Figueroa of authorization to Marilyn Figueroa of Before you sent the request for medical authorization to Marilyn Figueroa of Before you sent the request for medical authorization to Marilyn Figueroa of B |    |             | ,p. 000  |       |     | - 1 1 1 7 1 1 1   |
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| Something— Q All right. And I believe you testified that the group that met to deal with the Marilyn Figueroa potential legal problem included Ms. Shindell? A Yes.  7 Time? And I also believe that, and I just reviewed testimony, I also believe that you testified that the Ms. Shindell kept you informed at all times of her communications with Mr. Foches; is that correct? A At all times? I don't think that she called me after every conversation, but she did keep me informed. A Part of the state of | 1  |             | that it was the end of 2000 maybe. I mean it was               | 1     |     | I'm drawing a blank. I don't know.                            |
| 3 Q All right. And I believe you testified that the group that meet to deal with the Marilyn Figueroa potential legal problem included Ms. Shindell? 4 Yes. 5 Q True? And I also believe that, and I just reviewed testimony, I also believe that you testified that Ms. Shindell kept you informed at all times of her communications with Mr. Fuchs; is that correct? 6 A All diffines? I don't think that she called me informed. 6 A Dand I believe that you sent Marilyn Figueroa a letter sometime in January 15th requesting that she provide you with a medical release? 6 And I believe it was the 14th. 6 Q The 14th. And I believe that this was also discussed amongst the group? Just so you don't find yourself in a difficult predictament, I believe you testified that the Mayor and Ms. Shindell were aware of that? 6 A Fight. But that's different than saying it was discussed? 7 A That's why I'm passing. I'm not sure if it was. 9 And Just so I leave this issue alone, I just wanted to put a couple questions in here. You knew that as early as the first week of January Marilyn Figueroa 8 a lawyer; correct? 9 A Well, and I'm also unclear if it was the first week of January. It was early January. I will offer that. 10 And you also knew before Marilyn was terminated that Mr. Fuchs was her legal counsel? 11 Q And you also knew before Marilyn was terminated that Mr. Fuchs was her legal counsel? 12 A Well, and I'm also unclear if it was the first week of January. It was early January. I will offer that. 13 Mr. Fuchs was her legal counsel? 14 A Correct. 15 Q Is that right? 15 A Correct. 16 A Orect. 17 Q And did anyone within the group, including upon, the Mayor and Ms. Shindell, suggest to you that you send a copy of your request for medical authorization to Mr. Fuchs? and I'm also meeting and the tester? 18 A I don't believe so. 19 C Before you sent that letter or anytime after you sent that letter? 19 A I don't the letter? 10 A I don't think that letter? 11 A I don't think that a time what pare meeting a conversation with him about family  | 2  | •           | something  |       | •   | · · · · · · · · · · · · · · · · · · ·                         |
| group that met to deal with the Marilyn Figueroa potential legal problem included Ms. Shindell?  A Yes.  The Figure And I also believe that you testified that testimony, I also believe that you testified that a fare very conversation, but she did keep me after every conversation, but she did keep me informed.  A All times? I don't think that she called me after every conversation, but she did keep me informed.  A All theive that you sent Marilyn Figueroa a letter sometime in January 15th requesting that she provide you with a medical release?  A I believe it was the 14th.  The 14th. And I believe that this was also discussed amongst the group? Just so you don't find yourself in a difficult predicament, I believe you testified that the Mayor and Ms. Shindell were aware of that?  A That's why I'm pausing. I'm not sure if it was. a discussed in a group.  A That's why I'm pausing. I'm not sure if it was. a sepresented by Mr. Pedro Colon, although you are any as the first week of January. It was early January. I will offer that.  A Well, and I'm also unclear if it was the first week of January. I will offer that.  A Colon as the first week of January. I will offer that.  A Colon as the first week of January. I will offer that.  A Colon as the first week of January. I will offer that.  A Colon as a presented by Mr. Pedro Colon, although you are a somewhat unclear as to whether it was a friend or as a lawyer; correct?  A Well, and I'm also unclear if it was the first week of January. I will offer that.  A Colon as a processed the voluntary quit letter.  A Defore you sent the request for medical authorization to Mr. Puchs; and I'm refer that a correct.  A Defore you sent that letter on anytime after you consult with Mr. Hansen or anyone from the employee relations, about it feeter did you on the fact that you consult with Mr. Hansen or anyone from the employee relations,  | 3  | 0           | All right. And I believe you testified that the                | 3     |     |   |
| 5 Pocential legal problem included Ms. Shindell? 6 A Yes. 6 A Yes. 7 True? And I also believe that, and I just reviewed testimony, I also believe that you testified that Ms. Shindell kept you informed at all times of her communications with Mr. Colon as well as her communications with Mr. Fuchs; is that correct? 12 A At all times? I don't think that she called me after every conversation, but she did keep me informed. 13 after every conversation, but she did keep me informed. 14 Q And I believe that you sent Marilyn Figueroa a teher sometime in January 15th requesting that she provide you with a medical rickose? 14 A Fight. But that And I believe that this was also discussed amongst the group? Just so you don't find yourself in a difficult predictament, I believe you lestified that the Mayor and Ms. Shindell were aware discussed in a group. 15 A Right. But that's different than saying it was discussed in a group. 16 Q Well, was it discussed? 17 Q Well, was it discussed? 18 A Defore I processed the voluntary quit letter. 19 A Before I processed the voluntary quit letter. 19 A Before I processed the voluntary quit letter. 10 Q and did anyone within the group, including you, the Mayor and Ms. Shindell, suggest to you that you sent that there was a, I believe it was a friend or as a lavyer; correct? 19 A Well, and I'm also unclear if it was the first week of January. It was early January. I will offer that. 10 Q And you also knew before Marilyn was terminated that Mr. Fuchs was her legal counsel? 14 A Before I processed the voluntary quit letter. 15 Q Is that right? 16 A Correct. 17 Q And did anyone within the group, including you, the Mayor and Ms. Shindell, suggest to you that you sent that again, please. 18 Question read) 19 A Did anyone in the group suggest I send it to Fuchs? 20 A Did anyone in the group suggest I send it to Fuchs? 21 A Did anyone in the group suggest I send it to Fuchs? 22 A Did anyone in the group suggest I send it to Fuchs? 23 A Did anyone in the group suggest I send it to Fuchs? 24 A Did a |    | •           | group that met to deal with the Marilyn Figueroa               | 4     |     |   |
| 6 A Yes. 6 O True? And I also believe that, and I just reviewed 6 testimony, I also believe that you settlied that 6 Ms. Shindell kept you informed at all times of her 7 communications with Mr. Colon as well as her 8 communications with Mr. Fuchs; is that correct? 9 At all times? I don't think that she called me 9 after every conversation, but she did keep me 9 informed. 10 And I believe that you sent Marilyn Figueroa a 11 Letter sometime in January 15th requesting that she 12 provide you with a medical release? 13 A I believe it was the 14th. 14 Jelieve it was the 14th. 15 Q The 14th. And I believe that this was also 16 discussed amengst the group? Just so you don't find 17 yourself in a difficult predicament, I believe you 18 A Right. But that's different than saying it was 19 discussed in a group. 10 Q Well, was it discussed? 21 A That's why I'm pausing. I'm not sure if it was, 22 a farthy as the first week of January Marilyn Figueroa 23 was represented by Mr. Pedro Colon, although you are 24 a well, and I'm also unclear if it was the first week of January. It was early January. 25 A Before J processed the voluntary quit letter. 26 Q Is that right? 27 A Correct. 28 A Right was the first week of January. It was early january. 29 A Refore J processed the voluntary quit letter. 20 Q Is that right? 20 And you also knew before Marilyn was terminated that 21 Mr. Fuchs was her legal counsel? 22 A Refore J processed the voluntary quit letter. 23 Q And you also knew before Marilyn was terminated that 24 Mell, and I'm also unclear if it was the first week 25 A Before J processed the voluntary of the feathy and the tester? 26 A letter sometime in January. I will offer 27 that why I'm pausing. I'm not sure if it was, 28 a lawyer; correct? 29 A Well, and I'm also unclear if it was the first week of January. It was early january. 20 Just know what the specific requirements were 21 when you sent Marilyn Figueroa 22 A Right was a weeting and the first week of January. I will offer 23 that letter? 24 A Well, and I'm also unc |    |             | potential legal problem included Ms. Shindell?                 | 5     | Q   | Before you sent the request for medical                       |
| The vestimony, I also believe that, and I just reviewed testimony, I also believe that you testified that the sessimony, I also believe that you testified that the specific communications with Mr. Fuchs; is that correct?  A At all times? I don't think that she called me after every conversation, but she did keep me informed.  A At all times? I don't think that she called me after every conversation, but she did keep me informed.  A At all times? I don't think that she called me after every conversation, but she did keep me informed.  A I believe that you sent Marilyn Figueroa a letter sementime in January 15th requesting that she provide you with a medical release?  A I believe it was the 14th.  A I believe it was the 14th.  O The 14th. And I believe that this was also discussed amongst the group? Just so you don't find yourself in a difficult predicament, I believe you testified that the Mayer and Ms. Shindell were aware of that?  A Right. But that's different than saying it was discussed in a group.  458  1 Q Well, was it discussed?  A May but so I leave this issue alone, I just wanted to put a couple questions in here. You knew that as early as the first week of January Marilyn Figueroa as lawyer-correct?  A Well, and I'm also unclear if it was the first week of January. I twas early January. I was early January. I was early January. I will offer that.  A Refore I you sent Marilyn was terminated that Mr. Fuchs was her legal counsel?  A Well, and I'm also unclear if it was the first week of January and Ms. Shindell, suggest to you that you send a copy of your request for medical authorization to Mr. Fuchs? And I'm referring to the letter that you send a copy of your request for medical authorization to Mr. Fuchs? And I'm referring to the letter that you send a copy of your request for medical authorization to a copy of your request for medical authorization to the Mayor and Ms. Shindell, suggest to you that you send a copy of your request for medical authorization to the Mayor and Ms. Shindell, suggest to you |    | Δ           |  | 6     |     | authorization to Marilyn Figueroa, did you consult            |
| testimenty, I also believe that you testified that testimenty, I also believe that you testified at all times of her communications with Mr. Colon as well as her communications with Mr. Foches; is that currect?  A I all times? I don't think that she called me after every conversation, but she did keep me informed.  Q And I believe that you sent Marilyn Figueroa a letter sometime in January 15th requesting that she provide you with a medical release?  A I believe it was the 14th. And I believe that this was also discussed amongst the group? Just so you don't find yourself in a difficult predicament, I believe you testified that the Mayor and Ms. Shindell were aware of that?  A Right. But that's different than saying it was discussed in a group.  458  Q Well, was it discussed?  A That's why I'm pausing. I'm not sure if it was. a lawyer; correct?  A That's why I'm pausing. I'm not sure if it was. a lawyer; correct?  A That's why I'm pausing. I'm not sure if it was. a lawyer; correct?  A Well, and I'm also unclear a fit was the first week of January. It was early January. I wall offer that.  Ar. Fuchs was her legal coursel?  A Correct.  Q And Jou also knew before Marilyn was terminated that Mr. Fuchs was he fegal coursel?  A Correct.  A Defore processed the voluntary quit letter.  A Georet.  A Defore processed the voluntary quit letter.  A Georet.  A Correct.  A Defore processed the voluntary quit letter.  A Georet.  A Correct.  A Defore processed the voluntary quit letter.  A Georet.  A Correct.  A Defore processed the voluntary quit letter.  A Georet.  A Correct.  A Correct.  A Defore processed the voluntary quit letter.  A Georet.  A Correct.  A Defore processed the voluntary quit letter.  A Georet.  A Defore processed the voluntary quit letter.  A Graph provide a doctor's verification.  A Correct.  A Defore processed the voluntary quit letter.  A Graph provide voluntary quit letter.  A Graph provide voluntary quit letter.  A Georet.  A Defore provide voluntary quit letter.  A Graph provide voluntary quit letter |    |             |  | 7     |     | with Mr. Hansen, the director of employee relations,          |
| that letter?  M.S. Shindell kept you informed at all times of her communications with Mr. Fuchs; is that cursec?  A At all times? I don't think that she called me informed.  A At all times? I don't think that she called me informed.  A At all times? I don't think that she called me informed.  A At all times? I don't think that she called me informed.  A At all times? I don't think that she called me informed.  A At all times? I don't think that she called me informed.  A At all times? I don't think that she called me informed.  A At all times? I don't think that she called me informed.  A At all times? I don't think that she called me informed.  A At all times? I don't think that she called me informed.  A At all times? I don't think that she called me informed.  Before you sent that letter?  A At all times? I don't think that she called me informed.  Before you sent that letter or anytime after you sent the letter did you consult with Mr. Hansen or anyone from the employee relations the specific steps Marilyn needed to follow in order to comply with the medical sick leaver poincy?  A I believe it was the 14th.  B A Delieve it was the 14th.  C The 14th. And I believe that this was also of discussed amongst the group? Just so you don't find yourself that the Mayor and Ms. Shindell were aware of that?  A Right. But that's different than saying it was discussed in a group.  458  A That's why I'm pausing. I'm not sure if it was.  A That's why I'm pausing. I'm not sure if it was.  O And just so lleave this issue alone, I just wanted to put a couple questions in here. You knew that as a sealy yas the first week of January. I was a friend or as a lawyer; correct?  A Well, and I'm also unclear if it was a friend or as a lawyer; correct?  A Well, and I'm also unclear if it was a friend or as a lawyer; correct?  A Well, and I'm also unclear if it was a friend or as a lawyer in the first week of January. I was a friend or as a lawyer in the first week of January. I was a friend or as a lawyer in the first week of January. |    | Ų           | tookim any I also believe that you testified that              | 8     |     |   |
| communications with Mr. Colon as well as her communications with Mr. Fuchs; is that correct?  A At all times? I don't think that she caled me after every conversation, but she did keep me informed.  A At all thines? I don't think that she caled me after every conversation, but she did keep me informed.  A At all thines? I don't think that she caled me after every conversation, but she did keep me informed.  A I don't believe that the letter did you consult with Mr. Hansen or anyone from the employee relations department to determine what specific steps Marilyn needed to follow in order to comply with the medical sick leave policy?  The 14th. And I believe that this was also discussed amongst the group? Just so you don't find yourself in a difficult predicament, I believe you testified that the Mayor and Ms. Shindell were aware of that?  A That's why I'm pausing. I'm not sure if it was.  A That's why I'm pausing |    |             | testimony, I also believe that you testined stall times of her |       |     | •   |
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| 17 provide you with a medical release? 18 A I believe it was the 14th. 20 Q The 14th. And I believe that this was also 21 discussed amongst the group? Just so you don't find 22 yourself in a difficult predictament, I believe you 23 testified that the Mayor and Ms. Shindell were aware 24 of that? 25 discussed in a group. 26 Well, was it discussed? 27 A That's why I'm pausing. I'm not sure if it was. 28 Q And just so I leave this issue alone, I just wanted 29 to put a couple questions in here. You knew that as 29 early as the first week of January Marilyn Figueroa 20 a law was represented by Mr. Pedro Colon, although you are 21 somewhat unclear as to whether it was a friend or as 22 a lawyer, correct? 23 A Well, and I'm also unclear if it was the first week 24 Of And you also knew before Marilyn was terminated that 25 Mr. Fuchs was her legal counsel? 26 A Correct. 27 Q And did anyone within the group, including you, the 28 Mayor and Ms. Shindell, suggest to you that you sent 29 Marilyn to be adoutif. 20 And who provided you with that letter on 21 January 15th or 14th 1 believe? 22 And Jim referring to the letter that you 23 sent to Marilyn Figueroa 24 A Did anyone in the group suggest l send it to Fuchs? 25 A Did anyone in the group suggest l send it to Fuchs? 26 A Did anyone in the group suggest l send it to Fuchs? 27 A Did anyone in the group suggest l send it to Fuchs? 28 A Did anyone in the group suggest l send it to Fuchs? 29 A Did anyone in the group suggest l send it to Fuchs? 20 Did you ask Mr. Hansen what were the specific requirements pursuant to City policy in order for meritime. 21 A lon't think that I asked him what the specific policy was. 22 Did you ask Mr. Hansen what were the specific policy was. 23 Did you ask Mr. Hansen what were the specific policy was. 24 Did you know what the specific requirements were when you sent Marilyn Figueroa a lawyer, correct? 25 A Mal want you to listen to the question clearly one more time. 26 A Correct. 27 And I want you to listen to the question of learly or when | 15 | Q           | And I believe that you sent Marilyn Figueroa a                 |       |     |   |
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| 19 a copy of your request for medical authorization to 20 Mr. Fuchs? And I'm referring to the letter that you 21 sent to Marilyn Figueroa. 22 THE WITNESS: I'm sorry, could you 23 read that again, please. 24 (Question read) 25 A Did anyone in the group suggest I send it to Fuchs? 26 A Did anyone in the group suggest I send it to Fuchs? 27 A Did anyone in the group suggest I send it to Fuchs? 28 A Did anyone in the group suggest I send it to Fuchs? 29 A Did anyone in the group suggest I send it to Fuchs? 20 Tequirements in order for Marilyn to qualify for medical requirements in order for Marilyn to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical determine what was needed pursuant to City policy in order for Marilyn Figueroa to |    | Ç           | And did anyone within the group, including you, the            | 1     |     |   |
| 20 Mr. Fuchs? And I'm referring to the letter that you sent to Marilyn Figueroa. 21 Sent to Marilyn Figueroa. 22 THE WITNESS: I'm sorry, could you read that again, please. 23 (Question read) 25 A Did anyone in the group suggest I send it to Fuchs? 26 A Did anyone in the group suggest I send it to Fuchs? 27 THE WITNESS: I'm sorry, could you requirements in order for Marilyn to qualify for medical sick leave? 28 A No. 29 Did you ever check with Ms. Stawicki in order to determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical 461   | 1  |             | Mayor and Ms. Shindell, suggest to you that you send           | 1     |     |   |
| 21 sent to Marilyn Figueroa. 22 THE WITNESS: I'm sorry, could you 23 read that again, please. 24 (Question read) 25 A Did anyone in the group suggest I send it to Fuchs? 459  21 medical sick leave? 22 A No. 23 Q Did you ever check with Ms. Stawicki in order to 24 determine what was needed pursuant to City policy in 25 order for Marilyn Figueroa to qualify for medical 461  |    |             | a copy of your request for medical authorization to            | - 1   |     |   |
| THE WITNESS: I'm sorry, could you read that again, please.  (Question read)  A Did anyone in the group suggest I send it to Fuchs?  459  22 A No.  23 Q Did you ever check with Ms. Stawicki in order to determine what was needed pursuant to City policy in order for Marilyn Figueroa to qualify for medical  | 1  |             |  |       |     |   |
| read that again, please.  24 (Question read)  25 A Did anyone in the group suggest I send it to Fuchs?  459  28 Q Did you ever check with Ms. Stawicki in order to  29 determine what was needed pursuant to City policy in  20 order for Marilyn Figueroa to qualify for medical  461   |    |             | sent to Marilyn Figueroa.                                      |       |     |   |
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| 25 A Did anyone in the group suggest I send it to Fuchs? 25 order for Marilyn Figueroa to qualify for medical 459 461  |    |             |  |       | (   | Use you ever check what was beaded pursuant to City policy in |
| 459 461  |    |             |  | 1     |     |   |
| 459  | 25 | A           |  | 25    |     |   |
| VERBATIM REPORTING SERVICE, LLC (608) 255-7700 Page 458 to Page 46   |    |             | 459  |       |     |   |
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| <u> </u> | e Compress 2 - p                                       |      | O A (see their alorious office)                       |
|----------|--|------|---|
| 1        | A Yes.   | 1    | Q Anyone from their glorious office?                  |
| 2        | Q Anything else?                                       | 2    | A I did not.  |
| 3        | A That's all I recall.                                 | 3    | Q Including Mr. Langley?                              |
| 4        | Q Did he tell you what was required in order for       | 4    | A I did not.  |
|          |  | 5    | Q So you felt persuaded by Ms. Shindell's suggestion  |
| 5        | Marilyn to qualify?                                    | 6    | by virtue of the fact that she was a lawyer?          |
| 6        | A I don't believe so.                                  |      | A Right. But again, I remember having a conversation  |
| 7        | Q During your is it fair and accurate to say           | 7    |   |
| 8        | that strike that. At some point you issued a           | 8    | with Hansen about family medical leave.               |
| 9        | termination letter?                                    | 9    | Q Sir, hold on a second. Hold on a second.            |
| 10       | A Voluntary quit.                                      | 10   | MR. TOKUS: You interrupted his                        |
| 111      | Q Before you issued that voluntary quit did you        | 11   | answer, Mr. Arellano.                                 |
|          | consult with Mr. Hansen and/or Ms. Dukes?              | 12   | MR. ARELLANO: Yes, because he's                       |
| 12       |  | 13   | being unresponsive.                                   |
| 13       | A Are you asking me -                                  | 14   | MR. TOKUS: I think he probably                        |
| 14       | Q Hold on a second. Did you understand my question?    |      | · · · · · · · · · · · · · · · · · · ·                 |
| 15       | A No, I did not.                                       | 15   | failed to understand your question.                   |
| 16       | MR. ARELLANO: I'm sorry to be                          | 16   | MR. ARELLANO: I'm always terrified                    |
| 17       | bothering you so much this morning.                    | 17   | to say anything, Mr. Tokus, because you take a        |
| 18       | (Question read)  | 18   | lot of my pages and this lady is very                 |
| 19       | Q To help you, about the fact that you were going to   | 19   | expensive when it comes down to                       |
|          | terminate Marilyn Figueroa.                            | 20   | MR. TOKUS: But worth every bit of                     |
| 20       | A I'm not sure to be quite honest because I — at some  | 21   | it.   |
| 21       | A 1'm not sure to be quite notiest because 1 - at some | 22   | MR. ARELLANO: Oh, you bet. Could                      |
| 22       | point it was clear that Marilyn had X amount of days   | 23   | we go back to my previous question regarding          |
| 23       | to get documentation in, and if that did not occur,    |      | Ms. Shindell.   |
| 24       | then I would have had to have filed a voluntary        | 24   |   |
| 25       | quit. I believe I had a conversation with Hansen       | 25   | (Question and answer read)                            |
|          | 466  |      | 468   |
| 1        | about that. Was it a specific conversation that        | 1 1  | MR. ARELLANO: To the extent that                      |
| 1        | said we sent this letter on the 14th and now we have   | 2    | after his affirmation the word "right" is             |
| 2        | at the and blob blob I don't believe it was            | 3    | responsive to my question, that much stays,           |
| 3        | 15 days and blah blah? I don't believe it was          | 4    | judge. Move to strike the remainder of his            |
| 4        | like that.   | 5    | answer.   |
| 5        | Q Is it your representation, Mr. Soika, that           |      | Q Now, I don't want to confuse the record, Mr. Soika, |
| 6        | Mr. Hansen told you that the City policy required      | 6    |   |
| 7        | that you take action within 15 days after the          | 7    | but I believe you had testified previously that you   |
| 8        | employee fails to appear?                              | . 8  | did not consult with Mr. Hansen before issuing the    |
| 9        | A No.  | 9    | termination letter to Marilyn Figueroa. Are you       |
| 10       | Q The 15 days was something that you selected at your  | 10   | do you want to clarify that for me?                   |
| 11       | discretion?  | 11   | MR. TOKUS: Did you understand what                    |
| 12       | A No.  | 12   | he asked you?   |
| 113      |  | 13   | A What he's saying is in my previous testimony I said |
|          | •  | 14   | I did not talk to Hansen between January 14th and     |
| 14       |  | 15   | February 2nd.   |
| 15       | Q arrive at 15 days, sir?                              |      | •   |
| 16       | A I don't know. It may have been Shindell.             | 16   | Q No.   |
| 17       |  | 17   | A Okay.   |
| 18       | A She was not.   | 18   | Q Before the termination letter was issued, you did   |
| 19       |  | 19   | not talk to Mr. Hansen about the fact that you were   |
| 20       |  | 20   | about to terminate Marilyn Figueroa. That's what      |
| 21       | 10   | 21   | I'm asking you.                                       |
|          |  | 22   |   |
| 22       | A DIE Was Hul.   |      |   |
| ) 23     | Q Did you consult with these very honorable gentlemen  | 24   |   |
| 24       | <u> </u>   |      |   |
| 25       |  | 25   | 469   |
|          | 467  |      |   |
| VF       | RBATIM REPORTING SERVICE, LLC (608)                    | 255- | 7700 Page 466 to Page 469                             |
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|     |             |  | 4  | $\overline{}$ |  |
|-----|-------------|--|----|---------------|--|
| 1   | Q           | And the conclusion was that Ms. Shindell would call  | 1  | -             | Correct.   |
| 2   | •           | her?   | 2  |               | I don't believe so.                                  |
| 3   |             | Right.   | 3  | •             | When the group that we have identified which was     |
| 4   | Q           | And obviously you didn't object to that?             | 4  |               | meeting after Marilyn Figueroa left agreed to have   |
| 5   | Α           | No.  | 5  |               | Shindell talk to Marilyn Figueroa, what was the      |
| 6   | Q           | Anyone else that suggested that someone contact      | 6  |               | objective of the group in sending Ms. Shindell to    |
| 7   | •           | Marilyn Figueroa?                                    | 7  |               | talk to Marilyn Figueroa?                            |
| 8   | Α           | There was a suggestion that I called Art Jones to    | 8  | Α             | To try to get her back, find out what it would take. |
| 9   |             | contact Marilyn.                                     | 9  | Q             | And by that what did you mean?                       |
| 10  | 0           | Do you know who do you know if Mr. Jones was         | 10 | Α             | Marilyn previously had made it clear that she        |
| 11  | ~           | called?  | 11 |               | desired the position of deputy director of           |
| 12  | Δ           | I called him.  | 12 |               | Department of Administration. And Anne was supposed  |
| 13  |             | And what did you ask him to do?                      | 13 |               | to feel out and see if that was made possible, would |
| 14  |             | I asked him to reach out to Marilyn to see if he     | 14 |               | she come back.                                       |
| 15  | $^{\wedge}$ | could find out what's going on, see if he could      | 15 | 0             | As a way to resolve the problems?                    |
|     |             | persuade her to come back.                           | 16 | -             | Right.   |
| 16  | Λ           | •  | 17 |               | Anything else that was included in the plan to send  |
| 17  | Ų           | And what did the chief respond?                      | 18 | V             | Ms. Shindell to talk to Marilyn Figueroa?            |
| 18  |             | MR. TOKUS: I'm going to object at                    | 19 | Δ             | That's all I recall.                                 |
| 19  |             | this point because it's rather vague and             | 20 |               | Did the Mayor at any point suggest that he would try |
| 20  |             | unclear as to what period of time we're              | 21 | Ų             | to get ahold of Marilyn Figueroa during any of those |
| 21  |             | discussing, Mr. Arellano.                            | 22 |               | meetings that the group held after she left the City |
| 22  | _           | MR. ARELLANO: We'll get to that.                     | 23 |               | • • •  |
| 23  |             | What did the chief respond, if anything?             | 1  | ۸             | on January 4th of 2000?                              |
| 24  | Α           | During the course of the conversation I had          | 24 | А             | He may have. He did it in the past. It would not     |
| 25  |             | explained to him that Marilyn was away. At this      | 25 |               | be unusual. But I don't have a specific memory of    |
|     |             | 474  |    |               | 476  |
| 1   |             | point it was early January. Also explained to him    | 1  |               | that.  |
| 2   |             | that Marilyn had requested EEOC papers. His          | 2  |               | What's your recollection?                            |
| 3   |             | response was, you know, if she's taking out papers,  | 3  | Α             | I don't have a recollection of that kind of          |
| 4   |             | I don't want to talk to her. I said, well, okay,     | 4  |               | conversation.  |
| 5   |             | fine.  | 5  | Q             | Do you recall anyone suggesting that the Mayor not   |
| 6   | Q           | Did you threaten Chief Jones when he refused to      | 6  |               | contact Marilyn Figueroa while she was absent?       |
| 7   | `           | contact Marilyn Figueroa?                            | 7  | Α             | Yeah. I don't recall that.                           |
| 8   | Α           | Did I threaten Chief Jones? Absolutely not.          | 8  | Q             | While you were attempting to secure                  |
| 9   | 0           | Did you in any way say, "Are you going to turn down  | 9  |               | Marilyn Figueroa's medical authorization, the group  |
| 10  | Ì           | the Mayor?"  | 10 |               | was also simultaneously dealing with preparation for |
| 11  | Α           | Did I say "Are you going to turn down the Mayor?"    | 11 |               | a potential discrimination complaint, true, as you   |
| 12  |             | Right.   | 12 |               | testified previously?                                |
| 13  |             | I don't believe I said that at all.                  | 13 | A             | Preparing in general terms, yes.                     |
| 14  |             | Were you disappointed that he didn't want to talk to | 14 | Q             | It appears to me, Mr. Soika, that before the group   |
| 15  | ~           | Marilyn Figueroa?                                    | 15 | `             | reached the decision to issue the voluntary quit     |
| 16  | Δ           | Well, I was disappointed, but I respected his point  | 16 |               | letter, there was an approach to try to get her back |
| 17  | 71          | of view.   | 17 |               | first; correct?                                      |
| 18  | $\Gamma$    | Of view.  When you did you argue with him?           | 18 | Δ             | Correct.   |
|     |             | I don't believe so.                                  | 19 |               | And that approach included having Ms. Shindell call  |
| 19  |             |  | 20 | ~             | her; correct?  |
| 20  | Ç           | Anyone else that suggested to talk to                | 21 | Λ             | Correct.   |
| 21  |             | Marilyn Figueroa?                                    | 22 |               | Tried to convince Chief Jones to talk to her?        |
| 22  | A           | That suggested to talk to Marilyn?                   |    |               | Correct.   |
| 23  | Ç           | No, excuse me. Any other person that you believe     | 23 |               |  |
| 24  |             | was asked to talk to Marilyn Figueroa?               | 24 |               | You calling her?                                     |
| 25  | Α           | Anybody in the group was asked to talk to Marilyn?   | 25 | P             | Correct.   |
| 1   |             | 475 ATIM REPORTING SERVICE, LLC (608)                |    |               | 477<br>Page 474 to Page 47                           |
| - 1 |             |  |    | 770           | 5 Daga 474 to Book 47                                |

|  |        | So in answer to my question, you did not?  | ı.   |   | speaking on her behan in whatever lashion was also   | -   |
|--|--------|--|--|---|--|-----|
| 2  | Α      | Because there was no reason to do it.  | 2  |   | demanding some type of monetary resolution; correct?   |     |
| 3  | Q      | So in answer to my question, you did not, sir?   |  |   | Correct.   | -   |
| 4  | À      | She had we had already processed the voluntary   | 4  | • | And before her termination you also learned that   | 1   |
| 5  | •      | quit, so I did not ask DER.  | 5  |   | Mr. Fuchs was also attempting to resolve the case  | -   |
| 6  | Λ      | Did you in any way after Marilyn was terminated but  | 6  |   | through a monetary resolution; correct?  | 1   |
|  | Ų      | once you discovered that she had in fact obtained a  | 7  | Α | Yeah. I I'm pretty fuzzy on where Fuchs came in.   |     |
| 7  |        | medical leave authorization from her doctor, did you   | 8  |   | I think so, but I'm not exactly sure.  | l   |
| 8  |        | medical leave audiorization from her doctor, and you   | 9  |   | Well, would it help you to refresh your recollection   | -   |
| 9  |        | inquire from Ms. Dukes in order to determine whether   | 10   | × | if I told you that I just read that last night, that   |     |
| 10   |        | or not a late medical authorization would act  | 11   |   | you knew Mr. Fuchs came on board before she was  | -   |
| 11   |        | retroactively?   | 12   |   | terminated?  |     |
| 12   |        | No.  |  | ۸ |  |     |
| 13   |        | Did you do that with Mr. Hansen?   | 13   |   | Okay, that's good.   |     |
| 14   | Α      | I don't think so.  | 14   | Q |  |     |
| 15   | Q      | Did you consult with the Mayor?  | 15   |   |  | - 1 |
| 16   | À      | I don't think so.  | 16   |   |  | 1   |
| 17   | 0      | To this date have you consulted with anyone from   | 17   | Α |  |     |
| 18   | `      | employee relations in order to determine whether or  | 18   | Q |  | - 1 |
| 19   |        | not a late medical authorization would still be  | 19   |   |  | ł   |
| 20   |        | effective?   | 20   |   |  | - [ |
| 21   | Α      | No, I have not.  | 21   |   |  | -   |
| 22   | 0      | All right, very good. Did you ever write a letter  | 22   | Α |  |     |
| 23   | V      | to Marilyn Figueroa once you discovered that in fact   | 23   | 0 | And you also had knowledge that Marilyn when she   | ı   |
| 24   |        | her doctor had issued a medical release dated  | 24   | ` | left on January 4th notified your office that she  |     |
| 25   |        | January 21st, 2000 long before you terminated her?   | 25   |   | was taking sick leave?   |     |
| 25   |        | 482  |  |   | 484  | l   |
|  |        |  |  |   |  |     |
|  |        |  | 1 4  | Λ | Conthat a saim misses  |     |
| 1  |        | Did you send Marilyn a letter inquiring what   | 1  | Α | Say that again, please.  |     |
| 2  |        | happened to that letter?   | 2  |   | (Question read)  |     |
|  |        | happened to that letter? I did not.  | 2  |   | (Question read)<br>No.   |     |
| 2  |        | happened to that letter? I did not. Did anyone within the group, including Ms. Shindell,   | 2<br>3<br>4  |   | (Question read) No. MR. TOKUS: Objection. That's not   |     |
| 2  |        | happened to that letter? I did not. Did anyone within the group, including Ms. Shindell, suggest that you consult with employee relations in   | 2<br>3<br>4<br>5   |   | (Question read)  No.  MR. TOKUS: Objection. That's not the state of the record at this point.  |     |
| 2<br>3<br>4  |        | happened to that letter?  I did not.  Did anyone within the group, including Ms. Shindell, suggest that you consult with employee relations in order to determine what, if any, responsibility the   | 2<br>3<br>4<br>5<br>6  |   | (Question read)  No.  MR. TOKUS: Objection. That's not the state of the record at this point.  MR. ARELLANO: I'll cover that,  |     |
| 2<br>3<br>4<br>5   |        | happened to that letter?  I did not.  Did anyone within the group, including Ms. Shindell, suggest that you consult with employee relations in order to determine what, if any, responsibility the employer would have under the circumstances once you  | 2<br>3<br>4<br>5<br>6<br>7   |   | (Question read)  No.  MR. TOKUS: Objection. That's not the state of the record at this point.  MR. ARELLANO: I'll cover that, counsel.   |     |
| 2<br>3<br>4<br>5<br>6  |        | happened to that letter?  I did not.  Did anyone within the group, including Ms. Shindell, suggest that you consult with employee relations in order to determine what, if any, responsibility the   | 2<br>3<br>4<br>5<br>6<br>7<br>8  | A | (Question read)  No.  MR. TOKUS: Objection. That's not the state of the record at this point.  MR. ARELLANO: I'll cover that, counsel.  MR. TOKUS: All right, thank you.   |     |
| 2<br>3<br>4<br>5<br>6<br>7   |        | happened to that letter?  I did not.  Did anyone within the group, including Ms. Shindell, suggest that you consult with employee relations in order to determine what, if any, responsibility the employer would have under the circumstances once you learned that in fact Marilyn had obtained a medical authorization?   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | A | (Question read)  No.  MR. TOKUS: Objection. That's not the state of the record at this point.  MR. ARELLANO: I'll cover that, counsel.  MR. TOKUS: All right, thank you.  My answer's no.  |     |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   |        | happened to that letter?  I did not.  Did anyone within the group, including Ms. Shindell, suggest that you consult with employee relations in order to determine what, if any, responsibility the employer would have under the circumstances once you learned that in fact Marilyn had obtained a medical  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | A | (Question read)  No.  MR. TOKUS: Objection. That's not the state of the record at this point.  MR. ARELLANO: I'll cover that, counsel.  MR. TOKUS: All right, thank you.  My answer's no.  Well, just so I and my duty to you as an officer  |     |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   |        | happened to that letter?  I did not.  Did anyone within the group, including Ms. Shindell, suggest that you consult with employee relations in order to determine what, if any, responsibility the employer would have under the circumstances once you learned that in fact Marilyn had obtained a medical authorization?  THE WITNESS: Could you read that   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10   | A | (Question read)  No.  MR. TOKUS: Objection. That's not the state of the record at this point.  MR. ARELLANO: I'll cover that, counsel.  MR. TOKUS: All right, thank you.  My answer's no.  Well, just so I and my duty to you as an officer of the court will rephrase the question. Did   |     |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10   |        | happened to that letter?  I did not.  Did anyone within the group, including Ms. Shindell, suggest that you consult with employee relations in order to determine what, if any, responsibility the employer would have under the circumstances once you learned that in fact Marilyn had obtained a medical authorization?   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12   | A | (Question read)  No.  MR. TOKUS: Objection. That's not the state of the record at this point.  MR. ARELLANO: I'll cover that, counsel.  MR. TOKUS: All right, thank you.  My answer's no.  Well, just so I and my duty to you as an officer of the court will rephrase the question. Did Marilyn Figueroa call the office and tell   |     |
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| 1   | Q Is that correct? And at some point Mr. Fuchs came  | Q Was it before or after M | arilyn had been terminated?           |
|-----|--|----------------------------|---------------------------------------|
| 2   | on board; is that correct?                           | A I don't recall.          |                                       |
|     | A Correct.   | Q Do you recall whether of | or not the group came to a            |
| 4   | Q Do you recall hearing from Ms. Shindell during any |                            | ement would occur because             |
| 5   | of your discussions the fact that Mr. Fuchs had      | the demands were not a     | acceptable to Mayor Norquist?         |
|     | agreed not to file any legal claims against          |                            | ose at one point. I do know           |
| 6   | agleed not to the any legal clamp against            |                            | There was discussion on               |
| 7   | Ms. Figueroa before the final re-election day?       | <u> </u>                   | ment, should there not be a           |
|     | A You said claims against Ms. Figueroa.              |                            | •                                     |
| 1   | Q Excuse me.   | •                          | y is that whether or not to           |
| 10  | MR. TOKUS: You misspoke yourself,                    | settle was a moving tar    |                                       |
| 11  | Mr. Arellano. You confused me, but I thought         | Q Do you recall whether    |                                       |
| 12  | it was just my simple mind there.                    | •                          | ou issue the voluntary quit           |
| 13  | Q Any claims against Mr. Norquist and/or the City    | termination letter, do y   | 1                                     |
| 14  | before the re-election day?                          |                            | US: Objection. Excuse me,             |
| 15  | A Could you restate the whole question, please?      | please finish.             |                                       |
| 16  | Q Sure. Do you recall at some point after Mr. Fuchs  | • •                        | tiations were ongoing at that         |
| 17  | became involved in representing Ms. Figueroa, do you | time?                      |                                       |
| 18  | recall Ms. Shindell relating to you and/or the group |                            | US: Objection. That                   |
| 19  | that Mr. Fuchs had agreed in principle or in any     |                            | is testimony in terms of              |
| 20  | manner not to file any claims against the Mayor      | what Ms. Shindell          | advised him to do.                    |
| 21  | and/or the City until after the re-election day?     | A Could you repeat that,   |                                       |
| 22  | MR. TOKUS: If you recall.                            | (Question                  |                                       |
| 23  | A Yeah, I really don't recall that. My hesitation is | A Did Ms. Shindell sugge   | est to issue a voluntary              |
| 24  | it sounds vaguely familiar, but I don't want to say  | termination letter?        |                                       |
| 25  | yes because I don't really recall.                   | Q No, that wasn't my que   |                                       |
|     | 490  |                            | 492                                   |
| 1   | Q When Mr you testified that Ms. Shindell would      | A It was clearly stated in | the question.                         |
| 2   | keep you informed of the discussions that were       | Q My question is - well,   |                                       |
| 3   | taking place between her and Mr. Colon, between her  |                            | indell about whether or not it        |
| 4   | and Mr. Fuchs. Did she also provide you with copies  | was proper for you to      | terminate Ms. Figueroa;               |
| 5   | of interaction that was taking place amongst these   | correct?                   | ,                                     |
| 6   | three individuals?                                   | A No.                      |                                       |
| 7   | A No.  | MR. TOK                    | IUS: Objection. I don't               |
| 8   | Q Did you ever see any of that information?          | believe that was h         | is testimony.                         |
| 9   | A No.  | Q She knew you were go     | oing to issue the voluntary quit      |
| 10  | Q Did there come a time during Mr. Colon's           | termination letter?        |                                       |
| 111 | representation of Ms. Figueroa and also during       | MR. TOK                    | (US: That wasn't his                  |
| 12  | Mr. Fuchs' representation of Ms. Figueroa, did there | testimony either,          | Mr                                    |
| 13  | come a time when you and/or the group as a whole     | -                          | understood that from the date         |
| 14  | concluded that there was not going to be a           | of the January 14th let    |                                       |
| 15  | settlement or resolution of Marilyn Figueroa's       | period.                    | · · · · · · · · · · · · · · · · · · · |
| 16  | complaints or concerns against the City?             | Q We're falling back into  | o the old habit of you not            |
| 17  | A No. I  | `                          | on, sir. Listen to my question.       |
| 18  | Q Go ahead.  | <b>~</b>                   | you're falling back into the          |
| •   | A I remember us always holding out hope that there   | ,                          | put words in my mouth.                |
| 19  | could be a settlement. In fact, I thought that we    |                            | you to come here and argue            |
| 20  |  |                            | you to listen to my question.         |
| 21  | were close at one point.                             | It's quite simple, Mr. S   |                                       |
| 22  | Q At what point was that?                            | understand my quest        |                                       |
| 23  | A I don't know the period. I know that it was -      | A I've been doing that a   | •                                     |
| 24  | Q Was it in January or February?                     | •                          |                                       |
| 25  | A I don't know. I know it was with Fuchs.            | (Last que                  | estion and answer read)<br>493        |
| 1   | 491  | 7700                       | Page 490 to Page 493                  |

|  | Compress  |  |  |
|--|---|--|--|
| 1  | A No.   | 1  | Mayor disclosed to you were limited to sexual or   |
| 2  | Q Did he explain to you what prompted him to initiate   | 2  | physical, verbal interaction; correct? To be more  |
| 3  | this sexual relationship with Marilyn Figueroa?   | 3  | specific, Mr. Soika  |
| 4  | A No, he didn't say that he initiated. He didn't tell   | 4  | A Please.  |
| 5  | me what prompted it.  | 5  | Q he didn't disclose to you that he had taken  |
|  | O Did have been time tell you that he was in love with  | 6  | Marilyn out for a weekend on a date?   |
| 6  | Q Did he at any time tell you that he was in love with  | 7  | A Well, there was that Chicago.  |
| 7  | Marilyn Figueroa?   | 8  |  |
| 8  | A Yes.  |  | Q All right. Well, did he tell you whether or not  |
| 9  | Q When did he tell you that?  | 9  | there was sex on that Chicago trip?  |
| 10   | A Are you asking me what date or what   | 10   | A See, again, I don't know as there was one Chicago  |
| 11   | Q Did he tell you that  | 11   | trip or two Chicago trips, and I know that the one   |
| 12   | A Sometime in 2000.   | 12   | seemed to be aborted, so   |
| 13   | Q And did he ever disclose to you that he had in any  | 13   | Q Seemed to be?  |
| 14   | way offered marriage to Marilyn Figueroa?   | 14   | A Aborted. That Marilyn had car trouble. I don't   |
| 15   | A No.   | 15   | believe she showed up.   |
| 16   | Q All right. Did he in any way describe whether or  | 16   | Q Well, whether it was one or two, did he tell you   |
| 17   | not he ever had taken Marilyn out to dinner, to   | 17   | that there was sex?  |
| 18   | dances as a couple?   | 18   | A Sex?   |
| 19   | A No.   | 19   | Q Right.   |
| 20   | Q So is it fair and accurate to say that the only   | 20   | A With Marilyn?  |
|  | disclosure he made to you related to the sexual   | 21   | Q Right. Well, I suspect it was Marilyn.   |
| 21   | encounters at her home and at his home?   | 22   | A When?  |
| 22   |   | 23   | Q At any point. Well, let me just shortcut this.   |
| 23   | A And at her sister's home.   | 24   | A Okay.  |
| 24   | MR. TOKUS: Objection, because that  | 25   | Q Do you recall any disclosure made by the Mayor to  |
| 25   | did not totally include the recitations of the  | 25   | 500  |
|  | 498   | ļ  | 300  |
|  |   |  |  |
| 1  | witness's testimony with respect to the site  | 1  | you of any interaction that he had with Marilyn  |
|  | witness's testimony with respect to the site of those encounters.   | 2  | outside work duties where sexual issues were not   |
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|     | case   |                  | ompress Deposition of whether  |  |             |  |
|-----|--|------------------|--|--|-------------|--|
| . [ | 1  |                  | but it's easier to get to the chief of staff than it   | 1  |             | It's a high burnout position. It was time to go.   |
|     | 2  |                  | is to get to the Mayor.  | 2  |             | Before you suggested to leave City government, did   |
|     | 3  | Λ.               | So now you somewhat report to Mr. Jacquart in his  | 3  |             | the Mayor at any time before that show any   |
|     |  | Ų,               | 50 how you somewhat report to surryacquare =   | 4  |             | displeasure with your performance?   |
| .   | 4  |                  | internship position or interim position?   | 5  |             | No.  |
|     |  | Α                | No, I don't see it that way.   |  |             | Any displeasure with any type of philosophical   |
|     | 6  | Q                | When did you learn for the very first time, sir,   | 6  | Ų           | Any displeasure with any type of philosophical   |
|     | 7  |                  | that you were going to become the director of the  | 7  |             | and/or political disagreements?  |
|     | 8  |                  | Department of Administration?  | 8  |             | No.  |
|     | 9  | Α                | The Mayor and I had discussions on this very shortly   | 9  | Q           | Did you have any disagreements with the Mayor?   |
|     | 10   | •                | after David Reimer announced that he was leaving for   | 10   | Α           | Disagreements about strategy? Sure. You know,  |
|     | 11   |                  | England. That would have been December, I believe.   | 11   |             | violent exchange of words disagreements? No.   |
|     |  |                  |  | 12   | 0           | What types of disagreements did you have with the  |
|     | 12   | -                | December of?   | 13   | `           | Mayor regarding policy?  |
|     | 13   |                  | 2001.  | 14   | Δ           | It would be things like in putting together the  |
|     | 14   | Q                | And what was the nature of your discussions?   | 15   | ٠.          | budget, you know, do we look at laying off people,   |
|     | 15   | Α                | I was pretty frank with the Mayor that I'd been  |  |             | do we look at getting out of services, are there   |
|     | 16   |                  | chief of staff for a fairly long time through an,  | 16   |             | 1. The the Messer fools explit doing a good job  |
|     | 17   |                  | arguably a difficult time, and that I was ready for  | 17   |             | people that the Mayor feels aren't doing a good job  |
|     | 18   |                  | a change and I'd like to look at that position.  | 18   |             | versus I think they're doing a very good job, those  |
|     | 19   | 0                | Was there anything in writing indicating to you that   | 19   |             | kinds of things.   |
|     | 20   | `                | you were going to be reassigned to that position?  | 20   | Q           | Did you ever have any disagreements with any member  |
|     | 21   |                  | No.  | 21   |             | of the group that were meeting to deal with the  |
|     | 22   | 0                | So is it your sworn testimony at what point did  | 22   |             | Figueroa problem? Did you have any disagreements   |
|     | 23   | ~                | the Mayor agree? If I understand what you're   | 23   |             | with the way they were handling the Marilyn Figueroa   |
|     | 24   |                  | telling me, you're telling me here under oath that   | 24   |             | situation?   |
|     | 25   |                  | you suggested to be  | 25   | Α           | The biggest disagreement was on the, what came to be   |
|     | 123  |                  | you suggested to be  | 1  |             | 508  |
|     | l .  |                  | 200  | 1  |             |  |
| ١   | <u> </u>   |                  | 506  | +-   |             |  |
| )   | 1  | A                | Right.   | 1 2  |             | known as the newspaper ad. It was a series of  |
| )   | 2  | Q                | Right removed from the chief of staff to   | 2  |             | known as the newspaper ad. It was a series of discussions over what to do there. Christofferson  |
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|   |   | Office(2)   |
|---|---|---|
| 1   | .Q So you were there from March 1997 through October of   | 1 director  |
| 2   | 1999?   | 2 A No.   |
| 3   | A Yeah.   | 3 Q and answered to the Mayor?  |
| 4   | Q Is that right?  | 4 A No.   |
| 5   | A Would that be a year and a half?  | 5 Q And I suspect once you became the chief of staff  |
| 6   | Q Well, you began your employment as chief of staff in  | 6 October 1999 you became the supervisor of   |
| 7   | October of 1999?  | 7 Marilyn Figueroa?   |
| 8   | A October, right.   | 8 A Correct.  |
| 9   | Q Obviously the previous job would have been the  | 9 Q Is that correct? Did you continue to be the   |
| 10  | director of the block grant department?   | 10 supervisor until her termination of employment?  |
| 11  | A Right, right. So it would have been March '97.  | 11 A Correct.   |
| 12  | Q Is that correct? All right.   | 12 Q Before you became the chief of staff, what did you   |
| 13  | MR. ARELLANO: Let's take one  | 13 know about Marilyn Figueroa?   |
| 14  | second because she has to change the tape.  | 14 A Marilyn and I had worked fairly closely together   |
|   | THE WITNESS: I'm sorry? Yeah,   | before I became chief of staff. At the time the   |
| 15  | ·   | l ·   |
| 16  | okay.   |   |
| 17  | (Recess)  | 1   |
| 18  | By Mr. Arellano: (Continuing)   | <ul><li>18 worked rather closely.</li><li>19 Q For how long?</li></ul>  |
| 19  | Q We were talking a little bit about the chronology of  |   |
| 20  | your employment with the City.  | <ul> <li>A Throughout my whole tenure as block grant director.</li> <li>And I also had known her prior to that.</li> </ul>  |
| 21  | A Right.  | · · · · · · · · · · · · · · · · · · ·   |
| 22  | Q And I think we did that in the past too.  |   |
| 23  | A Yeah.   |   |
| 24  | Q I just want to get some foundation here. The  | 1 ,   |
| 25  | preceding job that you held before becoming chief of 514  | 25 A She, I would go over the committee agendas with her. 516   |
|   | . 014   | 010   |
| 1   | staff would have been that of the block grant   | 1 Actually I would with every committee member. I   |
| 2   | director; is that correct?  | would go over agendas, talk about issues on a   |
| 3   | A Correct.  | 3 routine basis, on a monthly basis. When it came   |
| 1 4   | O Mhon you were the block grant director did you in   |   |
| 4   | Q When you were the block grant director, did you in  | 4 time for actual allocation of funds, I would run our  |
| 5   | any manner supervise Marilyn Figueroa?  | 5 staff recommendations by Marilyn prior to making  |
| 5   | any manner supervise Marilyn Figueroa?  A No.   | <ul><li>5 staff recommendations by Marilyn prior to making</li><li>6 them public.</li></ul>   |
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| 1  | 1  | $\overline{\Omega}$                     | Right.   | 1  |   | significant in your mind.  |   |
|--|--|---|--|--|---|--|---|
| ١.   |  |   | While I was block grant director?  | 2  | Α | Most significant in my mind?   |   |
|  | 2  |   |  | 3  |   | Correct.   |   |
|  | 3  |   | Right.   | 4  | • | Well, there's not a specific event.  |   |
|  | 4  | Α                                       | No, I do not.  | 5  |   | · · · · · · · · · · · · · · · · · · ·  |   |
|  | 5  | Q                                       | Any specific grant that you believe became an issue  |  |   | Okay.  |   |
|  | 6  |   | for Marilyn Figueroa?  | 6  | А | There's kind of Marilyn became dissatisfied. She   |   |
| i  | 7  | Α                                       | An issue for Marilyn?  | 7  |   | it's not clear if she was working all the time.  |   |
|  | 8  | 0                                       | Right.   | 8  |   | There was a period where she had my words, had   |   |
|  | 9  | Α                                       | How do you mean?   | 9  |   | taken on the block grant director in a public arena  |   |
|  | 10   | 0                                       | Where she was unhappy or didn't care about the way   | 10   |   | that I thought was inappropriate.  |   |
|  | 11   | *                                       | the Mayor was handling block grants.   | 11   | Ç | You're pleasantly soft-spoken but I am missing   |   |
|  | 12   | Δ                                       | No.  | 12   |   | sometimes your anything else?  |   |
|  | 13   | 0                                       | Anything that you recall you perceived to be a   | 13   | Α | Well, that was it.   |   |
|  | 14   | V                                       | problem in working with Marilyn Figueroa when you  | 14   | C | When you came on board in October of 1999, what was  |   |
|  |  |   | were the director of the block grants department?  | 15   |   | Marilyn's specific job title?  |   |
|  | 15   | ٨                                       |  | 16   | Α | Staff assistant to the Mayor.  |   |
|  | 16   | A                                       | No.  | 17   |   | How many staff assistants were on board when you   |   |
|  | 17   | Q                                       | All right. Once you became the chief of staff  | 18   | ` | became the chief of staff?   |   |
|  | 18   |   | strike that. I suspect by virtue of your previous  | 19   | Δ | Four I believe.  |   |
|  | 19   |   | answer you and Marilyn Figueroa worked well in the   | 20   |   | Who were they?   |   |
|  | 20   | _                                       | block grants?  | 21   |   | Marilyn, Mike Miller, Roland Perry, I'm forgetting   |   |
|  | 21   |   | I believe so.  | 22   | Г | somebody. There was Kimberly, but I'm not sure if  |   |
|  | 22   |   | You felt she respected you?  |  |   |  |   |
|  | 23   | A                                       | Uh-huh.  | 23   |   | her title was oh, well, staff assistants I guess   |   |
|  | 24   | Q                                       | Is that yes?   | 24   | , | are those four.  |   |
|  | 25   | Α                                       | Yes, I'm sorry.  | 25   | ( | Q Marilyn Figueroa, Mike Miller, Roland Perry and 524  |   |
|  |  |   | 522  |  |   | J2 <del>4</del>  |   |
|  | l  |   |  |  |   |  |   |
| )  | 1  | C                                       | You respected her?   | 1  |   | Kimberly Pratt?  |   |
| )  | 1 2  |   | You respected her? Yes, I did.   | 2  |   | A I believe so.  |   |
| )  | 2  | Α                                       | Yes, I did.  |  |   | A I believe so. Q Is that right? Were there any vacant positions by  | I |
| )  | 2  | Α                                       | Yes, I did. Didn't see anything in her behavior towards you or   | 2<br>3<br>4  | ( | A I believe so.  Q Is that right? Were there any vacant positions by the time you came on board in October of 1999?  |   |
| )  | 2<br>3<br>4  | Ą                                       | Yes, I did.  Didn't see anything in her behavior towards you or anyone that you perceived to be improper?  | 2 3  | ( | A I believe so.  Q Is that right? Were there any vacant positions by the time you came on board in October of 1999?  A Well, that's why. Right, there was a vacant   |   |
| )  | 2<br>3<br>4<br>5   | A<br>Q<br>A                             | Yes, I did.  Didn't see anything in her behavior towards you or anyone that you perceived to be improper?  Improper?   | 2<br>3<br>4  | ( | A I believe so.  Q Is that right? Were there any vacant positions by the time you came on board in October of 1999?  A Well, that's why. Right, there was a vacant position.   |   |
| )  | 2<br>3<br>4<br>5<br>6  | A                                       | Yes, I did. Didn't see anything in her behavior towards you or anyone that you perceived to be improper? Improper? Correct.  | 2 3 4 5  | ( | A I believe so.  Q Is that right? Were there any vacant positions by the time you came on board in October of 1999?  A Well, that's why. Right, there was a vacant position.  Q What   |   |
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| , western  | 2<br>3<br>4<br>5<br>6<br>7<br>8  | A                                       | Yes, I did. Didn't see anything in her behavior towards you or anyone that you perceived to be improper? Improper? Correct. No. Now, you became the chief of staff sometime in   | 2<br>3<br>4<br>5<br>6<br>7   | ( | A I believe so.  Q Is that right? Were there any vacant positions by the time you came on board in October of 1999?  A Well, that's why. Right, there was a vacant position.  Q What   |   |
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|---------|-----------|--|--------------|----------|--|
| 1       | •         | And No. 5, box No. 5?                                      | 1            | -        | No? Okay. Mr. Gillis, did he ever attend any of      |
| 2       |           | Is Mike Miller.  | 2            |          | the meetings?  |
| 3       | Q         | And box No. 6?   | 3            | Α.       | I I  |
| 4       | Α         | Steve Jacquart.  | 4            |          | How many meetings, do you know?                      |
| 5       |           | And in No. 7?  | 5            | Α        | Oh, I don't know. By the way, with Gillis, in my     |
| 6       | •         | Myself.  | 6            |          | previous testimony I said we brought him in in       |
| 7       | $\hat{a}$ | Steve Jacquart, what was his position in January of        | 7            |          | December. That was not accurate. We brought him      |
| 8       | V         | 2000?  | 8            |          | in right before the election.                        |
|         | ٨         | ·  | 9            |          | So that's a clarification you want to make respect   |
| 9       |           | Policy director.   | 10           | •        | to your prior testimony?                             |
| 10      | Q         | When you came on board, Mr. Soika and you have             |              |          | • •  |
| 11      | _         | Kimberly Pratt under box No. 8                             | 11           |          | Right, right.  |
| 12      |           | Right.   | 12           | _        | Is that correct? All right, very good. Did he        |
| 13      | Q         | of Exhibit 35; correct?                                    | 13           |          | attend several meetings with the group, Mr. Gillis?  |
| 14      | Α         | Right.   | 14           |          | Oh, I wouldn't say several because –                 |
| 15      | 0         | When you came on board, which of these individuals         | 15           | Q        | Did he attend more than two?                         |
| 16      | `         | were not working as staff assistants to the Mayor,         | 16           | Α        | You know, I don't I don't know. I don't              |
| 17      |           | other than Mr. Fleming, Mr. Jacquart and yourself?         | 17           |          | remember I remember Gillis being involved. I         |
| 18      | Α         | Well, would it help if I circled the people who were       | 18           |          | don't remember him in a larger group. I remember     |
| 19      |           | on board when I came on board?                             | 19           |          | he, Christofferson and I sitting down. I remember    |
| 20      | 0         | Why don't you do that.                                     | 20           |          | he, Christofferson, the Mayor and I sitting down. I  |
| 21      |           | I'm going to have to talk about Tricia.                    | 21           |          | don't remember him in the context of everybody else. |
| 22      |           | Tricia, what's her last name?                              | 22           |          | Do you recall Mr. Fleming making any statements to   |
|         | -         |  | 23           | ~        | the press regarding Marilyn Figueroa?                |
| 23      |           | Geraghty.  | 24           | Δ        | Fleming?   |
| 24      | V         | And then? Jennifer Meyer, do you want me to write that in? | 25           |          | Yes.   |
| 25      | H         | 530  | 20           | V        | 532  |
| <u></u> |           |  | <del> </del> |          |  |
| 1       | Q         | Yes, why don't you write Jennifer Meyer. And was           | 1            |          | I don't recall.                                      |
| 2       |           | Jennifer Meyer staff assistant?                            | 2            | -        | All right. Was he the press marketing fellow?        |
| 3       | Α         | She actually replaced Kimberly Pratt.                      | 3            |          | Right.   |
| 4       | Q         | Okay, very good. When did Jennifer Meyer come on           | 4            |          | Where is Mr. Fleming today?                          |
| 5       |           | board?   | 5            |          | He's working for some private firm.                  |
| 6       | Α         | Summer of '01 maybe.                                       | 6            | Q        | Going back to Marilyn Figueroa, you did testify that |
| 7       |           | When did Tricia come aboard?                               | 7            |          | she was the most senior of the staff assistants that |
| 8       |           | The end of November, early December '99.                   | 8            |          | were working for the Mayor's office at the time you  |
| 9       |           | When you came on board, you testified that                 | 9            |          | came on board?                                       |
| 10      | ~         | Marilyn Figueroa was staff assistant to the Mayor;         | 10           | Α        | Correct.   |
| 11      |           | correct?   | 11           | 0        | Is that correct? Do you know what her                |
| 12      | Δ         | Right.   | 12           | •        | classification was at that time?                     |
| 13      |           | To your knowledge, was she the oldest, and I don't         | 13           | Α        | Pay grade seven.                                     |
| 14      | Ų         | •  | 14           |          | Seven, okay. And do you know what was the            |
|         | ٨         | mean age-wise? Most senior.                                | 15           | ~        | reclassification of the other staff assistants when  |
| 15      |           |  | 16           |          | you came on board?                                   |
| 16      | Ų         | Most senior, thank you. Most senior employee within        | 17           | Λ        | What the classification was?                         |
| 17      |           | the Mayor's office of all of the staff assistants at       | 1            |          |  |
| 18      | _         | the time?  | 18           | -        | Yes.  The lique Floring was a 10 Poland Porry was a  |
| 19      | Α         | Of the staff assistants. Not the people who were           | 19           | А        | I believe Fleming was a 10, Roland Perry was a       |
| 20      |           | there but of the staff assistants.                         | 20           |          | seven, Marilyn was a seven, Brenda might have been   |
| 21      | Q         | Is that correct? By the way, let me ask you this.          | 21           |          | an 11, Miller was a seven, Jacquart I'm not sure,    |
| 22      |           | Mr. Fleming, did Mr. Fleming ever attend any of the        | 22           |          | might be a 15, Kimberly was a seven.                 |
| 23      |           | meetings that took place after Marilyn Figueroa left       | 23           | •        | Brenda Wood was an 11?                               |
| 24      |           | in January of 2000?  | 24           | Α        | I think so.  |
| 25      | Δ         | No.  | 25           | Q        | What about Tricia Geraghty?                          |
|         |           |  |              |          |  |
| :       | Λ         | 531  | ļ            |          | 533  |

|    | Case | e compress Deposition of Wilchael                      | 301 | INA (VOL. III) 4/3/02 Sheet 2/                         |
|----|------|--|-----|--|
|    | 1    | · A Well, I'm not sure if it was in that conversation, | 1   | A Well, people knew that Tricia was coming in. I mean  |
|    | 2    | but I'm remembering it that she said, well, this was   | 2   | that was common knowledge.                             |
|    | 3    | what we were looking at for Marilyn, but I             | 3   | Q But my question is did you tell me everything that   |
|    | 4    | understand she's okay.                                 | 4   | you did in order to begin the process of the           |
|    | 5    | Q Who said that, the Mayor?                            | 5   | reclassification issue?                                |
|    | 6    | A Flo.   | 6   | A Yeah. That's I think so.                             |
|    | 7    | Q Anything else?                                       | 7   | Q Let me see if I understand what you're telling me,   |
|    | 1    | A That's all.  | 8   | Mr. Soika.   |
|    | 8    |  | 9   | A Okay.  |
|    | 9    | Q And then what did you do next?                       | 10  | Q When you came on board, and I'm not clear whether or |
|    | 10   | A Well then, then it was just, you know, to get the    |     |  |
|    | 11   | process going, whatever had to happen. It had to go    | 11  | not you are giving me a straight answer with respect   |
|    | 12   | to the City Service Commission. It had to go to        | 12  | to whether or not you investigated the fact that       |
|    | 13   | finance personnel. It had to ultimately go to the      | 13  | Marilyn Figueroa's position was being subject to a     |
|    | 14   | Council.   | 14  | reclassification study, but one thing that you are     |
|    | 15   | Q Specifically what did you do to start the process    | 15  | telling me is that you proposed and correct me at      |
|    | 16   | going?   | 16  | all times if I'm wrong because I don't want to come    |
|    | 17   | A I would have I don't remember if it was I            | 17  | back and have you try to correct things that you can   |
|    | 18   | probably asked Stawicki to begin the paperwork. 1      | 18  | correct now. One thing that you're telling me is       |
|    | 19   | would probably have asked Brenda to deal with the      | 19  | that you proposed to the Mayor to bring                |
|    | 20   | Council side of it to make sure that things got        | 20  | Ms. Tricia Geraghty on board; is that correct?         |
|    | 21   | introduced. I would have worked with Flo to ensure     | 21  | A Correct.   |
|    | 22   | that if it hadn't already gone through the City        | 22  | Q And then the Mayor cautioned you about               |
|    | 23   | service, that we went through that as well.            | 23  | Marilyn Figueroa?                                      |
|    | 24   | Q Other than talking to Dukes about the                | 24  | A He said cautioned is not a word I used. But he       |
|    | 25   | reclassification issue, who else did you talk to, if   | 25  | said I would have to make sure that Marilyn was okay   |
|    |      | 538  |     | 540  |
|    | 1    | anyone?  | 1   | with it.   |
|    | 2    | A I just told you.                                     | 2   | Q Did you inquire with the Mayor why Marilyn would be  |
|    | 3    | Q Other than the people that you just described. You   | 3   | a concern?   |
|    | 4    | didn't talk to anyone else?                            | 4   | A I didn't have to because I understood that there was |
|    | 5    | A I talked to Brenda. I talked to Flo. I may have      | 5   | the issue with Marilyn, her dissatisfaction with the   |
|    | 6    | talked to Stawicki. I'm remembering there was an       | 6   | job atmosphere. There was an issue of                  |
|    | 7    | issue with oh, I would have had to talk to             | 7   | reclassification. That was general knowledge.          |
|    | 8    | Hansen. And I'm thinking that I would have had to      | 8   | Q And I know you gave me a rather general answer, but  |
|    | 9    | talk to the Council finance personnel chair,           | 9   | what I want to know is once you came on board in       |
|    | 10   | Fred Gordon.   | 10  | October of 1999, when was the very first time that     |
|    | 11   | Q What did you talk to Hansen about?                   | 11  | you learned that Marilyn had an issue with respect     |
|    | 12   | A I think that he had he and Gordon had to jointly     | 12  | to reclassification of her position?                   |
|    | 13   | sign a letter for some reason.                         | 13  | A I knew it before I came on board.                    |
|    | 14   | Q What did you tell Hansen?                            | 14  | Q Oh, you knew that before. What did you know?         |
|    | 15   | A That we were wanting to do this to bring somebody on | 15  | A I knew that Marilyn had a concern about her position |
|    | 16   | board. Let's move the process along.                   | 16  | and whether or not she felt that it deserved a         |
|    | 17   | Q Is that what you told him?                           | 17  | reclassification.                                      |
|    | 18   | A Not in those words but in general, yeah.             | 18  | Q Do you know for how long this had been an issue?     |
|    | 19   | Q What did you tell Stawicki?                          | 19  | A Marilyn when I was at block grant, Marilyn would     |
|    | 20   | A If I told Stawicki anything, it was just to ask her  | 20  | complain about issues in the office of the Mayor.      |
|    | 21   | to deal with the paperwork part of it.                 | 21  | Q With respect to reclassification, when did you learn |
|    | 22   | Q Have you told me everything that you recall you      | 22  | for the first time that Marilyn was unhappy about      |
| :  | 23   | discussed with people involved in the                  | 23  | reclassification or lack of?                           |
| .! | 24   | reclassification of the position that you had in       | 24  | A I don't know that.                                   |
|    | 25   | mind?  | 25  | Q Who told you where did you learn before you          |
|    | 23   | 539  | ~   | 541  |
|    | ı    |  |     | <b>▼11</b>   |

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|-----|---|----------|--|
| 1   | A I would have had to have created a position that was              | 1        | A I don't remember what he said. The gist is that                        |
| 2   | different from the staff assistant that had                         | 2        | there shouldn't be a problem.  |
| 3   | additional duties.  | 3        | Q Did you submit to did you tell Ms. Dukes and/or                        |
| 4   | Q And what position did you create?                                 | 4        | Mr. Hansen that the Mayor wanted to stop                                 |
| 5   | A Well, that's when I went to Flo to talk about the                 | 5        | Marilyn Figueroa's reclassification and instead                          |
| 6   | reclassification and she said there was a position.                 | 6        | create a reclassification for Ms. Geraghty?                              |
| 7   | It was a vacant position that was previously held by                | 7        | A No.  |
| 8   | Jason Helgerson. That a study was done and a                        | 8        | Q Did you ever tell Ms. Dukes that the Mayor didn't                      |
| 9   | reclassification was completed. The study was                       | 9        | want Marilyn Figueroa to be reclassified?                                |
| 10  |   | 10       | A Say that again, please.  |
| 11  | Q Did Ms. Dukes ever tell you that the study that was               | 11       | (Question read)  |
| 12  | completed related to Marilyn Figueroa's position?                   | 12       | A No.  |
| 13  | A lt wouldn't have been Marilyn's position.                         | 13       | Q Other than bringing Ms. Geraghty on board, were                        |
| 14  | Q That wasn't my question, sir. Did she tell you                    | 14       | there any other factors which prompted you to tell                       |
| 15  | that?   | 15       | Marilyn Figueroa that, in essence you were telling                       |
| 16  | A There was a general understanding that Marilyn was                | 16       | Ms. Figueroa she was not going to be reclassified;                       |
| 17  | agitating for a reclassification of her position.                   | 17       | correct?   |
| 18  |   | 18       | A Could you rephrase that, please.                                       |
| 19  | Q Did Ms. Dukes tell you that the position that she                 | 19       | Q In essence when you talked to Ms. Figueroa about                       |
| 20  |   | 20       | bringing Ms. Geraghty, you in essence were telling                       |
| 21  | Marilyn's position?   | 21       | Ms. Figueroa that the reclassification of her                            |
| 22  | A I don't know if she said it was Marilyn's position,               | 22       | position was not going to take place because you                         |
| 23  |   | 23       | needed to bring Ms. Geraghty on board?                                   |
| 24  | aspire to.  | 24<br>25 | A No, that wasn't the tone of the conversation at all.                   |
| 25  |   | 25       | What I said to Marilyn was this is what I want to 548                    |
|     | 546   | ļ        |  |
| 1   | instead be given to Ms. Geraghty?                                   | 1        | do. I understand it's a sensitive spot for you. If                       |
| 2   | A I just stated that. Yes.  | 2        | you say no, I won't do it.   |
| 3   | Q Then I believe you then claim that you spoke to                   | 3        | Q Well, did you at any time tell Ms. Figueroa that her                   |
| 4   | Mr. Hansen.   | 4        | position was not going to be reclassified?  A I don't remember that, no. |
| 5   | A Yeah. I would have had to have spoken to him to get               | 5<br>6   | Q Did the Mayor in any way tell you that in order to                     |
| 6   | his signature on this letter with Fred Gordon.                      | 7        | bring Ms. Geraghty, you would have to tell Marilyn                       |
| 7   | Q What did you tell Mr. Hansen?                                     | 8        | that she would not receive a reclassification?                           |
| 8   | A I'm not sure.  Q Was that before or after you spoke to Ms. Dukes? | 9        | A What the Mayor said was that I had to work with                        |
| 9   |   | 10       | Marilyn to make sure she was okay with that.                             |
| 10  |   | 111      | Q Was it your intent to give Marilyn notice that she                     |
| 11  |   | 12       | was not going to get a reclassification?                                 |
| 12  |   | 13       | A Not at all. My intent was to very clearly say to                       |
|     |   | 14       | her I want to do this, I know that it's a troubling                      |
| 14  |   | 15       | spot for you, but if you don't want me to do it, I                       |
| 15  |   | 16       | will not do it.  |
| 17  |   | 17       | Q What, if your intent was not to discuss Marilyn's                      |
| 18  |   | 18       | reclassification of her position, what led you to                        |
| 19  |   | 19       | believe that Marilyn would be uncomfortable with                         |
| 20  | _   | 20       | Ms. Geraghty coming on board?  |
| 21  |   | 21       | A I don't understand the first part of your question.                    |
| 22  |   | 22       | Could you read it back, please.  |
| 23  |   | 23       | (Question read)  |
| 24  | • • •   | 24       | A As I said, at least twice now, that I was aware that                   |
|     | / Iliata Milatitelietieti   | 3        |  |
| 125 | O What did he say to you?   | 25       | Marilyn was concerned in the past, had been upset                        |
| 25  | O What did he say to you?   | 25       | Marilyn was concerned in the past, had been upset 549                    |

|    | 1  | Ā                        | Yes, I did.  | 1  | Q   | But it was obviously                                 |     |
|----|----|--------------------------|--|----|-----|--|-----|
|    | 2  |                          | What supervisory experience did she have?            | 2  | A : | Shortly after I got there.                           |     |
|    | 3  | Δ                        | Ms. Geraghty and I had worked together at            |    | 0   | You got there in October, what month?                |     |
|    |    | $\boldsymbol{\gamma}$    | Elizabeth Avenue Neighborhood Development. She was   |    |     | I believe I started October 18th.                    | ļ   |
|    | 4  |                          | the director of operations. Most staff reported to   | 5  |     | October 18th. So you believe that between October    |     |
|    | 5  |                          | -  | 6  |     | how soon after you came on board that you propose    |     |
|    | 6  | _                        | her.   | 7  |     | that Geraghty hiring?                                |     |
|    | 7  | Q                        | And when she was asked to join the Mayor's staff,    | 8  |     | I don't know. It would have been relatively soon     |     |
|    | 8  |                          | what was the supervisory responsibility assigned to  |    | ^   |  | 1   |
|    | 9  |                          | her?   | 9  | ^   | after.   | 1   |
|    | 10 | Α                        | To the position?                                     | 10 |     | Soon meaning what, days, weeks?                      |     |
|    | 11 |                          | Correct.   | 11 | А   | It would have it would have been within a week or    |     |
|    | 12 | Α                        | To oversee the constituent relations function and    | 12 |     | two.   |     |
|    | 13 |                          | then a project-by-project basis.                     | 13 | Q   | So that would have put us sometime in October 20     |     |
|    | 14 | 0                        | Did you ever tell the Mayor that you didn't think    | 14 |     | some; correct?                                       |     |
|    | 15 | `                        | Marilyn Figueroa qualified for the staff assistant   | 15 |     | End of October, early November.                      |     |
|    | 16 |                          | senior position                                      | 16 | Q   | How soon after you spoke to the Mayor did you talk   |     |
|    | 17 | Α                        | No, I don't think so.                                | 17 |     | to Marilyn about the fact that you were bringing     |     |
|    | 18 | $\stackrel{\circ}{\cap}$ | that was being considered for Ms. Geraghty?          | 18 |     | Ms. Geraghty?  |     |
|    | 19 |                          | No.  | 19 | Α   | That I wanted to bring Ms. Geraghty in? It would     |     |
|    | 20 |                          | When the Mayor told you that you had to talk to      | 20 |     | have been shortly after. Was it the same day? I      |     |
|    | 21 | Ų                        | Marilyn before you would propose this position to    | 21 |     | couldn't say that.                                   |     |
|    |    |                          | Ms. Geraghty, did he tell you that Marilyn was       | 22 | 0   | So you think late November?                          | 1   |
|    | 22 |                          | expecting to get the staff assistant senior position | 23 |     | Late November? Absolutely not.                       | -   |
|    | 23 |                          | that eventually was given to Ms. Geraghty?           | 24 | O   | I mean excuse me, late October?                      |     |
|    | 24 | ۸                        | I don't know if he said Marilyn's expecting to get   | 25 |     | Again, I would only be guessing.                     |     |
|    | 25 | ^                        | 554  |    |     | 556  | -   |
|    |    |                          |  | 1_ |     | 111 11 have any records that would halp you to       | 7   |
| }  | 1  |                          | this. There was a general understanding that         | 1  | Q   | Would you have any records that would help you to    | ١   |
|    | 2  |                          | Marilyn desired a promotion to a new position.       | 2  |     | recall when you spoke to the Mayor about that        | 1   |
|    | 3  | Q                        | So you felt that the Mayor was aware of Marilyn's    | 3  |     | position?  | -   |
|    | 4  |                          | expectation  | 4  | A   | No, I don't believe so.                              |     |
|    | 5  |                          | Yes.   | 5  | Q   | When you spoke to the Mayor about bringing           | -   |
|    | 6  | Q                        | that she would be getting that position, the         | 6  |     | Ms. Geraghty on board, did the Mayor make any        | l   |
|    | 7  |                          | staff assistant senior position?                     | 7  |     | remarks about Marilyn's possible reaction?           | - 1 |
|    | 8  | Α                        | Again, would be getting, he was aware that she       | 8  | Α   | All I remember is the Mayor saying that, you know,   | - 1 |
|    | 9  |                          | desired it.  | 9  |     | Marilyn's got to be okay with this.                  |     |
|    | 10 | O                        | When the idea developed to propose Geraghty to come  | 10 | Ç   | ) Just so I can leave this thing alone, it was clear | 1   |
|    | 11 | `                        | on board, I believe you testified that it was your   | 11 |     | in your mind that this staff assistant senior        | - 1 |
|    | 12 |                          | idea; is that correct?                               | 12 |     | position that you were now gearing towards           |     |
|    | 13 | Α                        | Correct.   | 13 |     | Ms. Geraghty was the same staff assistant position   | 1   |
|    | 14 |                          | Did the Mayor in any way object to your idea in      | 14 |     | that Marilyn Figueroa was expecting to get?          | Ì   |
|    | 15 | ~                        | light of what he knew Marilyn was expecting?         | 15 | P   | That Marilyn desired, right.                         |     |
|    | 16 | Δ                        | He didn't object. He did direct me to make sure      | 16 | (   | Is that correct?                                     |     |
|    | 17 | •                        | that Marilyn was okay with what I wanted to do.      | 17 | F   | That Marilyn desired to, correct.                    |     |
|    |    | _                        | And again just so I can put this in proper           | 18 | (   | O Did you ever ask Marilyn to pray in the workplace  |     |
|    | 18 | (                        | chronology, your discussion with Marilyn was the     | 19 |     | with you?  |     |
|    | 19 |                          | CHUMOHOLOGy, your discussion what manify it was the  | 20 | 1   | A I don't know. I may have.                          |     |
|    | 20 |                          | same day you spoke to the Mayor about it?            | 21 |     | O You did bring a Bible to the workplace?            |     |
|    | 21 | P                        | Oh, I have no idea.                                  | 22 |     | A I have a Bible in my office, yes.                  |     |
|    | 22 | (                        | But one thing you remember is that it occurred       | 23 |     | O Did you ever tell Marilyn Figueroa that people in  |     |
| 1  | 23 |                          | sometime in October?                                 | 1  |     | the Mayor's office were not only racist but also     |     |
| عم | 24 | P                        | I don't know if I said October or November. I'm      | 24 |     | classists as in class division?                      |     |
|    | 25 |                          | not sure.  | 25 |     | Classists as in class division:                      |     |
|    | L  |                          | 555 (608)  |    |     |  | 557 |
|    |    |                          | ATIM DEDORTING SERVICE LLC (608)                     |    |     |  |     |

|    |       |  |    | <del>.</del> |  |
|----|-------|--|----|--------------|--|
| 1  | A Tha | at's what I recall.                                |    |              | It was all over the place. Sometimes she would be    |
| 2  | Q Did | d she complain about her not having access to the  | 2  |              | bubbly. Sometimes she would be in a funk.            |
| 3  | Ma    | yor?   | 3  | Q            | In a what?   |
| 4  |       | elieve so.   | 4  | Α            | In a funk.   |
| 5  |       | d you conduct an investigation with respect to     | 5  | Q            | What, how do you describe that?                      |
| 6  |       | ne of the allegations she was making pertaining to | 6  |              | How do I describe it?                                |
| 7  |       | nority staff not being involved in policy making?  | 7  |              | I want to make sure it doesn't apply to me or        |
| 8  |       | net with every staff person one-on-one to try to   | 8  | `            | Mr. Tokus here.                                      |
| 9  |       | derstand what the atmosphere in the office was,    | 9  | Α            | Well, the way you two go at each other. That there   |
|    |       | nat their perception of things were.               | 10 | •            | were problems that she was dealing with, issues.     |
| 10 |       | hich minority members just clarifying for you,     | 11 | Λ            | Such as what, at least based on your perception?     |
| 11 |       |  | 12 | -            | I don't know. She would sometimes she would be       |
| 12 |       | n't use that term but for these purposes which     | 13 | Λ            | l l  |
| 13 |       | nority members did you meet with?                  |    |              | in meetings and not say a word. Sometimes she        |
| 14 |       | net with every staff, so I would have met with     | 14 |              | would, you know, take an antagonistic point of view. |
| 15 |       | arilyn, Roland Perry, Mike Miller.                 | 15 |              | It seemed to me just to be antagonistic. I don't     |
| 16 |       | d Mr. Perry and Mr. Miller concur with             | 16 | ^            | know.  |
| 17 |       | s. Figueroa as far as her view of minorities not   | 17 | Ų            | Any other descriptions with respect to her demeanor  |
| 18 |       | ing involved in policy-making decisions?           | 18 | ٨            | in the office?                                       |
| 19 |       | nink that there was a general feeling that policy  | 19 | Α            | Well, again, I was not sure whether she was working  |
| 20 |       | cisions were made on the fly and they weren't      | 20 |              | all day when she came in, you know, how many hours   |
| 21 |       | volved. I don't I didn't get the impression        | 21 | _            | she was actually putting in.                         |
| 22 |       | at they saw it as big of a deal as Marilyn did,    | 22 | -            | Anything else?                                       |
| 23 | but   | t certainly they had concerns.                     | 23 |              | I'm drawing a blank on anything else.                |
| 24 | Q So  | did they concur in some fashion with what Marilyn  | 24 | _            | What about her mood? I mean her                      |
| 25 | wa    | as saying?   | 25 | Α            | I said it varied. Sometimes she would be bubbly and  |
|    |       | 562  |    |              | 564  |
| 1  | A In  | some fashion, yes.                                 | 1  |              | other times she would not.                           |
| 2  |       | nd I'm talking about Mr. Perry and Mr. Miller; is  | 2  | Q            | In the month of October did you notice any crying,   |
| 3  | -     | at correct?  | 3  | _            | any depression, any depressive behavior or sadness?  |
| 4  | A Rig |  | 4  | Α            | In October? No, I don't think so.                    |
| 5  |       | fact, I believe you testified previously you       | 5  | Q            | What about November, December?                       |
| 6  |       | ed Mr. Perry; is that correct?                     | 6  | À            | I think December.                                    |
| 7  | A Co  |  | 7  | Q            | What did you notice?                                 |
| 8  |       | hy did you fire him?                               | 8  |              | That she seemed distraught. I asked her a couple     |
| 9  | A Pa  |  | 9  |              | times, Marilyn, what's going on, anything I can do?  |
| 10 |       | hy did you fire him?                               | 10 |              | At the time I thought it was work related, that she  |
| 11 |       | hy? I don't believe that he was performing his     | 11 |              | was, felt overwhelmed. You know, I wasn't – I        |
| 12 |       | ities.   | 12 |              | really didn't know what it was, but it was clear to  |
| 13 |       | l right. So any other complaints other than what   | 13 |              | me that she was at times distraught.                 |
|    |       | ou already shared with me regarding                | 14 | $\Gamma$     | Did you ever see her cry in December?                |
| 14 |       |  | 15 |              | Did I see her cry? I couldn't say. I don't know.     |
| 15 |       | arilyn Figueroa which led you to believe she was a | 16 |              | I hate to ask you this, but when you use the word    |
| 16 |       | sgruntled employee?                                | 17 |              |  |
| 17 |       | o. Her reputation as a disgruntled employee        | 1  | ۸            | distraught, can you elaborate for me?                |
| 18 | •     | eceded my tenure as the chief of staff.            | 18 | P            | You know, in a bad mood, not getting along with      |
| 19 |       | ne was unhappy with the office?                    | 19 |              | other staff members, you know, distraught. I mean    |
| 20 | A Ri  |  | 20 | ,            | that's distraught.                                   |
| 21 |       | that correct? From October through December of     | 21 | (            | Did she ever in any way tell you that she was having |
| 22 |       | 99, how would you describe her demeanor? I mean    | 22 |              | problems with the Mayor?                             |
| 23 |       | her than what you described disgruntled employee,  | 23 | F            | No. One thing she did say is, you know, these are    |
| 24 |       | ow would you describe her demeanor while at the    | 24 |              | things that had to do before you came.               |
| 25 | off   | fice?  | 25 | (            | Did you sense a time as I understand, she            |
| 1  |       | 563  | 1  |              | 565  |
| L  |       | M DEDODTING SERVICE LLC (608)                      |    |              | D Page 562 to Page 56                                |

| _     |   |   | 4  | AD CCIDIO (DE II  |
|-------|---|---|--|---|
|       | 1   | Q Right. But did you write those notes?   | 1  | MR. SCHRIMPF: I'm not under oath,   |
| -   - | 2   | A Yes.  | 2  | nor am I being deposed.   |
|       | 3   | Q All right. So you prepared those notes regardless;  | 3  | MR. ARELLANO: I believe that the  |
|       |   | true?   | 4  | position of Mr. Tokus is that I have been   |
|       | 4   |   | 5  | provided with all of the records without any  |
|       | 5   | A Okay, yes.  | 6  | • 1   |
|       | 6   | Q Very good.  | 7  | exception.  |
|       | 7   | MR. ARELLANO: Counsel, before I   | 1  | MR. TOKUS: And I think the witness  |
|       | 8   | proceed with my examination of this witness,  | 8  | just confirmed that.  |
| -     | 9   | as I look at Exhibit 32, these documents were   | 9  | Q I also was given Exhibit 34, what has been marked as  |
|       | 10  | withheld for a substantial period of time   | 10   | Exhibit 34. And is that a record that you prepared,   |
|       | 11  | because counsel for the respondent City of  | 11   | sir?  |
|       | 12  | Milwaukee took the position that some of these  | 12   | A Yes, it is.   |
|       |   | records may be covered by the attorney-client   | 13   | Q All right, thank you.   |
|       | 13  | records may be covered by the attorney-them   | 14   | MR. TOKUS: Now, so that there's no  |
|       | 14  | privilege and/or work product. My question to   | 15   | question, you've not been given all the pages   |
| - 1   | 15  | you is were any records removed, I'm talking  |  |   |
| 1     | 16  | about any records that I have requested which   | 16   | of all the spiral notebooks. There are  |
| '     | 17  | were produced or prepared by this witness,  | 17   | several spiral notebooks.   |
| 1     | 18  | were any of those records removed or not  | 18   | MR. ARELLANO: Are there any pages   |
|       | 19  | included in this Exhibit 33?  | 19   | in those books which contain matters related  |
| 4     | 20  | MR. TOKUS: That's intact.   | 20   | to the Figueroa/Norquist  |
|       | 21  | MR. ARELLANO: So just so I  | 21   | MR. TOKUS: Not to my knowledge.   |
|       | 22  | understand, all of the records that this  | 22   | What you're getting is - what you have here   |
|       | 23  | witness prepared have all been submitted to   | 23   | is those pages selected that relate in any way  |
|       |   |   | 24   | to the Figueroa matter.   |
|       | 24  | us?   | 25   | MR. ARELLANO: And I suspect this  |
| 1     | 25  | MR. TOKUS: Well, those were spiral  | 20   | 572   |
| - 1   |   | 570   |  | VIZ   |
| L.    |   |   | 1  |   |
| F     | 1   | notebooks belonging to this man. He made  | 1  | afternoon we will get to see the entire spiral  |
| ľ     | 1 2   | notebooks belonging to this man. He made notes on those notebooks.  | 1 2  | book.   |
|       | 2   | notes on those notebooks.   |  |   |
|       |   | notes on those notebooks.  MR. ARELLANO: I understand. But  | 2  | book.   |
|       | 2<br>3<br>4   | notes on those notebooks.  MR. ARELLANO: I understand. But previously the respondents had taken the   | 2<br>3<br>4  | book.<br>MR. TOKUS: You will see those,   |
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|---|--|---|--|----------------------------|--|
|   | 1  | meeting, that's the committee that reviews block  |  |                            | Distraught, distrustful of folks in the office. Is   |
| ١ | 2  | grant funding, and that Hawkins at that time was the  | 2  |                            | that what Ms. Pratt shared with you?   |
|   | 3  | director of block grant. Marilyn had a seat on the  | 3  |                            | Right.   |
| Į | 4  | committee. And that Marilyn was disputing items   | 4  | Q:                         | Feels like losing you, Mike Soika?   |
|   | 5  | with Ms. Hawkins. The significance would be you   | 5  | _                          | Right.   |
|   |  | then had two arms of the same administration  | 6  |                            | Did you write down everything that Ms. Pratt shared  |
|   | 6  |   | 7  | •                          | with you regarding Ms. Figueroa?   |
|   | 7  | publicly disputing each other.  | 8  |                            | I doubt it.  |
|   | 8  | Q And did Marilyn in any way acknowledge that she had   | 9  |                            | Did you write down the most significant aspects  |
|   | 9  | "blindsided"?   | 10   |                            | of   |
|   | 10   | A I don't remember Marilyn's response when I talked to  | 11   |                            | I wrote down what I believed to be significant as  |
|   | 11   | her about that.   |  |                            |  |
|   | 12   | Q Was this a significant issue in your mind?  | 12   |                            | the conversation was unfolding.  |
|   | 13   | A Not really. It was a blip.  | 13   | _                          | And did you agree with Ms. Pratt that Marilyn was  |
|   | 14   | Q Did you ever receive similar complaints against   | 14   |                            | distraught at that period of time?   |
|   | 15   | other staff members?  | 15   |                            | Yeah. I remember December being a hard month for   |
|   | 16   | A I don't remember any.   | 16   |                            | her, yes.  |
|   | 17   | Q So Marilyn was the only one according to you?   | 17   | Ų                          | Next item, can you read that for -   |
|   | 18   | A Yeah. Of an incident like this, yes.  | 18   | A                          | Next item down or next page?   |
|   | 19   | Q So blindsided is over. Is that when you got burnt   | 19   |                            | No, the next item down on Exhibit 33, 04.  |
|   | 20   | over after awhile, because of this complaint?   | 20   | Α                          | Lunch around two weeks ago before Tricia came. What  |
|   | 21   | Next page of Exhibit 33-04, do you recognize  | 21   |                            | happening. I don't know what that means.   |
|   | 22   | this as your notes?   | 22   | Q                          | So you don't understand the significance of that   |
|   | 23   | A Yes, I do.  | 23   |                            | second sentence?   |
|   | 24   | Q And as I understand, this was dated 12/14?  | 24   |                            | I do not.  |
|   | 25   | A Correct.  | 25   | Q                          | What about the next one?   |
|   |  | 578   |  |                            | 580  |
| } | 1  | Q Does that stand for December 14?  | 1  | Α                          | Starting all over again, feel like not being   |
| , | 1  | A Yes.  | 2  |                            | respected, block grant meeting, Soika called and   |
|   | 2  | Q What year?  | 3  |                            | Marilyn not invited.   |
|   | 1 .  | A I believe '99.  | 4  | Q                          | What's the significance of that?   |
|   | 5  | Q And here when did you write these notes?  | 5  | À                          | I think it actually relates also to the next line,   |
|   | 6  | A It would have been at the time that I was having the  | 6  |                            | Miller there. Marilyn not invited. There was, I  |
|   | 7  | conversation with the individual.   | 7  |                            | don't remember at all what the issue was, but there  |
|   |  | Q And as far as these notes, who was the individual?  | 8  |                            | was an issue with block grant NIDC which is a City   |
|   | 8  | A Well, I'm not real sure. I believe it was   | 9  |                            | agency funded with block grant. I had talked to  |
|   | 9  |   | 10   |                            | Miller about it, did not involve Marilyn. She was  |
|   | 10   | Kimberly Pratt though.  Q Where did the conversation take place?  | 11   |                            | upset over it.   |
|   | 11   | A v. I don't remember. My office but I'm  | 12   | 0                          | So Ms. Pratt was sharing with you complaints Marilyn   |
|   | 12   | A You know, I I don't remember. My office but I'm   | 13   | ~                          | had about the way you were handling this particular  |
|   | 13   | not sure.  Q Who initiated the conversation?  | 14   |                            | item?  |
|   |  | CL Who initiated the COUVEISAUUU!   | 1 '7   |                            |  |
|   | 14   |   | 15   | Δ                          | That's what I believe it represents.   |
|   | 15   | A It would have been Kimberly.  | 15   |                            | That's what I believe it represents.  Is that right? All right. And the next one?  |
|   | 15<br>16   | A It would have been Kimberly.  MR. TOKUS: Kimberly?  | 16   | Ç                          | Is that right? All right. And the next one?  |
|   | 15<br>16<br>17   | A It would have been Kimberly.  MR. TOKUS: Kimberly?  THE WITNESS: Kimberly.  | 16<br>17   | Ç<br>A                     | Is that right? All right. And the next one? Feel like being isolated again.  |
|   | 15<br>16<br>17<br>18                                     | A It would have been Kimberly.  MR. TOKUS: Kimberly?  THE WITNESS: Kimberly.  O Did you perceive Ms. Pratt having complaints about  | 16<br>17<br>18                                     | Ç<br>A                     | ) Is that right? All right. And the next one?<br>Feel like being isolated again.<br>) This is what Ms. Pratt was telling you about   |
|   | 15<br>16<br>17<br>18<br>19                               | A It would have been Kimberly.  MR. TOKUS: Kimberly?  THE WITNESS: Kimberly.  Q Did you perceive Ms. Pratt having complaints about  Marilyn or against Marilyn in any shape, form, when   | 16<br>17<br>18<br>19                               | Q<br>A<br>Q                | Is that right? All right. And the next one? Feel like being isolated again. This is what Ms. Pratt was telling you about Ms. Figueroa?   |
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| ) | 15<br>16<br>17<br>18<br>19<br>20<br>21                   | A It would have been Kimberly.  MR. TOKUS: Kimberly?  THE WITNESS: Kimberly.  Q Did you perceive Ms. Pratt having complaints about Marilyn or against Marilyn in any shape, form, when these notes were written?  A It was not against Marilyn. I think my interpretation of the notes is she is relaying to me that Marilyn is distraught and upset.   | 16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | A                          | Is that right? All right. And the next one? Feel like being isolated again. This is what Ms. Pratt was telling you about Ms. Figueroa? Right, yeah. The next one? Now today nothing changed. Gave me a dirty look. What exactly is the significance of that?   |
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|   | 15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | A It would have been Kimberly.  MR. TOKUS: Kimberly?  THE WITNESS: Kimberly.  Q Did you perceive Ms. Pratt having complaints about Marilyn or against Marilyn in any shape, form, when these notes were written?  A It was not against Marilyn. I think my interpretation of the notes is she is relaying to me that Marilyn is distraught and upset.  Q And that's what you wrote in here?                 | 16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | A                          | Is that right? All right. And the next one? Feel like being isolated again. This is what Ms. Pratt was telling you about Ms. Figueroa? Right, yeah. The next one? Now today nothing changed. Gave me a dirty look. What exactly is the significance of that? You know, I think what Kimberly is saying, that Marilyn thought I gave her a dirty look.      |
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| Odde Compress  |   |
|--|---|
| 1 ·Q Let's go to page O6 of Exhibit 33. You have in the                              | 1 Q Let me ask you this, Mr. Soika. Do you know when  |
| 2 far left top left margin, can you identify what                                    | 2 Mr. Christofferson learned that Mayor Norquist was  |
| 3 those numbers represent?   | 3 having sex with Marilyn Figueroa?   |
| 4 A Yeah. I think it's January 4th, 2000.  | 4 A Same day I did.   |
| 5 Q You would agree with me that it also looks more like                             | 5 Q Which was?  |
| 6 a 4?   | 6 A Sometime between the 5th and the 7th of January.  |
| 7 A Could be a four.   | 7 Q And how do you know that he learned on the same day?                                      |
|  | 8 A He and I had a conversation late that day.  |
|  | 9 Q Where did the conversation occur?   |
|  | 10 A It was a phone conversation.   |
| 10 Q And then the very first item? 11 A Christofferson saw Marilyn before Christmas. | 11 Q Was it a separate phone conversation than the one  |
| · ·  | 12 that you wrote here?   |
| 12 Q Who?  | 13 A Well, yeah. This was January 4th. It would   |
| 13 A Christofferson.   | 14 absolutely be a separate conversation.   |
| 14 Q Who gave you that information, Mr. Christofferson?                              | 15 Q What did he tell you? What led you to believe that                                       |
| 15 A I'm thinking that this is a phone conversation I had                            |   |
| 16 with Christofferson. Again  | 16 he already knew, or that he knew of Mayor Norquist?  |
| 17 Q When did you have the phone conversation with                                   | 17 A Well, as you as the day unfolded there were with   |
| 18 Mr. Christofferson?   | 18 me a series of conversations with the Mayor as he  |
| 19 A If this is a phone conversation with Christofferson,                            | had an opportunity to talk about this relationship.   |
| 20 it would have been on January 4th.  | The last one was a phone call to my house. After I  |
| 21 Q Did you write them down as you were speaking to him                             | talked to the Mayor I don't remember whether I  |
| 22 on the phone?   | 22 called Bill or Bill called me.   |
| 23 A That was what that would be.  | 23 Q My question is when did you learn that 24 Mr. Christofferson knew of the sex interaction |
| 24 Q What prompted you to write these notes, Mr                                      |   |
| 25 A I have no idea.   | 25 between Marilyn Figueroa and Mayor Norquist?<br>588  |
| 586  | 000   |
| 1 Q Did Mr. Christofferson suggest that you keep notes?                              | 1 A The same day that I learned.  |
| 2 A Absolutely not.  | 2 Q Is that what Mr. Christofferson told you?   |
| 3 Q What about the Mayor?  | 3 A Yes.  |
| 4 A No. As I said, I've been keeping notes in spiral                                 | 4 Q By the time do you know if he already knew of   |
| 5 notebooks since at least 1995.   | 5 this interaction before you did?  |
| 6 Q And he told you that he saw Marilyn Figueroa before                              | 6 A I believe he did.   |
| 7 Christmas?   | 7 Q And that's what he shared with you over the phone?  |
| 8 A Before Christmas.  | 8 A The evening that the Mayor disclosed to me, yes.  |
| 9 Q All right.   | 9 Q So that would have been between   |
| 10 A Right.  | 10 A The 5th and the 7th.   |
| 11 Q Did he tell you anything else?  | 11 Q And the 7th. What did he tell you? How did he  |
| 12 A All I have is what the notes say in front of me.                                | 12 learn?   |
| 13 That's all I remember here.   | 13 A When he and I were meeting with the Mayor as I   |
| 14 Q Did Mr. Christofferson ever tell you what occurred                              | 14 was called out to talk to Flo Dukes.   |
| during his last contact with Marilyn Figueroa before                                 | 15 Q I just want to know when Mr. Christofferson learned.                                     |
| 16 she left the workplace?   | 16 A I think immediately after that meeting. So it would                                      |
| 17 A His last contact on January 4th?  | have been before lunch on whatever day that was.  |
| 18 Q Correct. If that's when it was.   | 18 Q Do you know who informed Mr. Christofferson?   |
| 19 A Yeah. I think that it was fine. She came in. She                                | 19 A I believe it was the Mayor.  |
| 20 seemed upset and then left. That's  | 20 Q Before did Mr. Christofferson tell you that he   |
| 21 Q Anything else?  | 21 also knew that Marilyn Figueroa was intending to   |
| 22 A That's all I remember.  | file a discrimination complaint?  |
| 23 Q And that is a conversation you had with   | 23 A He was in the room when I told the mayor.  |
| ·   · · · · · · · · · · · · · · · · · ·  | 24 Q So he was present when you told the Mayor?   |
|  | 25 A Right.   |
| 25 A Again, all I have to go by is this document here. 587                           | 589   |
| 1  | 255-7700 Page 586 to Page 58  |

| 11  |                  | file against the Mayor in the office.  | 1   | A                           | Pat Stawicki pay rate change.   |
|---|------------------|--|---|-----------------------------|---|
| 2   | Q                | And next item?   | 2   |                             | What's the significance of that?  |
| 3   | •                | Asked to come in and denied. That Flo asked Marilyn  | 3   |                             | I have no idea what that means.   |
| 4   |                  | to come in and she said no.  | 4   |                             | Did you suggest at any point that Marilyn Figueroa  |
| 5   | 0                | Next item?   | 5   | ~                           | be given a rate change, pay rate during that  |
| 6   | •                | Will mail form. Flo said she'd mail a form.  | 6   |                             | meeting?  |
| 7   |                  | Next item?   | 7   | ۸                           | ~ 1   |
|   | •                |  | 6   |                             | During this meeting?  |
| 8   |                  | Said to Jeff and Flo that she was happy.   | 8   | -                           | Correct.  |
| 9   | Ų                | Ms. Dukes related to you their conversation with   | 9   |                             | I don't think so.   |
| 10  |                  | Ms. Figueroa?  | 10  |                             | So how did the pay rate change  |
| 111   | А                | Yeah. I believe that that item and the one below it  | 11  | А                           | Yeah. There's question marks behind it, so I don't  |
| 12  | _                | are related.   | 12  | _                           | know what that means.   |
| 13  | Q                | Just so the record is clear, these notes pertain to  | 13  |                             | Next item?  |
| 14  |                  | what Ms. Flo   | 14  |                             | Call today and are you coming in or not.  |
| 15  |                  | Flo Dukes.   | 15  |                             | What is the significance of that?   |
| 16  | Q                | Flo Dukes, excuse me. Flo Dukes was relating to you  | 16  | Α                           | I don't know what it means. Does it mean that I did   |
| 17  |                  | regarding her discussion with Ms. Figueroa?  | 17  |                             | call her and asked are you coming in or not or does   |
| 18  | Α                | Correct.   | 18  |                             | it mean that I should call her and ask if she's   |
| 19  | Q                | And I believe you read it can you read it one  | 19  |                             | coming in or not?   |
| 20  |                  | more time, sir?  | 20  | Q                           | It could also mean that you wrote yourself a  |
| 21  | Α                | Said to Jeff and Flo that she was happy.   | 21  |                             | reminder; right?  |
| 22  | Q                | And by this you understood that Marilyn had spoken   | 22  | Α                           | That's what I'm saying. I don't know if it's  |
| 23  |                  | to Jeff and Flo; correct?  | 23  |                             | The next item, can you read that for the record?  |
| 24  | Α                | Right. As I said, I believe it's related to the  | 24  | Α                           | Got to stick with office standard.  |
| 25  |                  | item below. Because Marilyn had previously talked  | 25  | Q                           | And what is the significance for that?  |
|   |                  | 594  |   |                             | 596   |
| 1   |                  | to Flo and Jeff about her being happy that I was at  | 1   | Α                           | It's got to stay with the protocol and how you deal   |
|   |                  |  | 1 .   | • •                         |   |
| 1/  |                  | the office. They may need to go outside to have the  | 12  |                             | with employees.   |
| 2   |                  | the office. They may need to go outside to have the complaint investigated.  | 2   |                             | with employees. (Discussion off the record)   |
| 3   | 0                | complaint investigated.  | 3   | 0                           | (Discussion off the record)   |
| 3 4   | Q                | complaint investigated. You injected something in there. I just wanted you   | 3   | Q                           | (Discussion off the record) Let's go to No. 8 of Exhibit 33. Do you recognize   |
| 3<br>4<br>5   | -                | complaint investigated. You injected something in there. I just wanted you to read the note itself. Caused Marilyn Figueroa?   | 3<br>4<br>5   |                             | (Discussion off the record) Let's go to No. 8 of Exhibit 33. Do you recognize these notes, sir?   |
| 3 4   | -                | complaint investigated. You injected something in there. I just wanted you to read the note itself. Caused Marilyn Figueroa? Cause Marilyn talk to Flo and Jeff. May need to go  | 3   | Α                           | (Discussion off the record) Let's go to No. 8 of Exhibit 33. Do you recognize these notes, sir? Yes, yes.   |
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| 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12   | A Q A Q A        | complaint investigated. You injected something in there. I just wanted you to read the note itself. Caused Marilyn Figueroa? Cause Marilyn talk to Flo and Jeff. May need to go outside for EEO investigation. All right. Next item? Question mark Melanie Swank. What's the significance of that? Melanie Swank is actually an Assistant City Attorney.   | 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11   | A Q A Q A                   | (Discussion off the record) Let's go to No. 8 of Exhibit 33. Do you recognize these notes, sir? Yes, yes. And I understand this also would be another note that comes from your spiral book; is that correct? Correct. And you wrote here some notes related to a Mr. Abel Ortiz? Correct.  |
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| 3 4 5 6 7 8 9 10 11 12 13 14 15 16  | A QAQA QAQ       | complaint investigated. You injected something in there. I just wanted you to read the note itself. Caused Marilyn Figueroa? Cause Marilyn talk to Flo and Jeff. May need to go outside for EEO investigation. All right. Next item? Question mark Melanie Swank. What's the significance of that? Melanie Swank is actually an Assistant City Attorney. Why would you inject her name I didn't inject her name in these notes? Somebody would have. She did at some period go from  | 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16   | A Q A Q A Q A               | (Discussion off the record) Let's go to No. 8 of Exhibit 33. Do you recognize these notes, sir? Yes, yes. And I understand this also would be another note that comes from your spiral book; is that correct? Correct. And you wrote here some notes related to a Mr. Abel Ortiz? Correct. Tell me what's the nature of these notes, please. I believe it's a phone call I had with him. You called Mr. Ortiz? No, I would not have. He would have called me.   |
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| 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                         | A QAQA QAQA QAQ  | complaint investigated. You injected something in there. I just wanted you to read the note itself. Caused Marilyn Figueroa? Cause Marilyn talk to Flo and Jeff. May need to go outside for EEO investigation. All right. Next item? Question mark Melanie Swank. What's the significance of that? Melanie Swank is actually an Assistant City Attorney. Why would you inject her name I didn't inject her name in these notes? Somebody would have. She did at some period go from the City Attorney's Office to DER. But what was the significance of Melanie Swank? Swank. Swank.   | 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                         | A Q A Q A Q A Q A Q A       | (Discussion off the record) Let's go to No. 8 of Exhibit 33. Do you recognize these notes, sir? Yes, yes. And I understand this also would be another note that comes from your spiral book; is that correct? Correct. And you wrote here some notes related to a Mr. Abel Ortiz? Correct. Tell me what's the nature of these notes, please. I believe it's a phone call I had with him. You called Mr. Ortiz? No, I would not have. He would have called me. He called you regarding Marilyn Figueroa? Uh-huh. You have here MF? MF.   |
| 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21                   | A QAQA QAQA QAQ  | complaint investigated. You injected something in there. I just wanted you to read the note itself. Caused Marilyn Figueroa? Cause Marilyn talk to Flo and Jeff. May need to go outside for EEO investigation. All right. Next item? Question mark Melanie Swank. What's the significance of that? Melanie Swank is actually an Assistant City Attorney. Why would you inject her name I didn't inject her name in these notes? Somebody would have. She did at some period go from the City Attorney's Office to DER. But what was the significance of Melanie Swank? Swank. Swank. I don't know. I don't know if they said, well,  | 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21                   | A Q A Q A Q A Q A Q A Q A Q | (Discussion off the record) Let's go to No. 8 of Exhibit 33. Do you recognize these notes, sir? Yes, yes. And I understand this also would be another note that comes from your spiral book; is that correct? Correct. And you wrote here some notes related to a Mr. Abel Ortiz? Correct. Tell me what's the nature of these notes, please. I believe it's a phone call I had with him. You called Mr. Ortiz? No, I would not have. He would have called me. He called you regarding Marilyn Figueroa? Uh-huh. You have here MF? MF. Which stands for Marilyn Figueroa?  |
| 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | A QAQA QAQA QAQ  | complaint investigated. You injected something in there. I just wanted you to read the note itself. Caused Marilyn Figueroa? Cause Marilyn talk to Flo and Jeff. May need to go outside for EEO investigation. All right. Next item? Question mark Melanie Swank. What's the significance of that? Melanie Swank is actually an Assistant City Attorney. Why would you inject her name I didn't inject her name in these notes? Somebody would have. She did at some period go from the City Attorney's Office to DER. But what was the significance of Melanie Swank? Swank. Swank. I don't know. I don't know if they said, well, maybe she could do it or maybe someone like her  | 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | A Q A Q A Q A Q A Q A Q A   | (Discussion off the record) Let's go to No. 8 of Exhibit 33. Do you recognize these notes, sir? Yes, yes. And I understand this also would be another note that comes from your spiral book; is that correct? Correct. And you wrote here some notes related to a Mr. Abel Ortiz? Correct. Tell me what's the nature of these notes, please. I believe it's a phone call I had with him. You called Mr. Ortiz? No, I would not have. He would have called me. He called you regarding Marilyn Figueroa? Uh-huh. You have here MF? MF. Which stands for Marilyn Figueroa? Marilyn Figueroa.  |
| 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | A QAQA QAQA QAQ  | complaint investigated. You injected something in there. I just wanted you to read the note itself. Caused Marilyn Figueroa? Cause Marilyn talk to Flo and Jeff. May need to go outside for EEO investigation. All right. Next item? Question mark Melanie Swank. What's the significance of that? Melanie Swank is actually an Assistant City Attorney. Why would you inject her name I didn't inject her name in these notes? Somebody would have. She did at some period go from the City Attorney's Office to DER. But what was the significance of Melanie Swank? Swank. Swank. I don't know. I don't know if they said, well, maybe she could do it or maybe someone like her could do it. I don't know. There's a question mark                   | 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | A Q A Q A Q A Q A Q A Q A Q | (Discussion off the record) Let's go to No. 8 of Exhibit 33. Do you recognize these notes, sir? Yes, yes. And I understand this also would be another note that comes from your spiral book; is that correct? Correct. And you wrote here some notes related to a Mr. Abel Ortiz? Correct. Tell me what's the nature of these notes, please. I believe it's a phone call I had with him. You called Mr. Ortiz? No, I would not have. He would have called me. He called you regarding Marilyn Figueroa? Uh-huh. You have here MF? MF. Which stands for Marilyn Figueroa? Marilyn Figueroa. And then you wrote here work?  |
| 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | A QAQA QAQA QAQA | complaint investigated. You injected something in there. I just wanted you to read the note itself. Caused Marilyn Figueroa? Cause Marilyn talk to Flo and Jeff. May need to go outside for EEO investigation. All right. Next item? Question mark Melanie Swank. What's the significance of that? Melanie Swank is actually an Assistant City Attorney. Why would you inject her name I didn't inject her name in these notes? Somebody would have. She did at some period go from the City Attorney's Office to DER. But what was the significance of Melanie Swank? Swank. Swank. I don't know. I don't know if they said, well, maybe she could do it or maybe someone like her could do it. I don't know. There's a question mark there.            | 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | A Q A Q A Q A Q A Q A Q A Q | (Discussion off the record) Let's go to No. 8 of Exhibit 33. Do you recognize these notes, sir? Yes, yes. And I understand this also would be another note that comes from your spiral book; is that correct? Correct. And you wrote here some notes related to a Mr. Abel Ortiz? Correct. Tell me what's the nature of these notes, please. I believe it's a phone call I had with him. You called Mr. Ortiz? No, I would not have. He would have called me. He called you regarding Marilyn Figueroa? Uh-huh. You have here MF? MF. Which stands for Marilyn Figueroa? Marilyn Figueroa. And then you wrote here work? Work this shit out before it gets out of hand.   |
| 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | A QAQA QAQA QAQA | complaint investigated. You injected something in there. I just wanted you to read the note itself. Caused Marilyn Figueroa? Cause Marilyn talk to Flo and Jeff. May need to go outside for EEO investigation. All right. Next item? Question mark Melanie Swank. What's the significance of that? Melanie Swank is actually an Assistant City Attorney. Why would you inject her name I didn't inject her name in these notes? Somebody would have. She did at some period go from the City Attorney's Office to DER. But what was the significance of Melanie Swank? Swank. Swank. I don't know. I don't know if they said, well, maybe she could do it or maybe someone like her could do it. I don't know. There's a question mark there. Next item? | 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | A Q A Q A Q A Q A Q A Q A Q | (Discussion off the record) Let's go to No. 8 of Exhibit 33. Do you recognize these notes, sir? Yes, yes. And I understand this also would be another note that comes from your spiral book; is that correct? Correct. And you wrote here some notes related to a Mr. Abel Ortiz? Correct. Tell me what's the nature of these notes, please. I believe it's a phone call I had with him. You called Mr. Ortiz? No, I would not have. He would have called me. He called you regarding Marilyn Figueroa? Uh-huh. You have here MF? MF. Which stands for Marilyn Figueroa? Marilyn Figueroa. And then you wrote here work? Work this shit out before it gets out of hand. Rumors, "vacation" not there, voice mail. |
| 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | A QAQA QAQA QAQA | complaint investigated. You injected something in there. I just wanted you to read the note itself. Caused Marilyn Figueroa? Cause Marilyn talk to Flo and Jeff. May need to go outside for EEO investigation. All right. Next item? Question mark Melanie Swank. What's the significance of that? Melanie Swank is actually an Assistant City Attorney. Why would you inject her name I didn't inject her name in these notes? Somebody would have. She did at some period go from the City Attorney's Office to DER. But what was the significance of Melanie Swank? Swank. Swank. I don't know. I don't know if they said, well, maybe she could do it or maybe someone like her could do it. I don't know. There's a question mark there.            | 3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | A Q A Q A Q A Q A Q A Q A Q | (Discussion off the record) Let's go to No. 8 of Exhibit 33. Do you recognize these notes, sir? Yes, yes. And I understand this also would be another note that comes from your spiral book; is that correct? Correct. And you wrote here some notes related to a Mr. Abel Ortiz? Correct. Tell me what's the nature of these notes, please. I believe it's a phone call I had with him. You called Mr. Ortiz? No, I would not have. He would have called me. He called you regarding Marilyn Figueroa? Uh-huh. You have here MF? MF. Which stands for Marilyn Figueroa? Marilyn Figueroa. And then you wrote here work? Work this shit out before it gets out of hand.   |

| 4   | ٠,٠               | And who was the deputy to Mr. Reimer?   | 1   | Δ                     | I believe he called me.  |
|---|-------------------|---|---|-----------------------|--|
| 1   | •                 | - ·   |   |                       |  |
| 2   |                   | Rowen, Jim Rowen.   | 2   |                       | Mr. Rowen called you?  |
| 3   | Q                 | Next item, page 10 of Exhibit 33, are these your  | 3   |                       | I believe so.  |
| 4   |                   | notes, sir?   | 4   | Q                     | And shared with you this information?  |
| 5   | Α                 | Yes, they are.  | 5   | Α                     | I do.  |
| 6   | Q                 | And can you tell me what is the first item?   | 6   | Q                     | Did you authorize Mr. Rowen to talk to Mr. Colon?  |
| 7   |                   | This is, I believe this is these are my notes   | 7   | Α                     | No, I did not.   |
| 8   |                   | from my conversation with Jim Rowen. Census money   | 8   | Ö                     | Did you ever tell Mr. Rowen that he had no authority   |
| 9   |                   | approved. Worked for Mary Cannon as supervisor for  | 9   | `                     | to negotiate on behalf of the City with respect to   |
| 10  |                   | census workers. If additional 20 or 25,000, may be  | 10  |                       | Marilyn Figueroa?  |
| 1   |                   | way to hire Marilyn to work in census.  | 11  |                       | No. This I don't think this went any further   |
| 111   | _                 |   | 12  | / \                   | than Rowen saying this is  |
| 12  | Q                 | And there is a \$224,000 plus. What's the   | 13  | Λ                     | , ,  |
| 13  |                   | significance of that?   | 14  |                       | That wasn't my question. Did you ever tell   |
| 14  |                   | I don't know what that is.  |   |                       | Mr. Rowen that he was not authorized to speak on   |
| 15  | Q                 | What's the nature of these first items that you just  | 15  |                       | behalf of the City?  |
| 16  |                   | read? Work for Mary -   | 16  |                       | No.  |
| 17  | Α                 | Mary Cannon a consultant that the City hired both in  | 17  |                       | Next item, these are notes you wrote?  |
| 18  |                   | 1990 and 2000 to help get the census numbers up.  | 18  |                       | Yes, they are.   |
| 19  |                   | Where did you get this information from?  | 19  | •                     | And -  |
| 20  | Α                 | I believe this is a phone conversation I had with   | 20  |                       | This is page 11.   |
| 21  |                   | Jim Rowen.  | 21  | Q                     | Page 11 of Exhibit 33 you have DER. What is the  |
| 22  |                   | And what was the objective of this conversation?  | 22  |                       | significance of that?  |
| 23  | Α                 | I think it's Rowen trying to be helping saying,   | 23  |                       | DER stands for Department of Employee Relations.   |
| 24  |                   | listen, if you're trying to find a way to get   | 24  | _                     | And when did you write these notes?  |
| 25  |                   | Marilyn some money, get her employed, we might be   | 25  | Α                     | I have no idea.  |
|   |                   | 602   |   |                       | 604  |
| 1   |                   | able to help out here.  | 1   | 0                     | Did you write these notes pursuant to a contact you  |
| 2   | 0                 | Was this after Marilyn was terminated or before she   | 2   | `                     | had with DER?  |
| 3   | ~                 | was terminated?   | 3   | Α                     | I don't know what this page is. I don't know if  |
| 4   | Α                 | I really don't know.  | 4   |                       | it's a contact I had with DER or if it was preparing   |
| 5   |                   | Was this offer ever materialized?   | 5   |                       | to contact DER.  |
| 6   |                   | I don't believe so.   | 6   | Ω                     | The next item is WT?   |
| 7   | , ,               |   |   | $\cdot$               |  |
|   | Ω                 |   | 7   |                       |  |
| 1 8   |                   | Why?  | 7   |                       | Yeah. What's the FMLA family medical leave   |
| 8   | À                 | Why? I just don't remember it.  | 7<br>8  | Α                     | Yeah. What's the FMLA family medical leave policies health care timetable process.   |
| 9   | A<br>Q            | Why? I just don't remember it. Next item, run into Pedro Colon?   | 7<br>8<br>9   | A<br>Q                | Yeah. What's the FMLA family medical leave policies health care timetable process. Why did you write these notes?  |
| 9   | A<br>Q<br>A       | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon.   | 7<br>8<br>9<br>10   | A<br>Q<br>A           | Yeah. What's the FMLA family medical leave policies health care timetable process. Why did you write these notes? I have no real memory of why.  |
| 9<br>10<br>11   | A<br>Q<br>A<br>Q  | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you?  | 7<br>8<br>9<br>10<br>11   | A<br>Q<br>A           | Yeah. What's the FMLA family medical leave policies health care timetable process. Why did you write these notes? I have no real memory of why. With respect to personal relations; is that what you   |
| 9<br>10<br>11<br>12   | A<br>Q<br>A<br>Q  | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the   | 7<br>8<br>9<br>10<br>11<br>12   | A<br>Q<br>A<br>Q      | Yeah. What's the FMLA family medical leave policies health care timetable process. Why did you write these notes? I have no real memory of why. With respect to personal relations; is that what you wrote?  |
| 9<br>10<br>11<br>12<br>13   | A<br>Q<br>A<br>Q  | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census.   | 7<br>8<br>9<br>10<br>11<br>12<br>13   | A<br>Q<br>A<br>Q      | Yeah. What's the FMLA family medical leave policies health care timetable process. Why did you write these notes? I have no real memory of why. With respect to personal relations; is that what you wrote? Yeah. I wrote everything here. Personal relations  |
| 9<br>10<br>11<br>12<br>13<br>14   | A<br>Q<br>A<br>Q  | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census. "Don't think that's going to happen." But would be  | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14   | A<br>Q<br>A<br>Q<br>A | Yeah. What's the FMLA family medical leave policies health care timetable process. Why did you write these notes? I have no real memory of why. With respect to personal relations; is that what you wrote? Yeah. I wrote everything here. Personal relations ended, office not subject of, looks like extortion.  |
| 9<br>10<br>11<br>12<br>13<br>14<br>15   | A Q A Q A         | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census. "Don't think that's going to happen." But would be nice if Marilyn something.   | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14   | A Q A Q A Q           | Yeah. What's the FMLA family medical leave policies health care timetable process. Why did you write these notes? I have no real memory of why. With respect to personal relations; is that what you wrote? Yeah. I wrote everything here. Personal relations ended, office not subject of, looks like extortion. Extortion? What do you mean by personal relations?   |
| 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16   | A Q A Q A Q       | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census. "Don't think that's going to happen." But would be nice if Marilyn something. What was the significance of that?  | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16   | A QAQ A QA            | Yeah. What's the FMLA family medical leave policies health care timetable process. Why did you write these notes? I have no real memory of why. With respect to personal relations; is that what you wrote? Yeah. I wrote everything here. Personal relations ended, office not subject of, looks like extortion. Extortion? What do you mean by personal relations? I don't I don't know.   |
| 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17   | A Q A Q A Q       | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census. "Don't think that's going to happen." But would be nice if Marilyn something. What was the significance of that? Again, I think it's Rowen saying that he ran the   | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16   | A QAQ A QA            | Yeah. What's the FMLA family medical leave policies health care timetable process. Why did you write these notes? I have no real memory of why. With respect to personal relations; is that what you wrote? Yeah. I wrote everything here. Personal relations ended, office not subject of, looks like extortion. Extortion? What do you mean by personal relations? I don't I don't know. What about office not subject to extortions? Was  |
| 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                                     | A Q A Q A         | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census. "Don't think that's going to happen." But would be nice if Marilyn something. What was the significance of that? Again, I think it's Rowen saying that he ran the issue by Pedro.   | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17   | A Q A Q A Q           | Yeah. What's the FMLA family medical leave policies health care timetable process.  Why did you write these notes? I have no real memory of why.  With respect to personal relations; is that what you wrote?  Yeah. I wrote everything here. Personal relations ended, office not subject of, looks like extortion.  Extortion? What do you mean by personal relations? I don't I don't know.  What about office not subject to extortions? Was that part of the personal relations approach?   |
| 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19                               | A Q A Q A         | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census. "Don't think that's going to happen." But would be nice if Marilyn something. What was the significance of that? Again, I think it's Rowen saying that he ran the issue by Pedro. Did Mr. Rowen participate in some of the  | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                                     | A QAQ A QAQ A         | Yeah. What's the FMLA family medical leave policies health care timetable process.  Why did you write these notes? I have no real memory of why.  With respect to personal relations; is that what you wrote?  Yeah. I wrote everything here. Personal relations ended, office not subject of, looks like extortion.  Extortion? What do you mean by personal relations? I don't I don't know.  What about office not subject to extortions? Was that part of the personal relations approach? I don't know anything what this page references.  |
| 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                         | A Q A Q A Q A     | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census. "Don't think that's going to happen." But would be nice if Marilyn something. What was the significance of that? Again, I think it's Rowen saying that he ran the issue by Pedro. Did Mr. Rowen participate in some of the negotiations with Pedro Colon?   | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                         | A QAQ A QAQ A         | Yeah. What's the FMLA family medical leave policies health care timetable process. Why did you write these notes? I have no real memory of why. With respect to personal relations; is that what you wrote? Yeah. I wrote everything here. Personal relations ended, office not subject of, looks like extortion. Extortion? What do you mean by personal relations? I don't I don't know. What about office not subject to extortions? Was that part of the personal relations approach? I don't know anything what this page references. Obviously you connected extortion to personal   |
| 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21                   | A Q A Q A Q A     | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census. "Don't think that's going to happen." But would be nice if Marilyn something. What was the significance of that? Again, I think it's Rowen saying that he ran the issue by Pedro. Did Mr. Rowen participate in some of the negotiations with Pedro Colon? No.   | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21                   | A QAQ A QAQ AQ        | Yeah. What's the FMLA family medical leave policies health care timetable process.  Why did you write these notes? I have no real memory of why. With respect to personal relations; is that what you wrote? Yeah. I wrote everything here. Personal relations ended, office not subject of, looks like extortion. Extortion? What do you mean by personal relations? I don't I don't know. What about office not subject to extortions? Was that part of the personal relations approach? I don't know anything what this page references. Obviously you connected extortion to personal relations in this page; is that correct?   |
| 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | A Q A Q A Q A     | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census. "Don't think that's going to happen." But would be nice if Marilyn something. What was the significance of that? Again, I think it's Rowen saying that he ran the issue by Pedro. Did Mr. Rowen participate in some of the negotiations with Pedro Colon?   | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | A QAQ A QAQ AQ        | Yeah. What's the FMLA family medical leave policies health care timetable process.  Why did you write these notes? I have no real memory of why.  With respect to personal relations; is that what you wrote?  Yeah. I wrote everything here. Personal relations ended, office not subject of, looks like extortion.  Extortion? What do you mean by personal relations? I don't I don't know.  What about office not subject to extortions? Was that part of the personal relations approach? I don't know anything what this page references.  Obviously you connected extortion to personal relations in this page; is that correct?  No. It could be different parts of a conversation.  |
| 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | A Q A Q A Q A Q   | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census. "Don't think that's going to happen." But would be nice if Marilyn something. What was the significance of that? Again, I think it's Rowen saying that he ran the issue by Pedro. Did Mr. Rowen participate in some of the negotiations with Pedro Colon? No.   | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | A QAQ A QAQ AQ        | Yeah. What's the FMLA family medical leave policies health care timetable process.  Why did you write these notes? I have no real memory of why. With respect to personal relations; is that what you wrote? Yeah. I wrote everything here. Personal relations ended, office not subject of, looks like extortion. Extortion? What do you mean by personal relations? I don't I don't know. What about office not subject to extortions? Was that part of the personal relations approach? I don't know anything what this page references. Obviously you connected extortion to personal relations in this page; is that correct? No. It could be different parts of a conversation. I wouldn't say obviously I connected that at all.                                      |
| 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | A Q A Q A Q A Q A | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census. "Don't think that's going to happen." But would be nice if Marilyn something. What was the significance of that? Again, I think it's Rowen saying that he ran the issue by Pedro. Did Mr. Rowen participate in some of the negotiations with Pedro Colon? No. To your knowledge?  | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | A QAQ A QAQ A         | Yeah. What's the FMLA family medical leave policies health care timetable process. Why did you write these notes? I have no real memory of why. With respect to personal relations; is that what you wrote? Yeah. I wrote everything here. Personal relations ended, office not subject of, looks like extortion. Extortion? What do you mean by personal relations? I don't I don't know. What about office not subject to extortions? Was that part of the personal relations approach? I don't know anything what this page references. Obviously you connected extortion to personal relations in this page; is that correct? No. It could be different parts of a conversation. I wouldn't say obviously I connected that at all. I'd say they're all on the same page. |
| 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | A Q A Q A Q A Q A | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census. "Don't think that's going to happen." But would be nice if Marilyn something. What was the significance of that? Again, I think it's Rowen saying that he ran the issue by Pedro. Did Mr. Rowen participate in some of the negotiations with Pedro Colon? No. To your knowledge? No.  | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | A QAQ A QAQ A         | Yeah. What's the FMLA family medical leave policies health care timetable process.  Why did you write these notes? I have no real memory of why. With respect to personal relations; is that what you wrote? Yeah. I wrote everything here. Personal relations ended, office not subject of, looks like extortion. Extortion? What do you mean by personal relations? I don't I don't know. What about office not subject to extortions? Was that part of the personal relations approach? I don't know anything what this page references. Obviously you connected extortion to personal relations in this page; is that correct? No. It could be different parts of a conversation. I wouldn't say obviously I connected that at all.                                      |
| 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | A Q A Q A Q A Q A | Why? I just don't remember it. Next item, run into Pedro Colon? Ran into Pedro Colon. Is that you? No, this again would be Rowen relating. Told the Mayor office may designate Marilyn as a census. "Don't think that's going to happen." But would be nice if Marilyn something. What was the significance of that? Again, I think it's Rowen saying that he ran the issue by Pedro. Did Mr. Rowen participate in some of the negotiations with Pedro Colon? No. To your knowledge? No. So this particular disclosure that he made to you, | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | A QAQ A QAQ A         | Yeah. What's the FMLA family medical leave policies health care timetable process. Why did you write these notes? I have no real memory of why. With respect to personal relations; is that what you wrote? Yeah. I wrote everything here. Personal relations ended, office not subject of, looks like extortion. Extortion? What do you mean by personal relations? I don't I don't know. What about office not subject to extortions? Was that part of the personal relations approach? I don't know anything what this page references. Obviously you connected extortion to personal relations in this page; is that correct? No. It could be different parts of a conversation. I wouldn't say obviously I connected that at all. I'd say they're all on the same page. |

| 2   Jreally don't know. 3   O Before - I bink you may have answered this 4   question, but I just want to make sure since 5   Mr. Langley has come up here. Before Marilyn was terminated did you in say way discuss her absence with anyone from the City Atterney's Office? 5   A I don't believe so. 6   Q loin Furchs tried to - what's the significance of this? 7   A John Furchs, it appears to me that I'm being told that John Furchs is complaining about Arme Shindell. 14   Q Who told you that? 15   A I'm not sure. 16   Q Did Mr. Furchs ever call Mr. Langley directly to your knowledge? 18   A I have no idea. 19   Q Did Amyone tell you that? 20   A I don't know if that's what this says or not. I don't know. 21   Q And did Mr. Furchs ever talk to you directly? 22   A Falk ton end back. What's the significance of that? 23   A Talk ton end back. What's the significance of that? 24   A Talk ton end back. What's the significance of that? 25   A I think what this is saying is Furch was trying to 610   C all Anne and Anne wasn't calling back. 26   Q And the last item? 3   A Not want to deal with Arme. Thinks it's a City matter. 3   A What I think it's saying is that John Furchs was trying to get ahold of Ame, that he desert want to deal with here? 3   A What I think it's saying is that John Furchs was trying to get ahold of Ame, that he desert want to deal with here? 4   A What I think it's saying is that John Furchs was trying to get ahold of Ame, that he desert want to deal with here; that he wants to deal with the City. 4   What I think it's saying is that John Furchs was trying to get ahold of Ame, that he desert want to deal with here; that he wants to deal with the City. 5   What I think it's saying is that John Furchs was a City matter. 5   A The City matter. It could have been a matter apagainet the Mayor. I don't know. 5   A The City Attorney was involved in an issue of the context of the six is and complaint, intent to file a complaint of from any legal source other than Anne Shindell? 5   A The City Attorney was in | 1   | had something to refer about the health department. | 1       |               | whether or not Anne could represent the City. I      |
|--|-----|---|---------|---------------|--|
| 3 Q Before — I think you may have answered this 4 question, but I just want to make sure since 5 Mr. Langley has come up here. Before Marilyn was 6 terminated did you in any way discuss her absence with anyone from the City Attorney's Office, including Mr. Langley? 9 A I don't believe so. 10 Q John Puchs tried to — what's the significance of this? 12 A John Fuchs, it appears to me that I'm being told 13 that John Fuchs is complaining about Arme Shindell. 14 Q Who told you that? 15 A I'm not sure. 16 Q Did Mr. Fuchs ever call Mr. Langley directly to your 17 knowledge? 18 A I have no idea. 19 Q Did ayone tell you that? 20 A I don't know if that's what this says or not. I 21 don't know. 22 Q And did Mr. Fuchs ever talk to you directly? 23 A Talk to me directly? Uh-sh. I'm sorry, no. 24 Q Not call back. What's the significance of that? 3 A Not want to deal with Anne. Thinks it's a City matter. 3 A Not want to deal with Anne. Thinks it's a City matter. 4 A Toth thow. 4 O And that was, that someone was telling you that 4 Anne Shindell should not be involved in the Figueroa matter because it was a City matter. 2 Q Did you believe that Marilyn Figueroa's absenteeism and complaint, intent to file a complaint was a complaint was a clity matter.  2 Q Well, did you ever request an opinion from any legal 2 source other than Anne Shindell? 2 A Trying to keep the information.  3 Q Well, did Mr. Fuchs ever talk to you directly? 2 A Toth one directly? 3 A Rot want to deal with the complaint was a clity matter. 3 A Not want to deal with Anne. Thinks it's a City matter. 4 A Trying to keep the information into a tightly defined group. 5 O The next item en page 14 — 6 A Idon't know with 7 Q Dyou know when you wrote them? 7 Q Dyou know when you wrote them? 8 A Okay. 9 Q Doyou know when you wrote them? 9 A Not want to | 2   | I really don't know.                                | 2       |               | don't recollect when exactly that was.               |
| 4 question, but I just want to make sure since 5 Mr. Langley has come uphere. Before Marilyn was 6 terminated did you in any way discuss her absence 7 with anyone from the City Atterney's Office, 8 including Mr. Langley 9 A I don't believe so. 10 Q John Fuchs tried to what's the significance of 11 this? 12 A John Fuchs, it appears to me that I'm being told 13 that John Fuchs, it appears to me that I'm being told 14 Q Who told you that? 15 A I'm not sure. 16 Q Did Mr. Fuchs ever call Mr. Langley directly to your 17 knowledge? 18 A I have no idea. 19 Q Did anyone tell you that? 19 Q Did anyone tell you that? 10 A I don't know if that's what this says or not. I 11 don't know if that's what this says or not. I 12 don't know if that's what this says or not. I 13 don't know if that's what this says or not. I 14 don't know if that's what this says or not. I 15 don't know. 16 Q Not call back. What's the significance of that? 17 A I don't know. What we shall it was a telling back. 18 A Talk to me directly? Uh-uh. I'm sorry, no. 19 Q And the last item? 20 Q And the last item? 21 Q And the last item? 22 Q And the last item? 23 A Not want to deal with Anne. Thinks it's a City 24 matter. 25 Q Who are you referring to or attributing this 26 statement to? 27 A I don't know. Whomever I had the conversation with 28 was relaying that information. 29 Q Who are you referring to or attributing this 29 S to the top of these notes or 29 You have here 11/30? 20 You have here 11/30? 21 C Q Who are you referring to or attributing this 22 statement to? 23 A Right 24 A What I think it's saying is but John Fuchs was 25 trying to get ahold of Arme, that he deast want to 26 deal with her, that he wants to deal with the City. 27 A S C Gird. 28 A C Ragh. 29 Q Who are you referring to or attributing this 29 A What I think it's saying is that John Fuchs was 29 Lipused by frience. I don't know what we had. It could have 29 been a City matter. 20 A You know, J didn't know what we had. It could have 20 been a City matter. 21 A Don't know what we    |     |   | 3       | Q             | But before Marilyn was terminated, to your           |
| terminated did you in any way discuss her absence with anyone from the City Attorney's Office, including Mr. Langley?  A John Fuchs the bieve so. John Fuchs, it appears to me that I'm being told that John Fuchs is complaining about Arone Shindell.  A John Fuchs, it appears to me that I'm being told that John Fuchs is complaining about Arone Shindell.  A I'm not sure.  D Did Arr Fuchs ever call Mr. Langley directly to your knowledge?  A I have no idea.  J Data aryone tell you that?  A I don't Know.  D Ox And that Mr. Fuchs ever talk to you directly?  A I don't know if that's what this says or not. I don't know.  D Ox And that this is saying is Fuchs was trying to 610 call Anne and Anne wasn't calling back.  C And the last item?  A Not want to deal with Anne. Thinks it's a City matter.  A What I think it's saying is that John Fuchs was trying to real what was, that someone was telling you that was relaying that information.  A Anne Shindell should not be involved in the Figueroa matter because it was a City matter; is that what you wrote in here?  A What I think it's saying is that John Fuchs was trying to get shold of Arne, that he doesn't want to deal with ther, that he wants to deal with the City, it's a City matter.  D Did you believe that Marilyn Figueroa's absentecism and complaint, intent to file a complaint was a City matter:  A The City matter.  Did you believe so.  City Attorney's to determine whether on tot this is. The data what they are should be handed over to the City Attorney's Office?  A I don't believe so.  Q You pretty much handled that matter independently from the attorney's legal office; is that what you wrote in the attent independently from the attent independently from the attent what you wrote in the attent independently from the attent what you wrote the intent attent independently from the attent what you wrote the intent attent independently from the attent independently from the attent what you the filling medical defined group of the intent independently from the attent what you wro |     |   | 4       |               | knowledge, did you consult with anyone including the |
| terminated did you in any way discuss her absence with anyone from the City Attorney's Office, including Mr. Langley?  A I don't believe so.  Q You pretty much handled that matter independently from the attorney's legal office; is that what you'ver telling me?  A John Fuchs, it appears to me that I'm being told this?  A John Fuchs size complaining about Anne Shindell.  Q Who told you that?  A Phate no foea.  A I don't believe so.  Q You pretty much handled that matter independently from the attorneys' legal office; is that what you'ver telling me?  A Trying to keep the information into a tightly defined group.  A Hort know if that's what this says or not. I defined group.  B A Dhave no foea.  A Hank thou fish swath this says or not. I don't know if that's what this says or not. I don't know if that's what this is saying is Fuchs was trying to depth what this is saying is Fuchs was trying to fold when you wrote them?  A Talk to me directly? Uh-uh. I'm sorry, no.  A Talk to me directly? Uh-uh. I'm sorry, no.  A Talk to me directly? Uh-uh. I'm sorry, no.  A Talk what this is saying is Fuchs was trying to fold what what this is saying is Fuchs was trying to fold what what this is saying is fuchs was trying to fold what what this is saying is fuch was that alman and name wan't calling back.  A Hank what this is saying is fuch was trying to fold what was, that someone was telling you that Anne Shindell should not be involved in the Figueroa matter.  A Hank twan, that someone was telling you that Anne Shindell should not be involved in the Figueroa matter.  A What I think it's saying is that John Fuchs was trying to get ahold of Arne, that he doesn't want to deal with her, that he wants to deal with the City, it's a City matter.  A What I think it's saying is that John Fuchs was trying to get ahold of Arne, that he doesn't want to deal with her, that he wants to deal with the City, it's a City matter.  A What I think it's saying is that John Fuchs was trying to get ahold of Arne, that he doesn't want to deal with her, |     |   | 5       |               |  |
| 7  | - 1 |   |         |               | •  |
| 8 Including Mr. Langley? 9 A I don't believe so. 10 Q John Fuchs tried to — what's the significance of this? 21 A John Fuchs, it appears to me that I'm being told that John Fuchs is complaining about Anne Shindell. 22 A John Fuchs, it appears to me that I'm being told that John Fuchs is complaining about Anne Shindell. 23 A John Fuchs is complaining about Anne Shindell. 24 Q Who told you that? 25 A I'm not sure. 26 Q Did Mr. Fuchs ever call Mr. Langley directly to your knowledge? 27 A I don't know if that's what this says or not. I don't know if that's what this says or not. I don't know if that's what this says or not. I don't know if that's what this says or not. I don't know if that's what this is saying is Fuchs was trying to 610 28 A Jakin to me directly? Uh-uh. I'm sorry, no. 29 Q Not pare the journ handled that matter independently from the attorneys' legal office; is that what you wrete them? that had a journ tell you wrete in the attorneys' legal office; is that what you wrete liment and the note of page 13 of Exhibit 33? 39 Q Not page 13 of Exhibit 33? 40 A Jakit to me directly? Uh-uh. I'm sorry, no. 41 A Q Not call back. What's the significance of that? 42 Q And the last item? 43 A What this is saying is Puchs was trying to 610 44 matter. 45 Q Who are you referring to or attributing this was relaying that information. 46 Q And the last item? 47 A I don't know. Whenever I had the conversation with was relaying that information. 49 Q And that was, that someone was telling you that Anne Shindell should not be involved in the Tigueroa matter. 40 Anne Shindell should not be involved in the Tigueroa matter. 41 A What I think it's saying is that John Fuchs was trying to get ahold of Anne, that he doesn't want to deal with her, that he wants to deal with the City, it's a City matter. 41 A You know, J didn't know what twe had. It could have been a matter against the Mayor. I don't know. 42 Q Well, did you ever request an opinion from any legal source other than Anne Shindell? 43 A What I think it's saying is  |     | • • • •   | 7       |               | , ,  |
| 9 A I don't believe so. 9 10 John Fuchs tried to what's the significance of 1 this? 12 A John Fuchs, it appears to me that I'm being told 1 this? 13 this I'm being told 2 that John Fuchs is complaining about Anne Shindell. 1 Who told you that? 14 Q Who told you that? 15 A I'm not sure. 1 this is a workedge? 16 A I have no idea. 9 17 A I have no idea. 1 John Fuchs was this says or not. 1 don't know. 1 John what this is saying is Fuchs was trying to get ahold of Anne, that he doesn't want to deal with Anne. Thinks it's a City matter. 1 A Mark Shindell hand not be involved in the Figueroa matter because it was a City matter. 1 Loud have been a city matter? 10 A The City Attorney was involved in an issue of 611 10 this? 11 this? 12 A Trying to keep the information into a tightly defined group. 2 A Trying to keep the information into a tightly defined group. 3 A Fix that what you wroted them to say in the notes of page 13 of Exhibit 33? 4 I don to. 1 To not sure. 1 To No. 1 don't know. 2 To Page 13 of Exhibit 33? 4 Not know. 1 don't know directly 2 To Page 13 of Exhibit 33? 4 Not know. 1 don't know directly 2 To Page 13 of Exhibit 33? 4 Not know. 1 don't know if that's says or not. 1 To No. 2 To Page 13 of Exhibit 33? 4 Not know. 1 don't know directly 2 To Page 14 the notes of page 13 of Exhibit 33? 4 Not know. 1 don't know what this says or not. 1 To Page 14 the notes of page 13 of Exhibit 33? 4 Not know. What the significance of that? 2 To Page 14 the notes of page 13 of Exhibit 33? 4 Not know. What the significance of that? 2 To Page 14 the notes of page 13 of Exhibit 33? 4 Not know what the significance of that? 2 To Page 14 the notes of page 13 of Exhibit 33? 4 Not know. 1 don't know what the context of them? 2 To Page 14 the notes of page 13 of Exhibit 33? 4 Not know what the significance of that? 2 To Page 14 the notes of page 13 of Exhibit 33? 4 Not know what the context of them? 2 To Page 14 the notes of page 13 of Exhibit 33? 4 Not know what the context of them? 2 To Page 14 the notes of page 13 of Exhi    |     | · · · · · · · · · · · · · · · · · · ·               | 8       | Α             | I don't believe so.                                  |
| 10 Q John Fuchs tried to what's the significance of this? 21 A John Fuchs, it appears to me that I'm being told that John Fuchs is complaining about Arme Shindell. 22 A John Fuchs is complaining about Arme Shindell. 23 A John Fuchs ever call Mr. Langley directly to your knowledge? 26 A I don't know it hat's what this says or not. I don't know did Mr. Fuchs ever talk to you directly? 27 A I don't know it hat's what this says or not. I don't know. 28 A I have no idea. 29 Q And did Mr. Fuchs ever talk to you directly? 29 A Talk to me directly? Uh-uh. I'm sorry, no. 21 Q And did Mr. Fuchs ever talk to you directly? 21 A I think what this is saying is Fuchs was trying to call Arme and Anne wasn't calling back. 20 Q And the last item? 31 A Not want to deal with Anne. Thinks it's a City matter. 32 A What I think it's saying is that bone one was telling you that Anne Shindell should not be involved in the Figueroa matter because it was a City matter, it's a City matter. 31 A What I think it's saying is that John Fuchs was trying to get shold of Arme, that he doesn't want to deal with her, that he wants to deal with the City, it's a City matter. 32 A What I think it's saying is that John Fuchs was trying to get shold of Arme, that he doesn't want to deal with her, that he wants to deal with the City, it's a City matter. 34 A What I think it's saying is that John Fuchs was trying to get shold of Arme, that he doesn't want to deal with her, that he wants to deal with the City, it's a City matter. 35 A What I think it's saying is that John Fuchs was trying to get shold of Arme, that he doesn't want to deal with her, that he wants to deal with the City, it's a City matter. 36 A What I think it's saying is that John Fuchs was trying to get shold of Arme, that he doesn't want to deal with her, that he wants to deal with the Conversation with was a City matter. 35 A What I think it's saying is that John Fuchs was trying to get shold of Arme, that he doesn't want to deal with the Conversation with was a City matter. 36 A Wha    | •   | •             |         |               |  |
| this?  A John Fuchs, it appears to me that I'm being told the John Fuchs is complaining about Arme Shindell.  Q Who told you that?  A I'm not sure.  Q Did Mr. Fuchs ever call Mr. Langley directly to your knowledge?  A I have no idea.  Q Did Mr. Fuchs ever tall Mr. Langley directly to your knowledge?  A I don't know if that's what this says or not. I don't know if that's what this says or not. I don't know.  Q Q And did Mr. Fuchs ever talk to you directly? A Talk to me directly? Uh-th. I'm sorry, no. Q Q And call back. What's the significance of that? A I think what this is saying is Fuchs was trying to 610  all Arme and Arme wasn't calling back. Q Q And the last item? A I don't know. Whomever I had the conversation with was relaying that information. Q And that was, that someone was telling you that Arme Shindell should not be involved in the Figueroa motter because it was a City matter. Q Did by one believe that Marilyn Figueroa's absentecism and complaint, intent to file a complaint was a City matter? A You know, I didn't know what we had. It could have been a City matter? A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A You know, I didn't know what we had. It could have been a City matter. It could have been a matter against the Mayor. I don't know.  B A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A The City Attorney was involved in an issue of  A The City Attorney was involved  |     |   | 1       | `             | · · · · · · · · · · · · · · · · · · ·                |
| 12 A John Fuchs, it appears to me that I'm being told that John Fuchs is complaining about Arme Shindell. 13 A I'm not sure. 14 Q Who told you that? 15 A I'm not sure. 16 Q Did Mr. Fuchs ever call Mr. Langley directly to your knowledge? 18 A I have no idea. 19 Q Did apyone tell you that? 20 A I don't know if that's what this says or not. I don't know if that's what this says or not. I don't know. 21 Q And did Mr. Fuchs ever talk to you directly? 22 A Talk to me directly? Uh-uh. Tm sorry, no. 23 A Talk to me directly? Uh-uh. Tm sorry, no. 24 Q Not call back. What's the significance of that? 25 A I think what this is saying is Fuchs was trying to 610 26 Q And the last item? 27 A I don't know. 28 A Not want to deal with Arme. Thinks it's a City matter. 29 Q And the last item? 30 A Not want to deal with Arme. Thinks it's a City matter. 31 A Not want to deal with Arme. Thinks it's a City matter. 41 A I believe so. 42 Q And the last item? 43 A What I think it's saying is that John Fuchs was trying to get shold of Arme, that he doesn't want to deal with her, that he wants to deal with her, that he doesn't want to deal with her, that he wants to deal with her, that he doesn't want to deal with her, that he wants to deal with her conversation with heart here are against the Mayor. I don't know what the context of this is. 4 I don't know what the context of this | •   | · ·   |         |               |  |
| that John Fuchs is complaining about Anne Shindell.  Q Who told you that?  A Innot sure.  Q Did Mr. Fuchs ever call Mr. Langley directly to your knowledge?  A I don't know no idea.  18 A I have no idea.  19 Q Did anyone tell you that?  20 A I don't know if that's what this says or not. I 20 A right.  21 don't know.  22 Q And did Mr. Fuchs ever talk to you directly?  23 A Talk to me directly? Uh-uh. Tim sorry, no.  24 Q Not call back. What's the significance of that?  25 A I think what this is saying is Fuchs was trying to 610 attempt.  26 Q And the last item?  3 A Not want to deal with Anne. Thinks it's a City matter.  4 Q Who are you referring to or attributing this statement to?  4 A Undon't know. Whomever I had the conversation with was relaying that information.  5 Q Who are you referring to the date when I wrote these notes or not.  6 Q And that was, that someone was telling you that Anne Shindell should not be involved in the Figueroa matter because it was a City matter; is that what you wrote in here?  3 A What I think it's saying is that John Fuchs was trying to get a hold of Arne, that he doesn't want to deal with her, that he wants to deal with the City, it's a City matter.  4 A What I think it's saying is that John Fuchs was trying to get a hold of Arne, that he doesn't want to deal with her, that he wants to deal with the City, matter?  A You know, I didn't know what we had. It could have been a City matter. It could have been a matter against the Mayor. I don't know what whe head. It could have been a City matter. It could have been a matter against the Mayor. I don't know what the context of this is. Fuchs declined, thinks it died.  A The City Attorney was involved in an issue of the City Attorney was involved in an issue of the City Attorney was involved in an issue of the City Attorney was involved in an issue of the City Attorney was involved in an issue of the City Attorney was involved in an issue of the City Attorney was involved in an issue of the City Attorney was involved in an issue of t |     |   | •       | Α             | , ,  |
| 14 Q Who told you that? 15 A I'm not sure. 16 Q Did Mr. Fuchs ever call Mr. Langley directly to your knowledge? 18 A I have no idea. 19 Q Did anyone tell you that? 20 A I don't know if that's what this says or not. I don't know if that's what this says or not. I don't know if that's what this says or not. I don't know if that's what this saying is Fuchs was trying to 610 21 Call Anne and Anne wasn't calling back. 22 Q And the last item? 23 A Not want to deal with Anne. Thinks it's a City matter. 24 Q Not and the last item? 25 A I don't know. Whomever I had the conversation with was relaying that information. 26 Q And that was, that someone was telling you that Anne Shindell should not be involved in the Figueroa matter because it was a City matter; is that what you wrote in here? 26 A What I think it's saying is that John Fuchs was trying to get aholid of Anne, that he doesn't want to deal with her, that he wants to deal with ther, that he wants to deal with ther. It could have been a City matter. 27 A You know, I didn't know what we had. It could have been a City matter. It could have been a matter against the Mayor. I don't know. 28 A The City Attorney was involved in an issue of 611  29 A The City Attorney was involved in an issue of 612  20 A Have you ever heard the press refer to that? Yes. 24 A lave I heard the press refer to that? Yes. 25 A lave I heard the press refer to that? Yes. 26 A lave you ever heard the press on more than one occasion refer to a highly placed source in City Hall, 23 A lave I heard the press refer to that? Yes. 26 A lave you ever heard the press on more than one occasion refer to a highly placed source in City Hall? 26 A No. It's one big eared person. That's for sure. 27 A No. It's one big eared person. That's for sure. 28 A No. I don't know what the context of this is. 39 A No. I don't know what the context of this is. 40 A was a laributing this statement to the press? 28 A lave I h |     |   |         | • •           | •              |
| 15 Å I'm not sure. 16 Q Did Mr. Fuchs ever call Mr. Langley directly to your 17 knowledge? 18 A I have no idea. 19 Q Did anyone tell you that? 20 A I don't know i' that's what this says or not. 1 21 don't know i' that's what this says or not. 1 22 Q And did Mr. Fuchs ever talk to you directly? 23 A Talk to me directly? Uh-uh. I'm sorry, no. 24 Q Not call back. What's the significance of that? 25 A I think what this is saying is Fuchs was trying to 26 C And the last item? 27 A I don't know. 28 Q And the last item? 29 A No I don't. 20 Q And that was, that someone was telling you that 29 A row are you referring to or attributing this 29 So let's go to the top of these notes. 20 A row have read and the conversation with 20 Who are you referring to or attributing this 21 statement to? 22 A l' don't know. Whomever I had the conversation with 23 was relaying that information. 24 Q And that was, that someone was telling you that 25 A I don't know. Whomever I had the conversation with 26 was relaying that information. 27 A I don't know if that's siying is that John Fuchs was 28 trying to get ahold of Anne, that he doesn't want to 29 deal with her, that he wants to deal with the City, 20 To be was the was a City 21 matter? 22 A No. I don't know what we had. It could have been a City matter. It could have been a matter 22 against the Mayor. I don't know 23 A Talk to me directly? Uh-uh. I'm sorry, no. 24 Q Not delive with the was a City 25 A I think what this is saying is brack and the conversation with 26 was relaying that information. 27 A I don't know what the context of this is. 28 A What I think it's saying is that John Fuchs was 29 trying to get ahold of Anne, that he doesn't want to 29 deal with her, that he wants to deal with the City, 20 Who was the press was telling you? Are you 21 attributing this statement to the press? 22 A No. I don't know what the context of this is. 23 A Toth who what the context of this is. 24 A Lee notes from the recesser is was a City 25 A Toth Know what the context of this is. 26 A you  | - 1 | • •   |         | 0             | •  |
| 16 Q Did Mr. Fuchs ever call Mr. Langley directly to your knowledge?  A A law no idea.  A I don't know if that's what this says or not. I  don't know if that's what this says or not. I  don't know if that's what this says or not. I  don't know.  20 Q And did Mr. Fuchs ever talk to you directly?  21 A Talk to me directly? Uh-uh. I'm sorry, no.  22 Q And call back. What's the significance of that?  23 A Talk to me directly? Uh-uh. I'm sorry, no.  24 Q Not call back. What's the significance of that?  25 A I think what this is saying is Fuchs was trying to  610  1 call Anne and Anne wasn't calling back.  2 Q And the last item?  3 A Not want to deal with Anne. Thinks it's a City matter.  5 Q Who are you referring to or attributing this statement to?  A I don't know. Whomever I had the conversation with was relaying that information.  9 Q And that was, that someone was telling you that Anne Shindell should not be involved in the Figueroa matter because it was a City matter; is that what you wrote in here?  2 A What I think it's saying is that John Fuchs was trying to get ahold of Anne, that he doesn't want to deal with her, that he wants to deal with the City, it's a City matter.  3 A What I think it's saying is that John Fuchs was trying to get ahold of Anne, that he doesn't want to deal with her, that he wants to deal with the City, it's a City matter.  4 A You know, I didn't know what we had. It could have been a City matter. It could have been a City matter.  5 Q Well, did you ever request an opinion from any legal source other than Anne Shindell?  4 A The City Attorney was involved in an issue of  6 A I do not.  7 O Di A next titem on page 14 —  8 A Right.  8 A Ob. I don't.  9 Q Not have when you wrote them?  2 A No. I don't.  9 Q You have here 11/30?  A No, I don't.  9 Q So let's go to the top of these notes.  6 A Okay.  9 Q Fuchs calls from Borowski?  8 Borowski, Papst, Spivak, Benson, and I don't know what that the press was telling you? Are you attributing this statement to the press?  A Highly placed source |     |   |         | ~             | · · · · · · · · · · · · · · · · · · ·                |
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| 611 613  |     |   |         |               | •  |
| · · · · · · · · · · · · · · · · · · ·  | 25  |   | 25      | Α             |  |
|  |     |   | <u></u> |               |  |

| •     | 1 · A I have no clue.  | 1        | Q         | These are your notes?                                       |
|-------|--|----------|-----------|---|
| - 13  | 2 Q Did Mr. Miller ever report to you anything regarding   | 2        | _         | They are.   |
| -   ; | 3 Marilyn Figueroa?  | 3        |           | And can you start with the first item?                      |
| 1     | 4 A Regarding Marilyn?   | 4        | À         | Staff Thursday morning, all staff.                          |
|       | 5 Q Yes.   | 5        | 0         | Is that related to a meeting?                               |
| - 10  | 6 A Could you give me a context?   | 6        |           | I believe that's what it's related to.                      |
|       | 7 Q Anything that Marilyn may have shared with him,  | 7        |           | Was that a meeting you held with staff?                     |
| -14   | disclosed to him.  | 8        | Δ         | I must assume that. I don't know.                           |
| 1     | 9 A No. Mike came to me at some point after Marilyn  | 9        |           |   |
| 1     | 0 left, said that he had lunch with her and maybe I  | 10       |           | Was that before or after Marilyn left?<br>I don't know.     |
|       | believe it was her brother. I pretty much cut him  | 11       |           |   |
|       | off. I said I don't want to talk about this.   | 12       |           | Let's go with the first item.                               |
|       |  | 13       | ٨         | This appears to be notes I made to myself, maybe in         |
| 1     |  | •        | ^         | preparation for the meeting.                                |
|       | _  | 14       |           | Okay.   |
| 1     |  | 15       | А         | No. 1, going to be under lots of pressure.                  |
| 1     |  | 16       | ^         | Therefore got to hold together.                             |
|       |  | 17       |           | What did you mean by that?                                  |
| 11    |  | 18<br>19 | А         | We're going to be the staff is going to be under            |
| 2     |  | 1        | ^         | a lot of pressure. We're going to need to                   |
| 2     |  | 20       | Ų         | Was that as a result of the potential                       |
| 2     |  | 21 22    | ٨         | Marilyn Figueroa lawsuit?                                   |
| 2:    | •  | 23       | А         | I'm not sure. As I read down it looks like it might         |
| 2     | O O  | 24       | Λ         | be.   |
| 2     |  | 25       |           | Hold together, what did you mean by that?                   |
| 1     | 618  | 20       | Λ         | You've got to stay focused on our jobs. 620                 |
|       |  | ┼_       |           |   |
| 1     | •  | 1        |           | And the next item?  |
| 2     | · · · · · · · · · · · · · · · · · · ·  | 2        | А         | No comments at this time, be handled by appropriate         |
| 3     | •  | 3        | ^         | counsel.  |
| 5     | , , ,  | 4        |           | Was that related to Marilyn Figueroa's potential            |
| 6     |  | 5<br>6   |           | lawsuit?  |
| 7     | ,  | 7        |           | I believe so, yes. Next item?                               |
| 8     | O Company of the comp | 8        | •         | •   |
| ١۵    |  | 9        |           | Not a City issue, it's a personal issue.                    |
| 10    | Q All right. I know you disagree with me. Any relationship between this with respect to  | 10       |           | Was that related to Marilyn Figueroa?                       |
| 11    | •  | 11       |           | I believe so.<br>Next item?                                 |
| 12    |  | 12       | -         | What it means for the campaign. We have to work             |
| 13    |  | 13       | $\Lambda$ | harder, stay focused, minimize the problem, maximize        |
| 14    |  | 14       |           |   |
| 15    | · 1  | 15       | $\cap$    | opportunities.  Minimize the problem, were you referring to |
| 16    | <b>,</b>   | 16       | Y         | Marilyn Figueroa?   |
| 17    | • • •  | 17       | Δ         | I don't know. Could be.                                     |
| 18    | J 1  | 18       |           | Well, what other problems were you referring to?            |
| 19    |  | 19       |           | We have problems every day. Maximum was a watch             |
| 20    | ·  | 20       | , ,       | word, you know, maximize opportunity, minimize              |
| 21    |  | 21       |           | problems.   |
| 22    | ` '  | 22       | $\circ$   | Well, you identified the three previous items as            |
| 23    | , ,  | 23       | ~         | being related to Marilyn Figueroa?                          |
| 24    |  | 24       | Α         | Yeah, I believe it is but I'm not sure.                     |
| 25    | •  | 25       |           | Minimize the problem meant Marilyn Figueroa;                |
|       |  |          | ~         |   |
|       | 619  |          |           | 621   |

|   | 0000   | e Compress  |   |   |   |
|---|--|---|---|---|---|
| ٠ |  | ·A Correct.   |   | -                                       | Something to be said about our writing; is that   |
|   | 2  | Q And do you recall when you made these notes?  | 2   |   | correct?  |
|   | 3  | A I do not.   | 3   | Α                                       | I really can't read that. Broken off is the next  |
|   | 4  | Q Do you know if they were in January 2000?   | 4   |   | one. Consensual I guess.  |
|   |  | A I have no idea. I doubt it was in January.  | 5   |   | What is the significance of these notes?  |
|   | 5  | A Thave no idea, I doubt it was it juituary.  | 6   |   | It looks to be notes that I was having with   |
|   | 6  | Q And can you read for the record what these notes  | 7   |   | Dan Bice. He was pumping me for information.  |
|   | 7  | purport to represent?   |   |   |   |
|   | 8  | A Bice and Spivak why, do expect sexual harassment  | 8   | -                                       | Did you give any?   |
|   | 9  | suit.   | 9   |   | I would have used my standard approach.   |
|   | 10   | Q What's your understanding? Are these questions that   | 10  | •                                       | Which was?  |
|   | 11   | Mr. Spivak and Bice were asking?  | 11  | Α                                       | Which was if you have someone that's ready to go on   |
|   | 12   | A I've got to believe that. That's all I  | 12  |   | the record if they're not ready to go on the  |
|   | 13   | Q Do you know what your response was?   | 13  |   | record, then you're asking me to respond to rumors  |
|   | 14   | A I do not.   | 14  |   | and innuendos, and I will not do that.  |
|   |  | Q Next item so we can move a little faster, item  | 15  | 0                                       | The last item?  |
|   | 15   |   | 16  |   | Question, what's your deadline. I'm probably asking   |
|   | 16   | No. 20 of Exhibit 33.   | 17  | •                                       | him what are they writing a story for and who's the   |
|   | 17   | A Okay.   | 18  |   | source, don't believe it.   |
|   | 18   | Q You have again a number from the top, run Bice; is  |   | $\circ$                                 |   |
|   | 19   | that correct?   | 19  | Ų                                       | Who is the source, don't believe it, are those your   |
|   | 20   | A I think it's, is it Dan Bice? I believe Dan Bice.   | 20  |   | words, don't believe it?  |
|   | 21   | Q Do you recall anything with respect to that note?   | 21  |   | I don't know.   |
|   | 22   | A In reviewing the note it appears to be a  | 22  | Q                                       | So these are statements that they were attributing  |
|   | 23   | conversation I was having with either Dan Bice alone  | 23  |   | to Mr. Fuchs?   |
|   | 24   | or Spivak and Bice.   | 24  |   | I'm not sure if that's  |
|   | 25   | Q What did they tell you?   | 25  | Q                                       | But at least they were telling you that a sexual  |
|   |  | 626   |   |   | 628   |
| ì | <u> </u>   | A. D  | 1   |   | harassment  |
| 7 | 1  | A Running a story on Thursday, Fuchs preparing the  | 2   | Δ                                       | What they were saying from my interpretation is   |
|   | 2  | lawsuit, filed Friday, sex something and job  | 3   | / \                                     | Fuchs is saying he's going to file something on   |
|   | 3  | discrimination.   | 1.  |   |   |
|   | 4  | Q Does it say sexual harassment and job   | 4   |   | Friday regarding sexual harassment and job discrimination.  |
|   | 5  | discrimination?   | 5   | _                                       |   |
|   | 6  | A You know, it could say that but it's pretty   | 6   |   | And that he was very confident?   |
|   | 7  | nebulo <b>us</b> .  | 7   |   | That he was very confident.   |
|   | 8  | Q The first word is sex?  | 8   |   |   |
|   | 9  |   |   | Q                                       | And then to the far left no answer, what's the  |
|   | 1 2  | A The first word is sex.  | 9   |   | significance of that?   |
|   |  |   |   | Α                                       | significance of that?<br>I don't know.  |
|   | 10   | Q All right.  | 9   | Α                                       | significance of that?   |
|   | 10<br>11   | Q All right. A Very confident.  | 9   | A<br>Q                                  | significance of that?<br>I don't know.  |
|   | 10<br>11<br>12   | <ul><li>Q All right.</li><li>A Very confident.</li><li>Q Is that a statement attributed to Mr. Fuchs?</li></ul>   | 9<br>10<br>11   | A<br>Q<br>A                             | significance of that?<br>I don't know.<br>Hold?<br>I have no idea.  |
|   | 10<br>11<br>12<br>13   | <ul><li>Q All right.</li><li>A Very confident.</li><li>Q Is that a statement attributed to Mr. Fuchs?</li><li>A I don't know.</li></ul>   | 9<br>10<br>11<br>12<br>13   | A<br>Q<br>A                             | significance of that? I don't know. Hold? I have no idea. Did you report this discussion to the Mayor?  |
|   | 10<br>11<br>12<br>13<br>14   | <ul> <li>Q All right.</li> <li>A Very confident.</li> <li>Q Is that a statement attributed to Mr. Fuchs?</li> <li>A I don't know.</li> <li>Q All right. Next?</li> </ul>  | 9<br>10<br>11<br>12<br>13<br>14   | A Q A Q A                               | significance of that? I don't know. Hold? I have no idea. Did you report this discussion to the Mayor? I would have, yes.   |
|   | 10<br>11<br>12<br>13<br>14<br>15   | <ul> <li>Q All right.</li> <li>A Very confident.</li> <li>Q Is that a statement attributed to Mr. Fuchs?</li> <li>A I don't know.</li> <li>Q All right. Next?</li> <li>A Looks to be like racial discrimination, job</li> </ul>   | 9<br>10<br>11<br>12<br>13<br>14<br>15   | A Q A Q A                               | significance of that? I don't know. Hold? I have no idea. Did you report this discussion to the Mayor? I would have, yes. Item 21 of Exhibit 33, ERD, did I read that   |
|   | 10<br>11<br>12<br>13<br>14<br>15<br>16   | <ul> <li>Q All right.</li> <li>A Very confident.</li> <li>Q Is that a statement attributed to Mr. Fuchs?</li> <li>A I don't know.</li> <li>Q All right. Next?</li> <li>A Looks to be like racial discrimination, job discrimination.</li> </ul>   | 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16   | A Q A Q A Q                             | significance of that? I don't know. Hold? I have no idea. Did you report this discussion to the Mayor? I would have, yes. Item 21 of Exhibit 33, ERD, did I read that correctly?  |
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|   | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                                     | <ul> <li>Q All right.</li> <li>A Very confident.</li> <li>Q Is that a statement attributed to Mr. Fuchs?</li> <li>A I don't know.</li> <li>Q All right. Next?</li> <li>A Looks to be like racial discrimination, job discrimination.</li> <li>Q Next? Sex harassment to the left?</li> <li>A Oh, to the left?</li> <li>Q Right.</li> </ul>  | 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                                     | A Q A Q A Q A Q A                       | significance of that? I don't know. Hold? I have no idea. Did you report this discussion to the Mayor? I would have, yes. Item 21 of Exhibit 33, ERD, did I read that correctly? Yes. Is that your notes? Right.  |
|   | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17   | <ul> <li>Q All right.</li> <li>A Very confident.</li> <li>Q Is that a statement attributed to Mr. Fuchs?</li> <li>A I don't know.</li> <li>Q All right. Next?</li> <li>A Looks to be like racial discrimination, job discrimination.</li> <li>Q Next? Sex harassment to the left?</li> <li>A Oh, to the left?</li> <li>Q Right.</li> <li>A Sexual harassment related to affair with Mayor which</li> </ul>  | 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                         | A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q | significance of that? I don't know. Hold? I have no idea. Did you report this discussion to the Mayor? I would have, yes. Item 21 of Exhibit 33, ERD, did I read that correctly? Yes. Is that your notes? Right. What's the significance of these notes?  |
|   | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                                     | <ul> <li>Q All right.</li> <li>A Very confident.</li> <li>Q Is that a statement attributed to Mr. Fuchs?</li> <li>A I don't know.</li> <li>Q All right. Next?</li> <li>A Looks to be like racial discrimination, job discrimination.</li> <li>Q Next? Sex harassment to the left?</li> <li>A Oh, to the left?</li> <li>Q Right.</li> <li>A Sexual harassment related to affair with Mayor which broken off, job/race discrimination.</li> </ul>   | 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21                   | A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q | significance of that? I don't know. Hold? I have no idea. Did you report this discussion to the Mayor? I would have, yes. Item 21 of Exhibit 33, ERD, did I read that correctly? Yes. Is that your notes? Right. What's the significance of these notes? It's a conversation I'm having with somebody. ERD  |
|   | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21                   | <ul> <li>Q All right.</li> <li>A Very confident.</li> <li>Q Is that a statement attributed to Mr. Fuchs?</li> <li>A I don't know.</li> <li>Q All right. Next?</li> <li>A Looks to be like racial discrimination, job discrimination.</li> <li>Q Next? Sex harassment to the left?</li> <li>A Oh, to the left?</li> <li>Q Right.</li> <li>A Sexual harassment related to affair with Mayor which broken off, job/race discrimination.</li> </ul>   | 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q | significance of that? I don't know. Hold? I have no idea. Did you report this discussion to the Mayor? I would have, yes. Item 21 of Exhibit 33, ERD, did I read that correctly? Yes. Is that your notes? Right. What's the significance of these notes? It's a conversation I'm having with somebody. ERD was the process. Notice of claim would come to us.   |
| ) | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | <ul> <li>Q All right.</li> <li>A Very confident.</li> <li>Q Is that a statement attributed to Mr. Fuchs?</li> <li>A I don't know.</li> <li>Q All right. Next?</li> <li>A Looks to be like racial discrimination, job discrimination.</li> <li>Q Next? Sex harassment to the left?</li> <li>A Oh, to the left?</li> <li>Q Right.</li> <li>A Sexual harassment related to affair with Mayor which broken off, job/race discrimination.</li> <li>Q To whom do you attribute those statements?</li> </ul>   | 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21                   | A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q | significance of that? I don't know. Hold? I have no idea. Did you report this discussion to the Mayor? I would have, yes. Item 21 of Exhibit 33, ERD, did I read that correctly? Yes. Is that your notes? Right. What's the significance of these notes? It's a conversation I'm having with somebody. ERD was the process. Notice of claim would come to us. Is it fair and accurate to say that the specific  |
| ) | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | <ul> <li>Q All right.</li> <li>A Very confident.</li> <li>Q Is that a statement attributed to Mr. Fuchs?</li> <li>A I don't know.</li> <li>Q All right. Next?</li> <li>A Looks to be like racial discrimination, job discrimination.</li> <li>Q Next? Sex harassment to the left?</li> <li>A Oh, to the left?</li> <li>Q Right.</li> <li>A Sexual harassment related to affair with Mayor which broken off, job/race discrimination.</li> <li>Q To whom do you attribute those statements?</li> <li>A I've got to believe it's to the Dan Bice.</li> </ul>  | 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q | significance of that? I don't know. Hold? I have no idea. Did you report this discussion to the Mayor? I would have, yes. Item 21 of Exhibit 33, ERD, did I read that correctly? Yes. Is that your notes? Right. What's the significance of these notes? It's a conversation I'm having with somebody. ERD was the process. Notice of claim would come to us.   |
| ) | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | <ul> <li>Q All right.</li> <li>A Very confident.</li> <li>Q Is that a statement attributed to Mr. Fuchs?</li> <li>A I don't know.</li> <li>Q All right. Next?</li> <li>A Looks to be like racial discrimination, job discrimination.</li> <li>Q Next? Sex harassment to the left?</li> <li>A Oh, to the left?</li> <li>Q Right.</li> <li>A Sexual harassment related to affair with Mayor which broken off, job/race discrimination.</li> <li>Q To whom do you attribute those statements?</li> <li>A I've got to believe it's to the Dan Bice.</li> <li>Q And the next item to the right?</li> </ul> | 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q | significance of that? I don't know. Hold? I have no idea. Did you report this discussion to the Mayor? I would have, yes. Item 21 of Exhibit 33, ERD, did I read that correctly? Yes. Is that your notes? Right. What's the significance of these notes? It's a conversation I'm having with somebody. ERD was the process. Notice of claim would come to us. Is it fair and accurate to say that the specific  |
| ) | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | <ul> <li>Q All right.</li> <li>A Very confident.</li> <li>Q Is that a statement attributed to Mr. Fuchs?</li> <li>A I don't know.</li> <li>Q All right. Next?</li> <li>A Looks to be like racial discrimination, job discrimination.</li> <li>Q Next? Sex harassment to the left?</li> <li>A Oh, to the left?</li> <li>Q Right.</li> <li>A Sexual harassment related to affair with Mayor which broken off, job/race discrimination.</li> <li>Q To whom do you attribute those statements?</li> <li>A I've got to believe it's to the Dan Bice.</li> </ul>  | 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q | significance of that?  I don't know.  Hold?  I have no idea.  Did you report this discussion to the Mayor?  I would have, yes.  Item 21 of Exhibit 33, ERD, did I read that correctly?  Yes.  Is that your notes?  Right.  What's the significance of these notes?  It's a conversation I'm having with somebody. ERD was the process. Notice of claim would come to us.  Is it fair and accurate to say that the specific subject that you consulted ERD with related to how |

| ۱.  | 1  | +                    | Marilyn.   | 1  |             | director of Walkers Point Development Corporation.   |
|-----|--|----------------------|--|--|-------------|--|
|     | 2  | Q                    | What is the significance of that?  | 2  |             | Jennifer says Marilyn called Denise Wise on Friday   |
| j   | 3  |                      | I have no idea.  | 3  |             | the 29th of October to ask about office space.   |
| ١   | 4  |                      | To whom do you attribute the statement?  | 4  |             | During the conversation Marilyn broke down and   |
|     | 5  |                      | I don't know because there's a line between the  | 5  |             | cried, said didn't know what to do. Kids are being   |
|     |  | $^{\wedge}$          |  | 6  |             |  |
| ı   | 6  | _                    | previous conversation with Hansen and this one.  | 1  | ^           | followed and investigated by the Mayor's office.   |
| 1   | 7  | •                    | Next item?   | 7  |             | All right. Item 26 of Exhibit 33.  |
|     | 8  | Α                    | More inclusive, not specific to Marilyn. List of   | 8  |             | Okay.  |
|     | 9  |                      | all employees April 1, '99 to April 1, 2000. Mayor   | 9  |             | These are your notes?  |
|     | 10   |                      | City Clerk, DER, names, title, salary, date  | 10   |             | Yes, they are.   |
|     | 11   |                      | something and date terminated, attendance records.   | 11   | Q           | Do you know when you made them?  |
| ı   | 12   | 0                    | Let's go to 24. These are your notes?  | 12   |             | I do not.  |
|     | 13   | -                    | Yes, they are.   | 13   | Q           | Let's go with the first comment.   |
|     | 14   |                      | On top you say four documents, cannot find MF  | 14   |             | Inappropriate to comment on the rumor of a filing or   |
|     | 15   | ~                    | document?  | 15   |             | on personnel matters.  |
|     | 16   | Δ                    | Right.   | 16   | 0           | What's the significance of this note?  |
|     | 17   |                      | Was there a specific document you couldn't find?   | 17   |             | I think that it's my note in preparation to talk to  |
|     |  |                      |  | 18   | ′`          | a reporter.  |
|     | 18<br>10   | ٨                    | I'm believing that this is a conversation the Mayor  | 19   | $\circ$     | And then you have some numbers?  |
|     | 19   | $\sim$               | is having with the chief of police.  | 20   |             |  |
|     | 20   |                      | Regarding what matter?   |  |             | Yeah. I don't think the numbers relate to anything.  |
|     | 21   | А                    | There was Marilyn had made some complaint. Some  | 21   | •           | Next item 27 of Exhibit 33?  |
|     | 22   |                      | officers went to her house. I believe it says off  | 22   | А           | October 30th, Spivak and Bice, say he's going to   |
|     | 23   |                      | in the corner Jeff Wagner. Jeff Wagner is a I  | 23   |             | file a column, should wait till, till any actual   |
|     | 24   |                      | believe he's a radio personality, was asking the   | 24   | ^           | filing, see last February for example.   |
| -   | 25   |                      | chief to provide the reports from the officers.  | 25   | Q           | What did you mean by that?   |
| - 1 |  |                      | 634  | 1  |             | 63 <b>6</b>  |
| L   |  |                      |  | <del> </del>   |             |  |
| ł   | 1  | Q                    | Let's go to 25. Are these your notes?  | 1  | Α           | I actually think that the next couple of pages are   |
|     | 1 2  | -                    | Let's go to 25. Are these your notes? Yes, they are.   | 1 2  | Α           | I actually think that the next couple of pages are all related to the same issue.  |
|     | 2  | A                    | Yes, they are.   | ł  |             |  |
|     | 2  | A                    | Yes, they are. Again, I suspect that if they are not dated you   | 2  | Q           | all related to the same issue.<br>Meaning?   |
|     | 2<br>3<br>4  | A<br>Q               | Yes, they are. Again, I suspect that if they are not dated you don't remember when they were made?   | 2  | Q           | all related to the same issue.  Meaning?  That several pages actually. That there was a  |
|     | 2<br>3<br>4<br>5   | A<br>Q<br>A          | Yes, they are. Again, I suspect that if they are not dated you don't remember when they were made? Correct.  | 2<br>3<br>4  | Q           | all related to the same issue.  Meaning?  That several pages actually. That there was a  Spivak and Bice was calling saying that they were   |
|     | 2<br>3<br>4<br>5<br>6  | A Q A Q              | Yes, they are. Again, I suspect that if they are not dated you don't remember when they were made? Correct. We'll see how we can get there.  | 2<br>3<br>4<br>5   | Q           | all related to the same issue.  Meaning?  That several pages actually. That there was a  Spivak and Bice was calling saying that they were going to write an article; that a there was going   |
|     | 2<br>3<br>4<br>5<br>6<br>7                                   | A Q A Q              | Yes, they are. Again, I suspect that if they are not dated you don't remember when they were made? Correct. We'll see how we can get there. Well, in the books. You can the books are dated  | 2<br>3<br>4<br>5<br>6<br>7   | Q           | all related to the same issue.  Meaning?  That several pages actually. That there was a  Spivak and Bice was calling saying that they were going to write an article; that a there was going to be some filing imminent and, you know, what this   |
|     | 2<br>3<br>4<br>5<br>6<br>7<br>8                              | A Q A Q A            | Yes, they are. Again, I suspect that if they are not dated you don't remember when they were made? Correct. We'll see how we can get there. Well, in the books. You can the books are dated on the outside of the books.   | 2<br>3<br>4<br>5<br>6<br>7<br>8  | Q           | all related to the same issue.  Meaning?  That several pages actually. That there was a  Spivak and Bice was calling saying that they were going to write an article; that a there was going to be some filing imminent and, you know, what this is I don't know what the context of this says,  |
|     | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9                         | A Q A Q A Q          | Yes, they are. Again, I suspect that if they are not dated you don't remember when they were made? Correct. We'll see how we can get there. Well, in the books. You can the books are dated on the outside of the books. Okay, very good. Now this is item 25?   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | Q           | all related to the same issue.  Meaning?  That several pages actually. That there was a  Spivak and Bice was calling saying that they were going to write an article; that a there was going to be some filing imminent and, you know, what this is I don't know what the context of this says, going to be filing. See last February for example.   |
|     | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9                         | A Q A Q A Q A        | Yes, they are. Again, I suspect that if they are not dated you don't remember when they were made? Correct. We'll see how we can get there. Well, in the books. You can the books are dated on the outside of the books. Okay, very good. Now this is item 25? Right.  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | Q           | all related to the same issue.  Meaning?  That several pages actually. That there was a  Spivak and Bice was calling saying that they were going to write an article; that a there was going to be some filing imminent and, you know, what this is I don't know what the context of this says, going to be filing. See last February for example.  The previous February we had the same kind of  |
|     | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10                   | AQ AQA QAQ           | Yes, they are. Again, I suspect that if they are not dated you don't remember when they were made? Correct. We'll see how we can get there. Well, in the books. You can the books are dated on the outside of the books. Okay, very good. Now this is item 25? Right. What do you have here?   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10   | Q           | all related to the same issue.  Meaning?  That several pages actually. That there was a  Spivak and Bice was calling saying that they were going to write an article; that a there was going to be some filing imminent and, you know, what this is I don't know what the context of this says, going to be filing. See last February for example.  The previous February we had the same kind of scare from Spivak and Bice where they said a filing  |
|     | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11             | A Q A Q A Q A        | Yes, they are. Again, I suspect that if they are not dated you don't remember when they were made? Correct. We'll see how we can get there. Well, in the books. You can the books are dated on the outside of the books. Okay, very good. Now this is item 25? Right. What do you have here? 10/2. It would be October 2nd.  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11   | Q           | all related to the same issue.  Meaning?  That several pages actually. That there was a  Spivak and Bice was calling saying that they were going to write an article; that a there was going to be some filing imminent and, you know, what this is I don't know what the context of this says, going to be filing. See last February for example.  The previous February we had the same kind of scare from Spivak and Bice where they said a filing was imminent, and we talked to them and their  |
|     | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12       | AQ AQA QAQAQ         | Yes, they are. Again, I suspect that if they are not dated you don't remember when they were made? Correct. We'll see how we can get there. Well, in the books. You can the books are dated on the outside of the books. Okay, very good. Now this is item 25? Right. What do you have here? 10/2. It would be October 2nd. Is that 1999?  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13   | Q           | all related to the same issue.  Meaning?  That several pages actually. That there was a Spivak and Bice was calling saying that they were going to write an article; that a there was going to be some filing imminent and, you know, what this is I don't know what the context of this says, going to be filing. See last February for example.  The previous February we had the same kind of scare from Spivak and Bice where they said a filing was imminent, and we talked to them and their editors and said once you print that, it's out  |
|     | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13 | AQ AQA QAQAQA        | Yes, they are. Again, I suspect that if they are not dated you don't remember when they were made? Correct. We'll see how we can get there. Well, in the books. You can the books are dated on the outside of the books. Okay, very good. Now this is item 25? Right. What do you have here? 10/2. It would be October 2nd. Is that 1999? I would believe not.   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13   | Q           | all related to the same issue.  Meaning?  That several pages actually. That there was a Spivak and Bice was calling saying that they were going to write an article; that a there was going to be some filing imminent and, you know, what this is I don't know what the context of this says, going to be filing. See last February for example.  The previous February we had the same kind of scare from Spivak and Bice where they said a filing was imminent, and we talked to them and their editors and said once you print that, it's out there. If there's going to be a filing, why not  |
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|     | 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17                      | AQ AQA QAQAQAQ       | Yes, they are.  Again, I suspect that if they are not dated you don't remember when they were made?  Correct.  We'll see how we can get there.  Well, in the books. You can the books are dated on the outside of the books.  Okay, very good. Now this is item 25?  Right.  What do you have here?  10/2. It would be October 2nd.  Is that 1999?  I would believe not.  When do you think this date applied to, what year?  It's probably 2000.  This is regarding?  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17   | QA          | all related to the same issue.  Meaning?  That several pages actually. That there was a Spivak and Bice was calling saying that they were going to write an article; that a there was going to be some filing imminent and, you know, what this is I don't know what the context of this says, going to be filing. See last February for example.  The previous February we had the same kind of scare from Spivak and Bice where they said a filing was imminent, and we talked to them and their editors and said once you print that, it's out there. If there's going to be a filing, why not wait for a filing. That's what this is referring to.  Do you have any knowledge, sir, as to why Mr. Fuchs  |
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|     | 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 22 12 23       | AQ AQA QAQAQAQAQA Q  | Yes, they are.  Again, I suspect that if they are not dated you don't remember when they were made?  Correct.  We'll see how we can get there.  Well, in the books. You can the books are dated on the outside of the books.  Okay, very good. Now this is item 25?  Right.  What do you have here?  10/2. It would be October 2nd.  Is that 1999?  I would believe not.  When do you think this date applied to, what year?  It's probably 2000.  This is regarding?  This is a conversation, this June Moberly called me.  Who is June?  June Moberly is oh, wait a minute. Nope, this is not that one. This is  Let's read the item. Top item.  All right. 10/2 regarding Marilyn. This morning   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | Q A Q A Q   | all related to the same issue.  Meaning?  That several pages actually. That there was a Spivak and Bice was calling saying that they were going to write an article; that a there was going to be some filing imminent and, you know, what this is I don't know what the context of this says, going to be filing. See last February for example.  The previous February we had the same kind of scare from Spivak and Bice where they said a filing was imminent, and we talked to them and their editors and said once you print that, it's out there. If there's going to be a filing, why not wait for a filing. That's what this is referring to.  Do you have any knowledge, sir, as to why Mr. Fuchs did not file?  I do not.  Have you ever heard any comments or rumors from anyone?  I did not.                            |
|     | 2 3 4 5 6 7 8 9 10 11 2 13 14 15 16 17 18 19 22 12 23 24     | AQ AQA QAQAQAQAQA QA | Yes, they are.  Again, I suspect that if they are not dated you don't remember when they were made?  Correct.  We'll see how we can get there.  Well, in the books. You can the books are dated on the outside of the books.  Okay, very good. Now this is item 25?  Right.  What do you have here?  10/2. It would be October 2nd.  Is that 1999?  I would believe not.  When do you think this date applied to, what year?  It's probably 2000.  This is regarding?  This is a conversation, this June Moberly called me.  Who is June?  June Moberly is oh, wait a minute. Nope, this is not that one. This is  Let's read the item. Top item.  All right. 10/2 regarding Marilyn. This morning  Jennifer Meyer, JM, informed of a conversation she | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | Q A Q A Q A | all related to the same issue.  Meaning?  That several pages actually. That there was a Spivak and Bice was calling saying that they were going to write an article; that a there was going to be some filing imminent and, you know, what this is I don't know what the context of this says, going to be filing. See last February for example.  The previous February we had the same kind of scare from Spivak and Bice where they said a filing was imminent, and we talked to them and their editors and said once you print that, it's out there. If there's going to be a filing, why not wait for a filing. That's what this is referring to.  Do you have any knowledge, sir, as to why Mr. Fuchs did not file?  I do not.  Have you ever heard any comments or rumors from anyone?  I did not.  Let's go to item 29.      |
|     | 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 22 12 23       | AQ AQA QAQAQAQAQA QA | Yes, they are.  Again, I suspect that if they are not dated you don't remember when they were made?  Correct.  We'll see how we can get there.  Well, in the books. You can the books are dated on the outside of the books.  Okay, very good. Now this is item 25?  Right.  What do you have here?  10/2. It would be October 2nd.  Is that 1999?  I would believe not.  When do you think this date applied to, what year?  It's probably 2000.  This is regarding?  This is a conversation, this June Moberly called me.  Who is June?  June Moberly is oh, wait a minute. Nope, this is not that one. This is  Let's read the item. Top item.  All right. 10/2 regarding Marilyn. This morning   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | Q A Q A Q A | all related to the same issue.  Meaning? That several pages actually. That there was a Spivak and Bice was calling saying that they were going to write an article; that a there was going to be some filing imminent and, you know, what this is I don't know what the context of this says, going to be filing. See last February for example.  The previous February we had the same kind of scare from Spivak and Bice where they said a filing was imminent, and we talked to them and their editors and said once you print that, it's out there. If there's going to be a filing, why not wait for a filing. That's what this is referring to.  Do you have any knowledge, sir, as to why Mr. Fuchs did not file? I do not. Have you ever heard any comments or rumors from anyone? I did not. Let's go to item 29. 29 or 28? |

| -   | 1          | Q 34 of Exhibit 33. These are your notes?           |    |       |  | Sheet 53      |
|-----|------------|---|----|-------|--|---------------|
| ı   | 2          | A Yes.  | 1  |       | history of Marilyn's concerns, demands                               | at all?       |
| ĺ   | 3          |   | 2  | Α     | Jim and I had minimal conversations, bu                              | ut I believe  |
|     |            | Q And on the top of these notes I suspect you don't | 3  | ·     | that we did have a discussion about Man                              | и и репеле    |
|     | 4          | know when you wrote these notes?                    | 4  | 0 '   | With respect to Marilyn's demand for                                 | гшуn.         |
| 4   | 5          | A I do not.   | 5  | ` ,   | reclassification what if   |               |
| 1   | 6          | On the top of these notes what did you write?       | 6  |       | reclassification, what, if anything, did M                           | r. Rowen      |
| - 1 | 7          | A The evidence shows that's just not true.          | 7  |       | tell you?  |               |
| - 1 | 8          | Q What's the significance of that statement         |    |       | I don't remember.  |               |
|     | 9          | A I don't know.                                     | 8  | Q     | What did you discuss with Mr. Rowen a                                | bout Marilyn? |
|     | 10         | Q that you made?                                    | 9  | Α 1   | it would have been a conversation just to                            | ving to       |
|     | 11         | A Idon't know.                                      | 10 | τ     | ransfer information. These are the thing                             | s that        |
|     |            |   | 11 | r     | might be pending. There's this transfer,                             | or            |
|     |            | Q What evidence were you referring to?              | 12 | r     | eclassification out there.   | ~-            |
| - 1 |            | A I don't know.                                     | 13 | Q l   | s that what Mr. Rowen told you?                                      |               |
|     | 14         | Q To whom do you attribute this statement?          | 14 | A I   | believe so.  |               |
|     |            | A Idon't know.                                      | 15 |       | What did he tell you specifically?                                   |               |
|     | 16         | Q Do you attribute this statement to                | 16 | ΑÌΙ   | don't remember specifically what he sai                              | .i I          |
| - 1 | 17         | Mr. Christofferson?                                 | 17 | re    | emember that we had a general conversa                               | u. 1          |
|     | ، 8ا       | A I have no recollection about this.                | 18 | , ,   | (Previous answer read)   | auon.         |
| 1   | 9 (        | Q Was he the spinmaster of the group?               | 19 | O $M$ | Ar Rower told you that the   |               |
| 2   | 20 /       | A Was he the spinmaster of the group?               | 20 | Q 11  | Ar. Rowen told you that there was a tran<br>eclassification pending? | ster          |
| 2   | 11 (       | Excuse me, was he the one strategizing on how to    | 21 | Δ Т   | ransfor was my minuted.  |               |
| 2   | 2          | deal with Marilyn Figueroa?                         | 22 | /\ 1. | ransfer was my misspeaking. Reclassifi                               | cation is     |
|     |            | A Was he the one he was a part of a group that was  | 23 |       | ny   |               |
| 2   |            | planning on how to deal with this.                  | 24 |       | s that what Mr   |               |
| 2   | _          | Next item?  | 25 |       | believe so.  |               |
|     |            | 642   | 25 | Ųυ    | rid he tell you the status of that reclassifi                        | cation?       |
| 1   |            |   |    |       | 644  |               |
|     | . <i>F</i> | Never said going to meet, called, car trouble,      | 1  | A I   | don't remember.  |               |
| 2   |            | concerned something happened to something, hotel    | 2  |       | nything else that you discussed with Mi                              | Rowen         |
| 3   |            | telephone, Marilyn car broke down, not able to get  | 3  | re    | garding Ms. Figueroa?  | · Nowell      |
| 4   |            | brother.  | 4  | AId   | don't believe so.  |               |
| 5   |            | To whom do you attribute this statement?            | 5  |       | et's go to item 34 of Exhibit 33.                                    |               |
| 6   | Α          | I have no idea.                                     | 6  | À W   | e just did 34.   |               |
| 7   | Ç          | Do you know who you talked to?                      | 7  |       | e did?   |               |
| 8   | Α          | I do not.   | 8  | À Ye  |  |               |
| 9   | Ç          | And do you know what these statements relate to?    | 9  |       | es. Okay. Hold on a second. Let's go ba                              | -1.1.24       |
| 10  | ) A        | I do not.   | 10 | Q IC  | ra second. Do you reall it it is if                                  | ick to 34     |
| 11  | C          | Is that something the Mayor told you?               | 11 | 101   | r a second. Do you recall if this informa                            | tion          |
| 12  | ? À        | I have no idea.                                     | 12 | 161   | lates to the time when Marilyn was supp                              | oosed to      |
| 13  |            | And then to the far right?                          | 13 | me    | eet the Mayor in Chicago but didn't go b                             | ecause of     |
| 14  |            | Position filled before Marilyn applied.             |    |       | r trouble?   |               |
| 15  |            | Which position were you referring to?               | 14 |       | nat's what I believe it to be.                                       |               |
| 16  | -          | I don't know.                                       | 15 | Q Ar  | nd where did you get this information fr                             | om?           |
| 17  |            |   | 16 | Ald   | lon't know where I got it.   |               |
| 18  | •          | Did anybody question you on any positions that      | 17 | Q Yo  | ou certainly didn't get that from Marilyn                            | , did you?    |
|     |            | Marilyn may have applied for while she was working  | 18 | A No  | О.   |               |
| 19  |            | for the City?                                       | 19 | Q Di  | d you consult with the Mayor about this                              | ,             |
| 20  |            | Did anyone question me?                             | 20 | inf   | formation?   |               |
| 21  | Q          | Yes. About Marilyn's history of applying for any    | 21 | A Die | d I ever talk to the Mayor about this sub                            | iect?         |
| 22  | -          | position while she was working for the City.        | 22 | Q Ye  |  | ,             |
| 23  | Α          | The City Attorneys would have, yes.                 | 23 | A Ye  |  | ĺ             |
| 24  | Q          | In October after you came on board as the chief of  | 24 |       | od what did he tell you with respect to the                          |               |
| 25  |            | staff, did you talk to Mr. Jim Rowen to get a       | 25 | Sul   | bject?   | lat           |
|     |            | 643   |    | Jul   | •  |               |
| VF  | RRA        | TIM REPORTING SERVICE LLC (609) 25                  |    |       | 645  |               |

| - F   | 4 × A T 1 1/1 27 4                                     |       | <u> </u> | 10A (VOL. III) 4/3/02  | Sheet 5    |
|-------|--|-------|----------|--|------------|
|       | 1 A I don't know that.                                 | 1     |          | Q EOC do for you, what is the significance of that                           | ?          |
|       | Q You don't. Did you ask that?                         | 2     |          | A I interpret it to saying if you don't have a lawye                         | ).<br>).   |
|       | A I did not ask that.                                  | 3     |          | the EEOC will help you fill out the form. I don                              | -1,<br> 4  |
| 1 1   | 4 Q All right. Was any discussion entertained within   | 4     |          | know.  |            |
| 7   1 | the group to send some type of inquiry to              | 5     |          | Q And who provided you with that information?                                |            |
|       | Marilyn Figueroa as to why she was interested in       | 6     |          | A I don't know.  |            |
| - 1 ' | 7 suing the Mayor?                                     | 7     |          | Q And then the next one to the right?  |            |
| -   1 | B A I don't believe so.                                | 8     |          | A Employment discrimination, no sexual harassm                               |            |
| -   9 | Q All right. So is it fair and accurate to say, and I  | 9     |          | Q Who gave you that information, sir?  | ient.      |
| 1     | think you already testified to this before, is it      | 10    |          | A I have no idea.  |            |
| 1     | fair and accurate to say that the main concern of      | 11    |          |  |            |
| 1:    | the group that was gathering was how to protect        | 12    |          | Q Was that a major concern whether or not it was<br>to be sexual harassment? | going      |
| 1:    | Mayor Norquist against any possible suit from          | 13    |          | Δ It was a concern. The relativity   |            |
| 14    | Marilyn Figueroa; true?                                | 14    |          | A It was a concern. The whole thing was a concer                             | n.         |
| 1:    |  | 15    |          | Q Let me ask you this, Mr. Soika. Your testimony                             | is         |
| 16    | Q And by that at least protect Mayor Norquist?         | 16    |          | that with respect to the reclassification thing, yo                          | u          |
| 17    | A Bring Marilyn back, protect the Mayor, whatever.     | 17    |          | testified that Marilyn Figueroa had agreed?  A Correct.                      |            |
| 18    | Q All right. Very good. Let's cover the last items     | 18    |          |  |            |
| 19    | here. I think we were on 34?                           | 19    | •        | Correct? And that she told you "tell the Mayor to simy gift to him"?         | his        |
| 20    | A Okay.  | 20    | 1        | Right.   |            |
| 21    | Q We already covered that one.                         | 21    |          | What gift do you believe she was giving to the                               |            |
| 22    | A Right.   | 22    | `        | Mayor?   |            |
| 23    | Q As being the trip to Chicago that never happened.    | 23    | A        | I interpreted it as to mean that her agitation in                            |            |
| 24    | Correct?   | 24    | Ţ.       | the office would stop.   |            |
| 25    | A Could you say that again, please.                    | 25    | (        | Oh. She didn't have any rights to determine who                              | -4h        |
|       | 650  |       |          | 652  | euiei      |
| 1     | Q Item 34, apparently you testified that this was a    | 1     |          |  |            |
| 2     | planned trip to Milwaukee which Marilyn never made     | 2     | Δ        | or not she should be reclassified; correct?  Correct.                        |            |
| 3     | because of alleged car trouble?                        | 3     |          |  |            |
| 4     | MR. TOKUS: You misspoke yourself.                      | 4     | `        | That recommendation would have come from th office; correct?                 | e Mayor's  |
| 5     | You said Milwaukee instead of Chicago.                 | 5     | Α        | The Mayor's office would have had to have reque                              | 1          |
| 6     | Q Chicago.   | 6     |          | a position reclassification.   | estea      |
| 7     | A I believe this relates to a planned trip to Chicago, | 7     | 0        | And that would have been done either directly a                              | nd/        |
| 8     | yes.   | 8     | `        | through the chief of staff?  | nu/or      |
| 9     | Q By the way, did the Mayor ever disclose to you       | 9     | Α        | Yes.   |            |
| 10    | and/or any member of the group that one of the trips   | 10    |          | Is that correct? By the way, do you know if anyo                             | no         |
| 11    | to Chicago he gave Marilyn Figueroa cash so that she   | 11    | `        | ever before and/or after you came on board requ                              | ostod      |
| 12    | would meet him in Chicago?                             | 12    |          | the reclassification of Marilyn Figueroa's position                          | esieu<br>2 |
| 13    | A Possibly but I'm not sure.                           | 13    | Α        | I don't know about before I came on board. After                             |            |
| 14    | Q 35.  | 14    |          | not.   | ,          |
| 15    | A I don't know what this is.                           | 15.   | Q        | So up to that point, and at least for as long as you                         |            |
| 16    | Q Well, let's go by the first item. These are your     | 16    |          | were the chief of staff, that was the only issue                             | i          |
| 17    | notes?   | 17    |          | that you knew Marilyn was complaining about;                                 |            |
| 18    | A Right. Hasn't filed but going to. No lawyer, EEOC    | 18    |          | correct?   |            |
| 19    | do for you.  | 19    | Α        | What issue?  |            |
| 20    | Q What is the significance of no lawyer?               | 20    | Q        | The reclassification issue.  |            |
| 21    | A I don't know.  | 21    | Ā        | No.  |            |
| 22    | Q Is that referring to Marilyn not having a lawyer?    | 22    | Q        | That was one of them?  |            |
| 23    | A I believe it's referring to that. I don't know.      | 23    |          | It was one of them.  |            |
| 24    |  |       |          | What other issues do you believe she was compla                              | inino      |
| 25    |  | 25    | -        | about; the minority?   | 6          |
|       | 651  |       |          | 653  |            |
| /ERE  | BATIM REPORTING SERVICE, LLC (608) 25                  | 5-770 | n        | Page 650 to P  |            |

| 1 Q Fior October through January of the year 2000, did 3 were being mentioned as a way to settle 4 Marilyn Figueroa's potential claims? 5 A I don't remember that. 6 Q Did she ever mention to you that numbers were being 9 exchanged? 8 A Yes. 9 Q Did you mention that to the Mayor? 10 A Of course. 11 Q Next item, list of? 12 A List of staff, et cetera, all except Rose is a white 13 female and – I'm sorry, a white male and Rose is a 14 white female. 15 Q Very good. Now we've got this other item right here 16 and I vant to ask your, read it carefully and think 17 carefully about my question. 18 A Okay. 20 A I would have been rote it carefully and think 17 carefully about my question. 18 A Okay. 21 What did you of the year 2000, did 22 you offer any positions or alternative employment to 3 Marilyn Figueroa'? 4 A Yes. 4 Q When and you do that sir? 5 A Yes. 9 What did you offer? 10 A Of course. 11 Q Next item, list of? 12 A List of staff, et cetera, all except Rose is a white 13 female and – I'm sorry, a white male and Rose is a 4 white female. 24 A List of staff, et cetera, all except Rose is a white 25 and white female. 26 A I would have been actually write those notes, Mr. Soika? 27 A I would have been the notes on the date that 28 appear. 29 A RR. TOKUS: Excuse me, coursel, 20 A MR. TOKUS: Thank you. 20 A MR. TOKUS: Thank you. 21 A I would have been notes on a legal pad. 22 A No. 23 A No. 24 A Welt, in terms of the item under the date 12/20, 25 A Yes. 26 O Did the Mayor ever tell you from October until the time she 26 Lept him by mark you from October until the time she 27 Let that he was fed up with Marilyn Figueroa? 28 A No. 29 Did he ever show any interest in removing 29 Marilyn Figueroa from the Mayor's office? 20 Did he ever show any interest in removing 21 A No. 22 A No. 23 A No. 24 Defore she left? 25 A No. 26 Did he ever show any interest in removing 26 Marilyn Figueroa from the Mayor's office? 29 A No. 20 Did he ever show any interest in removing 29 A Marilyn Figueroa from the Mayor's office? 20 Did he eve | ^   | " Deposition of information                         |     | , 11 V | Sheet 57   |
|--|-----|---|-----|--------|--|
| 2 Und Arms Mandell ever report to you that 140,000  were being mentioned as a way to settle 4 Marilyn Figureor's potential claims? 5 A I don't remember that. 6 Q Did she ever mention to you that numbers were being exchanged? 7 A Yes. 9 Q Did you mention that to the Mayor? 10 A Of course. 11 Q Next item, list of? 12 A List of staff, et cetera, all except Rose is a white female. 13 A great and – I'm sorry, a white male and Rose is a white female. 14 When did you do that, sir? 15 A low was present when you made that offer? 16 A lokay. 17 A low was present when you made that offer? 18 A lokay. 19 Q When did you actually write those notes, Mr. Soika? 20 A I would have written the notes on the date that appear. 21 A low was the exhibit number on that? 22 A what's the exhibit number on that? 23 What's the exhibit number on that? 24 THE WITINESS: 34. 25 MR. TOKUS: Excuse me, counsel, 688 26 Q Where did you write these notes? 27 A No. 28 A No. 29 Q With Mayor Norquist? 20 A Surve. 30 Q With did you write these notes of the lem under the date 12/20, regarding the encounter with block grant and lyaurita, be said help him to work it cut. 15 Q Did the way rever lell you to do whatever it took to keep Marilyn happy — 17 A No. 20 Q Did he ever show any interest in removing 24 Marilyn Figueroa? 21 A No. 22 Q Did he ever show any interest in removing 24 Marilyn Figueroa from the Mayor's office? 24 A No. 35 Q Did he ever show any interest in removing 24 Marilyn Figueroa from the Mayor's office? 25 A No. 36 Q Did he ever show any interest in removing 25 A No. 36 Q Did he ever show any interest in removing 26 Marilyn Figueroa? 36 A No. 37 A No. 38 A No. 39 Q Did he ever show any interest in removing 26 Marilyn Figueroa from the Mayor's office? 39 A No. 30 Q Did he ever show any interest in removing 26 Marilyn Figueroa? 31 A No. 32 Q Did he ever show any interest in removing 27 A No. 33 A No. 34 A No. 35 A No. 36 Q Did he ever show any interest in removing 28 Marilyn Figueroa from the Mayor's office? 36 A No. 37 A No. 38 A No. 38 A | 1   | and Bice.   | 1   | Q      | From October through January of the year 2000, did   |
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| Social Process of the Staff.   Social Process of the Staff.  | 1/  | •   |     |        |  |
| 9   Old you mention that to the Mayor?   10   A Of Course.   11   Q Next item, list of?   12   A List of staff, et cetera, all except Rose is a white   female.   13   female and - I'm sorry, a white male and Rose is a white female.   14   white female.   15   Q Very good. Now we've got this other item right here and I want to ask you, read it carefully and think   Carefully about my question.   16   Q When did you actually write those notes, Mr. Soika?   18   A Okay.   19   Q When did you actually write those notes, Mr. Soika?   19   A No.   19   A No.   10   A Okay.   19   A No.   10   A Okay.   19   A No.   10   A Okay.   10   | 8   | A Yes.  | 8   | Α      | It would have been right after I was named chief of  |
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| 11 Q Next item, list of? 12 A List of staff, et cetera, all except Rose is a white 13 female and — I'm sorry, a white male and Rose is a 14 white female. 15 Q Very good. Now we've got this other item right here 16 and I want to ask you, read it carefully and think 17 carefully about my question. 18 A Okay. 19 Q When did you actually write those notes, Mr. Soika? 20 A I would have written the notes on the date that 21 appear. 22 what's the exhibit number on that? 23 MR. TOKUS: Excuse me, counsel, 24 what's the exhibit number on that? 25 MR. TOKUS: Tank you. 26 So you offered her a position before you became the 27 hier of staff? 28 MR. TOKUS: Tank you. 29 Gold you discuss with the Mayor the fact that you 29 were going to be offering her that position? 20 A No. 21 Q And did you write these notes in the same spiral 22 book? 23 A No. 24 Where did you write these notes on a legal pad. 25 A I'would have been notes on a legal pad. 26 Q Did you discuss any of the items contained in this 27 Exhibit 39 – is it 34 I believe? 28 A 34. 29 Q With Mayor Norquist? 20 A Ad what was his reaction to any of those items? 20 A Gold the Mayor ever tell you to do whatever it took 21 to keep Marilyn happy – 22 A No. 23 Q Did he ever show any interest in removing 24 A No. 25 A No. 26 Q Did he ever show any interest in removing 26 Marilyn Figueroa from the Mayor's office? 27 A No. 28 A No. 29 Did he ever show any interest in removing 29 Marilyn Figueroa from the Mayor's office? 20 Did he ever show any interest in removing 21 A No. 22 A No. 23 A No. 24 A No. 25 A No. 26 Co that would have been the same the hief of staff? 26 Co that would have been actually right after I named and before I assumed duties because we needed to fill the block grant on board? 26 A It would have been the same week after you came on board? 27 A It would have been the same week after you came on board? 28 A It would have been actually right after I named and before I assumed duties because we needed to fill the block of staff? 29 Did you discuss awith the Mayor t | 110 | · · · · · · · · · · · · · · · · · · ·               | 10  | 0      | Who was present when you made that offer?            |
| A List of staff, et cetera, all except Rose is a white female and – I'm sorry, a white male and Rose is a white female and – I'm sorry, a white male and Rose is a white female.  5 Very good. Now we've got this other item right here and I want to ask you, read it carefully and think carefully about my question.  18 A Ckay.  9 Vibren did you actually write those notes, Mr. Soika?  10 A I would have been actually right after I named and before I assumed duties because we needed to fill the block grant position.  10 Very good. Now we've got this other item right here and I want to ask you, read it carefully and think carefully about my question.  11 Weuld have been actually right after I named and before I assumed duties because we needed to fill the block grant position.  12 So that would have been the same week after you came on board?  23 A I would have been the same week after you came on board?  24 I may have, yes.  25 MR. TOKUS: Excuse me, counsel, what's the exhibit number on that?  26 MR. TOKUS: Excuse me, counsel, what's the exhibit number on that?  27 A No.  28 MR. TOKUS: Thank you.  29 A No More did you write these notes in the same spiral book?  10 A No.  11 Q And did you write these notes in the same spiral book?  20 A I would have been actually right after I named and the before I susting duties because we needed to fill the block grant the block grant for the block grant that and the would have been actually right after I nameded and before I source duties because we needed to fill the block grant position.  19 Q So you offered her a position before you became the chief of staff?  20 Expounding the week prior.  21 A Before I took over the duties as chief of staff?  22 A It would have been actually were going to be offering her that you detail the was interested in this position.  24 A It would have been actua |     |   |     | Δ      | I don't think anyhody was                            |
| female and - I'm sorry, a white male and Rose is a white female.  Very good. Now we've got this other item right here and I want to ask you, read it carefully and think carefully about my question.  A Okay.  A I would have been notes on the date that appear.  MR. TOKUS: Excuse me, counsel, appear.  MR. TOKUS: Thank you.  658  MR. TOKUS: Thank you.  658  A Okay.  O And did you write these notes in the same spiral book?  A It would have been notes in the same spiral book?  A It would have written the my of the item contained in this Exhibit 39 – is it 34 I believe?  A It would have been actually right after I named and before I assumed duties because we needed to fill the block grant position.  O So that would have been the same week after you came on board?  A It might have even been the week prior.  O So you offered her a position before you became the chief of staff?  A Before I took over the duties as chief of staff I may have, yes.  O Did you discuss with the Mayor the fact that you were going to be offering her that position?  A Yes.  660  O When did you write these notes?  A It would have been notes on the same ewek after you came on board?  A It might have even been the week prior.  O Did you offecus with the Mayor the fact that you were going to be offering her that position?  A Yes.  660  O When did you write these notes?  A It would have been notes on the same time.  O What did you delius and the Mayor the fact that you were going to be offering her that position?  A Yes.  660  O When did you write these notes?  A It would have been actually right after I named and before lassumed duties as chief of staff?  A It would have been the week prior.  O Did you discuss with the Mayor the fact that you were going to be offering her that position?  A Yes.  660  O When did you write these notes?  A It would have been actually right after I named and before you became the chief of staff?  A It would have been actually right after I named and before to pour down and the week prior.  O Did you offecus and the same  |     | •   | 1   |        |  |
| 14   before lassumed duties because we needed to fill to be fore lassumed duties because we needed to fill the block grant position.   15   C Very good. Now we've got this other item right here and I want to ask you, read it carefully and think carefully about my question.   16   A Okay.   17   A No.   18   Q Febrore she want in the same spiral before she left that he was fed up with Marilyn Figueroa?   14   before lassumed duties because we needed to fill the block grant position.   15   O So that would have been the same week after you came on board?   18   It might have even been the week prior.   19   O So you offered her a position before you became the chief of staff?   18   Before I took over the duties as chief of staff I may have, yes.   20   O you discuss with the Mayor the fact that you were going to be offering her that position?   19   O When did you write these notes in the same spiral book?   25   A It would have been notes on a legal pad.   26   O Did you discuss any of the items contained in this   26   D Did you discuss any of the items contained in this   27   Exhibit 39 – is it 34 I believe?   28   A 34.   8   A 34.   8   O Did you discuss any of the items contained in this   28   D Did you discuss any of the items contained in this   28   D DID you discuss any of the items contained in this   28   D DID you discuss any of the items contained in this   28   D DID you discuss any of the items contained in this   28   D DID you discuss any of the items contained in this   29   D DID you discuss any of the items contained in this   29   D DID you discuss any of the items contained in this   29   D DID you discuss any of the items contained in this   29   D DID you discuss any of the items contained in this   29   D DID you discuss any of the items contained in this   20   D DID you discuss any of the items contained in this   20   D DID you discuss any of the items contained in this   20   D DID you discuss any of the items contained in this   20   D DID you discuss any of the items contained   |     |   | 4   |        |  |
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| 17 carefully about my question. 18 A Okay. 19 Q When did you actually write those notes, Mr. Soika? 20 A I would have written the notes on the date that appear. 21 appear. 22 MR. TOKUS: Excuse me, counsel, 22 MR. TOKUS: Thank you. 23 What's the exhibit number on that? 24 THE WITINESS: 34. 25 MR. TOKUS: Thank you. 26 So you offered her a position before you became the chief of staff? 27 A No. 28 When did you write these notes in the same spiral book? 29 A No. 20 When did you write these notes in the same spiral book? 30 A No. 41 Q Where did you write these notes? 42 A It would have been notes on a legal pad. 43 C Q Where did you write these notes on a legal pad. 44 C That I thought that Marilyn deserved a shot if she was interested in this position. 45 Q With Mayor Norquist? 46 A Sure. 47 A Sure. 48 A Sure. 49 Q With Mayor Norquist? 40 A Sure. 40 A Dad what was his reaction to any of those items? 41 A Vinity of the item under the date 12/20, 21 regarding the encounter with block grant and 14 Juanita, he said help him to work it out. 40 Q Did the Mayor ever tell you to do whatever it took to keep Marilyn happy — 41 A No. 42 Q Did he ever show any interest in removing 24 A No. 43 Q Did he ever show any interest in removing 24 A No. 44 C Dad the was fed up with Marilyn Figueroa? 45 A No. 46 Q Did he ever show any interest in removing 24 A No. 47 A County of those items? 48 A St. 49 A That I thought that Marilyn deserved a shot if she was interested in this position. 40 Q When did you do that? 41 A That I thought that Marilyn deserved a shot if she was interested in this position. 40 Q Mark with did you tell him? 41 A That I thought that Marilyn say items of the item under the date 12/20, 20 Q is that correct? And what did you tell Marilyn? 41 A Right. 42 A That I thought that Marilyn deserved a shot if she was interested. I wouldn't have offered it without him agreeting. 41 A Siant did the Mayor say? 42 A No. 43 A Sure. 44 A Start did you with the Marilyn Figueroa? 45 A No. 46 Q Here did you write these notes? 46 A |     | and I want to ask you, read it carefully and think  |     | Q      | So that would have been the same week after you came |
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| 25 A No. 25 A I have no idea. 661  |     |   | 1   |        |  |
| 659 661  |     | •   |     |        |  |
|  | 23  |   | 25  | Λ      |  |
|  | L   |   |     |        |  |

| - |  | and the second s |    | STATE OF HITCONSTALL                                     |
|---|--|--|----|--|
|   | 1 ~  | after Anne's conversation with Pedro Colon where she   | 1  | STATE OF HISCONSIN )  ) 55.                              |
|   | 2  | was laying out alternatives for that. There were a   | 2  | COUNTY OF DANE   |
|   | 3  | series of meetings to discuss settle, not settle,  | 3  | I, TAUNIA NORTHOUSE, a Registered Diplomate Reporter     |
| į | 4  | those kinds of things. Susan was involved with   | 4  | and Notary Public in and for the State of Wisconsin, do  |
|   | 5  | those.   | 5  | hereby certify that the foregoing deposition was taken   |
|   | 6  | Q Let me see if I can ask you the last question. Is  | 6  | before me at the offices of Reinhart, Boerner, Van       |
|   | 7  | it fair and accurate to say that it's fair to say  | 7  | Deuren, S.C., Attorneys at Law, 1000 North Water Street, |
|   | 8  | that when you learned from the employment, or  | 8  | City of Milwaukee, County of Milwaukee, and State of     |
|   | 9  | employee relations department that Marilyn had   | 9  | Wisconsin, on the 9th day of April 2002, that it was     |
|   | 10   | requested a discrimination form, the group began to  | 10 | taken at the request of the Complainant, upon verbal     |
|   | 11   | meet to address potential problems with disclosure;  | 11 | interrogatories; that it was taken in shorthand by me, a |
|   | 12   | correct?   | 12 | competent court reporter and disinterested person,       |
|   | l  | A Not immediately.   | 13 | approved by all parties in interest and thereafter       |
|   |  | O That wasn't my question. At least the meetings were  | 14 | converted to typewriting using computer-aided            |
|   | 15   | related to that fact?  | 15 | transcription; that said deposition is a true record of  |
| ! |  | A The meetings were related to the fact that Marilyn   | 16 | the deponent's testimony; that the appearances were as   |
|   | 17   | had disappeared, that it was beginning to become   | 17 | shown on Page 3 of the deposition; that the deposition   |
| : | 18   | knowledge in the public that Marilyn wasn't showing  | 18 | was taken pursuant to notice and subpoena duces tecum;   |
|   | 1  | up to work. She had taken out a, requested a form.   | 19 | that said MICHAEL SOIKA before examination was sworn by  |
|   | 19   | Pedro Colon was in the picture.  | 20 | me to testify the truth, the whole truth, and nothing    |
|   | 20<br>21 (   | O Are you denying that the meetings were prompted by   | 21 | but the truth relative to said cause.                    |
|   | 22   | the call that you received from the employment   | 22 | Dated April 18, 2002.                                    |
|   | 23   | relations office where they informed you that  | 23 |  |
|   | 24   | Marilyn had requested a discrimination form because  | 24 | Registered Diplomate Reporter                            |
|   | 25   | she was going to sue the Mayor and the City of   | 25 | Notary Public, State of Wisconsin                        |
|   |  | 666  |    | 668  |
|   | 1  | Milwaukee?   |    |  |
|   | 1 2  | A I'm saying it was one of many factors.   | ·  |  |
|   |  | Q Was that one of those factors?   |    |  |
|   | 1  | A Yes.   | ì  |  |
|   | 1  |  |    |  |
|   |  | O All right.   |    |  |
|   | 1  | Q All right.  MR. ARELLANO: Well, depending on   |    |  |
|   | 6  | MR. ARELLANO: Well, depending on   |    |  |
|   | 6<br>7   | MR. ARELLANO: Well, depending on what we find in these other records, I think  |    |  |
|   | 6<br>7<br>8  | MR. ARELLANO: Well, depending on what we find in these other records, I think we're pretty much done with you, Mr. Soika.  |    |  |
|   | 6<br>7<br>8<br>9   | MR. ARELLANO: Well, depending on what we find in these other records, I think  |    |  |
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|     | 0000  | Compress Deposition of Michael  |   | TA (VOL. III) 4/3/02   |
|-----|---|---|---|--|
| ſ   | 1   | representation, counsel, that the documents   | 1   | which led to the termination of Marilyn Figueroa.  |
| -   | 2   | that you have produced this morning constitute  | 2   | Do you remember that?  |
| - 1 | 3   | full, complete and accurate copies of all of  | 3   | A Yes, I do.   |
| 1   |   | the documents that we have requested?   | 4   | Q Did you have an opportunity to read your deposition  |
|     | 4   | •   | 5   |  |
| - 1 | 5   | MR. TOKUS: To the best of my  | 6   | transcripts?   |
| I   | 6   | knowledge, Mr. Arellano   |   | A Yes, I did.  |
|     | 7   | MR. ARELLANO: Thank you.  | 7   | Q Did you read any other testimonial transcripts?  |
|     | 8   | MR. TOKUS: they do.   | 8   | A No.  |
| - [ | 9   | MR. ARELLANO: We had requested via  | 9   | Q Did you discuss with anyone the testimony of any   |
|     | 10  | letter that the originals be made available   | 10  | other witness that has testified in these  |
| Į   | 11  | for this deposition. And I again renew my   | 11  | proceedings?   |
|     | 12  | request that when we when and if we take a  | 12  | A Only in very general terms.  |
| -   | 13  | break, that those originals be produced for   | 13  | Q Who did you and at all times, just so there is no  |
| - 1 |   |   | 14  | misunderstanding, I want to give you an opportunity  |
| -   | 14  | the second aspect of this deposition. This is   | 15  | to clarify any potential misunderstandings. And I  |
|     | 15  | an issue that we've been dealing with for some  |   |  |
| 1   | 16  | time, and you can keep the originals once we  | 16  | want the record to reflect that because later on I   |
| 1   | 17  | inspect them.   | 17  | don't want to discover that I didn't give you that   |
| İ   | 18  | MR. TOKUS: Well, the originals  | 18  | opportunity.   |
| -   | 19  | will stay in our custody because they relate  | 19  | A Sure.  |
| 1   | 20  | to matters totally apart from this case and   | 20  | Q Is that okay?  |
| 1   | 21  | they are of some sensitivity.   | 21  | A Yeah.  |
| 1   | 22  | MR. ARELLANO: So  | 22  | Q Whose testimonial transcripts did you discuss?   |
|     | 23  | MR. TOKUS: They're available to   | 23  | A Oh, I'm sorry, I did not I did not understand the  |
| - [ | 24  | you to inspect. If you would like to inspect  | 24  | question. I did not review anybody's testimony.  |
| - 1 | 25  | them this morning or this afternoon, I will   | 25  | MR. ARELLANO: Let me ask you to  |
| 1   |   | 438   |   | 440  |
| 1   | 1   | make that arrangement.  | 1   | read my previous question and his previous   |
| -   | 2   | MR. ARELLANO: We will inspect them  |   |  |
|     |   |   |   | answer before this last set of dijestion and   |
| - 1 |   | <del>_</del>  | 2 3   | answer before this last set of question and  |
|     | 3   | at 12:15 this afternoon.  | 3   | answer.  |
|     | 3<br>4  | at 12:15 this afternoon.  MR. TOKUS: At our office.   | 3   | answer. (Following question and answer read)   |
|     | 3<br>4<br>5   | at 12:15 this afternoon.  MR. TOKUS: At our office.  MR. ARELLANO: Correct. You just  | 3<br>4<br>5   | answer.  (Following question and answer read)  "Q Did you discuss with anyone the testimony  |
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15 A No. Q Did people within the Mayor's office, including 16 17 Mayor's associates, get together for the purpose of 18 addressing Marilyn Figueroa's potential lawsuit? 19 A Yes. 20 MR. TOKUS: Excuse me, may I have 21

that question and answer read back, please? (Question and answer read) MR. TOKUS: Thank you. Q The group that you have identified previously and Mr. Christofferson has identified and the Mayor has

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15 discuss and/or prepare statements stating that

16 Marilyn Figueroa was upset because the Mayor had 17 told her that he was going back to his wife?

18 A I'm sorry, I'm having a hard time focusing here.

Now you're asking did I say?

20 Q If you don't understand the question, she can read 21 it back for you.

22 (Question read)

23 A Discussed, yes.

Q Did the group with the input of Mayor Norquist, and

25 I'm talking about the group that we already

22

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24

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24

| 1 4   |  | _ 50   | JIKA (VOL. III) 4/9/02 Sheet.6  |
|---|--|--|---|
| 1   | that to me, if I read it. I don't know.  | 1  | apple as a way to be close when they couldn't be  |
| 2   | Q Did he tell you when was the first time that he had  | 2  | close. That was all.  |
| 3   | had sex with Marilyn Figueroa?   | 3  |   |
| 4   | A I don't believe so.  | 4  | Q With respect to the incident where he alleged   |
|   |  | 4  | Marilyn exposed her breasts to him, did he tell you   |
| 5   | Q The years?   | 5  | where exactly in the office that happened?  |
| 6   | A I know it to be 1995. Do I know it because the   | 6  | A Where she was in the office?  |
| 7   | Mayor told me or I read it? I don't know.  | 7  | Q Right.  |
| 8   | MR. ARELLANO: I'm sorry, can   | 8  | A No.   |
| 9   | you too early for me. Read my last   | 9  | _   |
| 10  | question and his last answer.  | 1  | Q Did he explain to you the day?  |
| - 1   | •  | 10   | A No.   |
| 111   | (Last two questions and answers  | 11   | Q Did he tell you whether it was on a weekend or  |
| 12  | read)  | 12   | during the weekday?   |
| 13  | Q Other than telling you that sex interaction occurred   | 13   | A He did not say.   |
| 14  | at his home and at her home, did he describe any   | 14   | Q Did he tell you whether it was in the morning or in   |
| 15  | other locations?   | 15   | the evening?  |
| 16  | A There was something about a trip to Chicago.   | 16   | A He did not say.   |
| 17  | Q Any other locations?   | 17   |   |
| 18  | A Now again, I sat in when the Mayor was meeting with  | 18   | Q With respect to the apple incident, did he tell you where that occurred?  |
| 19  | the City Attorneys to go through response to some of   |  | * * * * *   |
| 20  |  | 19   | A The apple incident?   |
|   | your filings, so   | 20   | Q Is that something that happened in the workplace?   |
| 21  | Q Other locations?   | 21   | A I believe so.   |
| 22  | A The other one that comes to mind is his sister   | 22   | Q Did he explain to you what was done with the apple?   |
| 23  | her sister's house.  | 23   | A What he explained was that Marilyn would excuse   |
| 24  | Q Any other locations?   | 24   | me here rub the apple in her private area and   |
| 25  | A That's all I recall.   | 25   | give it to him to eat. And he was supposed to do  |
|   | 454  |  | 456   |
| 1   | Q Did the Mayor explain to you what happened in  | 1  | the same thing.   |
|   |  |  |   |
| 12  |  | ľ  |   |
| 2   | Chicago, how many times in Chicago?  | 2  | Q And did he tell you how many times that happened?   |
| 3   | Chicago, how many times in Chicago?  A Unclear to me if it was once or twice in Chicago.   | 3  | Q And did he tell you how many times that happened? A I don't think so.   |
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| 1  |              | family leave?  | 1  | Δ                     | What I halions that I I'm I will I'm   | ס<br>⊐ר |
|--|--------------|--|--|-----------------------|--|---------|
| 2  | Δ            | I may have actually asked Stawicki to.   | 1  | ^                     | What I believe that I discussed with Hansen was I  | 1.      |
|  |              |  | 2  |                       | have an employee who's not showing up for work, is   | $\cdot$ |
| 3  |              | And what did she tell you?   | 3  |                       | not calling in. What's the best way to deal with   |         |
| 4  | Α            | I don't I don't remember substantive conversation  | 4  |                       | that?  | ŀ       |
| 5  |              | on that.   | 5  | Q                     | And do you recall when you spoke to him about this?  |         |
| 6  | Q            | Did you ask specifically to anyone, including the  | 6  | Α                     | You know, I I don't. Again, I'm remembering at   |         |
| 7  |              | employee relations and/or Ms. Stawicki, what   | 7  |                       | least a phone conversation. I remember sending him   |         |
| 8  |              | paperwork was required pursuant to City policy in  | 8  |                       | a copy of the January 14th letter.   | ļ       |
| 9  |              | order for Marilyn Figueroa to qualify  | 9  | Λ                     | But your recollection is that you posed that   |         |
| 10   | Δ            | No.  | 10   | V                     | question to Mr. Hanson before the L.   | 1       |
| 11   |              | for medical leave? Do you know, did you know at  | 11   |                       | question to Mr. Hansen before the January 14th   | ı       |
|  | Ų            |  | ľ  | ٨                     | letter was issued?   | ı       |
| 12   | ٨            | that time what kind of paperwork was required?   | 12   |                       | I remember a conversation with Hansen and maybe Flo.   | 1       |
| 13   |              | At that time I did not.  | 13   |                       | I'm not sure.  |         |
| 14   | Q            | Did you consult with Ms. Shindell to see what was  | 14   |                       | Before January 14th?   | ŀ       |
| 15   |              | required in order for Marilyn Figueroa to qualify  | 15   |                       | Yes.   | ı       |
| 16   |              | for medical family leave?  | 16   | Q                     | And what did they tell you in response to your   |         |
| 17   | Α            | I had a conversation with Shindell, but I did not  | 17   |                       | inquiry?   |         |
| 18   |              | ask specifically what is required.   | 18   | Α                     | I don't I don't recall that we had a real  |         |
| 19   | Q            | Did you ask anyone from the employee relations   | 19   |                       | specific discussion. What I recall is that you've  |         |
| 20   |              | department or for that matter any representative of  | 20   |                       | got to treat this like you would treat anything  |         |
| 21   |              | the City what specific questions Marilyn's doctor  | 21   |                       | else.  |         |
| 22   |              | had to respond to in order for Marilyn to qualify  | 22   | 0                     | Are you giving me an answer, the answer that they  |         |
| 23   |              | for medical family leave?  | 23   |                       | gave you pursuant to your inquiry?   | 1       |
| 24   | Α            | No. My understanding was that we simply needed a   | 24   | Α                     | I just said that I don't recall specifically. What   | 1       |
| 25   | •            | verification from a physician for her to qualify for   | 25   |                       | I do recall is that in general this should be  |         |
|  |              | 462  |  |                       | 464  | -       |
|  |              |  |  |                       |  |         |
| 1 4  |              |  |  |                       |  | ┨       |
| 1  |              | family medical leave.  | 1  | _                     | treated like any other employee.   |         |
| 2  |              | And who provided you with that understanding?  | 2  |                       | And what did go ahead.   |         |
|  |              | And who provided you with that understanding? You know, I had a conversation with Hansen. I had a  | 2  |                       | And what did go ahead.  That if someone is absent for three days without   |         |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25 | A Q AQ AQ AQ | And who provided you with that understanding? You know, I had a conversation with Hansen. I had a conversation with Shindell. So is it your — I just want to make sure I don't misinterpret anything. Is it your testimony here today that Mr. Hansen told you that the only thing Marilyn needed was the letter that you requested? No, that is not my testimony. So my question then still remains. Did you ever ask Mr. Hansen what specific questions the City requires the doctor to answer in order for an employee to qualify for medical leave? No. Before you decided to issue the voluntary quit termination letter to Marilyn Figueroa, did you consult with Mr. Hansen in order to determine whether or not Marilyn was in violation of any type of City policy? I remember a conversation with him, yes. At what point did you talk to Mr. Hansen, before January 14th or after January 14th? I believe it was before. And what did you discuss with Mr. Hansen? Did you  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25 | A Q A Q A Q A Q       | And what did — go ahead.  That if someone is absent for three days without notice, they have to have a doctor's excuse to come back.  This is your recollection of what you got out of Mr. Hansen?  Yeah.  And Ms. Dukes?  Yeah. At some point we talked about family medical leave, but, you know, I really am pretty fuzzy on when that was.  Did you ever discuss Marilyn Figueroa with Mr. Hansen and/or Ms. Dukes or anyone from the employee relations after the January 14th, 2000 letter you sent to Marilyn Figueroa?  I want to say yes because I remember a phone conversation with Hansen.  When would that have been?  It would have been after January 14th. And what I remember of the phone conversation is him saying that the family medical leave seemed like a good way to go or something like that.  This is something that he would have shared with you  |         |

| 1                                | about how do you deal with this type of situation.  | 1                                      | specifically. That family medical leave is a   |
|----------------------------------|---|--|--|
| . 2                              | Q And what did he tell you when you asked him that  | 2                                      | possible alternative.  |
| 3                                | question?   | 3                                      | Q What alternative did he provide?   |
| 4                                | A Again, it was that you have to treat this like you  | 4                                      | A I don't remember the specific conversation.  |
| 5                                | treat anybody else. If they're away for more than   | 5                                      | Q Did he tell you what steps you needed to follow?   |
| 6                                | three days without notice, they have to bring a   | 6                                      | A For  |
| 7                                | doctor's excuse back.   | 7                                      | Q In order for Marilyn to qualify for medical family   |
| 8                                | Q What else was said between you and Mr. Hansen?  | 8                                      | leave.   |
| 9                                | A And as I also stated previously, I remember a   | 9                                      | A Yeah. I don't remember having a specific   |
| 10                               | conversation in general about family medical leave  | 10                                     | conversation that said these are the steps that you  |
| 11                               | but not in specific.  | 11                                     | have to take.  |
| 12                               | Q Well, in general what did he tell you was required  | 12                                     | Q Did you check the family leave policy before Marilyn   |
| 13                               | in order for Marilyn Figueroa to qualify for medical  | 13                                     | was terminated, sir?   |
| 14                               | leave pursuant to City policy?  | 14                                     | A No.  |
| 15                               | A All I remember is a doctor's excuse.  | 15                                     | Q Did you check the family leave or sick leave policy  |
| 16                               | Q Is that what you swear Mr. Hansen told you?   | 16                                     | before you sent Marilyn Figueroa the January 14th  |
| 17                               | A That's what I remember.   | 17                                     | letter?  |
| 18                               | Q And again, when did he tell you that?   | 18                                     | A Did I read it? No.   |
| 19                               | A I don't recall if it was in a phone conversation and  | 19                                     | Q While Marilyn was absent but before you terminated   |
| 20                               | I don't I'm unclear.  | 20                                     | her employment, did the Mayor suggest to you that  |
| 21                               | Q And just so I don't confuse the record, are we  | 21                                     | you go to her home to look for her?  |
| 22                               | talking about the time when Mr. Hansen told you that  | 22                                     | A Absolutely not.  |
| 23                               | after three days of being absent she needed a   | 23                                     | Q Did the Mayor suggest at any point that he go and  |
| 24                               | medical excuse?   | 24                                     | find out what was keeping Marilyn away from the job?   |
| 25                               | A I'm unclear on what you're asking me.   | 25                                     | A I don't know.  |
| 20                               | 470   |  | 472  |
| -                                | MD ADELL ANO. Con you read that   | . 1                                    |  |
| 1                                | MR. ARELLANO: Can you read that   | 1                                      | Q Did anyone within the group that were gathering  |
| 2 3                              | question back.<br>(Question read)   | 2                                      | after Marilyn left on January 4th of 2000 suggest  |
| 4                                | A Could you rephrase I'm still not clear what   | 4                                      | that someone go to her home to talk to her?  A I don't remember a discussion about going to her  |
| 5                                | you're asking.  | 5                                      | home. I know that there were attempts to call her.   |
| 6                                | Q Yes. You're referring that you had a discussion   | 6                                      | Q And I think you were one of the people that called   |
| 7                                | with Mr. Hansen regarding Marilyn Figueroa. And I   | 7                                      | her?   |
| 8                                | believe you testified that Mr. Hansen informed you  | 8                                      | A Right.   |
| 9                                | that she should be treated just like anybody else;  | 9                                      | Q Anyone else that made attempts to call   |
| 10                               | correct?  | 10                                     | Marilyn Figueroa from the group?   |
| 11                               | A Correct.  | 11                                     | A Shindell, Shindell.  |
| 12                               | Q And that according to City policy Mr. Hansen you  | 12                                     | Q Shindell. How many times do you believe she called?  |
| 13                               | claim told you that after three days Marilyn was  | 13                                     | A I don't know.  |
| 14                               | required to bring a medical excuse?   | 14                                     | Q You authorized Shindell to call Marilyn Figueroa?  |
| 15                               | A That's what I remember.   | 15                                     | A I authorize? I didn't have the power to authorize  |
| 16                               | O Was that the only conversation you had with   | 16                                     | Shindell.  |
| 17                               |   | 17                                     | Q Who authorized Ms. Shindell to call Marilyn Figueroa   |
| 18                               |   |  |  |
|                                  | Mr. Hansen regarding the family leave?  A Last remember the issue of family leave coming up   | i e                                    | during that period of time that she was absent?  |
|                                  | A I I remember the issue of family leave coming up.   | 18                                     | during that period of time that she was absent?  A Only the Mayor would be able to authorize that  |
| 19                               | A II remember the issue of family leave coming up. I don't remember a deep substantive conversation   | 18<br>19                               | A Only the Mayor would be able to authorize that   |
| 19<br>20                         | A I I remember the issue of family leave coming up. I don't remember a deep substantive conversation about it.  | 18<br>19<br>20                         | A Only the Mayor would be able to authorize that action.   |
| 19<br>20<br>21                   | A I I remember the issue of family leave coming up. I don't remember a deep substantive conversation about it.  Q When did that come up; during the meeting you held  | 18<br>19<br>20<br>21                   | <ul><li>A Only the Mayor would be able to authorize that action.</li><li>Q Do you believe it was the Mayor that authorized</li></ul>   |
| 19<br>20<br>21<br>22             | <ul><li>A 1 I remember the issue of family leave coming up. I don't remember a deep substantive conversation about it.</li><li>Q When did that come up; during the meeting you held at his office or at what point?</li></ul>   | 18<br>19<br>20<br>21<br>22             | <ul><li>A Only the Mayor would be able to authorize that action.</li><li>Q Do you believe it was the Mayor that authorized Ms. Shindell?</li></ul>   |
| 19<br>20<br>21<br>22<br>23       | <ul> <li>A I I remember the issue of family leave coming up. I don't remember a deep substantive conversation about it.</li> <li>Q When did that come up; during the meeting you held at his office or at what point?</li> <li>A I remember more as a phone conversation.</li> </ul>  | 18<br>19<br>20<br>21<br>22<br>23       | <ul> <li>A Only the Mayor would be able to authorize that action.</li> <li>Q Do you believe it was the Mayor that authorized Ms. Shindell?</li> <li>A I believe it was a discussion on Marilyn doesn't</li> </ul>  |
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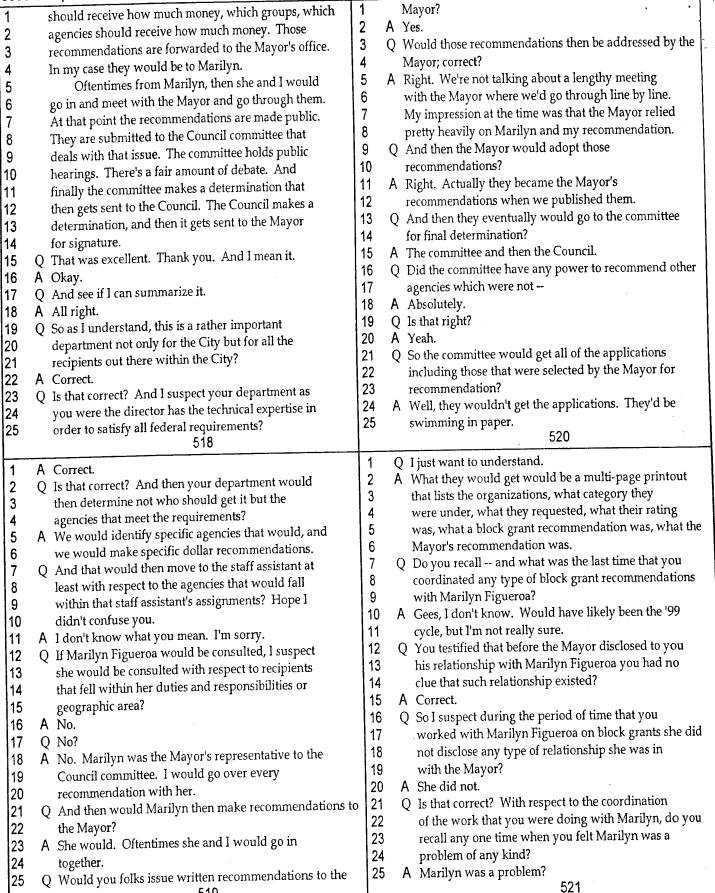
| 1  | Q           | At what point was it decided to issue the   | 1  | Q                          | Do you believe that Marilyn Figueroa was treated  |
|--|-------------|---|--|----------------------------|---|
| 2  |             | termination letter?   | 2  |                            | with respect to her entitlements to family leave  |
| 3  | Α           | Again, there was not a definitive decision that we  | 3  |                            | like any other employee?  |
| 4  |             | were going to terminate Marilyn. The primary  | 4  | Α                          | I believe that I treated her the way I felt that I  |
| 5  |             | objective was to bring her back, get this off the   | 5  |                            | was required to.  |
| 6  |             | table. I mean my God, we were in the middle of a  | 6  | 0                          | Let me ask you the same question again. Do you  |
| 7  |             | campaign. It seemed to me that we were between a  | 7  | `                          | believe that Marilyn Figueroa was treated with  |
| 8  |             | rock and a hard place. That she was AWOL.   | 8  |                            | respect to her family leave entitlement pursuant to   |
| 9  |             | Everybody in the office and, you know, people   | 9  |                            | Milwaukee City policies like any other employee?  |
| 10   |             | some people in City Hall knew that she was, had   | 10   | Α                          | Marilyn was offered the opportunity to provide a  |
| 111  |             | disappeared. I felt that we were compelled to do  | 11   | • •                        | doctor's verification. We put that in writing. She  |
| 12   |             | something. We just couldn't leave it fester.  | 12   |                            | did not provide the verification. In that respect   |
| 13   |             | The family medical leave actually seemed like   | 13   |                            | she was treated like anybody else.  |
| 14   |             | a very good idea because it allowed her the   | 14   | 0                          | This Dan Thomas, is that someone that you   |
| 15   |             | opportunity to extend the amount of time she could  | 15   | ~                          | supervised?   |
| 16   |             | be away from the office and employment and still  | 16   | Α                          | He was directly supervised by Juanita Hawkins.  |
| 17   |             | remain kind of attached to the City.  | 17   |                            | Is that someone that was granted family leave?  |
| 18   | 0           | At what point was the decision to terminate Marilyn   | 18   |                            | Yes.  |
| 19   | V           | made by the group?  | 19   |                            | Did you process the paperwork for Mr. Thomas?   |
| 20   | Δ           | Oh, what I'm trying to say  | 20   |                            | Did I? No.  |
| 21   | ^           | MR. TOKUS: Objection. There has   | 21   |                            | Did you see the paperwork for Mr. Thomas?   |
| 22   |             | been no testimony that the group made any   | 22   |                            | I don't believe so.   |
| 23   |             | decision to terminate her.  | 23   |                            | Did you sign any of the family leave approvals  |
| 24   |             | MR. ARELLANO: I suspect the   | 24   |                            | I may have  |
| 25   |             | lawyer-like objection you are asserting here,   | 25   |                            | for Mr. Thomas?   |
| -"   |             | 478   |  | ~                          | 480   |
|  |             |   |  |                            |   |
| 1  |             | Mr. Tokus is possible mischaracterization of  | 1  | Α                          | but I don't recall it at all  |
| 1 2  | <del></del> | Mr. Tokus, is possible mischaracterization of   | 1 2  |                            | but I don't recall it at all.  To this date, are you aware of any specific form   |
| 2  |             | testimony?  | 2  |                            | To this date, are you aware of any specific form  |
| 2  |             | testimony?  MR. TOKUS: Exactly. Thank you   | 2  | Q                          | To this date, are you aware of any specific form that Marilyn Figueroa was required to submit?  |
| 2<br>3<br>4  | 0           | testimony?  MR. TOKUS: Exactly. Thank you  very much for providing me with that.  | 2<br>3<br>4  | Q<br>A                     | To this date, are you aware of any specific form that Marilyn Figueroa was required to submit? I'm aware now. I was not aware at the time.  |
| 2 3 4 5  | Q           | testimony?  MR. TOKUS: Exactly. Thank you very much for providing me with that.  At what point was it decided to issue the  | 2<br>3<br>4<br>5   | Q<br>A                     | To this date, are you aware of any specific form that Marilyn Figueroa was required to submit? I'm aware now. I was not aware at the time. And when did you learn of the fact that a form is  |
| 2<br>3<br>4<br>5<br>6  |             | testimony?  MR. TOKUS: Exactly. Thank you very much for providing me with that.  At what point was it decided to issue the termination letter?  | 2<br>3<br>4  | Q<br>A                     | To this date, are you aware of any specific form that Marilyn Figueroa was required to submit? I'm aware now. I was not aware at the time. And when did you learn of the fact that a form is required before an employee can be granted family  |
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| 17  | Ms. Delaney that she was taking sick leave?  | 1   | not follow up on that.  |
|---|--|---|---|
| 1 2   | MR. TOKUS: Objection. I think  | 2   |   |
|   | that mischaracterizes the record in terms of   | 3   | Q The answer would be no, you didn't do anything?   |
| 3   |  | ١   | A I had already processed the voluntary quit. I did   |
| 4   | the type of communication.   | 4   | not follow up on that.  |
| 5   | A I don't in the first week? I don't recollect an  | 5   | Q When you state that you processed the voluntary   |
| 6   | email from Delaney on that.  | 6   | quit, tell me exactly what did you do to process the  |
| 7   | Q Before you terminated Marilyn Figueroa, how many   | 7   | voluntary quit?   |
| 8   | direct contacts did Marilyn make with your office  | 8   | A At some point I calculated what 15 days would be  |
| 9   | for the purposes of notifying you that she was   | 9   | from January 14th. I had it in my mind it was   |
| 10  | taking sick leave or that she was going to provide   | 10  | January 2nd. I drafted a letter, asked Stawicki to  |
| 11  | you with information about sick leave? How many  | 11  | send it out.  |
| 12  | times?   | 12  | Q And the final question on this issue is, because I'm  |
| 13  | A I'm aware of one, January 14th.  | 13  | not clear, you sent a letter on January 14th, you   |
| 14  | Q One? That's where you and I have some sort of a  | 14  | gave Marilyn 15 days to comply; correct?  |
| 15  | disagreement. All right. So you believe that the   | 15  | A Correct.  |
| 1   |  | 16  | i i   |
| 16  | only time Marilyn notified you of taking any type of   |   | Q Under what policy did you provide Marilyn Figueroa  |
| 17  | sick leave would have been January 14th?   | 17  | 15 days?  |
| 18  | A Correct.   | 18  | A It was my   |
| 19  | Q Was that before or after you sent your first letter  | 19  | Q Or how did you come up with 15 days, sir?   |
| 20  | demanding a medical release?   | 20  | A It's unclear. That's why you're unclear. It's   |
| 21  | A That prompted the letter.  | 21  | unclear to me how I came up with 15 days. I don't   |
| 22  | Q Okay. You knew all of these facts regarding  | 22  | know if it was a conversation with Hansen. I don't  |
| 23  | Marilyn Figueroa, and then after you terminated her  | 23  | know if it was a conversation with Shindell. But  |
| 24  | you also learned that as far as January 21st in  | 24  | 15 days was what was stuck in my mind.  |
| 25  | response to your first demand for medical  | 25  | Q And before you issued that letter you knew at all   |
|   | 486  |   | 488   |
| 1   | information Marilyn's doctor had issued a medical  | 1   | times that Ms. Shindell became involved in this case  |
| 2   | authorization; correct? And I'm going to ask the   | 2   | for the purpose of defending a possible sexual  |
| 3   | reporter to read you that question one more time.  | 3   | harassment claim against the Mayor; correct? In   |
| 4   | A Please.  | 4   | fact, I believe you were the one who suggested it.  |
| 5   | (Question read)  | 5   |   |
| 6   |  |   |   |
|   | MR. TOKUS: I'm going to object to  | 6   | A I suggested Shindell. I believe that's correct.   |
|   | MR. TOKUS: I'm going to object to a mischaracterization of the state of the  | 6 7   | A 1 suggested Shindell. I believe that's correct.  Q All right.   |
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| Cas                  | e C | ompress Deposition of MICHAEL                        | . 50 | IKA    | A (VOL. III) 4/9/02 | Sheet 16 .     |
|----------------------|-----|--|------|--------|---------------------|----------------|
| 1                    | Q   | When you decided to issue the voluntary quit         | 1    | Q      |                     |                |
| 2                    | `   | termination letter, to your knowledge, was           | 2    | Α      |                     |                |
| 3                    |     | Ms. Shindell still negotiating with                  | 3    |        |                     | <u> </u>       |
| 4                    |     | Marilyn Figueroa's legal representative?             | 4    | Q<br>A |                     |                |
| 5                    | Α   | Negotiating meaning was there active negotiations?   | 5    | Α      |                     |                |
| 6                    |     | I couldn't say that. I don't know for sure.          | 6    | Q      | <u></u>             | . 1            |
| 7                    | 0   | Before you issued the termination letter, there were | 7    | Α      |                     | ;              |
| 8                    | `   | active negotiations going on between Ms. Shindell    | 8    | Q      |                     |                |
| 9                    |     | and Mr. Colon, Mr. Fuchs; correct?                   | 9    |        |                     |                |
| 10                   | Α   | There were discussions, yes.                         | 10   |        |                     |                |
| 11                   | 0   | But when you decided to issue the termination        | 11   |        |                     | į              |
| 12                   | `   | letter, you're not sure if negotiations were going   | 12   |        |                     |                |
| 13                   |     | on?  | 13   |        |                     |                |
| 14                   |     | Correct.   | 14   |        |                     | . 1            |
| 15                   | Q   | All right. Is it possible that they had stopped      | 15   | Q      | (                   |                |
| 16                   |     | before you issued the termination letter?            | 16   | Α      |                     |                |
| 17                   | Α   | It's possible. I just don't remember.                | 17   |        |                     | •              |
| 18                   | Q   | Did Ms. Shindell discuss with the group at any time  | 18   | Q      |                     |                |
| 19                   |     | as I will continue talking to the rest of the group, | 19   |        |                     |                |
| 20                   |     | did Ms. Shindell discuss with the group, including   | 20   |        |                     |                |
| 21                   |     | you, in any manner what the impact of her            | 21   | Α      |                     |                |
| 22                   |     | termination would have on the ongoing negotiations?  | 22   | Q      |                     | 1              |
| 23                   |     | I don't remember those kinds of discussions.         | 23   | Α      |                     |                |
| 24                   | Q   | Did you think as to the impact that her termination  | 24   |        |                     |                |
| 25                   |     | would have on the negotiations?                      | 25   |        | 106                 |                |
|                      |     | 494  |      |        | 496                 |                |
| 1                    |     | Are you asking what was my impression?               | 1    | Q      |                     |                |
| 2                    |     | Correct.   | 2    |        |                     |                |
| 3                    | Α   | Well, I felt that actually terminating her would     | 3    | A      |                     |                |
| 4                    |     | probably make it more difficult to arrive at a       | 4    | Q      |                     | ŀ              |
| 5                    | _   | settlement.  | 5    | ٨      |                     |                |
| 6                    | Q   | Why is that?   | 6    | Α      |                     | :              |
| 7                    | Α   | Because she would have been terminated. She would    | 8    | Q      |                     |                |
| 8                    | _   | have been angry.                                     | 9    | Α      |                     |                |
| 9                    | Ų   | All right. Did you discuss those thoughts with       | 10   | Q      |                     |                |
| 10                   | Λ.  | Ms. Shindell? I don't I don't think so.              | 11   | V      |                     |                |
| 11<br>12             |     | Did the Mayor express any concerns about what the    | 12   |        | -                   |                |
| 13                   | Ų   | effect her termination would have on negotiations?   | 13   | Α      |                     |                |
| 14                   | Δ   | I don't as I said previously, I don't remember       | 14   | Q      |                     | ·              |
| 15                   | ^   | that kind of a discussion.                           | 15   | Ă      |                     |                |
| 16                   | Q   | Hitt Khit of a abcassion                             | 16   | (      |                     |                |
| 17                   | ~   | •  | 17   | . `    | rc                  |                |
| 18                   |     |  | 18   |        |                     |                |
| 19                   |     |  | 19   |        |                     |                |
| 20                   | Α   |  | 20   |        |                     |                |
| 21                   | Q   |  | 21   |        |                     |                |
| 22                   | V   |  | 22   | Α      |                     |                |
| 23                   |     |  | 23   | Q      |                     |                |
| 21<br>22<br>23<br>24 |     |  | 24   | •      |                     |                |
| 25                   | Α   |  | 25   |        |                     |                |
|                      | , , | 495  |      |        | 497                 |                |
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|  |                         |  | ,  |                  | offeet to  |
|--|-------------------------|--|--|------------------|--|
| 1  |                         | touching all the way up to sexual exchanges?   | 1  |                  | 2002?  |
| 2  | Α                       | I don't recall any.  | 2  | Α                | Yeah, I think that was the date.   |
| 3  |                         | So is it fair and accurate to say, based on what he  | 3  |                  | Who do you report to?  |
| 4  | •                       | disclosed to you, that almost all, if not all, of  | 4  |                  | I report to the Mayor.   |
| 5  |                         | the disclosures that he made to you involved   | 5  |                  | And who is the new chief of staff?   |
|  |                         | physical contact or verbal sexual comments; correct?   | 6  | -                |  |
| 6  | ٨                       | • •  | 7  |                  | There is no chief of staff right now.  |
| 7  | Α                       | Yeah. I just remembered one more time is when  | 1 ′  | •                | There is none?   |
| 8  |                         | Marilyn had her car accident in December of '99. He  | 8  |                  | No. There's an interim chief of staff.   |
| 9  |                         | did go to show his concern. He went to the   | 9  | •                | And who is that?   |
| 10   |                         | hospital.  | 10   |                  | Steve Jacquart, J-A-C-Q-U-A-R-T.   |
| 11   | Q                       | Other than that, all of the disclosures that he made   | 11   | Q                | How long have you known Mr. Jacquart?  |
| 12   |                         | to you with respect to his alleged affair with   | 12   | Α                | Oh, my. '98, '97.  |
| 13   |                         | Marilyn Figueroa involved some type of intimate  | 13   | Q                | What did he do before he became the interim chief of   |
| 14   |                         | touching or sexual nature type of interaction;   | 14   |                  | staff?   |
| 15   |                         | correct?   | 15   | Α                | He was the policy advisor to the Mayor.  |
| 16   | Α                       | Other than the ones that we discussed, yes.  | 16   |                  | Did Mr. Jacquart ever report to you while you were   |
| 17   |                         | All right, very good. Now, what is your current  | 17   | `                | the chief of staff?  |
| 18   | •                       | position right now, Mr. Soika?   | 18   | Α                | Yes.   |
| 19   | A                       | I'm the director of the Department of Administration   | 19   |                  | For how long?  |
| 20   | ,,                      | for the City of Milwaukee.   | 20   |                  | The whole time I was chief of staff.   |
| 21   | Ω                       | When did you become the director of the department?  | 21   |                  | And who was the former director of the Department of   |
| 22   | _                       | March 5th I believe was the official date.   | 22   | Y                | Administration?  |
| 23   |                         |  | 23   | ٨                |  |
| 24   |                         | Of the year 2000 2002? 2002.   | 24   |                  | David Reimer, R-I-E-M-E-R.   |
|  |                         |  | 25   |                  | When did he leave that position?   |
| 25   | Ų                       | I'm sorry. I'm still in 2000 here. I was somewhat  | 25   | А                | Early January 2002.  |
| 1  |                         | 502  | l  |                  | 504  |
|  |                         | and the second s | <del> </del>   |                  |  |
| 1  |                         | intrigued by your characterization of  | 1  | Q                | What's the nature of this department?  |
| 1 2  |                         | intrigued by your characterization of<br>Marilyn Figueroa's approach to this case. And you   | 1 2  |                  | What's the nature of this department?  |
| 2  |                         |  | 1  |                  | What's the nature of this department? The divisions that make up the department is the   |
| 2  |                         | Marilyn Figueroa's approach to this case. And you used the word you believe that Marilyn and her team  | 2  |                  | What's the nature of this department? The divisions that make up the department is the budget office, the government relations office and  |
| 2<br>3<br>4  |                         | Marilyn Figueroa's approach to this case. And you used the word you believe that Marilyn and her team of lawyers believed that there was some sort of a  | 2<br>3<br>4  |                  | What's the nature of this department? The divisions that make up the department is the budget office, the government relations office and the block grant office, the computer internal  |
| 2 3 4 5  | A                       | Marilyn Figueroa's approach to this case. And you used the word you believe that Marilyn and her team of lawyers believed that there was some sort of a conspiracy. Is that what you stated?   | 2<br>3<br>4<br>5   | Α                | What's the nature of this department? The divisions that make up the department is the budget office, the government relations office and the block grant office, the computer internal computer operations, purchasing records.   |
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| 2<br>3<br>4<br>5<br>6<br>7   | Α                       | Marilyn Figueroa's approach to this case. And you used the word you believe that Marilyn and her team of lawyers believed that there was some sort of a conspiracy. Is that what you stated?  That's —  MR. TOKUS: Objection. I think  | 2<br>3<br>4<br>5<br>6<br>7   | A Q A            | What's the nature of this department?  The divisions that make up the department is the budget office, the government relations office and the block grant office, the computer internal computer operations, purchasing records.  More like the business aspect of the City?  The administrative, right.  |
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| thoughts?  A No.  A No.  A No.  A No.  A No.  A No.  A Pushed harder for a selfement carry on. That would would would would would would would would  A I A light. The group that was gathering to deal with the Figueroa problem, was there any one porson that was leading the group?  A Jour how, if you look at the group, it's pertly stong personalities. I don't think so.  Q Was Ms. Shindell pretty much leading the direction?  A You know, if you look at the group, it's pertly stong personalities. I don't think that  Q Was Ms. Shindell pretty much leading the direction?  A You know, if you look at the group, it's pertly stong personalities. I don't think that  Q Was Ms. Shindell pretty much leading the direction?  A You know, if you look at the group, it's pertly stong personalities. John't think that  Q Was Ms. Shindell pretty much leading the direction?  A You know, if you look at the group, it's pertly stong personalities. John't think that  Q Was Ms. Shindell pretty much leading the direction?  A You know, if you look at the group, it's pertly stong personalities. John't think that  Q Was Ms. Shindell pretty much leading the direction?  A You know, if you look at the group, it's pertly stong personalities. John't think that  Q Was Ms. Shindell pretty much leading the direction?  A You know, if you look at the group, it's pertly stong personalities. John't think that  Q Was Ms. Shindell pretty much leading the direction?  A You know, if you look at the group, it's pertly stong personalities. John't think that  Q Was Ms. Shindell pretty much leading the direction?  A You know, if you look at the group, it's pertly stong personalities. John't think that  Q Was Ms. Shindell pretty much leading the direction?  A I don't know the exact date. As we were under a timetable of having the deal with the it's called the Cuancil yele. When could we introduce this into the appropriate council committee and have it move along.  As I said previously, my hope was to be out   | 1        | manner in which she was terminated, any second        | 1       | O And at what point did the Manager                     |
|--|----------|---|---------|---|
| 3 A No.  4 Q Anything that you would love to have done differently before she was terminated?  5 A Pushed harder for a settlement early on. That would with the Figueron problem, was there any one person that was leading the group?  10 All right. The group that was gathering to deal with the Figueron problem, was there any one person that was leading the group?  11 A I don't think so.  12 Q Was it a clash of personalities a to how the matter should have been handled?  13 A You know, if you look at the group, it's pretty strong personalities I don't think that—15 Q Was it a clash of personalities as to how the matter should have been handled?  13 A Heesthed the discussions where I had remembered a clash or a disagreement.  24 A Initially my position was we should try to settle.  25 Q And was that ever changed?  26 A This statement and the issue about settlement?  27 A This was your position with respect to settlement?  28 A Yes.  29 Q And was that ever changed?  30 A The statement and the issue about settlement or not and when.  31 A Yes.  32 Q At what point?  33 A Yes.  44 Q Right.  45 Q Or this was your position with respect to settlement?  46 Q And was that ever changed?  47 A This the end of beave clip your many disagreements with the way Mr. Christofferson suggested this matter be handled?  48 A I don't know when but—  49 Q Do you have any disagreements with the way Mr. Christofferson suggested this matter be handled?  49 A This this don't provide a statement of the issue about settlement or not and when.  30 A Dark was your you wanted to leave City government, when did you do that?  31 A When did I do that?  32 A Yes.  40 C Going back to your current position, when you told the Mayor you wanted to leave City government, when did you do that?  41 A Yes.  42 A Yes.  43 A That's the only one that comes to mind.  44 Q Going back to your current position, when you told the Mayor you wanted to leave City government, when did you do that?  45 A This province the province the province the province the province that |          | •   | 1       | Q And at what point did the Mayor agree to appoint your |
| 4 Q Anything that you would love to have done differently before she was terminated? 5 A Pushed harder for a settlement early on. That would   |          |   |         | A Edward of the Department of Administration?           |
| 5 A This year. 6 A Pushed harder for a settlement early on. That 7 would - 8 Q All right. The group that was gathering to deal 8 with the Figuero problem, was there any one person 10 that was leading the group? 11 A I don't think so. 12 Q Was Ms. Shindell pretty much leading the direction? 13 A You know, if you look at the group, it's pretty 14 strong personalities. I don't think that - 15 Q Was it a clash of personalities as to how the matter 16 should have been handled? 17 A I described the discussions where I had remembered a 18 clash or a disagreement. 19 Q You're talking about the statement that was 19 published? 20 A What was your position with respect to settlement? 21 A Prestatement and the issue about settlement or not 22 and when. 23 Q What was you position with respect to settlement? 24 A Price of the discussions where I had remembered a 25 dand was that ever changed? 26 D you have any disagreements with the way 27 So when did the Mayor announce the chandled? 28 A March did with the intervention and when. 29 D you have any disagreements with the way 29 Mr. Christoffeson suggested this matter be handled? 20 And was that ever changed? 21 A Yeah. That is the only one that comes to mind. 22 Q Going back to your current position, when you told the Mayor you wanted to leave City government, when did the Mayor announce the chandled of staff, your clampe from chief of staff to the Department of Administration direction.  20 Q What was you go go the stellement or not and when.  21 A Yesa.  2 |          |   |         |   |
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| A   A   A   A   A   A   A   A   A   A  |          |   | 1       |   |
| A continue of the properties   |          | <b>●</b>  |         | Q Of this year. And when did the Mayor announce the     |
| Social Process of Staff to the Department of Administration  |          |   | 1       | change from chief of staff, your change from chief      |
| with the Figueroa problem, was there any one person to that was leading the group?  A I don't think so.  Was Ms. Shindedl pretty much leading the direction? A You know, if you look at the group, it's pretty strong personalities. I don't think that— Should have been handled? A I described the discussions where I had remembered a clash or a disagreement. You're talking about the statement that was published? A The statement and the issue about settlement? A The statement was your position was we should try to settle. Q And was that ever changed? The A I don't know when but— Q Do you have any disagreements with the way Mr. Cristofferson suggested this matter be handled? And I'm talking about anything related to how to handle the Figueroa matter, other than the public statement. Q Ging back to your current position, when you told the Mayory ow wanted to leave City government, when did you do that? A Yeah. That's the only one that comes to mind. Q Ging back to your current position, when you told the Mayory ow wanted to leave City government, when did you do that? A Phen did I do that? A Phen at some point you came back and changed your mind; is that correct? A Pour previous question is when did I say I wanted to leave City government. That was when I changed my mind. That was in January I believe, something like that.  511  A Your previous question is when did I say I wanted to leave City government. That was when I changed my mind. That was in January I believe, something like that.  512  A Your previous question is when did I say I wanted to leave City government.  513  A Corect.  S A Corect. S A Coveder 98. I'm sorry, I'm sorry, October '99. C Cotober 199. Osay. And I believe previously you wanted to leave City government.  The Council of the Mayor in the Council acted in dimetable of having to deal with t |          |   | 1       | of staff to the Department of Administration?           |
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|  | 1        |   | <u></u> | <del></del>   |



|     |  |   | 4  |   |
|-----|--|---|--|---|
| -   | 1  | staff assistant or if it's a different title.   | 1  | together here in this diagram is your recollection  |
|     | 2  | Q She nevertheless worked within the Mayor's office?  | 2  | of the number of staff assistants positions that  |
|     | 3  | A Right.  | 3  | were in existence filled before by the time   |
|     | 4  | Q She was not a clerical?   | 4  | Marilyn Figueroa was terminated; correct?   |
| -   | 5  | A She was not.  | 5  | A No.   |
|     | 6  | Q She was assigned to do Mayor Norquist's   | 6  | Q You explain to me what this represents, Exhibit 35.   |
| -   | 7  | A Actually she did constituent relation issues, which   | 7  | A What it represents are the offices within the   |
| - 1 | 1  |   | l  |   |
| -   | 8  | was, you know, significantly different than routine   | 8  | physical offices within the Mayor's office and who  |
|     | 9  | staff assistant.  | 9  | resided in those offices.   |
|     | 10   | Q Well, was she identified as anything else other than  | 10   | Q Let's start with the one on the top. Can we number  |
|     | 11   | staff assistant to the Mayor?   | 11   | this 1, 2, 3, 4, 5?   |
|     | 12   | A Well, that's why I can't draw that up whether or  | 12   | A Can I change this for a second here? Because I  |
|     | 13   | not it was a staff assistant or it was a different  | 13   | skipped somebody.   |
|     | 14   | title.  | 14   | Q Go ahead.   |
|     | 15   | Q By the time Marilyn Figueroa strike that. By the  | 15   | MR. ARELLANO: Let the record  |
|     | 16   | time Marilyn Figueroa was terminated in I believe   | 16   | reflect that Exhibit 35 has been modified   |
|     | 17   | February of the year 2000, how many staff assistants  | 17   | slightly by the witness.  |
| ı   | 18   | were on board?  | 18   | Q Is that correct, sir?   |
|     | 19   | A Staff assistants?   | 19   | A Correct.  |
|     | 20   |   | 20   | Q Let's start with the No. 1 that you have identified,  |
|     |  | Q To the Mayor.   | 21   | and it was modified by placing a numerical structure  |
|     | 21   | A Well, let me draw just for my own   | 22   |   |
| 1   | 22   | Q Use any cartoons you need.  | 23   | and also adding an additional individual  A Correct.  |
|     | 23   | A All right. I'm sorry?   | l .  |   |
| - 4 | 24   | Q Go ahead.   | 24   | Q to the chart. Very good. Let's start with   |
|     | 25   | A The question, please?   | 25   | No. 1. Who do you have in there?  |
| L   |  | 526   |  | 528   |
| I   | 4  | O. P. of the Marillan Eigenstein and let again  | 1 1  | A 14 7 (4 m) A 4 m m m  |
| - 1 | 1  | O by the time Marilyn Figueroa was let go in  | 1  | A I have Jeff Fleming and Steve Filmanowicz.  |
|     | 1 2  | Q By the time Marilyn Figueroa was let go in February of 2000, how many staff assistants were   | 2  | A I have Jeff Fleming and Steve Filmanowicz.  Q Those two would have been staff assistants?   |
|     | 2  | February of 2000, how many staff assistants were  |  |   |
|     |  | February of 2000, how many staff assistants were there within the Mayor's office?   | 2  | Q Those two would have been staff assistants?   |
|     | 2<br>3<br>4  | February of 2000, how many staff assistants were there within the Mayor's office?  A Including her position?  | 2  | Q Those two would have been staff assistants? A No.   |
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| 1  | Α                                       | I believe we brought her in at a seven, but she   | 1  | Δ                | In the context of Trigin Core above 11 11   |
|--|---|---|--|------------------|---|
| 2  |   | eventually became a nine.   | 2  | , ,              | In the context of Tricia Geraghty, when the Mayor   |
| 3  | 0                                       | A nine, all right. Do you recall whether or not   | 3  |                  | asked me to be chief of staff, I said I had a couple  |
| 4  | `                                       | when you came on board there was a reclassification   | 4  |                  | of conditions. One of which was I wanted to bring   |
| 5  |   | study under way for Marilyn Figueroa?   | 5  |                  | Tricia Geraghty on board. In order to do that, I  |
| 6  | Α                                       | I knew that a reclassification was an issue. Did I  | 6  |                  | would have I needed to find a way to pay her  |
| 7  |   | know it was under way when I came on board? I   | 7  |                  | something similar to what she was making at her,  |
| 8  |   | don't I don't know. I knew it was in the air.   | 8  |                  | what would then be her current position. I told the   |
| 9  |   | Was it actively being pursued by DER? I couldn't  | 9  |                  | Mayor that we would have to find the money, get a   |
| 10   |   | tell you that.  | 10   |                  | reclass of some position in order to do that. I   |
| 11   | 0                                       | How did you learn that reclassification was an issue  | 111  |                  | went to DER to talk about - I'm sorry, your   |
| 12   | ~                                       | when you came on board? And I'm talking about a   | 12   |                  | original question was the Mayor. His comment to me  |
| 13   |   | reclassification of Marilyn Figueroa.   | 13   |                  | was something like, you know, if you're going to do   |
| 14   |   | MR. TOKUS: Objection. That  | 14   |                  | that, you've got to deal with Marilyn. You've got   |
| 15   |   | mischaracterizes the nature of the  | 15   |                  | to make sure it's okay. Because part of the reason  |
| 16   |   | reclassification.   | 16   |                  | that I think that I was brought in was to kind of   |
| 17   | Ω                                       | Go ahead, sir.  | 17   | 0                | calm down the office atmosphere.  |
| 18   | -                                       | I knew that Marilyn was desirous of a   | 18   | Ų                | At that point did you know that Marilyn's position  |
| 19   |   | reclassification. I knew it was a contentious   | 19   | Λ                | was being the subject of a reclassification study?  |
| 20   |   | issue. How I knew that, I'm not sure of that.   | 20   | $\Lambda$        | Well, again, I knew that there was a position out   |
| 21   |   | Did you ever investigate whether or not Marilyn was   | 21   |                  | there. When I wanted to bring Tricia Geraghty in, I did three things. One is I talked to the Mayor.   |
| 22   |   | being the subject of a reclassification study?  | 22   |                  | Two is I talked to Marilyn. And I explained to her  |
| 23   |   | Again, you don't study people. You study positions.   | 23   |                  | that I wanted to bring Tricia in and that it  |
| 24   |   | There are positions. You have to show that there  | 24   |                  | would you know, I would need to do it at this   |
| 25   |   | was, there is a significant need or a significant   | 25   |                  | salary. And her comment to me at the time was   |
| 1  |   | 534   |  |                  | 536   |
| <del></del>  |   |   | 1  |                  |   |
| 11   |   | change in duties in order to be cligible for a  | 1  |                  | 10 - C-11 O T 1 - 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1   |
| 1 2  |   | change in duties in order to be eligible for a  | 1  |                  | two-fold. One was I'm just glad you're here and I   |
| 2  |   | reclassification.   | 2  |                  | know that you need your person here and I'm okay  |
| 2 3  | Q                                       | reclassification.<br>Well, did you ever investigate whether or not  |  |                  | know that you need your person here and I'm okay with that. And you can tell the Mayor that this is   |
| 2<br>3<br>4  | Q                                       | reclassification.<br>Well, did you ever investigate whether or not<br>Marilyn's position was the subject of a   | 2<br>3<br>4  | 0                | know that you need your person here and I'm okay with that. And you can tell the Mayor that this is my present to him.  |
| 2 3 4 5  | Q                                       | reclassification.<br>Well, did you ever investigate whether or not<br>Marilyn's position was the subject of a<br>reclassification study at the time you came on   | 2<br>3<br>4<br>5   |                  | know that you need your person here and I'm okay with that. And you can tell the Mayor that this is my present to him. When did she tell you this?  |
| 2<br>3<br>4  | Q                                       | reclassification. Well, did you ever investigate whether or not Marilyn's position was the subject of a reclassification study at the time you came on board?   | 2<br>3<br>4<br>5<br>6  | Α                | know that you need your person here and I'm okay with that. And you can tell the Mayor that this is my present to him. When did she tell you this? In my office.  |
| 2<br>3<br>4<br>5<br>6  | Q :                                     | reclassification. Well, did you ever investigate whether or not Marilyn's position was the subject of a reclassification study at the time you came on board? I knew that there was a reclassification that   | 2<br>3<br>4<br>5<br>6<br>7   | A<br>Q           | know that you need your person here and I'm okay with that. And you can tell the Mayor that this is my present to him. When did she tell you this? In my office. When did that happen?  |
| 2<br>3<br>4<br>5<br>6<br>7   | Q :                                     | reclassification.  Well, did you ever investigate whether or not  Marilyn's position was the subject of a reclassification study at the time you came on board?  I knew that there was a reclassification that  Marilyn wanted and that it was in the mix. I don't  | 2<br>3<br>4<br>5<br>6<br>7<br>8  | A<br>Q           | know that you need your person here and I'm okay with that. And you can tell the Mayor that this is my present to him. When did she tell you this? In my office. When did that happen? I don't know. I believe it was probably  |
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|  | <u> </u>  |  |                       |   |
|--|---|--|-----------------------|---|
| 1  |   | 1  | Α                     | I never said that.  |
| 2  | about reclassification?   | 2  | Q                     | Well, I'm asking you, sir.  |
| 3  | A I'm not sure. Marilyn herself could have told me.   | 3  | Α                     | No. You're you're either not understanding the  |
| 4  | I have no idea.   | 4  |                       | process or you're misstating.   |
| 5  | Q You don't remember a specific person?   | 5  |                       | Sir, I'm asking you a question. I'm not concerned   |
| 6  | A I don't recall.   | 6  | `                     | about debating anything with you.   |
| 7  | Q So by the time you came on board you knew that that   | 7  |                       | MR. TOKUS: No, you're arguing with  |
| 8  | · · · · · · · · · · · · · · · · · · ·   | 8  |                       | the witness, Mr. Arellano.  |
| 9  |   | 9  |                       | MR. ARELLANO: Counsel, if you   |
| 10   | · ·   | 10   |                       | in plain and simple English, if you understand  |
| 11   | ` ' ' ' ' '   | 11   |                       | what's going on, the witness is arguing with  |
| 12   |   | 12   |                       | me. Now let's get on with it.   |
| 13   | •   | 13   |                       | MR. TOKUS: Well, you're asking  |
| 14   |   | 14   |                       | about the reclassification process,   |
| 15   |   | 15   |                       | Mr. Arellano, and you're twisting it.   |
| 16   |   | 16   |                       | MR. ARELLANO: I don't even believe  |
| 17   | •   | 17   |                       | 1   |
|  |   | 18   |                       | that amounts to a legal objection, sir, but whatever you want.  |
| 18   |   | 19   | Λ                     | Once you became the chief of staff, did you develop   |
| 19   |   | 20   | Ų                     | an opinion as to whether or not Marilyn qualified   |
| 20<br>21   |   | 21   |                       | for a reclassification?   |
| 22   |   | 22   |                       | Well, you don't qualify a person. You qualify a   |
| 23   |   | 23   |                       | position. You have to show that there was a change  |
| 24   |   | 24   |                       | in duties to have a reclassification approved.  |
| 25   |   | 25   |                       | All right. And before you suggested somebody else   |
| 1  | 542   | ı  | `                     | 544   |
| - 1  | J4Z   | 1  |                       | 014   |
| +  |   | 1  |                       |   |
| 1 2  | to hire Ms. Geraghty, did Marilyn tell you that she   | 1 2  |                       | for that position, what, if any, investigation did  |
| 2  | to hire Ms. Geraghty, did Marilyn tell you that she had been waiting for a reclassification?  | 2  |                       | for that position, what, if any, investigation did you conduct to determine whether or not  |
| 2 3  | to hire Ms. Geraghty, did Marilyn tell you that she   |  |                       | for that position, what, if any, investigation did  |
| 3 4  | to hire Ms. Geraghty, did Marilyn tell you that she had been waiting for a reclassification?  A I had known that Marilyn was agitating around the reclassification.   | 2 3  | A                     | for that position, what, if any, investigation did<br>you conduct to determine whether or not<br>Marilyn Figueroa's position qualified for a  |
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|    | se comprese :   |    |     | 11 16  |
|----|---|----|-----|--|
| 1  | about a reclassification that she wanted. So my                     | 1  |     | assistant position was being considered for a        |
| 2  | intent was to raise the issue with her. I clearly                   | 2  |     | eclassification to staff assistant senior position?  |
| 3  | said, listen, this is something I want to do, but if                | 3  | 1 A | No. Because my understanding was that it was the     |
|    | you don't want to do it, we're not going to do it.                  | 4  | ١   | vacant position that was being reclassified. The     |
| 4  | Q And I understand that. And you did tell me that                   | 5  | ç   | general understanding of people was that this is the |
| 5  | Q And I understand that. And you did fell me that                   | 6  |     | one that Marilyn wanted. So that's the difference.   |
| 6  | several times. But one thing you haven't told me is                 | 7  |     | All right. To your knowledge, do you know if any     |
| 7  | was it your intent by bringing Ms. Geraghty, was it                 | 1  |     |  |
| 8  | your intent to stop any reclassification of                         | 8  |     | idea to reclassify Marilyn Figueroa to a staff       |
| 9  | Marilyn Figueroa's position that may have been under                | 9  |     | assistant senior position was ever stopped as a      |
| 10 |   | 10 |     | result of Tricia Geraghty coming on board?           |
| 11 |   | 11 | Α.  | Again, it's not my understanding that Marilyn's      |
| 12 |   | 12 | 1   | position was being reclassified. A vacant position   |
|    |   | 13 |     | was being reclassified.                              |
| 13 | A No. My goal was to bring Tricia in: Triad, you                    | 14 |     | Which vacant position was being reclassified?        |
| 14 |   | 15 |     | I think it was Jason Helgerson's position.           |
| 15 |   |    |     |  |
| 16 | Q Did you ever tell anyone, including people in the                 | 16 |     | Who is Jason Helgerson?                              |
| 17 | employment relations office, that Marilyn's                         | 17 |     | He was a staff assistant that had left right before  |
| 18 | reclassification should not be advanced?                            | 18 |     | I came on board.                                     |
| 19 |   | 19 |     | And I believe that Ms. Dukes informed you that a     |
| 20 | understanding is it was a reclassification of a                     | 20 |     | position had been, a position study had been         |
| 21 |   | 21 |     | completed and that she believed that that was a      |
| 22 | with DER about a reclassification position at that                  | 22 |     | position that Marilyn wanted?                        |
| 23 |   | 23 | Α   | Correct.   |
|    |   | 24 | 0   | Is that correct? What did you respond to that?       |
| 24 | Did you ever learn during the time you were a jung                  | 25 |     | I don't I don't know. If I had talked to her         |
| 25 |   |    | •   | 552  |
| -  | 550   |    |     |  |
| 1  | the employment relations department were conducting                 | 1  |     | after I talked to Marilyn, then I would have said    |
| 2  |   | 2  |     | Marilyn's okay with this.                            |
| 3  |   | 3  | Q   | As I understand, Mr. Soika, which I think is part of |
| 4  |   | 4  |     | what you are eager to explain to me, in order to     |
| 5  |   | 5  |     | reclassify a position there has to be an increase in |
|    |   | 6  |     | duties and responsibilities?                         |
| 6  | Do you recall whether or not a rectal shreater way at the time when | 7  | Α   | Right.   |
| 7  | Marilyn's position was under way at the time when                   | 8  |     | Is that correct? With respect to the                 |
| 8  | you were attempting to bring Ms. Geraghty?                          | 9  | V   | reclassification of the vacant position that as I    |
| 9  | A My understanding was that there was a                             |    |     | understand eventually Tricia Geraghty got, what      |
| 10 |   | 10 |     |  |
| 11 | 1 Q Not Marilyn Figueroa's position?                                | 11 |     | additional responsibilities did you propose?         |
| 12 | 2 A Not Marilyn's position.   | 12 | Α   | Well, I don't remember having anything to do with    |
| 1  | 3 O Did anyone from the employment relations department             | 13 |     | the reclassification study. I believe that it was    |
| 1  |   | 14 |     | done by the time I was there. I think that there     |
| 1  |   | 15 |     | were supervisory duties involved.                    |
| 1  | 1.1 01  | 16 | 0   | Did you ever tell Marilyn that you didn't think she  |
|    |   | 17 | `   | would qualify for the staff assistant senior         |
| 1  |   | 18 |     | position that was eventually given to Ms. Geraghty?  |
| 1  |   | 19 | Δ   | No.  |
| 1  | 9 A Well, then let me answer.                                       |    |     | Do you believe Marilyn would have qualified for that |
| 2  | · ·   | 20 | Ų   | •  |
| 2  | 1 questions.  | 21 |     | position?  |
| 2  | 2 A That's right, you don't want me to answer.                      | 22 | Α   | I think it would have been a stretch. I don't        |
| 2  | 3 O No. I want you to answer my question. Did anyone                | 23 |     | believe she had supervised people previously.        |
| 2  |   | 24 | Q   | Did you know whether or not Ms. Geraghty had         |
| 2  |   | 25 | Ì   | supervisory experience?                              |
| 14 | you meanly mainter discriming to 1 But of the                       | i  |     | 553  |
| l  | 551   | 1  |     | 333  |

| 1  | A I don't recall that kind of conversation at all.   | 14   |                       | Officer 32.   |
|--|--|--|-----------------------|---|
|  |  |  |                       | any, other complaints do you believe  |
| 2  | Q You testified that Marilyn Figueroa in your view did   | 2  |                       | Marilyn Figueroa had that you are aware of, sir,  |
| 3  | not qualify for the staff assistant senior position?   | 3  |                       | October through December of 1999?   |
| 4  | A No, I didn't testify to that.  | 4  | Α                     | Complaints that Marilyn had?  |
| 5  | Q You testified that she did not have supervisory  | 5  | 0                     | Right. I believe you identified Ms. Figueroa as a   |
| 6  | experience?  | 6  | `                     | disgruntled employee before.  |
| 7  | A I said it would be a stretch for her, that I don't   | 7  | Δ                     | I believe so.   |
| 8  | believe she had supervisory experience.  | 8  |                       |   |
|  |  |  | Ų                     | And tell me, from October through December 31st of  |
| 9  | Q Well, in retrospect, do you believe she qualified  | 9  |                       | 1999, what other complaints did Ms. Figueroa share  |
| 10   | for the staff assistant senior position?   | 10   |                       | with you, if any?   |
| 11   | A I believe it would have been a stretch for her.  | 11   | Α                     | Well, early on when I came in her basic complaint   |
| 12   | Q Meaning she did or she didn't?   | 12   |                       | was that the information didn't flow well, that   |
| 13   | A I think that she could have done it but would need a   | 13   |                       | policy decisions would be made and people would not   |
| 14   | lot of supervision along the way.  | 14   |                       | be kept informed. She at some point said that she   |
| 15   | Q Did the Mayor ever tell you to offer Marilyn any   | 15   |                       | thought that the minerity staff rule arrest of  |
| 16   | type of alternative options?   | 16   |                       | thought that the minority staff who were staff  |
| 17   | A I don't think so.  |  |                       | assistants were not involved in making policy   |
|  |  | 17   | _                     | decisions.  |
| 18   | Q So basically what you're telling me is that the  | 18   |                       | Anything else?  |
| 19   | staff assistant senior position that Marilyn aspired   | 19   | Α                     | Those were specific complaints that I recall.   |
| 20   | was given to Ms. Tricia Geraghty, and that was the   | 20   | Q                     | In essence she was complaining about discrimination   |
| 21   | only factor that you know caused you to call   | 21   |                       | in the Mayor's office; correct?   |
| 22   | employment relations about processing this new hire?   | 22   | Α                     | I didn't say that.  |
| 23   | MR. TOKUS: Objection. That's not   | 23   |                       | Well, you said that minority staff were not involved  |
| 24   | the nature of the testimony that he's given  | 24   | `                     | in policy decisions.  |
| 25   | this morning.  | 25   |                       | That was her complaint, yes.  |
| -"   | 558  | 20   | ,,                    | 560   |
| -  |  |  |                       | 300   |
| 11   |  |  |                       |   |
| 1  | Q Well, I guess what I'm really leading at, Mr. Soika,   | 1  | Q                     | Inversely, she was telling you that only Caucasian  |
| 2  | Q Well, I guess what I'm really leading at, Mr. Soika, other than for the fact that you wanted Ms. Geraghty  | 1 2  |                       | Inversely, she was telling you that only Caucasian people were involved in policy decisions?  |
|  |  | 1  |                       | people were involved in policy decisions?   |
| 2  | other than for the fact that you wanted Ms. Geraghty in that position, do you know any other reason why  | 2<br>3   | Α                     | people were involved in policy decisions?  I supposed that.   |
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|    |       | Depocition of information                            |     | Sneet 34   |
|----|-------|--|-----|--|
| 1  |       | perceived you as a friend?                           | 1   | By Mr. Arellano:                                       |
| 2  | F     | A I believe so.                                      | 2   | Q Mr. Soika, let me show you two sets of records that  |
| 3  | (     | And I sense that she related to you because of both  | 3   | we have marked: one Exhibit 32 and Exhibit 33. My      |
| 4  |       | your religious beliefs?                              | 4   | review of some of these records tells me that we are   |
| 5  | P     | Well, I don't know why she felt she                  | 5   | talking about substantial duplication of records.      |
| 6  |       | If you know.   | 6   | Could you please look at that. I believe this is my    |
| 7  |       | Right, I don't know.                                 | 7   | pen.   |
| 8  |       | But you did talk to her about your religious         | 8   | MR. TOKUS: Do you have a set of                        |
| 9  | `     | beliefs?   | 9   | that for me, Mr. Arellano? What do we have,            |
| 10 | Δ     | \ I don't wear my religious beliefs on my sleeve.    | 10  | 32 and 33?   |
| 11 |       | That's not my question. I said did you talk to her   | 11  |  |
| 12 | •     | about your religious beliefs?                        | 12  | MS. GARCIA: It's the same thing                        |
| 13 | ۸     | ·  | 13  | that you provided us today.                            |
| 14 |       | Yeah, I'm sure that conversation came up.            | 14  | MR. ARELLANO: You can look at the                      |
|    | •     | And as I understand you developed a trust with       | 15  | last page, which they are all bated                    |
| 15 |       | Marilyn or a trusting relationship with              |     | numerically the same.                                  |
| 16 |       | Marilyn Figueroa?                                    | 16  | A Okay. I don't know what this is.                     |
| 17 |       | I would say that.                                    | 17  | Q You're looking at Exhibit No. 32. When compared      |
| 18 | Ų     | Did you ever tell her your opinion about her at any  | 18  | with Exhibit 33 you notice that only the top page      |
| 19 |       | point, the fact that you felt she was disgruntled,   | 19  | contained on Exhibit 32 with the exception of that     |
| 20 |       | that she was all over the place? Did you ever say    | 20  | page?  |
| 21 |       | that to her?   | 21  | A I didn't go through it page-by-page, but with the    |
| 22 | Α     | Yeah. On a couple occasions that are documented in   | 22  | ones I did they appear to be the same.                 |
| 23 |       | that paper there, I went to her and said, Marilyn,   | 23  | Q And with the exception of the top page of            |
| 24 |       | there's something going on. How can I help? What     | 24  | Exhibit 32, you do not recognize that page?            |
| 25 |       | do you need?   | 25  | A No, I do not.  |
|    |       | 566  |     | 568  |
| 1  | Q     | Is that when she told you that her problems related  | 1   | Q The top page of Exhibit 32, does that in any way     |
| 2  |       | to things that happened before you came on board?    | 2   | represent your penmanship?                             |
| 3  | Α     | Yeah.  | 3   | A I don't believe so.                                  |
| 4  | Q     | Did there come a time when you felt she really had   | 4   | Q Let me have those two one more time. Thank you.      |
| 5  |       | something to tell you?                               | 5   | MR. ARELLANO: Counsel, I have                          |
| 6  | Α     | I went to her when I felt that she was, you know,    | 6   | received from you Exhibits 32 and 33 which as          |
| 7  |       | having issues.                                       | 7   | I understand the witness will eventually               |
| 8  | Q     | Did Christofferson ever tell you that Marilyn cited  | 8   | identify, purport to represent the notes, with         |
| 9  |       | problems with the Mayor?                             | 9   | the exception of the top page of Exhibit 32,           |
| 10 | Α     | Problems with the Mayor? I don't think so.           | 10  | purports to represent the notes prepared by            |
| 11 |       | Did Mr. Christofferson tell you that on January 4th, | 11  | Mr. Soika.   |
| 12 | Ì     | the day she left the office, she told him that she   | 12  | MR. TOKUS: What is the one that                        |
| 13 |       | was having problems with the Mayor?                  | 13  | has a different top page, what is that?                |
| 14 | Α     | Yeah, I'm drawing a blank on that. I know that I     | 14  | MR. ARELLANO: Some type of                             |
| 15 |       | had a conversation with Christofferson about Marilyn | 15  | statement by Ruth.                                     |
| 16 |       | on January 4th. Did he say specifically she was      | 16  | MR. TOKUS: By Ruth? How do they                        |
| 17 |       | having problems with the Mayor? He may have, but     | 17  | get together?  |
| 18 |       | I'm not remembering it right now.                    | 18  | Q My question is let's take a look at Exhibit 33 and   |
| 19 | O     | And as I understand, after she left on January 4th,  | 19  | let me ask the witness to tell me whether or not       |
| 20 | ~     | other than that telephone conference that you        | 20  | those records represent copies of the original notes   |
| 21 |       | described in your previous deposition, you never had | 21  | that he prepared pursuant to the                       |
| 22 |       | any other contact with Marilyn Figueroa?             | 22  | Marilyn Figueroa/Mayor Norquist/office of the Mayor    |
| 23 | Δ     | Correct. You mean other than mail.                   | 23  | matters?   |
|    |       | Right.   | 24  | A I wouldn't describe them as notes I prepared. They   |
|    | • • • | NIZIR.   |     | They wouldn't describe them as notes I prepared. They  |
| 24 | •     | <del>-</del>   | 125 | are kind of random notes as the months transmin-       |
| 25 | •     | (Discussion off the record) 567                      | 25  | are kind of random notes as the months transpired. 569 |

| · ·  | 7   | 14 A O1   |
|--|---|---|
| 1  | you what. I want to allow you to use Exhibit 32,  | 1 A Okay.   |
| 2  | but for the top page I want you to walk with me, you  | 2 Q Next page, sir.   |
| 3  | can remove that if you feel comfortable, sir.   | 3 A Okay.   |
| 4  | A Sorry.  | 4 Q Do you recognize this as your notes?  |
| 5  | Q That's all right, that's all right. With respect to   | 5 A Yes, I do.  |
| 6  | the top page of Exhibit 33, do you recognize that as  | 6 Q Do you know when you drafted these notes?   |
| 7  | a document that you prepared?   | 7 A No, I don't.  |
| 8  | A Yes.  | 8 Q Do you know if you drafted these notes before   |
| 9  | Q And do you know when you prepared that document?  | 9 Marilyn was terminated?   |
| 10   | A It says November 17th.  | 10 A I believe so.  |
| 11   | Q And at the top of the document what did you have in   | MR. TOKUS: Excuse me, counsel,  |
| 12   | there, sir?   | 12 could we make reference to the pages that you  |
| 13   | A What does it say?   | 13 want to  |
|  |   | MR. ARELLANO: Sure. We're talking   |
| 14   | Q Yes. A Mayor-Marilyn, Kimberly-Brenda, Tricia.  | about Bates stamp 70003. And from now on I  |
| 15   | Q And right underneath 11/17 what do we have there?   | 16 will just identify the last two numbers. Is  |
| 16   | •   | 17 that okay?   |
| 17   | A Marilyn.  | 18 MR. TOKUS: Fine with me, counsel.  |
| 18   | Q And what is the significance of these notes,  | 19 Q Do you recall what year you wrote these notes as   |
| 19   | Mr. Soika?  | 20 identified for all practical purposes to   |
| 20   | A I have no idea.   | 21 Exhibit 33-03?   |
| 21   | Q Do you have any idea as to why you wrote these  | 22 A I believe it was '99.  |
| 22   | notes?  |   |
| 23   | A No, I don't.  |   |
| 24   | Q With respect to the Mayor-Marilyn, do you have any  |   |
| 25   | recollection as to why you were pairing Mayor and   | 25 Q What's the significance of this note, sir? 576   |
| 1  | 574   | 370   |
| . L  |   |   |
| 1  | Marilyn right next to each other?   | 1 A This looks to be notes I was taking spontaneously in  |
| 1 2  |   | 1 A This looks to be notes I was taking spontaneously in a conversation I had with Juanita Hawkins.   |
| 2  | Marilyn right next to each other?  A No more than why I was pairing Kimberly and Brenda.  |   |
|  | Marilyn right next to each other?   | <ul> <li>2 a conversation I had with Juanita Hawkins.</li> <li>3 Q And what was the nature of the subject in these</li> <li>4 notes?</li> </ul>   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19                               | Marilyn right next to each other?  A No more than why I was pairing Kimberly and Brenda.  Q So this note doesn't ring any thoughts, ideas at all?  A It does not.  Q Do you recall when was the first time that you began to keep notes on Marilyn Figueroa, if you did, or anything related to matters affecting and/or triggered by Marilyn Figueroa?  A It's not accurate to portray that I kept notes on Marilyn Figueroa. I routinely keep a spiral bound notebook with me. I've done that since probably 1995.  Q And I suspect anytime that you wrote anything related to Ms. Figueroa it would be contained in this package?  A Yes. Although I'm still not clear about the attorney-client privilege things.  Q You know what, this is the first time you and I  | a conversation I had with Juanita Hawkins.  Q And what was the nature of the subject in these notes?  A Juanita appears to be complaining that Marilyn blindsided her at one of the policy committee meetings today. Something to do with economic development funds going into a pool after they were placed in reserve for 2000.  Did you discuss this matter with Ms. Figueroa?  A Yes, I did.  Did you place anything in her personnel file with respect to this matter?  A No, I did not.  Did you find this in any way relevant to the termination of Marilyn Figueroa?  No.  Blindsided, what in the world is that?  A I believe that was a phrase that Juanita Hawkins  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | Marilyn right next to each other?  A No more than why I was pairing Kimberly and Brenda.  Q So this note doesn't ring any thoughts, ideas at all?  A It does not.  Q Do you recall when was the first time that you began to keep notes on Marilyn Figueroa, if you did, or anything related to matters affecting and/or triggered by Marilyn Figueroa?  A It's not accurate to portray that I kept notes on Marilyn Figueroa. I routinely keep a spiral bound notebook with me. I've done that since probably 1995.  Q And I suspect anytime that you wrote anything related to Ms. Figueroa it would be contained in this package?  A Yes. Although I'm still not clear about the attorney-client privilege things.  Q You know what, this is the first time you and I agree on something.  A Oh, yes.  Q Not that I don't trust these folks but  A I trust them. I just think there might be confusion           | a conversation I had with Juanita Hawkins.  Q And what was the nature of the subject in these notes?  A Juanita appears to be complaining that Marilyn blindsided her at one of the policy committee meetings today. Something to do with economic development funds going into a pool after they were placed in reserve for 2000.  Did you discuss this matter with Ms. Figueroa?  A Yes, I did.  Did you place anything in her personnel file with respect to this matter?  A No, I did not.  Did you find this in any way relevant to the termination of Marilyn Figueroa?  No.  Blindsided, what in the world is that?  A I believe that was a phrase that Juanita Hawkins used. I took it to mean caught by surprise.  What was the specific aspect that Ms. Hawkins claims, if she did, that surprised her as far as Marilyn Figueroa's behavior was concerned?   |

| _                                |                  | •  |  |                       | · · · · · · · · · · · · · · · · · · ·  |
|----------------------------------|------------------|--|--|-----------------------|--|
| 1                                | Q                | Did you?   | 1                                      |                       | Relates to the Joe Volk issue, which I don't know  |
| 2                                | Α                | I don't think so.  | 2                                      |                       | what that is.  |
| 3                                | Q                | Do you ever give dirty looks to people?  | 3                                      | Q                     | And again, who is the subject of these notes?  |
| 4                                |                  | I don't think so.  | 4                                      |                       | I've got to believe it's Marilyn because that's why  |
| 5                                |                  | Let's go to the next page. Hold on a second. Did   | 5                                      |                       | I would have put it in here.   |
| 6                                | `                | this conversation with Ms. Pratt occur after you had   | 6                                      | 0                     | The crying at lunch, is that also Marilyn?   |
| 7                                |                  | notified Marilyn Figueroa of the intent to bring   | 7                                      |                       | You know, I can't say that. I don't know.  |
| 8                                |                  | Ms. Geraghty on board?   | 8                                      |                       | Who else did you see crying at lunch?  |
| 9                                | Δ                | I believe so.  | 9                                      |                       | Kimberly.  |
| 10                               |                  | All right. Go to the next page. The next page is   | 10                                     |                       | Oh, Kimberly was also?   |
| 11                               | Q                | page 05 of Exhibit 33. Do you recognize this as  | 11                                     | -                     | Yeah.  |
|                                  |                  | , ,  | 12                                     |                       |  |
| 12                               | Α.               | your notes?  |  |                       | Do you know what was affecting Ms. Kimberly Pratt?   |
| 13                               |                  | Yes.   | 13                                     | A                     | It was when I first came on board. As I said, I  |
| 14                               | -                | Do you know when you wrote them?   | 14                                     | ^                     | interviewed everybody.   |
| 15                               |                  | I do not.  | 15                                     | Q                     | Did you talk to Kimberly about why she would be  |
| 16                               | Q                | Do you know if you wrote them before December 14th   | 16                                     |                       | crying?  |
| 17                               |                  | or after?  | 17                                     | Α                     | She was just crying over she was upset about how   |
| 18                               | Α                | Well, if I would assume these are in   | 18                                     | _                     | things were at the office before I got there.  |
| 19                               |                  | chronological order.   | 19                                     | Q                     | So this particular statement here, you don't know  |
| 20                               | Q                | By the way, did you ever report to the Mayor the   | 20                                     |                       | what to attribute?   |
| 21                               |                  | discussion that Kimberly had with you,   | 21                                     |                       | No, I don't. I have no idea.   |
| 22                               |                  | Kimberly Pratt, regarding Marilyn Figueroa's   | 22                                     |                       | Then in the mid lower left margin?   |
| 23                               |                  | demeanor and feelings and concerns?  | 23                                     | Α                     | Yeah. Feeling bad and all these things strung  |
| 24                               | Α                | Did I report my conversation with Pratt to the   | 24                                     | _                     | together.  |
| 25                               |                  | Mayor?   | 25                                     | Q                     | What's the significance?   |
|                                  |                  | 582  |  |                       | 584  |
| 1                                | Q                | Correct.   | 1                                      | Α                     | Don't know.  |
| 2                                | Α                | I have no idea. I have no idea.  | 2                                      | Q                     | Who are you attributing those notes?   |
| 3                                | Q                | Next page. You don't remember when you wrote those   | 3                                      | Α                     | I don't know.  |
| 4                                |                  | notes; correct?  | 4                                      | Q                     | What about that little square box that you   |
| 5                                |                  | Correct.   | 5                                      | Α                     | Yeah, JH would be Juanita Hawkins, economic  |
| 6                                | Q                | What's the significance of the first paragraph?  | 6                                      |                       | development Joe Volk, CUED and Tricia. I don't   |
| 7                                | _                | Well   | 7                                      |                       | know.  |
| 8                                | Q                | You read it for the record.  | 8                                      | Q                     | The next?  |
| 9                                | A                | It's confusing to me. Today asked what's wrong.  | 9                                      | Α                     | MS to MF, that means me to Marilyn, tell me what you   |
| 10                               |                  | Say nothing. MS pushed, that means I pushed. Say   | 10                                     |                       | need and what I can do to help.  |
| 11                               |                  | want to be out of here.  | 11                                     | Q                     | And did you write all these notes contemporaneously  |
| 12                               | Q                | And what is the significance of these notes?   | 12                                     | •                     | at the same time?  |
| 13                               | -                | I don't know. It appears I don't know if this is   | 13                                     | Α                     | Yeah, see  |
| 14                               |                  | a continuation   | 14                                     |                       | You don't know?  |
| 15                               | 0                | I don't want you to guess. If you don't know you   | 15                                     |                       | I don't know. This page is kind of puzzling to me.   |
| 16                               | •                | don't know.  | 16                                     |                       | With respect to the last sentence that you just  |
| 17                               |                  |  | 17                                     | •                     | read, do you know when you wrote that note?  |
| 18                               | Α                | I don't know. Crying at lunch. I don't know what   |  |                       |  |
|                                  | Α                | I don't know. Crying at lunch. I don't know what that do you want me to just proceed   | 1                                      | Α                     |  |
|                                  |                  | that do you want me to just proceed  | 18                                     |                       | I have no idea.  |
| 19                               | Q                | that do you want me to just proceed<br>Crying out loud. Who are you referring to?  | 18<br>19                               | Q                     | I have no idea.<br>A month?  |
| 19<br>20                         | Q<br>A           | that do you want me to just proceed<br>Crying out loud. Who are you referring to?<br>Crying at lunch.  | 18<br>19<br>20                         | Q<br>A                | I have no idea. A month? I have no idea.   |
| 19<br>20<br>21                   | Q<br>A<br>Q      | that do you want me to just proceed Crying out loud. Who are you referring to? Crying at lunch. At lunch. Who is the subject of your notes?  | 18<br>19<br>20<br>21                   | Q<br>A<br>Q           | I have no idea. A month? I have no idea. A year?   |
| 19<br>20<br>21<br>22             | Q<br>A<br>Q<br>A | that — do you want me to just proceed — Crying out loud. Who are you referring to? Crying at lunch. At lunch. Who is the subject of your notes? I don't know.  | 18<br>19<br>20<br>21<br>22             | Q<br>A<br>Q<br>A      | I have no idea. A month? I have no idea. A year? I have no idea.   |
| 19<br>20<br>21<br>22<br>23       | Q A Q A Q        | that — do you want me to just proceed — Crying out loud. Who are you referring to? Crying at lunch. At lunch. Who is the subject of your notes? I don't know. The next one?  | 18<br>19<br>20<br>21<br>22<br>23       | Q<br>A<br>Q<br>A      | I have no idea. A month? I have no idea. A year? I have no idea. The subject matter that led you to write these        |
| 19<br>20<br>21<br>22<br>23<br>24 | Q A Q A Q        | that - do you want me to just proceed Crying out loud. Who are you referring to? Crying at lunch. At lunch. Who is the subject of your notes? I don't know. The next one? No one talked with CEOs, cause no, I don't know what | 18<br>19<br>20<br>21<br>22<br>23<br>24 | Q<br>A<br>Q<br>A<br>Q | I have no idea. A month? I have no idea. A year? I have no idea. The subject matter that led you to write these notes? |
| 19<br>20<br>21<br>22<br>23       | Q A Q A Q        | that — do you want me to just proceed — Crying out loud. Who are you referring to? Crying at lunch. At lunch. Who is the subject of your notes? I don't know. The next one?  | 18<br>19<br>20<br>21<br>22<br>23       | Q<br>A<br>Q<br>A<br>Q | I have no idea. A month? I have no idea. A year? I have no idea. The subject matter that led you to write these        |

| Case    |        | ompress Deposition of mornital                       |              |        |  |
|---------|--------|--|--------------|--------|--|
| 1       | Q      | And this happened in his office, the Mayor's office? | 1            | -      | Where did you get this information from?             |
| 2       | Α      | The Mayor's office, correct.                         | 2            | Α      | Again, I can only assume that this was the same      |
| 3       | Q      | And that would have been when in relation to when    | 3            |        | conversation with Bill.                              |
| 4       | `      | you learned?   | 4            | Q      | Anything else that you recall pursuant to that       |
| 5       | Α      | Sometime between the 5th and the 7th, whatever that  | 5            | Α      | No.  |
| 6       |        | day was.   | 6            | Q      | - discussion with Mr. Christofferson?                |
| 7       | 0      | Well, you learned on the 5th; correct?               | 7            | Α      | No.  |
| 8       | Ă      | I didn't say that. I don't know what the date is.    | 8            | Q      | Other than what you find in here?                    |
| 9       | 0      | Well, did you disclose your knowledge of             | 9            | À      | No.  |
| 10      | V      | Marilyn Figueroa's intent to file a complaint the    | 10           | 0      | During the phone conference that you held with       |
| 11      |        | same day that Ms. Florence Dukes told you?           | 11           | `      | Mr. Christofferson on January 4th, 2000 regarding    |
| 12      | Δ      | Yes.   | 12           |        | Marilyn, did he in any way disclose to you any       |
| 1       |        |  | 13           |        | concerns about Marilyn filing some type of           |
| 13      |        | Let's go back to page 06.                            | 14           |        | complaint?   |
| 14      | Α _    | Okay. Anything else that Mr. Christofferson may have | 15           | Α      | I don't believe so.                                  |
| 15      | Ų      | shared with you in that telephone conference?        | 16           |        | At that point did you have any concerns that she may |
| 16      |        | snared with you in that telephone contenence:        | 17           | V      | be filing some type of complaint?                    |
| 17      | А      | Again, I'm assuming that's what this is, and I think | 18           | Δ      | No, no.  |
| 18      | ^      | that all this are my notes on that conversation.     | 19           |        | When you spoke to Marilyn Figueroa about hiring      |
| 19      | Q      | Well, let's go to the next item.                     | 20           | Q      | Ms. Geraghty, did you have any concerns that she     |
| 20      | Α      | Wendy Wendy, I can't remember Wendy's name. She      | 21           |        | could be filing some type of complaint?              |
| 21      |        | was working at the campaign. Marilyn at the          | 22           | Δ      | No.  |
| 22      |        | campaign and in a bad mood and not going to do fund  | 23           |        | All right, very good. Let's go to the next page.     |
| 23      | _      | raising and left.                                    | 24           | Q      | Page 07. Do you recognize this as your notes?        |
| 24      | Q      | Anything else?                                       | 25           | Δ      | Yes, I do.   |
| 25      | Α      | Do you want me to just keep working down?  590       | 25           | $\sim$ | 592  |
| <u></u> |        | 390  | <del> </del> |        | . <u> </u>   |
| 1       | Q      | Yes.   | 1            | -      | Do you know when you drafted these notes, sir?       |
| 2       | Α      | Barb Candy, Marilyn not call, email back.            | 2            | Α      | I believe these are notes I took in my conversation  |
| 3       | Q      | Where did you get this information from?             | 3            |        | with Flo Dukes when she called me to her office      |
| 4       | Α      | Again, I'm thinking that this was all one            | 4            | _      | about the Marilyn requesting EEO forms.              |
| 5       |        | conversation with Bill as he's relating things to    | 5            | Q      | Do you have any approximate idea as to when these    |
| 6       |        | me.  | 6            |        | conversations occurred with Ms. Dukes?               |
| 7       | Q      | Next item?   | 7            |        | Between the 5th and the 7th of January.              |
| 8       | Α      | Today Marilyn fairly normal, cry, can't talk now and | 8            | _      | Let's go with the first one. DER stands for what?    |
| 9       |        | decisions to make. Not campaign                      | 9            |        | Department of Employee Relations.                    |
| 10      | Q      | Hold on a second. Where did you get that             | 10           | Q      | And that meant that this is notes related to your    |
| 11      |        | information from?                                    | 11           |        | conversation with people from DER?                   |
| 12      | Α      | Again I believe that all these notes are the same    | 12           |        | Right.   |
| 13      |        | conversation I had with Bill.                        | 13           | Q      | And the conversation that you held with DER which    |
| 14      | Q      | Okay. This is something Mr. Christofferson related   | 14           |        | caused you to draft these notes, was that in person? |
| 15      |        | to you regarding Marilyn?                            | 15           |        | Yes.   |
| 16      | Α      | That's what I believe this represents.               | 16           | •      | Where did that occur?                                |
| 17      | 0      | And his conversations with Marilyn?                  | 17           | A      | In either Flo's office or Hansen's office. I'm       |
| 18      | À      | That he's relating his conversations with Marilyn,   | 18           |        | remembering Flo. I'm not remembering Hansen very     |
| 19      | • •    | yes.   | 19           |        | well.  |
| 20      | O      | To you?  | 20           | (      | ) Who was present at that meeting?                   |
| 21      | _      | Yes.   | 21           | A      | I remember Flo for sure. I don't remember Hansen.    |
| 22      |        | Thank you. Next item?                                | 22           | (      | Let's go to the next item.                           |
| 23      | Δ      | It's not the campaign, have to make decisions.       | 23           |        | All right. EEO against Mayor and office.             |
| 24      |        | Next item?   | 24           |        | What did you understand by that note?                |
| 25      | ν<br>Δ | Mayor try to call Marilyn, not return phone calls.   | 25           |        | That Marilyn had requested forms, had a complaint to |
| 20      | ^      | 591  |              | ·      | 593  |
| t .     |        | TIM REPORTING SERVICE, LLC (608)                     |              |        |  |

| Γ  | 1 (                                      | What is the significance of this statement, sir?  | 1  | 0                     | What's the significance of that?  |
|--|--|---|--|-----------------------|---|
|  |  | I don't know. It seems to be a phone call I had   | 2  |                       | I don't know.   |
|  | 3  | with Abel Ortiz saying work this stuff out with   | 3  |                       | Half year and 35, what is that?   |
|  | 4  | Marilyn.  | 4  |                       | I don't know.   |
| 1  | 5 (                                      | Do you recall anything else other than what you have  | 5  |                       | Was Marilyn ever offered a census position as a way   |
|  |  | written on here?  | 6  | V                     | for her to return to the City?  |
|  |  | No, I don't.  | 7  | Δ                     | I don't believe so.   |
| - 1  |  | •   | 1  |                       |   |
| 8  |  | Do you recall what, if anything, you said to  | 8  |                       | Did anyone ever suggest a census position?  |
| - 13   |  | Mr. Ortiz?  | 9  |                       | Rowen did.  |
|  |  | I do not.   | 10   |                       | At what point did he do that?   |
| 1  |  | Do you have any other notes of your conversations   | 11   |                       | I have no idea.   |
| •  | 2  | with Mr. Ortiz?   | 12   | Q                     | Was that after, while Marilyn was not coming to   |
| 1  |  | I don't believe so.   | 13   |                       | work?   |
| 1  |  | How long have you known Mr. Ortiz?  | 14   | Α                     | Yes.  |
| 1  |  | I believe that the first time I met him was when we   | 15   | Q                     | Did Mr. Rowen participate in any strategy meetings?   |
| 1  |  | funded him block grant, but I'm not sure.   | 16   | Α                     | No.   |
| 1  | 7 Ç                                      | Then the bottom line of the bottom  | 17   | Q                     | At what point did he make that suggestion?  |
| 1  | 8 A                                      | Yeah, I think this has nothing to do with anything  | 18   |                       | I don't know.   |
| 1  | 9  | related to Marilyn. 190 sergeants up to 75  | 19   | Q                     | So what did he suggest, that Marilyn be given the   |
| 2  | 0  | transferred this Friday. I think it's   | 20   |                       | census position?  |
| 2  | 1 Q                                      | You're not talking about calling 190 sergeants to   | 21   | Α                     | I actually think there's notes on it in here. But   |
| 2  | 2  | take care of Marilyn Figueroa, are you?   | 22   |                       | what I believe he suggested was that if we're trying  |
| 2  | 3 A                                      | No, I was not.  | 23   |                       | to find a way to get Marilyn money, there might be  |
| 24   |  | Let's go to the next page, 09 of Exhibit 33. Are  | 24   |                       | some way to do that by offering her a position with   |
| 2  |  | these your notes as well?   | 25   |                       | the census.   |
|  |  | 598   |  |                       | 600   |
| 1  |  |   | ļ  |                       |   |
| l 1  | Α  | Yes they are  | 1  | 0                     | How would she get money by working with the consus  |
| 1 2  |  | Yes, they are.  And can you read the first item?  | 1 2  |                       | How would she get money by working with the census?   |
| 2  | Q  | And can you read the first item?  | 2  |                       | She would have been hired. It was while the City  |
| 3  | Q  | And can you read the first item? Interest and something for City, non-monitoring I  | 1  | Α                     | She would have been hired. It was while the City was undertaking its every 10-year census.  |
| 3 4  | Q<br>A                                   | And can you read the first item? Interest and something for City, non-monitoring I think is what it says. Do you want me to continue?   | 2<br>3<br>4  | A<br>Q                | She would have been hired. It was while the City was undertaking its every 10-year census. Was that the position that Mr. Rowen suggested?  |
| 2<br>3<br>4<br>5   | Q<br>A<br>Q                              | And can you read the first item? Interest and something for City, non-monitoring I think is what it says. Do you want me to continue? Yes.  | 2<br>3<br>4<br>5   | A<br>Q<br>A           | She would have been hired. It was while the City was undertaking its every 10-year census. Was that the position that Mr. Rowen suggested? This?  |
| 2<br>3<br>4<br>5<br>6  | Q<br>A<br>Q<br>A                         | And can you read the first item? Interest and something for City, non-monitoring I think is what it says. Do you want me to continue? Yes. Okay. Waive going after no show work. She waive  | 2<br>3<br>4  | A<br>Q<br>A           | She would have been hired. It was while the City was undertaking its every 10-year census. Was that the position that Mr. Rowen suggested? This? Yes. The census position. I believe you testified  |
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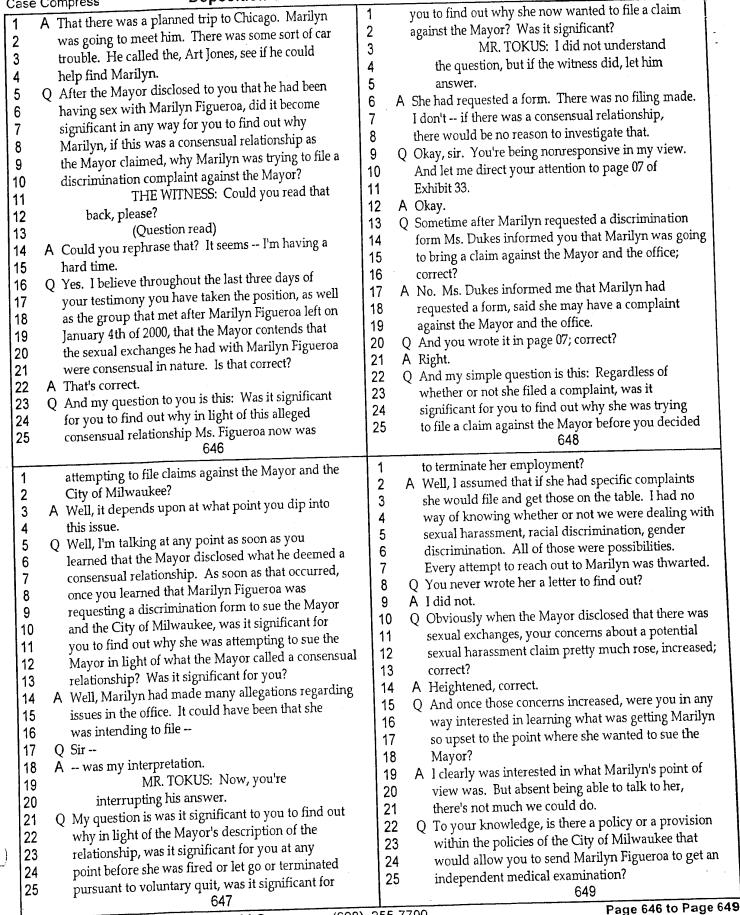
|     | se compress  |       |  |
|-----|--|-------|--|
| 1   | leave act and extortion issues; is that correct?       | 1     | the doctor's verification.                             |
| 2   | A They were all on the same page, that is correct.     | 2     | Q With respect to process, what specifically did you   |
| 3   | Q Did you discuss your concerns about extortion with   | 3     | learn?   |
| 4   | anyone in DER?   | 4     | A I don't remember anything with respect to process.   |
| 5   | A I would not have done that.                          | 5     | Q And again, you don't remember when you made these    |
| 6   | Q When you were trying to determine the family leave   | 6     | notes?   |
| 7   | act policies, I suspect you referred to the City       | 7     | A No, I do not.  |
| 8   | policies?  | 8     | Q Now, page 12 you have notes, I believe these are     |
| 9   | A Correct.   | 9     | your notes?  |
| 10  | Q Was anyone at that point in your view attempting to  | 10    | A Yes.   |
| 11  | extort money from anyone?                              | 11    | Q You had written something on top that was later      |
| 12  | A Again, I have no reference of what this page means.  | 12    | scratched; is that correct?                            |
| 13  | Q Well, going back to the top, the DER, what family    | 13    | A That's correct.                                      |
| 14  | leave act policies, health-care, did I read that       | 14    | Q Are you able to read what you wrote?                 |
| 15  | correctly?   | 15    | A I was trying to look at that.                        |
| 16  | A Correct.   | 16    | Q Is that power? Something?                            |
| 17  | Q Timetable?   | 17    | A I wouldn't know if that said power. I don't know     |
| 18  | A Correct.   | 18    | what that says.  |
| 19  | Q Process?   | 19    | Q Is that POWER?                                       |
| 20  | A Process.   | 20    | A I don't know what that says.                         |
| 21  | Q What did you discover with respect to the family     | 21    | Q The next word, are you able to read it?              |
| 22  | leave act policy?                                      | 22    | A Marilyn.   |
| 23  | A Going back to our conversation this morning, that I  | 23    | Q Marilyn?   |
| 24  | had a general understanding of the family leave.       | 24    | A Then the next word is health and then the next       |
| 25  | Q And what was your general understanding?             | 25    | acronym is DPW.  |
| 1   | 606  |       | 608  |
| 1   | A That an employee needed to have a doctor's written   | 1     | Q What does that stand for?                            |
| 2   | verification to take personal family leave.            | 2     | A Department of Public Works.                          |
| 3   | Q Anything else?                                       | 3     | Q What is the significance of this?                    |
| 4   | A That's all I remember.                               | 4     | A I have no idea.                                      |
| 5   | Q With respect to health care, what did you learn or   | 5     | Q With relation to Marilyn Figueroa?                   |
| 6   | what did you know after Marilyn left on January 4th    | 6     | A I have no idea.                                      |
| 7   | of 2000 but before she was terminated?                 | 7     | Q What about health?                                   |
| 8   | A Well, I don't know what these notes are referring    | 8     | A I really have no idea.                               |
| 9   | to.  | 9     | Q Do you know when you wrote these notes?              |
| 10  | Q I understand that. But my question is what did you   | 10    | A No, I do not.  |
| 11  | know as far as health care pursuant to the policy of   | 11    | Q Let's go to the next item.                           |
| 12  | the City?  | 12    | A Okay.  |
| 13  | A Health care is well, as long as Marilyn was a        | 13    | Q Item 13.   |
| 14  | City employee she was covered. After she left she      | 14    | A Do you want me to read that?                         |
| 15  | had the ability to pick up her own health care         | 15    | Q Yes, thank you.                                      |
| 16  | through Cobra.   | 16    | A Grant Health Department, John Fuchs try to get ahold |
| 17  | Q Timetable, what did you do to find out timetable for | 17    | of Shindell, not call back, media's looking into,      |
| 18  | family leave act policies?                             | 18    | •  |
| 19  | A Again, I would have asked DER what's the policies,   | 19    | •  |
| 20  | what's the timetable, what's the process.              | 20    | •  |
| 21  | Q What did they tell you with respect to timetable?    | 21    | A I have no idea.                                      |
| 22  | A I told you twice now what they                       | 22    | Q Which grant are you referring to?                    |
| 23  | Q The three-day thing?                                 | 23    | ,  |
| 24  | A Three days if you're absent without leave. I'm       | 24    | •  |
| 25  | remembering 15 days, they have 15 days to provide      | 25    | 11   |
|     | 607  |       | 609  |
| VER | RBATIM REPORTING SERVICE, LLC (608)                    | 255-7 | 7700 Page 606 to Page 60                               |

| 11   | Q Yes. I say that because I have heard some stories.   | 1  | Monica Lewinsky.   |
|--|--|--|--|
| 2  | Fuchs declare, did I read that correctly?  | 2  | Q And what was the reason for calling you?   |
| 3  | A I don't know if that's declare. I interpret it as  | 3  | A I believe it was to give us a heads up that this was   |
| 4  | being declined.  | 4  | happening.   |
| 5  | Q What's your understanding of that?   | 5  | Q And what did you say to Mr. Cameron?   |
| 6  | A I have no context for this.  | 6  | À I don't recall.  |
|  | Q Next item?   | 7  | Q I'm sorry?   |
| 7  |  | 8  | A I don't recall.  |
| 8  | A Thinks it died.  | 9  | Q Is this Attorney Ed Cameron?   |
| 9  | Q What do you think Mr. Fuchs was referring to?  | 10   | A I believe it is.   |
| 10   | A Idon't know.   | 11   | Q Is this the husband of Maria Cameron?  |
| 111  | Q Where did you get this information from?   | 12   | A I believe it is.   |
| 12   | A I have no idea.  | 13   | Q Do you know when you wrote these notes?  |
| 13   | Q As you read these notes, do you know what this note  | 14   | A I do not.  |
| 14   | refers to?   | 1  | · · · · · · · · · · · · · · · · · · ·  |
| 15   | A No, I do not.  | 15   | Q Did he tell you how he discovered that Channel 6   |
| 16   | Q Thinks it died, is that referring to Marilyn's   | 16   | A I don't believe so.  |
| 17   | intent to file a complaint?  | 17   | Q The next item?   |
| 18   | A I have no idea what this refers to.  | 18   | A 16.  |
| 19   | Q Did there come a time when you felt that the   | 19   | Q Strike that. Going back to page 15   |
| 20   | complaint had, or at least the intent to file a  | 20   | A Okay.  |
| 21   | complaint had died?  | 21   | Q Did you ever talk to Maria Cameron about   |
| 22   | A No.  | 22   | Marilyn Figueroa?  |
| 23   | Q Next item?   | 23   | A I don't believe so.  |
| 24   | A Most calls on Wednesday.   | 24   | Q Did Mr. Cameron offer any opinions about   |
| 25   | Q What's the significance of that?   | 25   | Marilyn Figueroa?<br>616   |
|  | 614  |  | 010  |
| 1  |  |  |  |
| [ 1  | A I have no idea.  | 1  | A I don't I don't recall much beyond the notes   |
| 2  | O Next?  | 2  | here.  |
|  |  | 2 3  | here. Q Let's go to the next page. You've got G. Papst?  |
| 2  | <ul> <li>Q Next?</li> <li>A Borowski two dates something, check Marilyn to campaign.</li> </ul>  | 2 3 4  | here. Q Let's go to the next page. You've got G. Papst? A I assume that means Georgia Papst.   |
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| Case     |   | ompress Deposition of Milonals                       |          |     |  |
|----------|---|--|----------|-----|--|
| 1        |   | correct?   | 1        |     | By the way, did Ms. Shindell ever give you an        |
| 2        | Α | Minimize possibly so.                                | 2        |     | explanation as to the difference between intending   |
| 3        | Q | Next, cabinet?                                       | 3        |     | to file and actually filing?                         |
| 4        | Α | Right, cabinet.                                      | 4        | Α   | I don't believe so.                                  |
| 5        | Q | Was this notes you made with respect to your meeting | 5        | Q   | Did you seek any legal explanation from any source   |
| 6        | ` | with the cabinet?                                    | 6        |     | including the City Attorney's Office?                |
| 7        | Α | Looks to me it's more in the vein of in preparation  | 7        | Α   | No, I did not.                                       |
| 8        | • | for a meeting.                                       | 8        | Q   | You seem, and correct me if I'm wrong, you seem to   |
| 9        | Ω | With the cabinet?                                    | 9        | `   | emphasize a difference between Marilyn's intent to   |
| 10       | • | Right.   | 10       |     | file and the actual filing. Is my perception         |
| 11       |   | And what is the first item, sir?                     | 11       |     | correct?   |
| 12       |   | Tell all the story within legal boundaries.          | 12       |     | MR. TOKUS: Objection to the                          |
| 13       |   | And is that related to                               | 13       |     | question. It mischaracterizes his testimony.         |
| 14       | - | To Marilyn.  | 14       | Α   | Could you ask it again, please.                      |
|          |   | Marilyn Figueroa?                                    | 15       | , . | MR. ARELLANO: Could you read it                      |
| 15<br>16 | _ |  | 16       |     | subject to the gentleman's objection.                |
| 16       |   | I believe so.  | 17       |     | (Question read).                                     |
| 7        |   | Next item?   | 18       | Δ   | I emphasize the difference between Marilyn           |
| 8        |   | What does it mean for the campaign, have to work     | 19       | ,,  | requesting a form and actually filing.               |
| 9        | ^ | harder, stay focused.                                | 20       | Ω   | So you do believe there is a difference between just |
| 20       |   | And what does it mean for the campaign, that also    | 21       | V   | requesting a form and the actual filing of a         |
| 21       |   | related to Marilyn Figueroa?                         | 22       |     | complaint?   |
| 22       |   | l believe so.  | 23       | Δ   | Yes, I do.   |
| 23       |   | And next item?                                       | 24       |     | And again, did you look at any type of source that   |
| 24       | А | Norquist clearly best for the City and we have to    | 25       | Q   | would help you to determine the difference?          |
| 25       |   | say it. And then again minimize the problem, 622     | 23       |     | 624  |
|          |   | 022  | <u> </u> |     |  |
| 1        |   | maximize opportunities.                              | 1        |     | No.  |
| 2        | Q | So you felt that regardless of what Marilyn may have | 2        |     | Did you discuss that with Ms. Shindell?              |
| 3        |   | claimed, you still felt Norquist would be the best   | 3        |     | No.  |
| 4        |   | for the City?  | 4        |     | Did she make any comments about that difference?     |
| 5        |   | Absolutely.  | 5        |     | I don't recall that.                                 |
| 6        | Q | And again minimize the problem relates to            | 6        | Q   | What about the Mayor? Did he ever discuss with you   |
| 7        |   | Marilyn Figueroa; correct?                           | 7        |     | or you discuss with him the fact that she never      |
| 8        |   | I believe so.  | 8        |     | actually filed a complaint?                          |
| 9        | Q | With respect to the staff meeting, did you at any    | 9        | Α   | Of course we discussed the fact that she hadn't      |
| 10       |   | point after you learned that Marilyn Figueroa was    | 10       | _   | filed a complaint.                                   |
| 11       |   | planning to file a discrimination claim against the  | 11       | Q   | To your knowledge, does the Mayor share with you the |
| 12       |   | Mayor and the City, did you disclose that fact to    | 12       |     | same view?   |
| 3        |   | the staff?   | 13       |     | You'd have to ask him. I don't know.                 |
| 4        | Α | When I found out that Marilyn had requested a        | 14       | -   | Well, to your knowledge?                             |
| 5        |   | complaint form, I did disclose that to the staff,    | 15       |     | I don't know.  |
| 16       |   | yes.   | 16       | Q   | Did you ever conduct any investigation within the    |
| 17       | 0 | By the way, when you met with Ms. Dukes,             | 17       |     | office or ask any questions to any employees about   |
| 8        | • | Florence Dukes and/or with Mr. Hansen, did either    | 18       |     | Marilyn's reputation for promiscuity, in other       |
| 9        |   | individual instruct you to maintain the information  | 19       |     | words, whether or not she was promiscuous in the     |
| 20       |   | they provided to you regarding Marilyn Figueroa's    | 20       |     | eyes of others?                                      |
| 21       |   | intent to file a complaint against the Mayor         | 21       | Α   | No.  |
| 22       |   | confidential?  | 22       |     | Did you ever inquire?                                |
| 23       | Δ | Again, they didn't have an intent to file a claim.   | 23       |     | No.  |
| 24       | Λ | They had a request for a form. I don't believe that  | 24       |     | Let's go to the next item. 19. Item 19, these are    |
|          |   | · · · · · · · · · · · · · · · · · · ·                | 25       | ~   | your notes; correct?                                 |
| 25       |   | they did ask me to do that. 623                      | 1-       |     | 625  |
|          |   |  |          |     |  |

| Casi     |   | compless Deposition of Michael  |    |   | TIVOLI III) TIVIOL                                   |
|----------|---|---|----|---|--|
| 1        |   | I wouldn't have consulted ERD at all.   | 1  | Α | I don't recollect that.                              |
| 2        | Q | So why would you write down ERD, what's the process?  | 2  | Q | Obviously you identified two individuals,            |
| 3        | À | I think that this is employment relations division.   | 3  |   | John Fuchs, Grant as being the subject of your       |
| 4        |   | I think that this is referring to the state.  | 4  |   | discussions; correct?                                |
| 5        | 0 | You're talking about the Equal Rights Division?   | 5  | Α | Correct, correct.                                    |
| 6        |   | The Equal Rights Division, there you go.  | 6  |   | Page 22 of Exhibit 33, do you know when you prepared |
| 7        |   | And then you have notice of claim?  | 7  | ` | these notes?   |
| 8        | • | Right.  | 8  | Α | I do not.  |
| 9        |   | Will come to us?  | 9  |   | And you have J. Hansen. Is that referring to the     |
| 10       | - | Correct.  | 10 | - | Jeff Hansen.   |
|          |   | Who are you attributing these statements?   | 11 |   | Jeff Hansen to the Department of Employment          |
| 11<br>12 | _ | I don't know.   | 12 | V | Relations?   |
|          |   |   | 13 | Δ | Right.   |
| 13       | _ | Then you have Fuchs talk?   | 14 |   | S and B, what is that?                               |
| 14       |   | This evening.   | 15 | - | Spivak and Bice.                                     |
| 15       | _ | This evening?   | 16 |   | Okay.  |
| 16       |   | I don't know.   | 17 | Ų | MR. TOKUS: Excuse me, I was                          |
| 17       | Ų | Was this something that Ms. Shindell was reporting  | 18 |   | thinking of S and M, sadism and                      |
| 18       | ٨ | to you?   | 19 |   | MR. ARELLANO: I think you are past                   |
| 19       | Α | It could possibly be, but I have no way of knowing  | 20 |   | that age, Mr. Tokus.                                 |
| 20       | _ | that.   | 21 |   | MR. TOKUS: S and M, what is it,                      |
| 21       | Ų | Nevertheless, somebody was telling you that a complaint with the ERD was forthcoming?               | 22 |   | sadomasochism?                                       |
| 22       | ۸ |   | 23 |   | THE WITNESS: Masochism.                              |
| 23       | А | I wouldn't infer that. They could be saying that if there is a complaint from the ERD it would be a | 24 |   | MR. TOKUS: I'm sorry. My mind                        |
| 24       |   | notice of claim that would come to us.  | 25 |   | wandered for the moment.                             |
| 25       |   | notice of claim that would come to us.  | 20 |   | 632  |
|          |   |   |    |   |  |
| 1        | Q | In other words, these are notes that would have been  | 1  | _ | The next item would be?                              |
| 2        |   | made when Mr. Fuchs was representing Ms. Figueroa?  | 2  | Α | I believe this is a phone conversation with Hansen   |
| 3        |   | I would assume so.  | 3  |   | relating to me that they received a request from     |
| 4        | Q | Page 22 you wrote here I believe these are your   | 4  |   | Spivak and Bice for Marilyn's entire personnel file, |
| 5        |   | notes; correct?   | 5  |   | complaints, et cetera, material regarding            |
| 6        |   | Correct.  | 6  |   | promotions, promotions or transfer.                  |
| 7        | Q | And again, do you remember when you made these  | 7  |   | 4/25. I don't know what that refers to.              |
| 8        |   | notes?  | 8  |   | And then no personal file?                           |
| 9        |   | I do not.   | 9  | Α | For Marilyn. And then it says here Deanna. I don't   |
| 10       | Q | And then you wrote J. Fuchs. Is that referring to   | 10 |   | know what that                                       |
| 11       |   | John Fuchs?   | 11 | Q | What are you saying here, that there was no          |
| 12       |   | I believe so.   | 12 |   | personnel file for Marilyn Figueroa?                 |
| 13       | Q | Dash Grant, is that referring to  | 13 | Α | Well, I believe that it's in this conversation that  |
| 14       | Α | Grant Langley.  | 14 |   | Hansen is saying that they don't maintain personnel  |
| 15       | Q | Is that correct?  | 15 |   | files in DER, that they're all handled in respective |
| 16       |   | Yeah.   | 16 |   | offices.   |
| 17       | Q | And then some quotation marks in here, "can't deal  | 17 | - | And then you have a letter to MF?                    |
| 18       | • | with Anne." To whom do you attribute these  | 18 | Α | Right. I think what Hansen is relating to me is      |
| 19       |   | statements?   | 19 |   | that the only thing they have is the letter that Flo |
| 20       | Α | Well, I must assume that I'm having a conversation  | 20 |   | sent Marilyn.  |
| 21       |   | with Grant where he's relating a conversation with  | 21 | Q | Regarding the EOC forms?                             |
| 22       |   | Fuchs, can't deal with Anne. Then there's something   | 22 |   | Right.   |
| 23       |   | about a copy of a claim 8 to 12 pages fairly  | 23 |   | All right.   |
| 24       |   | detailed.   | 24 | - | Well, that TV-6 Bob, well, there's a question mark,  |
| 25       | 0 | Is this something Mr. Grant provided to you?  | 25 |   | Bob something. More inclusive, not specific to       |
| -~       | ~ | 631   |    |   | 633  |
| ı        |   | TIM REPORTING SERVICE, LLC (608) 2  |    | = | Page 630 to Page 63                                  |

| 1 A Yes.   | 30INA (  | (VOL. III) 4/3/02 Sheet 52-   |
|--|--|---|
|  | 1 A 32   | 2, 12/4 it says, this is the conversation with  |
| 2 Q It's pretty much the same item; right?   | _  | une Moberly.  |
| 3 A Pretty much the same item.   |  | Vho is this person?   |
| 4 Q 29?  | •  | he's the director of the West Town Association, I   |
| 5 A Same item.   |  | elieve.   |
| i e  |  |   |
| 6 Q What's the first item?   |  | et's talk about what you wrote.   |
| 7 A Spivak and Bice, Victor Arellano has given them a  |  | believe she's relating to me a conversation she   |
| 8 quote. Got none of previous articles. I don't know   | 8 h  | ad or overheard on September 23rd, '99 at the   |
| 9 what that means. Will file a lawsuit which allege  | 9 A  | Ale House.  |
| 10 sexual relations with the Mayor which resulted in   | 10 Q W   | Vhen did she share that information with you?   |
| 11 termination. He says he's in the process of   | •  | December 4th.   |
| 12 investigating. If determine the allegations true, a   |  | and then you wrote September 23, 1999?  |
| 13 lawsuit, will file one.   | 13 Å R   |   |
| 14 Q Item 30 of Exhibit 33, these are your notes?  |  | Vhat's the significance of that?  |
|  |  |   |
| 15 A Yes, they are.  |  | can only believe that that's when June said the   |
| 16 Q Okay.   |  | onversation.  |
| 17 A Looks to be my notes in preparation for a phone call  |  | Vhat did you write here?  |
| 18 to George Stanley who's one of the editors of the   | 18 A W   | Ve're coming off being so strong. Sally Maddox,   |
| 19 Journal Sentinel.   |  | ho's another executive director of the west side  |
| 20 Q And the first item?   | 20 gr  | roup, asked Marilyn how's the job search going.   |
| 21 A What's the exact quote from the attorney?   |  | according to June, Marilyn said I'm something I   |
| 22 Q Two?  |  | on't know. I'm something staying election and   |
| 23 A My understanding is he will only file if he finds   |  | fter that I want a really good job with really good   |
| 24 evidence that the allegation seems true. What makes   |  | ay. And June is speculating, you know, when you   |
| 25 the story compelling now? Why not wait until  |  | ome off demanding that?   |
| 638  | 20 ((  | 640   |
|  |  | 040   |
| 1 something's actually filed? Once story written,  | 1 Q W  | Vas there any significance to these notes?  |
| 2 can't take it back. Back in February told the case   | 2 A W  | Vell, there must have been. I wrote it down.  |
| 3 prepared and ready to be filed within two days and   | 3 Q D  | Oo you see any significance to it?  |
| 4 it was never filed. Marilyn's on her third attorney  | 4 A W  | Vell, it's June saying that Marilyn was seeking, was  |
| 5 and had 11 months to, I don't know what else.  |  | oing to stay through the election, was seeking a  |
| 1 '  | 5 go   | onig to stay allough the election, was seeking a  |
| 6 O So at that point you didn't think that the complaint   |  | • •   |
| 6 Q So at that point you didn't think that the complaint 7 would ever be forthcoming?  | 6 re   | eally good job.   |
| 7 would ever be forthcoming?   | 6 re 7 Q A   | eally good job. and she told you that on 12/4?  |
| 7 would ever be forthcoming? 8 A No, I wouldn't conclude that.   | 6 re 7 Q A 8 A R   | eally good job.<br>and she told you that on 12/4?<br>Light.   |
| 7 would ever be forthcoming? 8 A No, I wouldn't conclude that. 9 Q 11/27, the date of page 31 of Exhibit 33?   | 6 re 7 Q A 8 A R 9 Q W   | eally good job.  And she told you that on 12/4?  Light.  Vas that before Marilyn left the office or after?  |
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| _   | Deposition of MICHAEL  | SOIKA (VOL. III) 4/9/02                                    |
|-----|--|--|
| C   | ase Compress   | 1 for I don't know what the next word is.                  |
|     | A Right. The lack  | 2 Q And then?  |
| 1   | Q But as far as getting a promotion or an increase in  | 3 A Looks like it's, could be Brenda but                   |
|     | pay or a transfer, that was the only issue that you  | A O Why were you writing these notes about matters as I    |
|     | were aware of; correct?  | 5 understand that occurred before you came on board!       |
| -   | r A Vos  | 6 A I don't know. It would the only thing I could          |
|     | And by January 4th, the time when she  | 7 figure is that this was another press inquiry, and       |
| -   | 7 loft you were convinced that she had agreed  | I will a sile order coving that they ex                    |
| - 1 | - I - I - I - I - I - I - I - I - I - I  | 8 I'm writing down what they le saying that they           |
| - [ |  | 9 Q You mean for the press?                                |
| -   |  | 10 A Right.  |
| ١   | 1 LL bouncet about the lack of   | 11 Q So I suspect you got this information from some of    |
| ļ   | 11 Q She agreed not to be upset about the men of   | 12 the files?  |
| ١   | reclassification; correct?   | 13 A No, no. Again, I don't know what this refers to.      |
| ı   | 13 A Right. She agreed that I should bring in  | 1 14 As I read it over and over again, it appears that it  |
|     | Patricia Geraghty.  Q And now we come to January 5th through the 7th and   | 15 could be the press saying to me we have this story,     |
|     | 15 Q And now we come to january out through the variation of the state | 16 Marilyn hasn't filed but she's going on. She            |
| ļ   | you learned that the Mayor disclosed that he's been  | 17 doesn't have a lawyer. It's going to be employment      |
| ł   | you learned that the May or the What specific basis having sex with a subordinate. What specific basis   | 18 discrimination, not sexual harassment. We're going      |
|     | 17 having sex white to believe that her discrimination  18 would you have to believe that her discrimination   | 19 to have a quote.  |
|     | 19 claim would be anything other than sexual   | 20 O Where did you get this quote, "is this a joke"?       |
|     | 20 harassment?   | 21 A That quote is – I don't know where it came from for   |
|     | 21 A Her own comments about the other issues that I have   | 22 these notes.  |
|     | 22 previously testified about.   | 23 Q Did you ever see that                                 |
|     | 23 Q You mean the minorities?  | 24 A Yes.  |
|     | A D'II   | 25 Q in any where did you see it?                          |
|     | 25 O And obviously the sexual harassment once you learned  | 656  |
|     | 654  | troffic between Marilyn                                    |
| )   | 1 that the Mayor had admitted to that?   | 1 A Yeah. It was in some email traffic between Marilyn     |
| i.  | 2 A Pight  | 2 and Rowen.   |
|     | I lette go to item 15  | 3 Q So here you reviewed those notes and that's where      |
|     |  | 4 you got this information?                                |
|     | 1  | 5 A No. I'm not testifying to that at all.                 |
|     | 1 Denvem   | 6 Q You don't know?  |
|     | 1  | 7 A No, I don't know.                                      |
|     |  | 8 Q The last page of this item is 36.                      |
|     | I I Drom do /  | 9 A Okay.  |
|     |  | 10 Q You wrote Ernesto?                                    |
|     | 10 A It could be, but I don't know that.   | 11 A Ernesto Chacon.                                       |
|     | 11 Q Answer, A?  | 12 Q What's the significance of that?                      |
|     | 12 A A, could be answer.   | 13 A I don't know.   |
|     | 13 Q Mayor?  | 14 Q Why would you write that note?                        |
|     | 14 A Upon advice.  | 15 A I don't know.   |
|     | 15 Q Upon advice?  | 16 Q And then S and B?                                     |
|     | 16 A I don't know what this refers to.   | 17 A Spivak and Bice.                                      |
|     | 17 Q Why did you write those notes?  | 18 MR. ARELLANO: Don't get any ideas,                      |
|     | 148 A Idon't know.   | 19 Mr. Tokus.  |
|     | 19 Q To who do you attribute these notes?  | 20 A Anne Shindell, money problems, 140,000 federal tax    |
|     | 20 A I don't know.   | lien Let the Mayor know, do I think it's saying            |
|     | 24 O And then the next item?   |  |
|     | A From Marilyn to Rowen regarding assignments, is  |  |
| ٠.  | 23 this a joke?" Never reached a final conclusion.   | 1 2  |
| —   | 24 O And then?   |  |
|     | 25 A I don't know what that first word is. Assignments   | 25 A I'm believing that this is an inquiry from Spivak 657 |
|     | 655  | Dana CEA to Page 65  |
|     | VERBATIM REPORTING SERVICE, LLC (60  | 08) 255-7700 Page 654 to Fage 654                          |
|     | VERDATINGNEGOVICE  |  |

| Q How large is the block grant department? A How large? How many stoff? Q Correct. A A About 15. Q Libel over you testified that the idea to place Manilyn in the census area was discussed but never differed? A Libel over you destified that the idea to place Manilyn in the census area was discussed but never differed? A Libel over you destified that the idea to place Manilyn in the census area was discussed but never differed? A Correct. Q And then the rest of the staff would have been under Juanita Hawkins? A No. A No. A No. A No. Correct. A No. A Will, the actual day-to-day operation would have been a supervisory position you supervisory position? A No. A Yes. A Correct. A No. A Who was this a position that would have gone through the Council for approval? A Yes. Correct. A No. Becaliend so there was - Q Did you submit any type of pebtions on that Marilyn 662  Would be appointed director? A No. She declined so there was - Q So it would be fair and accurate to say that the block grant director position, correct? A Pospty job? I created the deputy job sometime during my tenure there so - Q So it would be fair and accurate to say that the block grant director position, correct? A No. She declined so there was - Q So it would have had substantial supervisory responsibility correct? A Pospty job? I created the deputy job sometime during my tenure there so - Q So it would be fair and accurate to say that the block grant director position would have been a supervisory position, correct? A No. Because our whole intent was to keep this into a very closed circle. A Yes. A Reful. But they all would report to Marilyn Figueroa as the ultimate supervisory correct? A Right. A Right. A Pospty in Figueroa as the ultimate supervisory correct? A Right. A Pospty in Figueroa as the ultimate supervisory correct? A Right. A Pospty in Figueroa before a management and place have been a supervisory position? A Right. A Pospty in the cerusts area was discussed when she was present the fairly and the position. A No. Because our whole int | a   | e Compress Deposition of WilChael                      |     |   |
|--|-----|--|-----|---|
| A How large? How many staff? Q Correct. A A About 15. Q 157 A Uh-huh. Q And at that time when you offcred her the directorship, who was the deputy director? A Juanita Hawkins. Q And then the rest of the staff would have been under lound that her were there any that would have been under reporting directly to Marilyn Figueroa? A No. Q Obviously this would have been a management position; correct? A A Correct. Q And was this a position that would have been a management position; correct? A Yes. Q Obviously was the salary of that position? A I don't remember. Q And was this a position that would have gone through the Council for approval? A Yes. Q Did you submit any type of petition so that Marilyn figures would be appointed director? A No. She declined so there was - Q Who was given that position? Q Did you submit any type of petition so that Marilyn figures would be appointed director? A No. She declined so there was - Q Who was given that position was block grant director position was the salary of that would have been a supervisory position? A Didn't remember. Q And was given that position? A Plaint I shaw long had Ms. Hawkins been in that job, the deputy? A Position; correct? A West was given that position was the salary of that would have been a supervisory position; correct? A West Marilyn would have been a supervisory position; correct? A West Marilyn would have been a supervisory position; correct? A West Marilyn would have been a supervisory position; correct? A West Marilyn would have been a supervisory position; correct? A West Marilyn would have been a would have been a supervisory position; correct? A West Marilyn severated to say that the block grant director position was the salary of that position? A Plaint State Marilyn disclosed her intent to file a discrimination claim against the Mayor and the City; is that correct? A West Marilyn would have been a supervisory position; correct? A West Marilyn severated to say that the block grant director position; the position was the salary of the position  |     | O How large is the block grant department?             | 1   | having offered to Marilyn Figueroa before             |
| 3 Q Correct. 3 Q And that time when you offered her the directorship, who was the departy director? 4 A Journit Hawkins. 10 Q And then the rest of the staff would have been under position; correct? 2 Q And then were there any that would have been under reporting directly to Marilyn Figueroa? 3 Q And then were there any that would have been a reporting directly to Marilyn Figueroa? 4 A No. 6 Q Obvicusly this would have been a management position; correct? 5 A No. 6 Q Obvicusly this would have been a management position; correct? 6 A Correct. 7 A Correct. 8 A Correct. 8 A Correct. 9 Did you make any notes of the offer you made to Ms. Figueroa? 14 A No. 15 Q Was that significant to you to make notes on the fact that she turned down a supervisory position? 16 A Ves. 17 A Yes. 18 A Correct. 19 A Yes. 20 Did you submit any type of petition so that Marilyn flegueroa as the ultimate and accurate to say that the block grant director position; orrect? 10 A Woll, the actual day-to-day operation would have been a supervisory position; orrect? 10 A Marilyn would have had substantial supervisory responsibility; correct? 10 A Marilyn would have had substantial supervisory responsibility; correct? 10 A Marilyn would have had substantial supervisory responsibility; correct? 11 A Ves. 12 Q Did you unake any notes of the offer you made to Ms. Figueroa? 14 A No. 15 Q Was that significant to you to make notes on the fact that she turned down a supervisory position? 16 A Ves. 17 A Yes. 18 A Correct. 19 Helieve you included Mr. Christofferson, and in the fact that she turned down a supervisory position? 17 A I didn't take notes. 19 Q Let me ask you this, sir. You testified the offer you made to Ms. Figueroa? 10 A Helieve you included Mr. Christofferson, and the fact that she turned down a supervisory position; or the fact that she turned down a supervisory position; or the fact that she turned down a supervisory position; or the fact that she turned down a supervisory position; or the fact that she turned down a supervisory position; | ,   | A How large? How many staff?                           |     |   |
| A About 15. Q 151 A Uh-huh A No. A No. C Obviously this would have been a management position, correct? A No. O What that significant to you to make notes on the fact that she tureed down a supervisory position? A I didn't take notes. A No. C Was that significant to you to make notes on the fact that she tureed down as upervisory position? A I didn't take notes. A No. C Was that significant to you to make notes on the fact that she tureed down as upervisory position? A I didn't take notes. B Uh that the notes on the fact that she tureed down as upervisory position? A I didn't take notes. B Uh that the notes on the fact that she tureed down as upervisory position? A I didn't take notes. B Uh that the huh B Uh that the notes on the fact that she tureed down as upervisory that the group with the Council of the Mayor, and 1 B delieve you included Mr. |     | O Correct  | 3   |   |
| 6 A Ul-huh.  6 A Ul-huh.  7 Q And at that time when you offered her the directorship, who was the deputy director?  8 Interest of the staff would have been under position; correct?  10 Q And then the rest of the staff would have been under position; correct?  11 Q and then the rest of the staff would have been under reporting directly to Marilyn Figueroa?  12 Q And then were there any that would have been a ranagement position; correct?  13 Q And then were there any that would have been a management position; correct?  14 A No.  15 A No.  16 Q Obviously this would have been a management position; correct?  17 A Correct.  18 A Correct.  19 Q What was the salary of that position?  20 A I don't remember.  21 Q And was this a position that would have gone through the Courcil for approval?  22 A Yes.  23 Q Who was given that position so that Marilyn  24 A Yes.  25 Q Did you submit any type of petition so that Marilyn  26 A No. She declined so there was  |     |  | 4   | Q I believe you testified that the idea to place      |
| 6 A Uh-huh. 7 Q And at that time when you offered her the directorship, who was the deputy director? 9 A Juanita Hawkins. Q And then the rest of the staff would have been under Juanita Hawkins? A Correct. C And then were there any that would have been reporting directly to Marilyn Figueroa? A Correct. C Obviously this would have been a management promoting correct? C And was the salary of that position? C And then were there any that would have been a management promoting correct? C And was the salary of that position? C And was this a position that would have gone through the Council for approval? A Yes. C Did you submit any type of petition so that Marilyn feet would be fair and accurate to say that the block grant director position would have been in that job, the deputy? A Deputy job? I created the deputy job sometime during my tenure there so . C So it would be fair and accurate to say that the block grant director position would have been a supervisory position? A Well, the actual day-to-day operation would have been a supervisory position? A No. Breaded by Jouniant Hawkins. C Q Bight. But they all would report to been handled by Jouniant Hawkins. C Q Right. But they all would report to Marilyn Figueroa as the ultimate supervisor; correct? A Mell, the actual day-to-day operation would have been a handled by Jouniant Hawkins. C Q Right. But they all would report to been handled by Jouniant Hawkins. C Q Right. But they all would report to been handled by Jouniant Hawkins. C Q Right. But they all would report to hardly find the correct and the community and her long tenure on the block grant committee of the province      |  | 5   | Marilyn in the census area was discussed but never    |
| 7 A Correct. 8 directorship, who was the deputy director? 9 A Juanita Hawkins? 10 Q And then the rest of the staff would have been under luanta Hawkins. 11 Juanita Hawkins? 12 A Correct. 13 Q And then were there any that would have been under reporting directly to Marilyn Figueroa? 15 A No. 16 Q Obviously this would have been a management position; correct? 17 A Correct. 18 A Correct. 19 Q What was the salary of that position? 19 Q What was the salary of that position? 20 A I don't remember. Roughly 65,000, 60,000. I don't remember. 21 Q And was this a position that would have gone through the Council for approval? 22 A Yes. 25 Q Did you submit any type of petition so that Marilyn foliage was a supervisory position? 24 A Juanita Hawkins. 25 Q Juanita. How long had Ms. Hawkins been in that job, the deputy? 26 A Peputy job? I created the deputy job sometime during my tenure there so — 29 Q So it would be fair and accurate to say that the block grant director position, correct? 20 A Well, the actual day-to-day operation would have been a supervisory position? 30 A Well, the and day Juanita Hawkins. 41 Q Lorrect. 42 A Yes. 43 Correct. 44 Yes. 45 Q Was that significant to you to make notes on the fact that she turned down a supervisory position? 46 A Idon't remember. Roughly 65,000,60,000. I don't remember. 46 Q What was this a position that would have gone through the Council for approval? 4 A Yes. 4 Yes. 4 Yes. 4 Yes. 4 Yes. 5 Q Did you submit any type of petition so that Marilyn foliage the fair and accurate to say that the block grant director position would have been a supervisory position would have been a block grant director position would have been a management factor. 5 Q Intermediate My Juanita Hawkins. 6 Q Juanita. How long had Ms. Hawkins been in that job, the deputy? 7 A Deputy job? I created the deputy job sometime during my tenure there so — 9 Q So it would be fair and accurate to say that the block grant doring the factor position would have been a supervisory position would have been a management f |     |  | 6   | offered?  |
| directorshy, who was the deputy director?  A Juanita Hawkins.  Q And then the rest of the staff would have been under Juanita Hawkins?  A Correct.  A No.  Q Obviously this would have been a management position; correct?  A No.  Q What was the salary of that position?  A Idon't remember.  A Ves.  Q Did you submit any type of petition so that Marilyn 662  A Would be appointed director?  A No. She declined so there was — Q Who was given that position?  A Juanita Hawkins.  Q Uidous usubmit any type of petition so that Marilyn 662  A Would be appointed director?  A No. She declined so there was — Q Who was given that position?  A Juanita Hawkins.  Q Was that significant to you to make notes on the fact that she turned down a supervisory position?  A Hawkins a position that would have gone through the council for approval?  A Yes.  Q Did you submit any type of petition so that Marilyn feez.  A Yes.  Q Did you submit any type of petition so that Marilyn feez.  A Yes.  Q Who was given that position?  A Marilyn would have had substantial supervisory responsibility; correct?  A Yes.  Q So it would be fair and accurate to say that the block grant director position would have been a supervisory position; correct?  A Yes.  Q Was that significant to you to make notes on the fact that she turned down a supervisory position?  A I didn't take notes.  A I didn't take notes.  A Ves.  A Yes.  A Yes.  Q Did you submit any type of petition so that Marilyn fisueroa?  A Yes.  Q Who was given that position?  A Representative to file a discrimination claim against the Mayor and the City; is that correct?  A A Kley.  A Yes.  Q Unit mask you this, sir. You testified previously that the group which included Mr. Christofferson.  A marilyn didn't take notes.  A Ves.  A Yes.  Q Unit mask you this, sir. You testified previously that the group which included Mr. Christofferson.  A fact that she turned down a supervisory position?  A Correct.  A A Kley Marilyn and the was a far Marilyn discrimation claim against the Mayor and the City; is that c |     | A Un-nui.  | 7   | A Correct.  |
| Days and then the rest of the staff would have been under ly hand the staff would have been under ly hand the staff would have been under ly hand the staff would have been under ly hand the were there any that would have been a reporting directly to Marilyn Figueroa?  A No. Obviously this would have been a management position, correct?  A Correct. Obviously this would have been a management position, correct?  A I don't remember. Roughly 65,000, 60,000. I don't remember. Roughly 65,000,  | •   | Q And at that time when you oncrea her are             | :   |   |
| A planta Hawkins?  A Correct  A Correct  A Q And then were there any that would have been reporting directly to Marilyn Figueroa?  A And then were there any that would have been position was.  A Correct  A No.  O Obviously this would have been a management position; correct?  A Correct  O What was the salary of that position?  A I don't remember. Roughly 65,000, 60,000. I don't remember.  A O And was this a position that would have gone through the Conneil for approval?  A Yes.  O Did you submit any type of petition so that Marilyn feel of the City; is that correct?  A No. She declined so there was - 662  would be appointed director?  A No. She declined so there was - 662  would be appointed director?  A No. She declined so there was - 662  would be appointed director?  A Deputy job? I created the deputy job sometime during my tenure there so - 600  O Juanita. How long had Ms. Hawkins been in that job, the deputy?  A Deputy job? I created the deputy job sometime during my tenure there so - 600  O Was that significant to you to make notes on the fact that she turned down a supervisory position?  A remember.  C Was that significant to you to make notes on the fact that she turned down a supervisory position?  A new Shr ideally on, Susan Mudd, the Mayor, and I believe you included Mr. Christofferson, Arne Shindell, you, Susan Mudd, the Mayor, and I believe you included Mr. Christofferson, Arne Shindell, you, Susan Mudd, the Mayor, and I believe you included Mr. Christofferson, Arne Shindell, you, Susan Mudd, the Mayor, and I believe you included Mr. Christofferson, Arne Shindell, you, Susan Mudd, the Mayor, and I believe you included Mr. Christofferson, Arne Shindell, you, Susan Mudd, the Mayor, and I believe you included Mr. Christofferson, Arne Shindell, you, Susan Mudd, the Mayor, and I believe you included Mr. Christofferson, Arne Shindell, you, Susan Mudd, the Mayor, and I believe you included Mr. Christofferson, Arne Shindell, you, Susan Mudd, the Mayor and the City; is that cornect?  A It despects the deput |     | directorship, who was the deputy director.             | 1   |   |
| 1  |     | A Juanita Hawkins.                                     |     |   |
| A Correct   2   Q Did you make any notes of the offer you made to   13   Ms. Figueroa?   14   A No.   15   Q Was that specified previously that would have been a management position; correct?   18   A Correct.   19   A Downward of the Council for approval?   19   A Yes.   Q Did you submit any type of petition so that Marilyn   662   Ms. Figueroa?   A I don't remember.   662   Would be appointed director?   A Downward of the deputy?   A Dynarita. How long had Ms. Hawkins been in that job.   the deputy?   A Pesprovisibility; correct?   A Nes.   Q Who was given that position?   A Pyes.   A Pesprovisibility; correct?   A Nes.   A Pesprovisibility; correct?   A    | 10  | Q And then the rest of the staff would have been under |     | · · · · · · · · · · · · · · · · · · ·                 |
| A Correct.  A I don't remember. Roughly 65,000, 60,000. I don't remember. Roughly 65,000, 60,000. I don't remember.  A Correct.  A Correct.  A Correct.  A I don't remember. Roughly 65,000, 60,000. I don't remember. Roughly 65,000, 60,000. I don't remember.  A Correct.  A I don't remember. Roughly 65,000, 60,000. I don't remember.  A I don't remember. Roughly 65,000, 60,000. I don't remember.  A I don't remember. Roughly 65,000, 60,000. I don't remember.  A I don't remember. Roughly 65,000, 60,000. I don't remember.  A I don't remember. Roughly 65,000, 60,000. I don't remember.  A I don't remember. Roughly 65,000, 60,000. I don't remember.  B Council for approval?  A No. She declined so there was - 662  A No. She declined so there was - 664  A Correct.  A No. She declined so there was - 664  A Departy job? I created the deputy job sometime during my tenure there so - 604  A Departy job? I created the deputy job sometime during my tenure there so - 605  A Departy job? I created the deputy job sometime during my tenure there so - 605  A Departy job? I created the deputy job sometime during my tenure there so - 605  A Departy job? I created the deputy job sometime during my tenure there so - 605  A Possible for the position would have been a supervisory position, correct?  A Yes, Mer Marilyn was not showing up to work unanswered, yes.  Q War yes good. Do you recall whether or not Mr. Hansen was ever asked to come and address the group?  A Heas not.  Q Was that significant to you to make notes on the fact that she turned down a supervisory position?  A I telder Marilyn disclosed her intent to file a discrimination claim against the Mayor and the City; is that correct?  A Alter Marilyn requested an EEO form?  A It does, yes.  Q War yes on Do you recall wheth | 111 | Juanita Hawkins?                                       |     |   |
| 15 A No. 16 Q Obviously this would have been a management position; correct? 17 A Correct. 18 A Correct. 19 Q What was the salary of that position? 20 A I don't remember. Roughly 65,000, 60,000. I don't remember. 21 remember. 22 Q And was this a position that would have gone through the Council for approval? 23 A Yes. 24 A Yes. 25 Q Did you submit any type of petition so that Marilyn fee deputy? 26 A Deputy job? I created the deputy job sometime during my tenure there so — 27 Q So it would be fair and accurate to say that the slock grant director position would have been a supervisory position; correct? 26 A Well, the actual day-to-day operation would have been handled by Juanita Hawkins. 27 Q Marilyn would have had substantial supervisory responsibility; correct? 28 A Well, the actual day-to-day operation would have been handled by Juanita Hawkins. 29 Q Marilyn would have had substantial supervisory responsibility; correct? 30 A Well, the actual day-to-day operation would have been handled by Juanita Hawkins. 31 Q Marilyn my lemure there so — 32 Q Who was given that position? 33 Q Who was given that position? 4 A Yes. 4 O Deputy job? I created the deputy job sometime during my tenure there so — 4 O So it would be fair and accurate to say that the block grant director position would have been a supervisory position; correct? 31 Q Marilyn would have had substantial supervisory responsibility; correct? 32 A Well, the actual day-to-day operation would have been handled by Juanita Hawkins. 33 Q Who was given that position? 4 A Yes. 4 O So you didn't want to include more people? 5 A Well, the actual day-to-day operation would have been handled by Juanita Hawkins. 5 Q Juanita. How long had Ms. Hawkins been in that job, the deputy? 5 A Yes. 6 Q Hart makes to to would have been a supervisory position; correct? 7 A I don't. 7 A Juanita Hawkins. 8 Q Wery good. Do you recall whether or not Mr. Hansen was ever asked to come and address the group? 7 A I don't. 8 Q Wery good. Do you good idn't seem to be very clear? 8 A I do | 12  | A Correct.   |     | · · · · · · · · · · · · · · · · · · ·                 |
| 14 reporting directly to Marilyn Figueroa? 15 A No. 16 Q Obviously this would have been a management position; correct? 17 position; correct? 18 A Correct. 19 Q What was the salary of that position? 20 A I don't remember. Roughly 65,000, 60,000. I don't remember. 21 remember. 22 Q And was this a position that would have gone through the Council for approval? 23 the Council for approval? 24 A Yes. 25 Q Did you submit any type of petition so that Marilyn 662 26 A No. She declined so there was 3 Q Who was given that position? 27 A Deputy job? I created the deputy job sometime during my tenure there so 4 Q Deputy job? I created the deputy job sometime during my tenure there so 5 Q So it would be fair and accurate to say that the block grant director position would have been a supervisory position; correct? 28 A Yes. 39 Q Marilyn would have had substantial supervisory responsibility; correct? 30 A Yes. 31 Q Marilyn would have had substantial supervisory responsibility; correct? 31 A Yes. 32 Q Marilyn would have had substantial supervisory responsibility; correct? 31 A Yes. 31 Q Marilyn would have had substantial supervisory responsibility; correct? 32 A Yes. 33 Q Marilyn would have had substantial supervisory responsibility; correct? 34 A Yes. 35 Q Marilyn would have had substantial supervisory responsibility; correct? 36 A Yes. 37 A Yes. 38 Q Marilyn would have had substantial supervisory responsibility; correct? 39 A Yes. 40 Yes. 41 Yes. 41 Yes. 41 Yes. 42 Yes. 43 Yes. 44 Yes. 45 Yes Marilyn would report to warrily and her would have been handled by Juanita Hawkins. 44 A Yes. 45 Q Marilyn would have had substantial supervisory responsibility; correct? 46 A Yes. 47 Yes. 48 Yes. After Marilyn was not showing up to work unanswered, yes. 49 Q Wery good. Do you recall whether or not Mr. Hansen was ever asked to come and address the group? 40 A Yes. 41 Hoes yes. 50 Q Hart makes you more comfortable with your answer? 41 A Yes. 42 Yes After Marilyn requested an EEO form? 42 A Yes. 43 Yes After Marilyn requested a          | 13  | Q And then were there any that would have been         |     | · ·   |
| 15 A No.  Q Obviously this would have been a management position; correct?  18 A Correct.  19 Q What was the salary of that position?  20 A I don't remember. Roughly 65,000, 60,000. I don't remember.  21 Premember. Roughly 65,000, 60,000. I don't remember.  22 Q And was this a position that would have gone through the Council for approval?  23 A Yes.  24 A Yes.  25 Q Did you submit any type of petition so that Marilyn 662  1 Would be appointed director?  2 A No. She declined so there was 3 Q Who was given that position?  4 A Juanita Hawkins.  5 Q Juanita. How long had Ms. Hawkins been in that job, the deputy?  7 A Deputy job? I created the deputy job sometime during my tenure there so  9 Q So it would be fair and accurate to say that the block grant director position would have been a supervisory position; correct?  1 A Yes.  1 Q Marilyn would have had substantial supervisory responsibility; correct?  2 A Yes.  3 Q Marilyn would have had substantial supervisory responsibility; correct?  4 A Yes.  4 Well, the actual day-to-day operation would have been handled by Juanita Hawkins.  5 Q Juanita Hawkins.  6 Q Marilyn would have had substantial supervisory responsibility; correct?  8 A Well, the actual day-to-day operation would have been handled by Juanita Hawkins.  9 Q Marilyn Figueroa as the ultimate supervisor; correct?  A Well, the actual day-to-day operation would have been handled by Juanita Hawkins.  10 Q And you believe she qualified for that position?  2 A Right.  2 Q And you believe she qualified for that position?  3 A Ibelieve Marilyn's experience in the community and her long termic on the block grant committee provided her good background for the position.  2 Q All right. Any other positions that you recall a believe was intent to you that he notes a begrown this included Mr. Christofferson, Anne Shindell, you, Susan Mudd, the Mayor, and I believe was indent to file a discrimination claim to spice you included Mr. Christofferson, Anne Shindell, you, Susan Mudd, the Mayor, and I believe as well a       |     | reporting directly to Marilyn Figueroa?                |     |   |
| 16 Q Obviously this would have been a management position; correct? 17 A Correct. 18 A Correct. 19 Q What was the salary of that position? 20 A I don't remember. Roughly 65,000, 60,000. I don't remember. 21 remember. 22 Q And was this a position that would have gone through the Council for approval? 22 A Yes. 23 Q Did you submit any type of petition so that Marilyn 662 24 A Yes. 25 Q Did you submit any type of petition so that Marilyn 662 26 A No. She declined so there was - Q Who was given that position? 27 A Deputy job? I created the deputy job sometime during my tenure there so - Who was given that position? 28 A Yes. 29 Q So it would be fair and accurate to say that the block grant director position would have been handled by Juanita Hawkins. 20 Q Marilyn would have had substantial supervisory responsibility; correct? 21 A Yes. 22 Q Marilyn would have had substantial supervisory correct? 23 A Yes. 30 Q Marilyn would have had substantial supervisory responsibility; correct? 41 A Yes. 42 Deputy job? I created the deputy job sometime during my tenure there so - Who was given that would have been a supervisory position; correct? 24 A Yes. 50 Q So it would be fair and accurate to say that the block grant director position would have been handled by Juanita Hawkins. 51 Q Right. But they all would report to Marilyn Figueroa as the ultimate supervisor; correct? 52 A Well, the actual day-to-day operation would have been handled by Juanita Hawkins. 54 Q All right. Any other positions that you recall whether or not Mr. Hansen was ever asked to come and address the group? 55 Q And you believe she qualified for that position? 56 A I don't. 56 Correct. 57 A Well, the actual day-to-day operation would have been handled by Juanita Hawkins. 58 Q Fight But they all would report to Marilyn Figueroa as the ultimate supervisor; correct? 59 Q And you believe she qualified for that position? 50 A Pight Survey of the position of the position of the position of the position of the position of the position of the position of the pos |     | Δ No   |     |   |
| 17 position; correct? 18 A Correct. 19 Q What was the salary of that position? 20 A I don't remember. Roughly 65,000, 60,000. I don't remember. 21 remember. 22 Q And was this a position that would have gone through the Council for approval? 23 the Council for approval? 24 A Yes. 25 Q Did you submit any type of petition so that Marilyn 662 2 A No. She declined so there was   |     | O Obviously this would have been a management          |     |   |
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| 19 Q What was the salary of that position? 20 A I don't remember. Roughly 65,000, 60,000. I don't remember. 21 remember. 22 Q And was this a position that would have gone through the Council for approval? 23 the Council for approval? 24 A Yes. 25 Q Did you submit any type of petition so that Marilyn 662  1 would be appointed director? 2 A No. She declined so there was 3 Q Who was given that position? 4 A Juanita Hawkins. 5 Q Juanita. How long had Ms. Hawkins been in that job, the deeputy? 6 A Deputy job? I created the deputy job sometime during my tenure there so 9 Q So it would be fair and accurate to say that the block grant director position would have been a supervisory position; correct? 4 A Yes. 3 Q Warilyn would have had substantial supervisory responsibility; correct? 4 A Yes. 4 Well, the actual day-to-day operation would have been handled by Juanita Hawkins. 5 Q Right. But they all would report to Marilyn Figueroa as the ultimate supervisor; correct? 4 A Right. 6 Q And wou believe she qualified for that position? 5 A I believe Marilyn's experience in the community and her long tenure on the block grant committee provided her good background for the position. 5 Q All right. Any other positions that would fave provided her good background for the position. 5 Q All right. Any other positions that you recall well are group winch moduled Mr. Gillis as well, met several times after Marilyn disclosed her intent to file a discrimination claim against the Mayor and the City; is that correct?  A Is discrimination claim against the Mayor and the City; is that correct?  A Is it correct that there was a group that met?  A Yes. After Marilyn was not showing up to work unanswered, yes.  Q That makes you more comfortable with your answer?  A He was not.  10 Q Was that significant to you that he come and educate the group on City policies since you didn't seem to be very clear?  A Correct.  A Correct.  A Correct.  A Pical Marilyn Rigueroa as the ultimate supervisory opon composition; or the position of the positi       |     | A Correct.   |     | Q Let me ask you this, sir. You testified previously  |
| A I don't remember. Roughly 65,000, 60,000. I don't remember.  Q And was this a position that would have gone through the Council for approval?  A Yes.  Did you submit any type of petition so that Marilyn 662  would be appointed director? A No. She declined so there was Q Who was given that position? A Juanita Hawkins. Q Juanita. How long had Ms. Hawkins been in that job, the deputy? A Deputy job? I created the deputy job sometime during my tenure there so Q So it would be fair and accurate to say that the block grant director position would have been a supervisory position; correct?  A Yes. Q Marilyn would have had substantial supervisory responsibility; correct? A Yes. Q Marilyn Figueroa as the ultimate supervisor; correct? A Right. Q And you believe she qualified for that position? A I believe Marilyn's experience in the community and her long lenure on the block grant committee provided her good background for the position. A Halt Similar, you chall we discrimination claim against the Mayor and the City; is that correct? A list correct that there was a group that met? C Orrect. A After Marilyn requested an EEO form? Q There you go. A Yes. After Marilyn was not showing up to work unanswered, yes. Q Very good. Do you recall whether or not Mr. Hansen was ever asked to come and address the group? A He was not. Was that significant to you that he come and educate the group on City policies since you didn't seem to be very clear? A No. Because our whole intent was to keep this into a very closed circle. Q Do you recall the last meeting that Susan Mudd attended? A I do not. C The first meeting she attended? A I don't. C The issues that were discussed when she was present aftended? A I don't. C The issues that were discussed when she was present well, actually I remember a couple. One was right well.  |     | O What was the salary of that position?                |     | that the group which included Mr. Christofferson,     |
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