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MILWAUKEE COUNTY

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MARILYN FIGUEROA,

Complainant,

-vs-

CITY OF MILWAUKEE,

Respondent.

=====

)
)
)
) ERD Case No.
) CR200003454
)
)
)
)

Videotape Deposition of:

RUTH WYTENBACH

Milwaukee, Wisconsin
March 1, 2002

Reporter: Taunia Northouse, RDR, CRR

CONDENSED

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Respondent.

ERD Case No.
CR200003454

Milwaukee, Wisconsin
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Reporter: Taunia Northouse, RDR, CRR

called as a witness, taken at the instance of the Complainant, under the provisions of Chapter 885 of the Wisconsin Statutes, pursuant to notice and subpoena duces tecum, before Taunia Northouse, a Registered Diplomate Reporter and Notary Public in and for the State of Wisconsin, at the offices of Murphy, Gillick, Wicht & Prachthauser, Attorneys at Law, 330 East Kilbourn Avenue, City of Milwaukee, County of Milwaukee, and State of Wisconsin, on the 1st day of March 2002, commencing at 8:30 in the forenoon.

A P P E A R A N C E S

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

BRUCE D. SCHRIMPF and LEONARD A. TOKUS, Assistant City Attorneys, for CITY OF MILWAUKEE, OFFICE OF THE CITY ATTORNEY, 200 East Wells Street, Milwaukee, Wisconsin, appearing on behalf of the Respondent.

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

Examination by Mr. Arellano

Page(s)

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Identified

Complainant's Supplemental Request for 11
Production of Documents, Subpoena
Duces Tecum

Letter from Attorney Schrimpf dated 11
October 26th, 2001 and Notice of Taking
Deposition Duces Tecum and Subpoena
Duces Tecum

Diagram of the mayor's office 62

Mayor Norquist's 1999 calendar 136

Mayor Norquist's 2000 calendar
for January and February 138

Mayor Norquist's 1998 calendar 139

Mayor Norquist's 1997 calendar 140

Mayer Norquist's 1996 calendar 140

Mayor Norquist's 1995 calendar 140

(Attached to the original transcript and copy provided to the City Attorney's Office)

(Original transcript filed with Attorney Arellano)

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

EXAMINATION

By Mr. Arellano:

Q Good morning, ma'am. Would you please state your full name and current address for the record.

A Ruth, my name is Ruth Wyttenbach. My home address is 2114 North 53rd Street, Milwaukee, Wisconsin 53208.

Q And what's your address as far as your employment is concerned?

A The address I have at City Hall is 200 East Wells Street, Milwaukee, Wisconsin 53202.

Q Have you ever given testimony before?

A No, I haven't.

Q Have you had an opportunity to review any type of videotapes that would assist you --

A Yes.

Q -- and help you?

A I saw the videotape.

Q When did you see the videotape?

A A couple of weeks -- I think it was a couple of weeks ago.

1 tell me. When we try this case, I would not want
 2 you to say, my God, at that time I gave you that
 3 answer, but I didn't quite understand your question.
 4 We'll stay here until you understand my question.
 5 You're not going to hurt my feelings. I don't have
 6 any. So if you don't understand my question, just
 7 simply tell me I'm sorry, Mr. Arellano, or you can
 8 call me Victor, I don't understand your question.
 9 Could you rephrase it, modify it, et cetera.
 10 Counsel cannot help you to answer questions,
 11 so there is no need to be looking at them, how do I
 12 answer this question.
 13 You can take a break if you need a break. You
 14 cannot take a break for the purposes of learning how
 15 to answer questions.
 16 A Okay.
 17 Q Is that okay? I hope that I have covered all the
 18 instructions here, but do you have any questions?
 19 A No.
 20 Q Okay, very good. You mentioned that you reviewed a
 21 video deposition. For how long did you review that
 22 video?
 23 A I think it lasted approximately a half hour.
 24 Q Other than reviewing that videotape, did you review
 25 any documents related in any remote fashion to this

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1 case?
 2 A At that time?
 3 Q At any time before today.
 4 A We -- I went through the -- I had to pull these
 5 documents, the calendars. We had to copy the
 6 printed computerized calendar as well as these
 7 calendars, the handwritten calendars. And then I
 8 also pulled travel records.
 9 Q Anything else that you may have reviewed via
 10 documents?
 11 A I reviewed this document.
 12 Q Let me take a look at this.
 13 (Exhibit No. 1 marked for
 14 identification)
 15 Q You have also another document with you?
 16 A Right. This is what I received last fall.
 17 Q May I see that? I'm not going to read this letter.
 18 This is a letter that you received from your
 19 attorney.
 20 MR. ARELLANO: Counsel, is that
 21 something that you think I shouldn't be
 22 entitled to review?
 23 MR. SCHRIMPF: Without waiving any
 24 other communications that may have gone on
 25 between attorney and client, that particular

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1 document is no problem.
 2 (Exhibit No. 2 marked for
 3 identification)
 4 Q The documents that you have produced today have been
 5 marked Exhibit No. 1. Exhibit No. 1 is
 6 Complainant's Supplemental Request for Production of
 7 Documents, Subpoena Duces Tecum. Did I read that
 8 correctly?
 9 A Yes, yes.
 10 Q And the second document that you produced this
 11 morning which has been marked as Exhibit No. 2
 12 contains a letter from your attorney dated
 13 October 26th, 2001 signed by Mr. Bruce D. Schrimpf,
 14 and attached to that letter as a part of
 15 Exhibit No. 2 is also the Notice of Taking
 16 Deposition Duces Tecum and Subpoena Duces Tecum
 17 addressed to you.
 18 A Yes.
 19 Q Is that accurate?
 20 A That is correct.
 21 Q And I suspect you received this document back in
 22 October of the year 2001?
 23 A Correct.
 24 Q Is that right? And I suspect you read both
 25 Exhibit 1 and Exhibit 2 carefully?

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1 A I believe so, yes.
 2 Q And I suspect you understood the contents of each
 3 Exhibit 1 and 2?
 4 A To the best of my understanding, yes.
 5 Q Okay, very good. Any other records, documents,
 6 information, reports that you have reviewed before
 7 today related to this case?
 8 A I read -- I don't know what the document was which
 9 is why I'm somewhat reluctant. I did review a
 10 document that indicated certain, I think it was
 11 probably one of the original complaints, though I'm
 12 not sure of that, where it made reference to things
 13 that I had said or that Marilyn had said that I had
 14 said.
 15 Q And when did you review that document?
 16 A I would say in the last couple of weeks, two weeks
 17 ago. Well, it was probably within the last week,
 18 last week I would say it was.
 19 Q Did you review the entire complaint?
 20 A No.
 21 Q What aspect of the complaint did you review?
 22 A The part that made reference to me.
 23 Q And specifically what are we talking about?
 24 A Specifically it was that I -- there was a part that
 25 said, I think it was either that I referenced that

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1 -but I think we tried to do these, I think this was a
 2 suggestion that Mike Soika had when he started as
 3 chief of staff.
 4 Q When did he start as chief of staff?
 5 A October, October of '99 but I'm guessing there. I
 6 don't know that that's specific.
 7 Q And those daily sessions began right about the time
 8 when he started as chief of staff?
 9 A I don't recall them going on beforehand, but they
 10 may have.
 11 Q But one thing you do recall is that they began once
 12 Mr. Soika became chief of staff?
 13 A Right, uh-huh.
 14 Q And these staff meetings, I suspect you have
 15 attended most of them?
 16 A If I was there, I attended unless I had something
 17 that I had to do in my office.
 18 Q Just so I can understand the practice, if you know,
 19 what is the objective of these daily staff sessions?
 20 A I believe the object was just to keep people
 21 informed of what was going on for the day, or longer
 22 term, but basically for the day, just to touch base
 23 and --
 24 Q And who usually participates in these meetings?
 25 A The staff assistants, the chief of staff, but it

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1 would all depend on who was there on that day.
 2 Q I understand. But for the most part if people are
 3 there, they do attend; true?
 4 A Unless they have something that they have to get
 5 done, you know, because of time restraints.
 6 Q So it's all of the staff assistants if they are
 7 there, the chief of staff, yourself?
 8 A Uh-huh.
 9 Q That would have to be yes?
 10 A Oh, sorry, yes.
 11 Q No problem. And anyone else?
 12 A No.
 13 Q What about the Mayor?
 14 A If he happened to walk in, he may stop briefly, but
 15 that was not -- that was not a common practice. And
 16 if he did come in, it would be a very small part of
 17 him participating in the meeting.
 18 Q Do you attend those meetings as a quasi
 19 representative of the Mayor?
 20 A No.
 21 Q Do you -- just tell me specifically what, who you
 22 work for.
 23 A I work for the Mayor.
 24 Q Do you report to the Mayor or do you report to
 25 Mr. Soika?

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1 A I report to the Mayor.
 2 Q So again, do you participate in these staff
 3 meetings, I suspect you participate as the assistant
 4 to the Mayor?
 5 A I don't understand what you're asking me.
 6 Q Well, actually what I want to understand from you is
 7 what is your role and why do you participate in
 8 these meetings if you don't report to Mr. Soika?
 9 That's what I want to know. I'm interested in
 10 knowing that.
 11 A I assume that I would participate in those meetings
 12 because often we would touch base on what was on the
 13 calendar.
 14 Q So you --
 15 A Because that would basically tell us what was ahead
 16 of us for the day.
 17 Q So if I understand what you're telling me, what
 18 occurs in these meetings obviously has an impact on
 19 the Mayor's schedule?
 20 A It could. It could.
 21 Q Is that correct? So you do participate to make sure
 22 that you keep the Mayor informed of what's going on?
 23 A Or if there has to be changes on his schedule.
 24 Q Right. The answer would be yes? True? You
 25 participate to make sure that the Mayor is informed

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1 of any changes and/or activities within his staff;
 2 true?
 3 A Would you repeat that.
 4 (Question read)
 5 A I would say on his calendar.
 6 Q Well, if there is something that he needs to know
 7 pursuant to these meetings, I'm sure you would
 8 inform him?
 9 A Correct, or ask the staff person to make sure the
 10 Mayor was aware of it.
 11 Q All right. And these meetings began to take place
 12 before the year 2000?
 13 A Yes.
 14 Q And they continue to take place today?
 15 A Yes.
 16 Q From the time that Marilyn Figueroa left the City to
 17 the present, has this issue been raised from time to
 18 time? I'm talking about the Figueroa-Norquist
 19 dispute.
 20 A Yes, from time to time it has been raised.
 21 Q And during the time that Marilyn Figueroa left --
 22 let me put it January 4th, 2000; would you agree
 23 with me?
 24 A I believe that is correct.
 25 Q -- to the present, do you recall any one specific

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1 Q. And these daily sessions, let me see what, if I
2 understand what occurs. I suspect they discuss
3 activities, true activities?
4 A Calendar activities?
5 Q Right.
6 A Yes.
7 Q Do they discuss meetings?
8 A In reference -- right, correct.
9 Q Do they discuss political campaigning from time to
10 time?
11 A Maybe briefly, but that is not the intent behind
12 them.
13 Q And do they discuss assignments?
14 A Yes.
15 Q And do they discuss outreach within the City?
16 A I would put that under assignments.
17 Q All right. And who, if anyone, keeps notes of these
18 meetings?
19 A There are no notes. I mean as -- I don't --
20 nobody's taking notes, so I can't imagine there are
21 notes.
22 Q So if something is going to affect the Mayor's
23 calendar, how do you keep track of those activities?
24 A I go back into the office and change the calendar.
25 Q I suspect part of your job is to keep track of the

25

1 calendar?
2 A Right.
3 Q And I suspect as it happens in life, there are times
4 when you feel the need to be changing and switching
5 meetings and so on and so forth?
6 A That is correct.
7 Q Are you also required to be making confirmations,
8 talking to people that are going to meet with the
9 Mayor?
10 A Correct.
11 Q Is that correct? Do you make travel arrangements
12 for the Mayor; is that correct?
13 A Yes, I do.
14 Q Do you register the Mayor when he's going to be out
15 of town and hotels, motels, things of that nature?
16 A Yes, I do.
17 Q When you do that, what kind of arrangement do you
18 make? How do you confirm or pay for those
19 arrangements?
20 A Every -- I don't want to say every one is different.
21 Q Let's talk about the Mayor.
22 A I am talking about the Mayor. But as far as if it's
23 a City trip, what happens is that if it's a
24 conference that they are meeting in a specific place
25 and that is the hotel, the conference hotel, or the

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1 conference hotel, then I mean that's where he would
2 be. You call, make the room reservation, make the
3 travel plans.
4 Q What do you do? Do you use a credit card?
5 A Yes. It's his credit card. And then he brings --
6 if it's City paid, he brings the receipts in, I
7 submit them.
8 Q And he gets reimbursed?
9 A And he gets reimbursed. If it is an organization
10 that has asked him to come that is non-City paid, it
11 can happen two ways. One is that I try to encourage
12 them to book the flight and to book the hotel room
13 and then, you know, they do that. He usually has --
14 not all the -- I mean I get a copy of the travel
15 itinerary. I have to report certain things for
16 ethics, the ethics report that is due every year.
17 Q All right.
18 A If they don't pick up the expense -- if they didn't
19 make those travel arrangements, he would have me
20 submit expenses to the organization.
21 Q And as far as long distance phone calls, who pays
22 for those?
23 A Long distance phone calls that I am doing?
24 Q Correct.
25 A The City.

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1 Q They automatically charged to the City?
2 A Correct.
3 Q Does he have a code that you charge it to?
4 A Well, it's on his, it's on the two phone lines.
5 Q So if it comes from his phone line, obviously that
6 gets paid by the City?
7 A Right.
8 Q And the City knows where that call was made and to
9 where, from where?
10 A I can't answer that. I suspect that but I don't --
11 Q Did the City ever send you telephone bills for you
12 to confirm --
13 A Right.
14 Q -- how those -- is that right?
15 A Right.
16 Q How often do you get those phone bills?
17 A Once a month, once every other month. I'm guessing
18 on that.
19 Q I suspect the City has a structure that they use?
20 A Right.
21 Q And they send you, circulate phone calls like in my
22 office?
23 A Right.
24 Q And you are responsible for handling that procedure?
25 A I'm responsible for reviewing the two lines that

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1 Q Did Ms. Christofferson ever render any opinions in
 2 your presence about Marilyn Figueroa?
 3 A Not really.
 4 Q Has she ever rendered any opinions in your presence
 5 about Susan Mudd, Mr. Norquist's wife?
 6 A Not that I recall.
 7 Q Has she ever rendered any opinions about
 8 Mr. Norquist with respect to the ongoing dispute?
 9 A Not really, no.
 10 Q Are you sure of that?
 11 A I don't recall anything specific. Again, articles
 12 are, articles and news accounts are discussed to
 13 some level in our office. I mean it's like I could
 14 not attribute anything specifically to somebody.
 15 Q All right. There has been some testimony in these
 16 proceedings -- you are aware that people have been
 17 deposed, given testimony just like you are today?
 18 A Yes.
 19 Q Have you reviewed any of the testimony that people
 20 have given in these proceedings?
 21 A The only thing I'm aware of is what was in the
 22 newspaper article or the column about Mike Soika.
 23 Q Have you discussed with Mr. Soika any aspect of his
 24 testimony?
 25 A I asked him how it went and he said it was long.

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1 Q Don't hesitate to tell me what he said about me.
 2 With respect to these folks, I already know what
 3 they say about me too.
 4 MR. SCHRIMPF: Only the kindest
 5 things, Mr. Arellano.
 6 MR. ARELLANO: I would expect that.
 7 Q Has anyone described or mentioned to you in any
 8 manner, general fashion, specific fashion, the
 9 testimony of Mr. Soika, any aspect of it?
 10 A Of Mr. Soika's?
 11 Q Correct.
 12 A That column that Spivack --
 13 Q I understand that. But anything beyond that?
 14 A No.
 15 Q Has anyone discussed his testimony?
 16 A No.
 17 Q What about Ms. Candy? Has anyone discussed with you
 18 what her testimony was with respect to this
 19 particular case?
 20 A She told me that it was long. She told me that you
 21 were a good lawyer.
 22 MR. SCHRIMPF: I said only the
 23 kindest things, Mr. Arellano.
 24 MR. ARELLANO: Let's go off the
 25 record.

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1 (Discussion off the record)
 2 Q Have you ever discussed with Ms. Candy anything
 3 related to this lawsuit?
 4 A Other than that it was happening, not really.
 5 Q All right.
 6 A The specifics of it, certainly not.
 7 Q Ms. Candy described Marilyn Figueroa as a hard
 8 working, very successful in what she did while she
 9 worked for the City of Milwaukee. Do you have a
 10 different opinion with respect to that?
 11 MR. SCHRIMPF: Objection based on
 12 the foundation laid.
 13 Q Go ahead. Go ahead.
 14 MR. SCHRIMPF: I might also note
 15 that I think it's an inaccurate reflection of
 16 the record.
 17 Q Go ahead.
 18 A Can you please ask me --
 19 (Question read)
 20 A I believe at times Marilyn was a very hard working
 21 employee. I believe at other times she wasn't as
 22 hard working. There were some projects that she did
 23 that she was quite successful with.
 24 Q Ms. Candy testified that while Marilyn Figueroa
 25 worked with her she never received any complaints

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1 about her conduct and/or performance. While she
 2 worked for the Mayor's office, do you have a
 3 different opinion with respect to that?
 4 A And individuals brought this to me?
 5 Q Correct.
 6 A I really --
 7 Q And I want to know specifics as opposed to any
 8 one-sided assumption or opinion you may have about
 9 this case. I just want to know -- and I may as well
 10 tell you right now. I know folks may have taken
 11 sides. I don't know what side you may have taken or
 12 whether or not you even care. But I just want you
 13 to understand that the only thing that I want to
 14 hear is things that you know regarding evidence, not
 15 assumptions, not what you believe or do not believe.
 16 Is that okay?
 17 A Okay.
 18 MR. ARELLANO: Let me ask the
 19 professional reporter to replay that previous
 20 question.
 21 (Question read)
 22 A I believe that, I don't recall anyone specifically
 23 coming into me and telling me that there were
 24 issues. I don't know that people would bring that
 25 to me versus taking it to the chief of staff. As I

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1 -did you ever have any contacts with
 2 Attorney Shindell for any purpose?
 3 A Yes, I did.
 4 Q And in January of the year 2000 are you able to tell
 5 me approximately how many contacts you had with
 6 Ms. Shindell, or is there some sort of a source that
 7 you could use to help you to remember how many
 8 contacts you had with Ms. Shindell?
 9 A I would have no guess. If she would call the
 10 office, I would -- I mean I answer the Mayor's
 11 phone, so I would get that call and then I would
 12 refer it to him. I don't know. I have no way of
 13 knowing.
 14 Q Do you recall after January 4th, 2000, do you recall
 15 meetings that involved Ms. Shindell, the Mayor,
 16 Mr. Soika, Mr. Christofferson, Ms. Mudd, anyone
 17 else?
 18 A I know that the Mayor had meetings with his
 19 attorney. I don't know who made up the meetings. I
 20 don't recall -- I don't recall that they were in the
 21 office, but again I would have to look. I don't
 22 know.
 23 Q Well, let's talk first about what you recall.
 24 A Okay.
 25 Q Do you recall seeing these individuals that I just

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1 identified for the record meeting at the Mayor's
 2 office after Marilyn Figueroa left on January 4th of
 3 2000?
 4 A Not offhand. I mean I don't recall that. I know
 5 that we were in a campaign and, or I should say the
 6 Mayor was in a campaign. And I know
 7 Bill Christofferson was coordinating or managing
 8 that campaign, so I know that Bill was around.
 9 Q He was around the office?
 10 A Well, somewhat, not a lot but somewhat.
 11 Q When he was around the office, would he coordinate
 12 things through you and the Mayor? In other words,
 13 did he use you to deal with the Mayor when he was
 14 dealing with the campaign? I suspect you were --
 15 A If he would say to me I need to speak to the Mayor,
 16 I would say okay.
 17 Q All right. Have you participated in the political
 18 campaigns of Mayor Norquist?
 19 A Yes, I have.
 20 Q Have you contributed to the campaigns of
 21 Mayor Norquist?
 22 A Yes, I have.
 23 Q Are you a member of the Mayor's Club?
 24 A I don't know. I mean I don't know if I ever made
 25 that level. I don't know.

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1 Q But you have worked on the campaigns; correct?
 2 A Uh-huh, yes, I have.
 3 Q You have also contributed financially; is that
 4 correct?
 5 A Yes, I have.
 6 Q Has your husband worked on the political campaigns
 7 as well?
 8 A No, he has not.
 9 Q And I'm sorry that I said your husband. I didn't
 10 even ask you if you're married. Are you married?
 11 A Yes, I am married.
 12 Q All right. Do you have children?
 13 A I have three children.
 14 Q How old are they?
 15 A 20, 17 and eight.
 16 Q Have they ever worked on the political campaign of
 17 Mayor Norquist?
 18 A They have assisted me.
 19 Q Have they ever received any compensation for working
 20 in the political campaigns?
 21 A No.
 22 Q Have they ever worked for the City in any manner?
 23 A No.
 24 Q Seasonal or?
 25 A No.

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1 Q Nothing, all right. As I understand, at some point
 2 Mr. Bill Christofferson was the staff, the chief of
 3 staff for Mayor Norquist?
 4 A That's correct.
 5 Q Do you remember the period of time?
 6 A Not offhand, no. I think it was a couple years, but
 7 I don't know specifics.
 8 Q When Mayor Norquist was being represented by
 9 Attorney Anne Shindell, did she ever come to his
 10 office to meet with him?
 11 A I believe I recall her being there once, but that
 12 is -- I can't put it in any context.
 13 Q And I'm going to just kind of remind you one more
 14 time to try to remember things because there are so
 15 many witnesses in here that have attended -- and I
 16 do this to help you out -- that have attended
 17 similar meetings and have been at similar
 18 discussions, and I would hate to have four people
 19 telling four different stories as far as meetings
 20 and dates. And I tell these witnesses who have
 21 nothing to do with the lawsuit because very often
 22 they get caught in the middle. And the best way to
 23 do it is by telling us the truth and what they
 24 remember. And I'm not questioning your
 25 truthfulness. I'm just trying to make sure that you

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1 participated at any of those meetings describing or
 2 identifying or labeling Marilyn Figueroa as an
 3 untruthful person?
 4 A No. I don't recall that.
 5 Q Do you recall anyone at any of those meetings
 6 describing Marilyn in any shape, form or manner as a
 7 promiscuous type of person?
 8 A No. I don't recall that.
 9 Q Do you have any information that would lead you to
 10 believe that Ms. Figueroa while she worked for the
 11 City of Milwaukee was identified as a promiscuous
 12 individual?
 13 A No. Sorry, no.
 14 Q Do you recall any one incident that would lead you
 15 to conclude that Marilyn Figueroa lied to you while
 16 she worked for the City of Milwaukee?
 17 A Can you ask me that question again?
 18 (Question read)
 19 A Not that I'm aware of.
 20 Q When Marilyn Figueroa was still working for the City
 21 of Milwaukee, office of the Mayor, were you required
 22 to maintain Marilyn Figueroa's calendars?
 23 A No.
 24 Q Were you required to maintain Marilyn Figueroa's
 25 calendars when they related to meetings with the

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1 Mayor?
 2 A I, I only maintain the Mayor's calendars. I don't
 3 maintain staff calendars.
 4 Q All right. But if Marilyn Figueroa had a meeting
 5 scheduled with the Mayor --
 6 A Uh-huh.
 7 Q -- obviously you would write it down in his
 8 calendar?
 9 A Correct.
 10 Q Did you review -- strike that. Your review of the
 11 1999 and 2000 calendars, did you find any meetings
 12 that were held between Marilyn Figueroa and
 13 Mayor Norquist?
 14 A Not that I recall. I mean I would -- I'm assuming
 15 that there are meetings there, but offhand I cannot
 16 say specific what they are.
 17 Q All right. We'll talk about that.
 18 A Okay.
 19 Q Are you familiar with Susan Mudd?
 20 A Yes, I am.
 21 Q Have you ever discussed Marilyn Figueroa with
 22 Ms. Susan Mudd?
 23 A No.
 24 Q Have you ever discussed Marilyn Figueroa with
 25 Mr. Soika?

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1 A In reference to the case?
 2 Q In reference to the case.
 3 A Again, with articles.
 4 Q But anything specific that comes to mind?
 5 A No.
 6 Q Do you recall at any time after January 4th when
 7 Mr. Soika disclosed any information regarding
 8 Marilyn Figueroa's status with the Mayor's office
 9 after January 4th of 2000, immediately after she
 10 left?
 11 A I'm not sure what you're asking.
 12 MR. ARELLANO: Can you read that
 13 question back.
 14 (Question read)
 15 A No. At these sessions in the morning, I mean I
 16 remember at one somebody would say do we know what's
 17 up with Marilyn. I mean I can't say specifically
 18 who that was. And he would say I haven't heard.
 19 Q Let me help you out because I don't want to find you
 20 in a tough predicament here with respect to sworn
 21 testimony.
 22 Mr. Soika testified that after
 23 Marilyn Figueroa left he disclosed to the Mayor and
 24 to the staff the fact that Marilyn Figueroa was
 25 going to file a discrimination complaint against the

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1 City and the Mayor. Are you aware of that?
 2 A I'm aware of that, but that was not immediately
 3 after her departure.
 4 Q Tell me, first of all, were you present when he
 5 disclosed that information?
 6 A I don't recall it specifically, but I would assume
 7 that I was there.
 8 Q And do you recall exactly what he said?
 9 A No.
 10 Q But the gist of what he may have said led you to
 11 believe that he was telling you that
 12 Marilyn Figueroa, you and the staff, was planning to
 13 file a discrimination complaint?
 14 A No. I don't recall it that way. What I -- my
 15 recollection of it was that something had come up.
 16 I don't know what. I don't recall specifically what
 17 he said. But that there were concerns that he had.
 18 And I just don't remember specifically what he said.
 19 At some point I know that I became aware of the
 20 information, but I don't know when that was.
 21 Q Well, you stated before that it certainly was --
 22 first of all, did you learn at some point from
 23 Mr. Soika in any direct and/indirect manner that he
 24 felt Marilyn Figueroa was going to be filing a
 25 discrimination complaint?

52

1 A. Because it changed. And if I'm typing that, I know
2 this is kind of a working document for me. If I put
3 additional information on that other calendar, I do
4 that. I don't necessarily put it here. I do those
5 calendars. They go out the night before. The day
6 occurs. Things may be blocked -- when I do those
7 calendars, then they go into a three-ring binder
8 that staff uses if they have to make reference just
9 because I'm using the handwritten one. I will have
10 a copy of that word process document on the
11 handwritten, you know, for the day. If I change it,
12 I write on it. I write on that, again that
13 computerized calendar or the word process calendar.
14 At the end of the day I pull it out of this thing.
15 I throw it away and we start all over again.
16 Q So, and thank you for your quite eloquent
17 description. Let me see if I understood.
18 A Okay.
19 Q I'm kind of slow. You have two types of calendars,
20 the handwritten calendar and then the computerized
21 calendar.
22 A Right.
23 Q Is that correct? And we still haven't really
24 addressed my question.
25 A Okay.

57

1 Q I suspect that these calendars will only show the
2 work activities in the office?
3 A No. They show, they show what I know of his day.
4 Q That's right. And I'm talking about his
5 appointments?
6 A Correct, but in or out of the office.
7 Q Right? Okay. But they don't show us what the Mayor
8 does in eight hours? Other than assuming that a
9 meeting took one hour or two hours and we put it all
10 together, we may come out with a certain number of
11 hours. But you don't keep track of each hour of
12 what the Mayor does?
13 A No.
14 Q So again these calendars will only help us to
15 understand his activities?
16 A That's my -- that calendar is what I scheduled for
17 him for that day.
18 Q The City Department of Employment Relations tells me
19 that every employee for the City has to invest eight
20 hours?
21 A Okay.
22 Q For the City. And I suspect employees are required
23 to keep track of how they invest eight hours; true?
24 A I don't know that.
25 Q Do you, are you required to keep track of how you

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1 spend eight hours?
2 A I don't know what you're asking me. Like a log of
3 what I do in a day?
4 Q Right, correct.
5 A No, I do not.
6 Q What about the Mayor? He's not required to keep
7 track of what he does during eight hours?
8 A Not that I'm aware of.
9 Q So again these calendars will only help you to
10 understand his appointments, his commitments and
11 where those commitments will take place?
12 A Correct.
13 Q Now, you also mentioned that some of those calendars
14 you distribute those calendars throughout the staff?
15 A No. During the week there is a three-ring binder in
16 my office and the daily calendars are put in there.
17 Staff can look at those calendars on a daily basis.
18 At the end of the week we often have a full staff
19 meeting. At that staff meeting calendars are
20 distributed for like a week or two weeks out in
21 advance.
22 Q Distributed to?
23 A Staff.
24 Q To staff? And for what purpose?
25 A So we're all, we all know what's going on.

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1 Q That's just information about activities?
2 A Right. And know where they're supposed to be or if
3 the information is wrong and they need to change it
4 or let me know.
5 Q And for how long do you keep those records?
6 A They're here.
7 Q I understand that. Do you keep them for a year, two
8 years, three years, four years?
9 A I -- I have calendars -- I don't know how long I'm
10 required to keep them, but I have the handwritten
11 calendars that go to '88 when he came in.
12 Q Are the staff members required to give you their
13 calendar of activities?
14 A No, no.
15 Q Are they required to keep some sort of a calendar
16 for themselves of activities, do you know?
17 A I don't know that.
18 Q To your knowledge, based on the years you worked
19 with Marilyn Figueroa, do you know if she kept a
20 calendar of activities?
21 A I don't know if she did or not.
22 Q After January 4th, 2000 after Marilyn Figueroa left
23 the workplace do you know who, if anyone, cleaned
24 her desk?
25 A I don't know who that was.

60

1 Q You are out here, Ruth?
 2 A Right. This is a wall.
 3 Q There is a wall right here?
 4 A Yes.
 5 Q How far that wall was?
 6 A Up to the door. There's a door here.
 7 Q So there's a doorway right here?
 8 A Uh-huh.
 9 Q Has Ms. Figueroa's office always been here? In
 10 other words, well, I'm sure the office has always
 11 been there, but has Ms. Figueroa always been
 12 assigned to this particular location?
 13 A I don't believe so. I think she might have been
 14 back in here at one point.
 15 Q Somewhere over here. Do you recall when she started
 16 working --
 17 A No.
 18 Q -- out of this location?
 19 A No.
 20 Q And is there a door in this particular location?
 21 A Yeah. These all have doors.
 22 Q Is it a glass door?
 23 A No, I believe all the doors are wood doors.
 24 Q Do they have a window?
 25 A No.

65

1 Q So they are closed offices?
 2 A Uh-huh.
 3 Q What about the Mayor's office?
 4 A Doors here and here. And there's another door over
 5 here, but that's never used.
 6 Q Are there any windows in there?
 7 A Not in the doors. There's windows in his office.
 8 Q I suspect there are windows looking at the outside?
 9 A Uh-huh.
 10 Q But are there any windows --
 11 A No.
 12 Q -- on the inside?
 13 A No.
 14 Q And you're located right here; is that correct?
 15 A Uh-huh.
 16 Q Is that a cubicle or an office? You've got to say
 17 yes.
 18 A Sorry. This is an office.
 19 Q I understand your -- are you able to see inside the
 20 Mayor's office from where you sit?
 21 A Only if I get up.
 22 Q No. When you're sitting.
 23 A No.
 24 Q So if you get up, are you able to see from your
 25 location, are you able to see inside his office?

66

1 A I have to go to the door to see it.
 2 Q Okay. You cannot see because there is a wall here?
 3 A Right.
 4 Q Is that right?
 5 A Right.
 6 Q You would have to go inside --
 7 A Uh-huh.
 8 Q -- in order to see; is that correct?
 9 A That's correct.
 10 Q Are you able to see from where you are sitting here,
 11 looking at this diagram Exhibit No. 3, are you able
 12 to see Marilyn Figueroa's office from where you sit?
 13 A I think if I'm looking I can get up to about where
 14 this wall sticks out. So I would guess, yeah, I can
 15 definitely see Marilyn's office. I'm guessing about
 16 here so far I can see.
 17 Q All right. Very good. When Mr. Norquist meets with
 18 staff members at his office, does he usually close
 19 the door?
 20 A Usually the door is open.
 21 Q The door is open. So that if somebody is inside,
 22 you are able to see who is inside?
 23 A Correct. If I stand up and look into the office.
 24 Q And I suspect no one can go into his office without
 25 crossing the area where you are located?

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1 A Most people do not go in. There is this other door.
 2 Q Okay. And when they use the hall --
 3 A Well, they're actually --
 4 Q Go ahead.
 5 A There's -- what time period are we speaking?
 6 Q Well, let's talk about 1999.
 7 A Okay. Then this is fine.
 8 Q Is that correct?
 9 A There is a door here. There's another door here,
 10 but it's never used.
 11 Q Don't write anymore because this is now an exhibit
 12 unless I ask you to do so.
 13 A Oh, sorry.
 14 Q You're tampering with evidence now.
 15 A Okay.
 16 Q All right. So you were telling me that sometimes
 17 folks enter through the hall door?
 18 A Most of the time people enter through my office.
 19 But the other door is there and it is used at times.
 20 Q Is it customary or as a matter of practice that
 21 folks clear with you before they enter his office?
 22 A Are we talking staff assistants?
 23 Q Yes, yes.
 24 A If I'm there?
 25 Q Yes.

68

1 A. I believe he became a senator in '82 or '84. I
 2 worked for him in the Assembly, and I started
 3 working for him in the Assembly in 1980.
 4 Q And when did he become a Mayor of Milwaukee?
 5 A April of 1988.
 6 Q So you worked with him or for him from 1982?
 7 A Actually 1980.
 8 Q 1980 through 1984 in Madison?
 9 A I've worked for the Mayor -- I worked for who is the
 10 Mayor now as a state representative and as a state
 11 senator. I started with him in 1980. So I've
 12 worked with him continually through that time up to
 13 the current.
 14 Q Before that where did you work?
 15 A I worked for another state legislator in the
 16 Capitol.
 17 Q In Madison?
 18 A Yes.
 19 Q Where are you from originally?
 20 A Originally I'm from Belleville, but when -- that's
 21 where I was born and raised. But when I was working
 22 in the Capitol, I was in Madison and then I was in
 23 New Glarus.
 24 Q All right. And what's your education?
 25 A I have an undergrad in business.

73

1 Q Where did you go to school?
 2 A I finished my degree at Mount Mary College spring of
 3 '99.
 4 Q Any other academic education?
 5 A I have a business -- a business school degree from
 6 Madison Business College, but that's a two-year
 7 technical type program.
 8 Q So is it fair and accurate to say that you have
 9 known the Mayor for over 20 years?
 10 A Yes.
 11 Q Is that correct? Before January 4th of the year
 12 2000, did you have any knowledge of any type of
 13 intimate relationship --
 14 A No.
 15 Q -- between John Norquist and Marilyn Figueroa?
 16 A No.
 17 Q When you worked for Mr. Norquist back in 1980, was
 18 he married?
 19 A No, he wasn't.
 20 Q Was he single?
 21 A Yes.
 22 Q Did you, if you know, did he date anyone before he
 23 married Ms. Susan Mudd?
 24 A Yes.
 25 Q Did you get to know the individuals that he dated?

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1 A Not particularly.
 2 Q Do you remember any of them?
 3 A I remember Robin Connelly (phonetic).
 4 Q Anyone else?
 5 A No.
 6 Q Do you know for how long he dated Ms. Connelly?
 7 A No, I don't.
 8 Q Was that in Madison? When he was dating
 9 Ms. Connelly, was that in Madison, Wisconsin?
 10 A Yes.
 11 Q Do you know for how long a -- I think I might have
 12 asked you this question.
 13 A No, I don't.
 14 Q Any other individual?
 15 A Not that I recall.
 16 Q Did he date others but you just don't recall the
 17 names?
 18 A I don't know that.
 19 Q Do you know when he married Ms. Susan Mudd?
 20 A Not -- no.
 21 Q Do you recall from the time Marilyn Figueroa began
 22 to work for Mayor Norquist until January 4th of the
 23 year 2000, do you recall ever witnessing
 24 Marilyn Figueroa conducting herself in any type of
 25 promiscuous fashion or manner in front of the Mayor?

75

1 A No.
 2 Q During the years that she worked for Mayor Norquist
 3 from the time she began her employment until
 4 January 4th of the year 2000, do you recall ever
 5 Mayor Norquist giving and/or receiving flowers,
 6 giving flowers to Marilyn Figueroa?
 7 A No.
 8 Q Receiving flowers from Marilyn Figueroa?
 9 A No.
 10 Q Receiving any type of greetings, cards, gifts of any
 11 kind?
 12 A Not that I'm aware of.
 13 Q During the years that Marilyn Figueroa worked for
 14 the City Mayor's office, do you recall any one time
 15 when the Mayor gave apples to Marilyn Figueroa?
 16 A Gave what?
 17 Q Apples. Apples like apple tree.
 18 A Oh, no.
 19 Q No?
 20 A No.
 21 Q It's my German accent sometimes. You've got to let
 22 me know. Actually it's from New Glarus.
 23 Do you recall any one time when the Mayor or
 24 Marilyn gave apples to the Mayor?
 25 A No.

76

1 hear Marilyn complaining about anything that would
2 support your assumption?
3 A Not that I recall specific.
4 Q What, if anything, did you do to ascertain whether
5 or not the items that you just mentioned were
6 causing Marilyn's unhappiness?
7 A Because of this process we went through, Marilyn had
8 told me that she -- and I don't remember when this
9 was, that she was interested in the E. D. position,
10 that E. D. position -- or economic development
11 position had been opened numerous times during, I
12 mean it's been changed, you know. People are in it,
13 they leave, whatever. And she had voiced to me that
14 she was interested in that. And I said, well, you
15 should talk to the chief of staff.
16 I guess I made the assumption that she was
17 interested in doing other things, other -- it was an
18 assumption.
19 Q During the years that Marilyn worked for the Mayor's
20 office, did she confide in you some of her opinions
21 and feelings about the office?
22 A I don't know that she did any more than anybody else
23 in the office.
24 Q All right. But she did?
25 A Probably.

81

1 Q Is that correct? Do you recall any, other than the
2 one that you just mentioned, any specific instance
3 where she may have confided things in you?
4 A No, no.
5 Q You testified previously that staff would kind of
6 clear with you before seeing the Mayor. Is that
7 correct?
8 A For meetings?
9 Q Right.
10 A Yeah.
11 Q I suspect Marilyn Figueroa was one of those
12 individuals?
13 A Correct.
14 Q Do you recall anytime when Marilyn Figueroa came to
15 clear through you a meeting with the Mayor, do you
16 recall any one time when she mentioned any concerns
17 to you about meeting with the Mayor?
18 A Specifically?
19 Q Correct.
20 A No, I don't recall that.
21 Q Anything that may have led you to believe that
22 Marilyn Figueroa had concerns about being alone with
23 the Mayor?
24 A No.
25 Q Do you recall any one time when Marilyn Figueroa

82

1 shared with you concerns that the Mayor was calling
2 her a little too much?
3 A No.
4 Q As you sit here under oath?
5 A Not that I recall, no.
6 Q If Marilyn Figueroa made those allegations, do you
7 think she would be lying?
8 A Do I think she would be lying?
9 Q Correct.
10 A I don't know that I would have a -- I don't know --
11 I don't know that I would have an opinion about
12 that. I don't know why I would think she would be
13 lying or why I think she wouldn't be lying.
14 Q Do you recall any one time when Marilyn Figueroa
15 resisted meeting with the Mayor?
16 A No.
17 Q I suspect, do you recall any one time in 1999 or
18 before when the Mayor asked you to schedule
19 appointments with Marilyn for him?
20 A About an issue?
21 Q Any issue.
22 A I don't recall. I mean I may have done that. I
23 would have to look at the calendars.
24 Q Do you recall any one time when the Mayor asked you
25 to schedule trips with Marilyn?

83

1 A No.
2 Q Do you recall any one time when Marilyn told you
3 that she did not like to be alone with the Mayor?
4 A Not that I recall.
5 Q In 1999 when you claim that she was unhappy, do you
6 recall how she demonstrated her unhappiness? Can
7 you describe that for me?
8 A No. It was just -- it was a sense that I picked up
9 on. And I don't --
10 Q Well, was she sad?
11 A No.
12 Q Did she look depressed?
13 A Not particularly.
14 Q Was she angry?
15 A Sometimes.
16 Q I mean I just want you to give me --
17 A But again, again --
18 Q I want you to give me all of the elements that led
19 you to reach the conclusion that she was unhappy.
20 How would you come to the conclusion that someone is
21 unhappy? And I want you to tell me based on your
22 observation what was her demeanor or actions or
23 words that led you to conclude that Marilyn was
24 unhappy in late 1999?
25 A Unhappy about subject issue areas. Again, because

84

1 A No.
 2 Q Well, when she would tell you that the Mayor would
 3 call her at home, in what context would she tell you
 4 that? Can you remember any specific time when she
 5 told you that?
 6 A No. I don't recall that.
 7 Q All you know is that she would tell you that the
 8 Mayor would call her at home; that's all you
 9 remember?
 10 A I -- yes, that's correct.
 11 Q Did you ever ask any questions as to why the Mayor
 12 would be calling her at home?
 13 A No.
 14 Q With respect to campaign issues, do you recall
 15 whether or not Marilyn Figueroa worked on campaign
 16 issues?
 17 A I believe she did.
 18 Q How was the time spent on campaign issues accounted
 19 for, based on the practice?
 20 A You didn't do campaign -- you didn't do campaign
 21 work on City time. If you were doing campaign work,
 22 you were supposed to take the time.
 23 Q They would take comp time?
 24 A No. I mean they were supposed to, you know, claim
 25 the time, I mean that you weren't working with the

89

1 City, or working for the City.
 2 Q All right. But was there a schedule that they were
 3 supposed to follow with respect to working on
 4 campaigns?
 5 A I'm not aware of one.
 6 Q Let's assume -- did there come a time when staff
 7 people used an entire day to work on campaign issues
 8 outside the office?
 9 A And then they would take vacation or -- vacation
 10 time.
 11 Q Or comp time?
 12 A Or not take time, you know, not be paid for that
 13 day.
 14 Q So they had an option to take vacation or not get
 15 paid?
 16 A Well, my understanding is that you didn't, you did
 17 not do campaign time on City time.
 18 Q Well, do you recall ever doing campaign work at the
 19 office?
 20 A I know that something might be said there's a fund
 21 raiser tonight, but doing work, no, I don't recall
 22 that.
 23 Q Is it your testimony that you never engaged in
 24 campaign activity while working at the office?
 25 A Are you asking --

90

1 Q Calling contributors?
 2 A Never.
 3 Q Organizing fund raisers?
 4 A In the office?
 5 Q Correct.
 6 A Not that I recall.
 7 Q Do you recall whether Marilyn was identified as a
 8 hard worker during campaign season?
 9 A I don't recall -- I don't recall one way or the
 10 other.
 11 Q In the last re-election campaign what were the
 12 busiest months of the campaign?
 13 A I don't recall specifically for the last re-election
 14 one, but traditionally with the spring election it
 15 would be like October or November, probably
 16 November to April.
 17 Q So that would include October, November, December,
 18 January, February, April; is that correct?
 19 A Correct.
 20 Q And during that busy aspect of the season, how many
 21 hours were you putting in on the campaign?
 22 A I don't know. I called in the evenings. I called
 23 weekly in the evenings.
 24 Q I'm asking you to give me an approximate amount of
 25 hours.

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1 A I don't know what that number would be.
 2 Q Well, 20 hours, 40 hours a week?
 3 A No. Depending on what was -- like if there was a
 4 literature drop on the weekend or if there was an
 5 event coming up that more phone calls would have to
 6 be done for, the number would be up. But I'm
 7 guessing, and this is only a guess, 10 hours, six to
 8 10.
 9 Q A week?
 10 A Yeah.
 11 Q And in late 1999 do you have an idea as to how much
 12 time Marilyn Figueroa was investing on political
 13 campaigns on behalf of John Norquist?
 14 A No.
 15 Q When she -- was she, do you know if she was
 16 investing any time at all?
 17 A I was -- I don't know who told me, but I was under
 18 the impression that she was going to work part-time
 19 on the campaign.
 20 Q And when did you learn that fact?
 21 A Sometime in the fall.
 22 Q And who did you learn that from?
 23 A I don't know that.
 24 Q Did Mayor Norquist tell you that?
 25 A No.

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1 would assign somebody to the weekend, you know,
 2 weekend duty is what we call it, and if they would
 3 put in, you know, a sizable amount of time on the
 4 weekend, I know that they would try -- and this was
 5 worked out with the chief of staff and the staff
 6 assistant to try to get some of that time back.
 7 Q So comp time is available?
 8 A I don't know that it's called comp time.
 9 Q But making up for time is something that was
 10 practiced in 1999?
 11 A I don't want to say this was in 1999. I don't know
 12 that. I do know that at some point if people put in
 13 large amounts of time on the weekend in weekend
 14 duty, that within a -- I don't know what the -- it
 15 didn't pertain to me, so I don't know the details of
 16 it.
 17 Q Do you recall ever scheduling appointments or
 18 activities for the Mayor during weekends at the
 19 office?
 20 A Meetings at the office?
 21 Q Correct.
 22 A That was unusual. I know he would have -- you know,
 23 if there was something specific he needed to get
 24 done, he would ask me to put it on the calendar.
 25 Q So the answer would be yes, from time to time he
 97

1 would work in the office?
 2 A It would be unusual but, yes, he would.
 3 Q When he would have an appointment in the office on a
 4 weekend, would you also be there?
 5 A No.
 6 Q So he would be pretty much on his own; is that yes?
 7 A That's correct, sorry.
 8 Q All right. Now, you testified that, you testified
 9 earlier that you read Marilyn's complaint with
 10 respect to a couple areas that made reference to
 11 you.
 12 A Correct.
 13 Q And let's talk about the first one. Which specific
 14 reference are you referring to?
 15 A Which one is the first one? I mean there were two
 16 references.
 17 Q You tell me. Pick whatever you want.
 18 A The one where she -- if I recall the wording was
 19 that I said she should get the economic development
 20 or the business position.
 21 Q And what's your reaction to that?
 22 A My reaction to that would be, is that I would very
 23 much doubt that I said that she should get that job.
 24 What I would have said is that if you're interested
 25 in it, you need to go talk to the chief of staff.
 98

1 Q That's what you believe you would have done?
 2 A Right.
 3 Q Correct?
 4 A But I do not recall that specific.
 5 Q You're not saying that it didn't happen; you're just
 6 saying that you don't recall?
 7 A Right. And I would --
 8 Q Ma'am, my question is you're telling us that that's
 9 what you would have done, but you don't recall?
 10 A I would never have told somebody they should get a
 11 job, or I mean get that particular job.
 12 Q But again, you're not saying that it didn't happen;
 13 you're just simply saying that that's not something
 14 you would do?
 15 A I'm saying that it did not happen the way that it
 16 was stated there if it happened.
 17 Q Well, do you have a clear recollection as to how it
 18 happened if it did as opposed to --
 19 A No.
 20 Q -- assuming?
 21 A No.
 22 Q Do you have a recollection of the day when you may
 23 have said it?
 24 A No. No, I don't.
 25 Q You're just going by what you believe you would have
 99

1 done or said?
 2 A That is correct.
 3 Q You're not saying that Marilyn is lying? You're
 4 just simply saying that that's not something you
 5 would have said?
 6 A Correct.
 7 Q What is the second reference that prompted you to
 8 look at the complaint?
 9 A Something about nobody refuses the Mayor. Again, I
 10 don't know what specifically that is, but that was
 11 the second reference.
 12 Q And what is your position with respect to that?
 13 A The way I read, the way I read the language there is
 14 that I thought it implied that I told her that she
 15 had to meet with the Mayor or whatever with the
 16 Mayor. I would never have said that. I would find
 17 it unusual that a staff person would tell me that
 18 they weren't going to meet with the man, or the
 19 person that they worked for.
 20 Q So here again, you're not challenging Ms. Figueroa's
 21 truthfulness; you're just simply saying that that is
 22 not something that you would say; true?
 23 A I would not say that.
 24 Q You don't remember exactly whether or not you ever
 25 made any reference to that?
 100

1 looking for. I'm lost on the word. But it implied
 2 that he was that way, that he was revengeful. And I
 3 don't know of any instance that that is actually the
 4 case.
 5 Q That he was revengeful?
 6 A Right.
 7 Q But tell me the number of individuals that you have
 8 questioned and requested evidence that or facts that
 9 would lead them to support their contention that he
 10 is revengeful as you stated previously?
 11 A Well, whenever this article, or whenever this thing
 12 came out, it was an article that was in the paper,
 13 again it was brought up at one of these morning
 14 sessions. And again I said can somebody please tell
 15 me one instance where this actually happened.
 16 Q What incident are you referring to?
 17 A Where he was, that he retaliated or that he, you
 18 know, was -- if he was crossed that he would take
 19 action.
 20 Q Where did you read this article?
 21 A I think it was in the newspaper.
 22 Q Tell me the gist of it. What was the subject matter
 23 being discussed?
 24 A It was discussing -- if it's the article I think it
 25 was, it was discussing, I don't know, leadership

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1 abilities or, you know, if it's the one that I'm
 2 thinking of, it was the one about leadership in the
 3 city and county.
 4 Q And they portrayed him as revengeful?
 5 A One person said that in the article.
 6 Q Who was the person?
 7 A I don't know. I don't know.
 8 Q But you also testified previously that every time
 9 somebody accuses him of being revengeful you
 10 question them?
 11 A Right, I do.
 12 Q And I want you to tell me the name of the
 13 individuals that you have questioned.
 14 A I don't know the names.
 15 Q You don't know that name?
 16 A No.
 17 Q But you do remember questioning individuals that
 18 have made that claim about Mayor Norquist?
 19 A Yes, yes.
 20 Q Now, you have worked with him for over 22 years;
 21 right?
 22 A 20 some years, 20 some years.
 23 Q You're fond of him?
 24 A Yes.
 25 Q He's your boss?

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1 A He's my boss.
 2 Q And obviously you receive salary from Mr. Norquist?
 3 A That's correct.
 4 Q Are you the sole breadwinner in your household?
 5 A No.
 6 Q Your husband works?
 7 A Yes, he does.
 8 Q What does he do?
 9 A He's a service rep, customer service rep.
 10 Q For whom?
 11 A
 12
 13 Q So you worked with Mayor Norquist for over 20 years.
 14 You don't believe he's vindictive; true?
 15 A Correct.
 16 Q Have you done any investigation in order to
 17 determine whether or not Mayor Norquist is
 18 vindictive as he's been labeled from time to time?
 19 A No.
 20 Q Do you feel that your claim that he is not
 21 vindictive is based on your own personal bias
 22 because you like him?
 23 A I do like him. But I do not -- I'm still not aware
 24 of any vindictiveness that individuals, and I cannot
 25 name them specific, have said that he acts out. I'm

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1 just not aware of it.
 2 Q What about Mr. Christofferson? Do you think he's a
 3 vindictive person?
 4 A I've never thought of him in that way.
 5 Q Do you know of anyone that has accused him of being
 6 vindictive?
 7 A No.
 8 Q If Marilyn Figueroa was let go from the City of
 9 Milwaukee because she attempted to file a
 10 discrimination complaint, would you call that
 11 retaliatory? I'm asking you to assume those facts.
 12 A That the Mayor or Bill? Who are you --
 13 Q I'm just asking you to assume this set of facts.
 14 Let me ask you to assume that Marilyn Figueroa was
 15 let go in part because she was intending to file a
 16 discrimination complaint against the Mayor.
 17 A Okay.
 18 Q Would you consider that retaliatory in nature?
 19 A And she was working for the Mayor at that time?
 20 Q Correct.
 21 A I think it would be very difficult for her to do her
 22 job under those circumstances.
 23 Q That wasn't my question, ma'am. I want you to pay
 24 attention. And let me ask the professional reporter
 25 to read you that question; okay?

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1 dismissing Ms. Figueroa in part because she was
 2 filing a discrimination complaint, you still would
 3 not believe that he is a vindictive type person?
 4 A That's correct.
 5 Q All right, very good.
 6 MR. ARELLANO: I've got to take a
 7 five-minute break to attend something
 8 important if you don't mind.
 9 (Recess)
 10 By Mr. Arellano: (Continuing)
 11 Q Ma'am, do you recall before Marilyn Figueroa left
 12 the City in January of 2000, do you recall any one
 13 time when the Mayor asked you to call Marilyn at her
 14 home at any point?
 15 A No, I don't recall that.
 16 Q Do you recall any time when the Mayor asked you to
 17 contact her family at all before she left the City
 18 job?
 19 A No, no.
 20 Q After Marilyn Figueroa left on January 4th, when did
 21 you learn that Marilyn Figueroa had left the job?
 22 A Had officially left the job or had -- I mean I knew
 23 that she wasn't there.
 24 Q All right.
 25 A I knew that something was up... I didn't know what

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1 based on the conversation that I had with her sister
 2 that had called me, or had called the Mayor. But I
 3 don't recall when I knew officially that she was out
 4 of City government.
 5 Q Do you recall prior to January 4th, do you recall
 6 when was the last time that Marilyn Figueroa was at
 7 the office?
 8 A No. I don't recall that.
 9 Q As I understand, you don't even recall seeing her on
 10 January 4th at the office?
 11 A Not particularly, no.
 12 Q True? And after January 4th did you ever discuss
 13 Marilyn's absence with Mayor Norquist?
 14 A In the Mayor --
 15 Q Correct.
 16 A No.
 17 Q Did he ever mention Marilyn Figueroa's absence --
 18 A Not to me.
 19 Q -- to you? From January 4th, 2000 until Marilyn was
 20 let go from the City, did the Mayor ever talk to you
 21 about Marilyn Figueroa?
 22 A No.
 23 Q Ever talk to you about her absence?
 24 A No.
 25 Q Talk to you about any type of illness?

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1 A No.
 2 Q Did you ever ask --
 3 A No.
 4 Q -- the whereabouts of Ms. Figueroa?
 5 A Not of the Mayor. I would have asked Mike Soika.
 6 Q Did you?
 7 A I did, yes.
 8 Q When did you do that?
 9 A At these morning sessions, have you heard from
 10 Marilyn. And I cannot give you specific times on
 11 that.
 12 Q If you cannot give me specific times, give me the
 13 specific answers that Mr. Soika would provide with
 14 respect to Marilyn's absenteeism.
 15 A He would often say, "I haven't heard from her."
 16 Q Anything else?
 17 A No. But once that phone call came in from her
 18 sister, I didn't even ask anymore.
 19 Q But before the phone call came, what, if anything,
 20 did you know about Marilyn's status as an employee
 21 of the City?
 22 A Only that she was not there. I should take that
 23 back. I think he talked something about family
 24 leave or family something.
 25 Q Did he discuss that during the staff meetings?

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1 A I don't -- I don't believe that that's where he said
 2 that. It might have been. I'm trying to recollect
 3 and I don't know if this is accurate or not. But it
 4 could have been when Pat Stawicki was trying to fill
 5 out, you know, payroll information.
 6 Q What kind of information was she trying to fill out?
 7 A Well, they have to file -- they have to submit
 8 something for the comptroller to print checks.
 9 Q What did you learn at that time as far as
 10 Marilyn Figueroa's family leave?
 11 A I think only that that's what she was using.
 12 Q And you learned that from Mr. Soika?
 13 A I learned that from being in the same spot that this
 14 conversation was passing back and forth.
 15 Q Between who?
 16 A Between, I believe Pat Stawicki and Mike Soika.
 17 Q Tell me as close as you can what did Mr. Soika say?
 18 A I, that she's -- I came -- my understanding was that
 19 she was using family leave.
 20 Q Is that what you heard Mr. Soika --
 21 A I don't know that I heard him say that specific.
 22 That was my understanding.
 23 Q That's what you got from what he was saying?
 24 A From the discussion between the two of them.
 25 Q Regarding Marilyn Figueroa; true?

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1 September.
 2 Q So you took what, the whole summer pretty much?
 3 A Part-time.
 4 Q Do you know how much family leave an employee for
 5 the City of Milwaukee is entitled to?
 6 A No. 12 weeks?
 7 Q So is it fair and accurate to say that no one ever
 8 asked you to try to contact Marilyn Figueroa after
 9 January 4th, the time she left the City?
 10 A That is correct.
 11 Q Is that correct? Do you know if anyone did try to
 12 call Marilyn Figueroa from January 4th until she was
 13 let go?
 14 A I don't know personally. I don't know.
 15 Q Were you involved in any meeting regarding
 16 Marilyn Figueroa's family leave discussions other
 17 than that little exchange that you heard from
 18 Mr. Soika?
 19 A No, no.
 20 Q Do you recall Mr. Soika meeting with employment
 21 relations at all after January 4th, 2000?
 22 A Only what was, has been reported since that.
 23 Q What has been reported?
 24 A Well, that he -- that there was some conversation
 25 with Florence Dukes but that --

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1 Q Where did you hear that conversation or information?
 2 A When did I hear this?
 3 Q Right.
 4 A I don't know where I heard this.
 5 Q Where did you get that information?
 6 A It was in the paper.
 7 Q So that's the only thing you know as far as
 8 Mr. Soika meeting with employment relations?
 9 A Specifically, yes.
 10 Q Did you ever see employment relations folks meeting
 11 with Mr. Soika at the Mayor's office?
 12 A Well, it's a department of the City.
 13 Q Right. My question is did you ever see any member
 14 of the employment relations office meeting with
 15 Mr. Soika?
 16 A Meeting with Mr. Soika? No.
 17 Q What about meeting with the Mayor?
 18 A I'm sure they were in there. I mean I can't --
 19 again, we can look at the calendars. I would assume
 20 that they had been in there at some point. I don't
 21 know when.
 22 Q When they say they, who are you referring to?
 23 Employment relations folks?
 24 A Yes.
 25 Q Did you see Mr. Hansen part of the meetings?

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1 A I, I would be very surprised if there were no
 2 meetings between the Mayor and DER at any time. I
 3 mean --
 4 Q With respect to Marilyn Figueroa's family leave?
 5 A No, no. I don't know that.
 6 Q Well, that was my question, ma'am.
 7 A I'm sorry, I misunderstood then.
 8 Q Okay. Did you ever see anyone from employment
 9 relations meet with Mr. Soika or the Mayor regarding
 10 Marilyn Figueroa's family leave?
 11 A No, I did not.
 12 Q All right. Now, in January, from January 4th until
 13 Marilyn Figueroa was let go, did you have any
 14 contacts with family members?
 15 A The one phone call.
 16 Q Let's talk about that one phone call. Do you recall
 17 approximately what time that phone call was?
 18 A It was around the noon hour.
 19 Q Was that before lunch or after lunch?
 20 A I believe it was after -- it was after lunch.
 21 Q How late after lunch?
 22 A A little -- I don't know. Between 12 and one.
 23 Q Was that an incoming call?
 24 A Yes.
 25 Q Do you have I.D. --

123

1 A No, it came to the front desk.
 2 Q Front desk. Who received it from the front desk?
 3 A I don't know who was the receptionist at that point.
 4 Q So what did they tell you?
 5 A What did the receptionist tell me?
 6 Q Right.
 7 A As that document --
 8 Q I understand, but I want you to tell me what you
 9 remember.
 10 A What I remember. I remember that the call came in.
 11 Somebody asked me for the Mayor. The person came
 12 back and told me about it and I picked the call up.
 13 And I believe at that time she identified herself,
 14 said she wanted to talk to the Mayor. And I said,
 15 well, he was busy at that time, could I take a
 16 message.
 17 Q Hold on. How did she identify herself?
 18 A I think, though I would be much more comfortable
 19 reading my statement, that she said she was -- her
 20 name, Marian Rodriguez.
 21 Q I want you to tell me what you remember, and when we
 22 run into a situation where you don't remember, then
 23 we'll find some other source, okay? So she
 24 identified herself as Marian Rodriguez?
 25 A Right.

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1 that Marilyn was in the hospital. She was really
 2 upset. She was very upset.
 3 Q Did you tell Mr. Soika anything about how Marilyn
 4 was doing based on your discussion over the
 5 telephone with Ms. Rodriguez?
 6 A I don't recall that. I don't know if I did or if I
 7 didn't.
 8 Q And then --
 9 A Because he had me, he had me call St. Luke's back.
 10 Q Immediately after you talked to him?
 11 A It was just a couple minutes.
 12 Q Did you call?
 13 A I did call.
 14 Q And what did you find out?
 15 A I found out that she was there. Whoever I spoke to,
 16 I believe it was the nurses desk, though I don't
 17 know that, told me they could not give me any
 18 information. They said that I could speak with the
 19 family if I wanted to. I didn't want to at that
 20 point.
 21 Q Why not?
 22 A Why didn't I want to?
 23 Q Yes.
 24 A Because I had just had this conversation with
 25 Marian Rodriguez.

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1 Q What about it? What in that conversation precluded
 2 you from inquiring with the family about how she was
 3 doing?
 4 A I just didn't think it was appropriate for me to be
 5 doing.
 6 Q Why is that?
 7 A Because she was so upset on the phone.
 8 Q Well, Mr. Soika asked you to call to find out how
 9 she was doing; right?
 10 A I don't remember specifically why Mike had me call,
 11 but he did have me call.
 12 Q I mean at least you understood he wanted to make
 13 sure Marilyn was okay?
 14 A That she was okay.
 15 Q All right. And the hospital offered you to talk to
 16 the family?
 17 A Right.
 18 Q The family would have given you some information
 19 about how Marilyn was doing?
 20 MR. SCHRIMPF: Object as no
 21 foundation laid.
 22 Q True? Well, you could have inquired whether or not
 23 the family had information --
 24 A I used -- I --
 25 Q Let me finish my question. You could have inquired,

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1 consistent with Mr. Soika's direction from the
 2 family what, if anything, they knew about
 3 Marilyn Figueroa; true?
 4 A I could have.
 5 Q You chose not to?
 6 A Yes.
 7 Q What did you then report to Mr. Soika?
 8 A That she was at St. Luke's; that I couldn't get any
 9 information unless I spoke with the family.
 10 Q Tell me as clearly as you can the specific reason at
 11 that time that made you decide not to inquire with
 12 the family further at that time.
 13 A I don't know why I would not have done that. I do
 14 know that if it was me and my family that my family
 15 would tell people when they were ready to tell
 16 people. I think it's a private matter.
 17 Q Then what did you tell Mr. Soika after you completed
 18 your telephone call with the hospital?
 19 A I told him what they had told me, that she was at
 20 St. Luke's. I got referred to the nurses desk.
 21 They told me, you know, they couldn't give me any
 22 information. If I wanted, I could talk to the
 23 family. I declined to talk to the family.
 24 Q What, if anything, did he say about that?
 25 A He didn't really say anything about it. He just

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1 kind of absorbed it and then left my office.
 2 Q And then what happened next?
 3 A I don't know that anything unusual happened next. I
 4 assume we followed -- I assume the rest of my day
 5 went on.
 6 Q I know you want to assume a lot of things and that
 7 is why I keep -- I don't mean to be critical, but
 8 there is a process here. And the process is to tell
 9 us what you know, not what you assume. Okay? So
 10 let me see if I understand. You reported to
 11 Mr. Soika that you called the hospital, and in fact
 12 you did learn that Marilyn had been hospitalized?
 13 A Correct.
 14 Q True? They offered you to talk to the family, you
 15 declined?
 16 A Uh-huh.
 17 Q And Mr. Soika in essence did not, did not respond in
 18 any way other than absorbing what you told him?
 19 A I don't recall him responding in any way.
 20 Q Did you have any further contacts with Mr. Soika
 21 regarding Marilyn Figueroa after that conversation?
 22 A On that day?
 23 Q Correct.
 24 A I believe he came in later and he suggested to me
 25 that I write down what had transpired in the phone

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1 Q All the way to December?	1 A Considering what's on August 10 and what's on
2 A Yes.	2 August, the date before, the 7th, it appears to me
3 Q Now let's mark this exhibit.	3 that he must have been on holiday.
4 (Exhibit No. 4 marked for	4 Q And the only basis you have for saying that is
5 identification)	5 because they are in blank?
6 Q Can I have this entire batch over here, ma'am?	6 A Right. And he often goes in August. But I can go
7 MR. SCHRIMPF: Counsel, I would	7 back and make a copy of it.
8 simply ask if the Bates numbers follow through	8 Q Okay. You can take a seat for a second. I would
9 because of the way this was apparently taken	9 like you to tell me where is 1998.
10 apart and put back together again.	10 A This is 1998.
11 MR. ARELLANO: Yes. And that's	11 MR. ARELLANO: Let's take a second
12 going to be difficult because I want to make	12 so the professional reporter can mark.
13 sure we separate --	13 (Exhibit No. 6 marked for
14 MS. GARCIA: Barb's letters have	14 identification)
15 the Bates numbers on them.	15 Q Now, can you let us have '97?
16 MR. SCHRIMPF: But will the Bates	16 A This was the one that has the sheet missing.
17 numbers track in 1999 in some sequential	17 Q You're giving us 1997 calendar?
18 order?	18 A Correct.
19 MS. GARCIA: Yes, they will.	19 Q And 1997 obviously has one sheet, at least so far,
20 MR. SCHRIMPF: All right. They	20 that we have detected missing?
21 will, okay.	21 A That is missing, right.
22 Q We've got 2000?	22 MR. ARELLANO: Why don't we allow
23 A Yeah. I just don't know why these are out of order.	23 that to, the court reporter to mark that as an
24 MS. GARCIA: Exactly.	24 additional exhibit.
25 A This would be January and February of 2000.	25 (Exhibit No. 7 marked for
137	139
1 (Exhibit No. 5 marked for	1 identification)
2 identification)	2 MR. ARELLANO: Let the record
3 A This is '98. Wait a minute. Something's wrong. I	3 reflect that the witness noted Exhibit No. 7
4 don't know what year they are. I have this pile for	4 in pencil, well, pen as the calendar for 1997.
5 some reason. But some of them have been out of	5 Q Is that correct?
6 order. Like this pile, it starts with August. I	6 A That's correct.
7 think that's '95, but let me just make sure we've	7 Q Now, you have given us 1996?
8 got everything else here.	8 A Correct.
9 Q We're looking for '98?	9 Q Let's take a second so we can mark it as an exhibit.
10 A I'm hoping -- this is the part that doesn't fit	10 (Exhibit No. 8 marked for
11 anywhere. Okay. We have '95, '96, so this has got	11 identification)
12 to be '97. This doesn't help you at all.	12 Q And we have one final calendar year. Is that
13 Q All right.	13 correct?
14 MS. GARCIA: You're right.	14 A That's right.
15 A But that does explain where -- then this is, other	15 Q And that would be for 1995?
16 than this date -- I can tell you there's nothing on	16 A That's correct.
17 it because he was gone, but I will have to get you a	17 (Exhibit No. 9 marked for
18 replacement for August 8.	18 identification)
19 Q Let me understand this. You're looking at a page	19 Q Now, we have other records that have been produced
20 for August 8th, ma'am?	20 today that you made some reference to. And they are
21 A Yes, I am.	21 sitting right next to counsel's chair or location;
22 Q Do you know what year?	22 is that correct?
23 A 1998. Excuse me, 1997.	23 A If those are the printed word document calendars,
24 Q And is it your testimony that in the month of	24 yes.
25 August he was gone?	25 MR. ARELLANO: Counsel, are those
138	140

1 Q Was this a group meeting to review --
 2 A No, it was me watching the video.
 3 Q The video deposition. Okay. Where did you watch
 4 the video?
 5 A In the City Attorney's conference room.
 6 Q And who, if anyone, suggested that you watch a
 7 videotape?
 8 A The City Attorney suggested that I see this.
 9 Q And when you say the City Attorney, are you
 10 referring to Mr. Langley?
 11 A No. I'm referring to Mr. Schrimpf.
 12 Q And when did you actually watch the videotape?
 13 A It's been in the past couple of weeks.
 14 Q Do you have an approximate date when that occurred?
 15 A I would be just guessing.
 16 Q I suspect you scheduled this review of the video
 17 deposition on your calendar?
 18 A I don't really keep a calendar. I went upstairs. I
 19 mean they said that the room was available. And
 20 so --
 21 Q Was it on a Monday or a Tuesday?
 22 A I really -- I --
 23 Q Was it during working hours?
 24 A Yes, it was during working hours.
 25 Q Was it in the morning or in the afternoon?

5

1 A I really don't recall.
 2 Q You don't know if it was a dark time or --
 3 A No, it was not dark. It was during the day.
 4 Q Was it before lunch or after lunch?
 5 A I would be just guessing. I don't know.
 6 Q All right. How old are you?
 7 A Oh, boy, I was born in 1957, so I guess that makes
 8 me 45.
 9 Q You're looking great.
 10 A Thank you.
 11 Q With all due respect. Well, let's talk about
 12 anything that may affect your ability to recall
 13 because I think it's important. Are you under any
 14 type of medication that may --
 15 A No.
 16 Q -- inhibit your ability to remember?
 17 A No, I am not.
 18 Q Has anyone advised you to just simply say I don't
 19 recall?
 20 A No.
 21 Q When you looked at that video deposition, did you
 22 learn from the video deposition that you were going
 23 to be giving testimony under oath?
 24 A Yes.
 25 Q Did the video deposition explain that testimony

6

1 under oath is subject to perjury if not truthful?
 2 A Yes.
 3 Q Did you know that?
 4 A Did I know it prior or when I saw the video?
 5 Q Both.
 6 A I think I knew it before then.
 7 Q And obviously you learned that a deposition for the
 8 most part is recorded?
 9 A Correct.
 10 Q Right? And you probably also learned through the
 11 deposition, although I don't know which one you
 12 watched, that when you give an answer, you must give
 13 a verbal answer so that the professional reporter --
 14 A I understand that.
 15 Q -- makes a record of that. In other words, nodding
 16 of the head I will understand, but she needs to hear
 17 you.
 18 A Okay.
 19 Q The yes or no. We have a very pleasant court
 20 reporter, but you don't want lots of warnings. What
 21 was that? You've got to say yes, no, I don't
 22 recall, et cetera.
 23 I will try to let you finish your answers, but
 24 it's important that you let me finish my questions.
 25 A Okay.

7

1 Q From time to time counsel may object. He will do
 2 that to protect the record or his record or his
 3 rights, okay, as a representative of the City of
 4 Milwaukee. However, unless he tells you not to
 5 answer, I still want you to answer once he's done
 6 with his objection. What he will be doing
 7 technically is basically raise his objections so
 8 that the judge eventually makes a ruling if there is
 9 a major dispute on those objections. Those
 10 objections really don't pertain or affect you. I
 11 still want you to answer unless for some valid legal
 12 reason he will instruct you not to answer.
 13 A Okay.
 14 Q Is that okay? My questions, I will try to make my
 15 questions as relevant as I hope to make them. I
 16 certainly will not invade your privacy. Privacy
 17 tends to be a rather general word, but I will not
 18 ask you about your taxes. I will not ask you about
 19 your love life, none of those things. But I will
 20 ask you questions that I believe may bear some
 21 relevance to this case. Background, for example,
 22 has some relevance. So I will be asking you
 23 questions about your background.
 24 If for some reason you don't understand my
 25 question, I want to make sure that you stop me and

8

1 she should get the economic, or the business or
 2 economic development position.
 3 Q Anything else?
 4 A And the other part, or the other document, the part
 5 of that document was where I made reference to
 6 nobody refusing the Mayor. I mean that's not the
 7 complete -- I don't remember the exact language.
 8 Q That's the gist?
 9 A Right.
 10 Q Anything else that you may have reviewed with
 11 respect to the complaint?
 12 A No, no. These documents. Well, there were -- I
 13 mean I didn't review documents. There's been news
 14 articles. Are you making reference to that?
 15 Q To anything that pertains to this case. I don't
 16 want to later on, and I tell you this as an officer
 17 of the court because you are not an attorney and I
 18 think you should be aware that you have the right to
 19 expand, explain anything that can help you to answer
 20 the question truthfully and completely.
 21 A Okay.
 22 Q So anything else that you may have reviewed with
 23 respect to this case?
 24 A I have followed the newspaper articles and the media
 25 coverage on this issue since it happened.

13

1 Q So I suspect you have read in the media anything
 2 that the media has printed, at least anything that
 3 has been available to you?
 4 A Right.
 5 Q Regarding this case?
 6 A I don't want to say I've read everything, but I've
 7 read much.
 8 Q I suspect among the things that you reviewed through
 9 the media included the entire complaint that was
 10 filed by Marilyn Figueroa?
 11 A I do not remember reading the entire complaint.
 12 Q I suspect you reviewed some of the statements made
 13 by Mayor John Norquist that have been printed?
 14 A In the media?
 15 Q In the newspaper.
 16 A Yes.
 17 Q Do you recall when Marilyn Figueroa filed her
 18 complaint, do you recall whether or not that
 19 complaint was printed in its totality in the
 20 newspapers?
 21 A No, I do not.
 22 Q Are you sure?
 23 A I'm sure.
 24 Q When Marilyn made public statements through her
 25 lawyers, which were printed in the newspapers, did

14

1 you review those?
 2 A I suspect that I did, but I could not say
 3 specifically that I did.
 4 Q But one thing that you are sure you didn't review
 5 was the article that printed Marilyn Figueroa's
 6 entire complaint against the City and
 7 Mayor Norquist; is that what you're telling me?
 8 A Can you tell me what article that was?
 9 Q It was the Milwaukee Sentinel journal and also on
 10 the website where the entire complaint --
 11 A No, I did not --
 12 Q -- was printed?
 13 A -- read the entire complaint.
 14 Q And let me not assume things for you. Is it your
 15 testimony, your sworn testimony that you have never
 16 read Marilyn Figueroa's entire complaint?
 17 A I do not believe that I have read her entire
 18 complaint.
 19 Q The articles that you have read, did you keep copies
 20 of those newspaper articles?
 21 A No.
 22 Q To your knowledge, as you sit here providing
 23 testimony under oath, to your knowledge does the
 24 City keep some type of a binder with articles?
 25 A Not to my knowledge.

15

1 Q Have you discussed any of the articles that related
 2 to the Marilyn Figueroa/John Norquist dispute with
 3 anyone within the office?
 4 A There has been discussion that it's been brought up.
 5 Q Tell me who has been involved in those discussions.
 6 A We have a, basically a daily session every day. I
 7 shouldn't say every day but almost every day at the
 8 very beginning of the day. You know, it's just kind
 9 of so people can touch base what's going on, you
 10 know, these are issues that are out. At any given
 11 time all the staff may be there, not the support
 12 staff, but all the staff may be there, or there may
 13 be people at meetings and not there. So I mean it
 14 changes every day.
 15 Depending on what was in the paper, it would
 16 often be said did you read the paper? Yeah.
 17 Sometimes it would be discussed, sometimes it would
 18 be just on to the next issue.
 19 Q And in these staff meetings that you are referring
 20 to, has this been the practice since you have been
 21 working for Mayor Norquist to have daily sessions as
 22 you put it?
 23 A No.
 24 Q When did these daily sessions begin?
 25 A I think we tried -- it's not, it's not clear to me,

16

1 individual who has made any statements regarding
 2 Ms. Figueroa's conduct as it pertains to the alleged
 3 relationship that the Mayor claims took place before
 4 she left? Do you want that question read back?
 5 A Please.
 6 (Question read)
 7 A Are you asking me conduct prior to her departure?
 8 Q Well, let's talk about that first, yes.
 9 A I don't recall. I mean I want to -- there has been
 10 reference to what has played in the articles. And
 11 if an article would make some comment or make some
 12 reference, it could have been raised. I don't know
 13 that -- I could not tell you specifically that it
 14 was raised.
 15 Q Well, let me be more specific. Since January 4th of
 16 the year 2000, the day Marilyn apparently left her
 17 job with the City to the present, do you know anyone
 18 who has attended any of these daily sessions who has
 19 challenged Marilyn Figueroa's claims she has made
 20 against the Mayor?
 21 A Challenged? Explain -- I don't understand what
 22 you're asking me.
 23 Q What I want to know, do you know anyone within this
 24 group that may have challenged or questioned
 25 Marilyn Figueroa's truthfulness or veracity?

21

1 these meetings, and when I say anyone, that includes
 2 the Mayor, do you know if anyone who has attended
 3 any of these daily sessions has specifically
 4 challenged any of the allegations that she has made
 5 against Mayor Norquist in her complaints,
 6 specifically?
 7 A You're asking me --
 8 MR. ARELLANO: Let me ask you to
 9 read that question back.
 10 (Question read)
 11 A Not specifically. I think there is a general, there
 12 has been general comments that finds -- that
 13 people -- not -- I can't tell you someone specific
 14 because I could not say this specifically happened.
 15 But that it would be difficult to say that we were
 16 believing everything that was being printed.
 17 Q All right. Do you recall whether any of the
 18 following individuals has attended any of the daily
 19 sessions that we are discussing this morning since
 20 January 4th to the present? And I want to name
 21 them. Mr. Bill Christofferson, has he attended any
 22 of those daily sessions since January 4th --
 23 A No.
 24 Q -- of 2000?
 25 A No.

23

1 A I don't -- I don't -- I could not tell you someone
 2 specific. But I would believe or --
 3 Q I want you to tell me if someone did.
 4 A I cannot tell you someone did specifically.
 5 Q All right. Do you recall any member that has
 6 participated in these sessions, including you, who
 7 has accused Marilyn of lying with respect to the
 8 allegations that she has made against the Mayor?
 9 A I know I personally have a hard time believing the
 10 allegations.
 11 Q That wasn't my question.
 12 A I'm sorry.
 13 Q Just pay attention to my question.
 14 A Okay.
 15 Q Do you know anyone, including you, who has accused
 16 Marilyn Figueroa of lying with respect to the
 17 allegations that she has made against Mayor Norquist
 18 since January 4th to this date, anyone that has
 19 attended any of those meetings?
 20 A And that's said at these meetings --
 21 Q Correct.
 22 A -- that Marilyn is lying?
 23 Q Correct.
 24 A No.
 25 Q Do you recall anyone that may have attended any of

22

1 Q Ms. Barb Candy?
 2 A No.
 3 Q Do you know Barb Candy?
 4 A I do know Barb Candy.
 5 Q Do you know Mr. Christofferson?
 6 A Yes, I do.
 7 Q Mr. Jeffrey Hansen?
 8 A No.
 9 Q Ms. Florence Dukes?
 10 A No.
 11 Q Mr. Jeff Gillis?
 12 A No.
 13 Q Mr. Fleming?
 14 A I don't know when -- I don't know when Jeff left our
 15 employment or left the Mayor's office employment. I
 16 don't, I don't believe -- I don't know when he left
 17 our employment. I don't remember. If he was in the
 18 Mayor's office at that time, he would have been
 19 there. Had he not been there --
 20 Q When these daily sessions occurred, who schedules
 21 those sessions?
 22 A They are not scheduled. It's just kind of an
 23 understanding if you're in the office, they take
 24 place in the kind of general meeting area of the
 25 office.

24

1	come into --	1	Q How long has she been working for the City?
2	Q And obviously you're responsible for submitting any	2	A I do not know when she started.
3	expenses that he may have that would be entitled him	3	Q Who does she report to?
4	to reimbursement as well?	4	A Pat Stawicki.
5	A Correct.	5	Q Do you have any clerical assistants, any secretaries
6	Q And how often do you submit expenses? Is that a	6	that work, that help you, assist you in any way?
7	specific period of time that expenses are to be	7	A I have a person who's not -- I don't know what their
8	submitted?	8	rank, I don't know what their title is. But it's
9	A I try to submit them as soon as I get the bills.	9	been -- at one point it was a full-time position.
10	Q So your practice is you get the bill, you submit	10	It was reduced to a part-time position. And that is
11	them?	11	basically for scheduling purposes.
12	A Right.	12	Q Scheduling?
13	Q Who do you submit them to? Payroll?	13	A Phone calls, gathering information.
14	A Are we talking the City paid?	14	Q She works strictly for you?
15	Q Right.	15	A She used to. She doesn't anymore.
16	A I submit them to our administrative person.	16	Q What's her name?
17	Q Who would that be?	17	A Right now it's Molly Christofferson.
18	A Pat Stawicki.	18	Q When did she start working for you?
19	Q What's Ms. Stawicki's specific title?	19	A When did she start working for me? Spring of 2000,
20	A I don't know.	20	summer of 2000. That's a guess. I don't know
21	Q Where does she work?	21	specifically, so she started working during the
22	A She works in our office.	22	summer of 2000. It was spring or summer.
23	Q Right. She works for the Mayor's office?	23	Q Did she work there before 1999?
24	A Yes.	24	A No.
25	Q Is she a clerical person?	25	Q Is she in any way related to
29		31	
1	A Yes.	1	Mr. William Christofferson?
2	Q I don't mean to belittle.	2	A It's his daughter.
3	A And payroll.	3	Q And again, are you able to tell me what her title
4	Q So she handles all the administrative paperwork?	4	was while she was working for the City?
5	A Right, purchases, office goods.	5	A Molly's?
6	Q And other than Ms. Stawicki, who else does clerical	6	Q Yes.
7	work of any kind, including administrative	7	A She still works for the City.
8	reporting, et cetera?	8	Q Oh, she's still there. What was her title when she
9	A I don't know this specifically, but I believe	9	was working for you?
10	Patty Marshall has authority to do some of that as	10	A I would not know her title. Or I don't know it.
11	well.	11	Q And today who is she working for?
12	Q Patty Marshall?	12	A Today that position has been -- she's taken on --
13	A Right.	13	it's a full-time position now. She's taken on other
14	Q She works within the Mayor's office?	14	duties as well as the piece that she did for me.
15	A Yes, she does.	15	Q So she's still connected with the Mayor's office?
16	Q How long has she been working there?	16	A Yes.
17	A I would not know. I mean quite some time.	17	Q Has Ms. Molly Christofferson ever discussed
18	Q Is there a person by the name of Delaney?	18	Marilyn Figueroa with you?
19	A Deanna Delaney.	19	A Minimally, comments in the paper. I mean what's in
20	Q Deanna Delaney?	20	the paper lately.
21	A Uh-huh. She's our receptionist.	21	Q Tell me some of the comments that she has made with
22	Q Is she working there today?	22	respect to Ms. Figueroa.
23	A Is she there today?	23	A Did you see the paper?
24	Q Is she still working for the City?	24	Q Anything else?
25	A Yes.	25	A No.
30		32	

1 believe happens in many offices at various times,
 2 coworkers will complain about other coworkers. I
 3 think it may be very specific to what's going on
 4 right at that given time. I really tried to make it
 5 a practice not to take on that information because
 6 it wasn't mine to take on.
 7 Q Now let's go back to my question. Before
 8 January 4th, 2000, before Marilyn Figueroa left, do
 9 you have any specific information from any source
 10 that led you to believe that somebody had complaints
 11 about Marilyn Figueroa's performance and/or conduct?
 12 A Specifics, no, I don't. Not that I recall.
 13 Q Any general information that you may have learned
 14 from any source regarding complaints about her
 15 performance and/or conduct?
 16 A I think it was common knowledge that Marilyn was not
 17 pleased about the environment in the office prior to
 18 that.
 19 Q Are we talking about just before she left, 1999?
 20 A I would say the fall of 1999.
 21 Q All right. Other than that, do you have any other
 22 evidence or information that would lead you to
 23 believe that someone complained about Marilyn's
 24 performance and/or conduct before she left?
 25 A Not that I can recall.

37

1 Q There has been some testimony in these proceedings
 2 that after Marilyn Figueroa left the office
 3 Mr. Soika, Mr. Christofferson, the Mayor and others
 4 met to deal with the Marilyn Figueroa problem. And
 5 I believe you may have read that in the article
 6 where the affidavit was submitted, or it was
 7 displayed; correct?
 8 A I have heard that reference, but I don't know where
 9 I've heard it. I think it might have been in the
 10 Spivack Byce most recent. I don't know that but
 11 I --
 12 Q But you learned of that fact?
 13 A Yes.
 14 Q Have you ever discussed that article with Mr. Soika
 15 or anyone within the office?
 16 A The Spivack Byce one?
 17 Q Yes.
 18 A It was common knowledge, but discussed at any
 19 length, no.
 20 Q Did you discuss it with Mr. Soika?
 21 A I said did you know it was coming and he said no.
 22 Q Did he make any comments, share any opinions about
 23 the validity of that particular article?
 24 A No.
 25 Q Did you discuss it with the Mayor?

38

1 A No.
 2 Q Now, were you aware that these meetings were going
 3 on after Marilyn Figueroa left?
 4 A No. Well, let me qualify that.
 5 Q Yeah, I just want you to be very careful.
 6 A If, if I was asked to set up a meeting with this
 7 group you speak of --
 8 Q Right.
 9 A -- I don't know that I necessarily would have known
 10 what the subject matter was.
 11 Q Do you recall whether or not after January 4th, 2000
 12 after Marilyn Figueroa left the City, whether or not
 13 you coordinated meetings that included
 14 Mr. Christofferson, Mr. Soika, the Mayor,
 15 Attorney Anne Shindell and others?
 16 A I don't recall that I did; but I don't -- I mean I
 17 could have. I would have to go back to the
 18 documents and look.
 19 Q Do you recall ever, as you sit here under oath,
 20 erasing any information from any of the calendars
 21 that have been produced pursuant to our subpoena?
 22 A No.
 23 Q Do you recall ever marking or blacking out any
 24 aspect of the calendars that we have requested from
 25 the Mayor's office?

39

1 A I believe that not so much with these calendars but
 2 the computer calendars that our support staff went
 3 through and blocked out like doctors' names or phone
 4 numbers. I don't -- I don't know if they were
 5 successful at doing that because I never went back
 6 through them again.
 7 Q Which staff was responsible for gathering all of the
 8 information that you're referring to?
 9 A Making these copies, is that what you're asking me?
 10 Q Correct.
 11 A I believed it was a shared responsibility from our
 12 support staff.
 13 Q And the support staff would include who?
 14 A Pat Stawicki, Patty Marshall, Linda Huerta, and I
 15 don't know whether Deanna Delaney did any copies or
 16 not. I don't think she did just because of what her
 17 other responsibility is with the phone.
 18 Q With respect to the alleged meetings Mr. Soika
 19 claims took place after January 4th of 2000
 20 regarding Marilyn Figueroa, did you ever attend any
 21 meetings where Marilyn Figueroa was discussed?
 22 A No, I did not.
 23 Q Are you familiar with Attorney Anne Shindell?
 24 A Yes, I am.
 25 Q After Marilyn Figueroa left on January 4th of 2000,

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<p>1 tell me what you remember so tomorrow when I depose</p> <p>2 somebody else they don't say, ahhh, she was there.</p> <p>3 Yes, she did this. Okay? So you're better off</p> <p>4 telling me as much as you can try to remember. Is</p> <p>5 that okay?</p> <p>6 A Okay.</p> <p>7 Q All right. Again, I asked you a question and I'm</p> <p>8 sorry, I may have interrupted you. I asked you a</p> <p>9 question as to whether or not you ever saw</p> <p>10 Attorney Anne Shindell meeting with the Mayor at his</p> <p>11 office.</p> <p>12 A I believe she was in the office once.</p> <p>13 Q Did there come a time when you learned that</p> <p>14 Marilyn Figueroa had hired Attorney Pedro Colon?</p> <p>15 A Yes. Well, I don't know that she hired him, but I</p> <p>16 had heard about that.</p> <p>17 Q Well, have you heard any -- do you have any</p> <p>18 information that, from any source that her</p> <p>19 attorney-client relationship with Mr. Colon has been</p> <p>20 questioned?</p> <p>21 A No.</p> <p>22 Q Is there a reason why you reacted and said to me I</p> <p>23 don't know if she hired him but I know --</p> <p>24 A Well, I know she's a personal -- my understanding is</p> <p>25 that Marilyn is a personal friend of Mr. Colon's.</p> <p style="text-align: center;">45</p>	<p>1 Q Do you think that if somebody lies under oath should</p> <p>2 be referred to the district attorney?</p> <p>3 A I don't think that's a good thing to do.</p> <p>4 Q Which one?</p> <p>5 A Lying under oath.</p> <p>6 Q My question is do you believe that somebody that</p> <p>7 lies under oath should be referred to the district</p> <p>8 attorney for perjury?</p> <p>9 A I don't know that that's the process. I don't know</p> <p>10 if that's where they would go.</p> <p>11 Q That's where they would go.</p> <p>12 A Okay. So if that's the process, yeah.</p> <p>13 Q All right. Now, let me ask you a couple things that</p> <p>14 I forgot to ask you. Have you told me everything</p> <p>15 that you have reviewed as far as documents, records?</p> <p>16 A To the best of my knowledge.</p> <p>17 Q The records that have been produced which constitute</p> <p>18 as I understand the calendars of Mayor Norquist; is</p> <p>19 that correct?</p> <p>20 A Correct.</p> <p>21 Q Did you review these records before they were copied</p> <p>22 for my review?</p> <p>23 A I looked at some of them. I tired of it because</p> <p>24 there's so many of it.</p> <p>25 Q Which ones did you look at, what aspect, what year?</p> <p style="text-align: center;">47</p>
<p>1 Q How did you learn that fact?</p> <p>2 A I think she told me that.</p> <p>3 Q Okay, good. Did there come a time also when you</p> <p>4 learned that Mr. Colon was referred to the District</p> <p>5 Attorney's Office?</p> <p>6 A Yes.</p> <p>7 Q Do you recall when you learned of that fact?</p> <p>8 A No, I don't recall when that was. I know it was --</p> <p>9 I don't recall specifically when that was.</p> <p>10 Q Do you know what was the reason for referring</p> <p>11 Attorney Colon to the District Attorney's Office?</p> <p>12 A At this point I know that there was some question</p> <p>13 about payment of something on trying to settle the</p> <p>14 case, or settle the issue.</p> <p>15 Q Where did you learn that information?</p> <p>16 A I don't know. I don't -- I don't know if it was</p> <p>17 something I read. I don't know if it's some comment</p> <p>18 that somebody made. But I had some knowledge of</p> <p>19 that.</p> <p>20 Q Do you have an opinion as to the, as to whether or</p> <p>21 not referring Mr. Colon to the District Attorney's</p> <p>22 Office was the proper thing to do on behalf, on the</p> <p>23 part of the Mayor?</p> <p>24 A I have no opinion on that. I don't know the</p> <p>25 specifics to have an opinion on it.</p> <p style="text-align: center;">46</p>	<p>1 A I wouldn't even be able to tell you. Probably the</p> <p>2 most recent.</p> <p>3 Q Most recent being what year?</p> <p>4 A Being like 2000 and '99.</p> <p>5 Q Was there anything in those records, 1999, that you</p> <p>6 felt the need to remove?</p> <p>7 A I didn't remove anything.</p> <p>8 Q To black out?</p> <p>9 A No. Other -- I mean I don't know what we spoke of</p> <p>10 the support staff doing, you know, phone numbers.</p> <p>11 Q With respect to the 1999 and 2000, was there</p> <p>12 anything specific that you were looking for?</p> <p>13 A No.</p> <p>14 Q Did you in any way discuss any of the calendar</p> <p>15 records that have been produced for my review with</p> <p>16 Mayor Norquist?</p> <p>17 A No.</p> <p>18 Q Do you know, do you have any information as to</p> <p>19 whether or not Mayor Norquist reviewed any of these</p> <p>20 calendars before they were produced for my review?</p> <p>21 A I don't know that. I'm not aware of it, but I don't</p> <p>22 know.</p> <p>23 Q With respect to these daily sessions that are held</p> <p>24 by Mr. Soika, I just want to ask you an additional</p> <p>25 question. Do you recall anyone that may have</p> <p style="text-align: center;">48</p>

1 A I believe I learned that from Mr. Soika. What I
2 don't know is when that was.
3 Q But before that you stated I know it was not
4 immediately after she left.
5 A Correct.
6 Q If you don't know when you learned from Mr. Soika
7 that Marilyn Figueroa was going to file a complaint,
8 how are you able to tell me that it was not
9 immediately after Marilyn Figueroa left?
10 A Because I know that immediately after Marilyn left
11 there was question do you know what's going on with
12 Marilyn. And it was always no, I haven't heard.
13 Q So if it was not immediately, when do you think you
14 may have learned that she was going to be filing a
15 discrimination complaint from Mr. Soika?
16 A I can't answer that question because I don't even --
17 Q Days, weeks, months after she left? At some point
18 you learned; correct?
19 A Yes.
20 Q But are you able to put it into some type of time?
21 A I can't answer that. I know it was after -- I mean
22 it was obviously after her sister called the office.
23 Q That you learned that fact?
24 A Yes.
25 Q From Mr. Soika?

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1 A I can't say it was specifically from Mike. I
2 believe it was, but I can't say specifically it was
3 and at what point. I can't imagine anyone else
4 saying that to me.
5 Q Well, let's see if we can help you to refresh your
6 recollection. Do you know exactly when
7 Marilyn Figueroa left the City?
8 A I do now.
9 Q Did you know back then? Did you know in the year
10 2000?
11 A Did I know that on January 4th that that was her
12 last day? No.
13 Q Do you have a clear picture as to whether or not you
14 saw Marilyn Figueroa at work on January 4th?
15 A No.
16 Q Do you have any clue or image of having seen
17 Marilyn Figueroa in the office on January 4th?
18 A No, I don't.
19 Q So therefore you would not know if she was there in
20 the morning, in the afternoon or at night?
21 A I do not know.
22 Q Do you recall January 4th?
23 A Not particularly.
24 Q So if I were to ask you to describe what happened on
25 January 4th, you would not be able to tell me?

54

1 A No.
2 Q Are there any records that would help you to refresh
3 your recollection as to what happened on
4 January 4th?
5 A I could look at the Mayor's calendar on January 4th.
6 I would have to go from what was on that calendar to
7 see if that would --
8 Q Refresh your recollection?
9 A Refresh anything. But that's, I mean that's very --
10 the calendar is one thing, but what occurred in the
11 office --
12 Q And I don't want to torture you on that issue. If
13 you tell me, and I think you already did under oath,
14 that you are not able to describe what happened in
15 the office on January 4th; true?
16 A That's true.
17 Q And similarly, I suspect you're not able to identify
18 who was in the office on January 4th?
19 A I couldn't do that.
20 Q And if there is any record or document that could
21 help you to make any possible sense of what happened
22 on January 4th, the only item that you could refer
23 to would be the calendar?
24 A Correct.
25 Q Is that correct?

55

1 A That's correct.
2 Q Did you as a matter of practice keep track of the
3 times when the Mayor was in or out of the office?
4 And I just want you to understand my question. In
5 other words, did you keep a record of the Mayor's
6 absenteeism from the office?
7 A No.
8 Q So is it fair and accurate to say so I can move into
9 some other subjects, is it fair and accurate to say
10 that the calendar will only tell us the Mayor's
11 activities for a given day?
12 A The calendar would tell us the Mayor's activities
13 for -- what we have here -- do you want to hear this
14 process?
15 Q Yes.
16 A Will this help you?
17 Q That's why we asked you to come here. Go ahead.
18 A Okay. These calendars I write in. These are the
19 handwritten calendars. They change. They change
20 often. What goes on after this calendar is that I
21 produce a computer -- a word processed calendar. I
22 do that every night, or I mean I do that every
23 afternoon. There can be much different from here to
24 there.
25 Q Why is that?

56

1 Q Do you know who, if anyone, cleaned her computer?
 2 A No, I don't know.
 3 Q Do you know if anyone found any personal items in
 4 her work area?
 5 A I know there are personal items, and I believe
 6 they're still in the vault.
 7 Q Do you know, how do you know that there are personal
 8 items that belong to Marilyn Figueroa?
 9 A A support staff person told me that.
 10 Q What did they tell you was left in
 11 Marilyn Figueroa's area after she left?
 12 A They didn't tell me specifically what it was, but
 13 they said they had items.
 14 Q You have not seen those?
 15 A I haven't looked at them.
 16 Q Did Marilyn -- I have never been at City Hall, and
 17 my chances of getting there lately will be pretty
 18 dim unless I want to come and see some of the
 19 original records you have. But did Marilyn Figueroa
 20 work at a closed office or was she working out of a
 21 cubicle?
 22 A No. It was a closed, I mean it was an office room.
 23 Q Closed office, okay. Was she always at the same
 24 site all the time during all of the years that she
 25 worked for the Mayor, in other words, her location?

61

1 A I don't -- I don't know, but I don't think so.
 2 Q Let me ask you, and I'm not going to hold you to
 3 great art, but I want you to draw in this
 4 particular, a sketch right here of where Marilyn was
 5 located. How is the diagram of the office, where
 6 was Marilyn's location, where was your location,
 7 where was the Mayor's location? Let's talk about
 8 1999, the year 2000. Take your time. This may turn
 9 out into a big frame.
 10 A Yeah. This is not to scale at all.
 11 Q That's all right. You don't want to see my drawing.
 12 A Okay. Can we -- if this is a hall, this is over
 13 here more, and there's a door here and a door here
 14 and a door here, okay?
 15 Q All right.
 16 A Does this make some sense to you?
 17 Q Well, let's do this.
 18 MR. ARELLANO: Let me ask the
 19 professional reporter to find a clear space
 20 right in the center to identify this as an
 21 exhibit.
 22 (Exhibit No. 3 marked for
 23 identification)
 24 Q Let me share my pen with you.
 25 A Okay.

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1 Q In looking at Exhibit 3, obviously understanding
 2 that we're not going to hold you to this
 3 blueprint --
 4 A Okay.
 5 Q -- with exactitude, can you tell me where the
 6 Mayor's office would be?
 7 A Over here.
 8 Q Can you write down JN. All right. And where would
 9 Marilyn Figueroa's office would be?
 10 A Here. There's an office here. I mean that's -- I
 11 just don't know who was in there at that point.
 12 Q And I notice that there is a large space in the
 13 center. Is this an open space?
 14 A Yeah.
 15 Q And by looking at what you have here --
 16 A This is kind of a jut out here.
 17 Q Okay.
 18 A And it kind of goes like that.
 19 Q And then you have somebody in the far left in the
 20 lower area?
 21 A This is media. Media's always been back there.
 22 Q Media?
 23 A Like Steve Filmánowicz or before Steve Jeff Fleming
 24 was in there.
 25 Q Is he one of the staff assistants to the Mayor?

63

1 A Yeah. And there's an office here.
 2 Q All right. And then Ms. Figueroa would be next?
 3 A Right.
 4 Q Is that right?
 5 A Yeah.
 6 Q And there was an office next to Ms. Figueroa?
 7 A Right.
 8 Q Do you know who would that person be?
 9 A I think when Marilyn was there that that was
 10 Brenda Wood.
 11 Q Why don't you write down Brenda Wood.
 12 A This is a rest room.
 13 Q And any other staff assistants that you can --
 14 A This is Soika's office, Jacquart, and this is now
 15 Steve, but I think when Marilyn was there it was
 16 Mike Miller.
 17 Q Miller. Is Mr. Miller still working for the Mayor?
 18 A He works for the City. He's not in the Mayor's
 19 office.
 20 Q When did he stop working for the Mayor's office?
 21 A I don't know.
 22 Q You have no idea. Was he transferred by the Mayor?
 23 A No. This is something that he wanted.
 24 Q He wanted to get out of the Mayor's office?
 25 A No. He wanted another position.

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1 A If I'm there, they say I need to speak with the
 2 Mayor. And if he's available, it's like okay.
 3 Q But they, usually as a matter of practice they do
 4 kind of check with you in deference to you; is that
 5 correct?
 6 A Probably.
 7 Q Well, I just want to know how the practice is.
 8 A Yeah.
 9 Q And I certainly would not say hey, I don't care --
 10 A Now, if there's something going on that they would
 11 say be meeting with the chief of staff or somebody
 12 here, that's not to say that they would not go in
 13 through the other door just because of the
 14 convenience.
 15 Q I understand that. In other words, the other door
 16 can also be used?
 17 A Right.
 18 Q But based on your recollection, most of the staff --
 19 A Correct.
 20 Q -- in deference to you do go through the --
 21 A That's correct.
 22 Q -- the door where you can basically notify the Mayor
 23 somebody wants to see you?
 24 A Right.
 25 Q Is that correct? Including the staff?

69

1 A Correct.
 2 Q What about the chief of staff? Does he also clear
 3 with you when he wants to talk to the Mayor?
 4 A Not really -- I mean if he's asking for a specific
 5 meeting with other players or with other
 6 participants, probably because we would have to
 7 organize it. But if he has something that he just
 8 needs to talk with the Mayor about --
 9 Q He can just walk in?
 10 A Right.
 11 Q Now, based on your description of the practice, is
 12 it fair and accurate to say that 99 percent of the
 13 times they usually go through the door where you can
 14 basically see them and clear them?
 15 A 99 is probably high. I would say probably more like
 16 90.
 17 Q I thought you were going to give me 98 and a half.
 18 A No, no.
 19 Q So that is basically the practice; right?
 20 A That's the practice.
 21 Q All right, very good. And I suspect most people
 22 that want to come and talk to the Mayor who are not
 23 members of the staff, they do have to clear with you
 24 through an appointment?
 25 A Correct.

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1 Q Is that correct? Do you know any member of the
 2 staff, including Ms. Figueroa but exempting the
 3 chief of staff, do you know any member of the
 4 regular staff that would not have to clear with you
 5 whenever they wanted to see the Mayor as a matter of
 6 practice?
 7 A The Mayor has a very open door policy. Staff does
 8 not have to set a scheduled meeting to see the
 9 Mayor. I mean if they have something that the Mayor
 10 needs to be aware of, then if I'm there, I'm sure
 11 they would say can I go in and see the Mayor. But
 12 I'm not here all the time.
 13 Q I understand that. I'm only talking when you are
 14 present.
 15 A Okay.
 16 Q In 1999 do you recall any staff member that didn't
 17 have to clear with you in order to see the Mayor?
 18 A I'm uncomfortable with the language you're using.
 19 Q Okay.
 20 A I did not tell a staff person if they could see the
 21 Mayor or if they could not see the Mayor.
 22 Q No. What I'm saying, anyone that would just walk in
 23 without asking you can I see the Mayor.
 24 A I would have staff people come through, keep walking
 25 and say I need to see the Mayor and just keep

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1 walking.
 2 Q All right. In other words, do you recall any one
 3 specific person that felt more privilege than
 4 others --
 5 A No.
 6 Q -- for purposes of seeing the Mayor?
 7 A No, no.
 8 Q Including Ms. Figueroa?
 9 A No.
 10 Q How long did you work with Marilyn Figueroa?
 11 A Her entire time that she was at the City I was in
 12 the Mayor's office. Or I should say her entire time
 13 that she was in the Mayor's office I was in the
 14 Mayor's office.
 15 Q So we're talking what, roughly 10 years?
 16 A That I've been there?
 17 Q Correct.
 18 A I've been there since '88.
 19 Q 1988?
 20 A Uh-huh.
 21 Q Where did you work before?
 22 A I was in the Capitol, the State Capitol before that.
 23 I worked for John Norquist as a state senator.
 24 Q How long did you work for Mr. Norquist when he was
 25 senator?

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1 Q When Marilyn Figueroa worked for the City of
 2 Milwaukee before January 4th of the year 2000, did
 3 anyone ever during that entire period from the time
 4 she started until she left on January 4th of the
 5 year 2000, did anyone ever raise any questions with
 6 respect to how she related to the Mayor?
 7 A No.
 8 Q Any questions about how the Mayor related to
 9 Marilyn Figueroa?
 10 A No, not that I recall.
 11 Q Do you recall any one time when you sensed anything
 12 unusual in the way Mayor Norquist and
 13 Marilyn Figueroa related towards each other?
 14 A No.
 15 Q When Marilyn Figueroa worked for the Mayor's office,
 16 do you recall how your working relationship was with
 17 Marilyn Figueroa? How would you describe it?
 18 A I would describe it very similar to other staff
 19 people.
 20 Q Which is?
 21 A Some days it would be really good and we would be
 22 connecting and things would go pretty smooth, and
 23 then there would be that occasional one that it
 24 didn't. But I didn't -- it was -- it didn't seem to
 25 be anything unusual.

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1 Q The periods when you felt that there was a problem
 2 with connecting, can you illustrate some of them?
 3 Can you tell me some examples?
 4 A I don't know that I have specifics. I don't have
 5 specifics.
 6 Q After January 4th of the year 2000, did you ever
 7 discuss with Mayor Norquist anything related to his
 8 version of a consensual relationship with
 9 Marilyn Figueroa?
 10 A No.
 11 Q Have you ever been present when Mayor Norquist has
 12 described his alleged relationship with
 13 Marilyn Figueroa?
 14 A No.
 15 Q You testified that it was everyone within the
 16 office, it was the perception of the staff that in
 17 late 1999, I believe that's what you said,
 18 Marilyn Figueroa was not happy?
 19 A Correct.
 20 Q Is that right? Do you recall ever discussing with
 21 Marilyn Figueroa anything related to that
 22 unhappiness that you observed?
 23 A No. I don't recall that.
 24 Q Do you know if anyone ever discussed with
 25 Marilyn Figueroa anything related to that

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1 unhappiness that you're referencing here today?
 2 A Not that I'm aware of.
 3 Q As you sit here today, did you ever develop an
 4 opinion back then in 1999, late 1999, did you ever
 5 develop an opinion as to what may have been causing
 6 Marilyn's unhappiness?
 7 A No.
 8 Q Did you ever discuss with the Mayor your
 9 observations regarding Marilyn's unhappiness in
 10 1999?
 11 A Not that I recall.
 12 Q Do you know -- strike that. Do you have any
 13 information from any of the staff members that may
 14 have shared with you opinions about Marilyn's
 15 unhappiness or what was causing such unhappiness?
 16 A No.
 17 Q In 1999 during that period that you described
 18 Marilyn being unhappy, can you please describe for
 19 me and for the record how you would characterize her
 20 unhappiness?
 21 A My understanding was that she was unhappy with the,
 22 my understanding is that she had concerns with what
 23 other people were doing in the office. And that
 24 when Mike Soika came in, his goal -- and I can't
 25 speak for Mike, but I thought one of his goals was

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1 to have work or issues that people wanted to do and
 2 enjoyed doing, you know, to connect those with --
 3 connect those issues with the people who wanted to
 4 do them. So I guess I made the assumption it was
 5 about work distribution or work projects.
 6 Q On what did you base such an assumption with respect
 7 to Marilyn Figueroa's unhappiness?
 8 A Well, because shortly after Mike came in we had a
 9 large staff meeting, or I mean it was a staff
 10 meeting that we sat through and they went through,
 11 you know, specific subject areas and who, with the
 12 entire staff, I think the entire staff was there,
 13 about who wanted to do what, you know, what areas
 14 were they really interested in and, you know, who
 15 would share those responsibilities and that type of
 16 process.
 17 Q Still I'm at a loss as to did you ever hear Marilyn
 18 complain about anything? I'm just trying to
 19 understand how you reconcile or connect --
 20 A Well, I made the assumption that she had concerns
 21 about it because that's what we did shortly after
 22 Soika came in. Or I should say that's what the
 23 staff assistants did shortly after he came in.
 24 Q And I understand you told me twice that you made
 25 that assumption. But my question is did you ever

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1 Mike Soika came in and we did the re, you know,
 2 reorganization. That was part of it.
 3 Q Well, did you ever see her sad in the office in
 4 1999?
 5 A Do I what?
 6 Q Did you ever see her sad?
 7 A No.
 8 Q Did you ever see her cry in the office in late 1999?
 9 A Not that I recall.
 10 Q Did you ever see her cry at all during the 10 years
 11 that she worked there?
 12 A No. I don't remember ever seeing her cry.
 13 Q Did she ever complain to you about not feeling well
 14 at all while she was in the office?
 15 A I know that she had, and I can't tell you when this
 16 is because I don't know, but I know she had
 17 something happen because the fire department ended
 18 up coming to her, I mean -- she passed out or she
 19 was dizzy.
 20 Q Do you recall when that was?
 21 A No, I don't.
 22 Q Was that in 1998?
 23 A I don't know when that was.
 24 (Discussion off the record)
 25 (Recess)

85

1 By Mr. Arellano: (Continuing)
 2 Q Ma'am, you testified previously that it was
 3 customary or the practice was to have the Mayor's
 4 office, the door open whenever someone met with him;
 5 is that correct?
 6 A That was a common practice.
 7 Q Do you recall ever seeing the door closed when
 8 Marilyn Figueroa was inside his office?
 9 A I don't recall that.
 10 Q Do you recall ever seeing Mayor Norquist in
 11 Marilyn's office?
 12 A In Marilyn -- the Mayor in Marilyn's office?
 13 Q Correct.
 14 A Yes.
 15 Q And did you ever make gestures to Marilyn behind the
 16 Mayor's back while she was meeting with the Mayor at
 17 her office?
 18 A Not that I know -- I mean if I was trying to get him
 19 out of the office?
 20 Q Correct.
 21 A Like another meeting, a phone call?
 22 Q Well, I don't know. Did you ever make any type of
 23 gestures?
 24 A I don't recall that, but it is not uncommon for me
 25 to try to like, like speed it up, we've got to go

86

1 kind of thing.
 2 Q Do you recall any one time when the Mayor asked you
 3 to go and get Marilyn and bring her into his office?
 4 A No.
 5 Q At any point?
 6 A No.
 7 Q Do you recall ever calling Marilyn and saying the
 8 Mayor wants to see you?
 9 A I don't recall doing that, but I would often do that
 10 with staff.
 11 Q Do you recall Marilyn telling you that, or showing
 12 any resistance whenever that happened, telling you
 13 what does he want, wait, I don't like to be in his
 14 office, anything of that nature?
 15 A I don't recall a specific when Marilyn asked me what
 16 he would want, but again, if it was a staffer coming
 17 in to meet the Mayor, or the Mayor asking or -- I
 18 would often know the Mayor said I would want to talk
 19 about.
 20 Q Well, ma'am, I'm talking about specifically did you
 21 ever sense that Marilyn was hesitant or resisting
 22 going into the Mayor's office alone?
 23 A Not that I recall.
 24 Q And is it your testimony that during the time that
 25 she worked for the Mayor she never confided in you

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1 that she didn't like to be alone with the Mayor?
 2 A Not that she didn't like to be alone with the Mayor,
 3 that's correct.
 4 Q Is it your sworn testimony here today that she told
 5 you that she -- she never told you that the Mayor
 6 was calling her a little too much?
 7 A I don't recall her specifically telling me that. I
 8 do know that the Mayor does call staff people. He's
 9 called me. He calls other people. I don't know
 10 what too much would be.
 11 Q Well, do you recall the Mayor calling
 12 Marilyn Figueroa more than during work hours?
 13 A No.
 14 Q Did you know that the Mayor would call Marilyn at
 15 her home?
 16 A I didn't know that. I'm not surprised by that.
 17 Q Well, did Marilyn ever tell you that he was calling
 18 her home a little too much?
 19 A Marilyn told me that he would call her at home. I
 20 do not recall her saying he would call too much.
 21 Q When she told you that he would call at home, did
 22 she tell you that she didn't like that?
 23 A No.
 24 Q When she told you that, did she show any type of
 25 disagreement with that kind of practice?

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1 Q Did Mr. Christofferson tell you that?
 2 A I don't know who told me that.
 3 Q Did they tell you when she was supposed to start her
 4 part-time job?
 5 A No.
 6 Q Did Mike Soika tell you that?
 7 A I don't know.
 8 Q What about Barb Candy?
 9 A I don't know.
 10 Q Did Marilyn tell you that?
 11 A I don't know who told me.
 12 Q I understand you don't remember or don't know about
 13 90 percent of my questions, but I want you to
 14 think --
 15 MR. SCHRIMPF: I'm going to object
 16 to that, counsel.
 17 Q Where did you learn this information that Marilyn
 18 was going to work part-time for the campaign?
 19 A I can't answer that question because I don't know.
 20 Q When the staff worked on Mayor Norquist's campaign,
 21 who coordinated their campaign work?
 22 A Often what would happen, or if it would happen is
 23 that there would be like a sheet of paper that would
 24 float around the office. You know, sign up when you
 25 can work kind of thing.

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1 Q And where would that sheet of paper be?
 2 A You mean did it have a central location?
 3 Q Correct.
 4 A No.
 5 Q Do you know any member of Mayor Norquist's staff
 6 that did not work in his political campaign?
 7 A I don't know that -- I don't know that the support
 8 staff did, but I don't know that.
 9 Q I'm talking about the staff, the Mayor assistants.
 10 A Staff assistants?
 11 Q Right. Do you know that did not work on Mayor
 12 Norquist's campaign?
 13 A Not that I'm aware of, but I don't know.
 14 Q Do you know of all of the staff assistants who
 15 invested the most time working on Mayor Norquist's
 16 campaign in 1999 through April?
 17 A No, I don't know the answer.
 18 Q What is involved in a political campaign? Tell me
 19 as far as, as generating interest in the political
 20 campaign, what's involved? Fund raisers?
 21 A Fund raisers are involved.
 22 Q Phone calls to people?
 23 A Phone calls are involved.
 24 Q Pamphlets, literature?
 25 A Literature.

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1 Q Knocking on doors?
 2 A Knocking on doors.
 3 Q Developing list of contributors; true?
 4 A Well, that would go with the fund raising piece of
 5 it.
 6 Q And to your knowledge, did the assistants to the
 7 Mayor work in all of these activities?
 8 A I think they may have worked in some of them at
 9 various times.
 10 Q Do you know which political activities were assigned
 11 to Marilyn Figueroa?
 12 A No.
 13 Q When Marilyn Figueroa would spend substantial amount
 14 of time in political work, how was she compensated
 15 for her time?
 16 A I don't know that.
 17 Q Do you know if she was allowed to take comp time or
 18 vacation in order to work on the political campaign?
 19 A I don't know.
 20 Q Who would know?
 21 A I would assume it was whatever arrangement was made,
 22 but I wasn't privy to that information.
 23 Q I'm asking you if there is a practice within the
 24 Mayor's office to deal with time that is spent in
 25 his political campaign.

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1 A If somebody takes a sizable -- you know, a day, a
 2 half a day, if they take that time, they are
 3 expected to use vacation time. I mean if there's --
 4 the intent is to not use City time for the campaign.
 5 Q But if they take vacation time, how are they
 6 compensated for that vacation time that they take?
 7 A I don't know that they are.
 8 Q Who keeps track of -- are they required to report
 9 when they take vacation time and work -- for
 10 purposes of working at the political campaign?
 11 A Not that I'm aware of.
 12 Q So obviously if people took a day or two or a week,
 13 that would be reflected in the vacation time
 14 records; true?
 15 A I would assume that.
 16 Q Is that correct?
 17 A I assume that.
 18 Q Do you know if staff assistants as one of their
 19 benefits are allowed to take comp time? Forget
 20 about the political campaign for a second, just
 21 whether or not the Mayor's office uses comp time as
 22 one of the benefits to its employees?
 23 A I don't know if there is a practice of that. I do
 24 know that we have in the past, I don't know that
 25 it's happening currently now, but in the past if we

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1 A Correct.
 2 Q You remember the date?
 3 A No.
 4 Q You don't even remember if you ever said that to
 5 Marilyn?
 6 A Correct.
 7 Q Now, what specific -- specifically what is your
 8 contention with respect to that statement that you
 9 are referring to that nobody refuses the Mayor?
 10 What is your contention? That you didn't say it or
 11 that the Mayor is not the type of person that would
 12 get upset if somebody refuses him?
 13 A I don't know what you're asking me.
 14 Q I'm trying to understand what is your contention
 15 with respect to that statement that is attributed to
 16 Marilyn Figueroa, nobody refuses the Mayor? What is
 17 your contention with that statement that is
 18 attributed to you?
 19 A I, if my memory serves me correctly, in reading that
 20 I thought that there was some implication that there
 21 was some -- that I had the knowledge that there was
 22 something sexual going on there. And that Marilyn
 23 could not refuse to meet with him. And that is not
 24 accurate.
 25 Q If it had sexual connotations, that would not be

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1 accurate?
 2 A That is correct.
 3 Q That would be the only contention that you have;
 4 true?
 5 A Well, other than that I don't specifically remember
 6 saying that.
 7 Q All right, all right. Now, do you know Barb Candy
 8 well?
 9 A I've known her for many years, a number of years.
 10 Q Have you ever socialized with Ms. Candy?
 11 A Outside of the campaign political arena, no.
 12 Q Do you consider Ms. Candy a respectable, truthful
 13 individual?
 14 A Yes.
 15 Q Do you think she's got a good reputation in the
 16 community, just based on what you have heard?
 17 A As far as I know.
 18 Q Have you ever known Ms. Candy to lie or not tell the
 19 truth?
 20 A No.
 21 Q Ms. Candy testified under oath that she is of the
 22 opinion that the Mayor can get pretty upset, let me
 23 put it in these words, not necessarily her words, if
 24 somebody crosses him. Do you believe that the Mayor
 25 can get upset if somebody crosses him, based on the

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1 number of years that you have known him?
 2 A Can you explain to me what you mean by crossing him
 3 and also what, like he's verbally angry or what do
 4 you mean by upset?
 5 Q Well, he can take some actions against people,
 6 job-wise or --
 7 A I would disagree with that.
 8 Q Is that right?
 9 A He does -- he does get verbally upset, or he will if
 10 something happens.
 11 Q To the point where he swears? Have you ever heard
 12 him swear?
 13 A I've heard him swear but --
 14 Q And when he gets verbally upset, can you see that
 15 he's upset?
 16 A Yes.
 17 Q He raises his voice when he's upset?
 18 A Sometimes.
 19 Q Pounds on the table when he's upset?
 20 A Sometimes.
 21 Q Uses the four letter words when he's upset?
 22 A Sometimes.
 23 Q What's the most upset you've ever seen him during
 24 the years that you've been working for him?
 25 A I don't -- I don't know the most upset. I couldn't

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1 say.
 2 Q Well, when he has used vulgar language, is that when
 3 he gets really upset, or is it easy for him to use
 4 vulgar language in the workplace?
 5 A I don't want to say that it's easy for him to use
 6 that but I don't --
 7 Q I'm just trying to get some sort of scenario here.
 8 At what point does his anger raise to the level
 9 where he swears? Is it when he's really upset?
 10 A Well, I would say if he's going to swear, he's going
 11 to be upset.
 12 Q All right. But is it your opinion, based on the
 13 years that you have known him, that if somebody
 14 crosses him he's not going to take retaliatory
 15 action against them?
 16 A I believe that that's a common rumor. I have heard
 17 that rumor about him. When people say that, I ask
 18 them specifically what are you speaking of. No one
 19 has specifically ever given me a response, you know.
 20 Q When was the last time that somebody made that rumor
 21 that was subject to your questioning?
 22 A Well, there was a newspaper article, and I don't
 23 remember when that was. It was like I want to say
 24 in the last six months, you know, implying that
 25 he's -- I don't -- I can't find the words I'm

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1 (Question read)
 2 A My response would have to be I don't know how she
 3 would feel that she could do the job in the office
 4 if --
 5 Q Ma'am, with you really expanding too much, the first
 6 thing I want you to tell me is did you understand
 7 the question?
 8 A I believe I do.
 9 Q And if you understood the question, I just want you
 10 to tell me yes or no. Do you believe that it would
 11 be retaliatory on the part of the City to let
 12 Marilyn go from her job in part because she intended
 13 to file a discrimination complaint against the City
 14 and Mayor Norquist? Do you believe that would be
 15 retaliatory?
 16 A By the City or by Mayor Norquist?
 17 Q Either.
 18 A I don't see it as being retaliatory.
 19 Q You don't see letting an employee go because he or
 20 she intends to file a discrimination complaint, you
 21 don't see that retaliatory?
 22 A I don't know how she could do her job.
 23 Q No, that wasn't my question, ma'am. I just want you
 24 to listen to the facts here, to the assumed facts
 25 that I want to ask you. Do you believe that if you

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1 get fired because you intended to file an age
 2 discrimination complaint, do you believe that would
 3 be retaliatory in nature because you intended to
 4 file a complaint and you get fired? Do you think
 5 that would be retaliatory in nature?
 6 A I don't know how to answer that question.
 7 Q What is the problem? Do you believe that a person
 8 intends to file a complaint --
 9 A Can I ask a question?
 10 Q Sure.
 11 A If we remove it from the Mayor's office and the type
 12 of positions they are because they are not civil
 13 service positions, can we put it in another context?
 14 Q Well, let's put it in another context. If your
 15 husband notifies the employer that he intends to
 16 file an age discrimination complaint because he's
 17 over 40 and he gets fired because of that, do you
 18 believe that would be retaliatory in nature? Yes,
 19 no?
 20 A Yes, I would believe that would be.
 21 Q If Marilyn Figueroa was let go from her job because
 22 the Mayor and Mr. Soika learned that she was
 23 intending to file a complaint against them too, if
 24 she was let go in part because of that, do you
 25 believe that would be retaliatory?

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1 A I look at the positions in the Mayor's office.
 2 differently.
 3 Q Why do you --
 4 A I don't know when they learned of this information.
 5 Q Ma'am, I don't need you to expand. My job here is
 6 to ask you a question and you giving me an answer.
 7 I know you want to defend or advocate and I assume
 8 that because you are not responsive, so what I want
 9 you to tell me is ask you to assume that Mr. Soika
 10 and the Mayor made a decision to let Ms. Figueroa go
 11 in part because she intended to file a complaint
 12 against the Mayor and the City of Milwaukee. Do you
 13 believe that that would be retaliatory in nature if
 14 she was let go in part because she intended to file
 15 a complaint?
 16 A Just in part?
 17 Q Correct.
 18 A And she has not filed?
 19 Q Correct.
 20 A I think that that could be construed as retaliatory.
 21 Q All right.
 22 A I do not know, though, that I am -- I don't know
 23 that I'm firm with that in my mind.
 24 Q I understand. But assuming that it's construed as
 25 retaliatory and now further ask you to assume that

111

1 the Mayor was behind it, do you believe that that
 2 would be a vindictive act on his part?
 3 A With those assumptions?
 4 Q Yes.
 5 A I would believe that -- I do not see it vindictive.
 6 I do not see how the job could be performed.
 7 Q In other words, if she's going to file a
 8 discrimination complaint, it would be impossible for
 9 her to work with the Mayor's office if she's going
 10 to be suing him, is that --
 11 A I think it would be very difficult.
 12 Q Going back to my previous question, assuming that
 13 the Mayor was behind in letting her go in part
 14 because she was filing or intended to file a
 15 discrimination complaint, would that act on the part
 16 of the Mayor change your mind about his
 17 vindictiveness, your opinion of him?
 18 A Can you repeat that?
 19 Q Yes.

MR. ARELLANO: Would you please
 read that back.

(Question read)

23 A No. That would not change it.
 24 Q I didn't think so. Just to leave you alone on this
 25 issue, even if the Mayor would have been involved in

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1 A On to fill out her time card or how to fill out her
2 payroll whatever it was.
3 Q And obviously that occurred before the phone call
4 from her sister came to your attention?
5 A I don't know that.
6 Q Nevertheless, you concluded that Mr. Soika had
7 placed her on family leave based on that
8 conversation?
9 A That was my understanding. I never -- I mean I
10 didn't go any further than that.
11 Q I understand. Have you ever taken family leave?
12 A Yes.
13 Q For how long?
14 A I was on family leave when I had my daughter.
15 Q I don't mean to bring --
16 A Summer. It was like May to, I went back to work the
17 1st of September.
18 Q What year was that?
19 A '93.
20 Q And what did you have to do in order to obtain
21 family leave? What requirements did you have to
22 meet?
23 A I signed -- what requirements did I have to meet?
24 Q Right.
25 A I had a newborn. I signed the document.

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1 Q Which document?
2 A The family leave document. I don't know what it's
3 called.
4 Q It's a form that the City provides?
5 A I had to sign something.
6 Q For the City?
7 A Yes.
8 Q In order for the City to approve your family leave?
9 A Yes.
10 Q When you learned that Marilyn Figueroa was placed,
11 or at least that you concluded that she was placed
12 on family leave, did Mr. Soika or anyone within the
13 Mayor's office explain to you why she was on family
14 leave?
15 A No.
16 Q Did you know why she was on family leave?
17 A I wasn't asking. I had no reason to know.
18 Q Well, did you suspect she was sick?
19 A After the phone call that I received from her
20 sister, yes.
21 Q We'll talk about that later. I know you want to
22 talk about that. Just give me a second. From
23 January 4th until -- do you know when Marilyn was
24 let go from this job?
25 A No.

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1 Q Any idea?
2 A No. February.
3 Q From January 4th through February, do you recall
4 anyone asking you, including the Mayor, to try to
5 get ahold of Marilyn?
6 A No.
7 Q Did anyone ask you from the City, including the
8 Mayor's office, to send Marilyn any information on
9 family leave?
10 A They wouldn't have asked me.
11 Q Why is that?
12 A Because I wouldn't have been the person that would
13 even have that information.
14 Q Who would have been the person in your view?
15 A I would assume it would be Pat Stawicki.
16 Q Do you know if anyone ever sent Marilyn Figueroa any
17 information regarding family leave?
18 A I do not know that.
19 Q When you requested family leave, do you know who you
20 requested it, or who provided you with all the
21 paperwork? Where did you obtain it?
22 A I spoke with Pat Stawicki about it.
23 Q And she's the one who provided you that information?
24 A Yes.
25 Q The form that you had to sign, did your doctor have

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1 to sign that form as well?
2 A I assume so. I don't know that specific but --
3 Q Did you submit that form before you went on family
4 leave or when you returned?
5 A I believe before. I mean part of it I think was
6 before. I'm guessing. I don't know.
7 Q Well, I'll get it. I'll find out.
8 A I don't know.
9 Q I know you don't know a lot of things this morning,
10 but I just want you to try to think as closely as
11 possible.
12 MR. SCHRIMPF: Once again, I'll
13 object to that gratuitous comment, counsel.
14 MR. ARELLANO: All right, noted.
15 Q You don't recall if you obtained the family leave
16 document before you went on family leave or after?
17 That's what I want.
18 A I believe I received the information about family
19 leave before. I do not know if it needed my
20 physician's signature when that was signed and when
21 it was submitted.
22 Q Do you know how long you took as family leave?
23 A I went back -- my daughter was born on May 12th and
24 I was back -- I was working part-time through the
25 summer, and then I was officially back on the 1st of

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1 Q What else did she say when she introduced herself?
 2 A I don't think she said anything else, other than
 3 that she wanted to speak with the Mayor.
 4 Q And then what happened?
 5 A I said he wasn't available and that call ceased. I
 6 might have asked if she wanted to leave a message.
 7 I don't know if I specifically said that. I would
 8 routinely say that, but I don't know that I did.
 9 Q Have you told me everything that was exchanged
 10 during that --
 11 A That I recall.
 12 Q With respect to that first -- was there more than
 13 one call?
 14 A Then she called back, yes.
 15 Q Let's talk about the first call.
 16 A Okay.
 17 Q Did you make any notes with respect to the first
 18 call?
 19 A Not, not at that time. Not when I was taking the
 20 call.
 21 Q Did you eventually make notes --
 22 A Right.
 23 Q -- of the first call?
 24 A Of both calls.
 25 Q So the first time she identified herself as

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1 A I believe she told me it was the same person.
 2 Q And then what happened?
 3 A I
 4
 5
 6
 7
 8
 9
 10
 11
 12 Q All right. Anything else?
 13 A Not that I recall.
 14 Q How lengthy was the second call?
 15 A It wasn't -- it was quite short.
 16 Q Did you say anything?
 17 A I believe I asked how Marilyn was. But I'm -- I
 18 don't know that.
 19 Q The second call, did she identify herself?
 20 A I believe so.
 21 Q And again, what did she say? I'm Marilyn's -- what
 22 exactly did she say?
 23 A I don't recall exactly what she said. But I believe
 24 she said her name and I believe she identified
 25 herself as Marilyn's sister.

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1 Marian Rodriguez?
 2 A I believe she identified herself in the first
 3 conversation.
 4 Q Did she identify herself as anything else?
 5 A Not that I recall.
 6 Q At that point did you know who she was?
 7 A No.
 8 Q Had you ever talked to this person before?
 9 A I don't recall ever talking with her.
 10 Q And then how soon -- and that's all that was
 11 exchanged between you and this person that called?
 12 A Right.
 13 Q And then what happened next?
 14 A It was a very short time later, like minutes that
 15 the person at the front desk came back, or either
 16 called me or came back again, I don't know which it
 17 was, and said that the caller was on the phone. The
 18 same caller was on the phone.
 19 Q And again, do you recall, are we talking about the
 20 same receptionist?
 21 A I don't know.
 22 Q You don't know, all right. And did she identify who
 23 the caller was?
 24 A Did the receptionist?
 25 Q Right.

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1 Q When she finished her statement, you then responded
 2 by inquiring about Marilyn's health?
 3 A I think I asked her how she was, or if she was okay.
 4 Q And what was the response?
 5 A I don't know. I mean --
 6 Q Well, did she respond?
 7 A I don't know. I don't recall.
 8 Q She may have responded but you don't recall?
 9 A Right.
 10 Q And then what happened?
 11 A I think the conversation ceased.
 12 Q And then what did you do?
 13 A Then I called Mike Soika.
 14 Q Was the Mayor in the office that day?
 15 A He was in the office.
 16 Q Was someone talking to him?
 17 A I don't remember what he was doing.
 18 Q And --
 19 A But I called Mike and he came back and I relayed.
 20 Q What did you tell him?
 21 A Right.
 22 Q What did you tell him?
 23 A Basically what I had just, I think what I just told
 24 you. That I got the phone call. The first time she
 25 didn't leave a message. The second time she told me

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1	call.	1	off the record.
2	Q All right. How much later?	2	(Discussion off the record)
3	A Sometime that afternoon.	3	Q Let me show you quickly, ma'am, a batch of records
4	Q How much time had expired by the time he came and	4	that I've received from the City's attorneys. And
5	asked you to write it down?	5	just tell me if these are the records that pertain
6	A I don't know. I would -- it was in the afternoon.	6	to the Mayor's calendar?
7	This --	7	A These are the handwritten documents in the calendar
8	Q A couple hours, three hours, four hours?	8	for '99, 2000.
9	A Somewhere between one and four.	9	Q Okay.
10	Q It could have been three hours, two hours or so;	10	A That's the statement we spoke of.
11	true?	11	Q Okay.
12	A True.	12	A February. That's the computer generated or the
13	Q He told you to write it down; true?	13	word process calendar. This is copies of the
14	A Correct.	14	Chicago Democratic National Convention.
15	Q Did he give you any reasons as to why he wanted you	15	Q Let me force you to go back.
16	to write it down?	16	A Okay.
17	A No, he didn't.	17	Q Let's pull just the calendars for 1999 and 2000.
18	Q Did he make any statements other than telling -- I	18	Let's go with 1999 first.
19	guess I want you to tell me exactly everything he	19	A These are both years I think.
20	told you.	20	Q Can you split now 1999 and 2000?
21	A No. He just said, Ruth, I think you should write	21	A This starts in October. It starts October of '99.
22	that down so that you can recollect it and it's on	22	Q Is that 1999?
23	record. And that's -- I said okay.	23	A Yeah.
24	Q Up to that point you had no doubt that	24	Q Are you still working on 1999?
25	Marilyn Figueroa was hospitalized; true?	25	A No. This is 2000.

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1	A Correct.	1	Q Let me take a look at 1999.
2	Q Was ill for some reason?	2	A This isn't all of it.
3	A Well, at that time I knew she was in the hospital.	3	Q And that was going to be my next question. Thank
4	I didn't know why.	4	you.
5	Q She was admitted?	5	A Okay.
6	A She was admitted.	6	Q Is it fair and accurate to say that the entire year
7	Q In need of attention?	7	of 1999 is not here?
8	A Correct.	8	A That's correct.
9	Q After Mr. Soika told you to write it down, did you	9	Q It starts as of when, October?
10	have any further contact with him regarding this	10	A October 23rd, 1999.
11	matter?	11	Q And to your knowledge, do we have the rest of 1999?
12	A Not that I'm aware of.	12	A To my knowledge you do.
13	Q Did you ever report to Mayor Norquist --	13	Q Where would that be?
14	A No. I'm sorry.	14	A I think, I think that's the start. Let me just
15	Q -- your discussion -- strike that. Did you ever	15	check this one sheet.
16	report to Mr. Norquist what you reported to	16	Q I just want to put the whole 1999 together. We've
17	Mr. Soika regarding Marilyn Figueroa's sister?	17	got this which starts in October.
18	A I don't recall having any conversation with the	18	A Okay, the 20th, 21, 22, 23? Yeah.
19	Mayor about that.	19	Q All right. Thank you very much.
20	Q Have you told me everything that Mr. Soika discussed	20	A Do you want these off?
21	with you regarding that telephone call from	21	Q Yes. So this is?
22	Ms. Rodriguez?	22	A 1999.
23	A I believe I've told you everything that I recall	23	Q Starting as of January?
24	about that, yes.	24	A I think so. 3, 2, so I'm assuming this is
25	MR. ARELLANO: Very good. Let's go	25	January -- New Year's Day, yeah.

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1 the records that the witness is referencing?

2 MR. TOKUS: Correct.

3 MR. ARELLANO: We will take those
4 records today and we'll bring them for the
5 next round so we can identify them. As you
6 understand, this deposition has not been
7 completed.

8 THE WITNESS: I understand.

9 MR. ARELLANO: We hope to work with
10 your calendar at a time that is convenient to
11 both of us and counsel. Is that okay?

12 THE WITNESS: That's fine.

13 MR. ARELLANO: Thank you very much
14 for coming today. We'll adjourn for now.

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

22 Dated March 9, 2002.

23
24 Registered Diplomate Reporter
25 Notary Public, State of Wisconsin

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