

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

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Marilyn Figueroa, )  
Complainant. )  
-vs- ) ERD Case No.  
CITY OF MILWAUKEE, ) CR200003454  
Respondent. )  
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Continuation of Deposition of:

RUTH WYTENBACH

(Volume II)

Milwaukee, Wisconsin  
March 15, 2002

Reporter: Taunia Northouse, RDR, CRR

VOLUME II of DEPOSITION of RUTH WYTENBACH,

called as a witness, taken at the instance of the Complainant, under the provisions of Chapter 804 of the Wisconsin Statutes, pursuant to notice and subpoena duces tecum, before Taunia Northouse, a Registered Diplomate Reporter and Notary Public in and for the State of Wisconsin, at the offices of Murphy, Gillick, Wicht & Prachthausser, Attorneys at Law, 330 East Kilbourn Avenue, City of Milwaukee, County of Milwaukee, and State of Wisconsin, on the 15th day of January 2002, commencing at 1:21 in the afternoon.

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

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I N D E X

WITNESS Page(s)  
RUTH WYTENBACH  
Examination by Mr. Arellano 146

E X H I B I T S

No. Description Identified  
10 Mayor Norquist's 1999 calendar 161

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

REQUESTS

PAGE  
1 Mayor's calendar for 12/6/99 179

(Original transcript filed with  
Attorney Arellano)

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RUTH WYTENBACH,

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

MR. ARELLANO: Before we begin with the continuing deposition of this witness, Mr. Schrimpf, where are we with our documents request regarding Mr. Soika's notes and all other records we've requested?

MR. SCHRIMPF: Mr. Soika's notes are being -- Mr. Langley is not in town and there's, as I indicated to you previously, there's a question as to whether or not some of those notes may involve conversations with Mr. Langley. So when he gets back to town, which I understand is going to be Monday, he'll have to have a chance to review those. I didn't realize when I told you last time that he was going to be gone. He's gone.

MR. ARELLANO: All right.

MR. SCHRIMPF: So that's one problem. What was the other question you had?

MR. ARELLANO: We have requested discrimination complaints.

MR. SCHRIMPF: Yes. And as I

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1 through this earlier. And roughly speaking, I think  
 2 I probably looked through I think probably the  
 3 beginning of 2000 and 1999.  
 4 Q When did you do that?  
 5 A I don't really know. I -- I don't know.  
 6 Q Before your last testimony?  
 7 A Yeah.  
 8 Q What specifically were you looking in the 1999  
 9 calendar?  
 10 A I was -- I don't know what I was looking for, which  
 11 is why I stopped. I was curious as to whether there  
 12 was something that I missed, didn't know.  
 13 Q And what about the 2000? Were you looking for  
 14 anything specific?  
 15 A Not particularly.  
 16 Q After you reviewed these two calendars, 2000 and  
 17 1999, did you find anything missing --  
 18 A No.  
 19 Q -- that you could tell?  
 20 A No.  
 21 Q They were fairly accurate?  
 22 A I believe they were. I don't know what would have  
 23 been missing.  
 24 Q And just so I remember exactly your procedure for  
 25 purposes of my obtaining the Mayor's calendar, and  
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1 correct me if I'm wrong, as I understand you kept a  
 2 handwritten calendar for Mayor Norquist; true?  
 3 A That's correct.  
 4 Q Since you've been working for him?  
 5 A That's correct.  
 6 Q And you also kept a computerized calendar?  
 7 A I hesitate to call it computerized, but it's word  
 8 processed on the computer.  
 9 Q Are you able to explain the differences between  
 10 these two calendars, if there are any?  
 11 A I would guess that there are some differences.  
 12 Q Let's start with those differences.  
 13 A Well, the process being what it is, I, as people  
 14 come in and want to schedule items, whether it's for  
 15 the given day or several weeks out, I will write it  
 16 in. If they want to hold the time, if they're  
 17 trying to work with the time to see if it works for  
 18 other players, or other people, and then when they  
 19 can either come back in and tell me it works. It's  
 20 just, it's sort of like a draft calendar. The  
 21 handwritten calendar is a draft calendar.  
 22 At the end of the day or toward the end of the  
 23 day I produce a word processed calendar that is then  
 24 copied. The Mayor gets a copy of it, security gets  
 25 copies of it, there's one out at the front desk. We  
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1 put one in a three-ring binder so staff can use it.  
 2 And there could be a difference between the  
 3 handwritten calendar and the word process calendar  
 4 just because if I was in the computer typing it, I  
 5 would have maybe just put it in the computer and not  
 6 gone back and put it in the handwritten calendar.  
 7 Q If I understand your quite eloquent explanation,  
 8 eloquent explanation, what you're telling me is the  
 9 first calendar that you keep is the handwritten  
 10 calendar?  
 11 A Correct.  
 12 Q Is that correct?  
 13 A Uh-huh.  
 14 Q And then you will transfer to the computer calendar  
 15 items that the Mayor and security and others are  
 16 entitled to have?  
 17 A I basically transfer everything from the handwritten  
 18 calendar to the computer calendar. I don't want to  
 19 say completely everything but --  
 20 Q That was going to be my next question. Do you  
 21 always transfer everything that you have in the  
 22 written calendar into the computerized calendar?  
 23 A Not necessarily.  
 24 Q Let me use perhaps improperly the word intimate.  
 25 Would the written calendar be a little more intimate  
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1 than the computer calendar with respect to writing  
 2 down important issues?  
 3 A Not necessarily.  
 4 Q And I say that the word intimate is improper because  
 5 I didn't mean it in that way.  
 6 A I understand.  
 7 Q I meant, I suspect that the computerized calendar is  
 8 pretty much open to the public, at least those  
 9 individuals who are entitled to have these copies?  
 10 A That's correct.  
 11 Q But the written calendar is not?  
 12 A Well, the written calendar is, it sits on my desk.  
 13 It's very public.  
 14 Q But you do not circulate copies of the written  
 15 calendar?  
 16 A No, no, I do not.  
 17 Q Now, you have identified two types of calendars:  
 18 The written calendar, the computerized calendar;  
 19 right?  
 20 A That's correct.  
 21 Q Do you keep any other type of calendar?  
 22 A No.  
 23 Q Now, the computerized calendar, do you divide that  
 24 calendar into more than one version of calendar?  
 25 A I'm not sure what you're asking.  
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1 is identifying.  
 2 Q You call them as records of calendar activities or  
 3 invites?  
 4 A It's the letter of invitation from whoever would  
 5 have invited him, and then there's a, in some cases  
 6 there is a, like a form that we fill out on top of  
 7 that letter.  
 8 MR. ARELLANO: Those are the  
 9 records that I'm looking for.  
 10 MR. SCHRIMPF: And how far back are  
 11 you going, please?  
 12 MR. ARELLANO: As far as 1995.  
 13 THE WITNESS: Okay, I--  
 14 MR. ARELLANO: Do your best. Just  
 15 give them to counsel.  
 16 MR. SCHRIMPF: Just so that you  
 17 know, there is a record retention schedule. I  
 18 don't know what that schedule is for the  
 19 Mayor's office. I have no idea what it is.  
 20 After awhile they are routinely destroyed.  
 21 Q You just testified that you do have the ones for  
 22 '99, '98?  
 23 A I believe we have the ones for '99. I don't know  
 24 about '98.  
 25 MR. SCHRIMPF: But I want to ask  
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1 the witness. You know which records you're  
 2 talking about. Insofar as you know, they're  
 3 in the record retention office?  
 4 THE WITNESS: I don't know what our  
 5 form -- I don't know what our cycle is. I  
 6 know that, I believe we have two years in the  
 7 office.  
 8 MR. SCHRIMPF: Okay. And then they  
 9 go down to record retention?  
 10 THE WITNESS: That's my  
 11 understanding.  
 12 Q Now, as far as records that could help us understand  
 13 when the Mayor was actually in the office, what  
 14 records do you believe could help us to determine  
 15 that?  
 16 A I believe the records that would help us determine  
 17 that are the calendars.  
 18 Q Which ones?  
 19 A I tend to believe that it is a more -- that the word  
 20 processed computerized calendar is a more complete  
 21 calendar.  
 22 Q The computerized calendar?  
 23 A Uh-huh.  
 24 Q Since you probably don't have these records handy --  
 25 MR. SCHRIMPF: I do.  
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1 MR. ARELLANO: You do? Do you want  
 2 to show her the records for 1999?  
 3 (Discussion off the record)  
 4 MR. SCHRIMPF: Let the record  
 5 reflect that I'm showing her our copy of the  
 6 printed, if I can call it the printed calendar  
 7 for the year 1999. And I will note for the  
 8 record that the individual pages are not,  
 9 except for the top page, are not identified by  
 10 year. So in examining her make sure you put  
 11 the year in so it's clear for the record.  
 12 (Exhibit No. 10 marked for  
 13 identification)  
 14 Q I'm going to show you, Ms. Wytttenbach, what has been  
 15 marked as Exhibit 10 of your continuing deposition  
 16 which was also marked as Soika's 21.  
 17 A Uh-huh.  
 18 Q And as you can see, it's identified with a cover  
 19 page of 1999. Is that correct?  
 20 A That's correct.  
 21 Q And then I want you to just look at this exhibit and  
 22 tell me if that exhibit covers the entire year of  
 23 1999 from beginning till the end.  
 24 MR. SCHRIMPF: Let me just look at  
 25 what you're looking at.  
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1 THE WITNESS: Okay.  
 2 (Discussion off the record)  
 3 (witness reviewing exhibit)  
 4 A They appear to be the year of 199 -- or the entire  
 5 year I believe for 1999 as marked here.  
 6 Q Now let's do the following. Let's go backwards.  
 7 And I want to direct your attention for December of  
 8 1999. Can you from those records tell me if the  
 9 Mayor was out of the office at any time in December?  
 10 A Can you explain that to me?  
 11 Q Yes. Let's start with do you recall -- well, let's  
 12 see if the record shows whether or not the Mayor  
 13 took any vacation.  
 14 A In December?  
 15 Q In December.  
 16 A I don't know if you would call it vacation or not,  
 17 but he was in Chicago on Saturday, December 4th.  
 18 MR. SCHRIMPF: Counsel, let me just  
 19 get to Saturday, December 4th.  
 20 Q By looking at that calendar for December 4th, are  
 21 you able to tell me whether or not anyone traveled  
 22 with Mayor Norquist to Chicago?  
 23 A It says meet Susan.  
 24 Q Do you have an independent recollection as to that  
 25 particular trip?  
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1 weekend, try not to book anything in that time.  
 2 Q This book that he was writing, is that a book about  
 3 himself or a book about some other issue?  
 4 A I think it's a book about his understanding and  
 5 views of city life.  
 6 Q Let's look at December 20th, see what you find.  
 7 A Okay.  
 8 Q What do you find for December 20th?  
 9 A Monday, December 20th he had several meetings in the  
 10 building in the morning.  
 11 MR. SCHRIMPF: Starting 7:30?  
 12 THE WITNESS: That's a call-in.  
 13 A He had a 9 o'clock in the office, a 9:45 in the  
 14 office, and then at 10 it says calls with Barb. So  
 15 he would have been out of the office.  
 16 Q Who's Barb?  
 17 A Barb Candy.  
 18 Q What about the 21st?  
 19 A It says that he had calls with Barb starting at 9:30  
 20 and then he filed election papers.  
 21 Q Anything else?  
 22 A A retirement lunch at noon. It says that we had a  
 23 staff holiday lunch at noon. The 1:30 was at  
 24 Channel 26, which I think is across the street from  
 25 City Hall. He had a 2 o'clock press event and then

1 he did doors.  
 2 Q The staff holiday lunch --  
 3 A Uh-huh.  
 4 Q -- do you recall that occasion?  
 5 A Not particularly, no.  
 6 Q Did you attend that event?  
 7 A I assume I did. I don't know.  
 8 Q Do you know where it took place?  
 9 A It says in the office. That's where most of them  
 10 have taken place.  
 11 Q Do you recall seeing Marilyn Figueroa at that time?  
 12 A I don't recall.  
 13 Q And then as I understand, December 22nd he left for  
 14 Washington, D.C. on family vacation?  
 15 A Uh-huh, yes.  
 16 Q Did not return until December 28th?  
 17 A Correct.  
 18 Q Is that correct? What does it show for the 29th?  
 19 A Had a 9 o'clock dentist appointment. He did files  
 20 in the office. And then I have a PAC performance  
 21 with question marks.  
 22 Q What is that?  
 23 A Performing Arts Center.  
 24 Q What's the last, latest activity shown for  
 25 December 29th?

1 A The PAC performance says 1:30, but I don't know if  
 2 he did that or not.  
 3 Q The 30th, what do you see?  
 4 A An 11 A.M., Thursday at -- a 10 A.M. in the office,  
 5 an 11 A.M. outside of the office.  
 6 Q Where?  
 7 A At the, at Park Lawn.  
 8 Q Anything else?  
 9 A 1 o'clock briefing, I assume in the office, a 1:30  
 10 in the office, a 2:15 in the office.  
 11 Q All these are appointments as I understand?  
 12 A Yes.  
 13 Q Anything else?  
 14 A Not for the 30th.  
 15 Q What about the 31st?  
 16 A City Hall is closed on the 31st.  
 17 Q Does it show anything in his book?  
 18 A It shows that there were question mark -- there's a  
 19 number of -- they all appear to be evening events.  
 20 There was a personal thing that says Bales on New  
 21 Year's Eve. That was an invite from Susan. I don't  
 22 have any more than that. A 7 o'clock pow-wow at  
 23 federal courthouse.  
 24 Q What is that?  
 25 A It must have been an event. And then there was a

1 big event at the Midwest Express Center for the new  
 2 year, the 2000.  
 3 Q Anything else?  
 4 A And then he rang the bell at City Hall at 11:30 to  
 5 midnight.  
 6 Q Anything else?  
 7 A Not on the calendar, no.  
 8 Q Do you have any entries for January of 2000 in  
 9 there?  
 10 A January 1st.  
 11 Q What do you have for January 1st?  
 12 A Two open house events in the afternoon.  
 13 Q What time?  
 14 A One says one to five. The other one says two to  
 15 five.  
 16 Q Anything else?  
 17 A No.  
 18 Q January 2nd?  
 19 A There's nothing here. It was a Sunday.  
 20 Q What about the 3rd?  
 21 A I really don't have much here for the 3rd. It says  
 22 WOKY which is a radio call-in.  
 23 Q Have you produced calendars for the year 2000?  
 24 A I believe so.  
 25 Q Now let's go back to December 1999 and let's move

1 is the page that follows, but it says 809 South 60th  
 2 Street, contact Marilyn and  
 3 Bill Christofferson.  
 4 Q And that is for what time?  
 5 A 10 A.M.  
 6 Q Was that the last activity shown on December 10?  
 7 A No. It says, there's an 11 o'clock hold for office  
 8 time, and then there's a 1 o'clock press event at  
 9 Kennan Health Center.  
 10 Q Is that the latest?  
 11 A No, there's a 2 o'clock on Mitchell Street. You did  
 12 ask me about Friday, December 10th; right? I have  
 13 the right day?  
 14 Q Right.  
 15 A And then I have the ice rink.  
 16 Q Let's go to December 9th.  
 17 A Okay.  
 18 Q Anything that would lead you to believe he was out  
 19 of town?  
 20 A I don't believe so.  
 21 Q Tell me what was his activity for that day?  
 22 A He started at 8:30 taking Ben to school. He had a  
 23 9:30 press event, 10 o'clock calls with Barb, 11:30  
 24 news event, conference call at noon, a 1:30 business  
 25 event, 3 o'clock meeting in the office, a 3:30 in  
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1 the office, a 4:15 outside of the office and then a  
 2 5 to 6:30 event.  
 3 Q The 4:15 outside the office, did he -- does the  
 4 calendar reflect what he was doing on that day?  
 5 A It says walk through Shoreline Company Holiday Open  
 6 House at the Astor Hotel.  
 7 Q If there was a cancellation of any of those  
 8 activities, would that be reflected in the calendar?  
 9 A Only if I knew about it beforehand. Well, no. If I  
 10 knew about it on that day, it may not be reflected  
 11 on his calendar.  
 12 Q These are projected activities?  
 13 A Right.  
 14 Q So if there was a cancellation for the time that he  
 15 allocates for calls with Barb Candy, would that be  
 16 reflected in the calendar if there was a  
 17 cancellation?  
 18 A If it happened that day?  
 19 Q Yes.  
 20 A Probably not.  
 21 Q Let's go to December 8th. Was he in town that day?  
 22 A Yes.  
 23 Q What's the earliest activity?  
 24 A He took Ben to school.  
 25 Q What time?  
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1 A At 8:30. He had calls with Barb at 10. He had a  
 2 noon lunch. He had a 2 o'clock outside of the  
 3 building. He had a 3:30 in the building.  
 4 Q The last activity being what?  
 5 A It says -- I don't know which sequence he did these.  
 6 There were two of them. One was at five and one was  
 7 at -- both of them were events that went a period of  
 8 time. The first one I have down is 5:45, an event  
 9 at the public museum. And it appears that he spoke  
 10 at 6 o'clock and was done by 6:30. And then after  
 11 that I have an A choice event at the Renaissance  
 12 Place.  
 13 Q Do you see any items that would lead you to believe  
 14 that he had any contact with Marilyn Figueroa?  
 15 A No. I don't have staff people down.  
 16 Q Let's go to December 7th. Was he in town that day?  
 17 A I believe so.  
 18 Q What was his earliest activity?  
 19 A He had an 8:30 at the Pabst Theater.  
 20 Q And what was his latest activity?  
 21 A A definite was a ground breaking at 5 o'clock, and  
 22 then we had two optional events on that I don't know  
 23 if he went or not.  
 24 Q Which are?  
 25 A One was in the Paint and One Two Awards Banquet at  
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1 5:30.  
 2 Q Where?  
 3 A Buck's Bradley Saloon. And the other one was a 5  
 4 to 7:30 Wasserman fund raiser holiday gathering.  
 5 Q Anything there that would reflect that he met or had  
 6 contact with Marilyn Figueroa?  
 7 A No.  
 8 Q Let's go to December 6. Was the Mayor -- do you  
 9 have that in front of you?  
 10 A The 6th I can only give you the morning time because  
 11 this is not complete.  
 12 Q What does the December 6th calendar show?  
 13 A It says a 7:30, the radio call-in to WOKY. I have a  
 14 9 A.M. and a noon but I don't have --  
 15 Q Do you know why that additional information is  
 16 missing?  
 17 A I'm guessing it was a clerical error.  
 18 Q Can you make a note and get me that --  
 19 A Yeah.  
 20 Q -- for our records? December 5th, do you have that?  
 21 A That's a Sunday, uh-huh.  
 22 Q Hold on a second. Before we go on to that, let me  
 23 show you what I believe is the December 6th  
 24 handwritten calendar. Is that consistent with at  
 25 least the portion that you have before you?  
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1 Q The record that you just read, is that something you  
 2 prepare?  
 3 A I can't say for certain that I did, but I would  
 4 assume that I did.  
 5 Q Is this your handwritten penmanship or handwriting?  
 6 A Some of it, most of it but not all of it.  
 7 Q Which is not yours?  
 8 A I don't believe the 11 o'clock meeting is mine.  
 9 Q Is that something the Mayor would write?  
 10 A No. That's something another staff person would  
 11 write in.  
 12 Q Do you see anything on December the 3rd that would  
 13 lead you to believe that he had any contact with  
 14 Marilyn Figueroa on that day?  
 15 A I don't have down who was staffing him that evening  
 16 for the tree lightings and the two tree lightings  
 17 and the UCC, so I don't know.  
 18 Q When you say staffing, you don't know which staff  
 19 assistant to the Mayor would be involved?  
 20 A With him, uh-huh.  
 21 Q In some of these things?  
 22 A That's correct.  
 23 Q Well, by looking at both the handwritten calendar  
 24 for December 3rd and the computerized calendar, are  
 25 you able to tell me which, if any, activities would

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1 relate to Marilyn Figueroa's responsibilities?  
 2 A I -- I don't know. I don't know who -- I don't know  
 3 what this 6 o'clock is at the UCC. I'm not familiar  
 4 with that name.  
 5 Q Let's go to December 2nd.  
 6 MR. ARELLANO: Just for the record,  
 7 December 3rd would be date stamped document  
 8 21541.  
 9 MR. SCHRIMPF: Thank you, counsel.  
 10 A I'm sorry, which date?  
 11 Q December 2nd.  
 12 A It appears the first thing that I have on is calls  
 13 with Barb at 10.  
 14 Q December 2nd of 1999 would have been a Thursday; is  
 15 that correct?  
 16 A Thursday.  
 17 Q And again what did you have?  
 18 A The first thing I have on at 10 o'clock is calls  
 19 with Barb.  
 20 Q Is that how the entry is worded?  
 21 A Yes.  
 22 Q What else do you have next? Strike that. Did you  
 23 say 10 o'clock?  
 24 A 10 o'clock.  
 25 Q Okay, very good. Then what's the next item?

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1 A He has a noon lunch outside of the building. He has  
 2 a 2 o'clock.  
 3 Q I'm sorry. Let's go back. The lunch appointment,  
 4 where is that at?  
 5 A Where is it at?  
 6 Q Yes.  
 7 A Cafe Sebastian, 23rd and Wisconsin.  
 8 Q And that is at 12 o'clock?  
 9 A Correct.  
 10 Q Then what else -- what would be the next entry?  
 11 A A 2 o'clock news conference.  
 12 Q Are you able to tell me the nature of this news  
 13 conference?  
 14 A Abandoned vehicles, 3006 North 18th Street.  
 15 Q Was there anything between the lunch time  
 16 appointment and the news conference that you may be  
 17 able to detect?  
 18 A Not that I'm aware of.  
 19 Q Next entry would be?  
 20 A A 3 o'clock in the Mayor's office and then a  
 21 5 o'clock.  
 22 Q The 3 o'clock, do you know the nature of his  
 23 activity?  
 24 A It says TV interview regarding Cryptosporidium or  
 25 Crypto.

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1 Q And what would have been the next activity?  
 2 A I have a 5 o'clock holiday celebration at the  
 3 Milwaukee Protestant Home.  
 4 Q Anything else?  
 5 A No.  
 6 Q Let me show you Bates stamped document 21540 which  
 7 stands for December 2nd, Thursday. Tell me if  
 8 there's anything missing in your computerized  
 9 calendar that you find in the written calendar.  
 10 A On the written calendar there's an optional event  
 11 that evidently we didn't participate in or didn't go  
 12 to.  
 13 Q When you say we, meaning who?  
 14 A Well, I'm sorry, the Mayor. Which is the holiday  
 15 celebration of diversity at the PAC.  
 16 Q And that is one activity that you believe he did not  
 17 participate?  
 18 A I'm making that assumption because it wasn't on the  
 19 computerized calendar.  
 20 Q That's the only basis you have for making that  
 21 assumption?  
 22 A Correct.  
 23 Q Okay, very good. The written calendar shows also  
 24 some other marks for earlier in the day; is that  
 25 correct?

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1 don't have anything else on until 2:45 outside of  
2 the building. I have a 5:30 to 6:30 outside of the  
3 building and then a 7 o'clock.

4 MR. ARELLANO: Let's go off the  
5 record.

6 (Recess)

7 By Mr. Arellano: (Continuing).

8 Q Ma'am, we have covered at least the last aspect of  
9 1999 so far; right?

10 A That's correct.

11 Q You probably realize that we're covering five years.  
12 We've got a long ways to go. So what I want to do,  
13 I want to stop here and we're going to continue at a  
14 later time when it's convenient to you, to counsel  
15 and to all of us. Is that okay with you?

16 A That's fine.

17 MR. ARELLANO: All right. I'll let  
18 you go.

19 MR. SCHRIMPF: Counsel, I was  
20 informed that of the handwritten calendars,  
21 and specifically Bates stamp No. 2817, for  
22 some reason or another as it was going through  
23 the copy machine didn't copy fully, and so we  
24 have the full copy.

25 MR. ARELLANO: What day is that?  
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1 MR. SCHRIMPF: That's August 8th of  
2 what year?

3 THE WITNESS: 1996.

4 MR. SCHRIMPF: 1996.

5 MR. ARELLANO: Is that the smoking  
6 gun?

7 MR. SCHRIMPF: This is the smoking  
8 gun, counsel. It's a blank page, but I'm  
9 telling you that the exhibit as it was going  
10 through the machine --

11 MR. ARELLANO: Now that we just  
12 took another page of mine -- fine, the record  
13 shall reflect that. We'll keep this too.

14 -----  
15  
16  
17 (adjourning at 2:41 P.M.)  
18  
19  
20  
21  
22  
23  
24  
25

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1 STATE OF WISCONSIN )  
2 ) ss.  
3 COUNTY OF DANE )

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

23 Dated March 25, 2002.  
24  
25

Registered Diplomate Reporter  
Notary Public, State of Wisconsin

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1 understand it -- well, no. It was my  
2 understanding that you requested the reports  
3 from the people that did it. These were files  
4 that -- and I don't know what the  
5 confidentiality of it is, and I checked with  
6 Barbara before you came into the room and  
7 asked her about that, where we were with that.  
8 She indicated to me that one of the reports  
9 did have the names redacted, so that -- and  
10 that was pursuant to an open records request  
11 that the City Attorney's Office had received  
12 previously. I asked that the attorney who was  
13 handling that matter review the files so that  
14 we can take out whatever would be privileged  
15 and attorney-client communication, that kind  
16 of thing.  
17 With respect to the other file, she  
18 indicated to me that she had forgotten about  
19 it. And so I reminded her of that, and so she  
20 is I assume working on it. That's one of the  
21 things she was leaving to work on.  
22 MR. ARELLANO: All right. Well,  
23 let's revisit this issue on Monday and see if  
24 we can get somewhere. Because --  
25 MR. SCHRIMPF: Well, with respect  
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1 to Soika's notes, Langley isn't going to be in  
2 until after we start on Monday.  
3 MR. ARELLANO: Well, I certainly  
4 need those notes in order to determine how  
5 much more time we need with Mr. Soika.  
6 MR. SCHRIMPF: I understand that.  
7 I have to be conscious of whether or not there  
8 is an attorney-client communication --  
9 MR. ARELLANO: Just get back to me  
10 because that has been an issue from the day we  
11 deposed Mr. Soika.  
12  
13 EXAMINATION  
14 By Mr. Arellano:  
15 Q Ma'am, this is, as you understand, a continuation of  
16 your previous deposition.  
17 A Yes, I do.  
18 Q From the last time that I took your testimony under  
19 oath to the present, have you reviewed any records  
20 pertaining to this matter?  
21 A I've looked at, I've looked in the calendar per the  
22 Mayor's request, and I gave him the calendar.  
23 Q What calendar did you look at?  
24 A I looked at the word processed document, and I  
25 believe it was October of either '95 or '96.  
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1 Q You looked at the word process calendar for --  
2 A Well, the typewritten calendar, not the hand written  
3 calendar.  
4 Q For October of 1996?  
5 A '95 or '96.  
6 Q What was the specific items in either calendar, '95  
7 or '96, that you were looking for?  
8 A I wasn't looking for anything in specific. He asked  
9 me to pull those calendars and then he looked at  
10 them.  
11 Q And what happened to those calendars?  
12 A Nothing. They were put back.  
13 Q And did he discuss with you anything after the  
14 review of the calendars?  
15 A No. He just said, well, I was trying to get the  
16 dates straight.  
17 Q Was that before his deposition or after his  
18 deposition?  
19 A It would have been after, I believe.  
20 Q After the deposition? Did you review his transcript  
21 testimony?  
22 A No.  
23 Q Did you review anybody's transcript testimony?  
24 A No.  
25 Q Did anyone give you a briefing with respect to the  
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1 testimony that has been collected thus far?  
2 A No.  
3 Q Do you review any other records?  
4 A No. Well, let me clarify that. I did review my  
5 transcript. Is that what -- if you were asking me  
6 that.  
7 Q When did you do that?  
8 A Yesterday.  
9 Q Did you review the entire transcript?  
10 A Yes, I did.  
11 Q Have you discussed this case with anyone other than  
12 that incident with the Mayor?  
13 A I spoke with Barb this morning when we were talking  
14 about the calendars and trying to, trying to get  
15 this calendar date that we were looking for that you  
16 had -- that we needed to replace and the other  
17 documents.  
18 Q Barb, counsel's paralegal?  
19 A Yes.  
20 Q Have you at any time gotten together with the Mayor  
21 or any member of his office to go over his  
22 calendars, ma'am?  
23 A No, other than what I just told you.  
24 Q Have you reviewed the calendars in detail?  
25 A I looked at some of the calendars. I think we went  
150



1 Q Do you keep calendar one, calendar two, calendar  
 2 three in the computer?  
 3 A It's a running calendar.  
 4 Q Explain that to me because you probably sense I'm  
 5 having problems with your system. Running  
 6 meaning --  
 7 A Depending on how much time I have and what's on the  
 8 handwritten calendar, at some points there will be,  
 9 in the computer calendar there could be a week,  
 10 there could be a month out, there could be a couple  
 11 of months out. And so what happens is when I put  
 12 the new information in, I just delete what was there  
 13 the day before. And so it's just kind of a  
 14 running -- and as I get information, I insert it  
 15 because at any point staff can access that calendar.  
 16 Q When you say running, I understand you're telling me  
 17 that it's in constant changing mode?  
 18 A Right.  
 19 Q Is that right?  
 20 A That's correct.  
 21 Q According to new information and so on and so forth?  
 22 A Uh-huh.  
 23 Q Do you ever divide the calendar by activities? In  
 24 other words, send a certain calendar to certain  
 25 people in accordance with activities?

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1 A Not that I recall.  
 2 Q No? All right. So you just basically process one  
 3 computerized calendar for all the parties that are  
 4 entitled to get a copy?  
 5 A Correct.  
 6 Q Is that right? And with respect to the handwritten  
 7 calendars, since January 2000 when Marilyn Figueroa  
 8 left her employment, have you changed, modified,  
 9 erased, destroyed any aspect of those calendars?  
 10 A No.  
 11 Q Have you updated any aspect of calendars since  
 12 January 2000, changed, clarified?  
 13 A For this time period?  
 14 Q For let's say the previous preceding years.  
 15 A No.  
 16 Q So is it your sworn testimony that all of the  
 17 calendars that you have produced are intact of any  
 18 changes after January 2000? And I'm talking about  
 19 the preceding.  
 20 A Okay, if I understand you correctly, you're asking  
 21 me if anytime after January of 2000 did I go back  
 22 and change the handwritten calendars?  
 23 Q Correct.  
 24 A No.  
 25 Q For the preceding years.

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1 A No.  
 2 Q Other than the handwritten calendars and the  
 3 computerized calendars, did you keep any other type  
 4 of book, calendar, diary --  
 5 A No.  
 6 Q -- for the Mayor?  
 7 A No.  
 8 Q So the only point of reference that you would have  
 9 with respect to past activities undertaken by the  
 10 Mayor would be those two calendars?  
 11 A That's correct.  
 12 Q Is that correct?  
 13 A That's correct.  
 14 Q You don't have any notes or memos --  
 15 A No.  
 16 Q -- of activities --  
 17 A No.  
 18 Q -- that could help us to understand the activities  
 19 that the Mayor undertook prior to January 2000?  
 20 A There are on event, on schedules -- how do I want to  
 21 say this? On events that he's doing, we may have  
 22 like a, like a program or like expectations. It's  
 23 kind of a logistic thing. I don't believe all of  
 24 the events would have them. But it would be like  
 25 who it is, where it is, contacts.

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1 Q And how do you call that?  
 2 A I don't know what to call it.  
 3 Q A log?  
 4 A Well, it's not one document. I mean when we get  
 5 invites, we file them by date. And so it's like an  
 6 acceptance, decline file.  
 7 Q So that would be the only other point of reference  
 8 with respect to calendared activities for the Mayor?  
 9 A For events.  
 10 Q And how long of a period are we talking as far as  
 11 these records are concerned? What period of time do  
 12 they cover?  
 13 A I don't know what our record retention schedule is.  
 14 Q Do you have records for 1999?  
 15 A I believe so, yes.  
 16 Q 1998?  
 17 A I think so. They go downstairs. I would have to  
 18 check.  
 19 Q Well, I would like you to secure those records and  
 20 give them to counsel for our review.  
 21 A Okay.  
 22 MR. SCHRIMPF: Now wait a minute,  
 23 counsel. What records are you referencing  
 24 now?  
 25 MR. ARELLANO: The records that she

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1 A No.  
 2 Q When was the very -- and I suspect for the 1st, 2nd  
 3 and 3rd, are you able to tell me what he did on the  
 4 1st? Was he in the office?  
 5 A It appears -- it says been to school, calls with  
 6 Barb, DCD/John meeting. He had his announcement  
 7 that evening.  
 8 Q What announcement?  
 9 A His kick-off for re-election.  
 10 Q And this is in 1999 we're looking at?  
 11 A Correct.  
 12 Q So on December 4th there is an entry that places him  
 13 going to Chicago; correct?  
 14 A In the afternoon.  
 15 Q When was the very next time after December 4th that  
 16 shows the Mayor being out of the office?  
 17 A This was a Saturday.  
 18 Q I understand.  
 19 A Okay. Again we're looking at this holiday that  
 20 you're asking about, vacation.  
 21 Q Regardless, without excluding -- no, next time --  
 22 you gave me a trip to Chicago. When is the next  
 23 time that he was out of the office?  
 24 A I believe it would be -- I believe it would be  
 25 Thursday, December 16th.

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1 Q What does the calendar entry show?  
 2 A It says going to Washington, D.C. with Don Voith.  
 3 Q And does the calendar show any other day that he was  
 4 out of the office?  
 5 A It appears that on Wednesday, December 22nd, that  
 6 the family, the Mayor and his family went to  
 7 Washington, D.C.  
 8 Q Any other --  
 9 A And they returned on the 28th.  
 10 Q Any other exit?  
 11 A Not that I'm aware of.  
 12 Q Let's go back to December 16th.  
 13 A Okay.  
 14 Q Between December 16th and December 22nd do you find  
 15 any entries that would place him out of the office?  
 16 A Out of the office? Oh, yeah.  
 17 Q Tell me --  
 18 A I mean not out of -- not trips. Okay, the 16th he  
 19 was out of the office. On the 17th the 10:30 A.M.  
 20 would have been out of the office. Oh, actually the  
 21 9 o'clock was at Cream City Cafe.  
 22 Q On the 17th?  
 23 A On the 17th.  
 24 Q So it shows Cream City Cafe, is that location here  
 25 in Milwaukee?

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1 A It says on Water Street.  
 2 Q And then at 10 A.M. --  
 3 A 10:30.  
 4 Q 10:30 what does it show?  
 5 A Annual basket delivery, meet at St. Mary Magdalen.  
 6 Q Anything else for the 17th?  
 7 A There was a retirement party at noon at the 809 city  
 8 building. It says Ben's, 11:30 to 12:45 Ben's  
 9 winter assembly. Susan, please verify time. Most  
 10 of his day was out that day.  
 11 Q What about the 18th?  
 12 A It was a Saturday. He had a number of different  
 13 things. I mean I don't believe any of them were in  
 14 the building, in City Hall.  
 15 Q 19th?  
 16 A Sunday. It doesn't -- all of his events were  
 17 outside of City Hall.  
 18 Q If the Mayor would spend time at the office over the  
 19 weekend, would there be a record kept of that event?  
 20 A Not that I know of.  
 21 Q Isn't there a sign-in, sign-out record?  
 22 A In the Mayor's office?  
 23 Q Right.  
 24 A No.  
 25 Q Or in City Hall for the weekend.

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1 A I know that the information booth, that there's  
 2 somebody there. I know that they let you in and  
 3 out. I don't know that people always sign in and  
 4 out.  
 5 Q If the Mayor decided to spend some time over the  
 6 weekend at the office, would you write it down?  
 7 A Only if he told me about it.  
 8 Q Do you recall any one time when he asked you to  
 9 write down time at the office on a weekend?  
 10 A Not in this time frame. I do believe he was, when  
 11 he worked on his book for awhile, he needed time set  
 12 aside that he just found it I guess quieter.  
 13 Q What book was this?  
 14 A The Wealth of Cities.  
 15 Q Do you know what period of time he was working on  
 16 that book?  
 17 A Not offhand.  
 18 Q When he worked at the City building in his book, did  
 19 he discuss that with you?  
 20 A Did he -- I don't know what you're asking.  
 21 Q Would he discuss with you that he had worked on his  
 22 book over the weekend?  
 23 A No. What he probably would say to me is that -- and  
 24 I can't give you a specific here, but what I assume  
 25 he would say is that I need a couple hours this

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1 backwards. What does it show for December 15th?  
 2 A 8:30 he took his son to school. He had an 8:45 at  
 3 another school, calls with Barbara at 9:45, an event  
 4 at the Wisconsin Center at 11:45.  
 5 Q Anything else?  
 6 A Meetings in the office at 1:30, 3 and 3:30. And  
 7 then he had a 7 o'clock that night.  
 8 Q What about December 14th?  
 9 A It says between 9 and 9:30 he had a meeting outside  
 10 of the building. I don't know if he made calls. It  
 11 says that the meeting was supposed to go 9 to 9:30.  
 12 And then he had a 10:30. And in between that it  
 13 says calls with Barb. Barb, does this even make  
 14 sense? I'm assuming -- do you have this? I'm  
 15 assuming that's because of the time, if there was  
 16 enough time there to make it valuable or not.  
 17 Q Anything else for December 14th?  
 18 A 10:30 outside of the building. It says an 11 to  
 19 almost one it appears that Ben's, his son's class  
 20 was in City Hall. He had a 1 o'clock outside of the  
 21 building. He had a 2:30 outside of the building, a  
 22 3 o'clock I'm assuming in the building, it was an  
 23 interview, a 4 o'clock outside of the building. And  
 24 then he had a couple of optional things on that  
 25 evening.

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1 Q Let's go to December 13 and tell me if there is  
 2 anything in that aspect of his calendar for 1999  
 3 that would lead you to believe he was out of town on  
 4 December 13.  
 5 A Out of town?  
 6 Q Correct.  
 7 A I don't believe he was out of town.  
 8 Q So inversely, do you find activities that took place  
 9 in and out of the office?  
 10 A On the 13th.  
 11 Q What's the earliest activity that he had for  
 12 December 13?  
 13 A He had again the radio, WOKY call-in at 7:30. Says  
 14 Ben to school at 8:30.  
 15 Q What's the latest activity he had for December 13?  
 16 A Postal workers union meeting at 7:30 P.M.  
 17 Q When he was not attending the radio program, what  
 18 was his usual arrival time to the office,  
 19 Mrs. Wyttenbach?  
 20 A On this day or on any day?  
 21 Q On any day.  
 22 A It would all depend on what was on the calendar.  
 23 Q What is your recollection? Are you able to give me  
 24 a fairly approximate time of arrival for the Mayor  
 25 for the most part?

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1 A If he didn't have anything on the calendar?  
 2 Q Right.  
 3 A I would guess if there was nothing on the calendar,  
 4 I would expect him around 8:30, 9 o'clock.  
 5 Q To your knowledge, was the Mayor a regular runner,  
 6 jogger?  
 7 A I know he ran. I don't know how regular he was at  
 8 it.  
 9 Q Does he still run today?  
 10 A I don't know. I assume he does, but I don't know.  
 11 Q When he run, do you know when he run, early in the  
 12 morning or late at night?  
 13 A I don't know.  
 14 Q Let's go to December 12. December 12th, can you  
 15 tell me whether or not for that day there is  
 16 anything that would lead you to believe that he was  
 17 out of town?  
 18 A No. I would assume that he was here.  
 19 Q What was his earliest entry there?  
 20 A For Sunday December 12th there was an 11:15 A.M. at  
 21 a church.  
 22 Q What about December 11th?  
 23 A Sunday 11th.  
 24 Q Was he out of town?  
 25 A Doesn't look like it.

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1 Q What was his earliest?  
 2 A It appears it was a 9 A.M.  
 3 Q What was the subject matter?  
 4 A Layton Boulevard West Neighbors Fourth Annual  
 5 Holiday Celebration.  
 6 Q What was his latest activity in accordance with that  
 7 calendar for December 11th?  
 8 A It appears that he, it appears that he went to a  
 9 theater production at the Modjeska Theater.  
 10 Q What time?  
 11 A 7:30 P.M.  
 12 Q Let's go to December 1. Anything that would lead  
 13 you to believe that he was out of town?  
 14 A No. I think he was probably here.  
 15 Q What is his earliest activity shown for  
 16 December 10th?  
 17 A It says take Ben to school at 8:30.  
 18 Q And the latest activity?  
 19 A 5 P.M. ice rink opening -- well, it was the opening  
 20 at Red Arrow Park.  
 21 Q Do you see anything in any of these activities that  
 22 would lead you to believe he had a meeting with  
 23 Marilyn Figueroa on the 10th?  
 24 A Well, at 10 it says Channel 47 taping regarding  
 25 census GOTV at 809 South -- I'm assuming that this

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1 A Yes.  
 2 Q By using the December 6th handwritten calendar, are  
 3 you able to tell me what other activities took place  
 4 at least --  
 5 A The WOKY in the morning, the 9 o'clock, a 10:30 I  
 6 assume in the office, 11:30 in the office, a noon  
 7 lunch. He seems to have open time. Then he has a  
 8 3:30. I assume that was in the office. And then a  
 9 5:15 outside at the Milwaukee Yacht Club.  
 10 Q So the last activity at least as shown in the  
 11 handwritten calendar would be what?  
 12 A 5:15.  
 13 Q All right. May I have that page back? So this  
 14 would be a fairly accurate reflection --  
 15 A I believe that --  
 16 Q When I say this, I'm looking at the December 6th  
 17 handwritten calendar; is that correct?  
 18 A Right.  
 19 MR. SCHRIMPF: Can you give us the  
 20 Bates stamp number of that page, counsel?  
 21 MR. ARELLANO: 21543.  
 22 MR. SCHRIMPF: Thank you.  
 23 MR. ARELLANO: You're welcome.  
 24 Q Now let's go to December 5th.  
 25 A It appears -- I mean this was the continuation from

1 the 4th when he was in Chicago.  
 2 Q Let me understand what you mean by that. When did  
 3 he go to Chicago?  
 4 A On the 4th in the afternoon.  
 5 Q On the 4th, okay. So he left on the 4th. According  
 6 to those records, he left to Chicago on the 4th?  
 7 A Correct.  
 8 Q And how long was he in Chicago?  
 9 A It appears overnight.  
 10 Q So when did he return?  
 11 A I don't know.  
 12 Q Is there any activity for the 5th?  
 13 A There's two optional items on here. One was for his  
 14 son's school, and I don't have a time for that. And  
 15 the other one was an open house at somebody's home.  
 16 That was 3 to 6 P.M.  
 17 Q And that is what is reflected on December the 5th?  
 18 A Correct.  
 19 Q Just to make sure we've got the right activities,  
 20 I'm showing you what I believe is -- is this  
 21 December the 5th handwritten calendar?  
 22 A Correct.  
 23 MR. SCHRIMPF: What is the Bates  
 24 stamp number?  
 25 THE WITNESS: 4 to the 5th. 1542.

1 Q So according to your records, the Mayor was out of  
 2 town from December 4th until December 5th in the  
 3 morning?  
 4 A Right. He left on the afternoon of the 4th.  
 5 Q And returned?  
 6 A Sometime on the 5th. I don't know when.  
 7 Q But it showed that he was in town on the 5th?  
 8 A I assume he returned on the 5th.  
 9 Q What I just showed you right here, the Bates stamp  
 10 document 21542, was that for the 5th?  
 11 A That's for the 4th and 5th.  
 12 Q 4th and the 5th. Is this record consistent with the  
 13 computerized calendar that you have in front of you  
 14 for those two corresponding days?  
 15 A Yeah. It's not identical. There are two events  
 16 that evidently since I knew he wasn't going to be in  
 17 town that I didn't write on the printed calendar.  
 18 Q Which items are not?  
 19 A This is on the 4th. That would be the annual  
 20 International Gift Shop Quaker, at the Quaker  
 21 Meeting House. And the New England Style  
 22 Contra-dance at the Unitarian Society.  
 23 Q All right, thank you. Let's go to I believe would  
 24 be the 3rd since he was out of town on the 4th; is  
 25 that correct?

1 A He was out of town the afternoon of the 4th.  
 2 Q Is there anything in there that would lead you to  
 3 believe he was out of town on December the 3rd?  
 4 A No. I believe he was here.  
 5 Q What do the entries show for December the 3rd?  
 6 A It appears that he started at 8:30 by taking his son  
 7 to school. He had a 10 o'clock at Riverside High  
 8 School. He had a 11 o'clock in the office.  
 9 Q The Riverside High School, what time was that?  
 10 A 10. A 11 o'clock I believe in the office, a noon  
 11 outside of the office, a noon lunch. And then it  
 12 says 5:15 outside of the office.  
 13 Q Do you see anything for 9:30 on December 3rd?  
 14 A There's more here. I'm sorry. I was reading off of  
 15 an incomplete form. Friday, December 3rd we start  
 16 at 8:30 by taking Ben to school. We have a 9:30  
 17 briefing for the 10 o'clock event. We have an 11 in  
 18 the office. We have a noon outside of the office, a  
 19 5:15 outside of the office, a 6:30 outside of the  
 20 office, a -- these were turned around I guess.  
 21 There was a 6 o'clock outside of the office, a 6:30  
 22 and then a 7 o'clock that he went to, a basketball  
 23 game.  
 24 Q Are you the only person that keeps his calendar?  
 25 A When I'm there.

1 A Before 10?  
 2 Q Correct.  
 3 A It says leave open.  
 4 Q And there's also another notation to the far margin,  
 5 right-hand margin.  
 6 A Okay.  
 7 Q What is that?  
 8 A It's Susan/Ben AI, and underneath that it says AIA  
 9 annual, AIA awards.  
 10 Q What's your understanding of that activity?  
 11 A Of the AIA awards?  
 12 Q Correct.  
 13 A I think AIA stands for the American Institute of  
 14 Architects. I don't know what that means.  
 15 Q That entry, does that in any way help you to tell me  
 16 what he was doing during that time of the day?  
 17 A You mean in the morning?  
 18 Q Correct.  
 19 A No. I can project that maybe they were meeting  
 20 somewhere, not necessarily in Wisconsin. He used to  
 21 serve on this board, and so they may have given us  
 22 some information at some point.  
 23 Q Where was this activity -- where would this activity  
 24 take place?  
 25 A I would guess D.C., but I don't know that.

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1 Q Do you know if he was in D.C. for that morning?  
 2 A I do not know. I believe he was in Milwaukee.  
 3 Q Okay, very good. And I'm sorry, did you write the  
 4 notation 7 through 10 leave open?  
 5 A I have morning open.  
 6 Q My question is did you write this note?  
 7 A Oh, did I write that on it? Yeah. Yes, I did.  
 8 Q Is that something he would request you to do?  
 9 A I'm guessing that I put it on there considering that  
 10 he had his kick-off announcement the night before.  
 11 Q And that is the re-election announcement?  
 12 A That's correct.  
 13 Q Well, let's go to the night before, see what  
 14 happened. What do we show for December 1st?  
 15 A I show that he took Ben to school. He had calls  
 16 with Barbara in the morning. There was a Mayor DCD  
 17 meeting at 1:30. And then I have leave open at  
 18 3 o'clock because of the 5 o'clock announcement.  
 19 Q Do you show anything for 8 o'clock?  
 20 A 8 A.M.?  
 21 Q Yes.  
 22 A No.  
 23 Q 8:05?  
 24 A No.  
 25 Q Do you show anything for 8:30?

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1 A Ben to school.  
 2 Q Let me show you Bates stamp document 21539 which I  
 3 believe represents the entries for December 1st of  
 4 '99.  
 5 A Okay.  
 6 Q Do you see anything for 8 o'clock?  
 7 A I see an 8:05 WTMJ radio.  
 8 Q Is that your handwritten notes?  
 9 A Yes, it is.  
 10 Q Is that the only thing missing from the computerized  
 11 calendar?  
 12 A I have in here lunch with Mike Soika at noon, which  
 13 I don't have on this sheet.  
 14 Q To your knowledge, did he attend the radio program?  
 15 A I'm guessing he called that in, but that's a guess.  
 16 Q To your knowledge, did he meet with Mr. Soika?  
 17 A I don't know.  
 18 Q Let me have my little record back. Now, let's move  
 19 to I believe November of 1999.  
 20 A The beginning?  
 21 Q Yes. Actually the last day of November.  
 22 A Tuesday the 30th?  
 23 Q Correct. To your knowledge, was he in town?  
 24 A I believe he was.  
 25 Q And what's his first activity of the day for that

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1 day?  
 2 A It's a 7:30 doctor's appointment.  
 3 Q And what would be the next activity?  
 4 A 10 to noon calls with Barb, a noon lunch, a  
 5 1 o'clock ground breaking event, a 2 o'clock that  
 6 I'm assuming happened in the office. I have a 4:30  
 7 written in and then a 5 to 7 fund raiser at the  
 8 Athletic Club.  
 9 Q Let's go to the 29th I believe. Did you give me  
 10 everything for the 30th, November?  
 11 A As far as the public events?  
 12 Q Yes.  
 13 A Yeah.  
 14 Q What about his activities in general?  
 15 A Well, it says that he must be home by six, Ben -- a  
 16 friend of Ben's will be dropped off at the house,  
 17 Sue has a meeting until eight.  
 18 Q Let's go to the previous day.  
 19 A Monday the 29th?  
 20 Q Right.  
 21 A Okay.  
 22 Q What's the first activity for that day?  
 23 A Again, it's the WOKY's call-in. Ben to school at  
 24 8:30. It appears that there was a meeting in the  
 25 office at 9:30. And then I don't have another -- I

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