VOLUME II of DEPOSITION of RUTH WYTTENBACH. STATE OF WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT 2 called as a witness, taken at the instance of the EQUAL RIGHTS DIVISION MILWAUKEE COUNTY 3 Complainant, under the provisions of Chapter 804 of the Wisconsin Statutes, pursuant to notice and Δ MARILYN FIGUEROA, 5 subpoena duces tecum, before Taunia Northouse, a Complainant. 6 Registered Diplomate Reporter and Notary Public in ERD Case No. 7 and for the State of Wisconsin, at the offices of CR200003454 CITY OF HILWAUKEE. 8 Murphy, Gillick, Wicht & Prachthauser, Attorneys at taw, 330 East Kilbourn Avenue, City of Milwaukee. Respondent. 10 County of Milwaukee, and State of Wisconsin, on the 15th day of January 2002, commencing at 1:21 in the 12 Continuation of Deposition of: 13 RUTH WYTTENBACH 14 APPEARANCES (Volume II) 15 VICTOR M. ARELLANO, Attorney, for LAMTON & CATES, S.C., Attorneys at law, 10 East Doty Street, Madison, Wisconsin, appearing on behalf of the Complainant. Milwaukee, Wisconsin March 15, 2002 16 17 BRUCE D. SCHRIMPF and LEONARD A. TOKUS. Assistan City Attorneys, for CITY OF MILWAUKEE, OFFICE OF THE CITY ATTORNEY, 200 East Wells Street. 18 Reporter: Taunia Northouse, RDR. (RR 19 Milwaukee, Wisconsin, appearing on behalf 20 of the Respondent. 21 22 Also present: Marilyn Figueroa and Cheri Garcia 23 24 25 145 INDEX 1 RUTH WYTTENBACH, 2 WITNESS Page(s) 2 called as a witness, being first duly sworn, 3 RUTH WYTTENBACH 3 testified on oath as follows: 4 Examination by Mr. Arellano 146 4 5 5 MR. ARELLANO: Before we begin 6 6 with the continuing deposition of this 7 E X H 1 B 1 I S 7 witness, Mr. Schrimpf, where are we with our В No. Description Identified 8 documents request regarding Mr. Soika's notes 9 Mayor Norquist's 1999 calendar 161 9 and all other records we've requested? 10 10 MR. SCHRIMPF: Mr. Soika's notes 11 are being -- Mr. Langley is not in town and 11 (Attached to the original transcript 12 and copies provided to counsel) 12 there's, as I indicated to you previously, 13 13 there's a question as to whether or not some 14 14 of those notes may involve conversations with REQUESTS PAGE 15 15 Mr. Langley. So when he gets back to town, Mayor's calendar for 12/6/99 179 16 16 which I understand is going to be Monday, 17 17 he'll have to have a chance to review those. 18 18 I didn't realize when I told you last time 19 (Original transcript filed with Attorney Arellano) 19 that he was going to be gone. He's gone. 20 20 MR. ARELLANO: All right. 2 1 21 MR. SCHRIMPF: So that's one 22 22 problem. What was the other question you had? 23 23 MR. ARELLANO: We have requested 24 discrimination complaints. 25 25 MR. SCHRIMPF: Yes. And as I 144 146

	4			T .		
	1		through this earlier. And roughly speaking, I think	1		put one in a three-ring binder so staff can use it.
	2		I probably looked through I think probably the	2		And there could be a difference between the
	3		beginning of 2000 and 1999.	3		handwritten calendar and the word process calendar
٠,	4	0	When did you do that?	4		just because if I was in the computer typing it, I
	5		I don't really know. I I don't know.	5		would have marke just not it is at
	6			1		would have maybe just put it in the computer and not
	1		Before your last testimony?	6	_	gone back and put it in the handwritten calendar.
	7		Yeah.	7	Q	If I understand your quite eloquent explanation,
	8	Q	What specifically were you looking in the 1999	8		eloquent explanation, what you're telling me is the
	9		calendar?	9		first calendar that you keep is the handwritten
	10	Α	I was I don't know what I was looking for, which	10		calendar?
	11		is why I stopped. I was curious as to whether there	11	Α	Correct.
	12		was something that I missed, didn't know.	12		Is that correct?
	13	ω	And what about the 2000? Were you looking for			
	14	V		13		Uh-huh.
		۸	anything specific?	14	Q	And then you will transfer to the computer calendar
	15		Not particularly.	15		items that the Mayor and security and others are
	16		After you reviewed these two calendars, 2000 and	16		entitled to have?
	17		1999, did you find anything missing	17	Α	I basically transfer everything from the handwritten
	18		No.	18		calendar to the computer calendar. I don't want to
	19	Q	that you could tell?	19		say completely everything but
	20	Α	No.	20	0	That was going to be my next question. Do you
	21	Q	They were fairly accurate?	21	• `	always transfer everything that you have in the
	22		I believe they were. I don't know what would have	22		written calendar into the computerized calendar?
	23		been missing.	23	Δ	Not necessarily.
	24		And just so I remember exactly your procedure for	24		
- 1	25		purposes of my obtaining the Mayor's calendar, and		Ų	Let me use perhaps improperly the word intimate.
į	25		· · · · · · · · · · · · · · · · · · ·	25		Would the written calendar be a little more intimate
- 1			151	l		153
: г						
	1	-	correct me if I'm wrong, as I understand you kept a	1		than the computer calendar with respect to writing
			correct me if I'm wrong, as I understand you kept a handwritten calendar for Mayor Norquist: true?	1 2		than the computer calendar with respect to writing
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	1 is identifying.	1	MR. ARELLANO: You do? Do you want
	2 Q You call them as records of calendar activities or	2	to show her the records for 1999?
	3 invites?	3	(Discussion off the record)
- 1	4 A It's the letter of invitation from whoever would	1	MR. SCHRIMPF: Let the record
1 1		5	
, i	have invited him, and then there's a, in some cases	1 2	reflect that I'm showing her our copy of the
	6 there is a, like a form that we fill out on top of	6	printed, if I can call it the printed calendar
- 1	7 that letter.	/	for the year 1999. And I will note for the
- 1	8 MR. ARELLANO: Those are the	8	record that the individual pages are not,
	9 records that I'm looking for.	9	except for the top page, are not identified by
Į.	MR. SCHRIMPF: And how far back are	10	year. So in examining her make sure you put
	11 you going, please?	11	the year in so it's clear for the record.
1	MR. ARELLANO: As far as 1995.	12	(Exhibit No. 10 marked for
1	3 THE WITNESS: Okay, 1	13	identification)
	4 MR. ARELLANO: Do your best. Just	14	Q I'm going to show you, Ms. Wyttenbach, what has been
	5 give them to counsel.	15	marked as Exhibit 10 of your continuing deposition
	6 MR. SCHRIMPF: Just so that you	16	which was also marked as Soika's 21.
	7 know, there is a record retention schedule. I	17	A Uh-huh.
	8 don't know what that schedule is for the	18	
		19	Q And as you can see, it's identified with a cover
	•	20	page of 1999. Is that correct?  A That's correct.
		21	i
2			Q And then I want you to just look at this exhibit and
	2 '99, '98?	22	tell me if that exhibit covers the entire year of
2		23	1999 from beginning till the end.
2		24	MR. SCHRIMPF: Let me just look at
2	5 MR. SCHRIMPF: But I want to ask 159	25	what you're looking at.
	i Su		161
L	100		
-		1	
1 2	the witness. You know which records you're	1 2	THE WITNESS: Okay. (Discussion off the record)
	the witness. You know which records you're talking about. Insofar as you know, they're		THE WITNESS: Okay. (Discussion off the record)
2	the witness. You know which records you're talking about. Insofar as you know, they're in the record retention office?	2	THE WITNESS: Okay. (Discussion off the record) (witness reviewing exhibit)
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22 3 4 5 6 7 7 8 9 10 11 12 13 14 15 16 17 18 18 19 20 21 22 23	the witness. You know which records you're talking about. Insofar as you know, they're in the record retention office?  THE WITNESS: I don't know what our form I don't know what our cycle is. I know that, I believe we have two years in the office.  MR. SCHRIMPF: Okay. And then they go down to record retention?  THE WITNESS: That's my understanding.  O Now, as far as records that could help us understand when the Mayor was actually in the office, what records do you believe could help us to determine that?  A I believe the records that would help us determine that are the calendars.  O Which ones?  A I tend to believe that it is a more that the word processed computerized calendar is a more complete calendar.  O The computerized calendar?  A Uh-huh. O Since you probably don't have these records handy	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: Okay.  (Discussion off the record)  (witness reviewing exhibit)  A They appear to be the year of 199 or the entire year I believe for 1999 as marked here.  Q Now let's do the following. Let's go backwards.  And I want to direct your attention for December of 1999. Can you from those records tell me if the Mayor was out of the office at any time in December?  A Can you explain that to me?  Q Yes. Let's start with do you recall well, let's see if the record shows whether or not the Mayor took any vacation.  A In December?  Q In December.  A I don't know if you would call it vacation or not, but he was in Chicago on Saturday, December 4th.  MR. SCHRIMPF: Counsel, let me just get to Saturday, December 4th.  Q By looking at that calendar for December 4th, are you able to tell me whether or not anyone traveled with Mayor Norquist to Chicago?  A It says meet Susan.

2 O This book that he was writing, is that a book about his understanding and views of city life. 3 A I think it's a book about his understanding and views of city life. 4 A I think it's a book about his understanding and views of city life. 5 O Let's look at December 20th? 9 A Monday, December 20th he had several meetings in the building in the morning. 10 What do you find for December 20th? 11 MR SCHRIMPF: Starting 7:30? 12 MR SCHRIMPF: Starting 7:30? 13 A He had a 9 o'clock in the office, a 9th at 10 it says calls with Barb. So he would have been out of the office. 14 office, and then at 10 it says calls with Barb. So he would have been out of the office. 15 O What about the 21st? 16 O What about the 21st? 17 A Barb Candy. 18 O What about the 21st? 19 A It says that he had calls with Barb starting at 9:30 and then he lifed election papers. 21 O Anything else? 22 A retiment lunch at noon. It says that we had a staff helidaly lunch at noon. The 130 was at Channel 26, which I think is a cross the street from City Hall. He had a 2 o'clock press event and then 167 2 he did doors. 2 O The staff holiday lunch - 2 O Day out stend that event? 3 A Lisavs in the office. 3 A Ub-huh. 4 O - do you recall seeing Marilyn Figueroa at that time? 4 A Lassume I did. I don't know. 5 O Did not return until December 28th? 5 A Ub-hah, ves. 6 O Did not return until December 28th? 6 O List sit shal? 6 Verrange Arts Center. 7 A Lassume I did. I don't know. 8 O I do you stend that event? 9 A Ub-hah, ves. 10 O Did not return until December 28th? 11 O Do you then that cornel? What does it show for the 29th? 12 A List shalp year. 13 A List cornel? What does it show for the 29th? 14 A last a cornel? What does it show for the 29th? 15 A List shalp year. 16 O What is that cornel? What does it show for the 29th? 18 A last cornel? What does it show for the 29th? 19 A Had a 9 o'clock denist appointment. He did files on the office, and then list have Pace Derember 28th? 19 A Had a 9 o'clock denist appointment. He did files on the office, and the	- 1	weekend, try not to book anything in that time.	1	Α	The PAC performance says 1:30, but I don't know if
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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 in the office. And then I have a PAC performance with question marks. 20 What is that? 21 Q What is that? 22 Q What's the last, latest activity shown for December 29th? 23 Do you have any entries for January of 2000 in 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 five. 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 December 29th? 28 Q Now let's go back to December 1999 and let's move 160 Don't heve any entries for January 2000 in there? 10 A January 1st. 11 Q What do you have any entries for January 2nd? 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 five. 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		•			•
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168 170		· · · · · · · · · · · · · · · · · ·			
170	123		25	Ų	
					17N

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	1		is the page that follows, but it says 809 South 60th	1	Α	At 8:30. He had calls with Barb at 10. He had a
	2		Street, contact Marilyn and	2		noon lunch. He had a 2 o'clock outside of the
	3		Bill Christofferson.	3		building. He had a 3:30 in the building.
	4	()	And that is for what time?	4	0	The last activity being what?
Ì	5		10 A.M.	5		
'	_			ľ	$^{\wedge}$	It says I don't know which sequence he did these.
	6		Was that the last activity shown on December 10?	6		There were two of them. One was at five and one was
	1	А	No. It says, there's an 11 o'clock hold for office	[ /		at both of them were events that went a period of
	8		time, and then there's a 1 o'clock press event at	8		time. The first one I have down is 5:45, an event
	9		Kennan Health Center.	9		at the public museum. And it appears that he spoke
	10	Q	Is that the latest?	10		at 6 o'clock and was done by 6:30. And then after
	11	A	No, there's a 2 o'clock on Mitchell Street. You did	11		that I have an A choice event at the Renaissance
	12		ask me about Friday, December 10th; right? I have	12		Place.
	13		the right day?	13	Λ	
					V	Do you see any items that would lead you to believe
	14		Right.	14		that he had any contact with Marilyn Figueroa?
ļ	15		And then I have the ice rink.	15		No. I don't have staff people down.
	16		Let's go to December 9th.	16	Q	Let's go to December 7th. Was he in town that day?
	17		Okay.	17	Α	I believe so.
	18	Q	Anything that would lead you to believe he was out	18	Q	What was his earliest activity?
	19		of town?	19	À	He had an 8:30 at the Pabst Theater.
	20	Α	I don't believe so.	20		And what was his latest activity?
	21	0	Tell me what was his activity for that day?	21		A definite was a ground breaking at 5 o'clock, and
	22		He started at 8:30 taking Ben to school. He had a	22	•	then we had two optional events on that I don't know
- 1	23		9:30 press event, 10 o'clock calls with Barb, 11:30	23		if he went or not.
- 1	24		news event, conference call at noon, a 1:30 business	24	Λ	Which are?
	25		event, 3 o'clock meeting in the office, a 3:30 in	25	•	
	25		· · · · · · · · · · · · · · · · · · ·	20	Α	One was in the Paint and One Two Awards Banquet at
			175			177
	1		the office, a 4:15 outside of the office and then a	1		5:30.
'	2		5 to 6:30 event.	2	Ω	Where?
	3		The 4:15 outside the office, did he does the	3	-	Buck's Bradley Saloon. And the other one was a 5
	4		calendar reflect what he was doing on that day?	4	′`	
	5		It says walk through Shoreline Company Holiday Open		$\circ$	to 7:30 Wasserman fund raiser holiday gathering.
	_			5	Ų	Anything there that would reflect that he met or had
	6		House at the Astor Hotel.	6		contact with Marilyn Figueroa?
	1		If there was a cancellation of any of those	1		No.
	8		activities, would that be reflected in the calendar?	8		Let's go to December 6. Was the Mayor do you
	9		Only if I knew about it beforehand. Well, no. If I	9		have that in front of you?
İ	10		knew about it on that day, it may not be reflected	10	Α	The 6th I can only give you the morning time because
	11		on his calendar.	11		this is not complete.
	12	Q	These are projected activities?	12	0	What does the December 6th calendar show?
- 1	13		Right.	13		It says a 7:30, the radio call-in to WOKY. I have a
	14		So if there was a cancellation for the time that he	14	•	9 A.M. and a noon but I don't have
	15		allocates for calls with Barb Candy, would that be	15	$\cap$	Do you know why that additional information is
	16		reflected in the calendar if there was a	16	Y	
- 1					Λ.	missing?
- 1	17 10		cancellation?	17		I'm guessing it was a clerical error.
- 1	18		If it happened that day?	18		Can you make a note and get me that
- 1	19		Yes.	19		Yeah.
- 1	20		Probably not.	20	Q	for our records? December 5th, do you have that?
	21	Q	Let's go to December 8th. Was he in town that day?	21		That's a Sunday, uh-huh.
	22		Yes.	22		Hold on a second. Before we go on to that, let me
	23		What's the earliest activity?	23	•	show you what I believe is the December 6th
	24		He took Ben to school.	24		handwritten calendar. Is that consistent with at
	25		What time?	25		·
- 1	LU	V	176	ZÜ		least the portion that you have before you?
L			1/0			178
	1/55	n n	TIM REPORTING SERVICE, LLC (608) 2	<del></del>	~~	Page 175 to Page 178

1 1	O The record that you just read is that something	1 4	Α.	11.1
2	Q The record that you just read, is that something you prepare?	1 2	А	He has a noon lunch outside of the building. He has
3	1 1	2	^	a 2 o'clock.
4		3	Ų	I'm sorry. Let's go back. The lunch appointment,
5	_	5	٨	where is that at?
6		1		Where is it at?
7	7 Q Which is not yours?	6 7		Yes.
8				Cafe Sebastian, 23rd and Wisconsin.
9		8	_	And that is at 12 o'clock?
10	y	9		Correct.
11	barren ba	10		Then what else what would be the next entry?
12		11		A 2 o'clock news conference.
13	, , ,	12	Ų	Are you able to tell me the nature of this news
14	,	13	٨	conference?
15	. 0	14		Abandoned vehicles, 3006 North 18th Street.
16	0	15	Q	Was there anything between the lunch time
117	0 0	16		appointment and the news conference that you may be
18		17		able to detect?
19	6, 7	18		Not that I'm aware of.
20	,	19		Next entry would be?
21		20	Α	A 3 o'clock in the Mayor's office and then a
22		21	^	5 o'clock.
23		22	Ų	The 3 o'clock, do you know the nature of his
24	• • •	23		activity?
25	1	24	А	It says TV interview regarding Cryptosporidium or
123	you able to tell me which, if any, activities would 183	25		Crypto.
, <del> </del>		ــــ		185
	) D	1		And what would have been the next activity?
2		2	Α	I have a 5 o'clock holiday celebration at the
3		3	_	Milwaukee Protestant Home.
4	with that name.	4		Anything else?
5	•	5		No.
6	- Jacobs Me Secolar	6	Q	Let me show you Bates stamped document 21540 which
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	December 3rd would be date stamped document	7		stands for December 2nd, Thursday. Tell me if
8	21541.	8		there's anything missing in your computerized
10	. , , , , , , , , , , , , , , , , , , ,	9		calendar that you find in the written calendar.
11	,	10	Α	On the written calendar there's an optional event
1	·	11		that evidently we didn't participate in or didn't go
12	11	12	^	to.
14		13		When you say we, meaning who?
15	· · · · · · · · · · · · · · · · · · ·	14	Α	Well, I'm sorry, the Mayor. Which is the holiday
,		15	_	celebration of diversity at the PAC.
16	•	16	Q	And that is one activity that you believe he did not
17		17		participate?
18		18	Α	I'm making that assumption because it wasn't on the
19		19	_	computerized calendar.
20		20	Q	That's the only basis you have for making that
21		21		assumption?
22		22		Correct.
23		23	Q	Okay, very good. The written calendar shows also
24		24		some other marks for earlier in the day; is that
25	, , ,	25		correct?
	184	<u></u>		186

don't have anything else on until 2:45 outside of 2 2 COUNTY OF DANE the building. I have a 5:30 to 6:30 outside of the 3 building and then a 7 o'clock. 3 I, TAUNIA NORTHOUSE, a Registered Diplomate Reporter 4 4 and Notary Public in and for the State of Hisconsin, do MR. ARELLANO: Let's go off the 5 record. 5 certify that the foregoing deposition was taken 6 (Recess) 6 offices of Murphy, Gillick, Wicht & 7 7 By Mr. Arellano: (Continuing). Attorneys at law, 330 East Kilbourn 8 Q Ma'am, we have covered at least the last aspect of 8 9 1999 so far; right? 9 the 15th day of March 2002, that 10 A That's correct. 10 11 Q You probably realize that we're covering five years. 11 12 We've got a long ways to go. So what I want to do, 12 13 I want to stop here and we're going to continue at a 13 14 later time when it's convenient to you, to counsel 14 15 and to all of us. Is that okay with you? 15 16 A That's fine. 16 17 17 MR. ARELLANO: All right. I'll let 18 you go. 18 19 MR. SCHRIMPF: Counsel, I was 19 said RUTH WYTTENBACH before examination 20 informed that of the handwritten calendars, 20 the truth, the whole truth, and nothing 21 and specifically Bates stamp No. 2817, for 21 but the truth relative to said cause. 22 some reason or another as it was going through 22 Dated March 25, 2002. 23 the copy machine didn't copy fully, and so we 23 24 have the full copy. 24 Registered Diplomate Reporter Notary Public, State of Wisconsin 25 MR. ARELLANO: What day is that? 25 191 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 25 192

STATE OF WISCONSIN

- 1	1 understand it well, no. It was my	1	Q	You looked at the word process calendar for	l.
	2 understanding that you requested the reports	2		Well, the typewritten calendar, not the handwritten	ľ
	3 from the people that did it. These were files	3		calendar.	l
	4 that and I don't know what the	4	0	For October of 1996?	ŀ
	5 confidentiality of it is, and I checked with	5		'95 or '96.	١
	6 Barbara before you came into the room and	6	0	What was the specific items in either calendar, '95	
-	7 asked her about that, where we were with that.	7	`	or '96, that you were looking for?	l
	8 She indicated to me that one of the reports	8	Α	I wasn't looking for anything in specific. He asked	١
1	9 did have the names redacted, so that and	9		me to pull those calendars and then he looked at	١
-	that was pursuant to an open records request	10		them.	١
ı	11 that the City Attorney's Office had received	11	0	And what happened to those calendars?	l
1	12 previously. I asked that the attorney who was	12		Nothing. They were put back.	ı
- 1	handling that matter review the files so that	13		And did he discuss with you anything after the	
- 1	we can take out whatever would be privileged	14	`	review of the calendars?	١
	and attorney-client communication, that kind	15	Α	No. He just said, well, I was trying to get the	١
	of thing.	16		dates straight.	
	With respect to the other file, she	17	0	Was that before his deposition or after his	1
	indicated to me that she had forgotten about	18	`	deposition?	ı
	it. And so I reminded her of that, and so she	19	Α	It would have been after, I believe.	١
12	is I assume working on it. That's one of the	20		After the deposition? Did you review his transcript	1
12	21 things she was leaving to work on.	21	`	testimony?	ı
12	MR. ARELLANO: All right. Well,	22	Α	No.	١
12	let's revisit this issue on Monday and see if	23	Q	Did you review anybody's transcript testimony?	١
12	24 we can get somewhere. Because	24	Α	No.	١
12	MR. SCHRIMPF: Well, with respect	25	Q	Did anyone give you a briefing with respect to the	
	147			149	١
1 1	to Soika's notes, Langley isn't going to be in	1		testimony that has been collected thus far?	1
'	2 until after we start on Monday.	2	Α	testimony that has been collected thus far? No.	
	2 until after we start on Monday. 3 MR. ARELLANO: Well, I certainly	4	Q	No. Do you review any other records?	
	2 until after we start on Monday. 3 MR. ARELLANO: Well, I certainly 4 need those notes in order to determine how	2 3 4	Q	No.  Do you review any other records?  No. Well, let me clarify that. I did review my	
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1 Q Do you keep calendar one, calendar two, calendar three in the computer? 2 A It's a running calendar. 4 Q Explain that to me because you probably sense I'm having problems with your system. Running meaning 7 A Depending on how much time I have and what's on the handwritten calendar, at some points there will be, in the computer calendar there could be a week, in the computer calendar there could be a couple of months out. And so what happens is when I put the new information in, I just delete what was there the day before. And so it's just kind of a running and as I get information, I insert it because at any point staff can access that calendar. 10 When you say running. I understand you're telling me that it's in constant changing mode? 11 A No. 12 Q According to new information and so on and so forth? 13 A Brat's correct. 14 Q According to new information and so on and so forth? 15 Ob you ever divide the calendar by activities? In other words, send a certain calendar to certain people in accordance with activities? 15	
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14 Q For let's say the previous preceding years. 14 Q Do you have records for 1999?	
111 6 101 101	ı schedule is.
15 A No. 15 A I believe so, yes.	
16 Q So is it your sworn testimony that all of the 16 Q 1998?	
17 calendars that you have produced are intact of any 17 A 1 think so. They go downstairs. I wou	
18 changes after January 2000? And I'm talking about 18 check.	ld have to
19 the preceding. 19 Q Well, I would like you to secure those	
20 A Okay, if I understand you correctly, you're asking 20 give them to counsel for our review.	
21 me if anytime after January of 2000 did I go back 21 A Okay.	
22 and change the handwritten calendars? 22 MR. SCHRIMPF: Now w	
23 () Correct. 23 counsel. What records are you re	records and
24 A No. 24 now?	records and
25 Q For the preceding years. 25 MR. ARELLANO: The re	records and
156	records and vait a minute, ferencing

	1 /	No.	1	Α	It says on Water Street.	7
		When was the very and I suspect for the 1st, 2nd	2		And then at 10 A.M	ľ
	3	and 3rd, are you able to tell me what he did on the	3	-	10:30.	1
- 1	4	1st? Was he in the office?	4		10:30 what does it show?	1
		A It appears it says been to school, calls with	5	-	Annual basket delivery, meet at St. Mary Magdalen.	
	5 , 6	Barb, DCD/John meeting. He had his announcement	6	Q	Anything else for the 17th?	
	7	. • • • • • • • • • • • • • • • • • • •	7		There was a retirement party at noon at the 809 city	
		that evening.	8	$^{\wedge}$		
		What announcement?	1 .		building. It says Ben's, 11:30 to 12:45 Ben's	
		His kick-off for re-election.	9		winter assembly. Susan, please verify time. Most	
- 1		And this is in 1999 we're looking at?	10	^	of his day was out that day.	١
,		Correct.	11	-	What about the 18th?	ļ
- 1		So on December 4th there is an entry that places him	12	Α	It was a Saturday. He had a number of different	
	3	going to Chicago; correct?	13		things. I mean I don't believe any of them were in	
		In the afternoon.	14		the building, in City Hall.	1
- 1		When was the very next time after December 4th that	15	-	19th?	
	6	shows the Mayor being out of the office?	16	Α	Sunday. It doesn't all of his events were	
1		This was a Saturday.	17		outside of City Hall.	۱
1		Lunderstand.	18	Q	If the Mayor would spend time at the office over the	
1		Okay. Again we're looking at this holiday that	19		weekend, would there be a record kept of that event?	1
2	0	you're asking about, vacation.	20	Α	Not that I know of.	
2		Regardless, without excluding no, next time	21		Isn't there a sign-in, sign-out record?	1
2		you gave me a trip to Chicago. When is the next	22		In the Mayor's office?	
2	3	time that he was out of the office?	23	Q	Right.	-
2	4 A	l believe it would be l believe it would be	24	Α	No.	
2	5	Thursday, December 16th.	25	Q	Or in City Hall for the weekend.	
		163			165	
1		What does the calendar entry show?	1	Α	I know that the information booth, that there's	٦
2		It says going to Washington, D.C. with Don Voith.	2		somebody there. I know that they let you in and	1
3		And does the calendar show any other day that he was	3		out. I don't know that people always sign in and	-
4		out of the office?	4		out.	
5		It appears that on Wednesday, December 22nd, that	5	0	If the Mayor decided to spend some time over the	-
6		the family, the Mayor and his family went to	6	~	weekend at the office, would you write it down?	
7		Washington, D.C.	7	Α	Only if he told me about it.	
8	0	Any other	8		Do you recall any one time when he asked you to	
9		And they returned on the 28th.	9	V	write down time at the office on a weekend?	-
		Any other exit?	10	Δ	Not in this time frame. I do believe he was, when	Ì
110	-	Not that I'm aware of.	11	<i>^</i> \	he worked on his book for awhile, he needed time set	
11.			12		aside that he just found it I guess quieter.	ļ
12		Let's go back to December 16th.	13	Λ	What book was this?	١
13		Okav.	1	-		
14		Between December 16th and December 22nd do you find	14		The Wealth of Cities.	
15		any entries that would place him out of the office?	15	Ų	Do you know what period of time he was working on	
16		Out of the office? Oh, yeah.	16	٨	that book?	
17	•	Tell me	17		Not offhand.	
18		I mean not out of not trips. Okay, the 16th he	18	Ų	When he worked at the City building in his book, did	
19		was out of the office. On the 17th the 10:30 A.M.	19		he discuss that with you?	
20		would have been out of the office. Oh, actually the	20		Did he I don't know what you're asking.	
21		9 o'clock was at Cream City Cafe.	21	Q	Would he discuss with you that he had worked on his	
22		On the 17th?	22		book over the weekend?	
23	Α	On the 17th.	23	Α	No. What he probably would say to me is that and	
24	Q	So it shows Cream City Cafe, is that location here	24		I can't give you a specific here, but what I assume	
25		in Milwaukee?	25		he would say is that I need a couple hours this	
		164	1		166	
-		ATIM REPORTING SERVICE LLC (608) 2			Page 163 to Page 16	_

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 secnse? I'm assumingd 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, and 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 building, and 21 a o'clock I'm assuming in the building, it was an 22 interview, a 4 o'clock outside of the building. And 23 that would expect him around 8:30, 9 o'clock. 24 I would expect him around 8:30, 9 o'clock. 25 Q To your knowledge, was the Mayor a regular runner, jogger? 26 A I know he ran. I don't know how regular he was at 27 it. 28 I know he ran. I don't know how regular he was at 29 it. 29 Q Does he still run today? 20 Let's go to December 12th, can you 21 then he had a 10:30. And in between that it 22 anything else for December 14th? 23 A I don't know. 3 I know he ran. I don't know how regular he was at 3 it. 4 I know he ran. I don't know how regular runner, jogger? 4 I know he ran. I don't know how new hen he run, early in the 24 I know he ran. I don't know how how hen he run, early in the 25 unto the wilding. I don't know. 26 December 12th don't know. 27 A l don't know. 28 A loan't know how new hen he run, early in the 28 morning or late at night? 3 A loan't know. 3 I know he ran. I don't know how hen he run, early in the 3 I know here ran. I don't know how hen he run, early in the 3 I know her ran. I don't know how hen he
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5 A Out of town? 5 Holiday Celebration. 6 Q Correct. 6 Q What was his latest activity in accordance with that
6 Q Correct. 6 Q What was his latest activity in accordance with that
7 A I don't believe he was out of town. 7 calendar for December 11th?
8 Q So inversely, do you find activities that took place 8 A It appears that he, it appears that he went to a
9 in and out of the office? 9 theater production at the Modjeska Theater.
10 A On the 13th. 10 Q What time?
11 Q What's the earliest activity that he had for 11 A 7:30 P.M.
12 December 13? 12 Q Let's go to December 1. Anything that would lead
13 A He had again the radio, WOKY call-in at 7:30. Says 13 you to believe that he was out of town?
14 Ben to school at 8:30. 14 A No. 1 think he was probably here.
15 Q What's the latest activity he had for December 13? 15 Q What is his earliest activity shown for
16 A Postal workers union meeting at 7:30 P.M. 16 December 10th?
17 Q When he was not attending the radio program, what 17 A lt says take Ben to school at 8:30.
18 was his usual arrival time to the office, 18 Q And the latest activity?
19 Mrs. Wyttenbach? 19 A 5 P.M. ice rink opening well, it was the opening
20 A On this day or on any day?  20 at Red Arrow Park.
21 Q On any day.  21 Q Do you see anything in any of these activities that
22 A It would all depend on what was on the calendar. 22 would lead you to believe he had a meeting with
23 Q What is your recollection? Are you able to give me 23 Marilyn Figueroa on the 10th?
24 a fairly approximate time of arrival for the Mayor 24 A Well, at 10 it says Channel 47 taping regarding
25 for the most part? 25 census GOTV at 809 South I'm assuming that this
172 tensus GOT v at 809 30tut Thi assuming that this
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<u> </u>		V	17		
		Yes.	1	Q	So according to your records, the Mayor was out of
2	Q	By using the December 6th handwritten calendar, are	2		town from December 4th until December 5th in the
3		you able to tell me what other activities took place	3		morning?
4		at least	4	Α	Right. He left on the afternoon of the 4th.
5	Α	The WOKY in the morning, the 9 o'clock, a 10:30 I	5	Q	And returned?
6		assume in the office, 11:30 in the office, a noon	6	Α	Sometime on the 5th. I don't know when.
7		lunch. He seems to have open time. Then he has a	7	Q	But it showed that he was in town on the 5th?
8		3:30. Lassume that was in the office. And then a	8	À	l assume he returned on the 5th.
9		5:15 outside at the Milwaukee Yacht Club.	9	0	What I just showed you right here, the Bates stamp
10	()	So the last activity at least as shown in the	10	`	document 21542, was that for the 5th?
111	`	handwritten calendar would be what?	11	Α	That's for the 4th and 5th.
12	Α	5:15.	12		4th and the 5th. Is this record consistent with the
13		All right. May I have that page back? So this	13	. ~	computerized calendar that you have in front of you
14	V	would be a fairly accurate reflection	14		for those two corresponding days?
15	Δ	I believe that	15	Δ	Yeah. It's not identical. There are two events
16		When I say this, I'm looking at the December 6th	16	/\	that evidently since I knew he wasn't going to be in
17	V	handwritten calendar; is that correct?	17		,
18	Δ		18	Ω	town that I didn't write on the printed calendar.
19	^	Right.	19		Which items are not? This is on the 4th. That would be the annual
		MR. SCHRIMPF: Can you give us the	20	^	1
20		Bates stamp number of that page, counsel?  MR. ARELLANO: 21543.	21		International Gift Shop Quaker, at the Quaker
21					Meeting House. And the New England Style
22		MR. SCHRIMPF: Thank you.	22	_	Contra-dance at the Unitarian Society.
23	Ω	MR. ARELLANO: You're welcome.	23	Ų	All right, thank you. Let's go to I believe would
24		Now let's go to December 5th.	24		be the 3rd since he was out of town on the 4th; is
25	А	It appears I mean this was the continuation from	25		that correct?
		179			181
1		the 4th when he was in Chicago.	1	Α	He was out of town the afternoon of the 4th.
2	()	Let me understand what you mean by that. When did	2	Q	Is there anything in there that would lead you to
3		he go to Chicago?	3		believe he was out of town on December the 3rd?
4	Α	On the 4th in the afternoon.	4	Α	No. I believe he was here.
5	()	On the 4th, okay. So he left on the 4th. According	5	Q	What do the entries show for December the 3rd?
6		to those records, he left to Chicago on the 4th?	6	A.	It appears that he started at 8:30 by taking his son
7	Α	Correct.	7		to school. He had a 10 o'clock at Riverside High
8	0	And how long was he in Chicago?	8		School. He had a 11 o'clock in the office.
9		It appears overnight.	9	0	The Riverside High School, what time was that?
10		So when did he return?	10		10. A 11 o'clock I believe in the office, a noon
11	-	I don't know.	11		outside of the office, a noon lunch. And then it
12		Is there any activity for the 5th?	12		says 5:15 outside of the office.
13		There's two optional items on here. One was for his	13	0	Do you see anything for 9:30 on December 3rd?
14	• •	son's school, and I don't have a time for that. And	14		There's more here. I'm sorry. I was reading off of
15		the other one was an open house at somebody's home.	15	• •	an incomplete form. Friday, December 3rd we start
16		That was 3 to 6 P.M.	16		at 8:30 by taking Ben to school. We have a 9:30
17	$\cap$	And that is what is reflected on December the 5th?	17		briefing for the 10 o'clock event. We have an 11 in
18		Correct.	18		the office. We have a noon outside of the office, a
19			19		5:15 outside of the office, a 6:30 outside of the
20	Ų	Just to make sure we've got the right activities,	20		
1		I'm showing you what I believe is is this	1		office, a these were turned around I guess.
21		December the 5th handwritten calendar?	21		There was a 6 o'clock outside of the office, a 6:30
22	Н	Correct.	22		and then a 7 o'clock that he went to, a basketball
23		MR. SCHRIMPF: What is the Bates	23	^	game.
24		stamp number?	24		Are you the only person that keeps his calendar?
25		THE WITNESS: 4 to the 5th. 1542.	25	Α	When I'm there.
		180	1		182
	DD /				

11	Α	Before 10?	1	Α	Ben to school.
2		Correct.	2		Let me show you Bates stamp document 21539 which I
3		It says leave open.	3	٧	believe represents the entries for December 1st of
4		And there's also another notation to the far margin,	4		199.
5	`	right-hand margin.	5	Δ	Okay.
6	Α	Okay.	6		_ *
7		What is that?	7		I see an 8:05 WTM] radio.
8		It's Susan/Ben AI, and underneath that it says AIA	8		Is that your handwritten notes?
9	,	annual, AIA awards.	9	-	Yes, it is.
10	( )	What's your understanding of that activity?	10		
11		Of the AIA awards?	11	Ų	Is that the only thing missing from the computerized calendar?
12		Correct.	12	۸	
13		I think AIA stands for the American Institute of	13	$^{\wedge}$	I have in here lunch with Mike Soika at noon, which I don't have on this sheet.
14	, ,	Architects. I don't know what that means.	14	Λ	
15	0	That entry, does that in any way help you to tell me	15		To your knowledge, did he attend the radio program?
16	V	what he was doing during that time of the day?	16		I'm guessing he called that in, but that's a guess.
17	Δ	You mean in the morning?	17		To your knowledge, did he meet with Mr. Soika?  I don't know.
18		Correct.	18		
19	•	No. I can project that maybe they were meeting	19	Ų	Let me have my little record back. Now, let's move
20	, ,	somewhere, not necessarily in Wisconsin. He used to	20	Δ	to I believe November of 1999.
21		serve on this board, and so they may have given us	21		The beginning?
22		some information at some point.	22		Yes. Actually the last day of November.
23	()	Where was this activity where would this activity	23		Tuesday the 30th? Correct. To your knowledge, was he in town?
24	~	take place?	24		I believe he was.
25	Α	I would guess D.C., but I don't know that.	25		
	,,	187	23	Ų	And what's his first activity of the day for that 189
1		Do you know if he was in D.C. for that morning?	1		day?
2		I do not know. I believe he was in Milwaukee.	2		It's a 7:30 doctor's appointment.
3	Q	Okay, very good. And I'm sorry, did you write the	3		And what would be the next activity?
4	٨	notation 7 through 10 leave open?	4	Α	10 to noon calls with Barb, a noon lunch, a
5		I have morning open.	5		1 o'clock ground breaking event, a 2 o'clock that
6		My question is did you write this note?	6		I'm assuming happened in the office. I have a 4:30
1 /		Oh, did I write that on it? Yeah. Yes, I did.	/		written in and then a 5 to 7 fund raiser at the
8		ls that something he would request you to do?	8		Athletic Club.
9	А	I'm guessing that I put it on there considering that	9	Q	Let's go to the 29th I believe. Did you give me
10	<i>(</i> )	he had his kick-off announcement the night before.	10		everything for the 30th, November?
111	_	And that is the re-election announcement?	11		As far as the public events?
12		That's correct.	12	-	Yes.
13	Q	Well, let's go to the night before, see what	13		Yeah.
14	٨	happened. What do we show for December 1st?	14		What about his activities in general?
15	А	I show that he took Ben to school. He had calls	15	Α	Well, it says that he must be home by six, Ben a
16		with Barbara in the morning. There was a Mayor DCD	16		friend of Ben's will be dropped off at the house,
17		meeting at 1:30. And then I have leave open at	17	^	Sue has a meeting until eight.
18	^	3 o'clock because of the 5 o'clock announcement.	18	_	Let's go to the previous day.
19		Do you show anything for 8 o'clock?	19		Monday the 29th?
20		8 A.M.?	20		Right.
21	-	Yes.	21		Okay.
22		No.	22	_	What's the first activity for that day?
23		8:05?	23	Α	Again, it's the WOKY's call-in. Ben to school at
24		No.	24		8:30. It appears that there was a meeting in the
25	Ų	Do you show anything for 8:30?	25		office at 9:30. And then I don't have another I
<u></u>		188	<u> </u>		190
	DD.				