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VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

IN THE SUPREME COURT OF THE VIRGIN ISL.

Appeal No. 2021-0001

**SENATOR ADLAH DONASTORG, JR., BENEDICTA DONASTORG,
ADLAH DONASTORG, SR., JOSEFINA DONASTORG, ELLA MORON
AND NORMA DURAN,
Appellants**

**DAILY NEWS PUBLISHING CO. INC., LOWE DAVIS, HOLLAND
"DYKE" REDFIELD, VITELCO AND OAKLAND BENTA.
Appellees.**

On Appeal from
The Superior Court of the Virgin Islands
Division of St. Thomas

Superior Court Civ. No. SX-2002-CV-00117 (STT)

**JOINT APPENDIX
Volume V**

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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

SENATOR ADLAH DONASTORG, JR.,) CIVIL NO.
BENEDICTA DONASTORG, ADLAH) 117/2002
DONASTORG, SR., JOSEFINA)
DONASTORG, ELLA MORAN, and) VOLUME I
NORMA DURAN,)
Plaintiffs,) PAGES 1-252
)
vs.)
)
DAILY NEWS PUBLISHING CO., INC.,)
INNOVATIVE COMMUNICATION)
CORPORATION, JEFFREY PROSSER,)
LOWE DAVIS, HOLLAND "DYKE")
REDFIELD and VITELCO,)
)
Defendants.)
)
-----)

DEPOSITION OF ADLAH A. DONASTORG, JR.

Date: Tuesday, December 16, 2008
Time: 9:46 A.M.
Location: The Law Office of Smock and Moorehead
11 Norre Gade
St. Thomas, Virgin Islands
Reported by: N. Antoinette Cérge, RPR/CSR

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Benedicta Donastorg
Ella Duran
Norma Duran
Felicita McBean
Adlah Donastorg, Sr.

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1 ST. THOMAS, VIRGIN ISLANDS; TUESDAY, DECEMBER 16, 2008

2 9:46 A.M.

3 -000-

4 ADLAH A. DONASTORG, JR.

5 having been first duly sworn, was examined and

6 testified as follows:

7

EXAMINATION

09:46:34 8 BY MR. RUSKIN:

09:46:35 9 Q Good morning, sir.

09:46:36 10 A Good morning.

09:46:37 11 Q My name is Paul Ruskin. And with me here
09:46:39 12 today is Kevin Rames. And we represent collectively
09:46:43 13 the Defendants, but we represent different
09:46:48 14 defendants. So I'd like to just represent to you
09:46:50 15 who I represent.

09:46:51 16 I represent Holland Redfield and VITELCO,
09:46:54 17 and I'll be asking you questions on behalf of those
09:46:56 18 Defendants this morning. After that, Attorney
09:46:59 19 Rames, who represents the remaining defendants that
09:47:02 20 are still in the case, will be asking you some
09:47:06 21 questions as well.

09:47:07 22 Okay. Would you state your full name for
09:47:10 23 the record, please.

09:47:11 24 A Adlah Alphonso Donastorg, Junior.

09:47:16 25 Q And just so that I -- I haven't been

09:47:17 1 introduced to the other people in the room that are
09:47:21 2 the plaintiffs, so if we could just go around the
09:47:23 3 room, and everybody announce your name, please.
09:47:26 4 We could start with you, sir.
09:47:27 5 ADLAH DONASTORG, SR.: Adlah Alphonso
09:47:30 6 Donastorg, Senior.
09:47:30 7 MR. RUSKIN: Thank you, sir.
09:47:32 8 JOSEFINA DONASTORG: Josefina
09:47:32 9 Donastorg.
09:47:33 10 MR. RUSKIN: I'm sorry. Can you --
09:47:34 11 JOSEFINA DONASTORG: Josefina Aponte de
09:47:38 12 Donastorg.
09:47:40 13 MR. RUSKIN: Thank you.
09:47:41 14 Ma'am?
09:47:41 15 MS. MORON: Ella Moron.
09:47:44 16 MR. RUSKIN: Thank you.
09:47:44 17 Ma'am?
09:47:45 18 MS. McBEAN: Felicita McBean.
09:47:47 19 MS. DURAN: Norma Duran.
09:47:48 20 MR. RUSKIN: Thank you.
09:47:51 21 BY MR. RUSKIN:
09:47:51 22 Q I will refer to you this morning as
09:47:54 23 "Senator," if that's okay with you. Would that be
09:47:56 24 all right, or would you rather I refer to you as
09:48:00 25 "Mr. Donastorg" or "Senator Donastorg"?

09:48:03 1 A Whatever you choose.

09:48:04 2 Q Okay. Thank you.

09:48:07 3 Senator, I'm going to be asking you a
09:48:09 4 bunch of questions this morning about the Complaint
09:48:10 5 that you filed in this matter. If I ask you any
09:48:14 6 questions that you don't understand, please tell me,
09:48:17 7 and I'll restate the question. I'll try to make it
09:48:20 8 in a form that you have no trouble answering in
09:48:21 9 terms of understanding the question.

09:48:23 10 And if you need to take a break, for the
09:48:26 11 restroom or to get something to drink, or something
09:48:29 12 like that, just tell me; I'll be more than happy to
09:48:32 13 stop and let you take care of whatever you need to
09:48:35 14 do. Okay?

09:48:38 15 I'd appreciate it if you could keep your
09:48:39 16 voice high, because the room echos a little bit, and
09:48:43 17 the court reporter has to get every word down.

09:48:46 18 Do you have any questions about anything
09:48:46 19 I've said so far?

09:48:51 20 A Only that did you care to know what the
09:48:54 21 relationship to the people --

09:48:56 22 MS. ROHN: No, no, no.

09:48:57 23 BY MR. RUSKIN:

09:48:57 24 Q I will ask questions later --

09:48:59 25 A Okay.

09:48:59 1 Q -- but in terms of what I've already
09:49:00 2 asked, I want to make sure that you understand
09:49:02 3 everything that I've said so far.
09:49:03 4 A Not a problem.
09:49:03 5 Q Have you ever had your deposition taken
09:49:08 6 before?
09:49:08 7 A Yes.
09:49:09 8 Q Okay. How many times?
09:49:12 9 A I think once.
09:49:14 10 Q And what was the case that that was taken?
09:49:18 11 A It was taken in the banking case -- in a
09:49:21 12 banking case.
09:49:22 13 Q Do you remember who the plaintiff was and
09:49:24 14 who the defendants were?
09:49:27 15 A FirstBank, Chase JP, Banco Popular, and
09:49:33 16 First V.I.
09:49:37 17 Q How long ago was that deposition?
09:49:39 18 A Approximate -- I believe months ago.
09:49:45 19 Q But in years, it was within the last year
09:49:48 20 or so?
09:49:49 21 A Yeah.
09:49:49 22 Q Okay. Great.
09:49:50 23 So this is not an unfamiliar setting for
09:49:53 24 you? You've been through this before?
09:49:55 25 MS. ROHN: Objection. It's not a

09:49:56 1 question. Don't answer. It's a statement.

09:50:00 2 BY MR. RUSKIN:

09:50:01 3 Q Have you ever given testimony in court?

09:50:07 4 A Yes.

09:50:08 5 Q How long ago was that?

09:50:09 6 A Years ago.

09:50:10 7 Q More than ten?

09:50:14 8 A To the best of my knowledge. I believe

09:50:18 9 so.

09:50:21 10 Q All right. Let me start by asking you to

09:50:29 11 give me --

09:50:32 12 Well, first of all, what is your current

09:50:34 13 occupation as of this day?

09:50:37 14 A Business owner.

09:50:39 15 Q I'm sorry?

09:50:40 16 MS. ROHN: "Business owner."

09:50:41 17 MR. RUSKIN: Thank you.

09:50:42 18 BY MR. RUSKIN:

09:50:42 19 Q And what is that business?

09:50:44 20 A A consulting firm.

09:50:45 21 Q What's the name of the firm?

09:50:46 22 A Fine Print Consulting Services.

09:50:48 23 Q And what kind of consulting does it do?

09:50:51 24 A Major developments, applications for

09:50:55 25 rezoning, special building permits, et cetera.

09:50:59 1 Q And I believe -- it comes as no surprise
09:51:04 2 to anybody here that you have a new occupation that
09:51:06 3 you're starting imminently; isn't that correct?
09:51:09 4 A Yeah.
09:51:10 5 Q And that is?
09:51:13 6 A As Senator.
09:51:14 7 Q Right. When do you take the Oath of
09:51:15 8 Office for that position?
09:51:17 9 A January 12th.
09:51:19 10 Q Is it your intention to continue or to
09:51:21 11 cease the consulting business when you take the Oath
09:51:24 12 as Senator?
09:51:26 13 A The business is an LLC; it continues on
09:51:29 14 its own.
09:51:30 15 Q And will you have any participation in
09:51:32 16 that business after you take the Oath of Office?
09:51:34 17 A No, not really.
09:51:39 18 Q Who are the owners of that business?
09:51:41 19 A I'm the sole owner.
09:51:46 20 Q Who else works in that business besides
09:51:48 21 yourself, if anyone?
09:51:50 22 A I just contract out services, if
09:51:52 23 necessary.
09:51:57 24 Q How long has that business been in
09:51:59 25 existence?

09:52:03 1 A I believe about a year and a half.

09:52:08 2 Q When did you first become a Senator in the
09:52:10 3 Virgin Islands?

09:52:14 4 A To the best of my knowledge, I believe I
09:52:14 5 was elected in 1995, assumed office in 1996.

09:52:21 6 Q And you served continuously until when?

09:52:25 7 A I served continuously until an
09:52:27 8 unsuccessful bid for Governor, which was two years
09:52:32 9 ago, 2006.

09:52:33 10 Q So you served until the end of 2005 or the
09:52:38 11 beginning of 2006; is that correct?

09:52:40 12 A I believe to the end of 2006.

09:52:41 13 Q Oh, the end of 2006.

09:52:43 14 A Uh-huh.

09:52:48 15 Q Did you have any other occupation or
09:52:49 16 business during the years that you served as Senator
09:52:53 17 from '96 until the beginning of 2007 or the end of
09:53:01 18 2006?

09:53:01 19 A I was the owner of Carrier Medical Supply,
09:53:06 20 which was placed in abeyance some time shortly after
09:53:10 21 I assumed office; it may have been a year.

09:53:12 22 Q So that would have been some time around
09:53:14 23 '97 or '98?

09:53:16 24 And that business was essentially dormant
09:53:19 25 until when?

09:53:20 1 A It remained dormant.

09:53:24 2 Q It was --

09:53:24 3 A It was never reactivated.

09:53:26 4 Q I'm sorry. My fault. I spoke over you,
09:53:28 5 and I apologize for that.

09:53:30 6 Is it correct, then, that this medical
09:53:32 7 supply business remained dormant from 1997 or '8
09:53:41 8 until the present?

09:53:41 9 A It was dissolved, actually.

09:53:43 10 Q Oh, it was dissolved. When was it
09:53:45 11 dissolved?

09:53:46 12 A To the best of my knowledge, I believe
09:53:49 13 maybe a couple years after I became Senator.

09:53:54 14 Q So by 2000 or so it was dissolved?

09:54:00 15 A I believe so.

09:54:03 16 Q Prior to being elected Senator initially
09:54:07 17 in '95, '96, whenever it was, what was your
09:54:13 18 occupation or your business?

09:54:18 19 A Can you repeat that?

09:54:20 20 Q Yeah. I'm trying to establish what your
09:54:22 21 employment history or your business history was
09:54:24 22 prior to first becoming a Senator. If you could
09:54:27 23 give that --

09:54:28 24 Let's start with the first job you had
09:54:30 25 after college.

09:54:31 1 Did you go to -- excuse me. Withdrawn.

09:54:34 2 Did you go to college?

09:54:35 3 A Yeah.

09:54:35 4 Q Okay. And what year did you graduate?

09:54:38 5 A I didn't graduate from college.

09:54:39 6 Q Okay. What was the last year you attended

09:54:41 7 college?

09:54:44 8 A To the best of my knowledge, I believe up

09:54:48 9 until, I think during the early part of 2000, 2001,

09:55:00 10 2002. It was continuous for me.

09:55:03 11 Q I see.

09:55:04 12 So you went to college in some other way

09:55:09 13 than full-time --

09:55:11 14 A That's correct.

09:55:11 15 Q -- while you were also a Senator --

09:55:13 16 A That's correct.

09:55:13 17 Q -- and while you did other things?

09:55:15 18 A That's correct.

09:55:15 19 Q Then let's start with high school. What

09:55:17 20 year did you graduate high school?

09:55:19 21 A 1980.

09:55:20 22 Q And what high school did you graduate

09:55:22 23 from?

09:55:23 24 A Basset High School, California.

09:55:27 25 Q When did you first come to the Virgin

09:55:28 1 Islands after high school?

09:55:35 2 A To the best of my knowledge, I believe I

09:55:38 3 returned home around 1980; left again and returned

09:55:48 4 probably in '82.

09:55:54 5 Q What years did you attend college, even

09:55:56 6 part-time; do you recall?

09:56:02 7 A It's rather difficult because there is

09:56:04 8 different timeframes; start, stop, start, stop.

09:56:10 9 Then there is two different methods or two different

09:56:14 10 types of school attendance --

09:56:16 11 Q Okay.

09:56:18 12 A -- on-line and UVI.

09:56:21 13 Q What courses of study did you study?

09:56:24 14 A The basic general courses, prerequisites.

09:56:28 15 Q Did you have a major?

09:56:30 16 A It was first Computer Science and then it

09:56:32 17 was changed to Business Administration.

09:56:35 18 Q And how many credits did you earn before

09:56:39 19 you stopped going to college?

09:56:42 20 A I really don't know.

09:56:45 21 Q Do you have any idea how close you were to

09:56:48 22 getting a degree when you stopped going?

09:56:56 23 A Uh-huh. Actually, I earned a degree from

09:57:00 24 Madison University; that is a nonaccredited

09:57:04 25 institution.

09:57:04 1 Q Where is that located?

09:57:06 2 A Maddison, I think, is located in Missouri.

09:57:10 3 I'm not sure about that.

09:57:11 4 Q And what degree did you earn?

09:57:13 5 A Business Administration.

09:57:15 6 Q Was that a bachelor's degree?

09:57:17 7 A Yeah.

09:57:20 8 Q And what year was that?

09:57:26 9 A I believe that was 2005; could have been

09:57:33 10 2004, 2005.

09:57:35 11 Q Let's go to the first job you held after

09:57:38 12 high school. What was that?

09:57:42 13 A That's the hospital.

09:57:45 14 Q I beg your pardon?

09:57:47 15 A The hospital.

09:57:48 16 Q What did you do at the hospital?

09:57:49 17 A Accounts Receivable --

09:57:50 18 Q And which hospital was that?

09:57:51 19 A -- Collection Agent.

09:57:52 20 Q Which hospital was that?

09:57:55 21 A The St. Thomas Hospital.

09:57:56 22 Q Oh. Okay. And how long did you hold that

09:57:59 23 position?

09:58:05 24 A I can only approximate; I think two years.

09:58:07 25 Q And what was the nature of your duties in

09:58:10 1 Account Receivables at the hospital?

09:58:11 2 A Collect the delinquent debts, collect

09:58:14 3 monies that are owed by insurance companies.

09:58:18 4 Q Did you have any bookkeeping

09:58:20 5 responsibility?

09:58:22 6 A The only bookkeeping was what I collected,

09:58:26 7 keeping a log.

09:58:27 8 Q And what was your next job after that?

09:58:29 9 A I went to the legislature to work.

09:58:31 10 Q What was the nature of that job?

09:58:33 11 A Legislative Assistant.

09:58:35 12 Q Did you work for any particular senator,

09:58:38 13 or did you work for the Legislature as a whole?

09:58:41 14 A I worked for Senator James O'Bryan.

09:58:44 15 Q And what did you do for the senator?

09:58:46 16 A Legislative work.

09:58:50 17 Q What did that entail?

09:58:53 18 A Some research, drafting correspondence,

09:58:57 19 entertaining complaints.

09:58:58 20 Q What years did you do that?

09:59:02 21 A To the best of my knowledge -- I'm trying

09:59:12 22 to remember when he was elected. That may have been

09:59:17 23 around 199- --it's difficult for me to remember

09:59:24 24 those dates.

09:59:25 25 Q How many years did you --

09:59:27 1 A I served with him about two years.

09:59:29 2 Q Do you remember when you stopped?

09:59:30 3 A (Indicating negatively.)

09:59:33 4 Q What job did you have next?

09:59:35 5 A I was then employed by Senator Bingley

09:59:39 6 Richardson.

09:59:40 7 Q I'm going to just stop for one second.

09:59:42 8 I'd like to just ask, if you would sir,

09:59:44 9 would you answer -- you have to answer out loud

09:59:47 10 because the court reporter can't really take down

09:59:49 11 nods and shakes of the head. So --

09:59:51 12 MS. ROHN: What hasn't he answered?

09:59:53 13 MR. RUSKIN: I beg your pardon?

09:59:54 14 MS. ROHN: He could nod and shake his

09:59:56 15 head while he's talking.

09:59:57 16 MR. RUSKIN: I know, but I didn't hear

09:59:59 17 him saying anything. I saw him -- if the

10:00:01 18 reporter got it down, I have no problem.

10:00:04 19 THE COURT REPORTER: Yes.

10:00:04 20 MR. RUSKIN: Okay.

10:00:07 21 BY MR. RUSKIN:

10:00:07 22 Q Okay. I believe you had just answered

10:00:09 23 that you worked for another senator after the first

10:00:12 24 one; is that correct?

10:00:13 25 A That's correct.

10:00:13 1 Q Okay. And how long did you work for that
10:00:15 2 senator?
10:00:16 3 A I think approximately four years.
10:00:18 4 Q Okay. Do you remember the year that you
10:00:21 5 stopped with that position?
10:00:22 6 A No.
10:00:27 7 Q Was it still in the '90s? I'm sorry. Was
10:00:29 8 it still in the '80s or are we now in the '90s?
10:00:34 9 A I think it was in the '90s.
10:00:36 10 Q And did you serve as a legislative aide to
10:00:39 11 that senator as well?
10:00:42 12 A I was promoted to -- I believe the last
10:00:46 13 position I had was Researcher Interim Chief of
10:00:50 14 Staff.
10:00:52 15 Q Okay. And what was the next position you
10:00:55 16 held or the next job you held?
10:00:58 17 A Then I went to the private venture,
10:01:03 18 private sector.
10:01:06 19 Q I'm sorry. There was noise out on the
10:01:06 20 street.
10:01:07 21 A I went in to the private sector.
10:01:07 22 Q Doing what, sir?
10:01:07 23 A Back to Carrier Medical Supplies.
10:01:15 24 Q And how long did you do that before you
10:01:16 25 were elected to the Senate?

10:01:22 1 A I would estimate, I believe about three
10:01:26 2 years.
10:01:31 3 Q So you entered the Senate at the beginning
10:01:33 4 of '97, correct? I believe that's what you said.
10:01:36 5 A Uh-huh.
10:01:37 6 Q In the first years that you were in the
10:01:41 7 Senate, you served with Senator Redfield, who was
10:01:47 8 still a senator at the time, was he not?
10:01:50 9 A Yeah, I think he was in the Body.
10:01:54 10 Q Did you have any personal contact with
10:01:57 11 Senator Redfield at the time?
10:01:59 12 A If I'm not mistaken, I think I sat right
10:02:02 13 next to Senator Redfield.
10:02:04 14 Q How would you characterize your
10:02:06 15 relationship with Senator Redfield at that time?
10:02:10 16 A On my part, I think we had a cordial
10:02:13 17 relationship.
10:02:13 18 Q Was it more than cordial? Was it
10:02:16 19 friendly?
10:02:16 20 A I think so.
10:02:16 21 (Defendants' Exhibit 1 marked for identification.)
10:02:17 22 MR. RUSKIN: Now, what I'd like to do
10:02:32 23 to start is let's mark this as Exhibit 1.
10:02:34 24 BY MR. RUSKIN:
10:03:12 25 Q Senator, I had put in front of you

10:03:16 1 Exhibit 1, which is the Second Amended Complaint in
10:03:19 2 this action. Do you see that?

10:03:21 3 A I have two documents in front of me. I
10:03:23 4 haven't had a chance to make a comparison.

10:03:27 5 MS. ROHN: No, no, no. This is just a
10:03:28 6 copy.

10:03:29 7 THE DEPONENT: Same thing?

10:03:30 8 MS. ROHN: Uh-huh.

10:03:31 9 THE DEPONENT: Okay.

10:03:31 10 BY MR. RUSKIN:

10:03:33 11 Q Do you recognize this document?

10:03:33 12 A Yes.

10:03:34 13 Q You've read it before; is that right?

10:03:35 14 A Uh-huh.

10:03:39 15 Q The first question I have -- and it may
10:03:41 16 be -- well, the first question I have is that I
10:03:45 17 notice in the caption of the Complaint, and in the
10:03:48 18 body of the Complaint, you are referred to as
10:03:49 19 "Senator Donastorg."

10:03:53 20 Do you see that?

10:03:53 21 A Uh-huh.

10:03:54 22 Q The title "Senator" is in the caption, and
10:03:56 23 the first line of the Complaint refers to you as
10:03:58 24 "Senator" as well.

10:04:00 25 Do you see that?

10:04:04 1 A Yes. Yes.

10:04:05 2 MS. ROHN: The document speaks for
10:04:06 3 itself. We can all see it.

10:04:10 4 BY MR. RUSKIN:

10:04:10 5 Q Was it your intention that you would bring
10:04:13 6 this lawsuit as a senator?

10:04:16 7 MS. ROHN: Objection; no foundation.

10:04:18 8 BY MR. RUSKIN:

10:04:19 9 Q You can answer.

10:04:20 10 A Can you repeat?

10:04:21 11 Q Yes. When you brought this lawsuit, was
10:04:24 12 it your intention that you would be bringing this
10:04:26 13 lawsuit as a senator?

10:04:29 14 A I brought the lawsuit as Adlah Fonzie
10:04:32 15 Donastorg, and I was a senator.

10:04:35 16 Q So is it correct, sir, that you used the
10:04:35 17 word "Senator" in this Complaint merely as a title,
10:04:41 18 not as a position?

10:04:42 19 MS. ROHN: Objection; no foundation.
10:04:43 20 There's no statement that he drafted this
10:04:43 21 Complaint. You're assuming facts not in
10:04:47 22 evidence.

10:04:48 23 MR. RUSKIN: Okay. Please, no speaking
10:04:49 24 objections. You say that to me all the time.
10:04:51 25 I'm saying it back to you.

10:04:52 1 BY MR. RUSKIN:

10:04:52 2 Q Sir, you can answer the question.

10:04:54 3 A It wasn't here or there.

10:04:56 4 Q I beg your pardon?

10:04:57 5 A It wasn't here or there.

10:05:00 6 BENEDICTA DONASTORG: Good morning.

10:05:04 7 MS. ROHN: The record may reflect that

10:05:06 8 Benedicta Donastorg has entered room.

10:05:12 9 BY MR. RUSKIN:

10:05:20 10 Q You say it wasn't here or there. I simply

10:05:23 11 want to find out whether or not you feel that in

10:05:25 12 bringing this Complaint, your position as a senator

10:05:29 13 affords you some status in the Complaint. Does it

10:05:33 14 or doesn't it?

10:05:34 15 A No. Actually, I had problems with the

10:05:36 16 attorney including the title as "Senator," because

10:05:39 17 that's what VITELCO and Redfield recognized me as.

10:06:07 18 Q Turn to Paragraph 10 of the Complaint,

10:06:09 19 please. In Paragraph 10 of your Complaint, it

10:06:19 20 states: "Defendant, Holland 'Dyke' Redfield is a

10:06:23 21 citizen of the Virgin Islands and an executive of

10:06:25 22 ICC and its related companies."

10:06:27 23 Do you see that.

10:06:28 24 A Is it Paragraph 10 or Item 10?

10:06:31 25 Q Paragraph 10.

10:06:33 1 A Okay.

10:06:33 2 Q Do you see that?

10:06:35 3 A Can you repeat?

10:06:37 4 Q Yeah. Just read it.

10:06:43 5 A Uh-huh.

10:06:43 6 Q You see where it says that "Redfield is an
10:06:46 7 executive of ICC and its related companies"?

10:06:49 8 A Yeah.

10:06:50 9 Q What facts do you have that Redfield is an
10:06:55 10 executive of any company other than ICC at the time
10:06:59 11 you wrote this Complaint?

10:07:02 12 A 'Cause I was often berated and attacked by
10:07:06 13 Redfield for speaking on VITELCO.

10:07:09 14 Q I'm not asking you whether he was speaking
10:07:12 15 on behalf of anybody. I'm asking you what facts you
10:07:16 16 have that he was an executive of any company other
10:07:19 17 than ICC? Do you have any facts?

10:07:22 18 A His representation on the radio recording.

10:07:25 19 Q What did he say on the radio recording
10:07:26 20 that --

10:07:27 21 A He berated me and slandered my name.

10:07:30 22 Q Excuse me for a minute. Let me finish my
10:07:32 23 whole question.

10:07:33 24 What facts do you have that from what
10:07:37 25 Redfield said on the radio that he was an executive

10:07:39 1 of a company other than ICC?

10:07:46 2 A I've always heard his statements to say
10:07:48 3 otherwise, I mean, that he was, in fact,
10:07:50 4 representing VITELCO.

10:07:51 5 Q Did you ever hear him say, "I'm an officer
10:07:54 6 of VITELCO"?

10:08:00 7 A Every statement that he has made
10:08:01 8 referencing VITELCO, he operated or sounded in a
10:08:04 9 capacity as representing VITELCO.

10:08:08 10 Q Have you ever seen a document where it
10:08:11 11 referred to Mr. Redfield as an executive or an
10:08:14 12 officer or a manager of any company other than ICC?

10:08:19 13 A I may have.

10:08:20 14 Q What document would that be?

10:08:22 15 A I think I saw some correspondence once to
10:08:25 16 that effect.

10:08:27 17 Q Can you identify that correspondence,
10:08:27 18 please?

10:08:29 19 A No. I've dealt with thousands and
10:08:30 20 thousands of correspondence in the legislature.

10:08:35 21 Q Other than that correspondence, have you
10:08:37 22 ever seen anything in writing that referred to
10:08:40 23 Redfield as an executive of any company other than
10:08:44 24 ICC?

10:08:45 25 MS. ROHN: You mean that and the other

10:08:47 1 testimony he gave?

10:08:49 2 THE DEPONENT: I recall VITELCO

10:08:50 3 sponsoring an event in St. Croix, and Redfield

10:08:54 4 was there to the event, representing VITELCO.

10:08:56 5 BY MR. RUSKIN:

10:08:57 6 Q What causes you to believe that he was
10:09:05 7 there representing VITELCO?

10:09:06 8 A Because he was seated right to the stand,
10:09:09 9 and I believe he was speaking to different
10:09:15 10 individuals in a capacity as representing the
10:09:18 11 company.

10:09:19 12 Q Well, how do you know he wasn't
10:09:21 13 representing ICC?

10:09:23 14 A I've always -- in terms of the
10:09:25 15 representation, it appears that they were the same.

10:09:30 16 Q I'm sorry. I don't understand.

10:09:32 17 How does your answer indicate that
10:09:36 18 anything that Redfield did indicated he wasn't
10:09:39 19 acting as an executive of ICC?

10:09:43 20 A Because I've heard him on numerous
10:09:46 21 occasions in addressing me when I was before the
10:09:49 22 PSC. When I was in St. Croix attending activities,
10:09:53 23 he's always -- in fact, he has personally asked me
10:09:56 24 why do I -- why am I attacking VITELCO.

10:10:00 25 Q Is it your understanding that anybody who

10:10:02 1 asks you why are you attacking VITELCO is an
10:10:05 2 executive of VITELCO?

10:10:06 3 MS. ROHN: Objection; argumentative.

10:10:07 4 BY MR. RUSKIN:

10:10:08 5 Q You can answer the question, sir.

10:10:09 6 A His representation was he was representing
10:10:12 7 VITELCO when he addressed me.

10:10:27 8 Q Look at Paragraph 12, please. Have you
10:10:41 9 had a chance to read it?

10:10:43 10 A Yes.

10:10:46 11 Q What facts do you have that Holland
10:10:54 12 Redfield, through actions or omissions, set out on a
10:10:59 13 concerted effort with the *Daily News* to slander,
10:11:03 14 defame and cast you in a bad light?

10:11:07 15 A Well, an article that appeared in the
10:11:10 16 paper. I had had a conversation with Redfield not
10:11:13 17 too long before that, that I found it quite strange
10:11:17 18 that some of the content of what he was saying,
10:11:20 19 something appeared in the editorial shortly after
10:11:24 20 that.

10:11:25 21 Q What document or what articles, editorials
10:11:28 22 are you referring to, sir?

10:11:30 23 A I believe it was back to a time when there
10:11:33 24 was an editorial that referred to me as a "rogue
10:11:38 25 senator," and Senator Redfield had used that same

10:11:40 1 word, "rogue."

10:11:44 2 Q And you think that referring to somebody
10:11:46 3 as a "rogue senator" is defamatory?

10:11:51 4 A I think it is, in the text in which it was
10:11:54 5 placed.

10:11:57 6 Q And what was the context in which that was
10:12:01 7 placed?

10:12:01 8 A I would have to refer to the article.

10:12:07 9 Q And what specifically was Redfield's
10:12:09 10 action or lack of actions with regards to that
10:12:11 11 editorial?

10:12:13 12 A Well, he just used the word "rogue," and I
10:12:13 13 found it quite ironic that it would appear in the
10:12:20 14 paper in an editorial.

10:12:23 15 Q Where and when did Redfield refer to you
10:12:26 16 as a "rogue"?

10:12:27 17 A I can't remember exactly where it was.

10:12:35 18 Q What facts do you have that VITELCO,
10:12:38 19 through acts or omissions, set out in a consorted
10:12:45 20 effort with the *Daily News* to slander, defame and
10:12:48 21 cast you in a bad light?

10:12:49 22 A Well, there was obviously a relationship
10:12:52 23 between the *Daily News* and VITELCO in that every
10:12:56 24 time I've testified before the Public Service
10:12:57 25 Commission, VITELCO would take my statements and, of

10:13:03 1 course, communicate it to the *Daily News* for them to
10:13:07 2 find a way to incorporate it in their articles.

10:13:11 3 Q Weren't those statements you made to the
10:13:12 4 PSC public statements?

10:13:16 5 A I believe I -- yes, I -- but it's a
10:13:20 6 combination of -- it was different, different --
10:13:22 7 under different circumstances.

10:13:25 8 Q But what were the different circumstances?

10:13:27 9 A Different circumstances, a one-on-one
10:13:29 10 conversation where I ran into Redfield and, of
10:13:31 11 course, we had a one-on-one conversation, or I wrote
10:13:36 12 for the Public Service Commission if they got ready
10:13:40 13 to go into Executive Session or something and have
10:13:42 14 any kind of dialogue with representatives of
10:13:45 15 VITELCO.

10:13:45 16 Q So these are discussions that you had
10:13:48 17 between yourselves and representatives of VITELCO
10:13:50 18 that you're referring to?

10:13:51 19 A Yeah.

10:13:52 20 Q Were these statements in public or were
10:13:53 21 they --

10:13:54 22 A No.

10:13:54 23 Q -- private?

10:13:55 24 A No, no statements in public. I mean, it's
10:13:57 25 in the public environment, a public setting --

10:14:00 1 Q But the statements --

10:14:00 2 A -- but it wasn't placed on public record.

10:14:03 3 Q But the statements you're referring to --

10:14:03 4 the conversations you're referring to with

10:14:07 5 representatives of VITELCO, those were conversations

10:14:10 6 between you and those representatives, correct?

10:14:14 7 A Yeah.

10:14:14 8 Q They weren't conversations that involved

10:14:16 9 third parties, were they?

10:14:18 10 A No.

10:14:19 11 Q And what about with Redfield? You said

10:14:21 12 you had conversations with Redfield. Were those

10:14:24 13 conversations just between you and Redfield?

10:14:27 14 A Well, the encounters -- I mean, Redfield

10:14:31 15 and I have a history. We have a history. I mean,

10:14:34 16 we go back to the Senate, the times of the Senate,

10:14:37 17 straight forward to his representation of VITELCO.

10:14:41 18 Q And, again, my question is would the

10:14:43 19 conversations that you had with VITELCO that you

10:14:45 20 were just testifying about, were those conversations

10:14:48 21 just between you and Redfield?

10:14:50 22 A I think I've had a number of conversations

10:14:52 23 with Redfield concerning VITELCO.

10:14:54 24 Q Okay. And were those conversations

10:14:57 25 involving third parties or just you and Redfield?

10:15:00 1 A I don't remember how many people may have
10:15:01 2 been present --

10:15:03 3 Q Do you recall --

10:15:03 4 A -- or how many people -- because there
10:15:05 5 were different individuals that accompanied
10:15:11 6 Mr. Redfield. I'm not sure in what capacity they
10:15:13 7 were in. I just know what Redfield represented to
10:15:16 8 me.

10:15:16 9 Q What did Redfield represent to you?

10:15:18 10 A That he was representing the company.

10:15:20 11 Q Did he say what company?

10:15:22 12 A VITELCO.

10:15:22 13 Q He specifically said "VITELCO"?

10:15:24 14 A Yeah.

10:15:42 15 Q Look at Paragraph 13. I just want to
10:15:58 16 establish from your testimony today is it a fact
10:16:01 17 that you sought to have VITELCO audited?

10:16:07 18 A I think that's legislative record. That's
10:16:10 19 legislative record.

10:16:11 20 Q So the answer would be "yes"?

10:16:14 21 A Well, the reason I said it's the
10:16:16 22 legislative record is that is incumbent on a body to
10:16:20 23 determine whether or not they would pursue an
10:16:22 24 initiative by legislation. I can't say I.

10:16:27 25 Q Well, it says here in Paragraph 13 that:

10:16:32 1 "The motivation for the attempts to
10:16:33 2 and actual slander of Plaintiff Senator
10:16:36 3 Donastorg is the fact that he has
10:16:39 4 diligently sought to have another
10:16:41 5 ICC-owned company, VITELCO, audited, its
10:16:43 6 rates reduced and its IDC benefits
10:16:47 7 withdrawn."

10:16:48 8 I'm simply trying to establish whether
10:16:50 9 it's a fact that you sought to have another
10:16:52 10 ICC-owned company, VITELCO, audited?

10:16:54 11 A Yeah, I proposed an initiative.

10:16:57 12 Q Okay. And did you seek to have VITELCO's
10:17:00 13 rates reduced?

10:17:03 14 A Yes.

10:17:04 15 Q And did you seek to have VITELCO's IDC
10:17:09 16 benefits withdrawn?

10:17:10 17 A Yeah.

10:17:10 18 Q Okay. Paragraph 14 lists several
10:17:23 19 substatements that you say in your Complaint that
10:17:29 20 the defendants have engaged in. I'd like to go
10:17:32 21 through those, and I'd like to find out whether or
10:17:34 22 not it's your position that VITELCO and Redfield
10:17:37 23 engaged in each of these statements.

10:17:40 24 So for the first one, is it your
10:17:43 25 testimony -- are you saying that Redfield offered

10:17:48 1 reporters bonuses?

10:17:50 2 A Can you be a little bit more specific?

10:17:51 3 Identify the item you're talking about. Is it the

10:17:54 4 first one or --

10:17:55 5 Q Look at 14a.

10:17:57 6 A Okay. Thanks.

10:17:58 7 Q 14a says:

10:17:59 8 "The Defendants have engaged in the

10:18:00 9 following tortuous activity: A) Offered

10:18:02 10 reporters bonuses if the recipients would

10:18:06 11 write derogatory stories about Senator

10:18:08 12 Donastorg."

10:18:08 13 Is it your testimony that Redfield offered

10:18:11 14 reporters bonuses?

10:18:12 15 A Do you want me to go based on the entire

10:18:15 16 "a" or the portion that you're asking now, so you're

10:18:19 17 splitting it up?

10:18:20 18 Q I simply want to know if you have any

10:18:22 19 evidence that Redfield ever offered any reporter of

10:18:24 20 the *Daily News* a bonus?

10:18:27 21 A No. We just have, I believe, three

10:18:30 22 witnesses that extracted from a -- I forgot his

10:18:35 23 name -- Hal Hatfield, who indicated that in the

10:18:38 24 presence of three witnesses, that he was going to

10:18:42 25 write a story on me so he could collect a bonus.

10:18:45 1 Q I understand that that's your position.

10:18:49 2 My question to you is specifically what
10:18:52 3 evidence do you have that Redfield was in any way
10:18:55 4 involved in that?

10:18:56 5 A 'Cause he represents VITELCO.

10:19:00 6 Q So it's your position that anybody who has
10:19:02 7 anything to do with VITELCO is held to have offered
10:19:07 8 reporters bonuses?

10:19:09 9 A Well, if you're representing a corporation
10:19:10 10 and somebody contends that they're being offered a
10:19:13 11 bonus by that company, you have no choice but to
10:19:17 12 refer to the person that represents the company.

10:19:20 13 Q I understand that. But you're suing
10:19:22 14 Senator Redfield based upon these things that
10:19:24 15 you're --

10:19:25 16 A That's correct.

10:19:25 17 Q -- putting in the Complaint.

10:19:27 18 My question to you is: What evidence do
10:19:29 19 you have, what witnesses do you have, what documents
10:19:31 20 do you have that Senator Redfield ever offered a
10:19:36 21 reporter a bonus?

10:19:40 22 MS. ROHN: Offered him a bonus?

10:19:43 23 BY MR. RUSKIN:

10:19:44 24 Q Offered a reporter a bonus. Do you have
10:19:48 25 any evidence?

10:19:50 1 A If I have any evidence?

10:19:51 2 MS. ROHN: Excuse me. I'm not going to

10:19:52 3 have you badger my client. You asked him a

10:19:54 4 question; he's thinking to answer, and then you

10:19:57 5 fire another question at him with a slightly

10:19:59 6 louder voice. This isn't going to continue.

10:20:03 7 MR. RUSKIN: Okay. You do what you

10:20:04 8 need to do.

10:20:04 9 BY MR. RUSKIN:

10:20:04 10 Q I'd just like you to go ahead and answer

10:20:04 11 my question.

10:20:06 12 MS. ROHN: Right. Well, if you would

10:20:06 13 have given him time to answer, you would get one.

10:20:09 14 MR. RUSKIN: Well, you've given him

10:20:10 15 enough time now.

10:20:10 16 BY MR. RUSKIN:

10:20:10 17 Q You can answer the question, sir.

10:20:11 18 A Well, you see, I guess people arrive an

10:20:17 19 impression of others based on the other's actions.

10:20:18 20 And considering that, you know, while Senator

10:20:25 21 Redfield served in the Senate, he had proposed what

10:20:29 22 you call "special interest legislation" that he

10:20:32 23 withdrew, which was to benefit VITELCO. So now you

10:20:35 24 bring that forward to the question that you're

10:20:39 25 asking me, which is all related, and you have no

10:20:43 1 choice in his professional capacity, as representing
10:20:48 2 VITELCO, that he is part of VITELCO and their
10:20:51 3 actions to offer bonuses to reporters.

10:20:57 4 Q Okay. Is it your testimony that anybody
10:20:59 5 who worked for VITELCO is responsible for bonuses
10:21:02 6 that were offered to reporters?

10:21:04 7 A Do you want me to repeat what I just said?

10:21:07 8 Q Oh, no. I'm --

10:21:08 9 A Redfield, the way he conducted himself,
10:21:11 10 and being employed by a company, in less than two
10:21:13 11 years after leaving public office, after offering
10:21:16 12 special legislation, in itself --

10:21:19 13 You referred to the William Blum case.
10:21:21 14 Conflict of interest, clearly demonstrates
10:21:23 15 unscrupulous behavior. So it was very easy for me
10:21:27 16 to identify Senator Holland Redfield as the person,
10:21:31 17 or as one of the individuals, in his official
10:21:34 18 capacity as the representative of VITELCO, to be a
10:21:37 19 part of that whole situation.

10:21:40 20 Q Okay. My question is a simple one. Other
10:21:44 21 than what you've just said in your testimony, do you
10:21:45 22 know of anybody who actually saw Redfield hand a
10:21:49 23 bonus to a reporter?

10:21:51 24 A No.

10:21:52 25 Q Do you know of anybody who ever heard

10:21:54 1 Redfield specifically offer a reporter a bonus?

10:22:00 2 A No.

10:22:03 3 Q Have you ever heard of a reporter who said

10:22:05 4 "Redfield offered" or "paid me a bonus"?

10:22:09 5 A No.

10:22:12 6 Q Have you ever heard a reporter say that

10:22:15 7 VITELCO, specifically VITELCO offered that reporter

10:22:19 8 a bonus?

10:22:21 9 A Hatfield.

10:22:22 10 Q Hatfield specifically said that VITELCO --

10:22:25 11 A Yeah.

10:22:25 12 Q -- offered him a bonus?

10:22:26 13 A That day -- it was in the Fort Christian

10:22:28 14 Parking Lot, and he said it in the presence of three

10:22:31 15 witnesses.

10:22:32 16 Q And who at VITELCO did he say offered him

10:22:34 17 a bonus?

10:22:34 18 A He didn't say anyone in particular.

10:22:49 19 Q Were there any other reporters other than

10:22:52 20 Hatfield who said that they were offered bonuses by

10:22:56 21 VITELCO?

10:22:59 22 A I believe Will Jones.

10:23:08 23 Q Now, you go on in Paragraph Sub a, 14a, to

10:23:12 24 say that the defendants "offered reporters bonuses

10:23:15 25 if the recipients would write derogatory stories

10:23:19 1 about Senator Donastorg, with no requirement that
10:23:21 2 the stories actually be truthful."

10:23:25 3 What specifically did Hatfield say to you
10:23:28 4 about being offered a bonus?

10:23:32 5 A If I'm not mistaken and, you know, to the
10:23:34 6 best of my knowledge, I believe my conversation with
10:23:37 7 Hatfield had to do with even Will Jones, because I
10:23:42 8 had confronted Will Jones at one point when --

10:23:47 9 You know, I maintain the philosophy that
10:23:50 10 three people could keep a secret if two are dead.
10:23:54 11 And in saying that, it was brought to me that
10:23:58 12 Will Jones was off to write a story about an
10:24:02 13 accident that took place involving my name. And
10:24:06 14 Will Jones, at that time, mentioned about receiving
10:24:11 15 a bonus regardless of the story he wrote.

10:24:16 16 Q And when did Will Jones say he was offered
10:24:18 17 that bonus?

10:24:21 18 A I don't recall time and date.

10:24:22 19 Q Do you know when Will Jones wrote the
10:24:26 20 story or was told to write the story?

10:24:28 21 A He never wrote that particular story
10:24:31 22 because he realized that it was just not what the
10:24:35 23 psyche was.

10:24:44 24 Q Have you ever spoken to Will Jones about
10:24:47 25 the bonuses being offered to reporters?

10:24:50 1 A I just said that.

10:24:53 2 Q I'm sorry. I thought you said that

10:24:55 3 Hatfield told you that Will Jones --

10:24:57 4 A No. I went on to say about Will Jones.

10:25:10 5 Q In 14b you refer to a false story that was

10:25:13 6 printed on June 12, 2001. Do you see that?

10:25:16 7 A Yeah.

10:25:18 8 Q What, if anything, did Holland Redfield

10:25:21 9 have to do with that story?

10:25:26 10 A In his official capacity as representative

10:25:29 11 of VITELCO, and having relationship and close tie to

10:25:32 12 the *Daily News*, I knew that they always had their

10:25:36 13 hands on the editorials and the stories that was

10:25:39 14 written by the pair.

10:25:41 15 Q How do you know that?

10:25:42 16 A In my conversation with Redfield, I

10:25:45 17 believe in the initial stages, he established that.

10:25:47 18 Q What did he say to you that established

10:25:49 19 that?

10:25:52 20 A Well, basically what he said is that --

10:25:53 21 when I asked him about his relationship to the

10:25:57 22 *Daily News*, he said, "Well, you know, we're all

10:25:59 23 owned by the same person."

10:26:02 24 Q Yeah. Anything else? Did he say anything

10:26:06 25 else?

10:26:07 1 A I think quite some time back I may have
10:26:09 2 asked him about his relationship with Ed Crouch.

10:26:17 3 Q Is it your testimony that Redfield caused
10:26:18 4 this June 12, 2001 story about you to be printed?

10:26:24 5 A Highly possible.

10:26:25 6 Q Highly possible?

10:26:26 7 A Yeah.

10:26:27 8 Q But do you have any evidence that it
10:26:29 9 happened?

10:26:30 10 A I could only go back to some of the terms,
10:26:33 11 like "rogue senator," that Redfield used, appearing
10:26:36 12 in the paper actually has a direct correlation.

10:26:38 13 Q But nothing specific about the June 12,
10:26:40 14 2001 story?

10:26:42 15 MS. ROHN: Objection to the form of the
10:26:43 16 question.

10:26:44 17 BY MR. RUSKIN:

10:26:45 18 Q You have no evidence about the 2001 -- the
10:26:47 19 June 12, 2001 story that ties Redfield to having any
10:26:53 20 involvement with that story?

10:26:55 21 A No.

10:26:57 22 Q What about VITELCO itself, do you have any
10:26:59 23 facts, anything that you can point to that VITELCO
10:27:03 24 had anything to do with the printing of that
10:27:06 25 particular story?

10:27:08 1 A I think just investigative notes.

10:27:13 2 Q What investigative notes?

10:27:15 3 A I think it appears in the investigation, a
10:27:18 4 note where Ed Crouch, who I always thought was
10:27:22 5 employed by VITELCO, was actually between him and
10:27:29 6 the *Daily News* collaborating.

10:27:32 7 Q What makes you believe that Ed Crouch was
10:27:36 8 employed by VITELCO?

10:27:39 9 A I just assumed. I always assumed that
10:27:40 10 Ed Crouch was employed by VITELCO.

10:27:43 11 Q Do you have any facts to indicate or to
10:27:46 12 evidence Ed Crouch being an employee of VITELCO?

10:27:53 13 A I just always thought so.

10:27:55 14 Q What did you base those thoughts on?

10:27:58 15 A Basically his representation, his
10:28:00 16 existence, his positioning.

10:28:08 17 Q You've never seen any documents with
10:28:09 18 Ed Crouch's name being indicated as an employee of
10:28:13 19 VITELCO, have you?

10:28:15 20 A Now, that I think about it, I believe when
10:28:17 21 I was requesting information on the certificate of
10:28:21 22 VITELCO, I saw — I believe I saw the Crouch name
10:28:25 23 somewhere in there in terms of the payroll list.

10:28:41 24 Q In Paragraph c, you talk about refusing to
10:28:43 25 retract the story, the false story. Are you

10:28:46 1 referring to the June 12, 2001 story in that
10:28:48 2 paragraph?
10:28:56 3 A Did you move on to "c"?
10:28:57 4 Q I was asking you about "c" now, yes.
10:28:59 5 A Oh. Okay.
10:29:01 6 Question?
10:29:11 7 Q Yes. The question was: Are you referring
10:29:13 8 to the June 12, 2001 story, when you talk in
10:29:18 9 Paragraph c, about refusing to retract the false
10:29:21 10 story? Is that the same story?
10:29:23 11 A Let the record reflect that I'm not sure
10:29:25 12 which story you're referring to.
10:29:27 13 Q Okay. Senator, in subparagraph b, there's
10:29:31 14 a reference to a June 12, 2001 story.
10:29:36 15 A Which I don't have in front of me.
10:29:37 16 Q I understand that. But I'm simply asking,
10:29:40 17 since this is your Complaint, are you referring to
10:29:43 18 the refusal to retract the false story? Are you
10:29:46 19 referring to the same story?
10:29:49 20 A Possibly. It may be so.
10:29:50 21 Q But you're not sure?
10:29:52 22 A I think I've requested that they retract
10:29:54 23 all false stories they wrote.
10:30:01 24 Q What evidence do you have that Redfield
10:30:03 25 and/or VITELCOO refused to retract any story?

10:30:09 1 A Because for Redfield to get on the radio
10:30:11 2 subsequent to some of the stories and berate me on
10:30:14 3 behalf of VITELCO, clearly gave me the impression
10:30:19 4 that he didn't intend -- or the *Daily News* did not
10:30:21 5 intend to retract their stories.

10:30:24 6 Q Well, do you recall when Redfield went on
10:30:28 7 the radio?

10:30:30 8 MS. ROHN: Objection; overly broad.
10:30:30 9 Redfield is on the radio every day.

10:30:34 10 BY MR. RUSKIN:

10:30:35 11 Q When Redfield went on the radio, which is
10:30:38 12 the subject of this lawsuit, the statements he made
10:30:41 13 on the radio which are the subject of this
10:30:43 14 lawsuit --

10:30:44 15 MS. ROHN: Those were multiple
10:30:44 16 statements.

10:30:46 17 THE DEPONENT: He went on the radio
10:30:47 18 several times.

10:30:48 19 MR. RUSKIN: I beg your pardon? Is
10:30:49 20 that an objection?

10:30:50 21 MS. ROHN: Yes.

10:30:51 22 MR. RUSKIN: Okay. Well, why don't you
10:30:51 23 make your objection?

10:30:52 24 MS. ROHN: Why don't you not tell me
10:30:52 25 what to do, Mr. Ruskin?

10:30:54 1 MR. RUSKIN: Fine. Just remember when
10:30:55 2 we're reversing roles, to afford me the same
10:30:59 3 courtesies that you want from me.
10:31:02 4 BY MR. RUSKIN:
10:31:09 5 Q Do you recall the Sam Topp Radio Show that
10:31:11 6 Redfield appeared on after the investigation on you
10:31:15 7 came to light?
10:31:17 8 A Yes.
10:31:18 9 Q Do you recall that show?
10:31:19 10 A Yes.
10:31:19 11 Q Do you recall when that was?
10:31:21 12 A I don't remember the exact date.
10:31:23 13 Q Do you recall whether or not it was in
10:31:25 14 2002?
10:31:27 15 A I don't remember the exact date. I mean,
10:31:29 16 it was so many times that I was confronted by
10:31:33 17 Redfield and VITELCO berating me on the radio.
10:31:39 18 Q We'll get to that later.
10:31:44 19 MS. ROHN: Is it 10:24 or 10:30?
10:31:51 20 MR. RUSKIN: I have 10:29.
10:31:53 21 MS. ROHN: Okay. Thank you.
10:31:54 22 Can we take a quick break?
10:31:56 23 MR. RUSKIN: Sure.
10:31:57 24 (Recess held from 10:31 a.m. to 10:42 a.m.)
25

10:42:16 1 BY MR. RUSKIN:

10:42:22 2 Q Turn, if you would, sir, to Paragraph 14d,
10:42:23 3 and just review that to yourself, please.

10:42:31 4 (Pause in proceedings.)

10:42:31 5 BY MR. RUSKIN:

10:42:38 6 Q Have you read it?

10:42:39 7 A Yeah.

10:42:42 8 Q Did Holland Redfield ever threaten you, to
10:42:43 9 run personal stories about you?

10:42:49 10 A I recall when we both served in the
10:42:52 11 Senate, I'm the only one that had an issue, a
10:42:57 12 concern, and willing to speak about his relationship
10:43:01 13 to VITELCO at the time in the legislation that he
10:43:04 14 was proposing that was special interest legislation;
10:43:08 15 that was the reform of the IDC program to the EDC.
10:43:14 16 And I believe in a conversation with Redfield on the
10:43:20 17 floor, which I think prompted him to withdraw the
10:43:23 18 legislation but give it to another senator to offer,
10:43:26 19 and that there was a potential problem with the
10:43:29 20 legislation being special interest legislation.

10:43:33 21 At that time he -- you know, I remember
10:43:35 22 him once telling me, "Be careful," you know,
10:43:38 23 "because of the *Daily News*."

10:43:42 24 Q Anything else?

10:43:46 25 A It was so many different little

10:43:49 1 conversations.

10:43:50 2 MS. ROHN: Tell him about them, what

10:43:52 3 you can remember.

10:43:59 4 THE DEPONENT: I remember we once had a

10:44:00 5 conversation about the emergency dollar charge,

10:44:03 6 which he eventually got on the radio and berated

10:44:07 7 me again in saying -- and I believe in a

10:44:10 8 newspaper article they printed everything that

10:44:14 9 Redfield provided them with. But their quotation

10:44:15 10 of what I said was very minimal, in that VITELCO

10:44:24 11 was not stealing the emergency dollar charge as

10:44:28 12 he referenced it.

10:44:31 13 BY MR. RUSKIN:

10:44:31 14 Q Anything else?

10:44:35 15 A I think at that time he may have said

10:44:37 16 something that, "Well, there's going to be a story

10:44:39 17 in the paper," or something like that. So I always

10:44:42 18 assumed that him, in the capacity, representing

10:44:45 19 VITELCO, also dictated the stories in the

10:44:47 20 *Daily News*.

10:44:49 21 Q In 14d you specifically refer to

10:44:52 22 "threatening to run personal stories." Do you have

10:44:56 23 any other threats to testify to today with regard to

10:44:59 24 personal stories, threats made by Redfield?

10:45:06 25 A I guess it would be attributed to a

10:45:08 1 combination of things. Hatfield, Will Jones and, of
10:45:13 2 course, Holland Redfield, with the two reporters
10:45:16 3 saying that they will receive bonuses for writing
10:45:18 4 stories regardless of what it is. And then
10:45:22 5 venturing -- even the story on my house going into
10:45:26 6 foreclosure.

10:45:27 7 Q And did Redfield ever threaten to write a
10:45:30 8 story about your house going into foreclosure?

10:45:35 9 A No.

10:45:35 10 Q Any other threats by Redfield against you
10:45:38 11 to run personal stories?

10:45:42 12 A I know that prior to him getting on the
10:45:45 13 radio and slandering my name about writing on an
10:45:50 14 AT&T aircraft and all these things, he did once say
10:45:53 15 that anything -- that, you know, to be careful on
10:45:58 16 what you speak about VITELCO because it could
10:46:01 17 potentially, you know, end up in the paper.

10:46:07 18 Q Specifically about personal stories. I'm
10:46:09 19 talking about stories that involve things other than
10:46:12 20 your senatorial activities.

10:46:17 21 A To the best of my recollection, there's
10:46:18 22 some conversations -- I mean, consider that we
10:46:23 23 served next to each other from that point forward,
10:46:26 24 serving next to each other. We saw each other for
10:46:28 25 every legislative session and for some scheduled

10:46:31 1 meetings.

10:46:39 2 Q Specifically did Redfield ever threaten to
10:46:40 3 run personal stories about you unless a, quote,
10:46:44 4 "positive working relationship," close quote, could
10:46:48 5 be obtained?

10:46:51 6 A I guess it's subject to interpretation.
10:46:55 7 Everything that Mr. Redfield or former Senator
10:46:58 8 Redfield said I always felt was in the capacity as
10:47:03 9 representing VITELCO, and it always gave the
10:47:05 10 impression that they were willing to write a
10:47:08 11 negative story on me.

10:47:13 12 Q But the threat that's referred to in
10:47:15 13 Paragraph d talks about unless a positive working
10:47:18 14 relationship can be obtained.

10:47:22 15 Did Redfield ever refer to a "positive
10:47:24 16 working relationship"?

10:47:25 17 A Yeah. I could go as far back as when he
10:47:29 18 served in the Senate and I was questioning his
10:47:30 19 integrity regarding the special interest legislation
10:47:35 20 that he was sponsoring. And he asked me if I knew
10:47:38 21 Mr. Prosser, the owner of VITELCO, and I told him,
10:47:41 22 I've never met him personally; I don't know him.

10:47:47 23 Q Did Redfield say anything else?

10:47:49 24 A He said, "You need to meet him."

10:47:53 25 Q Did he say anything else?

10:47:54 1 A No.

10:47:56 2 Q What evidence do you have that VITELCO
10:48:01 3 threatened to run personal stories about you?

10:48:07 4 A The clear relationship.

10:48:11 5 Q Clear relationship between whom and whom?

10:48:13 6 A The whole cabal. I mean, you have
10:48:17 7 VITELCO, Holland Redfield, Jeffrey Prosser,
10:48:20 8 Ed Crouch, Lowe Davis, all clearly connected.

10:48:25 9 Q I understand.
10:48:26 10 Did anybody ever say to you, "We will run
10:48:30 11 personal stories about you unless a positive working
10:48:33 12 relationship can be obtained"?

10:48:37 13 A No. I think that was clearly demonstrated
10:48:40 14 through their actions.

10:48:42 15 Q Okay. Was it ever demonstrated through
10:48:45 16 words?

10:48:45 17 A Going back to Redfield in telling me be
10:48:48 18 careful. Outside of that?

10:48:50 19 Q Outside of what you've already testified
10:48:52 20 to, do you have any evidence, any testimony here
10:48:55 21 today that anybody at VITELCO ever said to you words
10:49:01 22 to the effect "We will run personal stories about
10:49:06 23 you," or "The *Daily News* will run personal stories
10:49:10 24 about you unless a positive working relationship can
10:49:12 25 be obtained"?

10:49:13 1 A Well, I guess I would have to refer to
10:49:15 2 it's often said be careful what you put in black and
10:49:20 3 white. And I only saw a note by Ed Crouch saying to
10:49:23 4 dig up dirt.

10:49:25 5 Q I'm sorry. Saying what?

10:49:26 6 A A note that suggested or implied or
10:49:29 7 requested that an investigator dig up dirt, sitting
10:49:34 8 as the editor of -- one of the editors, I guess, for
10:49:38 9 the *Daily News*.

10:49:39 10 Q Aside from Ed Crouch, did anybody else
10:49:41 11 ever -- and what you have testified to with regard
10:49:45 12 to Redfield -- did anybody else ever threaten to run
10:49:49 13 personal stories about you unless a positive working
10:49:52 14 relationship could be obtained? Anybody at VITELCO?

10:49:55 15 A Outside of Redfield?

10:49:57 16 Q Outside of what you've already testified
10:49:59 17 about Redfield, and outside what you've already
10:50:02 18 testified to about Crouch.

10:50:03 19 A No. I would only go on what I could
10:50:07 20 remember and provide that testimony.

10:50:38 21 Q Look at "h," please, 14h.

10:50:44 22 A Page 14h?

10:50:45 23 Q No, Paragraph 14h.

10:50:47 24 A Okay. On Page 4?

10:50:49 25 Q On Page 4.

10:50:57 1 Aside from what you've already testified
10:50:59 2 to, did Redfield make any derogatory statements to
10:51:05 3 third parties about you?

10:51:08 4 A Can I read it?

10:51:09 5 Q Sure.

10:51:10 6 A Okay.

10:51:39 7 Q The question was: Aside from what you've
10:51:41 8 already testified to, did Redfield make any
10:51:45 9 derogatory statements to third parties about you?

10:51:52 10 A Well, I mean, Redfield had paraded around,
10:51:56 11 engaging in conversations concerning my position on
10:52:01 12 VITELCO to all types of different people in all
10:52:04 13 different types of different quarters. And, of
10:52:06 14 course, he expounded on that to, I guess, third,
10:52:12 15 fourth, fifth parties by getting on the radio and
10:52:16 16 speaking along the same lines.

10:52:18 17 Q Are we talking about things that Redfield
10:52:21 18 talked about that were political issues or personal
10:52:25 19 issues?

10:52:26 20 A Those are both political and personal
10:52:28 21 issues.

10:52:29 22 Q What did Redfield say derogatory about you
10:52:33 23 with regard to personal issues?

10:52:35 24 A That I rode on a plane to St. Lucia; that,
10:52:39 25 you know, I was providing or disseminating false

10:52:45 1 information, trying to malign a company, or launching
10:52:51 2 malicious attacks against the company in implying
10:52:57 3 personal things about the owner.

10:53:00 4 I've never really gotten personal, they
10:53:02 5 did.

10:53:03 6 Q Are those statements that you've just
10:53:04 7 referred to by Redfield, are those statements that
10:53:07 8 you're saying he made on the Sam Topp Radio Show
10:53:09 9 that is the subject to this lawsuit?

10:53:13 10 A I guess combined.

10:53:20 11 Q I'm sorry. I can't control the outside
10:53:23 12 noise. If you'd repeat that, please.

10:53:25 13 A I said "combined."

10:53:27 14 Q Combined what?

10:53:28 15 A Meaning the statements he made on the
10:53:28 16 radio, along with the other statements he made about
10:53:31 17 me, they're all combined.

10:53:33 18 Q Let's be more specific, then.

10:53:34 19 When did Redfield make statements about
10:53:36 20 you with regard to a trip to St. Lucia?

10:53:42 21 A What trip to St. Lucia?

10:53:44 22 Q I believe you just testified that Redfield
10:53:46 23 said you made a trip to St. Lucia.

10:53:49 24 A Yeah, but the question that you pose is
10:53:52 25 suggesting that I did make a trip to St. Lucia, and

10:53:54 1 I didn't make a trip to St. Lucia. So if you'd
10:53:56 2 rephrase it, I'll appreciate it --

10:53:58 3 Q I apologize.

10:53:59 4 A -- because that sounds leading.

10:54:00 5 Q I apologize. It was inartfully asked.

10:54:04 6 What I'm trying to get at -- and let me
10:54:06 7 explain it, then -- is I believe you testified that
10:54:09 8 Redfield made a statement about you taking a trip to
10:54:12 9 St. Lucia; is that right?

10:54:13 10 A Yeah, false statement.

10:54:14 11 Q A false statement.

10:54:15 12 A Yeah.

10:54:15 13 Q When did Redfield make that statement?

10:54:17 14 A I don't remember the exact date. I know
10:54:19 15 he appeared on the Sam Topp Show, and he represented
10:54:22 16 what he had already represented to third and fourth
10:54:25 17 parties.

10:54:26 18 Q When did he make representations of that
10:54:28 19 nature to third and fourth parties?

10:54:31 20 A I believe prior to that I had -- as I
10:54:34 21 indicated earlier about three people could keep a
10:54:38 22 secret if two are dead. He just simply got on the
10:54:41 23 radio and he repeated some of the stuff that he had
10:54:43 24 said in different professional environments.

10:54:46 25 Q My question, I guess -- let me ask it to

10:54:49 1 you a different way.

10:54:51 2 Aside from the statement he made on the
10:54:54 3 radio, who did he make this statement about -- this
10:54:58 4 allegedly false statement about a trip to St. Lucia
10:55:01 5 to?

10:55:03 6 MS. ROHN: You mean the individual
10:55:04 7 persons?

10:55:05 8 MR. RUSKIN: Yes. I want to know the
10:55:06 9 names of the people.

10:55:07 10 MS. ROHN: He wants to know the names
10:55:08 11 of people.

10:55:09 12 THE DEPONENT: I can't even remember.

10:55:11 13 MS. ROHN: Well, tell him all that you
10:55:12 14 need to, because you need to talk about who told
10:55:15 15 you who told them.

10:55:16 16 THE DEPONENT: I believe, if I'm not
10:55:16 17 mistaken -- and I'm trying to remember -- there
10:55:19 18 once was an employee for VITELCO that had
10:55:23 19 mentioned that Redfield was having a conversation
10:55:27 20 in their presence with other individuals -- and
10:55:29 21 I'm trying to remember exactly who it was -- and
10:55:34 22 he basically was talking about that I was in bed
10:55:39 23 with AT&T.

10:55:42 24 BY MR. RUSKIN:

10:55:42 25 Q And who -- I need the names.

10:55:44 1 A I can't remember, because in my -- as
10:55:48 2 Senator, I encountered so many different people.

10:55:53 3 MS. ROHN: Well, if you can remember,
10:55:54 4 identify things, because we have an obligation to
10:55:57 5 reveal who those individuals were.

10:55:59 6 THE DEPONENT: Okay.

10:56:00 7 BY MR. RUSKIN:

10:56:04 8 Q Can you, at this stage, sitting here,
10:56:04 9 remember the names of any individuals?

10:56:06 10 A No.

10:56:12 11 Q What do you mean in Paragraph h when you
10:56:15 12 talked about "derogatory statements"? Would you
10:56:17 13 define for me how you intended to mean the word
10:56:18 14 "derogatory" here?

10:56:23 15 A Derogatory in starting with trying to
10:56:25 16 describe my charter as being malicious, vicious, a
10:56:31 17 liar, 'cause I do believe that a couple of times he
10:56:38 18 said that I had lied about many different issues. I
10:56:42 19 feel that those statements that he made was very
10:56:45 20 derogatory.

10:56:45 21 I feel that the comments that he made on
10:56:50 22 the public airwaves on the radio station in
10:56:53 23 suggesting or implying I had rode on an AT&T
10:56:56 24 aircraft to St. Lucia, courtesy of St. Lucia (as
10:56:59 25 stated), and then to turn around and say that I'm a

10:57:00 1 liar, you know, it's derogatory in itself.

10:57:10 2 Q Did Redfield falsely accuse you of
10:57:14 3 covering up an arrest that in reality never
10:57:17 4 occurred?

10:57:18 5 A I believe so.

10:57:18 6 Q When was that?

10:57:19 7 A When Will Jones -- I'm trying to remember
10:57:24 8 exactly. I don't know the timeframe. I don't know
10:57:26 9 the year. But I know the conversation that I had
10:57:30 10 with Will Jones was, to the best of my recollection,
10:57:34 11 relative to an incident that took place up at my
10:57:41 12 father's residence. I'm not sure if Will Jones had
10:57:45 13 indicated that it was understood that I was arrested
10:57:50 14 for some incident, and no such incident ever took
10:57:54 15 place. In fact, it was just a police report that
10:57:56 16 was filed on just a confrontation.

10:57:58 17 Q I guess I didn't understand what's written
10:58:02 18 here. Let me ask it to you to clarify.

10:58:06 19 Are you suggesting -- well, first of all,
10:58:08 20 the arrest that's being referred to in "h," is that
10:58:11 21 an arrest of you or somebody else?

10:58:15 22 A I believe they were trying to fabricate
10:58:17 23 that there was some arrest -- that I was arrested.
10:58:20 24 I don't know for what.

10:58:23 25 Q And you know about this because of

10:58:27 1 something Will Jones told you?

10:58:29 2 A I believe so.

10:58:36 3 Q Anybody else ever tell you that besides
10:58:38 4 Will Jones?

10:58:39 5 A To the best of my knowledge -- I'm trying
10:58:44 6 to remember, and it's been so long now. No.
10:58:56 7 Huh-uh.

10:58:59 8 Q Did Redfield ever say you were a fiscally
10:59:03 9 irresponsible person?

10:59:08 10 A He said that on the radio when I spoke
10:59:11 11 about emergency dollar charge, when I spoke about
10:59:12 12 the integration and consolidation of VITELCO where
10:59:15 13 they were taking employees from all the other
10:59:17 14 entities and placing them on the payroll of VITELCO.
10:59:20 15 When Redfield was instrumental in terminating over
10:59:22 16 80 employees in the integration, consolidation, he
10:59:25 17 called me a liar. He said I was fiscally
10:59:27 18 irresponsible. And I guess when he said "fiscally"
10:59:31 19 or "financially irresponsible," he was referring
10:59:33 20 even to the handling of my financial affairs, which
10:59:38 21 is personal.

10:59:40 22 Q And can you give me the dates of those
10:59:43 23 statements, please?

10:59:44 24 A I think I just told you that I can't
10:59:46 25 remember dates. I can't remember specific dates.

10:59:49 1 There's been so many issues.

10:59:51 2 Q Do you have transcripts or copies of what
10:59:56 3 Redfield said with regard to these so-called
10:59:58 4 derogatory statements?

11:00:01 5 A Well, I think I was able to go to the
11:00:03 6 radio station and get the original recording of
11:00:09 7 Senator Redfield on the radio berating me in the
11:00:12 8 case with the interviewer; I believe it was Sam
11:00:14 9 Topp.

11:00:16 10 Q Have you listened to that recording?

11:00:17 11 A Yeah.

11:00:19 12 Q When did you last listen to it?

11:00:24 13 A That tape was sent to Attorney Rohn, must
11:00:27 14 have been years now. That would be the last time, I
11:00:31 15 think, prior to me sending it to her. I can't give
11:00:33 16 you the exact date.

11:00:34 17 Q You sent a copy to Attorney Rohn years
11:00:38 18 ago?

11:00:39 19 A Yeah, I think it was years ago.

11:00:43 20 Q Do you have any documents, records, files
11:00:48 21 of your own that would indicate when you sent it to
11:00:52 22 Attorney Rohn?

11:00:52 23 A No.

11:00:53 24 Q Do you have any reports that would
11:00:54 25 indicate when you first obtained the tape of the

11:00:57 1 radio show?

11:00:58 2 A I think it was the same --

11:01:00 3 MS. ROHN: No, he's not asking you
11:01:01 4 when. He's asking you if you have any documents
11:01:03 5 to show when.

11:01:04 6 THE DEPONENT: No.

11:01:05 7 BY MR. RUSKIN:

11:01:06 8 Q Did you ever write a letter to the radio
11:01:07 9 station asking them for a copy of the tape?

11:01:10 10 A No.

11:01:11 11 Q How did you obtain the tape?

11:01:13 12 A I went down to the station and it was
11:01:14 13 readily available.

11:01:16 14 Q Who did you speak to at the station?

11:01:18 15 A I think I spoke to -- it's two different
11:01:22 16 stations. I spoke to Lee Carl at WSTA, and I spoke
11:01:26 17 to -- well, let me go back first.

11:01:29 18 I spoke to Radio One first, 'cause that's
11:01:32 19 where the interview took place. And I went to WSTA
11:01:37 20 and got the original recording from Lee Carl.

11:01:43 21 And it appears that the original recording
11:01:45 22 was different from what was aired. And at that time
11:01:49 23 Redfield -- I think Lee Carl told me that Redfield
11:01:52 24 had called him. And I don't know if it was -- if he
11:01:57 25 called him to make sure that they didn't play the

11:01:59 1 entire recording, 'cause some of it was cut out.

11:02:04 2 Q Do you have a copy of the entire

11:02:05 3 recording?

11:02:07 4 A In my possession, no.

11:02:11 5 Q Do you have a copy of some abbreviated

11:02:15 6 recording?

11:02:19 7 A Abbreviated, no.

11:02:21 8 Q You said something had been cut out.

11:02:24 9 A Yeah. What was aired on WSTA was a little

11:02:27 10 different from what was — or a lot different from

11:02:29 11 what was aired on Radio One, WWI.

11:02:33 12 Q I see.

11:02:34 13 So is it correct, then, that what was

11:02:36 14 aired on Radio One, the Sam Topp Radio Show, is the

11:02:39 15 full tape?

11:02:41 16 A Yeah.

11:02:41 17 Q That is the full one?

11:02:42 18 A Yeah, what was aired on Radio One.

11:02:45 19 Q Okay. And you have a specific

11:02:45 20 recollection of giving a copy of that recording to

11:02:49 21 your attorney several years ago?

11:02:51 22 A Yeah.

11:02:55 23 MS. ROHN: Take a break, short?

11:02:57 24 MR. RUSKIN: Sure.

11:03:01 25 (Whereupon a recess was taken at 11:03 a.m. to

JA001468

11:03:01 1 11:31 a.m.)

11:31:01 2 BY MR. RUSKIN:

11:31:11 3 Q Senator, I'm still in "h" of Paragraph 14.

11:31:21 4 At the end of that paragraph is the phrase, "and it

11:31:27 5 is believed that other derogatory and untruthful

11:31:30 6 statements were made."

11:31:31 7 Do you see that?

11:31:35 8 A Uh-huh.

11:31:38 9 Q Can you testify now as to what other

11:31:41 10 derogatory and untruthful statements were made by

11:31:44 11 VITELCO and/or Redfield?

11:31:51 12 Let's deal with Redfield first. What

11:31:53 13 other derogatory and untruthful statements were made

11:31:56 14 by Redfield?

11:32:02 15 A Aside from the radio station and

11:32:04 16 everything, the testimony I already gave.

11:32:06 17 Q Well, it says "others," so I'm assuming

11:32:08 18 it's everything other than you've already testified

11:32:11 19 to?

11:32:12 20 A Well, to the best of my knowledge,

11:32:14 21 Senator Redfield, outside of all the stuff I have

11:32:17 22 already -- you know, testimony that I've already

11:32:19 23 provided you with, it's been so long ago. It's been

11:32:23 24 so many different things --

11:32:25 25 MS. ROHN: But you have a duty to --

11:32:27 1 THE DEPONENT: I can't remember
11:32:27 2 specifically any other comments. It may come to
11:32:32 3 me a little later on during the course of the
11:32:36 4 deposition.

11:32:38 5 BY MR. RUSKIN:

11:32:39 6 Q Okay. Well -- okay.

11:32:46 7 With regard to the derogatory statements
11:32:48 8 made to third parties about you by VITELCO,
11:32:52 9 specifically VITELCO now, what derogatory statements
11:32:56 10 were made to third persons about you by VITELCO?

11:33:09 11 A When you say "VITELCO," is it safe for me
11:33:12 12 to assume you're referring to Ebbensen, Redfield --

11:33:18 13 MS. ROHN: Anybody that --

11:33:19 14 THE DEPONENT: -- anybody that
11:33:20 15 represents VITELCO?

11:33:21 16 MS. ROHN: Prosser? Anybody?

11:33:23 17 MR. RUSKIN: I beg your pardon,
11:33:23 18 Counsel.

11:33:25 19 THE DEPONENT: Mr. Ebbensen, while
11:33:28 20 testifying before, I believe it was the Public
11:33:29 21 Service Commission -- I'm trying to remember
11:33:33 22 exactly what he said. There was a statement --
11:33:38 23 he called me a particular name that was quite
11:33:41 24 derogatory.

25

11:33:42 1 BY MR. RUSKIN:

11:33:42 2 Q What name was that?

11:33:43 3 A I'm trying to remember exactly the term
11:33:45 4 that he used. Aside from being a tyrant, he used
11:33:50 5 something else. I can't remember exactly what it
11:33:52 6 is. It will come to me.

11:33:54 7 Q Okay. And when did Mr. Redfield make that
11:33:59 8 statement?

11:33:59 9 I'm sorry. When did General Ebbensen make
11:34:02 10 that statement?

11:34:03 11 A I don't know the exact date and time. I
11:34:05 12 just know it was one time I testified before the
11:34:08 13 PSC.

11:34:10 14 Q Well, was Mr. Ebbensen making that
11:34:14 15 statement at one time at which he was the president
11:34:16 16 of VITELCO?

11:34:17 17 A Yes.

11:34:18 18 Q So can you tell me specifically what
11:34:21 19 timeframe he made that statement?

11:34:30 20 A I can't remember the timeframe. I can't
11:34:33 21 remember the date and time, but I know it was a
11:34:34 22 statement he made while I was testifying before the
11:34:37 23 Public Service Commission, and it was on two
11:34:38 24 occasions that I testified before the Public Service
11:34:40 25 Commission. Can't remember the exact dates.

11:34:43 1 Q And you can't remember what he said?

11:34:47 2 A I'm trying to remember exactly the word he
11:34:49 3 used, a description. I can't remember it. I know
11:34:59 4 he used the word "tyrant" at one point, but then he
11:35:03 5 used another word; I can't remember what it was.

11:35:08 6 Q Other than the statement or statements
11:35:11 7 made by Mr. Ebbensen that you've just testified to,
11:35:17 8 what other derogatory statements were made to third
11:35:19 9 persons about you by VITELCO?

11:35:31 10 A Now, I think -- I'm not sure if it was
11:35:39 11 Attorney Julio Brady or someone used the word
11:35:42 12 "demagogue."

11:35:45 13 Q Any others? Any other statements made
11:35:48 14 about you by VITELCO?

11:35:54 15 A I have been attacked so many times, I
11:35:55 16 can't remember exactly all the things that were
11:35:58 17 said.

11:35:59 18 Q Well, I need to get -- I need you --
11:36:02 19 MS. ROHN: Let me explain something to
11:36:03 20 you.

11:36:03 21 You're obligated to tell them everything that
11:36:06 22 you said --

11:36:07 23 THE DEPONENT: To the best of my
11:36:07 24 knowledge --

11:36:08 25 MS. ROHN: Excuse me. Let me finish.

11:36:10 1 THE DEPONENT: To the best of my

11:36:10 2 knowledge --

11:36:10 3 MS. ROHN: Let me finish.

11:36:11 4 To the extent that you don't testify about

11:36:13 5 items, they're entitled to ask that they be barred

11:36:16 6 at trial. So it is important for you to try to

11:36:19 7 remember everything that you can remember.

11:36:21 8 THE DEPONENT: I will speak to the best

11:36:22 9 of my knowledge.

11:36:24 10 BY MR. RUSKIN:

11:36:25 11 Q Okay. As you sit here now, can you

11:36:28 12 testify as to any other derogatory statements made

11:36:30 13 to third persons about you by VITELCO?

11:36:33 14 A No.

11:36:34 15 Q And is it your understanding that Julio

11:36:38 16 Brady -- at the time Attorney Julio Brady was

11:36:43 17 employed by VITELCO?

11:36:47 18 A Mr. Julio Brady, in terms of my

11:36:49 19 interaction with him, was in the capacity as

11:36:51 20 representing VITELCO.

11:36:53 21 Q My question is employed, his employment.

11:36:56 22 Is it your understanding he was employed by VITELCO?

11:36:58 23 A It was easy for me to assume that he was

11:37:01 24 employed by VITELCO because he was representing

11:37:03 25 VITELCO.

11:37:04 1 Q But aside from the assumption --

11:37:06 2 A I don't work in Human Resources for
11:37:07 3 VITELCO.

11:37:07 4 Q So you don't know whether or not he was
11:37:09 5 employed by VITELCO?

11:37:09 6 A No. He represented as representing
11:37:12 7 VITELCO.

11:37:17 8 Q Are there any other -- I'm sorry. I think
11:37:19 9 I already asked that.

11:37:23 10 Have you ever made any derogatory
11:37:25 11 statements to third persons about Senator Redfield?

11:37:31 12 A No.

11:37:31 13 Q Never?

11:37:32 14 A No.

11:37:33 15 Q Have you ever made derogatory statements
11:37:34 16 about VITELCO to any third persons?

11:37:37 17 A No. Most of my statements was public
11:37:42 18 statements --

11:37:43 19 Q I didn't --

11:37:43 20 A -- about facts.

11:37:44 21 Q I'm sorry. I didn't ask you whether they
11:37:46 22 were public statements, I asked whether they were
11:37:48 23 derogatory statements.

11:37:49 24 A I don't consider them to be derogatory.

11:37:52 25 Q And why don't you consider them to be

11:37:54 1 derogatory?

11:37:55 2 A Because the nature of my comments.

11:37:58 3 Q Have you ever made a derogatory statement

11:38:00 4 about Jeffrey Prosser?

11:38:01 5 A No.

11:38:02 6 Q You never called him by a name other than

11:38:04 7 Mr. Prosser or Jeffrey Prosser?

11:38:11 8 A Not to the best of my recollection.

11:38:21 9 Q Did you ever characterize VITELCO or ICC

11:38:25 10 or Jeffrey Prosser as being evil?

11:38:28 11 A I may have.

11:38:28 12 Q You don't consider that to be derogatory?

11:38:30 13 A No.

11:38:31 14 Q Why not?

11:38:32 15 A Because I believe that their unscrupulous

11:38:33 16 behavior came to light.

11:38:40 17 Q Did you ever refer to Mr. Redfield as

11:38:44 18 evil?

11:38:45 19 A No.

11:38:54 20 Q What contacts — I'm sorry. Withdrawn.

11:38:58 21 Prior to you being sworn in to the Senate

11:39:00 22 the first time in the mid '90s, had you ever had any

11:39:10 23 dispute or issues with VITELCO?

11:39:15 24 A Prior to, no.

11:39:17 25 Q Did you ever have any disputes with

11:39:21 1 VITELCO as a subscriber, a telephone user, prior to
11:39:25 2 being sworn in to the Senate?

11:39:26 3 A No.

11:39:31 4 Q Prior to the first half of 1998, did you
11:39:37 5 ever have any dispute with VITELCO or any issues
11:39:40 6 with VITELCO?

11:39:44 7 A To the best of my recollection, no.

11:39:48 8 Q So, in other words, in your first two
11:39:51 9 years -- or first year or two in the Senate, VITELCO
11:39:55 10 and issues relating to VITELCO were not things that
11:39:58 11 you were speaking about?

11:40:02 12 A As a regular citizen -- I operated as a
11:40:11 13 normal citizen. You're not privy to the information
11:40:14 14 that you're privy to serving as a senator. So when
11:40:19 15 I became a senator is when I started to inquire and
11:40:24 16 request documentation, so I then became privy to
11:40:28 17 different types of documentation.

11:40:32 18 Q Did you at that point start speaking out
11:40:34 19 about issues relating to VITELCO?

11:40:38 20 A I believe the first issue was VITELCO was
11:40:43 21 slated to receive a hundred percent tax exemption,
11:40:44 22 and that prompted me to offer an initiative that
11:40:52 23 would make sure that the rate payers of the Virgin
11:40:56 24 Islands become a benefactor of such benefits as
11:41:01 25 well.

11:41:02 1 Q Any other issues that you had with VITELCO
11:41:04 2 through the first half of 1998?

11:41:06 3 A Timeframe, it would be difficult because
11:41:13 4 it's so many issues.

11:41:14 5 Q Well, were you having issues with VITELCO
11:41:17 6 with regard to their -- with their rates and their
11:41:19 7 earnings and so forth?

11:41:21 8 A Yes. I felt in the same rate
11:41:24 9 investigation, the computation or formulas that we
11:41:27 10 use included the rate of return.

11:41:33 11 Q Was --

11:41:35 12 A Go ahead.

11:41:35 13 Q I'm sorry. I wasn't sure if you were
11:41:38 14 finished.

11:41:38 15 A All I was going to say was that I think
11:41:40 16 the formula that we used or some of the components
11:41:44 17 that we considered was the hundred percent tax
11:41:45 18 exemption, how would it affect or change the rate of
11:41:50 19 return.

11:41:56 20 Q What was the nature of your interactions
11:42:04 21 with VITELCO on issues related to VITELCO between
11:42:09 22 1998 and September of 2002?

11:42:15 23 A Can you repeat that question? I'm not
11:42:16 24 sure I --

11:42:17 25 Q I'm trying to establish whether -- maybe I

11:42:20 1 can just explain it first, then I'll ask you the
11:42:22 2 question.

11:42:23 3 I want to know what issues you had about
11:42:25 4 VITELCO, public issues, or things that you were
11:42:27 5 speaking about publicly about VITELCO, during the
11:42:30 6 timeframe from the first half of 1998 now,
11:42:36 7 through --

11:42:37 8 A Well, I've had several -- I mean, several
11:42:39 9 interactions --

11:42:40 10 Q I'm sorry, sir. Let me finish the
11:42:42 11 question --

11:42:43 12 A Okay. I thought you had finished.

11:42:45 13 Q -- sir.

11:42:46 14 -- through the end of the September 2002,
11:42:48 15 around the timeframe when the investigation on you
11:42:51 16 came to light? That's the --

11:42:54 17 A Prior to the --

11:42:55 18 Q Yeah, prior to that coming to light and
11:42:57 19 after.

11:42:57 20 A There are so many issues, so many
11:43:02 21 discussions, so many conversations, that -- I even
11:43:09 22 remember having a conversation -- a brief
11:43:11 23 conversation with Attorney Rames at William Robuck's
11:43:15 24 funeral.

11:43:19 25 Q What issues? I want to find out the

11:43:21 1 issues, though. What issues about VITELCO were you
11:43:24 2 speaking out about?

11:43:26 3 A I believe, if I'm not mistaken, it was
11:43:29 4 something with reference to the rate investigation.

11:43:33 5 Q Anything else?

11:43:41 6 A I think at the time the only thing that
11:43:43 7 Attorney Rames crossed over was on his response to
11:43:48 8 my interaction with former Governor Schneider in
11:43:52 9 referring to him as "Cowboy Roy."

11:43:56 10 Q Do you think that statement was
11:43:57 11 derogatory?

11:43:59 12 A Towards who?

11:44:00 13 Q Towards Governor Schneider.

11:44:02 14 A It was neither here nor there to me.

11:44:06 15 Q You don't think calling somebody a
11:44:08 16 "cowboy" is derogatory?

11:44:10 17 A I think you're asking the wrong person.
11:44:14 18 You're asking me for my impression?

11:44:15 19 Q I'm asking you whether or not you believe
11:44:18 20 it was derogatory to refer to the governor as a
11:44:21 21 "cowboy"?

11:44:22 22 A I think Attorney Rames may have said that
11:44:24 23 because he witnessed Governor Schneider referring to
11:44:27 24 me as the "dump senator."

11:44:32 25 Q Isn't it true, sir, that in 1992 you filed

11:44:38 1 a lawsuit against ICC, VITELCO, and Jeffrey Prosser
11:44:43 2 with regard to the 9/11 surcharge?

11:44:47 3 A I don't know the approximate date, but I
11:44:49 4 know that a case existed. We did file.

11:44:52 5 Q Was that an issue? The 9/11 surcharge,
11:44:55 6 was that an issue that you had with VITELCO and ICC
11:44:58 7 and Prosser prior to the investigation on you coming
11:45:04 8 to light?

11:45:11 9 A If I'm not mistaken, I believe that case
11:45:13 10 was filed before -- it's so long ago, that to know
11:45:20 11 the sequence of events, I couldn't provide you with
11:45:24 12 an accurate statement.

11:45:27 13 Q Do you recall what your issue with VITELCO
11:45:31 14 was with regard to the 9/11 surcharge?

11:45:34 15 A Yes. The formula that was used, that was
11:45:38 16 based on the charge that -- illustrating, as an
11:45:45 17 example, the charge that I was personally paying.
11:45:46 18 If they were suggesting back in 1992 -- which was
11:45:50 19 the last investigation that had taken place during
11:45:53 20 that period -- that there was only 60,000
11:45:57 21 subscribers, and in 2000, I believe, or 2001 or '2
11:46:03 22 when the case was filed, they were using those
11:46:06 23 figures from a rate investigation to calculate how
11:46:11 24 much they would remit to the Government.

11:46:14 25 Now, if I am one rate payer -- but being a

11:46:18 1 rate payer does not necessarily mean or does not
11:46:21 2 represent one telephone line. I had multiple lines
11:46:26 3 at the time. At that time I believe I had as many
11:46:28 4 as five lines, which constitute that I was required
11:46:31 5 to pay \$5 for a dollar each line.

11:46:34 6 Now, when you calculate 60,000
11:46:37 7 subscribers, it is suggested that it's either you're
11:46:40 8 billing per bill or you're billing per subscriber.
11:46:46 9 They were suggesting that they were billing per
11:46:48 10 subscriber. So there was a disparity; there was a
11:46:51 11 discrepancy. So I questioned that discrepancy, and
11:46:55 12 all I simply asked was for answers.

11:46:58 13 Q Isn't it true that you did more than
11:46:59 14 simply ask for answers; you filed a lawsuit about
11:47:01 15 it?

11:47:02 16 A I had to.

11:47:03 17 Q Right. And in that lawsuit you alleged
11:47:05 18 that Prosser and ICC and VITELCO were engaged in a
11:47:11 19 racketeering conspiracy, didn't you?

11:47:14 20 A That's correct.

11:47:14 21 Q And they committed fraud; isn't that
11:47:15 22 correct? Isn't that what you said?

11:47:18 23 A I believe there was suspicion based on the
11:47:21 24 activities that was taking place.

11:47:22 25 Q And do you think, as you sit here today,

11:47:25 1 that you were correct about the issues that you
11:47:27 2 raised in your Complaint?

11:47:29 3 A Yeah, based on the outcome or based on the
11:47:34 4 faith of Mr. Prosser, VITELCO, and the company.

11:47:40 5 Q Are you aware, sir, that there was, in
11:47:41 6 fact, an audit of the 9/11 surcharge conducted by
11:47:47 7 the Department of the Interior?

11:47:50 8 A Yeah, an audit that consisted of not being
11:47:53 9 allowed to go in the office and retrieve the
11:47:56 10 documents.

11:47:56 11 Q Who was not being allowed?

11:47:57 12 A The Inspector General's Office.

11:48:00 13 Q Well, are you --

11:48:02 14 A Excuse me?

11:48:04 15 Q Hold on a second.

11:48:05 16 (Defendants' Exhibit 2 marked for identification.)

11:48:05 17 BY MR. RUSKIN:

11:48:36 18 Q Sir, we've put in front of you Exhibit 2,
11:48:39 19 which is titled "Audit Report, U.S. Department of
11:48:41 20 the Interior, Office of Inspector General." Do you
11:48:45 21 see that?

11:48:46 22 A Yeah.

11:48:48 23 Q And I'd ask you to turn, if you would, to
11:48:51 24 Page 3 -- numbered "3" at the bottom.

11:49:01 25 A Page what?

11:49:02 1 Q Three, numbered at the bottom where it
11:49:05 2 says, "Results of Audit." Do you see that?
11:49:08 3 A Yeah.
11:49:08 4 MS. ROHN: Page 3?
11:49:11 5 THE DEPONENT: To the bottom or the
11:49:11 6 top?
11:49:13 7 BY MR. RUSKIN:
11:49:13 8 Q Top of the page where it says "Results of
11:49:15 9 Audit," and then it says "Overview."
11:49:17 10 A Uh-huh.
11:49:17 11 Q That first sentence there reads:
11:49:19 12 "The Innovative Telephone Corporation
11:49:21 13 billed for and remitted to the Virgin
11:49:23 14 Islands (the Government) the emergency
11:49:26 15 services surcharge in accordance with the
11:49:28 16 provisions of Act Number 6333, as
11:49:33 17 amended."
11:49:34 18 Do you see that?
11:49:35 19 A Yeah.
11:49:36 20 Q Is it still your position that
11:49:38 21 Innovative -- that VITELCO didn't properly bill for
11:49:44 22 and remit to the Government of the Virgin Islands
11:49:46 23 the emergency service surcharge as required by
11:49:50 24 Act Number 6333?
11:49:54 25 A I've always concluded that they properly

11:49:57 1 billed, but they didn't properly remit.

11:50:00 2 Q Okay. Do you see where it says -- the
11:50:05 3 Department of the Interior says that they billed for
11:50:08 4 and remitted the surcharge in accordance with the
11:50:12 5 provisions of the Act?

11:50:13 6 A Yeah.

11:50:14 7 Q Do you still believe that they didn't
11:50:16 8 remit according to the provisions of the Act?

11:50:19 9 A Yeah.

11:50:19 10 Q Why's that?

11:50:20 11 A Because the formula that the ground -- the
11:50:25 12 investigation of the Inspector General's Office was
11:50:28 13 not built on the premise of facts.

11:50:31 14 Q I see.

11:50:32 15 Do you believe, sir, that you know better
11:50:34 16 than the Department of Interior?

11:50:36 17 MS. ROHN: Objection to the form of the
11:50:36 18 question; it's argumentative.

11:50:37 19 BY MR. RUSKIN:

11:50:39 20 Q You can answer.

11:50:40 21 A Possibly, in this instance.

11:50:42 22 Q And what do you base that on?

11:50:44 23 A I base that on my finding.

11:50:46 24 Q And what are your findings?

11:50:47 25 A Basically cross-referencing and attempting

11:50:51 1 to subpoena documentation that I already had from
11:50:54 2 the EDC office.

11:50:56 3 Q What documents are those?

11:50:57 4 A Different documents. It's a whole file.

11:50:59 5 Q What in the file leads you to believe that
11:51:01 6 the Department of Interior, Office of Inspector
11:51:03 7 General got it wrong?

11:51:06 8 A The Department of Interior never
11:51:07 9 referenced a 1992 rate investigation and what it
11:51:12 10 concluded. And in order to do a proper and in-depth
11:51:18 11 audit, that was required to be included, because
11:51:21 12 they never went to the route or the premise in which
11:51:26 13 the total number of subscribers was brought forward.

11:51:31 14 Q Have you read the entire audit report,
11:51:33 15 sir?

11:51:34 16 A Most of it, yeah.

11:51:35 17 Q Do you recall reading in here where the
11:51:40 18 auditor, the Inspector General, takes the position
11:51:42 19 that the Act needs to be amended in order to either
11:51:47 20 bill by bill or by subscriber? They actually talk
11:51:53 21 about proposing legislation to make it clear how --

11:51:58 22 A That was his opinion.

11:52:00 23 Q Beg your pardon?

11:52:01 24 A That was his opinion.

11:52:02 25 Q Whose opinion?

11:52:03 1 A The Inspector General.

11:52:04 2 Q Correct.

11:52:06 3 A Uh-huh.

11:52:06 4 Q But do you believe that VITELCO did it
11:52:10 5 wrong, according to the way the Act was written?

11:52:15 6 A I believe that the total amount of
11:52:18 7 subscribers -- common logic will tell you that the
11:52:22 8 population has grown from 1992, and has grown
11:52:27 9 significantly. Common logic would tell you, based
11:52:29 10 on observation, that if you look around, the level
11:52:33 11 of businesses that we had in 1992 is not the same
11:52:36 12 amount of businesses that you have in 1998. So to
11:52:43 13 imply or suggest that there has not been any growth
11:52:48 14 in the business population or your population
11:52:51 15 overall is in itself inaccurate.

11:52:55 16 Q That's based on logic. Is it also based
11:52:57 17 on facts?

11:52:58 18 A Facts.

11:52:58 19 Q What facts?

11:52:59 20 A The Census.

11:53:00 21 Q Okay. Have you got a copy of the Census
11:53:04 22 that you're relying on to make that statement?

11:53:06 23 A I don't have the Census in front of me.

11:53:08 24 Q Did you have it when you made your
11:53:09 25 Complaint in this case?

11:53:11 1 A At that time. At that time.

11:53:12 2 Q Now, when you filed this Complaint in the
11:53:15 3 District Court, were you making it as a Senator or
11:53:20 4 were you making it as an individual?

11:53:24 5 A I believe that they addressed me as
11:53:25 6 "Senator" and continued to address me as "Senator,"
11:53:29 7 and I believe just out of common courtesy and
11:53:32 8 respect, that they identified me based on my current
11:53:37 9 title or status.

11:53:39 10 Q You didn't put "Senator" in front of your
11:53:41 11 name in the caption of the lawsuit in that case when
11:53:45 12 it was filed?

11:53:48 13 A It was just my attorney. I depended on my
11:53:50 14 attorney's legal advice.

11:53:56 15 Q Do you recall how that lawsuit was
11:53:58 16 disposed of?

11:54:00 17 A I believe the judge himself had some
11:54:02 18 concerns but felt -- indirectly indicated that maybe
11:54:05 19 the lawsuit should have been filed as a class action
11:54:10 20 and not as an individual.

11:54:13 21 Q You think the judge got it wrong?

11:54:17 22 A The judge made a decision.

11:54:20 23 Q Did you think at the time the judge made a
11:54:22 24 mistake?

11:54:24 25 A Well, I just felt at the time the judge --

11:54:27 1 I mean, after walking into, I believe, Paradise
11:54:31 2 Cafe, and meeting the judge there with principals of
11:54:35 3 VITELCO, that perhaps he may have heard their
11:54:39 4 argument a little more than mine.

11:54:42 5 Q Okay. You think the judge was corrupt; is
11:54:48 6 that what you're saying?

11:54:49 7 A That's not what I'm saying; that's what
11:54:50 8 you say.

11:54:52 9 Q No. I'm asking.

11:54:52 10 Do you think the judge was corrupt in his
11:54:55 11 decision?

11:54:55 12 A I don't question people's integrity like
11:54:57 13 that. I'm a fact-finder, a stickler for details.

11:55:03 14 Q But you believe the defendants in that
11:55:05 15 lawsuit had the judge's ear more than you did?

11:55:07 16 A I didn't have breakfast with the judge.

11:55:10 17 Q Do you have any reason to believe that the
11:55:14 18 judge and people involved with Innovative, VITELCO,
11:55:18 19 or Jeffrey Prosser discussed the case outside of the
11:55:22 20 courtroom or outside of the hearing of your
11:55:24 21 attorney?

11:55:25 22 A I had no reason to believe that they
11:55:26 23 didn't or they did.

11:55:29 24 Q Okay. Look at Paragraph 16 of your
11:55:34 25 Complaint.

11:55:38 1 A Paragraph 16 of the Complaint. Yes.

11:56:00 2 Q Okay. Paragraph 16 refers to a letter
11:56:03 3 being sent by VITELCO. Do you see that?

11:56:05 4 A Yes.

11:56:06 5 Q Do you have a copy of that letter?

11:56:08 6 A I'm not sure if I do, but I think that I
11:56:16 7 was approached by three of the employees. And one
11:56:23 8 of the employees in particular that I'm quite sure I
11:56:26 9 can -- I think it was -- I'm trying to remember. I
11:56:32 10 think it was Lydia Brown at one time told me about
11:56:36 11 the letter. And another gentleman that is a
11:56:40 12 lineman, if I see him, I can identify him.

11:56:44 13 Q Well, I need a name now if you've got it.

11:56:47 14 A I just gave you one.

11:56:49 15 Q I need all the names, sir.

11:56:51 16 A I'll have to go out and find that person.
11:56:52 17 I'm quite sure I could find him.

11:56:56 18 Q Okay. What did the letter say?

11:57:01 19 A I think the letter said something to the
11:57:03 20 effect about a person that is not supportive of the
11:57:11 21 company and -- I can't remember the specific
11:57:14 22 language; it's been so long ago.

11:57:16 23 Q Was it in the nature of an opinion?

11:57:20 24 A It was in the nature of an attempt to
11:57:24 25 influence.

11:57:26 1 Q Okay. Was it in the nature of an opinion?

11:57:29 2 MS. ROHN: He answered your question.

11:57:31 3 MR. RUSKIN: No, he didn't answer my
11:57:33 4 question.

11:57:33 5 THE DEPONENT: I'll repeat it the same
11:57:34 6 way. You want the same answer?

11:57:36 7 BY MR. RUSKIN:

11:57:37 8 Q I want to know, yes or no, was it --

11:57:38 9 MS. ROHN: He's answered the question.

11:57:41 10 MR. RUSKIN: Can we have one of you
11:57:42 11 speak at a time?

11:57:43 12 MS. ROHN: Then please wait until I
11:57:45 13 finish my objection.

11:57:47 14 You got my objection?

11:57:49 15 MR. RUSKIN: No. I didn't hear it.

11:57:50 16 MS. ROHN: I said he has already
11:57:51 17 answered your question the best he can.

11:57:57 18 BY MR. RUSKIN:

11:57:58 19 Q Can you give your response again? The
11:57:59 20 reporter didn't get it.

11:58:02 21 A I think I said that it was an attempt to
11:58:06 22 influence.

11:58:12 23 Q Is it your position that VITELCO cannot
11:58:15 24 express its opinion or its influence to its
11:58:18 25 employees about issues?

11:58:20 1 A It's my opinion that VITELCO should not
11:58:23 2 infringe on a person's constitutional democratic
11:58:28 3 right, freedom of expression, the freedom to
11:58:32 4 exercise their democratic right in voting.

11:58:38 5 Q Is there anything in the letter, to your
11:58:40 6 knowledge, in which VITELCO told people that they
11:58:43 7 can't vote for you?

11:58:45 8 A There was -- I believe in the letter, it
11:58:48 9 was highly encouraged that they not vote for me.

11:58:55 10 Q What were the words used?

11:58:57 11 A I can't quote it. I can't specifically
11:58:59 12 tell you.

11:58:59 13 Q Well, how do you know that it was highly
11:59:03 14 suggested that the company --

11:59:04 15 A Because two of the recipients expressed
11:59:06 16 that.

11:59:07 17 Q I'm sorry. Say that it again.

11:59:09 18 A Two of the recipients expressed that.

11:59:17 19 Q Was there anything in the letter, to your
11:59:19 20 knowledge, in which any employees were told that if
11:59:23 21 they voted for you, something negative would happen
11:59:26 22 to their employment?

11:59:29 23 A I guess they just felt so because of the
11:59:33 24 actions of the company against me.

11:59:37 25 Q What did they say to you exactly about how

11:59:40 1 they --

11:59:40 2 What was in the letter with regard to
11:59:43 3 threats against their employment?

11:59:46 4 A I had interaction with different employees
11:59:48 5 where I couldn't even extract their names because
11:59:51 6 they had fear of even be seen standing up talking to
11:59:55 7 me.

11:59:56 8 I've had situations where I have been
11:59:58 9 approached by an employee and they took off running.

12:00:02 10 Q How do you know that they were threatened
12:00:04 11 by VITELCO?

12:00:05 12 A Because they expressed that.

12:00:08 13 Q When did they express that, if they were
12:00:10 14 running away?

12:00:11 15 A Running.

12:00:12 16 Q While they were running they were
12:00:13 17 expressing that?

12:00:14 18 A Yeah.

12:00:19 19 Q Do you know anybody who has a copy of this
12:00:22 20 letter that VITELCO sent allegedly to its employees?

12:00:26 21 A No, not right off the top of my head.
12:00:31 22 Like I said, I recall a Lydia Brown shared with me
12:00:37 23 that she had such a letter in her possession.

12:00:40 24 Q When was this letter sent?

12:00:43 25 A Can't remember the exact date.

12:00:45 1 Q What year?

12:00:46 2 A Can't remember the exact date.

12:00:47 3 Q Was it with regard to an impending
12:00:47 4 election?

12:00:49 5 A Yeah. I think it was like a month or
12:00:51 6 couple weeks before the election.

12:00:53 7 Q But was it the election of 2000?

12:00:58 8 A I don't specifically remember.

12:00:58 9 Q Was it the election of 2002?

12:01:00 10 MS. ROHN: He doesn't specifically
12:01:01 11 remember.

12:01:02 12 MR. RUSKIN: I understand, Counsel.
12:01:02 13 I'm not completely deaf.

12:01:05 14 MS. ROHN: Okay, sir. You had told me
12:01:07 15 previously that you expected to take about two
12:01:10 16 hours a piece with Mr. Donastorg and then you
12:01:11 17 would be going with the rest of them, which is
12:01:13 18 why everybody is sitting here.

12:01:14 19 MR. RUSKIN: No, I didn't say that.

12:01:15 20 MS. ROHN: Yes. I got a letter that
12:01:16 21 says -- excuse me -- it's in writing by your
12:01:19 22 co-defendant --

12:01:20 23 MR. RUSKIN: He's not my co-counsel.
12:01:23 24 In any event, you've taken 45 minutes for
12:01:26 25 breaks already.

12:01:28 1 MS. ROHN: Oh, please. You know, that
12:01:29 2 goes exactly to how much you exaggerate.
12:01:33 3 MR. RUSKIN: I'm going to continue with
12:01:34 4 my deposition for as long as I've got within the
12:01:37 5 rules.
12:01:38 6 MS. ROHN: Great. Then would you
12:01:39 7 please let me know about how long you expect, so
12:01:41 8 these good people don't have to sit here and
12:01:43 9 watch your display?
12:01:46 10 MR. RUSKIN: Certainly. You want to go
12:01:46 11 off the record? We can.
12:01:46 12 MS. ROHN: No. We can do this on the
12:01:48 13 record so you can't claim --
12:01:50 14 MR. RUSKIN: I expect that we're going
12:01:52 15 to go all day with him.
12:01:54 16 MS. ROHN: Anybody not wanting to sit
12:01:55 17 here all day? Any of you who want to leave, can
12:02:01 18 leave.
12:02:03 19 MR. RUSKIN: We'll continue with
12:02:04 20 everybody else tomorrow.
12:02:05 21 MS. ROHN: No. The representations
12:02:06 22 were made to me that you would be through
12:02:09 23 tomorrow by 12:00, and that I should take
12:02:12 24 Mr. Bill Brown's deposition at 12:00 tomorrow.
12:02:14 25 So that's what's happening tomorrow at 12:00, and

12:02:16 1 then Marilyn Bailey should follow that.

12:02:20 2 MR. RUSKIN: Between 9:00 and 12:00
12:02:21 3 we've got whoever is left here.

12:02:23 4 MS. ROHN: Great. I'll be doing my
12:02:25 5 deposition at 12:00.

12:02:27 6 MR. RUSKIN: Okay. Let's continue.

12:02:31 7 BY MR. RUSKIN:

12:02:33 8 Q What evidence do you have that Redfield
12:02:35 9 caused VITELCO to send the letter that you referred
12:02:38 10 to in Paragraph 16?

12:02:44 11 A I wouldn't say that I have any particular
12:02:47 12 evidence. It's just easily assumed that Redfield
12:02:51 13 has his hands in everything that relates to VITELCO.

12:02:54 14 Q Okay. In Paragraph 18 you refer to an
12:03:05 15 employee of ICC who contacted you to offer to build
12:03:07 16 the library in your name. Who was the employee who
12:03:12 17 contacted you?

12:03:14 18 A I believe it was former Senator
12:03:16 19 John Tutein.

12:03:18 20 Q What evidence do you have that Holland
12:03:22 21 Redfield had any participation in causing that
12:03:27 22 employee of ICC to contact you?

12:03:32 23 A I believe at the time I served with
12:03:34 24 Holland Redfield, and shortly before John Tutein
12:03:36 25 came to my office he had met with Redfield.

12:03:39 1 Q So this occurred while Redfield was still
12:03:42 2 senator?

12:03:43 3 A I think. To the best of my knowledge, I
12:03:45 4 believe so.

12:03:47 5 Q So what evidence do you have that VITELCO
12:03:50 6 caused Mr. Tutein to contact you?

12:03:54 7 A Because that's all we spoke about,
12:03:56 8 VITELCO. He said he was representing VITELCO.

12:03:58 9 Q He said he was representing VITELCO?

12:04:00 10 A Yeah.

12:04:17 11 Q Okay. Paragraph 19 talks about the
12:04:19 12 investigation into you. Do you see that?

12:04:21 13 A Yeah.

12:04:21 14 Q And it says that you learned about that in
12:04:24 15 September of 2002.

12:04:25 16 A Can I read it before you ask?

12:04:26 17 Q Sure. Please.

12:04:39 18 (Pause in proceedings.)

12:04:45 19 THE DEPONENT: Yeah.

12:04:46 20 BY MR. RUSKIN:

12:04:46 21 Q Okay. You learned about that in 2002,
12:04:51 22 September; is that correct?

12:04:52 23 A I believe so.

12:05:09 24 Q In Paragraph 23 you say, "VITELCO used
12:05:11 25 rate payer funds to" --

12:05:14 1 A Can I read it?

12:05:15 2 Q Sure.

12:05:16 3 A So we've skipped 19?

12:05:17 4 Q For the moment.

12:05:19 5 A Okay. What was that, 23?

12:05:22 6 Q 23.

12:05:36 7 A Yes.

12:05:43 8 Q So you said that "VITELCO used rate payer
12:05:47 9 funds to fund the investigation"; is that correct?

12:05:49 10 A Yeah.

12:05:50 11 Q What's the basis of your saying that?

12:05:53 12 What's the evidence that you have to support that?

12:05:55 13 A Investigative files.

12:05:59 14 MR. RUSKIN: If you can mark these
12:06:01 15 separately, if you would, just 3 and 4.
12:06:04 16 (Defendants' Exhibits 3 and 4 marked for
12:06:04 17 identification.)
12:06:40 18 BY MR. RUSKIN:
12:06:40 19 Q Have you had a chance to review those,
12:06:41 20 sir?
12:06:43 21 A Yeah.
12:06:44 22 Q Okay. Now, at one point, I take it, you
12:06:50 23 had a copy of the entire investigative file done by
12:06:55 24 Sheraw and Associates about you --
12:06:57 25 MS. ROHN: You can't --

12:06:57 1 BY MR. RUSKIN:

12:06:57 2 Q -- isn't that correct?

12:06:58 3 MS. ROHN: He cannot answer what you
12:07:00 4 take. Your question is that you "take it." He
12:07:02 5 can't answer that.

12:07:05 6 BY MR. RUSKIN:

12:07:06 7 Q Sir, did you ever have a copy of the
12:07:07 8 investigative file done by Sheraw on you?

12:07:10 9 A I know I have documents of an
12:07:11 10 investigative file; I don't know if it's a complete
12:07:14 11 file.

12:07:14 12 Q Where did you get it from?

12:07:15 13 A My attorney.

12:07:16 14 Q Okay. Did your attorney ever tell you
12:07:19 15 that --

12:07:19 16 MS. ROHN: Don't answer anything about
12:07:21 17 what I may have told you.

12:07:22 18 BY MR. RUSKIN:

12:07:23 19 Q You want to hear the question first?

12:07:25 20 MS. ROHN: No. He will not tell you
12:07:28 21 anything that I told him.

12:07:29 22 BY MR. RUSKIN:

12:07:30 23 Q Did you ever have a discussion about this
12:07:33 24 file with Dennis Sheraw?

12:07:39 25 A I don't even know who Dennis Sheraw is.

12:07:42 1 Q Question is: Did you ever have a
12:07:44 2 discussion with him?

12:07:45 3 A No.

12:07:46 4 Q Did you ever represent to anybody that you
12:07:49 5 had a copy of the investigation done by Dennis
12:07:52 6 Sheraw on you?

12:07:54 7 A I believe that after Joel Holt had someone
12:07:59 8 practically kidnap me and take me up to his office
12:08:02 9 and shut the door and lock me in his office, he was
12:08:05 10 the one that started to question where I got the
12:08:08 11 investigation.

12:08:09 12 Q Did you ever talk to the *Avis* about the
12:08:12 13 investigative file?

12:08:13 14 A No. A copy was provided to the *Avis*.

12:08:16 15 Q By who?

12:08:18 16 A By me.

12:08:19 17 Q Did you ever provide a copy to any other
12:08:21 18 media?

12:08:21 19 A No. I actually feared for my life. And I
12:08:24 20 knew that the *Daily News* was representing VITELCO,
12:08:27 21 so to convey anything to the other newspaper of a
12:08:32 22 great, large circulation would be putting my life in
12:08:36 23 the hands of the same person who has attempted to
12:08:39 24 destroy it.

12:08:41 25 Q Who at the *Source* ever tried to destroy

12:08:44 1 you?

12:08:44 2 MS. ROHN: Objection to form of the
12:08:45 3 question.

12:08:46 4 THE DEPONENT: Who?

12:08:47 5 BY MR. RUSKIN:

12:08:47 6 Q Did you ever talk to anybody at the
12:08:48 7 *Source*?

12:08:49 8 A I don't -- to the best of my knowledge, I
12:08:51 9 don't even remember.

12:08:54 10 Q Did you read through the entire
12:08:56 11 investigative file that you gave to the *Avis*?

12:09:00 12 A I read through the documents that I
12:09:02 13 received that was copies of some documents, I
12:09:06 14 suspect, of the investigative files. I can't
12:09:08 15 clarify that it was the entire file; I don't know.

12:09:11 16 Q Whatever file that you had, the one you
12:09:14 17 received from your attorney, how many copies of that
12:09:18 18 did you get from your attorney?

12:09:19 19 A Well, the file that I had that I turned
12:09:23 20 over to the *Avis* was the actual report. For lack of
12:09:31 21 a better term -- word, I guess it was a synopsis of
12:09:35 22 their findings. My file also contained documents
12:09:39 23 that I received from the EDC, from just different
12:09:43 24 sources, the PSC, and it goes on and on.

12:11:11 25 (Defendants' Exhibit 5 marked for identification.)

12:11:11 1 BY MR. RUSKIN:

12:11:12 2 Q Do you recognize Exhibit 5 as being the
12:11:14 3 three letter reports from Dennis Sheraw to
12:11:17 4 Oakland Benta regarding the investigation done on
12:11:20 5 you?

12:11:24 6 A Yeah.

12:11:24 7 Q Okay. And do you note that the three
12:11:27 8 dates on the three letters are April 16, 1998; May
12:11:32 9 20, 1998; and June 24, 1998? Do you notice that?

12:11:47 10 A The one dated June 24th that starts with
12:11:50 11 Attorney Weiss disclosing confidential information,
12:11:57 12 expunged file on Norma Duran, I don't know if I
12:12:01 13 ever -- I don't even remember receiving this. I may
12:12:05 14 have, but...

12:12:09 15 Q Okay. But to the best of your
12:12:11 16 recollection, are these or any number of these the
12:12:16 17 documents that you gave to the Avis?

12:12:19 18 A Yeah, especially -- I think one of the
12:12:23 19 areas that was of great concern to me was the bank
12:12:28 20 accounts search and the Social Security numbers of
12:12:31 21 all the members of my family and other persons.

12:12:37 22 Q Sir, why did you give it to the Avis?

12:12:40 23 A For fear of my life and the safety of my
12:12:42 24 family.

12:12:43 25 Q Why did you believe that giving these

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12:12:45 1 documents to the Avis helped with regard to --

12:12:50 2 A Because --

12:12:50 3 Q Excuse me. Let me finish the question.

12:12:53 4 -- helped with regard to improving, shall

12:12:55 5 we say, the safety of yourself and your family?

12:12:58 6 A Because I felt at that time by exposing

12:13:01 7 what was going on with the penetration of my bank

12:13:04 8 accounts and everything else that was taking place,

12:13:07 9 I started to believe that the little cabal, former

12:13:16 10 Senator Redfield, the principals of VITELCO,

12:13:19 11 Mr. Jeffrey Prosser, was going to consider probably

12:13:22 12 taking other measures to intimidate me and stop me

12:13:26 13 in my tracks.

12:13:28 14 Q What evidence do you have of that?

12:13:29 15 A The evidence I have is the report saying

12:13:32 16 them penetrating bank accounts.

12:13:34 17 Q But didn't you notice that the reports are

12:13:35 18 all from 1998?

12:13:38 19 A Yeah.

12:13:39 20 Q So they were some four years prior to you

12:13:42 21 learning about them; isn't that correct?

12:13:43 22 A They still continued an investigation and

12:13:47 23 had me followed and other things.

12:13:49 24 Q How do you know that?

12:13:50 25 A Because the same way I suspected and I

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12:13:52 1 reported it back to the Inspector General's Office
12:13:55 2 back in 1998, Attorney James Herd, I observed the
12:13:58 3 same things that was taking place.

12:14:00 4 Q Who did you observe following you?

12:14:02 5 A Two gentlemen in a white car; just certain
12:14:07 6 individuals, other individuals that I don't ever
12:14:10 7 recall or could identify.

12:14:12 8 Q And how do you know that they have
12:14:15 9 anything to do with any of the defendants in this
12:14:17 10 lawsuit?

12:14:18 11 A Because I have no reason to believe anyone
12:14:19 12 else would take those measures.

12:14:23 13 Q So you do it by process of elimination?
12:14:25 14 Everybody else in the Virgin Islands is your best
12:14:28 15 friend except for VITELCO and ICC and Jeffrey
12:14:30 16 Prosser and the *Daily News* --

12:14:31 17 A No.

12:14:33 18 MS. ROHN: Wait. Let him finish his
12:14:35 19 question. Finish.

12:14:35 20 Object; argumentative and insulting.

12:14:38 21 BY MR. RUSKIN:

12:14:38 22 Q You can answer.

12:14:39 23 A I based it on their actions.

12:14:43 24 Q On whose actions?

12:14:44 25 A VITELCO and all the other rest of the

12:14:47 1 cabal.

12:14:47 2 Q I know. But what I'm trying to find out,
12:14:50 3 sir, is aside from the fact that somebody -- or two
12:14:54 4 people in a white car that you don't know who they
12:14:56 5 are were following you at one point, how do you know
12:15:00 6 that VITELCO or ICC or Jeffrey Prosser or Holland
12:15:04 7 Redfield or VITELCO had anything to do with that?

12:15:07 8 A Because when I suspected it back in 1998,
12:15:12 9 the worse of my fears became reality.

12:15:15 10 Q Well --

12:15:16 11 A So it would be no different in 2000, 2001,
12:15:21 12 or 2002 if a car was following me, that my suspicion
12:15:25 13 of them having something to do with it wouldn't be
12:15:27 14 far-fetched.

12:15:29 15 Q In all of your years as a senator, up
12:15:33 16 until 2002, had you ever made any other political
12:15:37 17 enemies?

12:15:39 18 MS. ROHN: Objection to the form of the
12:15:40 19 question that the reason that they're enemies are
12:15:42 20 politics.

12:15:45 21 THE DEPONENT: I guess that's for the
12:15:46 22 enemy to stipulate that I am their enemy.

12:15:50 23 BY MR. RUSKIN:

12:15:51 24 Q Had you ever felt threatened by anybody
12:15:54 25 else?

12:15:55 1 A No. No. I mean, I was actually terrified
12:15:58 2 by Mr. Prosser and VITELCO.

12:16:00 3 Q Terrified by them?

12:16:02 4 A Yeah.

12:16:03 5 MS. ROHN: Objection.

12:16:03 6 BY MR. RUSKIN:

12:16:04 7 Q What had they done to terrify you?

12:16:09 8 A The investigative file, penetrating my
12:16:14 9 bank accounts, invading the privacy of my family,
12:16:17 10 finding out where I frequent. And normally -- I
12:16:22 11 mean, if I may add, when someone is trying to
12:16:27 12 determine your every movement, it must be for an
12:16:29 13 ultimate purpose.

12:16:31 14 Q Okay. You didn't find out about this
12:16:39 15 report until September 2002, though; isn't that
12:16:42 16 correct?

12:16:43 17 MS. ROHN: Objection; asked and
12:16:43 18 answered twice.

12:16:44 19 BY MR. RUSKIN:

12:16:45 20 Q You can answer.

12:16:47 21 A Yeah.

12:16:48 22 Q Yes, you didn't find it out until
12:16:50 23 September 2002, correct?

12:16:52 24 A Uh-huh.

12:16:53 25 Q What evidence do you have that Holland

12:16:55 1 Redfield had anything to do with soliciting or
12:17:00 2 paying for or having anything to do with this
12:17:03 3 investigation of you by Sheraw?

12:17:07 4 A He defended it on the radio by slandering
12:17:12 5 my name.

12:17:12 6 Q What I'm asking, sir, is a different
12:17:14 7 question.

12:17:15 8 What I'm asking, this report is dated --
12:17:17 9 all three of these reports were dated in 1998. What
12:17:21 10 evidence do you have that Holland Redfield, back in
12:17:24 11 1998, had anything to do with soliciting or paying
12:17:27 12 for this report?

12:17:29 13 A Because he defended it on the radio by
12:17:32 14 slandering my name --

12:17:33 15 Q And he did that --

12:17:34 16 A -- on the Sam Topp program.

12:17:36 17 Q And he did that in 1998?

12:17:38 18 A No, he did it in 2002.

12:17:41 19 Q I understand that, sir. But, again, I
12:17:44 20 guess what I'm -- I'm asking you a different
12:17:48 21 question.

12:17:48 22 MS. ROHN: Let him ask the question.

12:17:50 23 BY MR. RUSKIN:

12:17:50 24 Q The question I'm asking you is this: The
12:17:53 25 Sheraw investigation took place in 1998, did it not?

12:17:56 1 MS. ROHN: Fourth time, yes.

12:17:57 2 THE DEPONENT: Uh-huh.

12:17:57 3 BY MR. RUSKIN:

12:17:58 4 Q Okay. Do you have any facts that back in
12:18:01 5 1998 Holland Redfield went to Sheraw and said, "Do
12:18:06 6 an investigation on Senator Donastorg"? Do you have
12:18:11 7 any facts like that?

12:18:12 8 A The only evidence I have is that Holland
12:18:15 9 Redfield got on the radio to defend that 1998
12:18:20 10 investigation of me, and he qualified it by saying,
12:18:22 11 "Oh, he" -- he expounded on the fact that it was
12:18:27 12 prompted by me being in bed with AT&T.

12:18:33 13 Q You have previously testified that in 1998
12:18:36 14 Holland Redfield was still in the Senate; isn't that
12:18:38 15 right?

12:18:39 16 Well, is it right that Holland Redfield
12:18:42 17 was still in the Senate --

12:18:43 18 MS. ROHN: Is it right he was in the
12:18:45 19 Senate or that he testified to that? 'Cause that
12:18:47 20 was your question.

12:18:47 21 BY MR. RUSKIN:

12:18:49 22 Q Isn't it true, sir, that in 1998 Holland
12:18:51 23 Redfield was still in the Senate?

12:18:54 24 A Let me think. I think it was in 1998
12:18:58 25 Senator Redfield was moving the legislation for

12:19:01 1 VITELCO on the reforming of the IDC program. I

12:19:07 2 think so.

12:19:07 3 Q So you think he was in the Senate in 1998?

12:19:11 4 A Yes. That's the period that he was moving
12:19:12 5 on initiative for VITELCO.

12:19:14 6 Q And that's the same period that the Sheraw
12:19:16 7 investigation was being performed on you; isn't that
12:19:18 8 correct?

12:19:19 9 A I believe that's correct.

12:19:20 10 Q So, again -- and it's really a very simple
12:19:24 11 question. Do you think that Holland Redfield
12:19:27 12 commissioned this investigation on you?

12:19:30 13 A I wouldn't doubt it, especially when he
12:19:32 14 was moving the initiative for VITELCO at the time.

12:19:35 15 Q Okay. Do you think that Holland Redfield
12:19:40 16 paid for any investigation on you?

12:19:44 17 A If I think he paid for it?

12:19:46 18 Q Do you think he paid for it?

12:19:48 19 A I don't know. I don't know. I mean, just
12:19:51 20 like VITELCO paid for everything, attorney fees and
12:19:55 21 everything for Mr. Redfield, I would suspect that
12:19:58 22 VITELCO paid for the investigation that Redfield may
12:20:02 23 have been privy to.

12:20:05 24 Q Do you think Redfield paid for it with his
12:20:07 25 own funds?

12:20:09 1 MS. ROHN: He answered that question.

12:20:10 2 You didn't understand his answer, sir?

12:20:13 3 MR. RUSKIN: No, I didn't, actually.

12:20:16 4 THE DEPONENT: Oh, boy.

12:20:17 5 MS. ROHN: I think a jury will.

12:20:19 6 BY MR. RUSKIN:

12:20:19 7 Q Look at the first page of the Sheraw

12:20:22 8 Investigation Report.

12:20:23 9 A Which one?

12:20:25 10 Q The first one, the first page.

12:20:27 11 A Which one?

12:20:28 12 MS. ROHN: You have three reports.

12:20:29 13 THE DEPONENT: You have three reports

12:20:30 14 in one.

12:20:30 15 BY MR. RUSKIN:

12:20:31 16 Q No. It's one exhibit. Look at the first

12:20:34 17 exhibit.

12:20:34 18 A Which letter are you referring to,

12:20:35 19 April 16th?

12:20:37 20 Q April 16, 1998?

12:20:38 21 A 1998. Yes.

12:20:39 22 Q Who was the letter addressed to?

12:20:42 23 A If I'm not mistaken, this gentleman used

12:20:46 24 to work with VITELCO.

12:20:50 25 Q The question is who is it addressed to,

12:20:51 1 sir?

12:20:53 2 A Oakland Benta, that I've known to work for
12:20:56 3 VITELCO.

12:20:57 4 Q This letter indicates he's the Director of
12:20:58 5 Security of Emerging Communications, Inc. Do you
12:21:02 6 see that?

12:21:02 7 A Yeah.

12:21:03 8 Q Do you have any reason to believe that --
12:21:04 9 MS. ROHN: Please don't yell at my
12:21:05 10 client.

12:21:05 11 BY MR. RUSKIN:

12:21:06 12 Q Do you have any reason to believe that he
12:21:08 13 wasn't the Director of Security of Emerging
12:21:10 14 Communications?

12:21:12 15 A That he was?

12:21:13 16 Q That he was not the Director of Security
12:21:15 17 of Emerging Communications, Inc.

12:21:17 18 A I have always known him to be a person --
12:21:19 19 what would I say? -- multitask, in that he
12:21:25 20 represented VITELCO, he represented ICC, he
12:21:29 21 represented Prosser. He represented just about
12:21:32 22 everything that VITELCO -- everything that was built
12:21:35 23 around VITELCO.

12:21:36 24 Q What evidence do you have that he was an
12:21:39 25 employee of VITELCO?

12:21:41 1 A I think he's had repeated conversations
12:21:43 2 with my sister-in-law, maybe hoping that my
12:21:46 3 sister-in-law conveyed messages to me, and he has
12:21:50 4 always represented to her that he was an employee of
12:21:53 5 VITELCO and Mr. Prosser.

12:21:55 6 Q And that was in 1998 that he said that?

12:21:57 7 A As far back as I could remember.

12:21:59 8 Q Well, how far back can you remember, sir?

12:22:03 9 A I can't remember when my sister-in-law
12:22:05 10 first came to me and told me that Oakland Benta
12:22:08 11 expressed something to her.

12:22:09 12 Q Look at Exhibit 3, please.

12:22:15 13 A Exhibit 3. Letter dated June 25, 1998?

12:22:28 14 Q Well, it's dated June 25, 1998, correct.
12:22:31 15 And it's on the letterhead of Dennis Sheraw and
12:22:33 16 Associates, Inc. Do you see that?

12:22:36 17 A Yeah. Correct.

12:22:36 18 Q And it's, again, addressed to Mr. Oakland
12:22:38 19 Benta, Security Director, Emerging Communications.
12:22:42 20 Do you see that?

12:22:44 21 A Yeah.

12:22:44 22 Q The heading says "Invoice." Do you see
12:22:47 23 that?

12:22:47 24 A Yeah.

12:22:47 25 Q And it talks about -- in the invoice it

12:22:50 1 talks about the services rendered, being a full
12:22:52 2 background search on above-named subject. Up above
12:22:56 3 it says "Senator Adlah A. Donastorg, Junior."
12:23:00 4 Do you see that?
12:23:01 5 A Uh-huh.
12:23:02 6 Q That's you?
12:23:03 7 A Uh-huh.
12:23:03 8 Q "Full background search on
12:23:03 9 above-named subject as detailed in reports
12:23:07 10 dated April 16, May 20, and June 24,
12:23:09 11 1998."
12:23:11 12 Do you see that there?
12:23:12 13 A Uh-huh.
12:23:12 14 Q And under that it says that 38.25 hours
12:23:16 15 were performed of work --
12:23:17 16 A Uh-huh.
12:23:18 17 Q -- right?
12:23:19 18 A (Nodding affirmatively.)
12:23:20 19 Q And the charge for those hours is
12:23:22 20 \$3,251.25; isn't that correct?
12:23:27 21 A Uh-huh.
12:23:28 22 Q Yes? Can you please say --
12:23:30 23 MS. ROHN: "Uh-huh" says "yes."
12:23:31 24 BY MR. RUSKIN:
12:23:33 25 Q Can you please say "yes" or "no," sir, and

12:23:35 1 not say --

12:23:36 2 MS. ROHN: Say whatever you want, sir.

12:23:36 3 BY MR. RUSKIN:

12:23:37 4 Q Would you, please?

12:23:39 5 A Repeat your question.

12:23:40 6 Q Okay. Isn't it true that the charge for

12:23:42 7 the 38 hours and a quarter was \$3,251.25?

12:23:51 8 A Yes.

12:23:52 9 Q And then there was some expenses. And

12:23:55 10 then the total due, balance due was \$6,565.05.

12:24:01 11 Do you see that?

12:24:02 12 A Uh-huh.

12:24:03 13 Q Yes? Do you see that?

12:24:07 14 A If I see it on the document?

12:24:09 15 Q Yes. I want you to --

12:24:11 16 A Yes. Yes.

12:24:12 17 Q Okay. And turn to Exhibit 4, please.

12:24:16 18 A Uh-huh.

12:24:16 19 Q And on Exhibit 4, you see a check; isn't

12:24:19 20 that correct? -- from Atlantic Tele-Network Co.?

12:24:25 21 A Yes.

12:24:25 22 Q In the same amount as the invoice,

12:24:27 23 6,565.05; isn't that correct?

12:24:31 24 A Yes. Yes.

12:24:32 25 Q Do you know who Atlantic Tele-Network Co.

12:24:35 1 is?

12:24:39 2 A I never actually focused on this
12:24:43 3 particular company because in actuality some of the
12:24:47 4 investigative documents that I have demonstrate and
12:24:50 5 have checks written from back, I believe as the
12:24:53 6 endorser being Attorney Al Sheen or Winston Hodge,
12:24:59 7 come straightforward. So there was different checks
12:25:02 8 in the file. And I always thought that they all
12:25:05 9 represented VITELCO.

12:25:07 10 Q But in terms of the investigation that was
12:25:10 11 done on you, in particular those earlier checks from
12:25:14 12 the early '90s, they had nothing to do with the
12:25:17 13 investigation on you, did they?

12:25:19 14 A Obviously not.

12:25:21 15 Q Okay. The investigation that had to do
12:25:25 16 with you was paid for by a check from Atlantic
12:25:28 17 Tele-Network Co.; isn't that correct?

12:25:31 18 A That's what the document says.

12:25:35 19 Q Do you have any reason to believe that
12:25:36 20 there were any other amounts paid to Sheraw and
12:25:38 21 Associates with regard to the investigation of you
12:25:42 22 done in 1998 other than the check that's shown on
12:25:47 23 Exhibit 4?

12:25:59 24 A If there is any other monies paid?

12:26:02 25 Q With regard to the investigation of you

12:26:02 1 that was done in 1998, other than this check that's
12:26:07 2 on Exhibit 4.

12:26:09 3 A If I have any reason to believe that --

12:26:11 4 Q Do you know of any other funds, any other
12:26:14 5 checks that were paid to Sheraw and Associates with
12:26:17 6 regard to the investigation of you done in 1998
12:26:20 7 other than this check?

12:26:26 8 A Well, I always look at it as when you
12:26:29 9 consider those 38 hours and other documents -- how
12:26:32 10 much hours? \$85 an hour. You have 38.25 hours.
12:26:36 11 38.25 hours does not translate to the period of time
12:26:41 12 in which the investigation claimed to have been
12:26:44 13 covered.

12:26:45 14 Q How do you know that?

12:26:46 15 A Because it's not -- I mean, 38 hours?

12:26:51 16 Q All right. Aside from the fact that you
12:26:55 17 think more work was done than 38 hours, what
12:26:59 18 evidence do you have that any other funds were paid
12:27:02 19 to Sheraw with regard to the investigation of you?

12:27:07 20 A I guess the only other evidence I would
12:27:10 21 have is from an individual -- and not evidence but
12:27:12 22 testimony -- who is now deceased, Fungi Derricks.

12:27:17 23 Q And what did that individual tell you?

12:27:19 24 A That individual told me that there was a
12:27:21 25 period of time that they had been following me, a

12:27:23 1 period of time that I was being investigated.

12:27:27 2 Q Who is that individual?

12:27:29 3 A He was working for Mr. Dennis Sheraw.

12:27:40 4 Q Is it your belief that Atlantic

12:27:41 5 Tele-Network Co. is the same company as VITELCO?

12:27:49 6 A I have always felt that they had an

12:27:51 7 association.

12:27:51 8 Q But the question that --

12:27:53 9 A In terms of percentage of ownership, I

12:27:56 10 don't know.

12:27:58 11 Q I'm sorry. I didn't get the last part.

12:28:00 12 A In terms of percentage of ownership, I

12:28:02 13 don't know.

12:28:03 14 Q Do you understand what it means to be a

12:28:04 15 corporation?

12:28:04 16 A Of course.

12:28:06 17 Q Do you understand that Atlantic

12:28:10 18 Tele-Network Co. is a different corporation than

12:28:12 19 VITELCO?

12:28:12 20 A Yeah.

12:28:18 21 Q So what is the basis of you saying in your

12:28:19 22 Complaint at Paragraph 3 that VITELCO used rate

12:28:23 23 payer funds --

12:28:25 24 A Can you refer to what you're -- the

12:28:26 25 document?

JA001516

12:28:27 1 MS. ROHN: 23 of Exhibit 1.

12:28:29 2 BY MR. RUSKIN:

12:28:30 3 Q Right. We're back to the Complaint again.

12:28:32 4 A Okay.

12:28:33 5 Q What is the basis for you to say in
12:28:36 6 Paragraph 23 that VITELCO used rate payer funds to
12:28:40 7 fund the investigation against your family?

12:28:44 8 A Because what prompted the investigation is
12:28:47 9 my position or the argument that established about
12:28:50 10 the unscrupulous actions of VITELCO and its
12:28:53 11 principals.

12:28:55 12 Q I understand that's your position, but my
12:28:58 13 question to you is a little bit different.

12:29:00 14 My question is: What is the evidence that
12:29:02 15 you have that the funds that paid for the
12:29:04 16 investigation were VITELCO's fund?

12:29:12 17 A I did not sit down to get into details
12:29:15 18 about -- I mean, the investigative files speak for
12:29:17 19 itself and all the footnotes and everything that is
12:29:21 20 contained in the file. I don't have that
12:29:23 21 information here before me, but I know that there
12:29:26 22 was a direct correlation between VITELCO and the
12:29:30 23 investigation that was conducted.

12:29:31 24 Q And what is that correlation, sir?

12:29:34 25 A They was pissed off that I questioned some

12:29:38 1 unethical behavior within the company.

12:29:45 2 Q But aside from what you've already
12:29:47 3 testified to, do you have any other evidence that
12:29:50 4 VITELCO paid for this investigation?

12:29:57 5 A Just what is contained in the file and all
12:29:59 6 the principals or management or individuals that
12:30:06 7 appears in documentation and doing
12:30:09 8 cross-referencing.

12:30:10 9 Q Okay. And the file you're referring to is
12:30:13 10 a file that your attorney gave you; is that
12:30:14 11 correct? -- the investigative file?

12:30:17 12 A Yeah, documents.

12:30:18 13 Q Okay. And other than what you've already
12:30:22 14 testified, you've never seen, for instance, a check
12:30:25 15 made out to Sheraw from VITELCO with regard to the
12:30:30 16 investigation of you, have you?

12:30:32 17 A I just remember in the files there being
12:30:37 18 different checks.

12:30:39 19 Q Okay. But do you remember a check in the
12:30:43 20 file in which it showed that VITELCO was paying to
12:30:48 21 Sheraw funds with regard to the 1998 investigation
12:30:52 22 of you?

12:30:55 23 A As I indicated, to the best of my
12:30:57 24 knowledge, the files or the documents that I had in
12:31:01 25 my possession had checks written from different

12:31:05 1 entities. And as far as I was concerned, in
12:31:09 2 evaluating the file, it all appeared to be driven by
12:31:14 3 VITELCO.

12:31:14 4 Q Okay. Let's talk a little bit about the
12:31:21 5 injury that you alleged that you have suffered.

12:31:27 6 A Uh-huh.

12:31:28 7 Q And I want to break it up a little bit.

12:31:35 8 I want you to talk now only about the
12:31:41 9 injury that you believe you suffered as a result of
12:31:44 10 Holland Redfield going on the Sam Topp Radio Show
12:31:48 11 and talking about you and the investigation. Okay?
12:31:50 12 Let's talk about that specifically.

12:31:53 13 What do you believe with regard to that
12:32:00 14 radio show injured you?

12:32:08 15 A I recall going to Frenchtown to a
12:32:09 16 restaurant two days after to have what I wouldn't --
12:32:13 17 well, they're not my constituents, but to have the
12:32:16 18 individuals make remarks about me being corrupted,
12:32:21 19 individuals that, you know, just was gravitating to
12:32:27 20 the comment that Redfield made on the radio in
12:32:30 21 defaming me and suggesting that I was always in bed
12:32:34 22 with AT&T.

12:32:36 23 Q You believed that Redfield said you were
12:32:38 24 always in bed with AT&T?

12:32:40 25 A Well, I believe the comments that he

12:32:42 1 made -- and this is my personal opinion, in that --
12:32:48 2 my interpretation of what he said is that there was
12:32:53 3 reason to believe, as he said, there was reason to
12:32:55 4 believe that I had flown on the aircraft to the
12:33:02 5 St. Lucia Jazz Festival courtesy of AT&T, and this,
12:33:06 6 perhaps, my actions against the company may have
12:33:10 7 been motivated by competitors.

12:33:19 8 Q You've listened to the recording, so let
12:33:21 9 me ask you this question. Isn't it true that in the
12:33:23 10 recording Redfield actually says that there was an
12:33:26 11 allegation that you flew to St. Lucia on an AT&T
12:33:29 12 plane?

12:33:35 13 A He didn't say "allegation," he said
12:33:35 14 "alleged."

12:33:36 15 Q He didn't say both? He didn't say both
12:33:38 16 that it was alleged that there was an allegation?

12:33:40 17 A No. I didn't read it that way, but it may
12:33:44 18 be possible that that's there.

12:33:46 19 Q Okay.

12:33:47 20 A I just know a West Indian would quicker
12:33:50 21 understand "rumor" than something deliberate like
12:33:53 22 "alleged."

12:33:56 23 Q What is your understanding of the word
12:33:57 24 "alleged"?

12:33:59 25 A "Alleged" is implied. "Alleged" is more

12:34:04 1 directional, as far as I'm concerned, and that's my
12:34:07 2 interpretation. And so that's why I said the
12:34:11 3 comment is deliberate.

12:34:12 4 Q And what is your understanding of the
12:34:14 5 definition of the word "allegation"?

12:34:19 6 A It's derived from "alleged."

12:34:22 7 Q Okay. Tell me what you believe --

12:34:23 8 A Basically the same thing, but it's more
12:34:26 9 directional. In our culture, it's more directional.

12:34:29 10 Q What do you mean when you say, "it's more
12:34:31 11 directional"?

12:34:32 12 A It's more deliberate in trying to
12:34:34 13 insinuate that there's a possibility that it is
12:34:38 14 true.

12:34:38 15 Q I see.

12:34:45 16 Other than this meal that you ate in
12:34:51 17 Frenchtown, what other evidence do you have that you
12:34:54 18 suffered a loss of reputation based on what Redfield
12:34:59 19 said on the radio?

12:35:00 20 A I had a number of people call my office
12:35:03 21 and gave their personal opinions of what they heard
12:35:06 22 on the radio. Some was in favor. There's some,
12:35:08 23 they actually believed it.

12:35:10 24 Q They actually believed it?

12:35:11 25 A Uh-huh.

12:35:12 1 Q And did you talk to them about it? Did
12:35:14 2 you tell them it wasn't true?

12:35:15 3 A Of course. I make it my business to lend
12:35:16 4 an ear and be attentive to whatever a constituent is
12:35:23 5 calling to a public office to express.

12:35:25 6 Q And after you talked to these
12:35:26 7 constituents, did they still believe, to your
12:35:30 8 knowledge, that it was true?

12:35:31 9 A I wouldn't know.

12:35:33 10 Q Any other ways in which you suffered a
12:35:36 11 loss of reputation as a result of what Redfield said
12:35:38 12 on the radio?

12:35:43 13 A I think maybe a couple of my colleagues on
12:35:46 14 the floor may have alluded to what Redfield said on
12:35:49 15 the floor in trying to trumpet whatever he might
12:35:53 16 have said.

12:35:53 17 Q Did you ever lose an election because of
12:35:56 18 what Redfield said on the radio?

12:35:57 19 A I lost votes.

12:35:59 20 Q Did you ever lose an election?

12:36:02 21 A I believe the gubernatorial election.

12:36:05 22 Q Okay. Isn't it a fact that when you ran
12:36:08 23 for the governorship in 2006, that you referred to
12:36:14 24 the investigation of ICC in your stump speeches?

12:36:20 25 A I think I referred to the investigation

12:36:22 1 several times.

12:36:22 2 Q And isn't it true that many of your
12:36:24 3 supporters referred to the investigation of you as
12:36:28 4 basically a positive in why you should be elected
12:36:32 5 Governor?

12:36:33 6 A I believe it was driven -- that sentiment
12:36:37 7 was driven by the way that the *Avis* fairly covered
12:36:43 8 it when the *Daily News* didn't cover it, which was
12:36:46 9 driven by VITELCO.

12:36:47 10 Q Well, the *Daily News* may not have covered
12:36:52 11 it, but isn't it true that you didn't go to the
12:36:55 12 *Daily News* to talk about it either?

12:36:56 13 A There was no need for me to go to the
12:36:58 14 *Daily News* when, in fact, they were an extension of
12:37:00 15 VITELCO and they would have been in possession of
12:37:03 16 the same investigation.

12:37:04 17 Q Any other ways you believe that your
12:37:07 18 reputation was harmed by the radio show in which
12:37:11 19 Redfield spoke about you?

12:37:16 20 A I just think that there's a segment of the
12:37:23 21 community -- as I would say -- a segment of the
12:37:25 22 community that still probably believes what
12:37:28 23 Mr. Redfield said.

12:37:30 24 Q And did I understand you correctly that
12:37:32 25 you believe you lost the election for Governor

12:37:35 1 because of what Redfield said on the radio?

12:37:37 2 A That's not what I said.

12:37:38 3 Q Okay. Well, let me ask you --

12:37:40 4 A You're asking me if I ever lost the
12:37:42 5 election. I told you I lost the election.

12:37:45 6 Q You lost in the primary or in the
12:37:47 7 election. I don't recall.

12:37:49 8 A I lost in the general election.

12:37:50 9 Q In the general election. Okay.

12:37:53 10 Do you believe that you lost in the
12:37:55 11 general election because of anything that Redfield
12:37:57 12 said on the radio?

12:37:58 13 A No. I don't think so. I think my loss
12:38:02 14 was attributed to the fact that entities or the
12:38:08 15 private sector, more-so with a significant
12:38:12 16 contribution by Mr. Prosser, Redfield, and VITELCO
12:38:15 17 to the campaign to support John deJongh may have
12:38:19 18 just given him the resources that he needed and the
12:38:21 19 tools he needed to emerge victorious.

12:38:29 20 Q Do you think that anything to do with the
12:38:31 21 investigation of you in 1998 caused you to lose the
12:38:35 22 election in 2006?

12:38:38 23 A I don't know; could be a contributing
12:38:40 24 factor.

12:38:45 25 Q The investigation of you wasn't public and

12:38:51 1 wasn't public knowledge until you released it; isn't
12:38:54 2 that correct?

12:38:55 3 A Well, I always thought that it was a
12:38:57 4 public document, especially when it was circulated
12:39:01 5 among so many people and that exchange between the
12:39:04 6 two principals.

12:39:05 7 Q When was it exchanged between so many
12:39:08 8 people?

12:39:09 9 A Well, if Redfield got on the radio to
12:39:11 10 reference it, he knew of it. He said he knew of it,
12:39:14 11 but he had not read the report in its entirety.

12:39:18 12 As far as I'm concerned, if you're saying
12:39:19 13 a confidential document to be exchanged between two
12:39:23 14 principals, meaning Oakland Benta and the
12:39:28 15 investigator, how did Redfield become privy to the
12:39:33 16 investigation?

12:39:34 17 Q But isn't it possible that Mr. Redfield
12:39:37 18 learned about the investigation after you released
12:39:40 19 it?

12:39:40 20 A No. I don't think so. I mean, Joel Holt,
12:39:44 21 as well as a third party, knew of the investigation,
12:39:47 22 especially when he locked me in his office.

12:39:56 23 Q What income have you lost as a result of
12:40:00 24 what Redfield said on the radio?

12:40:05 25 A What income have I lost?

12:40:08 1 Q Yes. I'm referring to Count 1, Paragraph
12:40:10 2 27, of your Complaint, in which you say as a result,
12:40:13 3 you suffered a number of things, and one of them is
12:40:16 4 loss of income.

12:40:17 5 I would like to know what loss of income
12:40:19 6 you suffered as a result of what Redfield did by
12:40:22 7 going on the radio?

12:40:23 8 A Well, I think at that time there was a
12:40:28 9 couple of things I wanted to embark on, you know,
12:40:30 10 that I was venturing to subsidize my income, and I
12:40:34 11 felt that that may have possibly tainted my
12:40:39 12 reputation. So for me to try to embark on anything,
12:40:43 13 people at that point would actually question my
12:40:48 14 credibility.

12:40:49 15 Q And you think that they would question
12:40:50 16 your credibility because of what Redfield said on
12:40:53 17 the radio?

12:40:53 18 A I think so.

12:40:55 19 Q And you didn't even try to embark on those
12:40:57 20 activities, though?

12:40:59 21 A I was busy trying to protect myself from
12:41:01 22 the cabal.

12:41:02 23 Q Weren't you also at that time busy engaged
12:41:05 24 in a reelection campaign?

12:41:08 25 A Yeah, and it was pretty much with extreme

12:41:12 1 caution.

12:41:13 2 Q But you were engaged in a reelection
12:41:15 3 campaign, weren't you?

12:41:17 4 A With extreme caution.

12:41:19 5 Q Have you since then decided to pursue or
12:41:21 6 decided not to pursue those same interests that you
12:41:24 7 said you didn't pursue after Redfield spoke about
12:41:27 8 you on the radio?

12:41:28 9 A No. After that I had aborted that idea
12:41:31 10 because I felt that to embark on anything else would
12:41:35 11 subject me to additional scrutiny, and I was not
12:41:38 12 sure what Redfield and VITELCO would attempt to
12:41:42 13 fabricate next.

12:41:45 14 Q What physical injuries have you suffered
12:41:48 15 as a result of Redfield going on the radio?

12:41:50 16 A Oh, lots.

12:41:51 17 Q Physical injuries?

12:41:55 18 A From simply the stress that I've
12:41:56 19 experienced; from developing pimples in my face when
12:42:00 20 I never had pimples in my face; to having a serious
12:42:03 21 agitation or acid reflux at a level that you can't
12:42:08 22 imagine; to having to separate myself from my family
12:42:10 23 for fear that should they take the next step in
12:42:14 24 trying to inflict bodily harm on me, I couldn't live
12:42:18 25 with the experience of my child or my wife or any of

12:42:21 1 my family being killed and I stayed alive.

12:42:24 2 Q Well, I understand all that, sir.

12:42:26 3 Isn't that injury that you're claiming you
12:42:31 4 suffered as a result of the investigation itself?

12:42:33 5 A It was a result of my experiences with
12:42:36 6 VITELCO, Mr. Prosser, and Mr. Redfield.

12:42:41 7 Q I want you to narrow your answer just to
12:42:44 8 Mr. Redfield going on the radio now.

12:42:47 9 The question is: Did you develop pimples
12:42:49 10 because Mr. Redfield spoke about you on the radio?

12:42:52 11 A Oh, yeah.

12:42:53 12 Q You did?

12:42:54 13 A Oh, yeah. I was stressed out.

12:42:55 14 Q And you believed your family was in danger
12:42:58 15 because Mr. Redfield spoke about you on the radio?

12:43:00 16 A Yeah, because he spoke in anger.

12:43:02 17 Q Okay. What other physical injuries,
12:43:09 18 besides what you've just testified to, did you
12:43:13 19 suffer as a result of Mr. Redfield going on the
12:43:15 20 radio?

12:43:15 21 A That day -- if I'm not mistaken, I went
12:43:18 22 into isolation from that day or two days after with
12:43:26 23 a massive headache.

12:43:28 24 Q You had other stressors in your life at
12:43:30 25 the time unrelated to the defendants in this case,

12:43:33 1 didn't you?

12:43:33 2 A Yeah, but those came as a result of the
12:43:35 3 stress inflicted on me.

12:43:38 4 Q Isn't it true, sir, that you had suffered
12:43:39 5 the loss of a family member around the same time?

12:43:42 6 A Yeah. And I'm not sure if the timeframe
12:43:48 7 was the same, but I believe that during some of
12:43:51 8 those experiences, yeah. So I was at my own most
12:43:55 9 vulnerable point when Mr. Redfield decided to attack
12:43:57 10 me.

12:43:58 11 Q Isn't it true, sir, that some of the
12:44:00 12 stress and some of the anguish that you were feeling
12:44:03 13 was the loss of your loved one?

12:44:04 14 A No, because in actuality, his suspicion --
12:44:07 15 and it was my brother -- his suspicion about this
12:44:11 16 company investigating me, he always said to me every
12:44:14 17 morning, "Be careful."

12:44:18 18 Q Weren't you feeling mental anguish as a
12:44:20 19 result of the loss of your brother, though?

12:44:26 20 MS. ROHN: Let's take a break for a
12:44:29 21 minute. We've been going for quite some time,
12:44:33 22 and it is almost 1:00 o'clock. So do you think
12:44:38 23 we could take a little time?

12:44:41 24 MR. RUSKIN: We can leave -- and I
12:44:42 25 don't mean to be discourteous or rude, but we're

12:44:47 1 in the middle of a question.

12:44:49 2 MS. ROHN: All right. Well, why don't
12:44:49 3 you -- let's continue.

12:44:52 4 MR. RUSKIN: Why don't we take the
12:44:53 5 break that he needs --

12:44:54 6 THE DEPONENT: I don't need a break.
12:44:55 7 Let's continue.

12:44:57 8 MS. ROHN: Let's go through this thing
12:44:58 9 and let's take a break, because he really has
12:45:01 10 gone almost nonstop, and everybody needs to have
12:45:03 11 a way to regroup.

12:45:05 12 MR. RUSKIN: Well, we have actually
12:45:06 13 only been going since 11:30 on this ground.

12:45:10 14 MS. ROHN: Whatever.

12:45:13 15 BY MR. RUSKIN:

12:45:16 16 MR. RUSKIN: Can we have a read back,
12:45:16 17 please.

12:45:16 18 THE COURT REPORTER: Question:

12:45:17 19 "Weren't you feeling mental anguish
12:45:17 20 as a result of the loss of your brother,
12:45:17 21 though?"

12:45:36 22 THE DEPONENT: I was.

12:45:36 23 BY MR. RUSKIN:

12:45:42 24 Q What medical expenses did you incur as a
12:45:47 25 result of what Mr. Redfield said on the radio?

12:45:55 1 A I believe that I had a flare-up of acid
12:46:01 2 reflux. And I'm not sure if it was Shapiro that I
12:46:04 3 went to, but I had started to visit a couple of
12:46:08 4 physicians.

12:46:11 5 Q You have invoices or bills that would
12:46:15 6 reflect that?

12:46:16 7 A At that time I was so busy trying to
12:46:21 8 defend myself against the company that I never
12:46:24 9 thought or sat down to accumulate that kind of
12:46:27 10 documentation.

12:46:28 11 Q Okay. What actions of Redfield interfered
12:46:36 12 with your business relationships?

12:46:38 13 A Like I said, I didn't want to pursue any
12:46:43 14 business relationship because I felt that my
12:46:44 15 credibility was being placed in suspect.

12:46:49 16 Q Did anything that Redfield did by going on
12:46:51 17 the radio show interfere with any of your then
12:46:54 18 existing business relationships?

12:46:55 19 A I really had no existing business
12:46:58 20 relationships then.

12:47:12 21 Q What did Redfield do by going on the radio
12:47:16 22 that invaded your privacy? What did he say on the
12:47:20 23 radio that invaded your privacy?

12:47:21 24 A Well, he tried to suggest that the
12:47:24 25 investigation was warranted and the findings of the

12:47:28 1 investigation was legit.

12:47:31 2 Q And how did that invade your privacy?

12:47:34 3 A Because within the investigation he was
12:47:37 4 suggesting that the information that they were able
12:47:39 5 to retrieve about my bank accounts, everything was
12:47:41 6 accurate. In the investigation they made an
12:47:44 7 assumption and tried to question even my character
12:47:48 8 in saying that I used to visit Santo Domingo with
12:47:53 9 some little boy, you know. And it goes on and on.

12:47:57 10 Q Redfield said that?

12:47:57 11 A No, the investigation did. He referenced
12:48:00 12 the investigation and he applied legitimacy to it.

12:48:04 13 Q Redfield, when he went on the radio --

12:48:06 14 A He defended the investigation.

12:48:08 15 Q Again, let me get my question out.

12:48:11 16 Is it your understanding that on the radio
12:48:14 17 Redfield stated the results of the investigation?

12:48:19 18 A No. He defended the investigation. He
12:48:21 19 said, yes, an investigation was conducted, and he
12:48:24 20 proceeded to legitimize the investigation.

12:48:27 21 Q How did he legitimize it?

12:48:29 22 A He said that it was warranted and those
12:48:31 23 are the findings. It was supposed to have been
12:48:35 24 confidential. It was facts that they accumulated.

12:48:37 25 Q But did he in any way discuss what the

12:48:39 1 findings were?

12:48:41 2 A Yes. I believe he added to what the
12:48:45 3 findings were; that's what made it so bad.

12:48:47 4 Q Okay. We'll get to that in a minute.

12:48:49 5 A Because the investigative record never
12:48:51 6 said anything about flying in an AT&T aircraft. Why
12:48:55 7 would Redfield say that on the radio while speaking
12:48:58 8 of the investigation?

12:48:59 9 Q We'll get to that in a minute, but I'm
12:49:00 10 asking you a different question.

12:49:01 11 The question I'm asking now -- I have
12:49:04 12 forgotten it.

12:49:05 13 Would you read back my last question.

12:49:19 14 THE COURT REPORTER: Question:

12:49:19 15 "But did he in any way discuss what
12:49:19 16 the findings were?"

12:49:19 17 BY MR. RUSKIN:

12:49:19 18 Q Let's stay with that question first, and
12:49:21 19 then I'll give you an opportunity to talk about the
12:49:23 20 trip to St. Lucia.

12:49:24 21 A Uh-huh.

12:49:25 22 Q With regard to the findings that were in
12:49:27 23 the Sheraw investigation itself, did Mr. Redfield,
12:49:30 24 on the radio, ever discuss those findings?

12:49:33 25 A Well, he legitimized it because the

12:49:36 1 discussion evolved from the investigation what was
12:49:39 2 given to the *Avis*.

12:49:41 3 Q Well, isn't it true that Mr. Redfield, on
12:49:42 4 the Sam Topp Show, actually said that he never read
12:49:46 5 the investigation?

12:49:50 6 A I don't know if he said that he didn't
12:49:52 7 read the investigation. I think he said something,
12:49:54 8 that he defended the investigation, and he said it
12:49:57 9 was warranted. And he went as far as to say what
12:50:02 10 prompted the investigation was it's alleged that I
12:50:05 11 rode an AT&T aircraft, and I was working for the
12:50:10 12 competitors.

12:50:13 13 Q And you believe that what Mr. Redfield
12:50:15 14 said on the Sam Topp Radio Show was not true; is
12:50:21 15 that right?

12:50:22 16 A I believe?

12:50:23 17 Q Is that right?

12:50:23 18 A I believe?

12:50:23 19 Q Do you believe that everything that
12:50:24 20 Redfield said on the Sam Topp Radio Show about you
12:50:27 21 was not true?

12:50:29 22 MS. ROHN: Objection; form of the
12:50:30 23 question.

12:50:30 24 BY MR. RUSKIN:

12:50:31 25 Q What is it that Redfield said on the Sam

12:50:32 1 Topp Radio Show about you that you believe was not
12:50:36 2 true?

12:50:36 3 A Basically everything.

12:50:38 4 Q He said that there was an investigation
12:50:40 5 that was done. That was true, wasn't it?

12:50:43 6 A Yeah.

12:50:44 7 Q Okay. So some of the things he obviously
12:50:46 8 said were true.

12:50:47 9 The question is what did he say that you
12:50:49 10 believe is not true?

12:50:50 11 A Well, the contents of what he was
12:50:53 12 indicating about the AT&T aircraft; that this
12:50:58 13 senator had repeatedly attacked the telephone
12:51:03 14 company. He was referring to -- when he said
12:51:05 15 "attacked," referring to the issue of the
12:51:09 16 integration consolidation where a document was
12:51:12 17 actually forged; the down-sizing of the employees,
12:51:17 18 terminating the 85 employees; a document that
12:51:21 19 contained or listed employees by race he said was
12:51:26 20 erroneous.

12:51:27 21 It's a list of things. I can't even
12:51:30 22 remember, to be honest with you, every single thing
12:51:33 23 he said on the radio that day, but all the things
12:51:36 24 that he claimed to be facts turned out not to be
12:51:38 25 facts.

12:51:39 1 Q One of the things he claimed on the radio,
12:51:41 2 isn't it true, was that there was — that there was
12:51:45 3 no merit to your allegations about the 9/11
12:51:48 4 surcharge accusations that you'd been making; isn't
12:51:51 5 that true?

12:51:55 6 A I don't know. I don't know if that was
12:51:56 7 one of the issues that was discussed.

12:51:59 8 MS. ROHN: Okay. We had asked for a
12:52:00 9 break, and you said you were going to finish this
12:52:02 10 line, and now you're going onto something other.

12:52:05 11 MR. RUSKIN: You're right. You're
12:52:05 12 right. We'll stop at this point.

12:52:07 13 THE DEPONENT: We could finish up, you
12:52:09 14 know; it's okay.

12:52:09 15 MS. ROHN: He's got hours. You want to
12:52:11 16 sit here for hours?

12:52:13 17 THE DEPONENT: I don't have a problem
12:52:14 18 with it.

12:52:14 19 MS. ROHN: Well, we got a court
12:52:14 20 reporter that has to take a break.

12:52:15 21 MR. RUSKIN: The court reporter can
12:52:16 22 speak for herself.

12:52:56 23 Let's be off the record for this.

12:52:58 24 (Discussion held, not reported.)

12:52:58 25 (Recess held from 12:52 p.m. to 1:06 p.m.)

01:04:36 1 BY MR. RUSKIN:

01:06:45 2 Q Senator, I need to ask you some questions
01:06:47 3 about the injuries you've suffered because of
01:06:52 4 VITELCO. So far it's all been with regard to
01:06:58 5 Mr. Redfield.

01:07:12 6 What actions by VITELCO, VITELCO itself,
01:07:16 7 as opposed to other defendants now, caused you to
01:07:19 8 suffer a loss of reputation?

01:07:23 9 MS. ROHN: Other than all the things
01:07:24 10 he's already told you about in the deposition?

01:07:26 11 MR. RUSKIN: I'm sorry. I'll rephrase
01:07:28 12 the question.

01:07:30 13 BY MR. RUSKIN:

01:07:31 14 Q With regard to VITELCO itself, and only
01:07:34 15 VITELCO now, what damages with regard to your
01:07:39 16 reputation have you suffered as a result of what
01:07:42 17 VITELCO has done?

01:07:49 18 A Again, I looked at all the parties as
01:07:52 19 being one unit. You know, when you speak of
01:07:55 20 VITELCO, I think of Redfield. When you speak of
01:07:58 21 VITELCO, I think of Ebbensen; I think of, you know,
01:08:03 22 VITELCO. So anything that I've expressed to you
01:08:05 23 that I have experienced as a result of Redfield's
01:08:11 24 statement is also as a result of VITELCO's position.

01:08:16 25 Q Well, do you believe you suffered any loss

01:08:19 1 of reputation as a result of the fact that the

01:08:22 2 Sheraw investigation was made public by you?

01:08:28 3 A Do you want to rephrase that?

01:08:31 4 Q I can if you need me to.

01:08:33 5 MS. ROHN: That's what he asked you.

01:08:34 6 BY MR. RUSKIN:

01:08:35 7 Q Do you not understand the question?

01:08:36 8 A The question is leading. That's why I'm

01:08:37 9 asking you --

01:08:39 10 MS. ROHN: Unfortunately, because

01:08:39 11 you're a party, he can ask you a leading

01:08:42 12 question.

01:08:42 13 But I will object to the form because it was

01:08:45 14 unintelligible.

01:08:48 15 BY MR. RUSKIN:

01:08:49 16 Q Do you believe you suffered a loss of

01:08:51 17 reputation -- in other words, has your reputation

01:08:54 18 been damaged as a result of the fact that the Sheraw

01:08:58 19 investigation about you became public?

01:09:00 20 A I believe my reputation has been damaged

01:09:03 21 in certain circles.

01:09:05 22 Q Because of the making public of the

01:09:07 23 investigation?

01:09:08 24 A No, because of Redfield's and VITELCO's

01:09:11 25 statement on the radio.

01:09:14 1 Q You don't believe that making the
01:09:16 2 investigation public, putting the results of the
01:09:17 3 investigation in the *Avis*, you don't believe that
01:09:22 4 that in any way harmed your reputation?

01:09:25 5 A You mean the investigation of VITELCO that
01:09:29 6 VITELCO conducted?

01:09:31 7 Q Regardless of who conducted it, what I'm
01:09:33 8 asking you is a different question.

01:09:34 9 I'm asking you the fact that the results
01:09:36 10 of the investigation were talked about in the *Avis*
01:09:40 11 article and in the *Source* article -- and I believe
01:09:43 12 you even placed a press release about it at one
01:09:46 13 point -- all of those things, do you believe that
01:09:48 14 any of those things or all of those things had
01:09:50 15 anything to do with the diminution or the injury to
01:09:54 16 your reputation?

01:09:55 17 A Yes, the investigation.

01:09:56 18 Q Okay. So it was the investigation itself
01:09:59 19 that hurt your reputation or the fact that the
01:10:03 20 public learned about the investigation?

01:10:07 21 A Well, the investigation is what prompted
01:10:09 22 the public to take a position about generating an
01:10:13 23 opinion.

01:10:14 24 Q Okay. So, in other words, if I understand
01:10:16 25 you correctly -- and you correct me if I'm wrong --

01:10:18 1 until the results of the investigation were
01:10:22 2 published in the *Avis* and in other media as well,
01:10:27 3 your reputation hadn't been harmed by the
01:10:31 4 investigation; isn't that correct?

01:10:32 5 A Well, there was repeated harm to my
01:10:35 6 reputation from even before that. I mean, in all
01:10:38 7 the statements -- you see, I believe Redfield went
01:10:42 8 as far -- in defending VITELCO, went as far as to
01:10:46 9 say that I was mean-spirited, and I had set out to
01:10:52 10 assure the demise or destroy VITELCO, and that I was
01:10:57 11 basically a mean-spirited person. I don't know how
01:11:01 12 he qualified it, how he would qualify that
01:11:05 13 statement.

01:11:06 14 Q Okay. Let me bring you back to the
01:11:11 15 question I'm trying to ask you. The question I'm
01:11:14 16 trying to get at is this: Before you went to the
01:11:16 17 *Avis* and told them about the investigation, had you
01:11:21 18 suffered any harm to your reputation as a result of
01:11:24 19 the investigation? Had the investigation harmed
01:11:27 20 your reputation before you went public?

01:11:36 21 A I think it would have harmed my position
01:11:38 22 because of the number of people that were in
01:11:42 23 possession of the report already.

01:11:44 24 Q What do you believe was the number of
01:11:46 25 people that were in possession of the report before

01:11:48 1 you went public?

01:11:49 2 A I believe that Oakland Benta had the
01:11:51 3 report. I believe that Prosser had the report. I
01:11:54 4 believe Prosser's wife had the report. I believe
01:11:54 5 Prosser's secretary had the report. I believe
01:11:56 6 Holland Redfield had the report. I believe Holland
01:12:05 7 Redfield's wife had the report. I believe Holland
01:12:05 8 Redfield's cousin, uncle, sister, brother, anyone
01:12:08 9 you could find.

01:12:09 10 You want me to extend it to the *Avis* -- I
01:12:12 11 mean, to the *Daily News*?

01:12:14 12 Q You believe all those people --

01:12:15 13 A All those people had that investigative
01:12:16 14 report, especially when Ed Crouch, being Editor of
01:12:19 15 the *Daily News*, was able to write a note asking the
01:12:22 16 investigator to dig up dirt on me.

01:12:25 17 Q Ed Crouch asked the investigator to dig up
01:12:26 18 dirt on you?

01:12:28 19 A That's correct.

01:12:29 20 Q And what do you base your belief that all
01:12:32 21 of these people knew about the investigation and the
01:12:36 22 results of the investigation before you went to the
01:12:39 23 *Avis*? What do you base that on?

01:12:41 24 A Well, before I went to the *Avis*?

01:12:44 25 Q Yes.

01:12:45 1 A Before I went to the *Avis*, in reading the
01:12:47 2 report and reading all the footnotes, you know, it
01:12:50 3 was obvious that an in-depth investigation had been
01:12:53 4 conducted of me.

01:12:55 5 Q But --

01:12:56 6 A And --

01:12:57 7 Q What evidence do you have to support your
01:13:00 8 belief that all of these people -- I think you even
01:13:03 9 mentioned Redfield's cousin -- knew about the
01:13:07 10 results of the investigation before --

01:13:12 11 A Because --

01:13:12 12 Q -- you went public?

01:13:14 13 A Because Redfield once told me personally
01:13:16 14 that there is very little that he doesn't know about
01:13:19 15 the operations of the VITELCO, and that everything
01:13:22 16 that transpires within VITELCO, associated to
01:13:25 17 VITELCO, or affects VITELCO in any way, he knows.

01:13:29 18 Q Has anybody ever said to you, "I knew
01:13:33 19 about the investigation before you went public"?

01:13:37 20 A I think that Oakland Benta may have
01:13:41 21 expressed that to my sister-in-law.

01:13:44 22 Q Anybody else?

01:13:48 23 A I believe that Joel Holt, that day when he
01:13:50 24 locked me in his office, his confidant, Edwin
01:13:54 25 Callwood, said that he knew of the investigation.

01:13:57 1 Q And that was before the *Avis* published the
01:14:00 2 story?

01:14:00 3 A Yeah.

01:14:03 4 Q Anybody else?

01:14:05 5 A That was enough for me.

01:14:07 6 Q Okay. The question is: Anybody else?

01:14:09 7 A I've had numerous discussions with
01:14:12 8 individuals, and I just believe in casual
01:14:16 9 discussions.

01:14:18 10 Q Is it your belief or understanding that
01:14:22 11 Oakland Benta's opinion of you was diminished by the
01:14:26 12 investigation?

01:14:27 13 A I believe so.

01:14:27 14 Q And how did that hurt you?

01:14:31 15 A He would be a potential voter should I
01:14:33 16 decide to pursue running for Territorial seat.

01:14:39 17 In addition to that, the cabal, in the way
01:14:42 18 that they go about conducting business or operating
01:14:46 19 socially would disseminate the information in any
01:14:49 20 circles without calculating where it's being
01:14:51 21 disseminated.

01:14:52 22 Q And do you have any indication or any
01:14:54 23 facts that they did? Do you have any facts to
01:14:56 24 indicate that anybody at ICC --

01:14:58 25 A No. I have no facts that they didn't.

01:15:01 1 Q Do you have any facts that anybody at ICC
01:15:03 2 spoke about the investigation publicly prior to you
01:15:06 3 releasing it?

01:15:09 4 A I got distracted.

01:15:10 5 Q Okay.

01:15:12 6 A Can you repeat what you asked?

01:15:13 7 Q I can.

01:15:14 8 Do you have any facts to support your
01:15:16 9 belief that anybody at ICC spoke about the
01:15:23 10 investigation or the results of the investigation
01:15:26 11 publicly --

01:15:27 12 A Yeah, Redfield.

01:15:28 13 Q -- prior -- wait. Let me finish.

01:15:30 14 -- prior to you releasing it?

01:15:33 15 A I guess I would arrive that conclusion
01:15:36 16 subsequent to releasing it because Mr. Redfield got
01:15:39 17 on the radio, and one of the statements he made is
01:15:42 18 that the person that conducted the investigation is
01:15:47 19 a professional, and that they had confidence in the
01:15:51 20 investigation or the report that was provided to
01:15:55 21 them.

01:15:55 22 Q Did anybody in the general public ever
01:15:57 23 come to you and say, "I knew about that
01:15:59 24 investigation before you released it"?

01:16:09 25 A I'm trying to remember. I think a

01:16:13 1 Mr. Arthur Joseph had worked for the company or used
01:16:17 2 to work for the company or something. In a
01:16:21 3 discussion with him -- and I'm trying to remember
01:16:25 4 carefully -- Arthur Joseph indicated something
01:16:29 5 about -- oh. He was one of the people that spoke
01:16:32 6 about the letter that attempted to manipulate the
01:16:36 7 voters or manipulate the employees into voting
01:16:41 8 against me.

01:16:42 9 Q So did he or did he not say anything about
01:16:45 10 the investigation?

01:16:45 11 A What he said was that it is most notable
01:16:49 12 that they investigate anyone that challenges them,
01:16:54 13 and that he has very little doubt in his mind that I
01:16:59 14 was being investigated.

01:17:01 15 Q Did he say to you that he'd seen the
01:17:02 16 investigative report?

01:17:04 17 A No, he didn't allude to any particular
01:17:08 18 investigation.

01:17:09 19 Q Okay. Anybody besides Mr. Joseph?

01:17:16 20 A To the best of my knowledge, no.

01:17:18 21 Q So is it fair to say, then, that the
01:17:21 22 general public only knew about the investigation and
01:17:24 23 the results of the investigation because you
01:17:26 24 published or caused it to be published in the *Avis*?

01:17:29 25 A No. I think by virtue of more than the

01:17:33 1 two parties, then it becomes general.

01:17:35 2 Q I'm sorry. I didn't understand the

01:17:37 3 answer. Could you --

01:17:38 4 A Beyond the two parties --

01:17:40 5 Q Which two parties?

01:17:42 6 A The addressee and addresser on the

01:17:45 7 report --

01:17:45 8 Q Right.

01:17:48 9 A -- anyone outside of that circle is

01:17:51 10 considered part of the general public.

01:17:52 11 Q Okay.

01:17:53 12 A That's my interpretation, you know, my

01:17:56 13 understanding.

01:17:59 14 Q Has anybody in the general public ever

01:18:02 15 told you prior to you releasing the report in the

01:18:07 16 Avis that they think they thought less of you

01:18:10 17 because of the investigation?

01:18:12 18 A Well, I remember my sister-in-law telling

01:18:15 19 me once about a conversation she had with Oakland

01:18:19 20 Benta. He insinuated to her that there's things

01:18:24 21 about me she don't know.

01:18:26 22 Q And did your sister-in-law tell you

01:18:28 23 that --

01:18:29 24 A And --

01:18:29 25 Q I'm sorry. Go ahead. Are you finished?

01:18:33 1 A And she once asked me if there's anything
01:18:35 2 in my background that they don't know about.

01:18:40 3 Q Did your sister-in-law indicate to you
01:18:41 4 that she thought less of you because of that
01:18:43 5 conversation with Oakland Benta?

01:18:46 6 A No, but it became questionable, so that's
01:18:52 7 thinking less of someone.

01:18:54 8 Q Okay. Let me ask you the next series of
01:18:57 9 questions, then.

01:19:01 10 I don't want to upset you, but I need to
01:19:03 11 ask you again about the mental anguish aspect.

01:19:07 12 A Sure.

01:19:10 13 Q What was the mental anguish injury you
01:19:14 14 suffered as a result of what VITELCO did
01:19:17 15 specifically?

01:19:19 16 A The mental anguish that I experienced is
01:19:22 17 just -- of course, I guess it's part of the record
01:19:24 18 that I went to see Chester Coleman and had undergone
01:19:29 19 an evaluation. I had much stress at the time as a
01:19:36 20 result of these repeated attacks by VITELCO. As I
01:19:40 21 indicated, the state of acid reflux was, in fact, an
01:19:48 22 issue. I went to Dr. Nelson concerning even
01:19:58 23 headaches that I had been experiencing.

01:20:00 24 Q And was this mental anguish that you were
01:20:04 25 suffering, which you say was as a result of what

01:20:06 1 VITELCO did, was that all as a result of the
01:20:09 2 discovery by you that you'd been investigated in
01:20:13 3 1998?

01:20:15 4 A Yes, because I developed -- and I must
01:20:18 5 say, some people describe it as paranoia; I describe
01:20:23 6 it as extreme caution. Just to drive and arrive at
01:20:27 7 my house, I was quite -- you know, I would observe
01:20:34 8 my surroundings. I would observe my environment to
01:20:37 9 the point that if I saw a vehicle parked on the side
01:20:41 10 that was not there when I left my home, I would
01:20:44 11 know.

01:20:44 12 Q And when did you first start developing
01:20:47 13 these symptoms or these aspects of mental anguish?

01:20:52 14 A Before and after. It became worse after I
01:20:55 15 got the investigative file.

01:20:57 16 Q Okay. Were you experiencing paranoia
01:21:00 17 before you discovered the investigative file?

01:21:04 18 A To the level that it got to after, I would
01:21:08 19 say yes. I had suspicion, and I can safely say that
01:21:12 20 I became extremely cautious. When I suspected that
01:21:17 21 I was being investigated -- when my worse nightmare
01:21:21 22 became a reality is when I got a copy of the
01:21:23 23 investigative file.

01:21:25 24 Q So were you experiencing paranoia as early
01:21:28 25 as 1998?

01:21:29 1 A I would say during that period.

01:21:30 2 And you keep saying "paranoia" and that's
01:21:33 3 leading again. I would say extreme caution.

01:21:36 4 Q I think you testified that other people
01:21:39 5 thought you were experiencing paranoia; is that
01:21:42 6 right?

01:21:43 7 A It started with VITELCO.

01:21:46 8 Q VITELCO thought you were experiencing --

01:21:47 9 A Yeah. Redfield, at one point, I believe
01:21:50 10 when I had made a comment relative to "Obviously,
01:21:57 11 when we challenged this company, they retaliated by
01:22:02 12 trying to intimidate you," and his description of
01:22:05 13 that was paranoia.

01:22:06 14 Q And was that on the radio or was that
01:22:08 15 earlier?

01:22:09 16 A I'm trying to remember if it was at a
01:22:12 17 social, a wine-tasting or something like that in
01:22:15 18 St. Croix.

01:22:15 19 Q He said that to you personally?

01:22:17 20 A He alluded to that.

01:22:18 21 Q Did he say that to anybody else in your
01:22:21 22 hearing?

01:22:22 23 A No. I mean, the way they conducted
01:22:24 24 business, I don't think there's anything to suggest
01:22:26 25 or give me the impression that he would not have.

01:22:29 1 Q That wasn't my question, sir.

01:22:31 2 My question is: Do you know anything that

01:22:34 3 you could testify to here today that he did speak

01:22:37 4 with another person and called you paranoid or

01:22:40 5 having, you know, paranoid tendencies, or anything

01:22:43 6 of that nature?

01:22:44 7 A Well, he spoke to a lot of people about

01:22:46 8 it. He was on the radio.

01:22:48 9 Q Are you saying that he called you

01:22:49 10 "paranoid" on the radio?

01:22:50 11 A That's speaking --

01:22:51 12 Q I'm sorry. Are you saying --

01:22:52 13 A He's called me liar on the radio.

01:22:55 14 Q But did he call you "paranoid" on the

01:22:57 15 radio?

01:22:58 16 A I don't ever recall him making that

01:23:01 17 comment on the radio, but I know he said everything

01:23:03 18 else under the sun.

01:23:10 19 Q What business relationships did you have

01:23:14 20 back in the period 1998 through 2002 that you're

01:23:20 21 claiming that VITELCO interfered with?

01:23:30 22 A I found it strange that at one point I was

01:23:35 23 attacked on the floor by Adelbert Bryan, and he was

01:23:42 24 questioning the activity of my company, Carrier

01:23:45 25 Medical Supplies, which later on I believe I

01:23:49 1 realized that it may have come from the
01:23:51 2 investigative report.

01:23:54 3 Q When was that attack by Senator Bryan?

01:23:58 4 A I believe it was around '98, '99.

01:24:01 5 Q And at that time you didn't know about the
01:24:03 6 investigative report?

01:24:04 7 A No. But after I got the report in 2000, I
01:24:08 8 reflected back on some of the comments he made on
01:24:11 9 the floor, and it became obvious to me that maybe
01:24:14 10 either Redfield had discussed it with him or
01:24:18 11 someone. But he referenced a couple of items that
01:24:21 12 appeared in the investigative report.

01:24:23 13 Q Isn't it possible that he learned about
01:24:25 14 those items outside of the investigative report?

01:24:28 15 MS. ROHN: Objection to form.

01:24:29 16 THE DEPONENT: Possible, but it
01:24:29 17 appeared to be a consistency.

01:24:30 18 BY MR. RUSKIN:

01:24:30 19 Q I'm sorry?

01:24:31 20 A Possible, but it appeared to be a
01:24:33 21 consistency.

01:24:34 22 Q Do you have any evidence that anything
01:24:36 23 from the investigative report was given to Senator
01:24:39 24 Bryan back in the 1998 timeframe?

01:24:42 25 A No. I just know that I was invited to

01:24:49 1 ride on a plane to San Antonio, Texas, to see the
01:24:53 2 San Antonio Spurs play, and didn't realize the
01:24:57 3 invitation -- or -- the invitation was extended to
01:25:01 4 me by way of Senator Bryan and, I believe,
01:25:04 5 Moorehead, or something like that, and it was
01:25:06 6 actually courtesy of Mr. Jeffrey Prosser. So for me
01:25:13 7 it was obvious -- it was confirmed that there was,
01:25:17 8 in fact, a relationship.

01:25:20 9 Q Between?

01:25:20 10 A Between VITELCO and Senator Bryan and
01:25:24 11 Jeffrey Prosser.

01:25:25 12 Q What did you believe or understand that
01:25:28 13 relationship to be?

01:25:30 14 A After the attack, and after the defense of
01:25:34 15 the infamous Prosser plan, there was, in fact, a
01:25:38 16 consistency there.

01:25:41 17 Q Okay. Let's come back to interference
01:25:43 18 with your business relationships. Do you believe
01:25:45 19 that what Senator Bryan said on the floor with
01:25:49 20 regard to your company, you believe that that was
01:25:53 21 VITELCO interfering with your business
01:25:55 22 relationships?

01:25:55 23 A Yeah. In fact, the investigation, during
01:26:02 24 that period I remember getting a call from a company
01:26:05 25 by the name of MD McCaley that I used to do business

01:26:08 1 for film file jackets, and the impression that they
01:26:17 2 gave me in that telephone conversation, if I'm not
01:26:20 3 mistaken, was that they were not going to continue
01:26:24 4 doing business with me as a result of a telephone
01:26:27 5 call they had received, which obviously was from the
01:26:32 6 investigator asking questions about the relationship
01:26:35 7 between my company and their company. And during
01:26:37 8 that conversation, apparently the investigator may
01:26:41 9 have made some derogatory comments, hoping that they
01:26:46 10 would respond and provide additional information,
01:26:50 11 which didn't exist.

01:26:51 12 Q And you know that to be true or you just
01:26:53 13 suspect?

01:26:54 14 A Yeah, yeah, because later on it appeared
01:26:57 15 in the investigative report that they did contact
01:26:59 16 MD McCaley.

01:27:00 17 Q Yeah. But just because they contacted
01:27:02 18 them doesn't mean that they said anything derogatory
01:27:05 19 about you, does it?

01:27:06 20 A I'm just telling you what the person from
01:27:08 21 MD McCaley told me.

01:27:10 22 Q Didn't you testify earlier that you
01:27:12 23 suspended your medical supply business in '88 or
01:27:15 24 '89?

01:27:18 25 A I didn't say I suspended it; I said it was

01:27:20 1 placed in abeyance. That's the word I used.

01:27:23 2 Q What do you mean by "abeyance"?

01:27:24 3 A "Abeyance" means that you just put it
01:27:27 4 in -- how should I put it? -- cease operations but
01:27:32 5 do not dissolve the company.

01:27:34 6 Q Okay. So explain to me, if you would, how
01:27:37 7 VITELCO could interfere with a business relationship
01:27:41 8 that you put into abeyance?

01:27:43 9 A Into what?

01:27:45 10 Q Abeyance. Isn't that what you said,
01:27:47 11 abeyance or suspended?

01:27:48 12 A It started prior to that.

01:27:50 13 Q How much earlier than that?

01:27:52 14 A All the telephone calls that they made
01:27:53 15 during the investigation prior to me learning about
01:27:55 16 the investigation in '98.

01:27:57 17 Q So all of the interference with the
01:27:59 18 business relationships that you're testifying to all
01:28:01 19 occurred in the 1988-'89 timeframe?

01:28:03 20 MS. ROHN: Oh, please. That is so not
01:28:05 21 what he testified.

01:28:07 22 MR. RUSKIN: Well, I'm asking him.

01:28:08 23 MS. ROHN: You're not asking, you made
01:28:10 24 a statement.

01:28:10 25 MR. RUSKIN: I'm asking.

01:28:11 1 BY MR. RUSKIN:
01:28:11 2 Q You can answer the question.
01:28:12 3 MS. ROHN: There is no question.
01:28:14 4 BY MR. RUSKIN:
01:28:14 5 Q Answer the question.
01:28:16 6 MS. ROHN: There is no question.
01:28:16 7 BY MR. RUSKIN:
01:28:17 8 Q Answer the question.
01:28:17 9 Are you refusing to answer the question?
01:28:19 10 MS. ROHN: Objection as to form.
01:28:21 11 MR. RUSKIN: You can object.
01:28:21 12 BY MR. RUSKIN:
01:28:22 13 Q You can answer the question.
01:28:22 14 A You just cut me off when I was going to
01:28:25 15 talk, so I guess you didn't want me to answer the
01:28:26 16 question.
01:28:26 17 Q I beg your pardon?
01:28:27 18 A I said you just cut me off when I was
01:28:30 19 about to talk, so you let me know when you want me
01:28:32 20 to answer your question.
01:28:33 21 Q I'm ready.
01:28:34 22 A You want to ask the question again?
01:28:36 23 Q I'll be happy to.
01:28:38 24 A Okay.
01:28:39 25 Q Is it true that all of the interference

01:28:41 1 with the business relationship that you're claiming
01:28:44 2 VITELCO did to you occurred in the 1998-1999
01:28:47 3 timeframe?

01:28:52 4 A I would say interference that took place
01:28:55 5 during the period that I had the business and, of
01:28:57 6 course, me even attempting to venture any other
01:29:00 7 business. I encountered so many other problems with
01:29:04 8 VITELCO, either cutting my telephone service off at
01:29:08 9 my house, to even prior to that phone lines not
01:29:13 10 working for a period of time; them failing to
01:29:15 11 respond to repair the line, allow it to continue and
01:29:19 12 persist for over three weeks. All of those things
01:29:21 13 was interfering with my business, before and after.

01:29:27 14 Q And you believe that all of those things
01:29:29 15 are part of a concerted effort?

01:29:31 16 A Oh, most definitely, especially when I
01:29:34 17 have even reached out to Redfield as he wrote a
01:29:37 18 letter in attempting to collect a debt from Senator
01:29:41 19 David Jones, who owed over 4,000-something dollars
01:29:46 20 and one month's phone bill, and, of course, then
01:29:49 21 just not really dealing with that issue on a public
01:29:53 22 level but willing to just attack me on every other
01:29:57 23 level, still did not address my concern.

01:30:00 24 Q Do you believe that your telephone service
01:30:02 25 was worse than everybody else's telephone service?

01:30:06 1 A At times, yes.

01:30:07 2 Q And you think that that was part of a
01:30:09 3 concerted effort or simply random?

01:30:12 4 A I wouldn't doubt it.

01:30:13 5 Q I'm sorry?

01:30:14 6 A I wouldn't doubt it.

01:30:15 7 Q I know you wouldn't doubt it, but I'm
01:30:16 8 asking you whether you have any evidence to --

01:30:18 9 MS. ROHN: No. You asked him "Do you
01:30:19 10 believe." That's what you asked.

01:30:21 11 BY MR. RUSKIN:

01:30:22 12 Q Then now I'm asking do you have any
01:30:24 13 evidence to support that belief?

01:30:26 14 A I guess I would have to refer to the
01:30:28 15 VITELCO file, hoping that they did not dispose of
01:30:30 16 it.

01:30:31 17 Q What file are you referring to?

01:30:34 18 A Customer files, the same place that they
01:30:35 19 got all the Social Security numbers from.

01:30:44 20 Q Okay. Speaking of the mental anguish
01:30:56 21 again for a moment -- and I'm really not trying to
01:31:02 22 upset you, sir, but I'm --

01:31:03 23 A You ask any questions you have to ask.

01:31:07 24 Q How can you distinguish between the mental
01:31:10 25 anguish you suffered as a result of VITELCO and its

01:31:14 1 actions --

01:31:14 2 A Uh-huh.

01:31:14 3 Q -- versus -- and I'll start with this --

01:31:15 4 versus, say, ICC and its actions?

01:31:21 5 A How do I distinguish the difference

01:31:23 6 between them?

01:31:25 7 Q Yes.

01:31:26 8 A Well, I guess I would have -- I can't

01:31:27 9 really distinguish the difference between them

01:31:30 10 simply because the principal was actively involved

01:31:34 11 in trying to assure my demise, and he represents

01:31:38 12 both entities.

01:31:39 13 Q So, in other words, you cannot separate

01:31:42 14 out the mental anguish caused to you by VITELCO

01:31:46 15 versus the mental anguish caused to you by ICC or

01:31:49 16 Prosser; is that right?

01:31:51 17 A Well, if I had to narrow it down, if you

01:31:54 18 were to ask me, I would tell you that it is the

01:31:57 19 collaboration between VITELCO and the *Daily News* as

01:32:00 20 an umbrella, or a concerted effort would be the

01:32:05 21 collaboration of the *Daily News* and the VITELCO. So

01:32:08 22 if you want me to separate the players, then I've

01:32:10 23 separated -- the players are Redfield, Prosser, and

01:32:16 24 some of the other management that assumed an active

01:32:22 25 role.

01:32:22 1 Q Well, let's talk about the mental anguish
01:32:26 2 you suffered in 2002 in or about the
01:32:29 3 September/October timeframe now. What percentage of
01:32:34 4 your mental anguish would you say was caused by
01:32:37 5 Jeffrey Prosser personally?

01:32:39 6 MS. ROHN: Object to the form of the
01:32:40 7 question.

01:32:41 8 THE DEPONENT: I think there was more
01:32:42 9 mental anguish caused by Holland Redfield because
01:32:45 10 Prosser never got on the radio to defame me,
01:32:48 11 slander my reputation, or any of the like.

01:32:51 12 BY MR. RUSKIN:

01:32:52 13 Q How much of the mental anguish was a
01:32:54 14 result of the performing of the investigation itself
01:32:56 15 on you learning about that?

01:33:03 16 MS. ROHN: Object to the form.

01:33:05 17 THE DEPONENT: What percentage of the
01:33:06 18 mental anguish? I can't separate it in
01:33:08 19 percentages. All I can tell you is the main
01:33:11 20 contributing factor would have been the actions
01:33:14 21 of VITELCO and Holland Redfield.

01:33:16 22 BY MR. RUSKIN:

01:33:18 23 Q So ICC, as far as you're concerned, and
01:33:21 24 Prosser, really didn't contribute to your mental
01:33:22 25 anguish in any substantial way?

01:33:27 1 A Isn't Prosser the owner of VITELCO?

01:33:29 2 Q Sir, you've got to testify here.

01:33:31 3 A Well, Prosser is the owner of VITELCO, and

01:33:34 4 when you speak of VITELCO, I think of Prosser. When

01:33:38 5 you speak of VITELCO, I think of Redfield.

01:33:41 6 Q So you really don't make the distinction?

01:33:43 7 A The distinction? In what respect?

01:33:45 8 Q Which of the defendants caused you mental

01:33:47 9 anguish in which amounts, you don't make the

01:33:51 10 distinction?

01:33:52 11 A My argument has always been with the

01:33:55 12 unethical behavior and actions of VITELCO, and those

01:33:58 13 who respond on behalf of VITELCO. So for me to sit

01:34:02 14 here and distinguish the difference between the two,

01:34:05 15 of course there's a clear relationship between all

01:34:07 16 of them, but the prevailing issue for me is they

01:34:10 17 respond to my arguments about VITELCO.

01:34:13 18 Q And, again, isn't it true, sir -- or is it

01:34:19 19 true, sir, that you lost your brother before you

01:34:22 20 learned about the investigation?

01:34:26 21 A You know, to be honest with you, one of

01:34:28 22 the things that I have tried to block out -- my

01:34:31 23 brother was dear to me. My brother was my best

01:34:35 24 friend. My brother was the one that I confided in,

01:34:38 25 because I didn't trust too many people. And, of

01:34:40 1 course, the period that I lost my brother, it was a
01:34:47 2 different type of feeling that I had; it was a
01:34:52 3 feeling of loss of love. In the case with VITELCO,
01:34:55 4 it was a feeling of fear and loss of reputation.

01:35:00 5 Q Did the loss of your brother cause you to
01:35:02 6 be depressed?

01:35:05 7 A It's just like any other person that loses
01:35:07 8 a family member that they care about; it's an
01:35:10 9 emotional time for them. But the anguish -- the
01:35:15 10 loss of my brother, as I said, had more to do along
01:35:19 11 the emotional lines. Whether or not it inflicted
01:35:23 12 anguish in me, my brother in his lifetime or for the
01:35:27 13 time that he had been around on this earth, he has
01:35:31 14 never intended or ever did inflict or intended to
01:35:35 15 inflict any anguish on me, so I didn't look at it as
01:35:38 16 experiencing any anguish.

01:35:39 17 Q I hope you don't think I was suggesting
01:35:42 18 that.

01:35:42 19 What I was suggesting was that the loss
01:35:45 20 left you in an emotional state, not your brother
01:35:50 21 during his lifetime.

01:35:52 22 MS. ROHN: That's not a question. It's
01:35:53 23 a statement.

01:35:54 24 MR. RUSKIN: No, it was not a question.
01:35:56 25 I was simply making a statement for the witness.

01:35:58 1 BY MR. RUSKIN:

01:35:58 2 Q The question I want to ask now is at the
01:36:01 3 time you learned of the investigation about you when
01:36:05 4 your attorney gave you the file, weren't you already
01:36:09 5 in an emotionally weakened state because of the loss
01:36:12 6 of your brother?

01:36:13 7 A You know, in actuality, when I think back
01:36:17 8 about it, I remember my brother sitting in my office
01:36:20 9 and telling me to be strong, so at that point it was
01:36:24 10 almost like I was rejuvenated after Redfield
01:36:28 11 attacked me on the radio.

01:36:29 12 Q Okay. So are you saying that Redfield
01:36:32 13 attacking you on the radio made you feel better?

01:36:36 14 A No. I was saying my focus was elsewhere,
01:36:37 15 and I just had as a foundation and a form of
01:36:43 16 encouragement what my brother said to me before he
01:36:47 17 died.

01:36:48 18 Q I understand that. I get that, sir.

01:36:49 19 What I'm asking you, again, is a slightly
01:36:51 20 different question. What I'm asking you is, you had
01:36:53 21 a lot going on, a lot of emotional things going on
01:36:57 22 in your life around that same timeframe.

01:36:59 23 A Uh-huh.

01:37:00 24 Q And isn't it true that you were already
01:37:02 25 suffering the loss of your brother in the form of

01:37:05 1 depression and anxieties and grief, and all kinds of
01:37:07 2 other emotions even before you learned about this
01:37:12 3 investigation file?

01:37:13 4 A Well, I was suffering emotionally the loss
01:37:16 5 of the companionship of my brother, but I
01:37:19 6 experienced mental anguish and a lot of stress as a
01:37:23 7 result of the attack. And to think the
01:37:26 8 insensitivity on the part of VITELCO and Holland
01:37:30 9 Redfield to attack me, having this type of
01:37:34 10 knowledge, again, as I would say, they were armed
01:37:37 11 with this knowledge and figured that they would
01:37:39 12 catch me at my most vulnerable point. It did have
01:37:44 13 an impact on me, and that's Redfield's attack and
01:37:48 14 VITELCO's investigation.

01:37:49 15 Q Are you testifying that VITELCO and
01:37:52 16 Redfield did what they did in 2002 because they knew
01:37:56 17 you were already weak emotionally because of the
01:37:59 18 death of your brother?

01:38:00 19 A No, that's not what I'm testifying. I'm
01:38:02 20 saying that if that was the case, that they would
01:38:05 21 weaken sensitivity on the part of them to attack me
01:38:08 22 at a period like that, but not that I was weakened.

01:38:12 23 Q And do you believe that they were
01:38:13 24 attacking you knowing that you were suffering a
01:38:15 25 loss?

01:38:16 1 A No. I think they attacked me and they
01:38:18 2 didn't give a damn what was taking place.
01:38:21 3 (Defendants' Exhibit 6 marked for identification.)
01:38:21 4 BY MR. RUSKIN:
01:38:22 5 Q Let me put in front of you Exhibit 6.
01:38:26 6 Sir, can you take a look at that exhibit?
01:38:38 7 A Yes.
01:38:39 8 Q I apologize for standing up, but my back
01:38:43 9 is starting to get a little bit sore.
01:38:45 10 Sir, is this an affidavit that you swore
01:38:48 11 to in this action?
01:38:50 12 A Yes.
01:38:50 13 Q Okay. Just briefly, turn to the last page
01:38:53 14 and verify that that is, in fact, your signature.
01:38:59 15 A Yes, it is.
01:39:00 16 Q Good.
01:39:00 17 Real quick question about this. Turn, if
01:39:04 18 you would, to Paragraph 10. And would you please
01:39:10 19 read — you can read it out loud — Paragraph 10.
01:39:13 20 It's just three lines.
01:39:26 21 (Pause in proceedings.)
01:39:27 22 THE DEPONENT: Yes.
01:39:27 23 BY MR. RUSKIN:
01:39:27 24 Q Would you read it out loud, please?
01:39:29 25 MS. ROHN: Oh, please. The document

01:39:30 1 speaks for itself. There's no jury here.

01:39:33 2 BY MR. RUSKIN:

01:39:33 3 Q I'll read it out loud.

01:39:34 4 A Okay. Thank you.

01:39:35 5 Q "I gave copies of the work product
01:39:37 6 documents that I received to the St. Croix
01:39:39 7 Avis because I thought it was important
01:39:41 8 for the public to know the extent Prosser
01:39:43 9 and his companies would invade someone's
01:39:46 10 privacy in an attempt to intimidate them."

01:39:50 11 Was that true when you said it?

01:39:52 12 A Yes.

01:39:52 13 Q And do you still believe it to be true?

01:39:54 14 A Yes.

01:39:55 15 Q Do you still think it's important for the
01:39:58 16 public to know about what Prosser and his companies
01:40:01 17 did?

01:40:01 18 A Yes.

01:40:01 19 Q And you did at the time?

01:40:02 20 A Yes.

01:40:03 21 Q So, in other words, you felt that the
01:40:04 22 Prosser investigation of you was a matter of public
01:40:08 23 concern?

01:40:09 24 MS. ROHN: Objection to the form of the
01:40:09 25 question, that it was a Prosser investigation.

01:40:12 1 MR. RUSKIN: Good point. I'll restate

01:40:13 2 it, then.

01:40:14 3 BY MR. RUSKIN:

01:40:14 4 Q So it is true that you thought it was a
01:40:17 5 matter of public concern to know what the defendants
01:40:22 6 in this case had done with regard to the
01:40:26 7 investigation of you; is that correct?

01:40:28 8 A Yes.

01:40:30 9 Q Good. Move right along.

01:41:13 10 (Defendants' Exhibit 7 marked for identification.)

01:41:13 11 BY MR. RUSKIN:

01:41:13 12 Q Senator, is this a Press Release that you
01:41:15 13 issued on or about October 2nd, 2002, this
01:41:18 14 Exhibit 7?

01:41:19 15 A It looks familiar.

01:41:20 16 Q Okay. Did you draft this personally?

01:41:22 17 A I drafted most of the notes. I had a
01:41:24 18 press secretary by the name of Nicole Bollentini
01:41:28 19 that would actually draft my press releases. I
01:41:31 20 would put the footnotes.

01:41:33 21 Q Did you review it before it was released?

01:41:35 22 A Yes.

01:41:36 23 Q So is it fair to say that this, in fact,
01:41:39 24 is your statement?

01:41:41 25 A Yes.

01:41:50 1 Q Look in the paragraph that begins "the
01:41:52 2 senator said that VITELCO" -- you see that? It's
01:41:54 3 about 3 inches down.

01:41:57 4 A Uh-huh. This is not the actual size that
01:42:01 5 I sent out.

01:42:02 6 Q I apologize.

01:42:04 7 A Yeah. You reduced it to the point where
01:42:08 8 it's not that -- it's not legible for me, but go
01:42:11 9 ahead.

01:42:13 10 Q The paragraph that begins "The senator
01:42:16 11 said." It's about a third of the way down the page.

01:42:18 12 A "The senator said." It's a third before
01:42:20 13 the last.

01:42:20 14 Q "The Senator said that VITELCO was free to
01:42:22 15 examine his life." Do you see that?

01:42:28 16 A No, I don't see that.

01:42:29 17 Q Would you like me to point to it, sir?
01:42:30 18 Let me point to it on mine. Right here
01:42:35 19 (indicating).

01:42:36 20 A Oh, in the middle. I asked you if it was
01:42:39 21 the third before the last. You said "yeah."

01:42:41 22 Q I said about a third of the way down.

01:42:43 23 A Oh, that's halfway down. Uh-huh.

01:42:45 24 Q Okay. Do you see the sentence that begins
01:42:46 25 "VITELCO was free to examine his life"?

01:42:50 1 A Uh-huh.

01:42:51 2 Q What did you mean by that?

01:42:53 3 A That based on my actions in the Senate,
01:42:55 4 and all the positions that I've taken in the Senate,
01:42:58 5 that they could have examined that, that they could
01:43:02 6 have examined my life as a public server. But for
01:43:05 7 them to reach over into my personal life and that of
01:43:11 8 my family, I felt was immoral and inappropriate.

01:43:23 9 Q And two paragraphs below that you say:
01:43:27 10 "The Senator said he understands the
01:43:29 11 investigation of his personal life caused
01:43:32 12 VITELCO more than \$100,000 and was paid
01:43:34 13 for with regulated funds."

01:43:37 14 We talked a little bit about that before,
01:43:40 15 but specifically with regard to the "more than
01:43:41 16 \$100,000," where did you get that number from?

01:43:45 17 A Well, I guess we accumulated that number
01:43:48 18 based on the length of time, looking at the 38 point
01:43:53 19 something hours of documents that was found in the
01:43:56 20 file, scribbled notes with inclusive of a Riise
01:44:00 21 Richards being compensated, a Derrick Fungi -- it's
01:44:07 22 Derricks, right? Well, I refer to him as "Fungi";
01:44:14 23 It's "Derricks" -- and what was being paid to them,
01:44:18 24 just accumulating everything over a period of time.

01:44:21 25 Q Did you accumulate actual documents?

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01:44:26 1 A Some.

01:44:26 2 Q Do you have documents to show that VITELCO
01:44:30 3 paid more than \$100,000?

01:44:36 4 A Just based on the formula that we used,
01:44:39 5 calculating the number of hours and the period of
01:44:41 6 time they said an ongoing investigation was taking
01:44:45 7 place.

01:44:45 8 In fact, I wrote repeated letters, even
01:44:48 9 subsequent to the rate investigation to express a
01:44:52 10 concern about me still being followed. And it is
01:44:55 11 based on all of that that we arrived at a figure of
01:44:57 12 over \$100,000.

01:45:04 13 Q Correct me if I'm wrong. Is it true that
01:45:06 14 your statement that it cost VITELCO more than
01:45:09 15 \$100,000 is based upon what you believe VITELCO must
01:45:14 16 have done based upon what you think you saw and
01:45:18 17 heard back in the 1998 timeframe?

01:45:24 18 MS. ROHN: Objection to the form of the
01:45:25 19 question.

01:45:30 20 THE DEPONENT: It would be easy for me
01:45:32 21 to arrive at the conclusion that -- I can't tell
01:45:33 22 you how long the investigation was going on; I
01:45:37 23 could only tell you that I responded to an
01:45:41 24 investigation that was ongoing.

25

01:45:44 1 BY MR. RUSKIN:

01:45:44 2 Q I understand that, Senator, but what I'm
01:45:46 3 asking you is this: We know from the file that
01:45:50 4 Atlantic Tele-Network Co., Inc. paid 6,500 ~~some-odd~~
01:45:52 5 dollars for the investigation per the invoice, and
01:45:56 6 what you're talking about here is almost -- a little
01:46:00 7 under \$94,000 -- more than that.

01:46:02 8 And my question is: Where did you get
01:46:04 9 that 94,000-plus dollars from, aside from the
01:46:08 10 fact --

01:46:09 11 A I just told you that it was a formula that
01:46:11 12 we used.

01:46:11 13 Q Okay. Can you please give me the formula?

01:46:16 14 A We calculated the total number of hours
01:46:20 15 that was worked within a certain period, and we
01:46:23 16 arrived at an estimation that if this investigation
01:46:26 17 was going on over 18 months, calculating being that
01:46:30 18 if they had ~~me~~ followed, the number of personnel
01:46:34 19 that they had in registering Ms. Riise Richards,
01:46:39 20 Mr. Derricks, the monies that was paid to personnel
01:46:44 21 within the Police Department over a period of time.

01:46:49 22 Q And do you still have the work notes from
01:46:53 23 where you performed those formula computations?

01:46:57 24 A I would have to ask Ms. Nicole Bollentini.

01:47:04 25 Q And, again, what knowledge do you have

01:47:06 1 that the \$100,000, or the more than \$100,000 was
01:47:10 2 paid for with regulated funds?

01:47:13 3 A Because, of course, VITELCO was the cash
01:47:17 4 cow at the time, and reviewing the returns or the
01:47:22 5 profitability of the other company, it was obvious
01:47:25 6 that the other companies was more-so a burden on
01:47:29 7 VITELCO. So most of the cash flow or liquidity that
01:47:32 8 the company had available, or Mr. Prosser, Redfield,
01:47:36 9 and VITELCO had available to them was revenues that
01:47:40 10 came from VITELCO.

01:47:42 11 Q Perhaps so.

01:47:44 12 You don't know whether or not the funds
01:47:45 13 that was spent were, in fact, the regulated funds,
01:47:48 14 do you?

01:47:50 15 A Well, there was no reason for me to
01:47:51 16 believe different, because at that time I knew that
01:47:56 17 funds were being paid for paintings, funds were
01:47:59 18 being paid for wine. Why would they not use funds
01:48:02 19 for an investigation?

01:48:02 20 Q Well, you know, do you not, that Prosser
01:48:07 21 had other properties besides VITELCO, correct?

01:48:10 22 MS. ROHN: Objection; argumentative.

01:48:12 23 BY MR. RUSKIN:

01:48:12 24 Q You can answer the question.

01:48:13 25 A Yeah, I believe that he had other

01:48:16 1 properties that were acquired after the exemptions
01:48:19 2 for VITELCO.

01:48:22 3 Q Regardless of when, Mr. Prosser owned or
01:48:26 4 either -- either Mr. Prosser or those companies
01:48:29 5 owned other companies other than VITELCO back in
01:48:34 6 1998, did he not -- did they not?

01:48:37 7 A I don't know exactly how many companies he
01:48:39 8 owned.

01:48:40 9 Q Do you have any reason to believe that
01:48:41 10 other companies owned by Mr. Prosser, funds from
01:48:45 11 those companies were used for the investigation?

01:48:47 12 A No. I always believed that VITELCO was a
01:48:51 13 cash cow, which was proven, and that most of the
01:48:53 14 funds that was used for anything came out of
01:48:57 15 VITELCO.

01:48:57 16 Q And do you have any facts to support that
01:48:58 17 belief?

01:49:00 18 A Yeah. They was just facts that when we
01:49:03 19 were able to obtain the list of employees from the
01:49:07 20 EDC program, that some of the names that appeared on
01:49:14 21 the listing under VITELCO, the employees were
01:49:17 22 physically working in the *Daily News*.

01:49:23 23 Q This is kind of out of sequence, but I'm
01:49:27 24 just going to ask the question straight up.

01:49:29 25 As a Senator of the Virgin Islands, you

01:49:32 1 consider yourself a public official, don't you?

01:49:35 2 A Yeah.

01:49:36 3 Q And you were a public official from 1998

01:49:38 4 all the way through the end of 2002, weren't you?

01:49:41 5 A Yeah.

01:49:42 6 Q Good.

01:49:45 7 A And I always felt I had a personal life.

01:49:49 8 Q I wasn't contesting that.

01:49:52 9 A Okay.

01:50:05 10 Q After the investigation was released to

01:50:08 11 you by your attorney, and then you gave a copy of

01:50:12 12 the report to *Avis*, didn't you also make public

01:50:19 13 or -- excuse me. Let me rephrase that.

01:50:21 14 Didn't you also send letters to the PSC

01:50:24 15 and the FBI with regard to the investigation that

01:50:28 16 you learned about?

01:50:30 17 A Yeah.

01:50:30 18 Q Why did you send the letter to the PSC?

01:50:34 19 A I sent a letter to the PSC because the

01:50:41 20 PSC's responsibility is to regulate the telephone

01:50:44 21 company, and if they were utilizing VITELCO funds

01:50:47 22 for purposes such as an investigation --

01:50:50 23 And understand that it's a number of

01:50:53 24 letters that were sent to the PSC on different

01:50:56 25 issues. You had the issue with the number of

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01:50:59 1 subscribers that requested to know an accurate
01:51:03 2 number of subscribers, which was a 1992 figure that
01:51:07 3 they continued to use throughout 1998, 2000. So it
01:51:10 4 was a number of issues that I asked them about.

01:51:14 5 Q What did the PSC respond to you, if
01:51:17 6 anything, with regard to your letter to them?

01:51:20 7 A They said that they would place -- it all
01:51:22 8 depends on which letter it is. Some of them -- for
01:51:24 9 example, the issue of the 9/11 or the emergency
01:51:30 10 surcharge, they had indicated it would be placed on
01:51:34 11 the docket.

01:51:34 12 To the best of my recollection, the issue
01:51:37 13 of using utility funds to investigate, I went as far
01:51:41 14 as to tell them what is to preclude -- what is to
01:51:45 15 discourage the company from the investigating
01:51:49 16 members of the Public Service Commission if they
01:51:52 17 decide to oppose anything that VITELCO is bringing
01:51:56 18 to the table.

01:51:57 19 Q Did the PSC ever make a determination, to
01:52:00 20 your knowledge -- and this is through the end of
01:52:04 21 2002, we're talking about.

01:52:05 22 A Uh-huh.

01:52:06 23 Q Did the PSC ever make a determination that
01:52:10 24 VITELCO was over earning?

01:52:15 25 A Yes. I think in conversation with one of

01:52:17 1 the members at that time, I think it was stated that
01:52:21 2 it was a 12.8 percent rate of return, which would
01:52:30 3 suggest, based on what was prescribed to law, I
01:52:33 4 think at the time they were only permitted to earn
01:52:35 5 up to 11.5 percent, if I'm not mistaken, or
01:52:39 6 9.8 percent or something.

01:52:40 7 Q It's possible my question was not artfully
01:52:41 8 posed. Let me try it again.

01:52:45 9 Did the PSC formally ever make a finding
01:52:48 10 as a group, as a commission, that VITELCO was over
01:52:52 11 earning?

01:52:54 12 A I believe one of the meetings that I
01:52:58 13 attended was on the heel of PSC members, some PSC
01:53:04 14 members traversing or traveling between the islands
01:53:08 15 of St. Croix and St. Thomas courtesy of VITELCO's
01:53:11 16 aircraft. So they were in agreement. And, of
01:53:16 17 course, you know, at that time that may have been
01:53:20 18 their ability to render a decision on that day.

01:53:22 19 Q Regardless, sir, the question is a simple
01:53:25 20 one. Did the PSC ever issue a formal finding in the
01:53:28 21 period from 1998 to 2002, to your knowledge, that
01:53:32 22 VITELCO was over earning?

01:53:37 23 A No, because at the time I think they had
01:53:40 24 cut out the one professional arm that would have
01:53:44 25 been able to make that determination, which was the

01:53:48 1 rate investigator.

01:53:49 2 Q But the answer is "no"?

01:53:50 3 A No. They couldn't.

01:53:51 4 Q But they didn't; isn't that right? They
01:53:54 5 did not issue --

01:53:55 6 A I think I answered that question.

01:53:56 7 Q Okay. Did the PSC or any other
01:54:05 8 governmental institution or agency ever make a
01:54:08 9 determination that VITELCO or IOC was in any way --
01:54:12 10 that they had in any way improperly dealt with the
01:54:18 11 9/11 surcharge funds that they collected and was
01:54:21 12 supposed to remit?

01:54:28 13 A Frankly speaking, I think they were all
01:54:31 14 afraid.

01:54:32 15 Q Who is "all"?

01:54:32 16 A Well, all the entities charged with the
01:54:35 17 responsibility of overseeing any of VITELCO's
01:54:37 18 operation.

01:54:38 19 Q And, again, the question simply put, was
01:54:41 20 there ever a formal finding by any governmental
01:54:44 21 agency, Territorial or Federal, that VITELCO
01:54:47 22 improperly dealt with the 9/11 surcharge funds in
01:54:50 23 terms of collecting them or remitting them to the
01:54:53 24 government?

01:54:54 25 A And, again, I repeat the same thing I

01:54:56 1 said. They were all afraid. No one wanted to touch
01:54:59 2 it.

01:54:59 3 Q Again, it's a "yes" or "no" question.

01:55:01 4 MS. ROHN: No. He's answered the
01:55:01 5 question. If you don't like his answer, you can
01:55:03 6 keep asking it. It will be the same answer.

01:55:07 7 MR. RUSKIN: I'm entitled to an answer
01:55:07 8 to the --

01:55:09 9 MS. ROHN: Waste your time doing this.
01:55:09 10 It's not my problem.

01:55:12 11 BY MR. RUSKIN:

01:55:12 12 Q Sir, I'm going to ask you again --

01:55:13 13 MS. ROHN: Keep on giving him the same
01:55:14 14 answer. He can ask forever.

01:55:17 15 BY MR. RUSKIN:

01:55:17 16 Q Sir, my question is: Do you know of any
01:55:17 17 formal finding by any governmental agency that
01:55:20 18 specifically said to VITELCO or to ICC, "You are
01:55:22 19 improperly collecting and remitting the funds?"

01:55:31 20 A I remember at one point Bernice Turnbull,
01:55:34 21 Commissioner of Department of Finance, had concluded
01:55:36 22 that they were unable to retrieve any documentation
01:55:40 23 that would provide them with a benchmark in which to
01:55:51 24 determine whether or not they were remitting the
01:55:54 25 correct amount.

01:55:55 1 Q And when was that?

01:55:56 2 A To the best of my knowledge, that must
01:56:00 3 have been when we were getting ready prior to
01:56:03 4 establishing or filing the complaint with the
01:56:06 5 Federal Court.

01:56:07 6 Q That's the complaint we discussed earlier,
01:56:10 7 the one about the 9/11 funds?

01:56:13 8 A Yeah.

01:56:24 9 MR. RUSKIN: I will turn the floor over
01:56:27 10 to Mr. Rames at this point.

01:56:31 11 MS. ROHN: All right. I'll save my
01:56:32 12 cross-examination until after the defendants have
01:56:35 13 completed their examination.

01:56:40 14 MR. RAMES: Thank you.

01:56:40 15 EXAMINATION

01:56:40 16 BY MR. RAMES:

01:56:41 17 Q Senator Donastorg, my name is Kevin Rames.
01:56:44 18 I represent the *Daily News*. And I'm going to ask --
01:56:46 19 I represent the *Daily News* and J. Lowe Davis, as
01:56:50 20 Executive Editor. And I'm going to ask you
01:56:53 21 questions that are solely related to the activities
01:56:57 22 and actions of the *Daily News*, and to the matters
01:56:58 23 raised in your Complaint regarding the *Daily News*,
01:57:02 24 and solely and specifically to the actions of
01:57:08 25 J. Lowe Davis and the allegations in your Complaint

01:57:12 1 regarding J. Lowe Davis.

01:57:13 2 The first question concerns around where
01:57:17 3 you ended the examination by Mr. Ruskin.

01:57:23 4 Do you have any information, any evidence,
01:57:25 5 that any employee of the *Daily News* had the
01:57:31 6 investigative report that you released to the
01:57:34 7 *St. Croix Avis* at any time?

01:57:37 8 A If I have any evidence that any employee
01:57:40 9 of the *Daily News* has or were in possession of an
01:57:43 10 investigative file?

01:57:46 11 Q That is correct.

01:57:46 12 A No.

01:57:47 13 Q Do you have any evidence or any
01:57:50 14 information that any employee of the *Daily News* has
01:57:53 15 ever read the investigative file to which you refer?

01:57:59 16 A Well, the only documentation and evidence
01:58:01 17 I have is -- and this is where it is a little
01:58:06 18 confusing -- Ed Crouch, who sat as the Editor of the
01:58:11 19 newspaper, and I assume an employee of ICC, VITELCO,
01:58:15 20 and I suspected the *Daily News* in some capacity,
01:58:21 21 wrote a note saying to the investigator to dig up
01:58:23 22 dirt.

01:58:25 23 Q Okay. Do you know the difference between
01:58:29 24 the editorial function of a newspaper and the news
01:58:34 25 gathering function of a newspaper?

01:58:36 1 A Well, I am not in -- it's like the
01:58:39 2 electrician trying to tell the plumber what to do.
01:58:42 3 I am not -- that's not my forte.

01:58:44 4 Q I understand.

01:58:45 5 Are you aware that during its ownership by
01:58:51 6 the Innovative Communication Corporation, that
01:58:56 7 Innovative Communication Corporation, the owner, was
01:58:58 8 the entity that drafted and submitted the editorial
01:59:09 9 to the publishers of the *Daily News*?

01:59:11 10 A No, I don't know what the process was. I
01:59:14 11 always assumed that it was Redfield in his capacity
01:59:19 12 as -- whatever his position was, representing
01:59:21 13 VITELCO, Prosser, and Ed Crouch, that dictated what
01:59:27 14 the editorials would be --

01:59:28 15 Q Okay.

01:59:29 16 A -- and manipulated some articles with
01:59:32 17 reporters.

01:59:33 18 Q And do you have any specific information
01:59:34 19 with respect to the manipulation of articles by
01:59:37 20 reporters?

01:59:38 21 A I think Will Jones had indicated that they
01:59:42 22 had a hands-on approach.

01:59:45 23 I believe, if I'm not mistaken, Billy
01:59:47 24 Shields, who interviewed Sterling McPherson during
01:59:53 25 the "Rumble In Paradise" event that brought boxing

01:59:58 1 life -- boxing to the territory and on national TV,
02:00:02 2 where the article that they had published was, in
02:00:06 3 fact, manipulated.

02:00:10 4 A couple of other employees that are in
02:00:11 5 there, a Sherriann Francis, a lady by the name of
02:00:16 6 Vida -- I can't remember Vida's full name -- and
02:00:21 7 other employees in there, which I'll try my best
02:00:25 8 to -- Hal Hatfield, who worked there.

02:00:35 9 Q Okay. Is that all?

02:00:38 10 A I can't remember -- is it Drake Lake?

02:00:43 11 MS. ROHN: Lance Rake.

02:00:44 12 THE DEPONENT: Lance Rake; that's
02:00:46 13 right.

02:00:47 14 BY MR. RAMES:

02:00:48 15 Q All right. So let's start --

02:00:50 16 A And is it Tim McDonald?

02:00:56 17 MS. ROHN: (Nodding affirmatively.)

02:00:56 18 THE DEPONENT: Tim McDonald.

02:00:57 19 BY MR. RAMES:

02:00:58 20 Q Let's start with Mr. Jones. Have you had
02:01:01 21 conversations with Mr. Will Jones regarding his
02:01:05 22 reporting?

02:01:06 23 A Yeah. In fact --

02:01:07 24 MS. ROHN: That's just, "Have you had a
02:01:08 25 conversation." That's just a "yes" or "no"

02:01:10 1 answer.

02:01:11 2 THE DEPONENT: Yes.

02:01:11 3 BY MR. RAMES:

02:01:12 4 Q Has Mr. Will Jones ever indicated to you

02:01:15 5 that employees of Innovative Communication

02:01:17 6 Corporation ever directed his report?

02:01:22 7 MS. ROHN: Object to the form of the

02:01:23 8 question.

02:01:26 9 THE DEPONENT: Basically, Will Jones

02:01:27 10 indicated that there was undue pressure.

02:01:28 11 BY MR. RAMES:

02:01:29 12 Q And did Will Jones indicate where that

02:01:31 13 undue pressure came from?

02:01:34 14 A From Prosser and VITELCO.

02:01:35 15 Q Did VITELCO as an entity or person?

02:01:40 16 A VITELCO, the higher echelon of the *Daily*

02:01:43 17 *News*. 'Cause, you see -- understand that when

02:01:44 18 you're asking me those questions, I'm incorporating

02:01:47 19 because it was a collaboration between all three or

02:01:50 20 four of the parties.

02:01:51 21 Q I would like you, if you could, to try and

02:01:53 22 keep the various corporate entities separate, at

02:01:59 23 least in your mind.

02:02:00 24 A Uh-huh. That will be hard to do, but I'll

02:02:01 25 try.

02:02:03 1 Q I understand.

02:02:03 2 So you're saying that Mr. Will Jones
02:02:06 3 indicated to you that he was subjected to undue
02:02:09 4 pressure?

02:02:10 5 A Yeah.

02:02:10 6 Q By whom?

02:02:12 7 A By Mr. Prosser and -- if I may finish?

02:02:16 8 Q Yes, please.

02:02:17 9 A -- and the *Daily News* here and the
02:02:20 10 reference to Lowe Davis.

02:02:22 11 Q So it is your testimony, then, that
02:02:22 12 Mr. Will Jones told you that Mr. Prosser spoke to
02:02:27 13 him directly about stories that he was writing for
02:02:31 14 the *Daily News*?

02:02:31 15 A No. What Mr. Will Jones -- and he was
02:02:34 16 speaking in parables, you know -- that understand
02:02:37 17 that it's not him, that it's you know who. And, of
02:02:43 18 course, he could only be referring to Redfield and
02:02:47 19 Prosser and VITELCO.

02:02:49 20 Q So is it your testimony, then, that
02:02:53 21 Mr. Will Jones indicated to you that stories were
02:02:58 22 being manipulated but did not specifically indicate
02:03:02 23 to you the names of those persons who manipulated
02:03:05 24 the stories?

02:03:07 25 A Uh-huh.

02:03:07 1 Q Is that correct?

02:03:09 2 A Yes.

02:03:09 3 Q Okay. You also indicated that

02:03:13 4 Ms. Sherriann Francis was somehow engaged in this.

02:03:19 5 Tell me, please, what you know about Sherriann

02:03:23 6 Francis and matters involving reporters at the

02:03:28 7 *Daily News*.

02:03:29 8 A I remember having a conversation with

02:03:31 9 Sherriann Francis years ago. I vaguely remember her

02:03:37 10 saying that when I went to the *Daily News*

02:03:40 11 concerning -- I can't remember if it was an ad or if

02:03:43 12 I was looking for Hatfield about an issue that I had

02:03:47 13 with an article or something that was written. And

02:03:50 14 Sherriann said, "You know, you can't expect no

02:03:56 15 different. You know what you're dealing with up in

02:03:58 16 here."

02:03:58 17 Q Okay. And is that the only reference that

02:04:00 18 you can recall with respect to this issue concerning

02:04:02 19 Sherriann Francis?

02:04:05 20 A I think she said during that time, to the

02:04:12 21 best of my recollection, something about, "You know

02:04:14 22 how Lowe fields and these people feel about you."

02:04:18 23 Q Okay. Let me go back to her first

02:04:21 24 statement. Her first statement sounds a bit like a

02:04:24 25 parable as well because no names were mentioned; is

02:04:27 1 that correct?

02:04:28 2 MS. ROHN: Objection to the form of the
02:04:29 3 question.

02:04:30 4 THE DEPONENT: Well --

02:04:31 5 MS. ROHN: Is it correct that this was
02:04:32 6 a parable or that she had mentioned no names?

02:04:36 7 BY MR. RAMES:

02:04:37 8 Q First, then, you mentioned that Will Jones
02:04:39 9 spoke in parables, correct?

02:04:41 10 MS. ROHN: He never used the word
02:04:42 11 "parable."

02:04:43 12 THE DEPONENT: Yeah, I did.

02:04:44 13 MS. ROHN: Oh, you did.

02:04:45 14 Sorry.

02:04:46 15 BY MR. RAMES:

02:04:46 16 Q Okay. So you said that Mr. Will Jones
02:04:48 17 spoke in parables; is that correct?

02:04:50 18 A Uh-huh.

02:04:51 19 Q Can I take that to mean that he was being
02:04:54 20 more general rather than specific?

02:04:57 21 A Yes, because in initial conversations it
02:04:59 22 was already established who was against me; Lowe
02:05:01 23 Davis, VITELCO, and Mr. Prosser, and Redfield.

02:05:06 24 Q So you said Sherriann Francis said
02:05:09 25 something along the lines of -- and correct me if

02:05:12 1 I'm wrong -- "You know how it is in here"?

02:05:14 2 A Yeah, *Daily News* --

02:05:17 3 Q The *Daily News*?

02:05:17 4 A -- and Lowe Davis.

02:05:19 5 Q So you're saying that --

02:05:21 6 A *Daily News* referencing and meaning Lowe

02:05:23 7 Davis, 'cause that's the only person in there she

02:05:25 8 had already established from previous conversation

02:05:28 9 that had something against me.

02:05:30 10 Q And the next statement that you said about

02:05:32 11 Ms. Sherriann Francis referenced Ms. Lowe Davis

02:05:38 12 having something against you; is that correct?

02:05:39 13 A Yeah, that they had something against me.

02:05:41 14 Q Okay. Did she ever indicate what Ms. Lowe

02:05:43 15 Davis had against you?

02:05:45 16 A No. I just know that I had never really

02:05:51 17 met Ms. Lowe Davis personally, and it could only be

02:05:54 18 driven by Redfield and Mr. Prosser and VITELCO.

02:05:58 19 Q That is your presumption, sir; is that

02:05:58 20 correct?

02:06:00 21 A They're the ones that brought her here.

02:06:04 22 Q I understand that. But your comments

02:06:05 23 about her actions is your presumption; is that

02:06:07 24 correct?

02:06:09 25 A I wouldn't say it's a presumption. I

02:06:10 1 would simply say that it's just the actions clearly
02:06:14 2 demonstrate that she had no other reason to be
02:06:18 3 against me the way she is.

02:06:19 4 Q Okay. So the comments that were made to
02:06:24 5 you by Will Jones, do you recall when those comments
02:06:28 6 were made?

02:06:28 7 A No. It's so many -- over the years it was
02:06:31 8 so many conversations. Will Jones covered the
02:06:34 9 Senate hearings. At the point he moved to
02:06:40 10 St. Croix, Will Jones, I believe, was covering some
02:06:44 11 court cases in the Territorial Court when I had
02:06:48 12 approached him and asked him -- actually, I put him
02:06:51 13 on the spot by telling him that I knew that he was
02:06:54 14 digging for dirt, and that that police report that
02:06:57 15 he went to obtain, whatever article he intends to
02:07:01 16 write, it is totally erroneous, so he needs to check
02:07:05 17 his sources. And he asked me how I knew, and I told
02:07:08 18 him three people could keep a secret if two are
02:07:12 19 dead.

02:07:12 20 Q I understand.

02:07:13 21 So with respect to the comments that were
02:07:14 22 made to and from Mr. Will Jones at the time he was
02:07:19 23 doing this investigation, do you recall when that
02:07:22 24 was?

02:07:22 25 A No. Huh-uh.

02:07:24 1 Q Did you speak to --

02:07:26 2 A I know it was around the period that
02:07:28 3 Davila was still in office. Davila was still in the
02:07:33 4 position as Commissioner.

02:07:34 5 Q Did you speak to Mr. Will Jones while he
02:07:36 6 was at the Territorial Court?

02:07:38 7 A He was passing. Actually, he was going
02:07:40 8 in; I was leaving.

02:07:41 9 Q And when he was -- he was going in and you
02:07:43 10 were leaving; is that correct?

02:07:45 11 A Yeah.

02:07:45 12 Q And when he was going in, you were
02:07:47 13 presuming that he was going in to investigate you;
02:07:49 14 is that correct?

02:07:50 15 A No, no, no. He was going to cover -- he
02:07:53 16 was going to cover a case or something in there. I
02:07:57 17 can't tell you what the nature of that case was; I
02:08:00 18 just know he was in there on business.

02:08:03 19 Q So how did the conversation turn to
02:08:05 20 matters involving you?

02:08:07 21 A Because Will and I have always been
02:08:10 22 somewhat -- I wouldn't say -- we weren't friends,
02:08:13 23 definitely, but I was always respectable to him and
02:08:16 24 he was always respectable to me. And I was the one
02:08:19 25 that broached the subject with him, and I said to

02:08:21 1 him, "I understand that you were assigned and
02:08:25 2 offered a bonus to write a negative story on me as
02:08:29 3 well," and that, "In that case that you're
02:08:31 4 attempting to investigate, and whatever your sources
02:08:35 5 are, they're providing you with erroneous
02:08:39 6 information, and I would caution you about writing
02:08:40 7 an article that contained misinformation."

02:08:45 8 Q Okay. You also mentioned in connection
02:08:49 9 with your comments with respect to Ms. Sherriann, do
02:08:53 10 you recall when those conversations took place?

02:08:54 11 A No.

02:08:55 12 Q You indicated that that conversation took
02:08:57 13 place at the *Daily News*; is that correct?

02:08:58 14 A Yeah.

02:08:59 15 Q And that you had gone there to check on an
02:09:00 16 ad or something along those lines?

02:09:04 17 A I think -- I can't remember exactly why I
02:09:07 18 was there, but I know I was there at the *Daily News*.
02:09:09 19 I don't know if I was there to meet with a reporter,
02:09:12 20 if I was there for an ad. I can't remember exactly
02:09:15 21 what I was there for.

02:09:16 22 Q Okay. So thinking about why you were
02:09:19 23 there at the *Daily News* doesn't help refresh your
02:09:20 24 recollection about when it might have happened --
02:09:23 25 when this conversation with Sherriann Francis would

02:09:27 1 have taken place?

02:09:27 2 A No.

02:09:28 3 Q You mentioned a person by the name of
02:09:30 4 Vida. Who was Vida?

02:09:32 5 A Vida is another employee in the
02:09:35 6 *Daily News*. She apparently expressed to a second
02:09:40 7 party, Tija Daley, that the people in the *Daily News*
02:09:45 8 was just -- referring to Lowe Davis -- was extremely
02:09:48 9 bias towards me, and she can't believe it.

02:09:53 10 Q Now, what did you know Sherriann Francis's
02:09:56 11 employment to be? Was she a reporter?

02:09:59 12 A No. I think Sherriann -- I don't know, to
02:10:01 13 be honest with you.

02:10:03 14 Q But you didn't know her to be a reporter?

02:10:05 15 A No.

02:10:06 16 Q Did you know Vida to be a reporter?

02:10:08 17 A No. I don't even know what Vida's
02:10:10 18 position is in there.

02:10:12 19 Q And with respect to Tija Daley, who is
02:10:15 20 Tija Daley?

02:10:16 21 A Tija is an employee of WICO and happens to
02:10:20 22 be a friend of mine, and she is a friend to Vida.
02:10:23 23 She was the one that had the conversation with Vida.

02:10:27 24 Q The information that came through Vida
02:10:31 25 about Lowe Davis and her feelings about you, did

02:10:39 1 that come to you from Tija Daley or did it come to
02:10:43 2 you from Vida directly?

02:10:45 3 A It came from Tija Daley.

02:10:47 4 Q So essentially what you're saying is that
02:10:49 5 Vida told Tija Daley that Lowe Davis had this
02:10:52 6 problem with you; Tija Daley then told you; is that
02:10:54 7 correct?

02:10:55 8 A Yeah. She said she didn't want to get
02:10:57 9 involved. I think that the *Daily News* was or is on
02:11:00 10 the verge of terminating some employees, so they
02:11:03 11 feel for fear of their jobs.

02:11:05 12 Q But Tija Daley was not working for the
02:11:08 13 *Daily News* at that time.

02:11:08 14 A No.

02:11:09 15 Q So you're saying that Tija Daley was
02:11:12 16 concerned for Vida's job; is that correct?

02:11:14 17 A No. She expressed that Vida was concerned
02:11:17 18 that the employees would not want to come forward
02:11:20 19 and tell the truth because they are intimidated.

02:11:22 20 Q Oh. But Tija Daley did, in fact, tell
02:11:24 21 you, then, that the information about Lowe Davis'
02:11:28 22 attitude came from Vida?

02:11:29 23 A Yeah.

02:11:29 24 Q And if I asked you this question before, I
02:11:36 25 apologize.

02:11:37 1 You don't know what Vida's employment was?

02:11:40 2 A No, I don't.

02:11:41 3 Q You indicated that you'd also heard
02:11:43 4 information from Hal Hatfield; is that correct?

02:11:46 5 A Yeah, prior to that, yeah.

02:11:49 6 Q Why don't you tell me anything you might
02:11:51 7 know about Mr. Hal Hatfield, and how he is engaged
02:11:55 8 in, if at all, in matters raised in your Complaint.

02:12:06 9 A One isolated incident was I encountered
02:12:10 10 Hal Hatfield at a food sale in the Fort Christian
02:12:13 11 Parking Lot, where he approached me in the presence
02:12:18 12 of two or three other individuals, Kenrick Agustus,
02:12:22 13 a Paul Walwind (phoentic), and I can't remember who
02:12:25 14 the third party was. I know I provided that to my
02:12:28 15 attorney. And what Hatfield said was in response
02:12:34 16 to -- I think it was in response to me saying that,
02:12:36 17 you know, "Don't be seen too close to me and,
02:12:39 18 besides, I understand you guys are on a mission."
02:12:42 19 He replied -- and he said, "Well, I'm off to the
02:12:46 20 *Daily News* to write a negative story and collect a
02:12:49 21 bonus" --

02:12:51 22 Q Okay. And did he indicate --

02:12:52 23 A -- in the presence of other people.

02:12:54 24 Q Did he indicate to you what that story was
02:12:56 25 about?

02:12:56 1 A No. It was in general terms that he said
02:12:59 2 it. It was shortly after that lo and behold some
02:13:04 3 negative stories started surfacing.

02:13:07 4 Q Negative stories by Hal Hatfield started
02:13:10 5 surfacing?

02:13:11 6 A No, just different reporters.

02:13:13 7 Q All right. And are you contending these
02:13:17 8 negative stories had false information?

02:13:20 9 A Yeah.

02:13:20 10 Q Are you contending that these negative
02:13:24 11 stories had misleading information in them?

02:13:27 12 A It was obvious that the stories was
02:13:30 13 manipulated and dictated by VITELCO.

02:13:32 14 Q When you say "manipulated and dictated by
02:13:36 15 VITELCO," to what do you attribute that?

02:13:38 16 A To the fact that the *Avis* covered the
02:13:42 17 story from its inception. Like, if a rate
02:13:47 18 investigation of the proposal, the bill for a rate
02:13:50 19 investigation was at the floor of the Legislature,
02:13:52 20 they would actually cover the dynamics of it. But
02:13:55 21 for some reason when you looked at the story by the
02:13:59 22 *Daily News*, the same position that VITELCO may have
02:14:03 23 placed on the radio is the same position that the
02:14:07 24 *Daily News* took in explaining or describing that
02:14:13 25 particular situation with VITELCO.

02:14:15 1 Q So is it your position that the
02:14:17 2 *Daily News*, in its reporting, was partial to the
02:14:20 3 positions taken by VITELCO Telephone Corporation?

02:14:24 4 A They were extremely bias and supportive of
02:14:27 5 VITELCO.

02:14:27 6 Q And do you find that the *Source* is
02:14:29 7 extremely biased against VITELCO?

02:14:34 8 A I viewed the *Source's* articles as
02:14:39 9 fact-finding.

02:14:40 10 Q Uh-huh.

02:14:42 11 A To say that I noted them as being bias,
02:14:46 12 being perfectly honest, I hardly get to read the
02:14:54 13 *Source*. I was more in tuned with what the *Avis* and
02:14:57 14 the *Daily News* was actually printing.

02:15:00 15 Q And this incident with Hal Hatfield in the
02:15:03 16 Fort Christian Parking Lot, he said -- if my
02:15:08 17 recollection of your testimony is correct, he says
02:15:11 18 he's off to write a negative story?

02:15:14 19 A Yeah, to collect a bonus.

02:15:16 20 Q To collect a bonus.

02:15:17 21 Were you able to correlate any negative
02:15:21 22 story that was written by Hal Hatfield with that
02:15:26 23 particular statement that he was making?

02:15:27 24 A No. I was only able to correlate
02:15:30 25 Tim McDonald, Bill Shields, basically articles that

02:15:35 1 appear in the paper covering the boxing event in
02:15:39 2 trying to convey to the general public that this was
02:15:44 3 not going to come off.

02:15:46 4 Q Uh-huh.

02:15:47 5 A And it was actually deliberate on their
02:15:51 6 part to diminish the magnitude of the event, hoping
02:15:55 7 that it would be poorly attended and that my name
02:15:59 8 would be closely tied to it.

02:16:00 9 Q So what you're saying is you cannot
02:16:02 10 attribute the statement that was made by Hal
02:16:05 11 Hatfield to any particular article that he wrote?

02:16:08 12 MS. ROHN: Objection.

02:16:09 13 THE DEPONENT: It was consistent.

02:16:10 14 BY MR. RAMES:

02:16:10 15 Q Are you saying that you can, in fact,
02:16:11 16 attribute the statement that Hal Hatfield made to
02:16:14 17 you to a particular article that he wrote?

02:16:17 18 A I think his comment was a reflection of
02:16:17 19 the mood and the position of VITELCO.

02:16:22 20 Q So essentially you're saying it was a
02:16:24 21 generic statement, not a statement about a
02:16:26 22 particular article or a particular bonus?

02:16:28 23 A I was saying that the statement was
02:16:30 24 being -- his statement was consistent with the
02:16:34 25 actions of the paper.

02:16:35 1 Q Okay. You also mentioned the gentleman,
02:16:38 2 Lance Rake. What did Lance Rake have to do, if at
02:16:44 3 all, with any of the matters raised in your Second
02:16:47 4 Amended Complaint?

02:16:48 5 A I'm trying to remember Lance Rake's
02:16:52 6 position. I can't even remember exactly if he was a
02:16:56 7 reporter, if he was just in a professional capacity
02:17:00 8 with the paper. But I remember Lance Rake just made
02:17:05 9 some very open comments, and he would say stuff
02:17:09 10 like, you know, "I work and I'm not at liberty to
02:17:13 11 really talk in detail, but just be careful. Watch
02:17:18 12 your back."

02:17:19 13 Q So you're saying that Lance Rake made
02:17:20 14 generic statements to you that you should be
02:17:23 15 concerned?

02:17:24 16 A I don't think they were generic.

02:17:26 17 Q Did he make any specific references to you
02:17:28 18 about specific things that would happen to you?

02:17:31 19 A Well, he, just like anyone else, just made
02:17:36 20 a brief comment in saying, "Those people in there
02:17:39 21 don't like you at all."

02:17:41 22 Q Okay. So it's very much like the comments
02:17:42 23 that were made by Vida and made by Sherriann
02:17:44 24 Francis --

02:17:44 25 A Yeah.

02:17:45 1 Q -- that people in the *Daily News* were
02:17:49 2 hostile to you; is that correct?

02:17:51 3 A Well, they not only said people -- the
02:17:54 4 comment on quoting them as saying "people," I
02:17:58 5 already knew what they were referring to.

02:18:00 6 Q And what --

02:18:01 7 A They didn't necessarily mean people; they
02:18:04 8 were referring to Lowe Davis and her assignment.

02:18:07 9 Q So you're saying that in your mind, based
02:18:08 10 upon your understanding, the comments that were made
02:18:11 11 by Lance Rake, by Vida, and by Sherri with respect
02:18:14 12 to hostility towards you at the *Daily News*, were
02:18:19 13 attributable --

02:18:21 14 A Uh-huh.

02:18:21 15 Q -- to J. Lowe Davis?

02:18:24 16 A No, it wasn't in my mind; it was dictated
02:18:27 17 by the statements made from the initial stages.

02:18:30 18 Q But, of course, Sherriann Francis --
02:18:33 19 Sherrimae Francis; is that correct? -- didn't
02:18:37 20 specifically mention Lowe Davis' name to you; is
02:18:39 21 that correct?

02:18:41 22 A Initially.

02:18:41 23 Q She did?

02:18:42 24 A She just mentioned about Lowe Davis, and
02:18:44 25 then in subsequent conversations she just said, "You

02:18:48 1 know those people have an issue with you."

02:18:51 2 Q Okay. And Lance Rake did not mention Lowe
02:18:56 3 Davis' name directly, did he?

02:18:58 4 A I think at one point he did. I'm not sure
02:19:00 5 if it was him. You know, to the best of my
02:19:05 6 knowledge, because understand that I'm one person,
02:19:07 7 and entertaining all this stuff, being bombarded
02:19:11 8 with comments and statements from all types of
02:19:12 9 people is -- it wouldn't -- my capacity or my memory
02:19:17 10 is good, but I'm not sure I could retain and keep
02:19:20 11 everything.

02:19:20 12 Q But the comment that you recall about
02:19:22 13 Lance Rake, the one you just testified to that
02:19:24 14 people down there don't like you, was Lowe Davis'
02:19:27 15 name specifically mentioned?

02:19:30 16 A I can't say that he specifically said Lowe
02:19:33 17 Davis.

02:19:33 18 Q And do you recall anything else regarding
02:19:36 19 Mr. Lance Rake that has, you know, anything to do
02:19:39 20 with the matters in the allegation raised in your
02:19:41 21 Second Amended Complaint?

02:19:42 22 A Can you repeat?

02:19:44 23 Q Can you recall anything else concerning
02:19:46 24 Mr. Lance Rake that have anything to do with the
02:19:50 25 matters that are raised in your Second Amended

02:19:51 1 Complaint?

02:19:54 2 A In the Second Amended Complaint?

02:19:56 3 Q Sure.

02:19:56 4 A Which one are you referring to?

02:19:58 5 Q I'm referring to the entire Complaint.

02:20:14 6 MR. RAMES: I'm sorry. That is Judge

02:20:15 7 Barnard. Can we take a break now?

02:20:18 8 MR. RUSKIN: Off the record?

02:20:20 9 MR. RAMES: Yes, please.

02:20:21 10 (Pause in proceedings.)

02:23:33 11 BY MR. RAMES:

02:23:36 12 Q Mr. Timothy McDonald, have you had

02:23:41 13 conversations with Timothy McDonald?

02:23:45 14 A Outside of him just interviewing me on

02:23:48 15 different issues, no.

02:23:50 16 Q Has Mr. Timothy McDonald covered stories

02:23:55 17 concerning you that involved you?

02:23:57 18 A I think so.

02:23:58 19 Q Mr. Tim McDonald was, in fact, the primary

02:24:02 20 reporter on the story regarding the boxing match; is

02:24:06 21 that not correct?

02:24:07 22 MS. ROHN: Objection. How would he

02:24:08 23 know if he's the primary reporter?

02:24:09 24 THE DEPONENT: I --

02:24:10 25 MR. RAMES: Because he wrote most of

02:24:11 1 the stories.

02:24:13 2 MS. ROHN: That would be a decision the
02:24:16 3 *Daily News* makes. How would my client know that?

02:24:18 4 BY MR. RAMES:

02:24:18 5 Q Did Tim McDonald interview you for the
02:24:24 6 boxing stories?

02:24:25 7 A I think one or two times, to the best of
02:24:27 8 my knowledge. I think one or two times he asked me
02:24:29 9 questions, but he also interviewed Sterling
02:24:33 10 McPherson, and some of the comments that Sterling
02:24:36 11 McPherson provided to him was totally distorted.

02:24:40 12 Q Okay. And Billy Shields as well, is it
02:24:44 13 not correct that Billy Shields also reported on
02:24:47 14 those boxing matches?

02:24:48 15 MS. ROHN: Wait, wait, wait.

02:24:49 16 You've asked the witness if your understanding
02:24:51 17 is correct --

02:24:53 18 MR. RAMES: I'll rephrase the question.

02:24:54 19 BY MR. RAMES:

02:24:55 20 Q Did Billy Shields interview you in
02:24:58 21 connection with the boxing stories?

02:25:01 22 A I think so, but I'm not -- I think so.

02:25:07 23 Q Okay. Did Tim McDonald do anything that
02:25:15 24 is implicated in your Second Amended Complaint?

02:25:18 25 A I think it was -- and I'm getting confused

02:25:21 1 with the two of them. I think it was Tim McDonald
02:25:24 2 that told Sterling McPherson that the people at the
02:25:27 3 *Daily News* don't like me --

02:25:28 4 Q Uh-huh.

02:25:28 5 A -- and they were actually -- they had a
02:25:31 6 hand on the article that was written, because there
02:25:34 7 was a whole section that he had wrote, and they had
02:25:38 8 totally, you know, taken out a lot of sections out
02:25:42 9 of the article and actually tilted it towards being
02:25:49 10 negative.

02:25:50 11 Q Do you have any specific idea, as you're
02:25:53 12 sitting here, what negativity you're referring to?

02:26:00 13 A That there were not going to be a boxing
02:26:04 14 event; that this person didn't know about this; that
02:26:07 15 they seriously doubt that ESPN was coming, because
02:26:11 16 they contacted ESPN; that we had no venue for this
02:26:15 17 event; and that if it ends up in Lionel Roberts
02:26:18 18 Stadium, ESPN was not going to cover it. It just
02:26:23 19 went from one thing to a next.

02:26:25 20 Q And isn't it a fact that Showtime was
02:26:29 21 supposed to cover that boxing match and televise it?

02:26:34 22 A Yes. Initially we had Showtime covering
02:26:37 23 the event and I believe the Commissioner of the
02:26:38 24 Department of Tourism did not respond to two or
02:26:43 25 three phone calls that we got from Showtime.

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02:26:44 1 Q And then wasn't it subsequent to that that
02:26:46 2 ESPN got involved in televising the event?

02:26:50 3 A Yes. What I did, I offered an amendment
02:26:53 4 on the floor of the Legislature to include some
02:26:56 5 additional language that would give the Department
02:26:59 6 of Tourism and the Government of the Virgin Islands
02:27:03 7 the flexibility to engage with any major network.

02:27:07 8 Q And with respect to this televising of the
02:27:10 9 boxing event, wasn't there a time of uncertainty
02:27:13 10 between the time that Showtime decided not to
02:27:17 11 televise the event and before you got the
02:27:21 12 Legislature to change the law to allow ESPN to
02:27:24 13 televise the event?

02:27:25 14 A The level of uncertainty came -- and there
02:27:27 15 was no level of uncertainty. What we were certain
02:27:30 16 about is that once the contract was executed between
02:27:34 17 the Department of Justice and the actual promoter
02:27:36 18 that they would have selected, that then, you know,
02:27:43 19 they had to provide the event.

02:27:44 20 Q So it was the normal bureaucratic delays
02:27:48 21 associated with getting those --

02:27:50 22 A Yeah --

02:27:51 23 MS. ROHN: Okay. You have to let him
02:27:52 24 finish.

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02:27:52 1 BY MR. RAMES:

02:27:53 2 Q -- contracts signed?

02:27:53 3 There were the normal bureaucratic delays
02:27:56 4 in connection with getting those contracts signed?

02:27:58 5 A Yeah.

02:27:58 6 Q And the *Daily News* picked up on those
02:28:00 7 bureaucratic delays and --

02:28:02 8 A No.

02:28:02 9 Q -- reported them; is that correct?

02:28:05 10 MS. ROHN: Objection. That's not even
02:28:06 11 a question.

02:28:07 12 THE DEPONENT: No.

02:28:08 13 MS. ROHN: That's your opinion.

02:28:10 14 BY MR. RAMES:

02:28:10 15 Q I said "Is that true?"

02:28:12 16 A No.

02:28:12 17 Q Okay. Did the *Virgin Islands Daily News*
02:28:17 18 report on the fact that Showtime was no longer going
02:28:20 19 to be carrying the event?

02:28:22 20 A No.

02:28:24 21 Q Do you recall anything specific in any of
02:28:26 22 the articles that were written about the boxing
02:28:29 23 match that were in any way false?

02:28:34 24 A Yeah. I think they reported that there
02:28:36 25 was never a heavyweight fight to take place. They

02:28:41 1 had reported that ESPN was not coming because they
02:28:49 2 called about specifics and they didn't get the kind
02:28:52 3 of response that they wanted. And that was not
02:28:55 4 true. The guy for ESPN did respond to them and tell
02:28:59 5 them that there is an existing agreement with Sugar
02:29:01 6 Ray Leonard, and Ray was moving one of his events to
02:29:06 7 the Virgin Islands. But that was never reported.

02:29:09 8 Q Well, the boxing match, though, was
02:29:12 9 originally intended to include the former
02:29:16 10 heavyweight champion, Peter Botha?

02:29:18 11 A Botha.

02:29:20 12 Q Who? Peter --

02:29:21 13 A Botha.

02:29:22 14 Q -- was the heavyweight former champion who
02:29:27 15 was initially supposed to be fighting in that event;
02:29:30 16 is that correct?

02:29:30 17 A I don't who is Peter. Who is Peter?

02:29:33 18 Q Well, perhaps I have the first wrong name.
02:29:37 19 His last name is Botha.

02:29:39 20 A Oh, oh. Okay, okay. Francois Botha.

02:29:42 21 Q Francois Botha, yes.

02:29:42 22 The former champion, Francois Botha was
02:29:45 23 supposed to be the heavyweight?

02:29:47 24 A Yeah.

02:29:47 25 Q And he was a former champion, correct?

02:29:50 1 A Yes.

02:29:51 2 Q And if my recollection is correct, the
02:29:53 3 headline for the final boxing match that went on was
02:29:58 4 "a pair of welterweights"; is that correct?

02:30:01 5 A I think so. I think they were
02:30:02 6 welterweights; I'm not sure.

02:30:07 7 Q Do you know anything else, other than what
02:30:09 8 you've just testified, that you believe was a false
02:30:11 9 statement by the *Daily News* in the stories regarding
02:30:14 10 the boxing match?

02:30:17 11 MS. ROHN: You have the stories to show
02:30:18 12 him so he could fully answer your question?

02:30:21 13 THE DEPONENT: I would have to refer to
02:30:23 14 the actual story itself and go through it line by
02:30:26 15 line again to identify all those erroneous
02:30:31 16 statements that they made.

02:30:34 17 BY MR. RAMES:

02:30:45 18 Q So other than those statements to which
02:30:48 19 you referred in your previous testimony, you cannot
02:30:55 20 indicate to me now any false statements that you
02:30:59 21 believe the *Daily News* made?

02:31:00 22 A I mean, there's several misstatements.
02:31:01 23 There is several erroneous statements that they
02:31:06 24 made, even from the editorial to newspaper articles
02:31:09 25 when they wrote the story about -- I think they

02:31:11 1 titled the story as -- I can't remember, but
02:31:16 2 "Donastorg soon will be on the street," or something
02:31:19 3 like that it started out in their article. That is
02:31:23 4 so far from the truth.

02:31:28 5 Q Did you ever complain to the *Daily News*
02:31:31 6 concerning the stories on some of the boxing events?

02:31:34 7 A Several times.

02:31:35 8 Q Did you ever put any complaint in writing?

02:31:37 9 A No.

02:31:38 10 Q And who did you complain to regarding the
02:31:38 11 stories --

02:31:40 12 A I called Tim McDonald. I had Sterling
02:31:42 13 call -- Sterling McPherson called Tim McDonald. I
02:31:46 14 called, at that time -- I forget the other
02:31:48 15 reporter's name. I never actually -- I think I may
02:31:53 16 have -- no. I might be wrong about this one. I
02:31:58 17 don't think I ever spoke to Lowe Davis personally.

02:32:02 18 Q Okay. You indicated that the *Daily News*
02:32:08 19 said that ESPN was not going to carry the story; is
02:32:14 20 that your testimony?

02:32:16 21 A They were not --

02:32:17 22 Q -- that they were not going to carry the
02:32:18 23 fight; is that your testimony?

02:32:18 24 A That they were not going to be here.

02:32:21 25 Q And at the time that the *Daily News*

02:32:22 1 carried this story, you did not yet have a contract
02:32:27 2 with them?

02:32:28 3 A No, they had a contract.

02:32:30 4 Q The contract with Sugar Ray Leonard?

02:32:33 5 A No, they had a contract. The Department
02:32:35 6 of Tourism and the Department of Justice executed
02:32:39 7 the agreement with Sterling McPherson, the promoter.
02:32:42 8 The promoter, having close ties to Sugar Ray
02:32:45 9 Leonard, and knowing the personnel at ESPN, was able
02:32:48 10 to work an agreement out with Sugar Ray Leonard to
02:32:48 11 give him one of his dates.

02:32:50 12 Q Okay. So at the time the story ran in the
02:32:53 13 *Virgin Islands Daily News*, all of these factors were
02:32:58 14 still coming together; is that not correct?

02:33:00 15 A No. Most of the stuff -- the major
02:33:02 16 components were already in place.

02:33:05 17 Q But --

02:33:05 18 A They created the uncertainty by suggesting
02:33:09 19 that there will not be a championship fight, there
02:33:12 20 would not be -- I mean, it was just so many
02:33:15 21 different things that just wasn't true.

02:33:18 22 Q All right. And were you or were you not
02:33:20 23 the primary sponsor of the legislation to bring a
02:33:26 24 boxing match here?

02:33:27 25 A Yes.

02:33:27 1 Q Did you or did you not, in the context of
02:33:36 2 that legislation, get \$300,000 dedicated from the
02:33:42 3 Tourism Revolving Fund?

02:33:44 4 A Well, I didn't get any money. I
02:33:47 5 identified -- but, I mean, it's the language --

02:33:51 6 Q No, I understand.

02:33:52 7 A I identified \$300,000 and requested that
02:34:00 8 they earmark that for what I considered to be a part
02:34:04 9 of marketing and packaging the Virgin Islands as a
02:34:08 10 potential destination for live sporting events
02:34:12 11 embarking on what we call sports tourism.

02:34:15 12 Q And the appropriation of \$300,000 by the
02:34:18 13 Tourism Revolving Fund for the purpose of this
02:34:21 14 boxing match was to advance sports tourism?

02:34:24 15 A Yes.

02:34:24 16 Q And was that your idea?

02:34:26 17 A Yes.

02:34:29 18 Q The Virgin Islands -- let me take a step
02:34:42 19 back.

02:34:42 20 You indicated that the *Virgin Islands*
02:34:48 21 *Daily News* indicated that ESPN was not going to
02:34:53 22 cover the story, and you contend that that statement
02:34:55 23 was false; is that correct?

02:34:57 24 A Yes.

02:34:57 25 Q Do you contend that there were any other

02:34:59 1 false statements in the story about the boxing
02:35:03 2 matches?

02:35:04 3 A Well, I need to see the article again. I
02:35:08 4 need to see the article again because, I mean,
02:35:09 5 you're asking me to remember articles dated all the
02:35:13 6 way back to perhaps 1998, coming straight forward in
02:35:17 7 this one deposition, and it's not the easiest thing
02:35:20 8 in the world to just remember every detail about a
02:35:25 9 particular incident.

02:35:28 10 Q I'm going to go to your Second Amended
02:35:31 11 Complaint, and I believe that you have that as one
02:35:34 12 of the prior marked exhibits.

02:35:37 13 A Which exhibit?

02:35:39 14 MS. ROHN: One.

02:35:39 15 THE DEPONENT: One? Okay.

02:35:40 16 BY MR. RAMES:

02:35:41 17 Q Exhibit Number 1.

02:35:44 18 First of all, I'd like to ask you why is
02:35:51 19 J. Lowe Davis a defendant in this action?

02:35:56 20 A Where is it?

02:35:58 21 Q Why did you sue Lowe Davis?

02:36:00 22 A Oh. Well, Lowe Davis was incorporated
02:36:04 23 because most of the articles that came out of
02:36:06 24 there -- I remember in my conversation with
02:36:11 25 Tim McDonald -- just in conversations with everyone,

02:36:06 1 there -- I remember in my conversation with
02:36:11 2 Tim McDonald -- just in conversations with everyone,
02:36:14 3 it kept leading right back to her.

02:36:18 4 Q So you earlier testified that all of these
02:36:22 5 reporters said to you or implied to you that Lowe
02:36:27 6 Davis didn't like you; is that correct?

02:36:29 7 A Uh-huh.

02:36:30 8 Q Okay. And you've just indicated to me
02:36:36 9 that the negative stories in the *Daily News*, you
02:36:40 10 believe they relate back to her; is that correct?

02:36:42 11 A Yes.

02:36:42 12 Q Okay. And is that why she's a defendant
02:36:45 13 in this action?

02:36:46 14 A Yeah.

02:36:46 15 Q So if my understanding of your statement
02:36:47 16 is correct, she is a defendant in this action in her
02:36:52 17 capacity as the Executive Editor of the *Daily News*;
02:36:55 18 is that correct?

02:36:55 19 MS. ROHN: I'm going to object. This
02:36:56 20 calls for legal conclusions.

21 BY MR. RAMES:

02:36:59 22 Q Have you had any dealings with J. Lowe
02:37:01 23 Davis outside of her capacity as the Executive
02:37:05 24 Editor of the *Daily News*?

02:37:07 25 A Wait. You're referring -- you're throwing

02:37:08 1 me off when you say J. Lowe Davis. "Lowe Davis" is
02:37:14 2 named as the defendant here.

02:37:15 3 Q I will call her "Lowe Davis," then.

02:37:16 4 A Thank you.

02:37:17 5 Q Have you had any dealings with Lowe Davis
02:37:19 6 outside of her capacity as Executive Editor of the
02:37:23 7 *Daily News*?

02:37:23 8 A No.

02:37:24 9 Q So all dealings with respect to this
02:37:26 10 Second Amended Complaint concerning Lowe Davis
02:37:29 11 acting in her capacity as Executive Editor of the
02:37:32 12 *Daily News*; is that correct?

02:37:35 13 A Yes, and taking a personal interest.

02:37:37 14 Q As we all do in our work; yes?

02:37:40 15 MS. ROHN: Objection --

02:37:40 16 THE DEPONENT: No.

02:37:41 17 BY MR. RAMES:

02:37:42 18 Q You take a personal interest in your work,
02:37:43 19 don't you?

02:37:45 20 A It depends. It could be described in two
02:37:47 21 different ways.

02:37:48 22 Q Would you like to describe it in two
02:37:51 23 different ways for me?

02:37:54 24 A When --

02:37:54 25 MS. ROHN: Objection. Wait, wait. He

02:37:55 1 just asked you if would like to. Would you like
02:37:58 2 to or not?

02:37:59 3 THE DEPONENT: Not really.

02:37:59 4 BY MR. RAMES:

02:38:00 5 Q You indicated that you could describe it
02:38:02 6 in two different ways. Could you please do so?

02:38:06 7 A You can make your business personal or you
02:38:10 8 can make it professional. So when you use the word
02:38:13 9 "personal," a personal interest in something, that
02:38:17 10 is a personal interest in something else and not
02:38:20 11 necessarily operations in your professional
02:38:24 12 capacity.

02:38:24 13 Q Okay. I'd like you to direct your
02:38:31 14 attention to Paragraph 14a, and that is on Page 3 of
02:38:35 15 the Second Amended complaint.

02:38:46 16 A Paragraph 14, which item?

02:38:48 17 Q A?

02:38:48 18 A A?

02:38:49 19 Q Yes. All right. Paragraph 14a indicates
02:38:53 20 that the Defendants have engaged in the following
02:38:58 21 tortuous activities.

02:39:00 22 A Uh-huh.

02:39:00 23 Q And you said:

02:39:01 24 "Offered bonuses if the recipients
02:39:03 25 would write derogatory stories about

02:39:08 1 Senator Donastorg."

02:39:08 2 Do you have any knowledge about specific

02:39:10 3 bonuses being paid?

02:39:11 4 A No.

02:39:12 5 Q Has any reporter told you he received a

02:39:14 6 bonus for writing a story about you?

02:39:17 7 A No.

02:39:18 8 Q Have you any evidence that the *Daily News*

02:39:23 9 offered reporters bonuses other than the statements

02:39:27 10 of Will Jones and Hal Hatfield?

02:39:30 11 A No.

02:39:31 12 Q Have you ever taken a record of any sort

02:39:36 13 of any statements made to you by Hal Hatfield about

02:39:40 14 bonuses?

02:39:41 15 A If I've taking any statements?

02:39:42 16 Q Any sort of a record or any sort of a

02:39:45 17 statement?

02:39:45 18 A Well, the day that he made the comment in

02:39:47 19 the Fort Christian Parking Lot, I sent my attorney

02:39:50 20 an email and provided her with the names and persons

02:39:54 21 who were present.

02:39:54 22 Q Have you ever taken any statements from

02:39:58 23 Mr. Will Jones regarding the offering of bonuses to

02:40:04 24 reporters?

02:40:04 25 A I just conveyed same to Attorney Rohn.

02:40:08 1 Q As you can see -- excuse me.
02:40:10 2 How did you convey this to Attorney Rohn?
02:40:14 3 A I think I sent her an email.
02:40:16 4 Q In Paragraph 14, as you can see, it
02:40:19 5 indicates generically "the Defendants." You see
02:40:23 6 that in the lead paragraph?
02:40:25 7 A Yeah.
02:40:25 8 Q When you talked in section a) about the
02:40:27 9 offering of reporters bonuses, which of the
02:40:30 10 defendants are you referring to?
02:40:31 11 A All of them. I look at them as one
02:40:33 12 entity --
02:40:34 13 Q So you're saying --
02:40:35 14 A -- VITELCO.
02:40:35 15 Q Is it your suggestion that ICC offered
02:40:39 16 bonuses?
02:40:39 17 A No. I believe VITELCO did, and all those
02:40:42 18 who were operating in a capacity and, in fact,
02:40:45 19 defending VITELCO.
02:40:49 20 Q Okay. Are you saying that VITELCO offered
02:40:51 21 the bonuses? Is that what you're saying?
02:40:54 22 A Yeah, because everything came as a result
02:40:58 23 of the position that I took against VITELCO.
02:41:00 24 Q Well, offering a bonus means -- what does
02:41:02 25 that mean to you?

02:41:05 1 A Offering a bonus means that they're
02:41:07 2 willing to provide some form of compensation or
02:41:10 3 benefits, whether it's free flights to the States
02:41:13 4 back and forth on VITELCO's aircraft or hotel
02:41:18 5 accommodations or maybe even a trip to Disney World
02:41:22 6 or just a bag of cash.

02:41:25 7 Q So some sort of a financial advantage or
02:41:28 8 some sort --

02:41:29 9 A Reward.

02:41:29 10 Q Some sort of financial reward?

02:41:31 11 A No. Reward, period.

02:41:33 12 Q Some sort of reward?

02:41:34 13 A Uh-huh.

02:41:35 14 Q So is it your suggestion that under 14a,
02:41:38 15 that the bonus or the reward was to come from
02:41:44 16 VITELCO; is that correct?

02:41:44 17 A Yeah, and its principals.

02:41:47 18 Q And who do you suggest, by virtue of your
02:41:51 19 answer, are its principals?

02:41:54 20 A Well, maybe I should rephrase that. It's
02:41:56 21 one principal, but the others would be those
02:42:02 22 individuals who were charged with responsibility of
02:42:06 23 defending VITELCO, which was employed, to the best
02:42:10 24 of my knowledge, by VITELCO and its principals
02:42:12 25 Holland Redfield, Lowe Davis, Ed Crouch.

02:42:22 1 Q Do you have any evidence to support your
02:42:28 2 contention that bonuses or rewards were offered
02:42:33 3 other than the statement that was made to you by
02:42:35 4 Will Jones and the statement that was made to you by
02:42:37 5 Hal Hatfield?

02:42:37 6 A No.

02:42:39 7 Q Section b), under Section 14:

02:42:41 8 "On June 12, 2001, printing a false
02:42:46 9 story that Senator Donastorg voted against
02:42:48 10 his own bill to reduce the size of the
02:42:51 11 Legislature."

02:42:52 12 Do you recall that story?

02:42:53 13 A Yeah.

02:42:54 14 Q And the vote that was taking place, was
02:42:55 15 that a vote on the floor of the Legislature or was
02:42:58 16 that a vote in Committee?

02:42:59 17 A I think it was a vote in a legislative
02:43:02 18 hearing.

02:43:03 19 Q Okay. And --

02:43:05 20 A Legislative session, if I'm not mistaken.

02:43:07 21 Q Do you recall who wrote that story?

02:43:09 22 A No.

02:43:10 23 Q Do you recall what happened after that
02:43:12 24 story was written?

02:43:13 25 A After?

02:43:14 1 Q After the story was written.

02:43:16 2 A I started receiving a lot of calls in my
02:43:18 3 office.

02:43:19 4 Q Receiving a lot of calls from?

02:43:21 5 A From constituents; people who supported
02:43:24 6 me; people who I considered to be my adversaries,
02:43:30 7 claiming "How could you vote against your own
02:43:32 8 initiative?"

02:43:35 9 Q And do you recall who the primary sponsor
02:43:45 10 was for that initiative?

02:43:46 11 A For the reduction of the Senate?

02:43:48 12 Q Yes.

02:43:49 13 A That was me.

02:43:50 14 Q That was yours?

02:43:51 15 A Yes.

02:43:51 16 Q Did you, in fact, vote against your own
02:43:53 17 bill to reduce the size of the Legislature in
02:43:57 18 Legislative Committee?

02:43:58 19 A No.

02:44:00 20 Q Did you ever inform the *Daily News* that
02:44:02 21 the story was, in fact, false?

02:44:04 22 A Yes.

02:44:04 23 Q And do you recall how you informed the
02:44:06 24 *Daily News*?

02:44:07 25 A I think I called up there at the time and

02:44:11 1 I spoke to the reporter. And I can't even remember
02:44:15 2 who the reporter was. If you show me the article, I
02:44:18 3 would remember. But I definitely know that I called
02:44:21 4 and told them, "Where did you get that information
02:44:23 5 from?" because it was a total, total
02:44:27 6 misrepresentation of the truth.

02:44:29 7 Q I'll show you the document marked for
02:44:32 8 purposes of examination as the exhibit next in line.

02:44:38 9 In fact, let me take a short break and
02:44:40 10 I'll make some copies. It will only take a minute.

02:44:44 11 (Pause in proceedings.)

02:44:46 12 BY MR. RAMES:

02:50:40 13 Q I want to take a slight step backwards to
02:50:44 14 the stories about the boxing match.

02:50:48 15 A Uh-huh.

02:50:49 16 Q You indicated that the *Daily News* printed
02:50:54 17 falsely when they wrote that ESPN was not going to
02:51:00 18 televise the match. Is that your testimony?

02:51:04 19 A I'm trying to -- can I have the benefit of
02:51:10 20 seeing the article?

02:51:11 21 Q I don't have the article.

02:51:13 22 A Well, there was -- I think what they said
02:51:25 23 was something about Showtime off the table, and they
02:51:29 24 tried to establish a level of uncertainty that was
02:51:34 25 not actually true.

02:51:35 1 Q Okay. So —

02:51:38 2 A Their stories were conflicting 'cause
02:51:40 3 we're saying ESPN indicated that they're coming to
02:51:43 4 the Virgin Islands, yet they don't think it's going
02:51:45 5 to happen.

02:51:46 6 Q All right. So when they indicated that
02:51:49 7 Showtime was no longer going to televise the event,
02:51:51 8 that was, in fact, a true statement?

02:51:54 9 MS. ROHN: Wait, wait, wait. I object
02:51:56 10 to the form of the question.

02:51:58 11 BY MR. RAMES:

02:51:58 12 Q When they said that Showtime .

02:51:59 13 -- Showtime did, in fact, back out of the
02:52:01 14 event; is that correct?

02:52:05 15 A I am not sure — yes, they did, but I'm
02:52:07 16 not sure whether it was attributed to the stories
02:52:10 17 that they were getting from the Virgin Islands or
02:52:13 18 from the lack of response on the part of the *Daily*
02:52:16 19 *News* — I mean on the part of Department of Tourism.

02:52:20 20 Q Yes, of course.

02:52:21 21 And as a result of Showtime backing out of
02:52:27 22 the event, that caused you to amend the legislation
02:52:31 23 to allow for —

02:52:33 24 A Uh-huh.

02:52:33 25 Q -- any network carrier; is that correct?

02:52:38 1 A Yes.

02:52:38 2 Q And by virtue of making that change, this
02:52:41 3 allowed ESPN to move forward with the telecast; is
02:52:46 4 that correct?

02:52:47 5 A Yes.

02:52:47 6 Q And when you indicated that the --
02:52:51 7 withdrawn.

02:52:58 8 You indicated that the *Daily News* left an
02:52:59 9 implication of uncertainty that was not true; is
02:53:04 10 that correct?

02:53:04 11 A Uh-huh.

02:53:04 12 Q And that is the falsity to which you
02:53:07 13 referred?

02:53:08 14 A Yeah. I think it was an affidavit filed
02:53:11 15 in the case by Mr. Sterling McPherson with regards
02:53:15 16 to the information that he provided to Tim McDonald,
02:53:19 17 which was totally different when the article was
02:53:22 18 written.

02:53:23 19 Q And do you have any information that
02:53:26 20 Timothy McDonald knew that that information was
02:53:31 21 incorrect?

02:53:32 22 A Mr. Tim McDonald apologized to
02:53:36 23 Mr. Sterling and indicated that it was not him.
02:53:39 24 They changed his story in-house.

02:53:41 25 Q Changed his story from what to what?

02:53:44 1 A What he had written. It was not in its
02:53:46 2 original form.

02:53:47 3 Q Do you recall anything about what was
02:53:49 4 originally written by Mr. McDonald or what was
02:53:55 5 published in the newspaper?

02:53:56 6 A We weren't concerned about what was
02:53:57 7 originally written by Mr. McDonald; we were
02:54:00 8 concerned about the article that was printed in
02:54:04 9 paper that did not accurately represent what
02:54:07 10 Mr. Sterling provided.

02:54:10 11 Q Okay. Are you saying you do or you do not
02:54:13 12 recall the specifics of that?

02:54:14 13 A I never saw Mr. Tim McDonald's original
02:54:17 14 writing. We were just going based on what he
02:54:20 15 conveyed to Mr. Sterling.

02:54:22 16 Q So what information are you contending
02:54:23 17 that Sterling gave to Tim McDonald that was not
02:54:28 18 properly covered in a newspaper?

02:54:30 19 A I believe it's in an affidavit filed by
02:54:33 20 Mr. Sterling McPherson.

02:54:42 21 Q So your testimony is -- excuse me --
02:54:43 22 withdrawn.

02:54:45 23 Are you saying that Mr. McDonald knew that
02:54:52 24 the information that was in the *Daily News* article
02:54:56 25 was incorrect?

02:54:58 1 A Yes.

02:54:59 2 Q And what is your evidence to support that?

02:55:05 3 A The affidavit that was filed by

02:55:06 4 Mr. Sterling McPherson, based on the statement that

02:55:10 5 Tim McDonald gave him, Mr. McDonald was quite clear

02:55:14 6 in what he explained to him, that Lowe Davis and the

02:55:16 7 *Daily News* do not care for this guy, and this is why

02:55:19 8 the stories are being tainted the way they are.

02:55:23 9 Q And what is your -- tell me how the

02:55:26 10 stories were being tainted.

02:55:29 11 A In many different ways, starting with the
02:55:32 12 event, the uncertainty with the event; starting with

02:55:36 13 information that they claimed that they had pursued

02:55:40 14 and extracted from ESPN and the relationship between

02:55:44 15 Sugar Ray Leonard and ESPN; just different things.

02:55:49 16 Q Okay. And I don't want to belabor this
02:55:53 17 point, but if my understanding is correct, you have

02:55:55 18 two concerns arising from the boxing stories.

02:55:59 19 MS. ROHN: Objection to form.

02:56:00 20 He can't answer whether your understanding
02:56:03 21 is correct or not.

02:56:04 22 BY MR. RAMES:

02:56:05 23 Q You have expressed two concerns arising

02:56:07 24 from the boxing stories, the first one concerning

02:56:10 25 whether or not ESPN was actually going to cover it,

02:56:12 1 and the second one was an implication of uncertainty
02:56:19 2 concerning the event by the *Daily News*; is that
02:56:21 3 correct?

02:56:21 4 A No. Those are the two that I highlight,
02:56:26 5 but as I indicated earlier, without the benefit of
02:56:30 6 having the articles in front of me that you're
02:56:32 7 referencing -- or the stories that you're
02:56:35 8 referencing, I don't think -- it's in fairness to me
02:56:38 9 that you grant me the opportunity to accurately
02:56:41 10 response.

02:56:42 11 Q So those are the two that you do recall?

02:56:45 12 MS. ROHN: Object to the form. He said
02:56:46 13 he needs the article --

02:56:46 14 BY MR. RAMES:

02:56:47 15 Q And those are the only two that you recall
02:56:49 16 at this time, sir?

02:56:50 17 A No. There's more than that, from
02:56:52 18 editorials right up to articles that was written by
02:56:55 19 reporters.

02:56:56 20 Q I'm speaking specifically about the
02:56:57 21 boxing --

02:56:58 22 A The boxing event? I think it was three
02:57:00 23 articles written about that. It might be four, but
02:57:03 24 when I have the benefit -- if I have the benefit of
02:57:06 25 seeing it and reviewing it, I could tell you exactly

02:57:09 1 in that document what was erroneous or inaccurate.

02:57:13 2 Q But as we're sitting here, the only thing
02:57:15 3 that you remember is the things that you've been
02:57:17 4 testifying to?

02:57:18 5 A Well, it's a general statement that I made
02:57:20 6 with respect to the boxing event. If I say
02:57:23 7 uncertainty, uncertainty could involve several
02:57:29 8 things.

02:57:30 9 (Defendants' Exhibit 8 marked for identification.)

02:57:30 10 BY MR. RAMES:

02:57:31 11 Q Okay. I'd like to show you a document
02:57:34 12 that's been marked for the purposes of this
02:57:37 13 examination as Defendants' next in line.

02:57:49 14 And I'll ask you if you're familiar with
02:57:53 15 that document? Are you familiar with that document?

02:58:09 16 A "Legislation reduction on agenda for Rule
02:58:20 17 Committees." I vaguely remember this.

02:58:22 18 Q I'd like to direct your attention to the
02:58:25 19 beginning of the last paragraph, in the middle.

02:58:29 20 A The middle column, the end of the second
02:58:31 21 paragraph?

02:58:32 22 Q The beginning of the partial third, as you
02:58:34 23 can see, where it starts with "Ironically."

02:58:40 24 A Yes.

02:58:40 25 Q "Ironically, Donastorg voted no on his own

02:58:44 1 bill."

02:58:45 2 Is this the false reference --

02:58:51 3 A Yes.

02:58:51 4 Q -- that you previously testified to?

02:58:53 5 A Yes.

02:58:53 6 Q Okay. And I note that the "By" line's
02:58:56 7 Hal Hatfield.

02:58:57 8 You indicated earlier that you spoke to
02:58:59 9 the reporter after this article, expressing your
02:59:02 10 concern about it; is that correct?

02:59:04 11 A Yes.

02:59:04 12 Q And does this refresh your recollection
02:59:06 13 that it was Mr. Hal Hatfield that you spoke to?

02:59:09 14 A Yeah, I think it was Hal Hatfield that I
02:59:11 15 spoke to.

02:59:12 16 Q Okay. And --

02:59:15 17 A He apologized to me, by the way.

02:59:17 18 Q Okay. Did he explain how the article
02:59:21 19 occurred?

02:59:26 20 A I remember vaguely him saying something
02:59:29 21 about, "Well, you know, actually, the information
02:59:33 22 was provided by a staffer of the Legislature," and
02:59:40 23 something else. And then I proceeded to ask him who
02:59:45 24 was the staffer. He was never able to provide a
02:59:50 25 source.

02:59:52 1 And then I started to conclude, and I
02:59:56 2 started to indicate to him that I have some serious
02:59:59 3 concerns with this newspaper and their biasness
03:00:04 4 toward me; and for him to make such a major mistake
03:00:07 5 like this, it's an attempt to really diminish my
03:00:13 6 position in the eyes of this community.

03:00:15 7 Q And is it your testimony, then, that you
03:00:17 8 believe that this was an intentional act?

03:00:21 9 A I think so.

03:00:30 10 Q At the time you brought this matter to a
03:00:37 11 vote, were you chairman of that committee?

03:00:40 12 A No. I don't think so. I think the
03:00:44 13 chairman of the committee was Senator Dowe.

03:00:47 14 If you read it, it says right there on the
03:00:50 15 first line, "Senate Rules Committee Chairman Carlton
03:00:53 16 Dowe has added the controversial legislation to
03:00:58 17 reduce the size of the legislature." It's right
03:00:59 18 there.

03:00:59 19 Q Okay. "To his committee's agenda." Okay.

03:01:02 20 I'm looking at the middle column where it
03:01:04 21 says, "The Government Operations, Planning and
03:01:07 22 Environmental Protection Committee, passed the bill
03:01:09 23 on a 3 to 1 vote."

03:01:12 24 A Which was chaired by another chair.

03:01:14 25 Q That was chaired by someone else, not by

03:01:16 1 you; is that correct?

03:01:17 2 A Yeah. I think it was chaired by -- if you
03:01:20 3 read the article, it says, "while three senators who
03:01:23 4 oppose the bill - Committee Chairman Donald Cole."

03:01:26 5 Q Okay. All right. Thank you.

03:01:28 6 (Defendants' Exhibit 9 marked for identification.)

03:01:28 7 BY MR. RAMES:

03:01:29 8 Q And I'd like to mark for your
03:01:42 9 consideration a document, Defendants' Exhibit 9,
03:01:44 10 and. I'll ask you if you're familiar with this
03:01:57 11 document?

03:01:58 12 And I'm making specific reference to the
03:02:00 13 "Setting the record straight" section that's in a
03:02:05 14 box on the lower right-hand corner.

03:02:07 15 MS. ROHN: The one you need a
03:02:09 16 magnifying glass to read?

03:02:11 17 MR. RAMES: I have a slightly larger
03:02:13 18 version here if you'd like to see it.

03:02:16 19 MS. ROHN: Did you give that slightly
03:02:18 20 larger version to people who were supposed to
03:02:21 21 read this?

03:02:26 22 MR. RAMES: Are you having difficulty
03:02:27 23 reading this or are you just talking about--

03:02:29 24 MS. ROHN: I would say that the world
03:02:30 25 would have difficulty reading this.

03:02:32 1 (Defendants' Exhibit 10 marked for identification.)

03:02:32 2 MR. RAMES: Okay. Let me then mark
03:02:33 3 this as the next exhibit in line, which is a
03:02:37 4 slightly larger version of that same document.

03:02:40 5 BY MR. RAMES:

03:03:04 6 Q The reason I gave you a smaller version is
03:03:07 7 because it has the date on it, Thursday, June 14,
03:03:12 8 2001.

03:03:15 9 A Okay.

03:03:18 10 Q Did you ever, before today, see this
03:03:20 11 correction to the record indicating that the *Daily*
03:03:25 12 *News* had made a mistake in recording that you voted
03:03:28 13 against your own bill?

03:03:32 14 A I had heard of it. I never actually saw
03:03:35 15 it.

03:03:35 16 In fact, a couple constituents said they
03:03:39 17 called the office and said they were truly
03:03:42 18 disappointed that an issue carrying such
03:03:46 19 significance and such a controversial tone, the
03:03:54 20 initial article that was written, that I voted
03:03:56 21 against my initial initiative.

03:03:58 22 For them to put an apology this small in
03:04:01 23 the paper was obviously -- seems as though it was
03:04:03 24 intended to maliciously craft the minds of people
03:04:08 25 against me and cast me in a negative light.

03:04:11 1 Q So your suggestion -- your testimony is
03:04:16 2 that a correction of an error concerning you would
03:04:21 3 cast you in a negative light?

03:04:23 4 MS. ROHN: Objection to quantitating it
03:04:25 5 as an error when he's testified that it was
03:04:28 6 intentional.

03:04:31 7 MR. RAMES: Okay.

03:04:32 8 THE DEPONENT: I felt that it was, in
03:04:33 9 fact, a malicious act on the part of the *Daily*
03:04:37 10 *News* to write an article that commanded such
03:04:42 11 attention, to then put a correction that did not
03:04:45 12 command any kind of attention.

03:04:47 13 BY MR. RAMES:

03:04:59 14 Q In your Complaint at Page 3, Paragraph
03:05:03 15 14c, it says:

03:05:06 16 "The *Daily News* engaged in the
03:05:10 17 following tortuous activity: Refusing to
03:05:13 18 retract the false story even when
03:05:16 19 Defendants knew the story was false."

03:05:18 20 That is, in fact, incorrect, is it not?

03:05:21 21 A That's not true. I spoke in general
03:05:22 22 terms. There's a lot of other misinformation
03:05:26 23 provided to the public and never retracted.

03:05:29 24 Q It does not say "many false stories,"
03:05:31 25 Does it? It says "the false story."

03:05:35 1 MS. ROHN: Objection; argumentative.

11:00:00 2 BY MR. RAMES:

03:05:36 3 Q Does it not say "the false story?"

03:05:36 4 A That's correct.

03:05:37 5 Q And when you say "the false story," you're

03:05:40 6 referring to a single false story; is that correct?

03:05:43 7 A Yes.

03:05:43 8 Q And it follows, section b, which has the

03:05:45 9 word "false story" in it; is that correct?

03:05:48 10 A Yes.

03:05:48 11 Q So is the false story in "b" the same

03:05:52 12 false story referred to in "c"?

03:05:54 13 A Question?

03:05:57 14 Q Is the false story in "b" the same story

03:05:59 15 referred to in "c"?

03:06:00 16 A Yes.

03:06:01 17 Q But, in fact, the *Daily News* did retract

03:06:04 18 the June 12, 2001 story, did it not?

03:06:09 19 A I wouldn't say they retracted the story.

03:06:11 20 In fact, there's nothing in this "Setting the record

03:06:17 21 straight" that suggests that they were retracting a

03:06:19 22 story; it is just correcting the content of a story,

03:06:24 23 so they never actually retracted it. And I

03:06:27 24 requested that they retract the entire story.

03:06:32 25 Q You requested in your telephone

03:06:33 1 conversation with Hal Hatfield --

03:06:35 2 A That's correct.

03:06:36 3 Q -- that they retract the entire story?

03:06:38 4 A Yes, and write another story that was fair
03:06:41 5 to me, accurate, and command the attention of the
03:06:44 6 public.

03:06:44 7 Q Is there any aspect of the story other
03:06:46 8 than that which is corrected here that is incorrect,
03:06:53 9 misleading or false?

03:06:56 10 A I was not concerned about the entire
03:06:58 11 article; I was concerned about the section in the
03:07:02 12 article that attacked me. And I felt that in order
03:07:06 13 for the article to be fair reporting, that it needed
03:07:11 14 to include a fair assessment of what actually took
03:07:16 15 place. So it would only be that they would retract
03:07:18 16 it by providing the equivalent, not setting the
03:07:23 17 record straight.

03:07:24 18 Q Okay. So your concern is not whether they
03:07:27 19 retracted the story, but how they did it? That's
03:07:32 20 your concern?

03:07:32 21 A I felt that in all fairness, because
03:07:35 22 they've been quite bias, that the least they could
03:07:38 23 have done was to write a story over, and within that
03:07:43 24 story, put in the correct information.

03:07:49 25 Q If my understanding of your suggestion is

03:07:51 1 correct, you're suggesting that the *Virgin Islands*
03:07:53 2 *Daily News* rewrite this story but with the
03:08:02 3 correction that you did not vote against the bill?
03:08:11 4 A Can you repeat that?
03:08:13 5 Q Your suggestion is that the *Daily News*
03:08:15 6 rewrite this story but with the correct information
03:08:20 7 about your vote?
03:08:22 8 A Yeah.
03:08:22 9 Q Okay. And you believe that that would be
03:08:26 10 a more proper --
03:08:29 11 A That is a retraction.
03:08:31 12 Q -- response?
03:08:32 13 A That is a retraction.
03:08:33 14 Q So you believe that that would be a more
03:08:35 15 proper response than the "Setting the record
03:08:37 16 straight" response that you have on June 14, 2001 --
03:08:40 17 A Yes, that we can hardly read.
03:08:42 18 Q I understand, but I need to finish my
03:08:44 19 question.
03:08:45 20 A Uh-huh.
03:08:45 21 Q You think that it would be a proper
03:08:47 22 response than the "Setting the record straight" box
03:08:49 23 in June 14, 2001?
03:08:51 24 A Uh-huh.
03:08:53 25 Q Yes?

03:08:53 1 A Yes.

03:08:54 2 Q Okay. Thank you.

03:09:09 3 Under 14d --

03:09:12 4 A D?

03:09:14 5 Q Under 14, section d, Page 3 of your Second

03:09:18 6 Amended Complaint, it indicates that the Defendants

03:09:20 7 have engaged in the following tortuous activity:

03:09:24 8 "Threatening to run personal stories

03:09:26 9 about Senator Donastorg unless 'a positive

03:09:29 10 working relationship' can be obtained."

03:09:32 11 Where did the words "positive working

03:09:36 12 relationship" come from?

03:09:37 13 A I think that was originated from

03:09:38 14 John Tutein when he came to my office and offered if

03:09:41 15 I would lay off a VITELCO, he offered to build a

03:09:45 16 library on the East End through my efforts.

03:10:01 17 Q You've been engaged in litigation

03:10:05 18 concerning the various banks in the territory that

03:10:11 19 provided information for the investigative report;

03:10:13 20 is that correct?

03:10:14 21 A Yeah. Uh-huh.

03:10:15 22 Q And all of the banks that are referred to

03:10:18 23 in the investigative report are also defendants in

03:10:21 24 that action; is that correct?

03:10:23 25 A Yes.

03:10:23 1 Q And you have been engaged in the pretrial
03:10:28 2 procedures, including Discovery and things of that
03:10:30 3 nature --
03:10:31 4 A Yes.
03:10:31 5 Q -- in connection with that matter; is that
03:10:32 6 correct?
03:10:33 7 A Yes.
03:10:33 8 Q And you've also been engaged in Discovery
03:10:35 9 in this matter; is that correct?
03:10:38 10 A Yes.
03:10:40 11 Q I direct your attention, please, to your
03:10:42 12 Voluntary Disclosure Pursuant to Rule 26 provided to
03:10:53 13 the *Daily News* on June 1st of 2002.
03:11:01 14 And I want to mark this as Defendants'
03:11:03 15 next in line, please. Thank you.
03:11:05 16 (Defendants' Exhibit 11 marked for identification.)
03:11:05 17 BY MR. RAMES:
03:11:22 18 Q First, I'd like to direct your attention
03:11:26 19 to the document, third from the back, Adlah
03:11:30 20 Donastorg's 11.
03:11:39 21 A Yeah.
03:11:40 22 Q No, I don't think that's the third from
03:11:40 23 the back.
03:11:43 24 A You said "11."
03:11:44 25 Q Yeah, it says "AD 11" at the bottom.

03:11:47 1 A Yes.

03:11:48 2 Q Is it not in fact the case that at least

03:11:50 3 in June of 2002 you had the correction to the --

03:11:55 4 MS. ROHN: Please, this isn't signed by

03:11:57 5 him. It's signed by Pamela Colon.

01:00:00 6 BY MR. RAMES:

03:12:01 7 Q -- your counsel had the correction to the

03:12:06 8 June 12, 2001 letter in counsel's possession?

03:12:11 9 A Okay. You got me a little confused

03:12:13 10 because you mentioned "2002."

03:12:15 11 Q Excuse me. 2001.

03:12:16 12 A Okay.

03:12:17 13 Q Excuse me. 2002 is the date of the

03:12:19 14 document.

03:12:19 15 A Oh. Okay.

03:12:21 16 Q So at least by June 1st of 2002, your

03:12:24 17 counsel had possession --

03:12:26 18 A Yes.

03:12:26 19 Q -- of the document correcting the

03:12:30 20 June 12th story?

03:12:31 21 A Uh-huh.

03:12:32 22 Q Okay. I'd like to direct your attention,

03:12:37 23 please, to the item Bates stamped AD 004, and that's

03:12:53 24 the seventh document in the package.

03:12:56 25 A Yeah.

03:12:57 1 Q And I'm sorry if this appears somewhat
03:13:00 2 muddled; this is the way we received it.

03:13:04 3 Do you recall this letter?

03:13:12 4 MS. ROHN: Is this the letter that's
03:13:14 5 three pages from Lowe Davis?

03:13:15 6 BY MR. RAMES:

03:13:16 7 Q That is the letter that is three pages,
03:13:17 8 signed by Lowe Davis, on AD 006.

03:13:21 9 Do you recall receiving that letter?

03:13:23 10 A Yeah.

03:13:25 11 Q I'm going to call your attention --

03:13:26 12 A I can't see everything in the letter, so
03:13:29 13 I --

03:13:34 14 Q Okay. And do you recall why this letter
03:13:36 15 was prepared and delivered to you?

03:13:39 16 A Huh?

03:13:41 17 Q Do you recall why this letter was prepared
03:13:43 18 and delivered to you?

03:13:44 19 A I'm trying to remember exactly what it is
03:13:46 20 that prompted this, but I think --

03:13:49 21 And this is one party that I totally
03:13:51 22 forgot. Susanna Henighan, I can vaguely remember.

03:13:58 23 But I do remember ICC sending me a
03:14:02 24 letter -- it was the *Daily News*, addressed to me,
03:14:07 25 and it had to Nicole Bollentini and Susanna

03:14:12 1 Henighan, and some stuff that was provided to me.

03:14:17 2 Q This letter appears to relate to the story
03:14:19 3 regarding Frandelle Gerard and Caneel Bay.

03:14:24 4 Do you recall the story regarding
03:14:25 5 Frandelle Gerard and Caneel Bay?

03:14:28 6 A Vaguely.

03:14:32 7 Q I'd like to direct your attention to both
03:14:42 8 the first paragraph and the last paragraph, in which
03:14:45 9 it says that Lowe Davis hopes that we can forge a
03:14:54 10 better working relationship between your office and
03:14:57 11 ourselves. That's in the first paragraph.

03:14:59 12 A Uh-huh.

03:14:59 13 Q And in the last paragraph it says:

03:15:04 14 "Please let me know what steps I can
03:15:06 15 take to make sure effective productive
03:15:09 16 communications with your office" --

03:15:10 17 Is that where the statement "positive
03:15:15 18 working relationship" came from?

03:15:19 19 A I don't think so. I go as far back as to
03:15:23 20 John Tutein, in his official capacity representing
03:15:28 21 VITELCO, that he used the phrase, you know, "working
03:15:30 22 relationship" at that time in trying to coerce or --
03:15:35 23 how should I say? -- influence me in to doing what
03:15:44 24 VITELCO needed, not really highlighting any of
03:15:49 25 their, what I considered to be unethical business

03:15:52 1 practices, and that they would build a library
03:15:55 2 through my efforts.

03:15:57 3 Q Did Mr. John Tutein indicate that unless
03:16:01 4 this positive working relationship can be obtained,
03:16:04 5 there would be personal stories run about you?

03:16:13 6 A He kind of. I mean, there was different
03:16:16 7 ways for me to interpret his approach and different
03:16:19 8 ways for me to interpret his comments during our
03:16:22 9 dialogue.

03:16:24 10 The impression that I got from what he was
03:16:26 11 saying is that, you know, "Look, the man is willing
03:16:31 12 to work with you, and we want a good relationship
03:16:35 13 with you, you know, but understand that if they have
03:16:43 14 to respond and they have to respond to some of the
03:16:45 15 things, I need to be cautious."

03:16:48 16 Q Okay. So did anyone else other than
03:16:58 17 John Tutein threaten to run personal stories about
03:17:05 18 you unless a positive working relationship could be
03:17:07 19 obtained?

03:17:09 20 A I'd have to say outside of all the people
03:17:29 21 that I mentioned.

03:17:33 22 Q And when you say all the people that you
03:17:35 23 mentioned, are you talking about the --

03:17:37 24 A My conversation with Hal Hatfield, my
03:17:39 25 conversation with -- what's his name? I keep

03:17:44 1 forgetting his name, Drake or Lake or --

03:17:47 2 Q Lance Rake?

03:17:48 3 A -- Lance Rake, with Jones.

03:17:51 4 Q Okay. Let me go back, if I can, to those

03:17:55 5 statements, because if my recollection of your

03:17:58 6 testimony is correct, you said that the statements

03:18:03 7 by those reporters and by the people who were

03:18:08 8 employees of the *Daily News*, but not reporters, was

03:18:11 9 that Lowe Davis didn't like you.

03:18:14 10 A I didn't say that those statements

03:18:16 11 represented the entire conversation, because if we

03:18:18 12 went based on those statements I provided you with,

03:18:21 13 that would mean our conversation constituted or --

03:18:24 14 not constituted -- but translated to a few seconds

03:18:28 15 of conversation.

03:18:29 16 Q Okay.

03:18:30 17 A Now, if you ask me what they said in its

03:18:32 18 entirety. You asked me whether or not they

03:18:34 19 insinuated or said anything to that effect, so I

03:18:38 20 gave you that one particular statement.

03:18:40 21 Q I think we went a little bit beyond that

03:18:42 22 when we talked about Will Jones and about Mr. Hal

03:18:44 23 Hatfield. You raised the issue of them saying that

03:18:49 24 bonuses would be paid --

03:18:51 25 A Uh-huh.

03:18:51 1 Q — or rewards would be given if negative
03:18:54 2 stories were written?

03:18:56 3 A Yeah.

03:18:56 4 Q And so that's a little bit beyond the
03:18:58 5 issue of how Ms. Davis feels about you; is that
03:19:01 6 correct?

03:19:02 7 A No, not necessarily. During the dialog
03:19:05 8 that I've had with those individuals, or all the
03:19:08 9 individuals that expressed anything about the *Daily*
03:19:09 10 *News*, Lowe Davis came up quite often. It goes as
03:19:14 11 far back as to an editorial being written where -- I
03:19:19 12 don't know if Lowe Davis was in there at that time,
03:19:21 13 but I believe it was on the transition of Ms. Penny
03:19:29 14 Feuerzeig leaving and somebody new coming in.

03:19:32 15 Q Was there any suggestion in your
03:19:33 16 conversation with Sherrimae (as stated) Francis that
03:19:39 17 particular stories would be written about you?

03:19:42 18 A No -- just that they know and recognize
03:19:46 19 that they don't like me in the *Daily News* because of
03:19:49 20 the position that I took against VITELCO.

03:19:53 21 Q Was there any suggestion in the statements
03:19:54 22 by Tija Daley that specific stories would be written
03:19:59 23 about you?

03:20:01 24 A Just that she said that they are bias
03:20:03 25 towards me, so I can expect that, you know, some

03:20:07 1 negative stories are going to come to light.

03:20:10 2 Q And was there any suggestion in your
03:20:12 3 conversations with Lance Rake that they would be
03:20:17 4 writing specific negative stories?

03:20:20 5 A Specific negative stories, I cannot tell
03:20:22 6 you because I was not a part of the planning
03:20:24 7 process.

03:20:25 8 Q Was there any suggestion in your
03:20:26 9 conversations with Timothy McDonald that specific
03:20:29 10 negative stories were going to be written about you?

03:20:32 11 A Yes. He indicated to Mr. Sterling
03:20:38 12 McPherson that the article that was written was not
03:20:41 13 a true representation of what he wrote.

03:20:47 14 Q You're aware that Mr. Tim McDonald has
03:20:51 15 filed an action against the *Daily News*?

03:20:53 16 A No.

03:20:53 17 Q In that action he refers to an
03:21:00 18 unauthorized edit by Lowe Davis on one story; I
03:21:05 19 believe it was the May 30th story in the year of the
03:21:09 20 fight.

03:21:11 21 Do you have any knowledge as to whether or
03:21:14 22 not Mr. McDonald was referencing one edit that he
03:21:25 23 had a problem with or more than one edit that he had
03:21:28 24 a problem with?

03:21:29 25 A The only thing that I could represent to

03:21:31 1 you is that Sterling McPherson was the one person
03:21:34 2 that told me back then at the point that
03:21:38 3 Mr. Tim McDonald had collaborated on that article,
03:21:42 4 that he indicated to him that his story was
03:21:45 5 manipulated, and it was manipulated to make sure
03:21:49 6 that it had a negative tone or a bias position
03:21:53 7 towards me, and that it was Lowe Davis that had
03:21:56 8 something against me, and she was the one that made
03:22:01 9 the change.

03:22:01 10 Q Okay. And in your conversations with
03:22:03 11 Billy Shields, did he speak to you about any
03:22:06 12 specific negative article that could be run about
03:22:10 13 you?

03:22:10 14 A No. I think back then I recall Billy
03:22:14 15 Shields may have mentioned -- they were not at
03:22:24 16 liberty -- they didn't feel a comfort zone in
03:22:27 17 conveying to me more details than they had provided
03:22:30 18 me with.

03:22:35 19 Q Okay. So what you're saying is they
03:22:37 20 provided you limited details because they were
03:22:39 21 uncomfortable; is that a correct representation?

03:22:42 22 A Well, for fear, because, I mean, after
03:22:45 23 all, when you're employed by a person who owns the
03:22:50 24 telephone company, owns the newspaper, owns all
03:22:52 25 these different conglomerates and, of course, have

03:22:55 1 been able to manipulate a system in getting what
03:22:59 2 they want, they had reason to have fear. They
03:23:02 3 couldn't go to the Attorney General's Office; they
03:23:04 4 couldn't go anywhere.

03:23:15 5 Q So if we go back to Section 14d of your
03:23:20 6 Second Amended complaint:

03:23:23 7 "Threatening to run personal stories
03:23:27 8 about Senator Donastorg unless 'a positive
03:23:29 9 working relationship' could be obtained."

03:23:32 10 What you're referring to here is
03:23:36 11 statements made by John Tutein to you?

03:23:43 12 A That's how it was originated. That's
03:23:44 13 where I first heard it.

03:23:46 14 Q And did you hear it from anyone else
03:23:48 15 subsequent to that?

03:24:05 16 A I think Redfield may have once mentioned
03:24:06 17 to me while we were on the floor of the Legislature
03:24:11 18 about being careful with, you know, the comments
03:24:14 19 that I'm making.

03:24:18 20 Q And what did you take that to mean?

03:24:20 21 A It was a little more in-depth than that.
03:24:22 22 I think what I took it to mean is exactly what he
03:24:25 23 was saying, you know, that the newspaper is there --

03:24:32 24 Q And what --

03:24:34 25 A -- and that they would write a negative

03:24:37 1 article on me if I continued to question the
03:24:40 2 operation of the company.

03:24:42 3 Q And did that dissuade you from doing your
03:24:45 4 job as a Senator?

03:24:46 5 A Most definitely not. It was around the
03:24:50 6 same period that I was questioning Redfield's motive
03:24:53 7 apparatus, (as stated) why he had assumed such an
03:24:58 8 active role in pushing an initiative that clearly
03:25:03 9 provided tax benefits for entities that was owned by
03:25:07 10 one person, which was VITELCO, and the only bank in
03:25:10 11 the Virgin Islands that have tax exemptions is
03:25:14 12 Community Development Bank.

03:25:17 13 Q When you talked about this special
03:25:20 14 legislation that Mr. Redfield was advancing, are you
03:25:23 15 speaking about what was euphemistically known as the
03:25:28 16 Prosser bill?

03:25:29 17 A No. I'm speaking of the reform of the EDC
03:25:32 18 program, because at the time both Innovative
03:25:37 19 Telephone, by law -- Innovative Telephone or V.I.
03:25:42 20 Community Bank were not qualified or were not
03:25:47 21 recognized as an entity to be eligible for tax
03:25:52 22 benefits. The tax benefit or the certificates was
03:25:59 23 passed outside of the law, so they found a need to
03:26:02 24 revisit the situation by offering special interest
03:26:05 25 legislation to legitimize what was already legal.

03:26:10 1 Q To legitimize what was what?

03:26:12 2 A What was illegal.

03:26:15 3 Q And what was it that was illegal that was

03:26:17 4 being legitimized by virtue of that bill?

03:26:23 5 A There was no way in the law that provided

03:26:27 6 for a telephone company or even a banking

03:26:30 7 institution to qualify for tax exemptions.

03:26:35 8 Q Excuse me. There is no subsection, to

03:26:38 9 your knowledge, in the EDC law that refers to

03:26:42 10 telecommunications?

03:26:43 11 A No. I think what they were trying to --

03:26:45 12 they were trying to interpret that the EDC program

03:26:49 13 had flexibility and they could utilize or use

03:26:53 14 discretion.

03:26:55 15 Q By virtue of this legislation to which

03:26:58 16 you're referring to?

03:26:59 17 A No. Initially when they granted the

03:27:02 18 certificate to the entities, but there was nothing

03:27:04 19 in the law that provided for tax exemptions.

03:27:09 20 Q So your suggestion is that --

03:27:11 21 A So they used discretion.

03:27:12 22 Q So your suggestion is that

03:27:14 23 Senator Redfield was trying to backstop that

03:27:16 24 decision that had previously been made?

03:27:19 25 A No. Senator Redfield was trying to

03:27:20 1 provide legislation to legitimize what was already
03:27:26 2 wrong.

03:27:26 3 (Defendants' Exhibit 12 marked for identification.)

03:27:26 4 BY MR. RAMES:

03:27:27 5 Q I'd like to show you a document that will
03:27:30 6 be marked for purposes of the examination as
03:27:33 7 Defendants' next in line. And I'm sorry, but this
03:27:35 8 is small print again. To the extent that there's
03:27:39 9 anything you can't read, I think my glass is strong
03:27:42 10 enough to help you.

03:28:18 11 Can you make out that document?

03:28:23 12 A I'm trying to read it. I can't really
03:28:25 13 read the content, but I know it had something to do
03:28:28 14 with the Director of the IDC at that time, which is
03:28:33 15 now the EDC, using her position to, what I consider,
03:28:38 16 to force beneficiaries or a particular beneficiary
03:28:45 17 in to donating to a cause that she had total control
03:28:49 18 over organization.

03:28:52 19 Q Okay. When you say it's a cause that she
03:28:55 20 had total control over, if my recollection is
03:29:02 21 correct, it was a community foundation; is that
03:29:05 22 correct?

03:29:06 23 A That's correct.

03:29:06 24 Q Okay. And they were executives of the
03:29:09 25 community foundation, as well as Frandelle Gerard

03:29:13 1 being --

03:29:14 2 A Yeah. Yeah.

03:29:15 3 Q -- Director of the IDC?

03:29:17 4 A Yeah.

03:29:18 5 Q You believe that was a conflict of

03:29:20 6 interest?

03:29:21 7 A I feel so.

03:29:21 8 Q And you brought that conflict of interest

03:29:23 9 to light?

03:29:24 10 A Yeah.

03:29:31 11 Q Is there anything about this story that is

03:29:32 12 false?

03:29:36 13 A I think the way the story was written, I

03:29:38 14 understand that this came on the heel of me accusing

03:29:42 15 Ms. Frandelle Gerard of trying to cover a situation

03:29:48 16 with VITELCO.

03:29:51 17 The act of integration consolidation was

03:29:54 18 totally illegal, and Frandelle Gerard actually

03:30:00 19 developed a communication, which was done subsequent

03:30:03 20 to the act of the integration consolidation for the

03:30:07 21 purpose of protecting VITELCO. So, of course, the

03:30:11 22 *Daily News*, knowing that -- the *Daily News* and

03:30:17 23 VITELCO knowing this, decided that whatever articles

03:30:20 24 they would have written, they would try to more or

03:30:23 25 less curb or cast me in a negative light in any way

03:30:26 1 that they possibly can.

03:30:28 2 In this instance here, they tried to
03:30:30 3 insinuate that I had something against the
03:30:33 4 community -- St. Croix Community Foundation.

03:30:37 5 Q I understand.

03:30:37 6 And specifically where in the article does
03:30:39 7 it indicate that you have something against the
03:30:44 8 community foundation, or where does it imply that
03:30:47 9 you have something against the community foundation?

03:30:51 10 A Well, the article goes on to write that
03:30:56 11 the St. Croix Community Foundation -- that I was
03:31:04 12 questioning monies that was donated to the St. Croix
03:31:09 13 Community Foundation.

03:31:10 14 And I'm not reading the article,
03:31:13 15 understand; it's too small for me to read.

03:31:16 16 Q Okay.

03:31:17 17 A But that she, in her official capacity,
03:31:22 18 was more or less tying two issues together.

03:31:27 19 However, the article was putting it
03:31:31 20 mildly, as though they were suggesting there was
03:31:33 21 nothing wrong with it, and it was just me bickering.

03:31:39 22 Q Okay. I'd like to go over this article
03:31:40 23 with you, then, specifically, since that is your
03:31:43 24 recollection of the circumstances.

03:31:48 25 First paragraph indicates:

03:31:50 1 "Senator Adlah Donastorg, Junior, has
03:31:53 2 charged that Industrial Development
03:31:54 3 Commission Director Frandelle Gerard used
03:31:58 4 her position to solicit donations from
03:32:01 5 Caneel Bay for the St. Croix Foundation
03:32:03 6 for community development, which she
03:32:07 7 chairs."

03:32:07 8 A Uh-huh.

03:32:08 9 Q True or false?

03:32:09 10 A True.

03:32:10 11 Q Okay.

03:32:10 12 "Gerard and Roger Dewey, Executive
03:32:12 13 Director of the foundation, flatly denied
03:32:15 14 Donastorg's accusation on Tuesday. Both
03:32:19 15 said that Gerard does not seek donations
03:32:22 16 for the foundation from IDC beneficiaries.

03:32:27 17 True or false?

03:32:29 18 A I didn't understand clearly.

03:32:31 19 MS. ROHN: True or false that he said
03:32:32 20 that, or true or false that she didn't seek them?

03:32:36 21 MR. RAMES: No. True or false that she
03:32:38 22 flatly denied it.

03:32:39 23 MS. ROHN: Well, that's what the
03:32:41 24 newspaper says. He wasn't there. How can he say
03:32:44 25 whether she denied it or not?

03:32:46 1 MR. RAMES: I understand.

03:32:46 2 BY MR. RAMES:

03:32:46 3 Q Do you have any reason to believe that she
03:32:47 4 did not deny it?

03:32:50 5 A I don't know. I mean --

03:32:52 6 Q "Donastorg failed to produce any
03:32:56 7 documentation to back up his accusations,
03:32:58 8 and on Tuesday he would not return calls
03:33:01 9 to his office requesting further comment
03:33:03 10 and information."

03:33:06 11 Is that a true statement or a false
03:33:08 12 statement?

03:33:08 13 A No, it's a false statement.

03:33:10 14 Q Did you, in fact, produce --

03:33:12 15 A In fact -- when you're ready for me to
03:33:15 16 answer.

03:33:15 17 Q Did you, in fact, produce documentation to
03:33:19 18 back up your accusation?

03:33:20 19 A I think at the time I referred to an
03:33:23 20 individual in Caneel Bay that Frandelle Gerard was
03:33:28 21 soliciting.

03:33:31 22 Q Okay. So the support for your claim
03:33:34 23 regarding Frandelle Gerard's actions was an
03:33:40 24 individual at Caneel Bay; is that correct?

03:33:42 25 A Yes. Frandelle Gerard, when I called her,

03:33:44 1 never denied that she did do it. She didn't feel
03:33:47 2 there was nothing wrong with it.

03:33:48 3 Q And do you recall the name of that
03:33:50 4 individual?

03:33:50 5 A In Caneel Bay? No.

03:33:53 6 Q Do you recall who you gave that
03:33:54 7 information to?

03:33:57 8 A What information?

03:33:59 9 Q The information regarding the name of the
03:34:01 10 subject employee at Caneel Bay.

03:34:05 11 A I didn't give anyone at Caneel Bay
03:34:07 12 anything.

03:34:10 13 Q No. The information about the employee at
03:34:12 14 Caneel Bay being solicited by Frandelle Gerard, who
03:34:16 15 did you give that information to?

03:34:17 16 A I didn't give any information to anyone.
03:34:18 17 I called the EDC office to speak to Ms. Gerard, and
03:34:24 18 I told her that it was highly inappropriate, and
03:34:27 19 it's unethical for her to use her position to
03:34:30 20 laterally -- or have contributions placed in a
03:34:35 21 not-for-profit or nonprofit organization and in that
03:34:40 22 organization being at the helm of that organization
03:34:42 23 and possibly having some control over funds.

03:34:45 24 Q So your concern as expressed to Ms. Gerard
03:34:49 25 was in the nature of the conflicts of interest that

03:34:52 1 you previously indicated?

03:34:54 2 A Yeah.

03:34:55 3 Q Did you identify that employee to

03:34:58 4 Ms. Gerard, the employee that she allegedly --

03:35:01 5 A No, because --

03:35:01 6 Q I'm not finished.

03:35:02 7 -- the employee that she allegedly

03:35:05 8 solicited?

03:35:06 9 A No, because the employee that have

03:35:08 10 called -- and, in fact, the employee had called my

03:35:11 11 office, had indicated for their own protection, they

03:35:15 12 wished not to provide their name and did not want to

03:35:19 13 be a subject of any sort of retaliation or attacks,

03:35:24 14 but that I can go directly to Ms. Frandelle Gerard

03:35:31 15 and inquire and ask about communication or the

03:35:36 16 attempt.

03:35:37 17 Q The next section that concerns you says:

03:35:41 18 "Donastorg made the accusations

03:35:45 19 against Gerard in an October 24th letter

03:35:48 20 to Governor Charles Turnbull in which he

03:35:51 21 called for an investigation of the

03:35:53 22 St. Croix Foundation and an audit of its

03:35:56 23 financial contributions."

03:35:58 24 Did you write such a letter?

03:35:59 25 A Yes.

03:36:00 1 Q Okay. Did the letter have essentially the
03:36:03 2 substance that I've just indicated?

03:36:06 3 A About the accusations?

03:36:08 4 Q Calling for an investigation --

03:36:09 5 A Yeah.

03:36:09 6 Q -- and an audit?

03:36:13 7 A That's correct.

03:36:14 8 Q Okay. The next section that talks about
03:36:18 9 you; says:

03:36:19 10 "Donastorg also charged in his
03:36:21 11 October 24th letter that Gerard has not
03:36:25 12 penalized any IDC beneficiary since
03:36:30 13 becoming director in April 1999."

03:36:35 14 A That's correct.

03:36:35 15 Q Is that correct? Okay.

03:36:38 16 And generally speaking, the IDC had a lax
03:36:43 17 enforcement mechanism or --

03:36:49 18 A Are you reading from the document?

03:36:51 19 Q No. I'm asking you did the IDC have a lax
03:36:55 20 enforcement mechanism?

03:36:56 21 A Lax enforcement mechanism? You mean lack
03:36:58 22 of enforcement?

03:37:00 23 Q Lack of enforcement.

03:37:01 24 A Yeah. I think I have said that
03:37:04 25 repeatedly.

03:37:04 1 Q And that was one of your concerns at that
03:37:08 2 time?

03:37:08 3 A Yeah.

03:37:13 4 Q The next section that refers to you says:

03:37:18 5 "Donastorg's letter is the latest in
03:37:20 6 a long and often personal attack on the
03:37:23 7 IDC and Gerard. Recently he filed a writ
03:37:27 8 of mandamus in the Territorial Court
03:37:30 9 seeking copies of employment records from
03:37:32 10 the Virgin Islands Telephone Corporation
03:37:35 11 and IDC beneficiaries."

03:37:41 12 A Uh-huh.

03:37:42 13 Q Is the writ of mandamus referred to in
03:37:45 14 this paragraph the same as the lawsuit that was
03:37:48 15 referred to earlier in this deposition or was that
03:37:51 16 another lawsuit?

03:37:52 17 A I think that was another issue. But if
03:37:54 18 you go back and you read the first lines, they are
03:37:57 19 establishing an opinion already. That, in itself,
03:37:59 20 is bias.

03:38:02 21 Q But it -- okay. Let's take that in
03:38:04 22 sections, then.

03:38:06 23 "Donastorg's letter is the latest in
03:38:09 24 a long and often personal" --

03:38:11 25 A "Personal attack" --

03:38:12 1 Q -- "attack on the IDC and Gerard."

03:38:16 2 Okay. So it is, in fact, the case that
03:38:21 3 you were attacking the lax procedures at the IDC; is
03:38:29 4 that not --

03:38:31 5 A That's not what the article is saying.

03:38:34 6 Q No. But I'm asking you. Is it not
03:38:36 7 correct that you did attack the lax procedures at
03:38:39 8 the IDC?

03:38:40 9 A I was attacking what was glaringly
03:38:45 10 obvious, that the system was being manipulated to
03:38:48 11 make sure that there was no scrutiny of the company.

03:38:50 12 In addition to that, that included --
03:38:56 13 well, it included enforcement; it included
03:39:00 14 complaints that were not responded to or addressed;
03:39:01 15 it included a lack of information or just the
03:39:10 16 company not being required to submit any type of
03:39:14 17 documentation to substantiate some of their claims.

03:39:18 18 Q Okay. So this is a strong concern that
03:39:26 19 you raised with respect to the IDC?

03:39:31 20 A Yes, that --

03:39:32 21 Q And you also expressed strong concerns
03:39:37 22 with respect to the actions of Ms. Gerard herself;
03:39:43 23 is that correct?

03:39:44 24 A Uh-huh.

03:39:46 25 Q Okay. So not only did you attack the

03:39:48 1 organization because you thought it was appropriate
03:39:51 2 to do so, you also attacked the person because you
03:39:55 3 thought it was appropriate to do so?

03:39:58 4 A Well, your description or your
03:40:01 5 categorization of my attempts to have a wrong to
03:40:08 6 become right is totally inaccurate in terms of me,
03:40:12 7 and it clearly demonstrates to me that on that line
03:40:16 8 of questioning, that in itself is a biasness being
03:40:20 9 driven from the biasness to the newspaper in using
03:40:23 10 the term "attack."

03:40:25 11 I don't consider it to be an attack; I
03:40:28 12 consider it to be to my public duty to defend and
03:40:35 13 protect the interests of Virgin Islanders. So all I
03:40:37 14 simply did was wrote a letter because I felt things
03:40:42 15 were falling through the cracks, and perhaps it was
03:40:46 16 planned to be so. And I was trying to correct the
03:40:47 17 wrongs that were being committed to the people of
03:40:50 18 the Virgin Islands.

03:40:51 19 Q So if the words -- so your objection is
03:40:53 20 the word "attack." And if, let's say, the language
03:40:58 21 had been "expression of serious concern," would that
03:41:02 22 have been more accurate?

03:41:04 23 A I think it would be a little more fair
03:41:07 24 than what they put in here.

03:41:09 25 I mean, if I may read it over again.

03:41:11 1 "Donastorg's letter is the latest" --
03:41:13 2 now, there's a description here, a
03:41:16 3 characterization -- "in a long and often
03:41:19 4 personal attack on the IDC and Gerard."

03:41:23 5 Personal attack? What is personal about
03:41:27 6 requesting --

03:41:27 7 My position is there's nothing personal
03:41:30 8 about me doing the people's work in questioning the
03:41:33 9 practices of an instrumentality of this government
03:41:37 10 when they have neglected their true responsibility.

03:41:40 11 Q I understand.

03:41:42 12 A That's all I did. That's not an attack.

03:41:44 13 Q But it's not only an instrumentality of
03:41:47 14 government that you are expressing serious concern
03:41:52 15 about, it is also an individual's action that you
03:41:57 16 are expressing serious concerns about; is that not
03:42:00 17 true?

03:42:02 18 MS. ROHN: In her official capacity.

03:42:06 19 MR. RAMES: If that is the case, then
03:42:07 20 why is Lowe Davis a defendant?

03:42:09 21 MS. ROHN: Because Lowe Davis isn't a
03:42:11 22 governmental official appointed by the
03:42:12 23 Government, and --

03:42:14 24 MR. RAMES: Excuse me. That colloquy
03:42:18 25 should really be off the record. That was

03:42:20 1 inappropriate of me to address you.

11:00:00 2 BY MR. RAMES:

03:42:28 3 Q Okay. In the October 24th letter -- this
03:42:40 4 is the next section that concerns you, and it is at
03:42:44 5 the very bottom of the third column.

03:42:46 6 "In the October 24th letter Donastorg
03:42:48 7 asks for Gerard's recommendation" --
03:42:50 8 excuse me.

03:42:51 9 A "Resignation."

03:42:52 10 Q -- "resignation. Ms. Gerard has
03:42:56 11 failed on all fronts," he wrote.

03:43:03 12 Is it, in fact, the case that in the
03:43:06 13 October 24th letter you called for Ms. Gerard's
03:43:11 14 resignation?

03:43:11 15 A I called for her resignation publicly as
03:43:14 16 well. I mean, the letter is public, but I think by
03:43:17 17 virtue of statements on the legislative floor, I
03:43:21 18 qualified exactly why I, you know, asked for her
03:43:25 19 resignation.

03:43:26 20 Q All right. So with respect to this entire
03:43:30 21 article, you believe that the single negative
03:43:37 22 implication here, or maybe two, is that the word
03:43:41 23 "attack" was used and also the word "personal" was
03:43:45 24 used?

03:43:48 25 A Yeah. They tried to make it personal on

03:43:50 1 my part. And, of course, in actually highlighting a
03:43:59 2 ten-year-old organization -- community organization
03:44:03 3 on the island of St. Croix, and they're well
03:44:06 4 established with board members who I have the world
03:44:09 5 of respect for, and has established a reputation and
03:44:12 6 a presence in St. Croix as good upstanding citizens,
03:44:15 7 an organization that has done well in the community,
03:44:20 8 to then turn around and cast me in a negative light
03:44:24 9 in saying "personal attacks on the IDC and
03:44:27 10 Ms. Gerard," then associating the community
03:44:31 11 foundation which falls under the leadership of
03:44:35 12 Ms. Gerard, was trying to paint me in a negative
03:44:38 13 light.

03:44:40 14 Q Okay.

03:44:44 15 MS. ROHN: Okay, guys. I have to leave
03:44:46 16 here in 15 minutes or else I can't get back. If
03:44:49 17 I leave here at 4:00, I can catch my 5:00. So --

03:45:02 18 (Discussion held, not reported.)

03:45:02 19 (Whereupon, the deposition adjourned at 3:45 p.m.)

03:45:02 20 -000-

21

22

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24

25

JURAT

I, Adlah Donastorg, Jr., certify that I have read the foregoing transcript of my deposition taken on Tuesday, December 16, 2008, and have signed it subject to the following changes:

PAGE LINE CORRECTION

Deponent

Date

JA001660

COURT REPORTER'S CERTIFICATE

I, N. Antoinette Cérge, Registered Professional Reporter with the National Court Reporters Association; Certified Shorthand Reporter, licensed in the State of California; Notary Public in the U.S. Virgin Islands, do hereby certify that the foregoing is a true and correct transcript of the proceedings had in the within entitled and numbered cause on the date hereinbefore set forth; and I do further certify that the foregoing transcript has been prepared under my direction.

Dated: December 20, 2008


N. Antoinette Cérge, RPR/CSR

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

SENATOR ADLAH DONASTORG, JR.,) CIVIL NO.
BENEDICTA DONASTORG, ADLAH) 117/2002
DONASTORG, SR., JOSEFINA)
DONASTORG, ELLA MORAN, and) VOLUME II
NORMA DURAN,)
Plaintiffs,) PAGES 253-423
)
vs.)
)
DAILY NEWS PUBLISHING CO., INC.,)
INNOVATIVE COMMUNICATION)
CORPORATION, JEFFREY PROSSER,)
LOWE DAVIS, HOLLAND "DYKE")
REDFIELD and VITELCO,)
)
Defendants.)
)
-----)

DEPOSITION OF ADLAH A. DONASTORG, JR. - VOLUME II

Date: Wednesday, December 17, 2008
Time: 9:51 a.m.
Location: The Law Office of Smock and Moorehead
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St. Thomas, Virgin Islands
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JA001662

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Ella Duran
Adlah Donastorg, Sr.

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1 ST. THOMAS, VIRGIN ISLANDS; WED., DECEMBER 17, 2008

2 9:51 A.M.

3 -000-

4 ADLAH A. DONASTORG, JR.

5 having been previously sworn, testified further:

6

7 EXAMINATION - CONTINUED

BY MR. RAMES:

09:30:45 8 Q Senator, you're still under oath; yes?

09:51:53 9 A (Nodding affirmatively.)

09:51:59 10 Q I'd like to bring your attention to

09:52:02 11 Composite Exhibit 13, which I will characterize for

09:52:24 12 you are 14 stories about the fight that took place

09:52:35 13 pursuant to the bill that you sponsored in the

09:52:38 14 Legislature.

09:52:39 15 A I expressed yesterday -- before I even
09:52:41 16 continue to respond, I expressed yesterday that the
09:52:44 17 font or the size of the print, it is too small for
09:52:48 18 me. You came back today, and it looks like it's
09:52:51 19 even smaller.

09:52:53 20 MS. ROHN: Oh, yeah. I couldn't even
09:52:55 21 read that.

09:52:56 22 THE DEPONENT: So I'm not sure if --
09:52:57 23 I'll try. I'll still try my best, but understand
09:53:01 24 that you still brought me something that is even
09:53:04 25 smaller.

09:53:05 1 BY MR. RAMES:

09:53:06 2 Q Yeah. I appreciate that.

09:53:09 3 Well, if you'll note -- if you look at the
09:53:12 4 next page, you know, I think that what we have here
09:53:15 5 is the story that has two separate sections in it.
09:53:20 6 It has a smaller font --

09:53:25 7 A Uh-huh.

09:53:25 8 Q -- the one section.

09:53:26 9 I've taken the liberty -- and because I
09:53:27 10 have these powerful glasses, I can actually see this
09:53:32 11 wording. I'll take the liberty of working with you
09:53:37 12 through the documents where the font is small.

09:53:41 13 But I've taken the liberty of putting a
09:53:43 14 small dot next to every place where I found your
09:53:47 15 name in these 14 articles. I'm not characterizing
09:53:53 16 that I found every reference to you, but I'm
09:53:55 17 characterizing that I found all those references I
09:53:58 18 could find, and put a small dot --

09:54:00 19 A Okay. May I ask a question?

09:54:02 20 Q Yes. Please.

09:54:03 21 A You put a dot next to everywhere that my
09:54:06 22 name appeared?

09:54:07 23 Q Is mentioned, yes.

09:54:09 24 A With positive language?

09:54:11 25 Q No --

09:54:11 1 A Well --

09:54:11 2 Q -- at all.

09:54:11 3 A -- it's up top in a negative sentence, but

09:54:14 4 you didn't put a dot next to the name. Look at the

09:54:18 5 title of it -- the subtitle.

09:54:20 6 Q Of course. I was focusing on the stories,

09:54:23 7 not the sub headline.

09:54:25 8 A I'm just being consistent with what you

09:54:27 9 said.

09:54:28 10 Q I think that's most appropriate.

09:54:30 11 All right. You indicated that you could

09:54:33 12 not read the first one -- or you would have

09:54:36 13 difficulty reading the first one. The question I'm

09:54:43 14 going to ask about these articles are essentially

09:54:46 15 the same questions.

09:54:48 16 First of all, is there anything in these

09:54:52 17 articles that are false, in your estimation?

09:54:58 18 And, secondly, is there anything in these

09:55:01 19 articles that cast you, Senator Donastorg, in a

09:55:07 20 negative light, in your opinion?

09:55:10 21 Okay. With respect to the first article

09:55:12 22 there on the right, there's a mention that says:

09:55:16 23 "Senator Adlah Donastorg, who has

09:55:18 24 been instrumental in working with

09:55:21 25 McPherson to bring the fight here, said he

09:55:22 1 was confident that the executive branch
09:55:23 2 would support it. 'We already spoke about
09:55:26 3 it because it's coming from the Tourism
09:55:28 4 Revolving Fund,' Donastorg said of the
09:55:30 5 appropriation and the event. The Governor
09:55:33 6 was elated" --

09:55:33 7 MS. ROHN: What are you reading from?

09:55:35 8 MR. RAMES: The bottom right-hand
09:55:36 9 corner of the first page.

09:55:37 10 MS. ROHN: Okay.

09:55:38 11 BY MR. RAMES:

09:55:39 12 Q "We already spoke about it because
09:55:43 13 it's coming from the Tourism Revolving
09:55:46 14 Fund,' Donastorg said, to fund the
09:55:48 15 appropriation and to fund the event. The
09:55:50 16 Governor was elated about the possibility
09:55:53 17 of the Virgin Islands being in 48 million
09:55:55 18 homes."

09:55:56 19 There's another reference -- two
09:55:57 20 references to the left.

09:56:00 21 The first one says:

09:56:01 22 "Donastorg said he asked that images
09:56:06 23 of the Virgin Islands - aerial shots,
09:56:08 24 daily life, and others to be arranged by
09:56:11 25 local experts be included in programming

09:56:13 1 and promotional materials related to the
09:56:15 2 fight."
09:56:16 3 And then below that:
09:56:17 4 "The undercard is also largely
09:56:19 5 vacant, although Donastorg and McPherson
09:56:21 6 both mentioned the name of a strong Virgin
09:56:24 7 Islands fighter who now lives in
09:56:26 8 Philadelphia: Christian Lloyd Joseph."
09:56:29 9 I don't believe there's any other
09:56:31 10 references to you.
09:56:32 11 Are any of those references false, or
09:56:35 12 do --
09:56:36 13 A No. This --
09:56:37 14 Q -- in your opinion, do any of these
09:56:40 15 references cast you in a negative light?
09:56:43 16 A Based on what you cited, that's correct.
09:56:45 17 Q So they do not? They are correct?
09:56:49 18 A Yeah.
09:56:49 19 Q Okay. And, in your opinion, they do not
09:56:52 20 hold you in a negative light; is that correct?
09:56:55 21 A Well, I do believe there's another article
09:56:58 22 that the twist or the tone that they put, or what
09:57:03 23 they inferred in terms of me appropriating money for
09:57:06 24 a boxing event in itself was a negative tone. So
09:57:10 25 every --

09:57:11 1 MS. ROHN: We're just going on this
09:57:12 2 one. That's enough.
09:57:13 3 BY MR. RAMES:
09:57:13 4 Q I understand.
09:57:13 5 But you're referring to the actual act of
09:57:16 6 the appropriation of \$300,000 --
09:57:18 7 A Yes.
09:57:18 8 Q -- for the purposes of boxing?
09:57:19 9 A Boxing --
09:57:20 10 MS. ROHN: Well, there's the editorials
09:57:22 11 that they wrote.
09:57:23 12 THE DEPONENT: Yeah.
09:57:24 13 MR. RAMES: All right. Well, we'll get
09:57:24 14 to those.
09:57:25 15 BY MR. RAMES:
09:57:25 16 Q Okay. I will characterize to you,
09:57:27 17 though -- I believe I did -- that these 14 articles
09:57:30 18 are the only ones that we could find in our
09:57:32 19 archives.
09:57:34 20 MS. ROHN: Did you also include the
09:57:35 21 editorials or just the articles?
09:57:38 22 MR. RAMES: Those, I believe you gave
09:57:39 23 me in this --
09:57:40 24 MS. ROHN: I did.
09:57:41 25 MR. RAMES: Okay. Well, we will go

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09:57:42 1 through those, absolutely.

09:57:43 2 And the next one says --

09:57:43 3 MS. ROHN: Okay. And this one is
09:57:44 4 from -- this has a stamp on it, April 25th, 2000
09:57:46 5 and what?

09:57:51 6 MR. RAMES: 2003.

09:57:52 7 I will characterize to you that all of these
09:57:54 8 articles are in date order. All 14 of these
09:57:58 9 articles are in date order.

09:58:00 10 MS. ROHN: And this is the event that
09:58:01 11 was scheduled for December 5th, 2003?

09:58:04 12 MR. RAMES: That's correct. That's
09:58:05 13 correct.

09:58:05 14 BY MR. RAMES:

09:58:06 15 Q The next one, May 30th of 2003. This is
09:58:09 16 the article that was referred to by Tim McDonald as
09:58:13 17 having the first paragraph modified by Lowe Davis.
09:58:16 18 Okay?

09:58:17 19 MS. ROHN: Actually, that is not a
09:58:18 20 correct representation.

09:58:19 21 Mr. McDonald said he did not have a copy of his
09:58:22 22 original article, and he couldn't tell you all the
09:58:26 23 places that it had been changed.

09:58:29 24 MR. RAMES: We have a difference of
09:58:30 25 opinion with respect to what Mr. McDonald said.

09:58:33 1 MS. ROHN: Well, we're not accepting
09:58:34 2 your representation that that is Mr. McDonald's
09:58:36 3 testimony.

09:58:37 4 MR. RAMES: I understand that. We have
09:58:37 5 a difference --

09:58:38 6 MS. ROHN: Because he said the whole
09:58:40 7 tenor of the article was changed, and that he
09:58:41 8 never --

09:58:42 9 MR. RAMES: This is my time. Is this a
09:58:43 10 speaking objection?

09:58:45 11 MS. ROHN: Excuse me.

09:58:45 12 -- and he never mentioned Donastorg in the
09:58:48 13 article at all; and that there were several
09:58:50 14 references to Donastorg when it was printed -- as
09:58:53 15 indeed there are at least four I can see in this
09:58:56 16 article -- which you haven't put dots by, including
09:59:07 17 "Behind a push from Donastorg, the appropriation" --

09:59:11 18 MR. RAMES: Excuse me, Attorney Rohn.
09:59:11 19 Attorney Rohn, you're taking up my time.

09:59:14 20 MS. ROHN: Well, your representation
09:59:15 21 that you have marked --

09:59:16 22 MR. RAMES: And this is a --

09:59:17 23 MS. ROHN: -- is not correct.

09:59:19 24 MR. RAMES: Can I have that back,
09:59:20 25 please? I have three more dots to make.

09:59:22 1 Thank you very much.

09:59:22 2 If you could make yours, please, Attorney Rohn,

09:59:25 3 I'd appreciate that.

09:59:26 4 As I said when I started, I was just

09:59:30 5 characterizing that I believe I put all the

09:59:34 6 appropriate dots in. If you see any, I'd appreciate

09:59:39 7 hearing about that, but it's nothing diabolical, I

09:59:42 8 can assure you.

09:59:44 9 BY MR. RAMES:

09:59:45 10 Q Okay. First reference:

09:59:48 11 "No TV coverage scheduled despite

09:59:50 12 promises when Donastorg got V.I. to

09:59:53 13 appropriate \$300,000."

09:59:55 14 Is that false?

09:59:57 15 A Mischaracterization.

09:59:59 16 Q Okay. But at the time this article was
10:00:01 17 written on May 30th of 2003, was there TV coverage
10:00:05 18 scheduled?

10:00:05 19 A Mischaracterization.

10:00:08 20 Q I understand that you're saying that it
10:00:10 21 was a mischaracterization --

10:00:10 22 A Because we refused to expose ongoing
10:00:16 23 negotiations, an article will be written about no
10:00:20 24 TV? Mischaracterization.

10:00:22 25 Q Okay. I understand.

10:00:23 1 So your testimony is that at the time, May
10:00:26 2 30th of 2003, there were negotiations going on for
10:00:31 3 TV coverage for this boxing match?

10:00:35 4 A That's correct.

10:00:35 5 Q Okay. I understand.

10:00:36 6 The first paragraph:

10:00:37 7 "The Professional boxing event that
10:00:40 8 Sen. Adlah Donastorg, Jr. pushed the V.I.
10:00:41 9 government to support with \$300,000, on
10:00:44 10 the basis that it would tout the Virgin
10:00:44 11 Islands to millions of Showtime cable
10:00:45 12 television network viewers, will not
10:00:47 13 happen in June as scheduled."

10:00:50 14 Is there any false characterizations
10:00:52 15 there?

10:00:53 16 A No.

10:00:56 17 Q Do you believe that that sentence holds
10:00:57 18 you in a negative light?

10:01:01 19 A Yeah.

10:01:02 20 Q Okay. Why?

10:01:04 21 A Just on virtue of using the word "push."

10:01:08 22 Q By virtue of using the word "push."

10:01:11 23 Any other manner?

10:01:12 24 A I do believe that when I spoke to

10:01:14 25 Tim McDonald -- not necessarily -- I wasn't the only

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10:01:17 1 one that spoke to him. I think Tim McDonald
10:01:20 2 utilized Mr. Sterling McPherson's responses to him.
10:01:25 3 And I think what Mr. McPherson said to him was that
10:01:28 4 we were still in negotiations, and it was up to the
10:01:31 5 government to determine whether or not we would meet
10:01:33 6 the June deadline, but the closer we get to the time
10:01:36 7 is the more improbable it would be.

10:01:39 8 Q I understand.

10:01:40 9 And the issue with respect to the Showtime
10:01:42 10 deal --

10:01:43 11 A Uh-huh.

10:01:43 12 Q -- for the televising of the bout, that is
10:01:46 13 what led you to amend the legislation or to advance
10:01:51 14 the amendment of the legislation; is that correct?

10:01:55 15 A That's correct.

10:01:55 16 Q Okay. The next item:

10:01:55 17 "Behind a push from Donastorg, the
10:01:57 18 appropriation was tacked onto a bill
10:01:58 19 intended to fund the rebuilding of the
10:02:00 20 collapsed Market Square Pavilion."

10:02:02 21 Is that true or false?

10:02:03 22 A "Push," again, negative tone.

10:02:05 23 Q Okay. But was that --

10:02:06 24 A That was a *Daily News* comment. That was
10:02:08 25 not a quote from Donastorg.

10:02:10 1 Q I understand.

10:02:10 2 A Mischaracterization.

10:02:12 3 Q But is it an accurate statement? Was the
10:02:14 4 appropriation, in fact, tacked on to a bill intended
10:02:17 5 to --

10:02:17 6 MS. ROHN: The issue is whether or not
10:02:19 7 Mr. Donastorg pushed --

10:02:20 8 MR. RAMES: Please, don't tell me what
10:02:22 9 the issue is.

10:02:24 10 THE DEPONENT: It's a
10:02:24 11 mischaracterization simply because they're using
10:02:27 12 the word "push." And Donastorg's name only
10:02:29 13 suggests that Donastorg is the only fact or only
10:02:33 14 person that can authorize the spending of any
10:02:36 15 money.

10:02:36 16 BY MR. RAMES:

10:02:37 17 Q I understand.

10:02:37 18 But you were the --

10:02:40 19 A Proponent --

10:02:41 20 Q -- primary --

10:02:42 21 A -- sponsor.

10:02:43 22 Q Primary sponsor?

10:02:44 23 A That's correct.

10:02:44 24 Q Okay. Is that the correct
10:02:46 25 characterization, primary sponsor?

10:02:48 1 A Where is it there?

10:02:49 2 Q No, it's not in here.

10:02:50 3 Is that a correct characterization?

10:02:53 4 A It's a mischaracterization. It's simply a

10:02:54 5 mischaracterization, because I became the primary

10:02:57 6 target, and they highlighted only my name associated

10:03:02 7 to any negative tone.

10:03:03 8 Q I understand.

10:03:04 9 But when you submit legislation to the

10:03:09 10 Legislature, is it the correct terminology to call

10:03:13 11 you the primary sponsor?

10:03:15 12 A Yeah.

10:03:15 13 Q Okay. And were you the primary sponsor of

10:03:18 14 this legislation?

10:03:20 15 A That's correct.

10:03:20 16 Q Okay. The next item:

10:03:22 17 "Donastorg did not return Daily News

10:03:22 18 telephone calls to his office requesting

10:03:25 19 comment about the status of the boxing

10:03:27 20 bout."

10:03:28 21 Do you have any recollection of that?

10:03:31 22 A Yeah. That is correct.

10:03:32 23 Q Okay. And we didn't talk about the sub

10:03:39 24 headline:

10:03:39 25 "No TV coverage scheduled despite

10:03:41 1 promise when Donastorg got V.I. to

10:03:43 2 appropriate \$300,000."

10:03:45 3 A Again, a mischaracterization.

10:03:47 4 Q A mischaracterization because they were
10:03:50 5 ongoing negotiations at the time; is that correct?

10:03:52 6 A No, because the *Daily News* was trying to
10:03:54 7 cast a negative light.

10:03:56 8 If you look at the wording of it, "No TV
10:03:58 9 coverage," as though it's affirmative that there's
10:04:01 10 no TV coverage. And to associate my name in the
10:04:04 11 same -- to put my name in the same sentence is to
10:04:08 12 infer or imply that Donastorg spoke about this, but
10:04:10 13 it's not going to happen.

10:04:12 14 Q I understand.

10:04:13 15 But, in fact, the operative --

10:04:17 16 A What operative?

10:04:19 17 Q Excuse me. I'm trying to think of what it
10:04:21 18 is.

10:04:21 19 The operative verb here --

10:04:23 20 A Uh-huh.

10:04:24 21 Q -- is "scheduled," isn't it? "No TV
10:04:26 22 coverage scheduled"?

10:04:27 23 A Uh-huh.

10:04:27 24 Q And at the time there was no TV coverage
10:04:30 25 scheduled; is that not correct?

10:04:31 1 A It was in negotiations.

10:04:32 2 Q I understand. Thank you.

10:04:33 3 Let's move on to the next one.

10:04:34 4 The next one:

10:04:35 5 "Sugar Ray Leonard to promote V.I.

10:04:38 6 boxing match" ---

10:04:39 7 MS. ROHN: Whoa, whoa, whoa. You can't

10:04:40 8 just go on to the next one like that's the only

10:04:42 9 thing, because you have in here an addition --

10:04:45 10 MR. RAMES: I can't go on to the next

10:04:46 11 one?

10:04:47 12 MS. ROHN: And you think that that's

10:04:47 13 all that's defamatory about this article? And

10:04:52 14 the statement "The event's future is

10:04:55 15 uncertain" --

10:04:56 16 MR. RAMES: Okay. Let's --

10:04:56 17 MS. ROHN: -- and connected with

10:04:57 18 Donastorg for \$300,000 is not defamatory?

10:05:00 19 MR. RAMES: Do you know how improper it

10:05:01 20 is what you're doing?

10:05:02 21 And you're sucking your teeth at me?

10:05:05 22 That is in the record, is it not?

10:05:05 23 MS. ROHN: Yes, put it on the record; I

10:05:07 24 choops him.

10:05:08 25 MR. RAMES: You didn't choops me,

10:05:09 1 you --

10:05:10 2 MS. ROHN: I choops you.

10:05:10 3 MR. RAMES: -- sucked your teeth at me.

10:05:11 4 MS. ROHN: Excuse me. Same difference.

10:05:14 5 MR. RUSKIN: Children, children.

10:05:15 6 Everybody settle down.

10:05:16 7 MR. RAMES: I thought this was my

10:05:17 8 deposition.

10:05:19 9 MR. RUSKIN: Kevin, please proceed.

10:05:20 10 MR. RAMES: Okay. All right. Well,

10:05:24 11 let's do this. Let's do this. I respect

10:05:27 12 Attorney Rohn's courtroom capabilities.

10:05:32 13 BY MR. RAMES:

10:05:33 14 Q Let's go back to the first one and ask

10:05:36 15 you, is there anything defamatory about --

10:05:40 16 A Several things.

10:05:40 17 Q No, the first one.

10:05:42 18 A The first one?

10:05:43 19 Q Yeah. Is there anything defamatory about

10:05:43 20 that?

10:05:42 21 A I can't read the first one.

10:05:45 22 Q I understand.

10:05:45 23 Okay. Let's go on to the second one. Is

10:05:46 24 there anything, in your opinion, defamatory about

10:05:50 25 this one?

10:05:50 1 A Most definitely.

10:05:50 2 Q And what do you believe to be defamatory
10:05:50 3 about that one?

10:05:51 4 A Starting out with the negative tone; and
10:05:53 5 Mr. McPherson was misquoted. I believe that was
10:05:58 6 established by the affidavit that he filed in this
10:06:00 7 case.

10:06:00 8 Q Okay. I understand.

10:06:01 9 Is there anything false about this
10:06:04 10 article?

10:06:05 11 A That is what is false about it.

10:06:07 12 Q The tone?

10:06:07 13 A They misquoted him, and they omitted
10:06:10 14 information from the original, as Mr. Tim McDonald
10:06:16 15 stated.

10:06:16 16 Q I understand.

10:06:20 17 Okay. Let's go on to the next one.

10:06:20 18 I will characterize to you that there is
10:06:23 19 no reference to your name in this article.

10:06:26 20 MS. ROHN: What is the date of this
10:06:27 21 article?

10:06:28 22 MR. RAMES: The date of this article is
10:06:31 23 September 27, 2003.

10:06:34 24 MS. ROHN: Why isn't there a date if
10:06:36 25 you --

10:06:37 1 MR. RAMES: Excuse me.

10:06:37 2 MS. ROHN: Excuse me. Go ahead. I'll

10:06:39 3 ask.

10:06:39 4 BY MR. RAMES:

10:06:40 5 Q Is there anything, in your view of this

10:06:46 6 article, that's defamatory?

10:06:48 7 A There's nothing defamatory when it comes

10:06:56 8 to me.

10:06:57 9 Q Okay. On to the next one, "No TV contract

10:06:58 10 yet."

10:06:59 11 A Why is my name not in this article?

10:07:03 12 MS. ROHN: Exactly.

10:07:02 13 THE DEPONENT: Because it's positive.

10:07:03 14 BY MR. RAMES:

10:07:04 15 Q It's a legitimate question.

10:07:07 16 A 'Cause it's positive.

10:07:09 17 Q So it's your assessment that your name is

10:07:11 18 not in here because it's a positive article?

10:07:14 19 A They couldn't help themselves.

10:07:15 20 Q Okay. And when you say the word "they,"

10:07:18 21 you're referring to?

10:07:19 22 A The cabal: Lowe Davis, VITELCO, Prosser,

10:07:25 23 Redfield.

10:07:26 24 Q You believe Prosser and Redfield may have

10:07:28 25 reviewed this article before it went in the

10:07:31 1 newspaper?

10:07:31 2 A No. I think Prosser and Redfield may have
10:07:35 3 instructed Lowe Davis to make sure that the article
10:07:37 4 established certain tones, and to avoid any possible
10:07:39 5 or potential positive coverage for me.

10:07:50 6 Q Do you have any facts or evidence to
10:07:51 7 support your representation?

10:07:54 8 MS. ROHN: Other than what he's already
10:07:55 9 testified to?

10:07:56 10 BY MR. RAMES:

10:07:57 11 Q Respective of this article?

10:07:59 12 A If I have any what?

10:08:00 13 Q Do you have any facts or evidence
10:08:02 14 supporting your representation about Mr. Prosser or
10:08:06 15 Mr. Redfield or VITELCO's involvement with this
10:08:10 16 article?

10:08:10 17 A "Involvement" is a vague word. If you
10:08:18 18 instructed someone to do something from before or
10:08:20 19 set out on a certain project or mission which would
10:08:23 20 be surely the demise of an individual, they would do
10:08:26 21 anything that it takes to assure the demise of that
10:08:29 22 individual. So they may not have had hands-on on
10:08:33 23 every particular part of their assignment.

10:08:35 24 Q Okay. I understand.

10:08:36 25 So what you're saying is you have no

10:08:38 1 direct evidence of the involvement of those people
10:08:41 2 in this article?

10:08:42 3 A The only note that I have is dig up dirt.

10:08:45 4 Q And have you produced that?

10:08:48 5 MS. ROHN: Yeah, we produced it with
10:08:49 6 the file. We produced it in this case, and we
10:08:51 7 produced it in several other cases.

10:08:53 8 And you, yourself, was -- or the *Daily News*
10:08:56 9 itself and Mr. Sheraw was ordered to produce the
10:09:00 10 whole file.

10:09:01 11 BY MR. RAMES:

10:09:02 12 Q Oh, you're talking about the language in
10:09:05 13 the investigative file? Is that what you're saying?

10:09:06 14 MS. ROHN: In the --

10:09:07 15 MR. RAMES: Excuse me. I'm sorry. I'm
10:09:09 16 asking him a question.

10:09:09 17 BY MR. RAMES:

10:09:10 18 Q You're talking about --

10:09:11 19 A Yeah.

10:09:12 20 Q You're talking about a quote from
10:09:13 21 Ed Crouch that you noted in your investigative file?

10:09:17 22 A Uh-huh.

10:09:17 23 Q Okay. Thank you.

10:09:18 24 Let's move on to the next letter. I would
10:09:22 25 note that in the next article dated October 24,

10:09:25 1 2003, there's no reference to you. And it does say

10:09:29 2 "No TV contract yet."

10:09:32 3 A But it has my name right there. You

10:09:34 4 pointed it out yourself by your own admission.

10:09:37 5 So are you contradicting your position by

10:09:39 6 establishing a mark on the paper where my name

10:09:41 7 appears?

10:09:42 8 Q Oh. Excuse me. I'm sorry. It's my eyes.

10:09:45 9 I'm sorry. It says:

10:09:47 10 "UVI Athletic Director, Peter Sauer,

10:09:48 11 confirmed that he is negotiations with

10:09:49 12 officials, including Senator Adlah

10:09:53 13 Donastorg, Jr., and said he was working to

10:09:54 14 reschedule events already planned for the

10:09:56 15 proposed December 5 fight date."

10:09:58 16 "Donastorg sponsored an amendment to a

10:10:02 17 bill appropriating the money from Tourism

10:10:02 18 to pay for the event."

10:10:05 19 Is there anything --

10:10:06 20 A Now, why a different tone from the last

10:10:08 21 one?

10:10:08 22 Now you can understand why my impression

10:10:10 23 is different. They used the language here

10:10:12 24 "sponsored," but in the previous ad, they used

10:10:14 25 "pushed."

10:10:16 1 Q Which one is negative, "pushed" or
10:10:19 2 sponsored?

10:10:20 3 A "Pushed," and by virtue of everything else
10:10:22 4 that was said or implied in there.

10:10:25 5 Q So the reference to "push" in the earlier
10:10:26 6 articles was negative.

10:10:28 7 Is the reference to "sponsored" in this
10:10:30 8 October 24th, 2003 article positive or negative or
10:10:37 9 neutral?

10:10:38 10 A I'm not understanding what you're saying
10:10:40 11 or asking.

10:10:41 12 Q Is the reference to "sponsored" as opposed
10:10:43 13 to "pushed" in the October 24th, 2003 article
10:10:47 14 positive, negative, or neutral, in your opinion?

10:10:50 15 A Well, it's obvious to me from the previous
10:10:53 16 articles that was written, they tried to establish
10:10:58 17 that I committed \$300,000 of Virgin Islands money
10:11:02 18 via the Tourism Revolving Fund. So for them to
10:11:06 19 continuously be putting my name in here to say that
10:11:10 20 Donastorg sponsored, that Donastorg pushed \$300,000
10:11:13 21 in itself is trying to establish a negative tone.

10:11:16 22 Q But from your perspective --

10:11:18 23 A That is my perspective.

10:11:19 24 Q No. But from your perspective -- it's a
10:11:22 25 new question.

10:11:22 1 From your perspective, advancing \$300,000
10:11:24 2 for this purpose, for the purposes of boxing, was it
10:11:27 3 positive; is that correct?

10:11:28 4 A For me, yeah.

10:11:29 5 Q And for the people of the Virgin

10:11:30 6 Islands --

10:11:31 7 A And for the senators who supported it.

10:11:33 8 Q And for the people of the Virgin Islands,
10:11:34 9 presumably?

10:11:36 10 A And for the people of the Virgin Islands.
10:11:36 11 It's part of the marketing packaging.

10:11:40 12 Q Okay. So this is, in fact, a reference to
10:11:42 13 something that you did that you believe is positive
10:11:47 14 for the people of the Virgin Islands?

10:11:49 15 A The event?

10:11:51 16 Q Sponsoring the --

10:11:53 17 A The event? The event?

10:11:57 18 Q Okay. The event.

10:12:00 19 A Uh-huh.

10:12:00 20 Q And "uh-huh" is "yes"?

10:12:02 21 A Yes.

10:12:03 22 Q Okay. The reason why I say "uh-huh" is
10:12:06 23 because "uh-huh" sounds like "huh-uh" on a
10:12:08 24 transcript, or it looks that way.

10:12:11 25 A Yes.

10:12:11 1 MS. ROHN: No, it doesn't.

10:12:15 2 THE DEPONENT: I don't see how it could

10:12:16 3 look --

10:12:16 4 MS. ROHN: I don't see how the two

10:12:18 5 could look anywhere near alike.

10:12:20 6 MR. RAMES: Well, in other words, in my

10:12:21 7 opinion, it can be unclear.

10:12:24 8 THE DEPONENT: Now, this is -- I

10:12:25 9 can't -- this one is even worse.

10:12:27 10 BY MR. RAMES:

10:12:28 11 Q Yes. I understand.

10:12:32 12 I did not note any reference to you in

10:12:35 13 this article.

10:12:37 14 A Because it was positive.

10:12:40 15 Q Okay.

10:12:40 16 A The governor and Sugar Ray Leonard taking

10:12:43 17 a picture together, and it was the governor that

10:12:47 18 was --

10:12:47 19 MS. ROHN: No. There's no --

10:12:48 20 BY MR. RAMES:

10:12:48 21 Q I'm sorry. There is one reference, and I

10:12:49 22 have a dot here.

10:12:50 23 "The government appropriation, which

10:12:52 24 Senator Donastorg, Jr. sponsored as an

10:12:56 25 amendment to a bill and will draw from the

10:12:59 1 Revolving Tourism Fund, is intended to
10:13:01 2 showcase the Virgin Islands as a tourism
10:13:04 3 destination."
10:13:05 4 Do you believe that's a negative reference
10:13:05 5 to —
10:13:06 6 A It is a negative reference.
10:13:11 7 Q Tell me what aspect of it is negative.
10:13:14 8 A Because of an editorial -- I believe in
10:13:16 9 the editorial, the tone that they established, or
10:13:20 10 what they were inferring is that I appropriated
10:13:23 11 \$300,000 for a boxing event with other critical
10:13:27 12 issues pending.
10:13:29 13 Q When you say "other critical issues," what
10:13:31 14 are you referring to?
10:13:31 15 A Huh?
10:13:31 16 Q When you say "other critical issues," what
10:13:34 17 are you referring to?
10:13:35 18 A Meaning that we've got issues in
10:13:36 19 education, we've got issues in healthcare, we've got
10:13:39 20 issues —
10:13:44 21 (Pause in proceedings.)
10:13:45 22 BY MR. RAMES:
10:13:45 23 Q I understand. Okay.
10:13:48 24 But is this, in fact, a true statement?
10:13:51 25 "The government appropriation which

10:13:55 1 Senator Adlah Donastorg, Jr. sponsored as
10:13:57 2 an amendment to a bill and will draw from
10:14:00 3 the Revolving Tourism Fund was intended to
10:14:00 4 showcase the Virgin Islands as a tourism
10:14:04 5 destination."

10:14:05 6 Is that a true statement?

10:14:06 7 A Yeah.

10:14:06 8 Q The next one is a November 1st, 2003
10:14:08 9 article --

10:14:09 10 A Uhm --

10:14:10 11 Q Yes, please? Yes? Okay. I thought you
10:14:16 12 interrupted me.

10:14:17 13 A No.

10:14:18 14 Q The November 1st, 2003 article, the top of
10:14:20 15 the page, by my reading, there is one reference to
10:14:23 16 you. It says:

10:14:24 17 "Senator Adlah Donastorg, Jr. has
10:14:26 18 been the point man for the Virgin Islands
10:14:29 19 in bringing the fight to town, also was
10:14:32 20 unavailable for comment."

10:14:33 21 Is there any negative reference there?

10:14:35 22 A It is negative in itself because what they
10:14:37 23 were trying to establish is to pin this on me in the
10:14:40 24 event that they failed after their numerous attempts
10:14:45 25 to sabotage the program so it's failure would have

10:14:48 1 been associated to me.

10:14:50 2 Q So, in other words, the --

10:14:53 3 Oh. So you believe that the November 1st,

10:14:55 4 2003 article was intended to tie you to this fight

10:14:59 5 in case it failed?

10:15:00 6 A And cast it in a negative light.

10:15:11 7 Q So is it true or false that you were the

10:15:13 8 point man for the Virgin Islands in bringing the

10:15:15 9 fight to town?

10:15:16 10 A I've never heard anyone refer to me as a

10:15:22 11 "point man." What is a point man? I don't know, so

10:15:25 12 I can't submit to that.

10:15:28 13 Q So, basically, you're unfamiliar with the

10:15:29 14 terminology "point man"?

10:15:31 15 A I'm unfamiliar with it.

10:15:33 16 Q You're unfamiliar?

10:15:33 17 A Unfamiliar.

10:15:34 18 Q Thank you.

10:15:35 19 The next one again is very small.

10:15:39 20 MS. ROHN: And illegible.

10:15:40 21 BY MR. RAMES:

10:15:42 22 Q But there are --

10:15:45 23 A Where is it?

10:15:46 24 Q It says, "ESPN commits to televising

10:15:49 25 V.I.'s 'Rumble In Paradise.'"

10:15:51 1 Is that a picture of you?

10:15:53 2 A Yeah.

10:15:53 3 Q And that's a picture of Sugar Ray Leonard

10:15:55 4 as well?

10:15:56 5 A I guess so.

10:15:57 6 Q The caption below says:

10:15:59 7 "Senator Adlah Donastorg and Sugar

10:16:01 8 Ray Leonard announcing plans for the fight

10:16:04 9 during Leonard's trip to the Virgin

10:16:06 10 Islands last week."

10:16:07 11 MS. ROHN: If you say so. Who could

10:16:09 12 read that?

10:16:09 13 THE DEPONENT: If you say so.

10:16:10 14 MR. RAMES: Well, I'm reading it, and I

10:16:11 15 believe that that is what it says.

10:16:13 16 MS. ROHN: Well, we couldn't vouch for

10:16:16 17 you.

10:16:16 18 MR. RAMES: I'm not asking for you to

10:16:18 19 vouch for it.

10:16:18 20 BY MR. RAMES:

10:16:19 21 Q The date of the article is November 5th of

10:16:21 22 2000.

10:16:22 23 MS. ROHN: November 5th or 6th? 2000

10:16:22 24 or 2003?

10:16:27 25 MR. RAMES: Sorry. Sorry. November 6,

10:16:30 1 2003. You are correct.

10:16:32 2 THE DEPONENT: 6th or 5th?

10:16:34 3 BY MR. RAMES:

10:16:34 4 Q I believe it's 6th.

10:16:36 5 A Looks like a 5.

10:16:39 6 Q No. Of course. I'm sorry. Withdrawn.

10:16:43 7 In the upper part, it says, "Wednesday,
10:16:44 8 November 5, 2003."

10:16:50 9 Did you, in fact, have a news conference
10:16:52 10 with Sugar Ray Leonard leading up to the fight?

10:16:55 11 A Yes, I did.

10:17:01 12 Q There's a reference to you in the article
10:17:03 13 that says, to my reading:

10:17:04 14 "I believe it will be a springboard
10:17:06 15 to major sporting events, said Adlah
10:17:08 16 Donastorg, Jr., who sponsored legislation
10:17:08 17 to appropriate \$300,000 from the Tourist
10:17:12 18 Revolving Fund to bring the fight to the
10:17:15 19 territory."

10:17:15 20 Is that a correct statement?

10:17:18 21 A Yeah.

10:17:18 22 Q Okay. Let's move on to the next one.

10:17:28 23 A Negative again.

10:17:29 24 MS. ROHN: What did you say?

10:17:30 25 THE DEPONENT: Negative again.

10:17:31 1 BY MR. RAMES:

10:17:32 2 Q Are you referring to the next one or the
10:17:33 3 upcoming one?

10:17:34 4 A What you just read, if I may respond to
10:17:36 5 it?

10:17:37 6 Q So you're saying that the reference to the
10:17:39 7 language:

10:17:39 8 "I believe it will be a springboard
10:17:41 9 to major sporting events, said Senator
10:17:42 10 Adlah Donastorg, Jr., who sponsored
10:17:42 11 legislation to appropriate \$300,000 from
10:17:47 12 the Tourism Revolving Fund to bring the
10:17:49 13 fight to the territory," you believe that
10:17:52 14 that's a negative reference?

10:17:54 15 A Yeah. They found it necessary to
10:17:56 16 highlight that I did commit \$300,000, once again,
10:18:01 17 after writing editorials about me being fiscally
10:18:06 18 irresponsible.

10:18:08 19 Q Okay. But with respect to this article,
10:18:11 20 the word "sponsored legislation," do you believe
10:18:14 21 that that's a negative reference, "sponsored
10:18:15 22 legislation"?

10:18:17 23 A Correct.

10:18:18 24 Q It's correct?

10:18:18 25 A Correct.

10:18:20 1 Q Let's move on to the next one, November 7,
10:18:22 2 2003. It would be easier to read. There are two
10:18:27 3 references to you; one has a dot and one does not.

10:18:30 4 The first one says:

10:18:32 5 "Sen. Adlah Donastorg, Jr.'s office
10:18:34 6 said ticket information was available, but
10:18:38 7 his chief of staff, Geraldine Gumbs,
10:18:40 8 refused to release it to the newspaper."

10:18:44 9 Do you have any knowledge as to whether or
10:18:45 10 not that is correct or incorrect?

10:18:47 11 A I think it was incorrect. If I'm not
10:18:48 12 mistaken, she told them that we were not responsible
10:18:52 13 for the tickets.

10:18:53 14 Q Okay. And then the next reference is on
10:18:58 15 the next column and refers to the completion of the
10:19:03 16 contract to use the facility. It says:

10:19:07 17 "Neither Sauer nor Senator
10:19:07 18 Donastorg's office would reveal details of
10:19:10 19 the contract."

10:19:11 20 On November 7 of 2003, were the details of
10:19:14 21 the contract revealed to the public or were they not
10:19:17 22 at that time?

10:19:17 23 MS. ROHN: I think the issue is
10:19:18 24 "refused," that they would not reveal.

10:19:21 25 MR. RAMES: "Neither Sauer nor

10:19:22 1 Donastorg's office" --

10:19:24 2 MS. ROHN: -- "would reveal." It

10:19:27 3 infers that they refused to reveal.

10:19:30 4 BY MR. RAMES:

10:19:31 5 Q -- "would reveal details of the contract."

10:19:33 6 Did your office reveal details of the

10:19:35 7 contract on November 7th or before?

10:19:38 8 A Huh?

10:19:39 9 Q Did your office reveal details of the

10:19:41 10 contract on November 7th or before?

10:19:45 11 A We were not in a position to reveal. We

10:19:48 12 are not signatures on the contract.

10:19:50 13 Q Okay. Thank you.

10:19:52 14 Is this --

10:19:53 15 MS. ROHN: You missed another

10:19:55 16 reference.

10:19:55 17 THE DEPONENT: Looks like I got blasted

10:19:57 18 for that, too.

10:20:03 19 MS. ROHN: You missed a paragraph

10:20:03 20 ahead.

10:20:05 21 "University officials came to an

10:20:06 22 agreement to use the 4,000-seat facility

10:20:08 23 Thursday after weeks of negotiations with

10:20:11 24 fight promoters and Donastorg," as if

10:20:13 25 Donastorg was negotiating the --

10:20:17 1 MR. RAMES: Excuse me. Not "as if."
10:20:19 2 MS. ROHN: Well, that's what it says.
10:20:20 3 MR. RAMES: Come on.
10:20:20 4 THE DEPONENT: I never --
10:20:21 5 BY MR. RAMES:
10:20:22 6 Q There's a line here that says:
10:20:23 7 "University officials came to an
10:20:25 8 agreement to use the 4,000-seat facility
10:20:28 9 Thursday after weeks of negotiations with
10:20:30 10 fight promoters and Donastorg."
10:20:32 11 Were you engaged at all in those
10:20:32 12 negotiations?
10:20:32 13 A No.
10:20:33 14 Q Did you have any discussions with
10:20:35 15 university officials respecting the matter of the
10:20:38 16 use of the facility?
10:20:38 17 A Yes.
10:20:40 18 Q Do you believe that this article is
10:20:42 19 defamatory?
10:20:43 20 A Yes. It's incorrect.
10:20:45 21 Q No, no, no. I did not ask you if anything
10:20:48 22 in here was incorrect. I asked you whether or
10:20:49 23 not --
10:20:50 24 A Well, it's malicious if it's incorrect.
10:20:53 25 Q I'm sorry. Let me get the entire word

10:20:55 1 out.

10:20:55 2 Do you believe this article is defamatory?

10:20:57 3 A Yes.

10:20:58 4 Q What do you believe is defamatory about
10:21:00 5 this article?

10:21:02 6 A Because it's a lie. It's a
10:21:03 7 mischaracterization.

10:21:05 8 Q Well --

10:21:05 9 A It --

10:21:05 10 Q Excuse me. Can I finish my sentence,
10:21:07 11 please? I'm sorry. She can't take us both down at
10:21:10 12 the same time.

10:21:11 13 What about this article is a
10:21:12 14 mischaracterization?

10:21:14 15 A You want me to read it over again?

10:21:16 16 Q No, no. I'd like you --

10:21:18 17 A In order to tell you, I have to read it.

10:21:20 18 Q All right. Please.

10:21:22 19 A "University officials came
10:21:24 20 to an agreement to use the 4,000
10:21:27 21 seat-facility Thursday after weeks
10:21:28 22 of negotiations with fight
10:21:31 23 promoters and Donastorg."

10:21:33 24 I never negotiated anything. The promoter
10:21:36 25 negotiated directly with Mr. Peter Sauer.

10:21:40 1 Q Okay. So --

10:21:40 2 A So where do I come in to --

10:21:42 3 Because, understand, as senators, what we

10:21:45 4 do is we appropriate money; we don't manage the

10:21:48 5 money thereafter. That's like micromanaging, but

10:21:51 6 it's also a conflict of interest.

10:21:53 7 Q Okay. So you believe that this is

10:22:01 8 negative because it includes your name in the

10:22:03 9 sentence that implies or states --

10:22:07 10 A The handling of money.

10:22:08 11 Q -- that you were engaged in negotiations?

10:22:11 12 A Yeah.

10:22:18 13 Q Is there anything else about this article

10:22:21 14 that you believe is defamatory?

10:22:35 15 A I don't see anything else.

10:22:36 16 Q The next article, November 8, 2003

10:22:38 17 article, "Two local boxers ready to up rumble in

10:22:43 18 December's professional event."

10:22:44 19 I don't believe your name is mentioned in

10:22:46 20 this article.

10:22:49 21 A No, I don't see it.

10:22:50 22 Q The next article is, "Heavyweight bought

10:22:53 23 dropped from St. Thomas boxing card."

10:22:55 24 I do not believe your name is mentioned in

10:22:57 25 this article.

10:23:04 1 A I don't see it.

10:23:06 2 Q This is a negative article, isn't it, in
10:23:08 3 your assessment?

10:23:09 4 MS. ROHN: Why?

10:23:10 5 BY MR. RAMES:

10:23:11 6 Q I'm asking if this is an negative article?

10:23:14 7 MS. ROHN: You said "isn't it."

10:23:15 8 MR. RAMES: No, no, no. I may have
10:23:17 9 been picked up improperly, but --

10:23:19 10 BY MR. RAMES:

10:23:19 11 Q Do you believe that this is a negative
10:23:21 12 article?

10:23:21 13 A I think most of the articles that they
10:23:23 14 wrote about the event, and especially articles like
10:23:25 15 this, was to develop a level of uncertainty so that
10:23:30 16 the spectators or the potential persons or patrons
10:23:37 17 would not be there, which they were successful in
10:23:41 18 the end.

10:23:58 19 Q The next article, "Leather ready to fly at
10:23:59 20 last in St. Thomas boxing show," there's a reference
10:24:06 21 to you at the bottom first column and at the top of
10:24:10 22 the second that says:

10:24:11 23 "Senator Adlah Donastorg, Jr., the
10:24:15 24 Rumble in Paradise Ring Master, who
10:24:17 25 sponsored legislation to bring the fight

10:24:19 1 to St. Thomas, walked the floor working
10:24:22 2 out final details."
10:24:23 3 "This is something that we have
10:24:24 4 never been able to achieve: TV, Donastorg
10:24:27 5 said.' It is the springboard for future
10:24:30 6 major events."
10:24:31 7 "Only one nationwide life broadcast
10:24:34 8 has ever taken place from the Virgin
10:24:35 9 Islands,' Donastorg said. It was a 'Good
10:24:37 10 Morning, America' show many years ago."
10:24:44 11 Is that a true statement?
10:24:46 12 A It is a true statement. It's quoted from
10:24:50 13 a press release.
10:24:54 14 Q The next article, December 5th of 2003,
10:24:56 15 "Countdown to fight time marked by flurry of
10:25:00 16 events."
10:25:00 17 I don't believe that your name is
10:25:01 18 mentioned in this article.
10:25:09 19 The next article, dated December 8 of
10:25:15 20 2005, "Burton defeats Lorenzo in main event."
10:25:22 21 I do not believe that your name is
10:25:23 22 mentioned in this article.
10:25:26 23 The last --
10:25:28 24 A That's a big title to it, "Rumble In
10:25:30 25 Paradise."

10:25:31 1 Q I'm sorry?

10:25:32 2 A They wouldn't mention my name in here.

10:25:35 3 Q Okay. Excuse me. The main headline,
10:25:37 4 "Rumble in Paradise, Burton defeats Lorenzo in main
10:25:43 5 event," December 6 of 2005 -- of 2003. I'm sorry.

10:25:49 6 The next article in this stack, "Boxing
10:25:52 7 event showcases paradise for 781,000 viewers," dated
10:25:57 8 December 16, 2003, a follow-up article about ten
10:26:02 9 days after the event. There is one reference to
10:26:04 10 you. It says:

10:26:05 11 "The publicity the Virgin Islands
10:26:07 12 received far exceeds the cost," Senator
10:26:11 13 Adlah Donastorg said in a release
10:26:13 14 statement. The senator sponsored
10:26:15 15 legislation that approved the \$300,000
10:26:18 16 from the Tourism Revolving Fund for the
10:26:21 17 event."

10:26:21 18 Is that true?

10:26:23 19 MS. ROHN: Is it true he said that,
10:26:26 20 or --

10:26:26 21 BY MR. RAMES:

10:26:27 22 Q Well, first, is it true?
10:26:28 23 (Brief pause in proceedings.)

10:26:37 24 MR. RUSKIN: Off the record.
10:29:02 25 (Discussion held, not reported.)

10:29:06 1 MS. ROHN: There are several things
10:29:08 2 that reference Donastorg on here.

10:29:11 3 MR. RAMES: Yeah, of course. I believe
10:29:12 4 there is one more -- no, two more.

10:29:14 5 BY MR. RAMES:

10:29:14 6 Q Okay. The first reference is:

10:29:16 7 "The publicity the Virgin Islands
10:29:18 8 received far exceeds the cost,' Sen. Adlah
10:29:22 9 Donastorg, Jr. said in a release
10:29:23 10 statement. The senator sponsored
10:29:27 11 legislation that approved the \$300,000
10:29:28 12 from the Tourism Revolving Fund for the
10:29:28 13 event."

10:29:29 14 Is this a true statement?

10:29:33 15 A True, with emphasis intended to be
10:29:35 16 negative.

10:29:36 17 Q The fact that the *Daily News* says:

10:29:38 18 "The publicity the Virgin Islands
10:29:41 19 received far exceeds the cost, Sen. Adlah
10:29:47 20 Donastorg, Jr. said," was that in your
10:29:50 21 press release, that you can recall?

10:29:52 22 A There's a couple of things wrong with
10:29:54 23 this. The press release -- if you're going to quote
10:29:57 24 something from a document, then put the quotation
10:29:59 25 marks.

10:30:00 1 If you notice in the same paragraph, they
10:30:02 2 went on to say "said in the release statement."

10:30:04 3 Then it goes on straight into another sentence:

10:30:07 4 "The senator sponsored legislation
10:30:09 5 that approved \$300,000 from the Tourism
10:30:11 6 Revolving Fund for the event."

10:30:12 7 Again, emphasis placed on the \$300,000
10:30:15 8 that was already established with the Virgin Islands
10:30:18 9 public, which --

10:30:20 10 Q Well, didn't you reference the cost in
10:30:22 11 your release statement?

10:30:25 12 A I don't think so.

10:30:25 13 Q "The publicity the Virgin Islands received
10:30:28 14 far exceeds the cost." You're saying that was not
10:30:30 15 in your release statement?

10:30:31 16 A I don't think so.

10:30:35 17 Q Did the publicity that the Virgin Islands
10:30:37 18 received far exceed the cost?

10:30:39 19 A Yeah, but there's no need for me to put
10:30:42 20 the \$300,000 in --

10:30:44 21 Q No, I didn't say you put the \$300,000 in
10:30:46 22 your release. I didn't say that.

10:30:48 23 A That's what you just asked me a few
10:30:50 24 minutes ago.

10:30:51 25 Q No, no, no.

10:30:52 1 I said isn't it in fact true that it was
10:30:54 2 in your release that the publicity the Virgin
10:30:58 3 Islands received far exceeds the cost?

10:30:59 4 A You're getting a little confusing now,
10:31:01 5 because you just said you didn't say that, but now
10:31:04 6 you're asking me the same question you asked me
10:31:06 7 before.

10:31:06 8 Q Let me just close off the previous
10:31:08 9 question, and let me start with a new one.

10:31:11 10 Did your release say, "The publicity the
10:31:14 11 Virgin Islands received far exceeds the cost"?

10:31:17 12 A Yes.

10:31:17 13 Q And is that a true statement?

10:31:20 14 A Yes.

10:31:21 15 Q And the statement "The senator sponsored
10:31:22 16 legislation that approved \$300,000 from the Tourist
10:31:25 17 Revolving Fund for the event," we have previously
10:31:28 18 established that is a true statement; is that
10:31:29 19 correct?

10:31:30 20 A Uh-huh.

10:31:30 21 Q And you believe that that statement has a
10:31:32 22 negative reference; is that correct?

10:31:34 23 A Yeah.

10:31:34 24 Q All right. The next reference to you is:
10:31:39 25 "Even a smiling Donastorg got a few

10:31:40 1 seconds of air time and commentators
10:31:43 2 credited him with being instrumental in
10:31:46 3 securing the first ever televised sporting
10:31:48 4 event in the Virgin Islands. The timing
10:31:51 5 couldn't have been better as northeastern
10:31:54 6 viewers got to see our sunshine and
10:31:57 7 beaches on the eve of the season's first
10:31:59 8 major snow storm."

10:32:01 9 Is that an accurate quote?

10:32:02 10 A Yes. They got that from my press release.

10:32:07 11 Q And you did, in fact, get some airtime on
10:32:10 12 this program?

10:32:11 13 A I do believe so. There was some
10:32:14 14 recognition.

10:32:15 15 Q So this is a true statement, then?

10:32:17 16 A Uh-huh.

10:32:19 17 Q Thank you.

10:32:20 18 I believe that's all 14 articles. We can
10:32:22 19 set aside Exhibit 13.

10:32:34 20 I'd like to bring your attention to the
10:32:37 21 exhibit that says "Voluntary Disclosure Pursuant to
10:32:39 22 Rule 26."

10:32:40 23 I'd like to bring your attention to the
10:33:07 24 article that is one, two, three, four, five, six,
10:33:13 25 seven- -- seven pages from the back that was

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10:33:18 1 provided to us by your counsel in the Voluntary
10:33:24 2 Disclosure Pursuant to Rule 26 disclosure.
10:33:28 3 A Seven pages from the back?
10:33:30 4 Q Yeah. It's the one that folds up, the one
10:33:33 5 that's eight-and-a-half-by-thirteen.
10:33:35 6 A Yeah.
10:33:36 7 Q Okay. This is an article apparently
10:33:40 8 dated --
10:33:41 9 MS. ROHN: Hold on. Hold on.
10:33:48 10 All right.
10:33:48 11 BY MR. RAMES:
10:33:49 12 Q This is an article apparently dated
10:33:50 13 Wednesday, February 6th of 2002, that says:
10:33:55 14 "Senator Donastorg and wife face
10:33:56 15 foreclosure on their Wintberg home."
10:34:01 16 Is there any false statements in this
10:34:02 17 article?
10:34:06 18 A Would you afford me the time to read it so
10:34:09 19 I could --
10:34:10 20 Q Of course. It's large enough so that you
10:34:13 21 can read it.
10:34:13 22 (Pause in proceedings.)
10:34:14 23 MS. ROHN: I thought you were going to
10:34:15 24 show him all the editorials about the fight.
10:34:18 25 MR. RAMES: They're coming.

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10:34:19 1 MS. ROHN: And there were, like, five
10:34:21 2 of them.

10:34:22 3 THE DEPONENT: What did you ask me?

10:34:34 4 BY MR. RAMES:

10:34:34 5 Q The Wednesday, February 6, 2002 article,
10:34:37 6 is there any false statements in this article?

10:34:40 7 A Yes.

10:34:40 8 Q And what are the false statements in this
10:34:44 9 article, if any?

10:34:45 10 A Well, the inference that I would be
10:34:47 11 looking for a new place. It started with the first
10:34:49 12 paragraph:

10:34:49 13 "A St. Thomas senator" -- after a
10:34:52 14 large title -- "may find himself looking
10:34:54 15 for a new place to live if he cannot pay
10:34:56 16 off the mortgage of his Wintberg home."

10:35:00 17 Q Do you believe that that is a false
10:35:01 18 statement?

10:35:03 19 A It is a false statement. I think it was a
10:35:04 20 negative --

10:35:05 21 Q Excuse me. I'm sorry.

10:35:05 22 I didn't ask if it was negative.

10:35:07 23 A It was false and negative.

10:35:09 24 Q I didn't ask whether it was negative.

10:35:10 25 I --

10:35:10 1 MS. ROHN: He's entitled to answer the
10:35:12 2 question any way he wants to.

10:35:14 3 THE DEPONENT: Are you dictating how
10:35:15 4 I'm going to answer? I said it was false and
10:35:17 5 negative.

10:35:18 6 BY MR. RAMES:

10:35:18 7 Q Okay. And what is false about it?

10:35:20 8 A False about it? How would they conclude
10:35:22 9 that I may be looking for a new home, when, in fact,
10:35:25 10 there was a dispute between the bank and I, which
10:35:28 11 was later on clarified?

10:35:33 12 Q Okay. Are there any other statements in
10:35:35 13 this article that you believe are false?

10:35:55 14 A The issue of "plus attorney fees and cost,
10:35:59 15 and annual interest at 8.75 percent."

10:36:04 16 Q And you believe that is a misstatement of
10:36:06 17 the court documents?

10:36:07 18 A Well, I believe that the court may have
10:36:11 19 extracted information that was inaccurate. It
10:36:14 20 didn't come from me.

10:36:21 21 Q This paragraph says:

10:36:22 22 "First Bank said in court documents
10:36:24 23 that the Donastorgs owe" a certain amount
10:36:26 24 of money, and then —

10:36:30 25 A First Bank stated in court documents?

10:36:31 1 Q -- "said in court documents."

10:36:35 2 Is there anything false about that
10:36:37 3 statement?

10:36:37 4 A Well, their information is false, so I
10:36:39 5 have to conclude that the Daily News took false
10:36:42 6 information and printed it.

10:36:43 7 Q I understand.

10:36:43 8 So you're saying that the information with
10:36:45 9 respect to what is owed was inaccurate?

10:36:47 10 A It was inaccurate.

10:36:48 11 Q Okay. Do you have any reason to believe
10:36:58 12 that the court documents do not say that?

10:37:02 13 A I don't know what the court document said.
10:37:04 14 The bank withdrew the documents, so it was no need
10:37:07 15 for me to go back and review the documents.

10:37:09 16 I wasn't even served when the Daily News
10:37:12 17 was asking questions.

10:37:13 18 Q I understand.

10:37:13 19 Are there any other statements in this
10:37:15 20 article that you believe to be false?

10:37:19 21 A "Under the terms of the mortgage, the
10:37:26 22 Donastorgs had to make monthly payments of
10:37:30 23 \$1,793.68," which is totally incorrect.

10:37:44 24 Q So you believe that the statement of the
10:37:45 25 amount of the monthly payment is incorrect?

10:37:47 1 A No. I just think that your reporter does
10:37:49 2 not understand financial records as it relates to a
10:37:52 3 mortgage.

10:37:57 4 Q So what aspect of that statement do you
10:37:59 5 believe is false?

10:38:00 6 A Figures are wrong.

10:38:01 7 Q The figure of \$1,793.68?

10:38:05 8 A Yeah. We were required to pay a different
10:38:07 9 amount of money each month, which was considered
10:38:10 10 mortgage payment.

10:38:11 11 Q Are you referring to the additional
10:38:13 12 payments for insurance and taxes, the monthly per
10:38:16 13 diem?

10:38:17 14 A Correct.

10:38:20 15 Q So your suggestion is that this statement
10:38:25 16 is false because it does not include the monthly
10:38:30 17 payments for --

10:38:31 18 A Well, I think it was negative in itself
10:38:33 19 because what it inferred was that with my wife and
10:38:37 20 my total income, that we were unable to meet a
10:38:41 21 payment of just 1,700.

10:38:43 22 Q Is there any reference in here of you
10:38:43 23 being unable to meet the payment? Is there any
10:38:50 24 reference in this article --

10:38:51 25 A The article starts out "cannot pay off."

10:38:54 1 It is there in the first paragraph.

10:38:56 2 Q It says, "if he cannot pay." Doesn't it

10:38:58 3 say that?

10:38:59 4 A Yeah.

10:39:00 5 Q Okay. 'Cause I just want to make sure

10:39:04 6 that I'm clear with this.

10:39:05 7 The reason why you are saying that the

10:39:07 8 1,797.68 figure is incorrect is because it doesn't

10:39:12 9 include the payments for insurance and taxes?

10:39:15 10 A Uh-huh.

10:39:16 11 Q Okay. And that is a "Yes"?

10:39:18 12 Okay. Is there anything else in this

10:39:20 13 article that you deem to be a false?

10:39:54 14 A I think I was misquoted where it says:

10:39:56 15 "When contacted at his office, the

10:39:58 16 senator said the bank either made a

10:39:59 17 mistake or that he took care of the

10:40:04 18 problem and left any further comment to

10:40:07 19 the bank."

10:40:07 20 That's not what I said. What I said to

10:40:19 21 the reporter was that there was an issue with the

10:40:24 22 interest applied in more than one category, and I

10:40:31 23 was not at liberty to discuss any details about my

10:40:36 24 mortgage agreement or mortgage contract. That's

10:40:40 25 exactly what I said.

10:40:44 1 Q So your reference to the reporter was that
10:40:46 2 there was a misapplication of interest?

10:40:48 3 A There was an issue -- if you're going to
10:40:52 4 quote me, please quote me right.

10:40:54 5 Q No, I understand. I don't have any
10:40:55 6 problem with you correcting me.

10:40:57 7 A There was an issue when it came to the
10:40:59 8 computation of interest; however, I'm not at liberty
10:41:01 9 to discuss the contents of my contract with the
10:41:05 10 bank -- mortgage payment contract with the bank.

10:41:09 11 Q And that's what you recall your statement
10:41:10 12 to the --

10:41:10 13 A That's what I recall my statement was.

10:41:12 14 Q -- on or about February 6th of 2002?

10:41:14 15 A Uh-huh.

10:41:15 16 Q Thank you.

10:41:18 17 I want to go on to the next page.

10:41:19 18 Excuse me. I'm sorry.

10:41:20 19 Are we finished with that article? Is
10:41:22 20 there anything else in that article that you deem to
10:41:23 21 be false?

10:41:24 22 A You're asking the questions, sir.

10:41:25 23 Q I'm sorry. Yeah, I wanted to be sure that
10:41:27 24 I finish with that article, and to ask the final
10:41:32 25 question, is there anything else in that article

10:41:34 1 that you consider to be false?

10:41:35 2 A I believe that is almost the end of the
10:41:37 3 article -- that concludes the article.

10:41:40 4 Q Yes.

10:41:43 5 A The last part:

10:41:43 6 "The complaint was filed in District
10:41:44 7 Court, instead of Territorial Court,
10:41:46 8 because the two parties come from
10:41:49 9 different territories. FirstBank is based
10:41:51 10 in Puerto Rico, the Donastorgs are from
10:41:53 11 the Virgin Islands."

10:41:54 12 Oh, okay. That concludes it.

10:41:56 13 Q All right. So nothing more? So nothing
10:42:00 14 more, then?

10:42:00 15 A Huh-uh.

10:42:02 16 Q The next page is an editorial that you
10:42:06 17 referenced earlier in this deposition, "The public's
10:42:09 18 right to know."

10:42:10 19 Is there any false statements in this
10:42:13 20 article?

10:42:20 21 A If there is -- what was the question?

10:42:22 22 Q Are there any false statements in this
10:42:24 23 editorial?

10:42:25 24 A I think using the term "rogue senator" is
10:42:26 25 false in itself.

10:42:29 1 Q Okay. Anything else?

10:43:13 2 A Yeah.

10:43:14 3 Q And what else, please?

10:43:15 4 A Well, I think if you go back to the whole

10:43:16 5 sentence, it says:

10:43:17 6 "But the regulatory body should not

10:43:19 7 be threatened by as rogue senator who is

10:43:25 8 trying -- yet again -- to play politics

10:43:27 9 and jeopardize the economic well-being of

10:43:29 10 the people he supposedly represents.

10:43:35 11 Enter Senator Adlah who is threatening an

10:43:38 12 attempt to disband the PSC and fire its

10:43:41 13 chairman."

10:43:46 14 Q All right.

10:43:46 15 A I can't fire the chairman.

10:43:48 16 Q Okay. So --

10:43:51 17 A You represented the PSC; I would think

10:43:55 18 you'd know that I can't fire the chairman.

10:43:58 19 MR. RAMES: I never represented the

10:44:00 20 PSC; I represented entities before the PSC.

10:44:03 21 THE DEPONENT: Oh. Okay.

10:44:05 22 MS. ROHN: I'm just showing him that

10:44:07 23 there's more to the paragraph.

10:44:08 24 If you look at all the references to yourself.

10:44:11 25 THE DEPONENT: "Fortunately, this

10:44:12 1 move apparently has no support from anyone
10:44:14 2 else in the Legislature and is another
10:44:16 3 case of Donastorg's pre election
10:44:19 4 politicking."
10:44:21 5 Now, this article was -- what is that, April --
10:44:29 6 MS. ROHN: May 29th.
10:44:30 7 THE DEPONENT: May 29th, 1998.
10:44:31 8 I really don't start politicking until a few
10:44:34 9 months before the election. I never start around
10:44:37 10 May.
10:44:37 11 BY MR. RAMES:
10:44:37 12 Q Wonderful.
10:44:39 13 MR. RUSKIN: I'm sorry. As an aside,
10:44:41 14 I've just got to say this. No reflexion on you,
10:44:45 15 sir, but every politician is always politicking.
10:44:49 16 THE DEPONENT: The ones you've been
10:44:50 17 exposed to. It's not every --
10:44:52 18 MR. RUSKIN: All of them.
10:44:54 19 THE DEPONENT: Are we off the record?
10:44:55 20 MR. RAMES: No, we're on the record.
10:44:57 21 BY MR. RAMES:
10:44:57 22 Q So the initial question was, is there
10:45:03 23 anything about that article that you deem false,
10:45:05 24 and --
10:45:06 25 A A lot of it is false.

10:45:07 1 Q I understand.

10:45:08 2 Your reference thus far has been to the

10:45:10 3 paragraph that starts with the word "utilities" and

10:45:12 4 ends on the word "chairman"; yes?

10:45:15 5 A Where is that?

10:45:16 6 Q The paragraph with the "rogue senator" —

10:45:19 7 A Oh, "rogue senator." Yeah.

10:45:20 8 Q -- starts with the word "utilities" and

10:45:23 9 ends with the word "chairman."

10:45:25 10 A Yes.

10:45:25 11 Q And it's your testimony that this entire

10:45:27 12 paragraph is false?

10:45:28 13 A Yeah. Totally inaccurate.

10:45:29 14 Q I understand.

10:45:29 15 Is there any other references in this

10:45:31 16 editorial that you believe --

10:45:33 17 A Well, if you go on to the next one, it

10:45:33 18 says:

10:45:33 19 "Fortunately, this move apparently

10:45:35 20 has no support" from my colleagues."

10:45:38 21 As I just highlighted to you, pre election

10:45:41 22 politicking, it seems that when the senator doesn't

10:45:44 23 like a way the regulatory body does its job, that's

10:45:48 24 inaccurate. I had no issues with no other

10:45:51 25 regulatory body.

10:45:53 1 "He thinks he should get rid of it."
10:45:55 2 I don't think that they can illustrate or
10:45:57 3 eliminate another situation where I try to get rid
10:46:00 4 of any commissioner. I can't get rid of anyone.
10:46:03 5 "He also wanted to abolish the
10:46:06 6 Industrial Development Commission. This
10:46:07 7 attitude of 'do it my way or I'll get rid
10:46:11 8 of you' has been a hallmark of
10:46:14 9 Donastorg's."
10:46:15 10 MS. ROHN: Needless to say in quotes,
10:46:17 11 as if he said it.
10:46:21 12 BY MR. RAMES:
10:46:23 13 Q Okay. So the question was, was there
10:46:26 14 anything about this editorial you deem to be false?
10:46:28 15 You --
10:46:29 16 A It was incorrect.
10:46:30 17 Q I understand.
10:46:30 18 You have identified another paragraph, the
10:46:33 19 one that starts with the word "fortunately" and ends
10:46:34 20 with the word "Donastorg"; is that correct?
10:46:37 21 A That's correct.
10:46:37 22 Q Is there anything else --
10:46:38 23 A "Donastorg is an example of one of
10:46:39 24 the most anti-business legislators in
10:46:44 25 recent memory."

10:46:45 1 I'm one of the few legislators that was a
10:46:48 2 businessman.
10:46:48 3 Q Okay.
10:46:50 4 A So how could I be anti-business but a
10:46:52 5 businessman?
10:46:53 6 Q I understand.
10:46:55 7 A Isn't that inaccurate in itself?
10:46:57 8 Q I understand.
10:46:57 9 So is it your testimony, then, that the
10:47:02 10 second to last paragraph is false as well?
10:47:05 11 A This is false as well.
10:47:06 12 "This is exactly the kind of senator
10:47:06 13 that continues to cripple the economic
10:47:08 14 growth of the Virgin Islands."
10:47:09 15 "Do we need to remind him what
10:47:11 16 happens to the government when growth
10:47:13 17 stops in the private sector?"
10:47:15 18 Haven't I been a part of the private
10:47:17 19 sector growth in establishing a business?
10:47:19 20 Did I not contribute to the system by
10:47:21 21 paying gross receipt taxes as every other bonafide
10:47:25 22 business do?
10:47:27 23 That is inaccurate.
10:47:29 24 Q Okay. Anything else?
10:47:31 25 A It goes on:

10:47:32 1 "Attempts to abolish boards and
10:47:34 2 commissions - by any senator - does
10:47:36 3 nothing but destroy public confidence in
10:47:39 4 the system."

10:47:40 5 Q Okay. And you believe that is a false
10:47:43 6 statement?

10:47:44 7 A That is their opinion tied to my name.

10:47:46 8 Q Okay. So my initial question as initially
10:47:51 9 stated was, was there anything that you saw to be
10:47:53 10 false in this editorial. And you have identified
10:47:57 11 the fourth-to-the-last paragraph, the
10:48:00 12 third-to-the-last paragraph, and second-to-the-last
10:48:03 13 paragraph?

10:48:04 14 A That's correct. Their characterization or
10:48:05 15 description of me is totally erroneous and actually
10:48:09 16 borders on an attempt to slander me or paint me in a
10:48:15 17 bad light.

10:48:18 18 Q Okay. Let's go on to the next page.

10:48:22 19 A Are you finished with this, meanwhile?

10:48:24 20 Q I'm finished -- excuse me -- unless you
10:48:26 21 believe that there's anything else in this article
10:48:28 22 that is false.

10:48:29 23 MS. ROHN: Yeah, there's the last
10:48:30 24 paragraph --

10:48:30 25 MR. RAMES: Excuse me.

10:48:32 1 MS. ROHN: We're just starting to read
10:48:33 2 it.

10:48:33 3 THE DEPONENT: That's what I just
10:48:34 4 mentioned to you, the last paragraph. You asked
10:48:37 5 me a question; I told you the --

10:48:39 6 BY MR. RAMES:

10:48:39 7 Q That's fine.

10:48:40 8 Is there anything else --

10:48:40 9 MS. ROHN: You mean other than the last
10:48:41 10 paragraph?

10:48:42 11 MR. RAMES: I'm sorry.

10:48:43 12 THE DEPONENT: You said that I had no
10:48:44 13 support -- going back to "Fortunately," where it
10:48:46 14 starts with "Fortunately this move apparently has
10:48:48 15 no support from anyone else in the Legislature."

10:48:51 16 That was not true.

10:48:52 17 BY MR. RAMES:

10:48:52 18 Q We have identified that as the
10:48:53 19 third-to-the-last paragraph.

10:48:55 20 A Yeah.

10:48:56 21 Q Okay.

10:48:56 22 A That was not true. That was totally
10:48:57 23 erroneous.

10:48:59 24 Q So what you're saying is you wish to add
10:48:59 25 the very last paragraph to your statement regarding

10:49:02 1 falsity?

10:49:03 2 A We already added that. All I did was
10:49:06 3 highlighted that "he has no support."

10:49:09 4 Q Okay.

10:49:10 5 MS. ROHN: He's asking you if you want
10:49:11 6 to add this last paragraph here.

10:49:13 7 THE DEPONENT: "Meanwhile, we
10:49:14 8 encourage the PSC to have serious
10:49:17 9 deliberations on this and all rates
10:49:19 10 issues, and not jump into costly,
10:49:21 11 protracted proceedings that benefit no one
10:49:24 12 except off-island consultants, and provide
10:49:28 13 political platform for a senator."

10:49:33 14 BY MR. RAMES:

10:49:34 15 Q Do you believe that is a false statement?

10:49:35 16 A It is a false statement.

10:49:36 17 Q Okay. So, again, in answer to my
10:49:38 18 question, you've identified the last four
10:49:40 19 paragraphs?

10:49:41 20 A That's correct.

10:49:42 21 Q That's correct?

10:49:42 22 Okay. Let's go on to the next page,
10:49:44 23 please.

10:49:45 24 "ICC, Donastorg square off over
10:49:49 25 VITELCO tax breaks."

10:49:50 1 Are there any false statements in this
10:49:52 2 article?

10:49:53 3 A There is inconsistency, to begin with.
10:49:56 4 "Donastorg square off over VITELCO tax break."

10:49:59 5 I never considered myself squaring off
10:50:01 6 with ICC. I didn't even know who ICC was.

10:50:05 7 So if you look at the title, it says,
10:50:06 8 "ICC, Donastorg square off over VITELCO tax breaks."
10:50:12 9 I squared off with VITELCO. My comments on record
10:50:15 10 was VITELCO.

10:50:18 11 Q Did you --

10:50:19 12 MS. ROHN: Let the record reflect that
10:50:19 13 Mr. Ruskin is whispering to Mr. Rames.

10:50:24 14 MR. RUSKIN: Let the record reflect
10:50:25 15 that I agree. I'm allowed to.

10:50:27 16 MS. ROHN: And I'm allowed to point it
10:50:29 17 out on the record, while we talk about how you
10:50:31 18 don't have a joint defense.

10:50:35 19 MR. RUSKIN: Okay. Let's move on.

10:50:37 20 BY MR. RAMES:

10:50:37 21 Q All right. Well, fine.

10:50:40 22 Okay. I believe you testified earlier in
10:50:43 23 your deposition that you believe that Redfield,
10:50:48 24 VITELCO, ICC were all part of the same -- I believe
10:50:51 25 you used the word "cabal"; is that correct?

10:50:54 1 A Yeah.

10:50:54 2 Q So you do, in fact, know what ICC is?

10:50:56 3 A Well, I incorporate ICC as a result of

10:51:01 4 your line of questions or Ruskin's.

10:51:04 5 Q So you believe that "ICC, Donastorg square

10:51:05 6 off over VITELCO tax breaks," you believe that's a

10:51:09 7 negative reference?

10:51:10 8 A If it is a negative reference?

10:51:13 9 Q Do you believe that it is a negative

10:51:13 10 reference to you?

10:51:13 11 A Well, I think after the editorial was

10:51:15 12 established, for them to continue to say that I'm

10:51:18 13 squaring off with anyone is to attempt to indirectly

10:51:21 14 illuminate the fact that I am always fighting with a

10:51:25 15 business --

10:51:26 16 Q But, in fact, you were disputing --

10:51:28 17 A -- VITELCO.

10:51:28 18 Q But, in fact, you were disputing --

10:51:31 19 A -- democratic right. Yeah.

10:51:33 20 Q Okay. Now, is there anything else about

10:51:35 21 this article that you deem false?

10:53:10 22 A The paragraph -- well, I would say that

10:53:12 23 the statement by Minnich is erroneous.

10:53:17 24 But you're saying if the article --

10:53:20 25 Q Yes.

10:53:20 1 A -- is incorrect. So I'm not sure if there
10:53:22 2 was a quote here -- well, it is. It says:

10:53:25 3 "Minnich said the consolidation of
10:53:27 4 the companies' accounting, Human
10:53:28 5 Resources, and payroll department is in
10:53:31 6 compliance with IDC regulations as well as
10:53:36 7 requirements of more than a dozen other
10:53:38 8 regulatory agencies, including the Federal
10:53:41 9 Communications Commission."

10:53:42 10 The reason I'm highlighting this is it was
10:53:45 11 establishing later on where Frandelle Gerard had to
10:53:52 12 submit a letter authorizing the consolidation
10:53:56 13 integration, that at this time it was not legal.

10:53:59 14 Q Do you have any doubt that Minnich said
10:54:01 15 that it was legal?

10:54:02 16 A I don't know. Minnich works for -- didn't
10:54:04 17 he work for VITELCO as well?

10:54:06 18 Q Do you have any reason to believe that
10:54:08 19 Minnich did not say that it was legal?

10:54:10 20 A I don't know.

10:54:11 21 Q Anything else about this article you
10:54:13 22 believe is false?

10:54:15 23 A No, I don't see anything else.

10:55:05 24 Q Let's move on to the next page.

10:55:07 25 The next page, at the bottom left, has an

10:55:11 1 article "Legislation reduction on agenda for Rules
10:55:14 2 Committee."

10:55:14 3 We discussed that yesterday in your
10:55:16 4 deposition; yes?

10:55:17 5 A Yes.

10:55:18 6 Q The next page includes a reference to a
10:55:21 7 correction setting --

10:55:23 8 A Where are we?

10:55:24 9 Q Yeah, the next page.

10:55:25 10 A Oh.

10:55:26 11 Q Okay.

10:55:28 12 A What was the --

10:55:28 13 Q All I said about that was we discussed it
10:55:30 14 in our deposition yesterday; is that correct?

10:55:31 15 A Oh. Okay. Well, I don't recall. Did we
10:55:34 16 discussed the reduction of the senate?

10:55:37 17 Oh. Okay. You meant the quote that --
10:55:42 18 well, that I voted against --

10:55:44 19 Q Exactly.

10:55:45 20 A -- the initiative, my own initiative?

10:55:47 21 Q Yes. You indicated that that was the
10:55:48 22 false statement in this article?

10:55:51 23 A Yeah.

10:55:52 24 Q Yes.

10:55:53 25 MS. ROHN: Yes.

10:55:53 1 BY MR. RAMES:

10:55:54 2 Q And we also discussed the "Setting the
10:55:56 3 record straight" box in yesterday's deposition.

10:55:59 4 A It's not a retraction.

10:56:02 5 Q You --

10:56:02 6 A It's not a retraction.

10:56:04 7 Q It is a correction?

10:56:06 8 A Yeah.

10:56:07 9 Q All right. The next document, "VITELCO
10:56:12 10 launches attack on Donastorg." That is a press
10:56:15 11 release from your office; is that correct?

10:56:17 12 A Uh-huh.

10:56:17 13 Q That's all. You can put down that now.

10:56:20 14 A Did you read the other titling, "Negative
10:56:23 15 stories to be planned (as stated) in the Daily
10:56:26 16 News."

10:56:26 17 Q "Negative stories to be planted."

10:56:29 18 A Uh-huh, "planted."

10:56:30 19 Q That is the subject headline in your press
10:56:32 20 release; is that correct?

10:56:34 21 A Yeah.

10:56:45 22 Q All right. Let's move on to Notice of
10:57:11 23 Production of Documents, dated 4-19-07, marked as
10:57:18 24 Defendants' exhibit next in line.

10:58:06 25 (Defendants' Exhibit 14 marked for identification.)

10:58:06 1 BY MR. RAMES:

10:58:06 2 Q Okay. Exhibit 14, look at, please,
10:58:09 3 Page AD37, which is the third document in line.

10:58:15 4 Okay?

10:58:15 5 A I did.

10:58:16 6 Q "Blind eye to cockfighting? Animal
10:58:19 7 cruelty nonetheless!" at the headline of the
10:58:21 8 editorial.

10:58:22 9 Is there any false statements in the
10:58:24 10 editorial?

10:58:25 11 A I believe there's a couple.

10:58:26 12 Q And why don't you tell me what those are?

10:59:29 13 A It says: "Razor-sharp knives are
10:59:31 14 often tide to the roosters' spurs in an
10:59:34 15 effort to create more violent fights.
10:59:37 16 People wager on the bird most likely to
10:59:40 17 survive."

10:59:41 18 Now, I believe they were trying to
10:59:43 19 transplant a tradition from the States in the Virgin
10:59:47 20 Islands.

10:59:47 21 In the Virgin Islands, the cock spurs that
10:59:49 22 they use are natural spurs. In the States — the
10:59:53 23 Daily News intended to make it even more brutal than
10:59:57 24 it is, and to, of course, tie my name to it.

11:00:01 25 Q Okay. So are you saying that "razor-sharp

11:00:06 1 knives are often tied to the roosters' spurs" is a
11:00:10 2 false statement?

11:00:11 3 A False statement.

11:00:12 4 Q Anything else?

11:00:13 5 A They put right down here to the bottom
11:00:52 6 that:

11:00:53 7 "We are puzzled as to why the Virgin
11:00:55 8 Islands senators specifically excluded
11:00:57 9 cockfighting from Bill 25-0149."

11:00:59 10 We didn't exclude cockfighting from the
11:01:01 11 bill. In fact, there was language placed in the
11:01:04 12 bill about cockfighting. Since the Division of
11:01:07 13 Licensing had already awarded a business license to
11:01:11 14 the establishment, where much money was invested in
11:01:14 15 the establishment, you know, to say that we omitted
11:01:17 16 it from the bill is totally erroneous. We
11:01:20 17 recognized that it exists in the bill.

11:01:25 18 Q You -- when -- okay.

11:01:28 19 So you --

11:01:29 20 A If you said "exempt cockfighting" or "did
11:01:33 21 not abolish cockfighting," that's a different thing.

11:01:37 22 Q So what you're saying is that the bill
11:01:39 23 exempted cockfighting from coverage under the bill?
11:01:42 24 Is that -- that is what actually happened?

11:01:44 25 A It exempts cockfighting. It created

11:01:47 1 language that it exists, but it was not abolished.

11:01:54 2 But it's not illegal to prohibit it because it's

11:01:57 3 already legal.

11:01:59 4 Q I understand.

11:01:59 5 So what is false about this statement?

11:02:02 6 A It says: "We are puzzled as to why

11:02:04 7 Virgin Islands senators specifically

11:02:06 8 excluded cockfighting from the bill. We

11:02:08 9 didn't exclude cockfighting from the bill.

11:02:10 10 Cockfighting is very much in the bill.

11:02:12 11 Q But this is a bill, is it not, that

11:02:15 12 prohibits animal cruelty?

11:02:18 13 A Yeah.

11:02:19 14 Q The Daily News, apparently, is of the

11:02:22 15 opinion that cockfighting is animal cruelty.

11:02:26 16 MS. ROHN: Objection to the form. This

11:02:27 17 is an opinion.

11:02:28 18 MR. RAMES: Excuse me.

11:02:31 19 An editorial is not an opinion?

11:02:32 20 MS. ROHN: An editorial that will state

11:02:33 21 facts that are false are not an opinion.

11:02:36 22 MR. RAMES: Yeah. Okay. Fine. Take

11:02:38 23 it to the Supreme Court.

11:02:42 24 MS. ROHN: Let the record reflect his

11:02:44 25 usual snide, unprofessional comments.

11:02:46 1 MR. RAMES: "Take it to the Supreme
11:02:47 2 Court" is unprofessional?
11:02:49 3 MS. ROHN: Yes, it is.
11:02:50 4 MR. RAMES: That's worse or better than
11:02:51 5 you sucking your teeth?
11:02:54 6 BY MR. RAMES:
11:02:55 7 Q Okay. So it is excluded from being called
11:03:00 8 animal cruelty in the bill; is that not correct?
11:03:03 9 It is excluded from being referenced to as
11:03:05 10 animal cruelty in the bill?
11:03:08 11 A Exactly.
11:03:08 12 Q I understand.
11:03:09 13 And the next page, please. Is that a true
11:03:13 14 and correct copy of the bill?
11:03:16 15 A Yeah. I think some more names was added
11:03:25 16 to it, but I'm not sure. I think the name of the --
11:03:27 17 if I'm not mistaken, Craig Bassinger, I think; I'm
11:03:33 18 not sure. I think his name was added to it.
11:03:37 19 Q Did this bill, in fact, pass?
11:03:40 20 A Yes.
11:03:41 21 Q Passed in the form that you -- I'm sorry.
11:03:45 22 You were --
11:03:46 23 A It was passed in the form that the
11:03:47 24 proponent, Humane Society, Randolph Knight and all
11:03:52 25 of those were the ones that drafted the bill, and

11:03:55 1 recognizing that they had friends that was major
11:03:58 2 parts of the establishment of cockfighting, they are
11:04:02 3 the ones that came up with the language and accepted
11:04:05 4 the language as is. So I moved a product that was
11:04:08 5 proposed by someone else.

11:04:11 6 Q So is it your testimony that Humane
11:04:12 7 Society supported this bill as written?

11:04:16 8 A Yeah, because they were concerned about
11:04:17 9 not biting off their nose to spite their face, and
11:04:21 10 the protection of greater animals was necessary.

11:04:24 11 Q When you say "greater animals," to what
11:04:27 12 are you referring?

11:04:28 13 A The greater animals are considered dogs,
11:04:31 14 cows, horses, and it goes on and on.

11:04:35 15 (Defendants' Exhibit 15 marked for identification.)

11:04:36 16 MR. RAMES: Okay. I'd like to mark
11:04:44 17 this document, the Notice of Production, dated
11:04:45 18 8-20-04, as the next exhibit next in line.

11:05:09 19 And your office provided this -- excuse
11:05:11 20 me.

11:05:11 21 BY MR. RAMES:

11:05:11 22 Q This was provided by your counsel on
11:05:13 23 8-20-04, and includes, at AD005, an editorial from
11:05:21 24 the *Virgin Islands Daily News*.

11:05:22 25 Is there any false statements in that

11:05:23 1 editorial, which is at Page 3, "Registering V.I.
11:05:26 2 automobiles?"

11:05:30 3 Is there any false statements in that
11:05:38 4 editorial?

11:05:40 5 A I think the language that they used down
11:06:38 6 here "with the senator's problems in managing his
11:06:41 7 personal finances and the government's."

11:06:43 8 What finances of the government was I
11:06:46 9 really handling? I mean, it is one thing to
11:06:49 10 legislate, it is one thing to supervise, it is one
11:06:53 11 thing to administrate, it's another thing to assume
11:06:56 12 accounting responsibility.

11:06:58 13 Doesn't that appear as though they're
11:07:00 14 suggesting that I am assuming accounting
11:07:03 15 responsibilities?

11:07:06 16 Q Okay. And are the members of the Senate
11:07:11 17 Finance Committee --

11:07:14 18 A I go back. I --

11:07:16 19 Q I didn't finish my question.

11:07:18 20 Are the members of the Senate Finance
11:07:19 21 Committee key figures in the formation of and
11:07:28 22 passing of the territorial budget in any given
11:07:32 23 legislature?

11:07:33 24 A I don't know where you are.

11:07:34 25 Q No, I'm asking the question just

11:07:35 1 generically.

11:07:36 2 Members of the Senate Finance Committee,
11:07:39 3 are they key players in the preparation of and in
11:07:42 4 the ultimate passage of the budget for the Territory
11:07:46 5 of the Virgin Islands?

11:07:46 6 A Managing appropriations.

11:07:48 7 Q I'm talking about the actual preparation
11:07:50 8 of the budget.

11:07:51 9 A That's correct.

11:07:51 10 Q Okay. And advancing the budget through
11:07:55 11 the legislative process?

11:07:57 12 A Yeah.

11:07:58 13 Q Okay. All right. Is there anything else
11:08:00 14 in this article that you deem false?

11:08:04 15 A Well, illuminated "with the senator's
11:08:06 16 problems in managing his personal finances."

11:08:10 17 What personal finances?

11:08:12 18 Q Okay.

11:08:13 19 A That is totally erroneous.

11:08:14 20 Q Is there anything else in this article
11:08:17 21 that you deem to be false?

11:08:17 22 A "And the government's. We are weary
11:08:19 23 of any proposal from him that create a new
11:08:23 24 government agency."

11:08:24 25 Well, it did not create a new government

11:08:30 1 agency.

11:08:33 2 Q I want you to --

11:08:34 3 A It provided autonomy to a government
11:08:39 4 division or division of a government department. It
11:08:42 5 is a total difference.

11:08:43 6 Q Separating the Division of Motor
11:08:45 7 Vehicles --

11:08:46 8 A Uh-huh. Providing autonomy --

11:08:48 9 Q -- from the --

11:08:49 10 A Providing autonomy.

11:08:51 11 Q Okay. And, in fact, that is the case now;
11:08:54 12 is that correct?

11:08:54 13 A It did not create a new government agency
11:08:57 14 per se; it existed.

11:08:58 15 Q Okay. There is a Department of Motor
11:08:59 16 Vehicles; is that correct?

11:09:01 17 A Yeah.

11:09:02 18 Q And Department of Motor Vehicles was
11:09:03 19 established as a result of your bill; is that
11:09:04 20 correct?

11:09:05 21 A Uh-huh.

11:09:05 22 Q A bill that you were a proponent of?

11:09:08 23 A Uh-huh. And it's not "Department of Motor
11:09:09 24 Vehicles," "Bureau of Motor Vehicles."

11:09:13 25 Q Bureau of Motor Vehicles. Okay.

11:09:15 1 And then the Bureau of Motor Vehicles is
11:09:17 2 formally the Division of Motor Vehicles of the
11:09:19 3 Department of Public Safety; is that correct?

11:09:24 4 A Uh-huh.

11:09:27 5 Q And so your problem with this aspect of
11:09:32 6 the article was that this did not create a new
11:09:36 7 government bureaucracy --

11:09:37 8 A The language --

11:09:38 9 Q -- it simply provided autonomy for a
11:09:41 10 preexisting department -- the division?

11:09:43 11 A May I add, just to clarify --

11:09:45 12 Q Of course.

11:09:45 13 A -- a question or a statement?

11:09:47 14 Q I just want to know whether or not that is
11:09:48 15 a correct statement, that your problem with this
11:09:50 16 aspect of the article is that it did not create a
11:09:56 17 new government bureaucracy, it instead gave autonomy
11:10:00 18 to the Division of Motor Vehicles by creating the
11:10:04 19 Bureau of Motor Vehicles; is that correct?

11:10:06 20 A That's correct.

11:10:06 21 Q Okay. Now, please clarify if there's any
11:10:09 22 further clarification you'd like to make.

11:10:12 23 A Okay. The clarification is that the
11:10:14 24 language that is contained in here is suggesting
11:10:15 25 that a different level of bureaucracy was created in

11:10:18 1 establishing a new government department but not
11:10:22 2 necessarily implying that it was the same existing
11:10:25 3 structure that you were only affording autonomy.

11:10:28 4 Q Okay. Is there anything else you deem
11:10:32 5 false?

11:10:39 6 A It said, "It's best to let the
11:10:40 7 professionals deal with this."

11:10:44 8 Q You agree with that, don't you?

11:10:46 9 A Well, it's suggesting that senators are
11:10:47 10 not professionals.

11:10:49 11 Aren't we professionals? Aren't we
11:10:52 12 considered professionals?

11:10:53 13 Q But you agree with the statement, though,
11:10:58 14 that it's best to let the professionals deal with
11:11:00 15 this?

11:11:01 16 A How could I agree with the statement?

11:11:04 17 Q Okay. So the question is, is this, in
11:11:06 18 fact, a false statement?

11:11:07 19 A It is a false statement. We are
11:11:09 20 professionals. I consider us to be professionals.

11:11:12 21 Q Is there anything else in the article you
11:11:15 22 deem false?

11:11:15 23 A "We are confident that Commissioner
11:11:26 24 Lewis will come up with a workable plan
11:11:29 25 that may or may not involve Licensing and

11:11:31 1 Consumer Affairs. Solving the problems at
11:11:34 2 Motor Vehicles is not a task for the
11:11:36 3 Senate Finance" --

11:11:38 4 And it stops. I guess you left the other
11:11:42 5 page out.

11:11:43 6 Was it us that left the other page out or
11:11:45 7 you that left the other page out?

11:11:47 8 Q I believe I gave it to you in the form
11:11:49 9 that I received it.

11:11:50 10 A Oh. Okay. Then I leave it as that.

11:11:53 11 Q Okay.

11:11:55 12 A "It's not a task for the committee
11:11:57 13 chairman." Okay. It stops here.

11:11:58 14 (Defendants' Exhibit 16 marked for identification.)

11:11:58 15 BY MR. RAMES:

11:12:00 16 Q All right. I'll show you another document
11:12:04 17 that is marked for purposes of this examination as
11:12:10 18 Defendants' 16. This is a Notice of Production
11:12:23 19 given to us by your counsel on August the 17th,
11:12:26 20 2005.

11:12:29 21 And I'd like you to turn, if you can, to
11:12:35 22 the third page in line document designated AD 0032.

11:12:40 23 Are you familiar with that document?

11:12:55 24 A Yes, I'm familiar with it. Yes.

11:12:58 25 Q And look at the next page. Is that your

11:12:59 1 response to the request?

11:13:22 2 A Uh-huh.

11:13:22 3 Q Okay. And the next document, is there any

11:13:27 4 false statements in the next document, the editorial

11:13:31 5 dated March 1st, 2004, "GERS as political fodder."

11:13:36 6 A The language used "pushing."

11:13:39 7 Q Where?

11:13:40 8 A Once again, there's —

11:13:41 9 Q I'm sorry. Okay. Beginning at the second

11:13:43 10 paragraph?

11:13:43 11 A Second paragraph.

11:13:44 12 Q Okay. The word "pushing," you believe

11:13:46 13 that that is a false statement?

11:13:48 14 A You want to go back to the first

11:13:49 15 paragraph?

11:13:50 16 Q Wherever you want to start, sir.

11:13:52 17 A Let's start with the first paragraph, "to

11:13:54 18 advance his reelection efforts."

11:13:57 19 Q You believe that that is a false

11:13:58 20 statement?

11:13:59 21 A It is.

11:14:00 22 Q Okay. Anything else?

11:14:03 23 A Second paragraph:

11:14:04 24 "Senator Donastorg is pushing to get

11:14:07 25 the GERS to pay 4 percent on the money

11:14:11 1 participants withdrawn from the system
11:14:14 2 when they leave government employment
11:14:18 3 before retirement. This policy has been
11:14:20 4 on the books since 2000, but apparently no
11:14:23 5 interest has been paid because legislation
11:14:26 6 creating the policy did not explain how
11:14:28 7 the interest is to be calculated.
11:14:30 8 Senator Donastorg sponsored the
11:14:32 9 legislation."
11:14:33 10 That is totally erroneous. Legislative record
11:14:36 11 intent is established by virtue of arguments
11:14:39 12 provided on the floor in support or against me.
11:14:42 13 Q And so you believe that -- it is your
11:14:45 14 statement -- it is your testimony that the
11:14:49 15 legislative record for this legislation clarifies
11:14:54 16 how interest is to be calculated?
11:14:59 17 A It clarifies that 4 percent shall be paid
11:15:02 18 to the total amount a person shall receive.
11:15:08 19 Q So it is your testimony that what is false
11:15:13 20 about this is that the explanation of how the
11:15:21 21 interest is to be calculated --
11:15:23 22 A Is --
11:15:24 23 Q -- can be found in the legislative record?
11:15:27 24 A Yes. It says: "but apparently no
11:15:30 25 interest has been paid because legislation

11:15:34 1 creating the policy did not explain how

11:15:36 2 the interest is to be calculated.

11:15:40 3 Senator Donastorg sponsored the

11:15:43 4 legislation."

11:15:43 5 So you have cast a negative light on it and go

11:15:47 6 further to say that Senator Donastorg sponsored the

11:15:52 7 legislation.

11:15:52 8 Q Did you, in fact, sponsor that

11:15:54 9 legislation?

11:15:55 10 A I did.

11:15:55 11 Q Okay.

11:15:56 12 A But the legislation establishes clearly

11:15:58 13 what was proposed, what was supposed to be

11:16:01 14 instituted.

11:16:03 15 Q Is it not in fact the case that no

11:16:06 16 interest was paid between the legislation passed in

11:16:11 17 2000 and the writing of this Daily News editorial on

11:16:15 18 March 1st, 2004?

11:16:18 19 A I don't know.

11:16:18 20 Q Is there anything else that you deem false

11:16:20 21 in this editorial?

11:16:21 22 A "By even the most conservative

11:16:25 23 estimates, the GERS is unfunded by

11:16:27 24 \$1 billion."

11:16:29 25

11:16:29 1 "Under funded by \$1 billion"? Where would they
11:16:32 2 have gotten that figure from? The last time I had
11:16:35 3 checked around that time, it was only around
11:16:37 4 600-something million that they were in debt. So if
11:16:41 5 they're talking about it being underfunded based on
11:16:44 6 those figures, where did they arrive over a billion?

11:16:47 7 Q So you believe that that is an
11:16:48 8 exaggeration; is that correct?

11:16:50 9 A It is.

11:16:50 10 Q Is there anything in this editorial that
11:16:52 11 you deem false?

11:17:16 12 A Well, as I said then, and I'll say now, it
11:17:20 13 says:

11:17:20 14 "The GERS needs to be removed from
11:17:22 15 the micro-management of the V.I.
11:17:27 16 Legislature. Senators do not have the
11:17:30 17 financial wisdom to properly manage it,
11:17:33 18 and most are motivated only by political
11:17:37 19 advancement."

11:17:38 20 I would have to say that that is totally
11:17:38 21 erroneous, because if you're saying that senators do
11:17:40 22 not have the financial wisdom, I would think that
11:17:43 23 Donastorg had the financial wisdom to say that
11:17:46 24 VITELCO was well on its way to crashing.

11:17:49 25 Q Okay. Is there anything else in the

11:17:51 1 article that you deem to be false?

11:17:53 2 A "The fact that Senator Donastorg said
11:17:59 3 that GERS should 'be happy to pay out (the
11:18:02 4 4 percent interest) as it is only a
11:18:05 5 pittance compared to what they would owe
11:18:07 6 any employee that chooses to retire with
11:18:11 7 the system,' shows how little he
11:18:13 8 understands about investing money for the
11:18:17 9 long term."

11:18:18 10 Totally erroneous, once again.

11:18:20 11 I was the one -- and I established on record, I
11:18:23 12 was the one that, in fact, opposed allowing for
11:18:28 13 people who served on a board -- the GERS board -- to
11:18:32 14 have the authority to invest in the stock market
11:18:36 15 when, in fact, none of them had financial
11:18:39 16 backgrounds. And the GERS system has suffered as a
11:18:44 17 result of that legislation, which I opposed.

11:18:47 18 Q Okay. And what you just said, that is
11:18:53 19 your --

11:18:54 20 A This is totally erroneous. I mean, to
11:18:56 21 label me or cast me in a negative light, to say that
11:19:00 22 I don't understand, that, you know, shows how little
11:19:04 23 he understands about investing money for the long
11:19:09 24 term.

11:19:10 25 I mean, if you're going to characterize me

11:19:17 1 as not knowing or not having any knowledge, I have
11:19:21 2 knowledge enough to know that consolidation
11:19:23 3 integration of VITELCO would have created a serious
11:19:27 4 dilemma.

11:19:28 5 So on what premise did they describe me or
11:19:31 6 determine that I lack understanding?

11:19:32 7 (Defendants' Exhibit 17 marked for identification.)

11:19:32 8 BY MR. RAMES:

11:19:33 9 Q All right. Let's go on to the next
11:19:48 10 exhibit in line. This is the Response to the Daily
11:19:51 11 News' First Set of Interrogatories, dated 11-8-03.

11:19:55 12 And I'll just simply ask you if -- oh,
11:20:06 13 geez, it dropped a page.

11:20:26 14 All right. I want you to go through this.
11:20:32 15 Unfortunately, it does not have your signature on
11:20:34 16 it.

11:20:34 17 There's a page missing that would have
11:20:36 18 your signature on it, and I would simply ask you
11:20:39 19 whether or not that was your signature, and whether
11:20:41 20 there's anything on this document that you would
11:20:43 21 like to change.

11:20:43 22 But let me just ask the second question --

11:20:47 23 MS. ROHN: Move to strike.

11:20:49 24 BY MR. RAMES:

11:20:50 25 Q Let me just ask the second question first.

11:20:52 1 Are these your answers to the First Set of
11:20:56 2 Interrogatories?

11:20:58 3 MS. ROHN: Since they don't have his
11:21:00 4 signature on it, he couldn't possibly answer.

11:21:03 5 You think he has total recall of answers that
11:21:05 6 he made in 2003 and 2008?

11:21:08 7 MR. RAMES: Attorney Rohn, I know you
11:21:09 8 have this document, and I know you have --

11:21:11 9 MS. ROHN: I'm not under any
11:21:12 10 obligation --

11:21:13 11 THE DEPONENT: Whose signature is this;
11:21:15 12 Do you know? Whose writing is this?

11:21:18 13 MS. ROHN: Do you know whose writing it
11:21:19 14 is?

11:21:20 15 THE DEPONENT: How do I know it's not
11:21:22 16 yours or someone in your office?

11:21:27 17 MR. RAMES: Well -- all right.

11:21:29 18 MS. ROHN: Let the record reflect that
11:21:31 19 Mr. Ruskin is pointing out things on the document
11:21:33 20 for Attorney Rames.

11:21:35 21 MR. RAMES: He's pointing out your
11:21:37 22 signature, Attorney Rohn.

11:21:39 23 MS. ROHN: But, of course you guys
11:21:41 24 don't have a joint offense.

11:21:43 25 MR. RAMES: Item 1 on Page 6, please.

11:21:47 1 THE DEPONENT: Item 1 on Page 6.

11:21:49 2 MR. RAMES: This could be a lot easier.

11:21:54 3 MS. ROHN: It certainly could.

11:21:56 4 BY MR. RAMES:

11:21:56 5 Q Is that your marital status and your
11:22:00 6 domicile and residence?

11:22:02 7 A No.

11:22:05 8 Q So you are married, in fact; yes?

11:22:08 9 A Yes.

11:22:09 10 Q And did you live at 369 Wentberg?

11:22:12 11 A I don't know anywhere named "Wentberg."
11:22:14 12 Wintberg, Wintberg, W-i-n-t. This is "W-e-n-t."

11:22:19 13 Q So this is misspelled. It would be
11:22:21 14 W-i-n-t; yes?

11:22:23 15 A Yes.

11:22:24 16 Q And otherwise, is that address correct?

11:22:26 17 A Yes.

11:22:39 18 Q Is this answer on Page 7 the factual basis
11:22:45 19 for the allegations in Paragraph 9 of your First
11:22:49 20 Amended Answer?

11:22:58 21 A What was the question?

11:23:00 22 Q The question is: "State each and
11:23:05 23 every factual basis for the allegation in
11:23:06 24 Paragraph 9 of the First Amended Complaint
11:23:10 25 that the Daily News, on its own and

11:23:12 1 through the acts and omissions of the
11:23:13 2 Defendants herein have set out a concerted
11:23:14 3 effort to slander, defame and cast in a
11:23:18 4 bad light Senator Donastorg. And for each
11:23:19 5 factual basis, also identify all documents
11:23:21 6 evidencing it and all persons who have
11:23:24 7 knowledge of it."

11:23:25 8 I'll put it to you that this is your
11:23:26 9 answer --

11:23:27 10 A Yeah.

11:23:27 11 Q -- to that question. Is that answer true
11:23:28 12 and --

11:23:28 13 A "Will Jones has informed the
11:23:31 14 Plaintiff that he was instructed to write
11:23:33 15 negative stories as to Plaintiff, false
11:23:35 16 stories were repeated in the paper. Hal
11:23:36 17 Hatfield stated that he was off to write a
11:23:41 18 Donastorg story so that he could get a
11:23:43 19 bonus, there was a policy at the Daily
11:23:47 20 News to portray Plaintiff in a negative
11:23:49 21 light, the Daily News had Plaintiff
11:23:51 22 investigated to try and dig up dirt on
11:23:54 23 Plaintiff."

11:23:55 24

11:23:56 25

11:23:56 1 Yes.

11:23:56 2 Q Okay. Is that answer true, complete and,
11:23:58 3 correct?

11:23:59 4 A Same response of yesterday.

11:24:02 5 Q Okay. And then the next answer:
11:24:05 6 "State every factual basis for the
11:24:09 7 allegation that Defendants have offered
11:24:12 8 reporters bonus."

11:24:12 9 Is your answer there true?

11:24:14 10 A Yeah. "Hal Hatfield made the statement in
11:24:18 11 front of Kennech Augustus, Desmond Perceival,
11:24:21 12 Winsten, last unknown, Will Jones told the same."

11:24:26 13 Yes.

11:24:32 14 Q In your Voluntary Disclosure, which I
11:24:39 15 believe is Exhibit 12, you have the name Winston
11:24:43 16 Smith. Is that the name to which you're referring
11:24:45 17 in this answer?

11:24:46 18 A I think so.

11:24:46 19 Q This is your Voluntary Disclosure that I'm
11:24:49 20 holding in my hand.

11:24:50 21 A No. I think those are two different
11:24:52 22 people.

11:24:53 23 Q You think --

11:24:54 24 A Yeah, it's two different people.

11:24:55 25 Q So you still have no knowledge of who

11:24:56 1 Winsten, last name unknown, is?

11:24:59 2 A No, I don't know what Winsten's last name

11:25:04 3 is.

11:25:05 4 Q Okay. The next one talks about the voting

11:25:07 5 against your own bill. I'll pass that one.

11:25:11 6 A Which one is that?

11:25:11 7 Q That is number 4 on Page 9. I'll pass

11:25:14 8 that one.

11:25:14 9 A Uh-huh.

11:25:15 10 Q Number 5 on Page 10 says:

11:25:17 11 "State every factual basis for the

11:25:19 12 statement that Defendants have threatened

11:25:22 13 their own personal stories about

11:25:25 14 Senator Donastorg unless a positive

11:25:27 15 working relationship can be obtained."

11:25:29 16 And your answer is:

11:25:31 17 "Letter from Lower Doves to

11:25:32 18 Bollentina and Senator Donastorg,

11:25:32 19 Plaintiff and Davis and Bollentina."

11:25:37 20 I'm not really sure what that means.

11:25:35 21 Do you know anybody named Lower Doves?

11:25:43 22 Could that possibly mean Lowe Davis?

11:25:46 23 A I believe so.

11:25:52 24 Q So this is the letter from Lowe Davis to

11:25:53 25 Bollentina that we discussed yesterday concerning

11:25:57 1 Ms. Susan Hennigan (phonetic)?

11:25:59 2 A And Bollentina's comments was that what

11:26:06 3 Ms. Lowe Davis characterized in the letter was

11:26:10 4 totally inaccurate.

11:26:11 5 Q Okay. And is this answer true, correct,

11:26:12 6 and complete?

11:26:16 7 A I would have to say yeah, considering the

11:26:19 8 misspelling of the names.

11:26:20 9 Q Okay. On Number 6:

11:26:23 10 "State every factual basis for the

11:26:25 11 allegations that Defendants have required

11:26:28 12 reporter to constantly go on the lookout

11:26:30 13 for negative stories about

11:26:31 14 Senator Donastorg and selectively target

11:26:34 15 Senator Donastorg for negative stories."

11:26:36 16 And then you have your answer below.

11:26:38 17 A Uh-huh.

11:26:38 18 Q Is that answer true, complete, and

11:26:39 19 correct?

11:26:40 20 A Stories in the Daily News regarding

11:26:43 21 Senator Donastorg, Rocky Liburd, Will Jones, Ariel

11:26:53 22 Melchoir. That's true.

11:26:56 23 Q I'm not sure that I fully understand this.

11:26:58 24 Are you saying that negative stories could have been

11:27:02 25 carried out by these individuals but were not?

11:27:04 1 A Uh-huh.

11:27:05 2 Q That's what you mean by this answer?

11:27:06 3 A Yeah.

11:27:07 4 Q Let's go on to the next one.

11:27:09 5 Excuse me. Is that true, complete, and

11:27:09 6 correct? I'm sorry. Is that answer true, complete,

11:27:13 7 and correct?

11:27:18 8 A It's just got some typographical errors in

11:27:23 9 here that would give a different —

11:27:37 10 (Pause in proceedings.)

11:28:01 11 MS. ROHN: There should be a period

11:28:03 12 after "Emmett Hansen," and then the person with

11:28:06 13 knowledge would start with "Penny Feuerzeig."

11:28:09 14 MR. RAMES: Okay.

11:28:09 15 BY MR. RAMES:

11:28:10 16 Q Do you accept that amendment?

11:28:12 17 A Yeah.

11:28:12 18 Q And with that amendment, is this answer

11:28:14 19 true, complete, and correct?

11:28:15 20 A Yes.

11:28:16 21 Q Let's move on to the next one.

11:28:17 22 "State every factual basis for the

11:28:19 23 allegation that Defendants have slanted

11:28:21 24 news stories in a negative light so as to

11:28:25 25 discredit Senator Donastorg."

11:28:26 1 And you refer back to Interrogatory
11:28:28 2 Number 6.
11:28:29 3 A Number 6, yeah.
11:28:30 4 Q Does that make this answer true and
11:28:31 5 correct?
11:28:31 6 A Yes.
11:28:31 7 MS. ROHN: Well, other than all his
11:28:33 8 other deposition testimony today. We're not
11:28:35 9 going to exclude all his deposition testimony.
11:28:38 10 BY MR. RAMES:
11:28:40 11 Q Number 8. This inquiry concerns
11:28:46 12 Defendants have made derogatory statements to third
11:28:47 13 parties about Senator Donastorg; and falsely accused
11:28:53 14 him of covering up an arrest that, in reality, never
11:28:58 15 occurred; that he was a physically responsible
11:29:01 16 person; and they had ulterior motives for wanting
11:29:04 17 VITELCO audited; and it is believed other derogatory
11:29:05 18 and untruthful statements were made.
11:29:07 19 And you did give an answer there. Is that
11:29:10 20 answer true, complete, and, correct?
11:29:11 21 A Yes.
11:29:12 22 Q Okay. Let's move on to Number 9.
11:29:16 23 "Defendants had a related ICC
11:29:17 24 company, VITELCO send letters to its
11:29:19 25 employees and employees of other ICC

11:29:21 1 companies, including the Daily News, in
11:29:24 2 violation of their voting rights."

11:29:28 3 Have you ever seen that letter?

11:29:31 4 A I saw the letter. And, in fact, I had a
11:29:33 5 discussion -- I was gosling my memory to see if I
11:29:38 6 could remember at least another party that had shown
11:29:41 7 me the letter; I think it was a Mr. Arthur Joseph.

11:29:45 8 Q And have you produced this letter in this
11:29:48 9 litigation?

11:29:50 10 A If I --

11:29:52 11 Q Have you produced --

11:29:53 12 A No, I didn't get a copy. I saw the
11:29:55 13 letter, but I didn't get a copy. It was his
11:29:58 14 original letter that he had received.

11:29:59 15 Q In response to that question, you
11:30:01 16 reference the name "Sam Eppeson." You mean
11:30:04 17 Ebbensen?

11:30:05 18 A Yeah, Ebbensen.

11:30:07 19 Q Other than that typographical error, is
11:30:10 20 this answer true and correct?

11:30:12 21 A Yes.

11:30:12 22 Q Let's move on to number 10.

11:30:13 23 "State every factual basis for the
11:30:14 24 allegation that reporters of the Daily
11:30:16 25 News were sent to intimidate

11:30:18 1 Senator Donastorg and he had to be careful
11:30:20 2 and advised him to discontinue his attacks
11:30:21 3 on VITELCO."

11:30:21 4 Your answer is that. And is that answer
11:30:24 5 true, complete and, correct?

11:30:26 6 A Yes.

11:30:26 7 Q Who were the reporters of Daily News that
11:30:29 8 were sent to intimidate you?

11:30:31 9 A The answer is responded there. "Will
11:30:33 10 Jones told Plaintiff so."

11:30:35 11 Q No. Who were these reporters that were
11:30:38 12 referenced?

11:30:41 13 A I'm trying to remember if it was -- let me
11:30:44 14 ask you to restate your question because I'm not
11:30:46 15 sure I'm understanding correctly.

11:30:49 16 Q I'm sorry?

11:30:49 17 A If Will Jones provided me with names of
11:30:52 18 other reporters who were instructed --

11:30:57 19 Q I'll restate the question.

11:30:58 20 Were reporters from the Daily News sent to
11:31:00 21 intimidate you?

11:31:02 22 A What reporters?

11:31:03 23 Q Were reporters from the Daily News sent to
11:31:07 24 intimidate you?

11:31:10 25 A With the exception of the information that

11:31:12 1 Will Jones and Tim McDonald conveyed, it was obvious
11:31:19 2 they were instructed to write negative stories, and
11:31:22 3 the attempt was to intimidate me.

11:31:25 4 Q Oh. Okay. Not sent to intimidate you but
11:31:28 5 directed to write stories; is that what you're
11:31:28 6 saying?

11:31:29 7 A Yeah, that would intimidate me.

11:31:31 8 Q I understand.

11:31:32 9 So your answer to 10 is true, complete,
11:31:34 10 and correct; yes?

11:31:36 11 A Yes.

11:31:36 12 Q Number 11:

11:31:37 13 "State every factual basis for the
11:31:39 14 allegation that Defendant had an employee
11:31:41 15 of ICC contact Donastorg and offer to go
11:31:43 16 build a library in his name or take
11:31:46 17 whatever other actions or remuneration he
11:31:46 18 wished, in exchange for him not
11:31:47 19 criticizing VITELCO or other ICC related
11:31:49 20 companies."

11:31:51 21 Is your answer there true, complete, and
11:31:52 22 correct?

11:31:54 23 A Yes. Only one thing I would like to add
11:31:55 24 to it.

11:31:56 25 Q Yes.

11:31:56 1 A John Tutein, at the time when he came to
11:31:59 2 the office, I believe that ICC didn't exist; it was
11:32:02 3 actually VITELCO only.

11:32:03 4 Q Okay.

11:32:06 5 A So I'm not sure at what point he made the
11:32:08 6 transition from being an employee solely under
11:32:12 7 VITELCO or crossed over on ICC. I have no idea.

11:32:15 8 MS. ROHN: Let the record reflect
11:32:17 9 Mr. Ruskin is again whispering to Mr. Rames.

11:32:20 10 MR. RUSKIN: Why don't we just have the
11:32:22 11 record reflect that I'm going to whisper to
11:32:26 12 Mr. Rames as often as I choose to, and you can
11:32:30 13 just note it as a continuing comment.

11:32:31 14 THE DEPONENT: You sound like you took
11:32:33 15 a courage pill last night.

11:32:35 16 MR. RUSKIN: A what?

11:32:36 17 THE DEPONENT: A courage pill.

11:32:38 18 MR. RUSKIN: I was born this way.

11:32:40 19 THE DEPONENT: Okay.

11:32:41 20 MS. ROHN: Poor thing.

11:32:43 21 BY MR. RAMES:

11:32:44 22 Q Okay. So with the correction that you
11:32:46 23 don't believe that ICC was in existence at that
11:32:49 24 time --

11:32:50 25 A I'm not sure.

11:32:51 1 Q Oh. You're not sure whether --

11:32:53 2 A Because when he came to the office -- let
11:32:55 3 me let you finish.

11:32:57 4 Q Other than with respect to the issue of
11:32:59 5 the timing of the existence of ICC, is this answer
11:33:03 6 true, complete, and correct?

11:33:08 7 A Yes and no.

11:33:10 8 Q What is the "no" part, please?

11:33:11 9 A The "no" part is that when John Tutein
11:33:13 10 came to the office, he represented VITELCO. At no
11:33:17 11 time did he tell me that he was representing ICC. I
11:33:21 12 just learned that he was, in fact, associated,
11:33:22 13 quote/unquote, by ICC after further investigation
11:33:25 14 after that.

11:33:26 15 Q I understand.

11:33:27 16 A He never provided me with a business card.
11:33:29 17 He never provided me with anything. He just had a
11:33:32 18 brief case behind of him.

11:33:35 19 Q I'll pass number 12.

11:33:38 20 And number 13, on Page 18.

11:33:43 21 "State every factual basis for the
11:33:44 22 allegation that Defendants defamed
11:33:47 23 Senator Donastorg to include accessing
11:33:49 24 him, accusing him, of taking bribes,
11:33:51 25 falsely claiming that the investigation

11:33:53 1 was a result of attempting to substantiate
11:33:56 2 those claims when that investigation
11:33:58 3 documents contain no such investigation,
11:34:00 4 falsely complaining that Senator Donastorg
11:34:03 5 flew on a private AT&T plane to the
11:34:07 6 St. Lucia Jazz Festival, falsely stating
11:34:08 7 that Senator Donastorg sets out to slander
11:34:10 8 businesses."

11:34:11 9 Is your answer to that in item 13 true,
11:34:14 10 complete, and correct?

11:34:16 11 A That's correct.

11:34:16 12 And if I may add? I believe that
11:34:20 13 Mr. Redfield had liked it and expounded on the fact,
11:34:23 14 described me as being mean-spirited. And he said it
11:34:28 15 on two, three different occasions.

11:34:30 16 Q And with respect to 14, the answer
11:34:32 17 referred back to 13.

11:34:34 18 Question 14 said he went on the radio.

11:34:36 19 Does the response to Interrogatory 13
11:34:38 20 placed in 14 make that true, complete, and, correct?

11:34:41 21 A Yes.

11:34:42 22 Q And Number 15:

11:34:44 23 "State every factual basis for the
11:34:46 24 allegation that VITELCO has paid for such
11:34:51 25 investigations out of rate payer funds."

11:34:54 1 Your response to that is:

11:34:55 2 "The bills in the investigation file

11:34:57 3 so indicate."

11:34:58 4 Is that answer true, complete, and correct

11:35:00 5 from your perspective?

11:35:01 6 A Yes.

11:35:02 7 Q Number 16:

11:35:02 8 "Set forth in detail all damages

11:35:05 9 allegedly suffered as a result of the acts

11:35:07 10 of the Defendants."

11:35:08 11 A That's correct.

11:35:08 12 Q And you have listed certain matters. Is

11:35:14 13 that true, complete, and correct?

11:35:16 14 A That's correct.

11:35:19 15 Q And in response to Number 19 on Page 24,

11:35:31 16 "Identify all witnesses" --

11:35:33 17 A You skipped Number 17?

11:35:35 18 Q Yes, I did, intentionally.

11:35:38 19 A And did you skip Number 18?

11:35:40 20 Q Yes, all the way to Page 24 on number 19.

11:35:44 21 "Identify all witnesses Plaintiffs

11:35:45 22 intend to call at a trial in this matter,

11:35:47 23 including for each, the last known address

11:35:49 24 and telephone number."

11:35:50 25 Have you yet made a determination as to --

11:35:53 1 A I would have to refer that to my attorney.

11:35:56 2 MS. ROHN: Final witness lists are not

11:35:58 3 due until nine days --

11:36:00 4 BY MR. RAMES:

11:36:00 5 Q Have you hired an expert in this matter?

11:36:03 6 MS. ROHN: That would be a question for

11:36:04 7 his attorney.

11:36:05 8 BY MR. RAMES:

11:36:05 9 Q Do you have any knowledge of hiring an

11:36:08 10 expert in this matter?

11:36:09 11 A I would defer --

11:36:10 12 Q The question is do you have any personal

11:36:11 13 knowledge of having hired any expert in this matter?

11:36:14 14 A No. I just know that outside, Rohn had

11:36:19 15 seen certain physicians for the mental anguish and

11:36:21 16 everything else, to include Chester Copeman,

11:36:26 17 Dr. Flood, Dr. Nelson.

11:36:32 18 Q We've heard of Dr. --

11:36:33 19 A Those are professional people.

11:36:34 20 Q We heard of Dr. Copeman yesterday, and we

11:36:38 21 also heard of Dr. Shapiro. We didn't hear about

11:36:42 22 Dr. Flood and --

11:36:45 23 A Dr. Flood was for the -- there was an

11:36:47 24 irritation found in the sack around my heart, and it

11:36:51 25 came from all the stress that VITELCO and the rest

11:36:54 1 of the cabal had put me through.

11:36:57 2 Q And you mentioned a fourth doctor.

11:37:02 3 A Dr. Nelson.

11:37:02 4 Q Copeman, Shapiro, Flood, and?

11:37:04 5 A Dr. Nelson.

11:37:05 6 Q And what was your dealing with Dr. Nelson?

11:37:06 7 A Just to check my head for the massive

11:37:09 8 headaches that I've been experiencing.

11:37:12 9 Q Whatever findings that Dr. Flood made, are

11:37:17 10 you cured of that?

11:37:18 11 A No, because I was scheduled to go back to

11:37:21 12 him about a week ago, but because of the

11:37:24 13 responsibility that I was charged with, I was unable

11:37:27 14 to make my appointment.

11:37:29 15 Q So you haven't been cleared of that issue

11:37:34 16 yet?

11:37:34 17 A It could reoccur for the rest of my life.

11:37:38 18 Q With respect to headaches, are you still

11:37:39 19 experiencing headaches?

11:37:40 20 A I get them almost every -- probably every

11:37:43 21 week.

11:37:44 22 MR. RAMES: Okay. I'm almost done

11:37:46 23 here.

11:37:46 24 (Defendants' Exhibit 18 marked for identification.)

25

11:37:46 1 BY MR. RAMES:

11:37:46 2 Q I'd like to direct your attention to the
11:37:52 3 exhibit next in line, please.

11:38:08 4 I will suggest to you that this is a
11:38:21 5 Thursday, August 6th of 1998 Police Report
11:38:27 6 concerning an incident that took place at -- that
11:38:28 7 allegedly took place at 1-123-13 Estate Wintberg.

11:38:36 8 You identified that as your address; is
11:38:38 9 that correct?

11:38:39 10 A Yes.

11:38:39 11 Q Okay. And on the second page, it
11:38:42 12 indicates where it says, "Adlah Donastorg, Code R,
11:38:50 13 Residence Address, Residence Phone," was that your
11:38:53 14 registered residence phone at the time?

11:39:00 15 A 777-3440. That's correct.

11:39:03 16 Q Okay. The "Adlah Donastorg" referred to
11:39:06 17 in this police report, is that Adlah Donastorg, Jr.?

11:39:09 18 A That's correct.

11:39:10 19 Q Okay. And did you, in fact, file this
11:39:15 20 Police Report, Number 9851 --

11:39:21 21 A Yes, I did.

11:39:21 22 Q -- 12528?

11:39:25 23 A Yes, I did.

11:39:31 24 Q Is it correct to say that no arrest arose
11:39:37 25 from this police report?

11:39:39 1 A That's correct. Well, I really don't

11:39:43 2 know, to be honest with you.

11:39:45 3 Q To your knowledge?

11:39:46 4 A To my knowledge, I don't know.

11:39:47 5 Q And let me ask you two more questions.

11:39:49 6 You are the complainant in this police

11:39:51 7 report; is that correct?

11:39:52 8 A Yes. That's correct.

11:39:59 9 Q And the alleged perpetrator is?

11:40:05 10 A Tony Rosario.

11:40:07 11 Q Do you, in fact, own a licensed weapon?

11:40:16 12 A Yes.

11:40:16 13 (Defendants' Exhibit 19 marked for identification.)

11:40:16 14 BY MR. RAMES:

11:40:28 15 Q I believe this is my last exhibit. And

11:40:37 16 I'll characterize it to you as an article in the

11:40:41 17 *St. Croix Source*, dated April 27, 2007.

11:40:54 18 BY MR. RAMES:

11:40:54 19 Q "Former Government House Hopefuls Leading

11:40:57 20 Different Lives Now."

11:41:01 21 And I'll direct you to Page 3, "Preparing

11:41:07 22 for more battles."

11:41:08 23 A Page 3. Uh-huh.

11:41:12 24 Q And, in fact, is it proper to characterize

11:41:18 25 you as a nine-term senator? Yes? Is that accurate?

11:41:22 1 A No.

11:41:22 2 Q Okay. There is a characterization here of

11:41:27 3 Governor John deJongh's administration as quote,

11:41:29 4 "The Wicked Clan," close quote. Is that your

11:41:33 5 language?

11:41:34 6 A Most definitely.

11:41:34 7 Q Okay. And is this an accurate quote from

11:41:37 8 you, "'deJongh and the wicked clan may try to hurt

11:41:41 9 me,' Donastorg said. They continue to attempt to

11:41:43 10 destroy me"; is that correct?

11:41:45 11 A That's correct.

11:41:45 12 Q And that is an accurate quote?

11:41:48 13 A Yes.

11:41:48 14 Q And there's also a quote here:

11:41:50 15 "You see the viciousness and attacks.

11:41:52 16 At times you question yourself and ask if

11:41:56 17 it's all worth it." Now that I'm out, my

11:41:58 18 family and I see it was worth it. But I'm

11:42:01 19 getting ready to break my silence."

11:42:03 20 Is that a reference to "deJongh and the

11:42:05 21 wicked clan may try to hurt me"?

11:42:08 22 A Yeah. And if you want me to explain --

11:42:09 23 you want me to clarify that?

11:42:12 24 Q No. That's a follow-up question.

11:42:16 25 Why do you characterize the deJongh

11:42:22 1 administration as "the wicked clan"?

11:42:25 2 A Because I recognize how far-reaching their
11:42:28 3 tentacles are. And when you consider the many, many
11:42:33 4 relationships with different entities or the
11:42:36 5 interfering with the refinancing on my house, to
11:42:40 6 have me denied by his best friend who, in records in
11:42:45 7 depositions indicated under oath that he had served
11:42:49 8 or he had not participated in the current Governor's
11:42:54 9 campaign, to be appointed to the Port Authority
11:42:56 10 Board; and to deny me the refinancing on my house;
11:42:59 11 and lied under oath; and it was determined later
11:43:04 12 that it took them over 98 days to make a decision on
11:43:07 13 my loan; to note also that the present Governor,
11:43:14 14 through other parties, had interfered in existing
11:43:16 15 contracts as I indulged in private business -- and
11:43:20 16 the list goes on and on -- with the relationship at
11:43:24 17 George Dudley's office, who continuously was digging
11:43:27 18 into police record to determine if there was
11:43:30 19 anything there to find, or anything that they may
11:43:32 20 have overlooked to the relationship that John
11:43:34 21 deJongh had with IOC and Mr. Jeffrey Prosser and
11:43:38 22 Holland Redfield, in that he assisted with the
11:43:42 23 sponsoring of a program on the radio for Mr. Holland
11:43:46 24 Redfield.

11:43:47 25 Q Okay. Did you, in fact -- the gentleman

11:43:50 1 to whom you're referring, is that Cassan Pancham?

11:43:55 2 A That's correct.

11:43:55 3 Q And did you file an action against John

11:44:00 4 DeJongh and Cassan Pancham with respect to the --

11:44:01 5 MS. ROHN: John DeJongh?

11:44:02 6 MR. RAMES: I'm asking.

11:44:09 7 BY MR. RAMES:

11:44:09 8 Q Did you file an action, a civil action

11:44:11 9 with respect to your --

11:44:13 10 A I would refer that to my attorney.

11:44:16 11 MS. ROHN: Let the record reflect that

11:44:17 12 Mr. Ruskin has written a wrote to Mr. Rames and

11:44:20 13 then pointed out to him to ask the question.

11:44:22 14 BY MR. RAMES:

11:44:23 15 Q Have you, in fact, filed a civil action

11:44:25 16 with respect to the attempted refinancing of your

11:44:30 17 home?

11:44:34 18 A I would refer that question to my

11:44:36 19 attorney.

11:44:41 20 Q Excuse me. Do you refuse to answer the

11:44:44 21 question?

11:44:44 22 A No.

11:44:44 23 Q Okay. Referring --

11:44:49 24 A I depend on my attorney for legal advice,

11:44:51 25 and my attorney assisted me with the drafting of any

11:44:56 1 complaint that I had against the bank. The
11:44:58 2 complaint or the original complaint may have been
11:45:00 3 amended.

11:45:01 4 Q Okay. Have you filed a civil action
11:45:12 5 separate from the action concerning the banks and
11:45:17 6 your investigative files?

11:45:19 7 Have you filed a civil action again First
11:45:21 8 Bank?

11:45:21 9 A You mean --

11:45:22 10 Q I'm sorry. Withdraw the question.

11:45:24 11 A -- financial records?

11:45:26 12 Q Withdraw the question. I'll start again.

11:45:28 13 A Okay.

11:45:29 14 Q First Bank was among the defendants that
11:45:33 15 are in the case concerning disclosure of financial
11:45:36 16 information; is that correct?

11:45:37 17 A Uh-huh.

11:45:38 18 Q Do you have any other pending lawsuits
11:45:40 19 against First Bank other than that one?

11:45:43 20 A I would have to -- I don't know. I would
11:45:45 21 have to refer that to my attorney. I don't know. I
11:45:49 22 don't know if I have any pending complaints or
11:45:51 23 anything against the bank at this time.

11:45:54 24 Q I'm talking about not just complaints; I'm
11:45:55 25 talking about lawsuits.

11:45:57 1 A I have to refer that to my attorney.

11:45:59 2 MS. ROHN: He wants to know if you ever

11:46:01 3 filed such a lawsuit.

11:46:02 4 THE DEPONENT: I filed a lawsuit

11:46:03 5 against the bank, and I think we may have amended

11:46:06 6 the complaint.

11:46:06 7 BY MR. RAMES:

11:46:06 8 Q I understand.

11:46:07 9 But as far as you know, you have not filed

11:46:09 10 a second lawsuit against First Bank?

11:46:11 11 A No.

11:46:12 12 Q Okay.

11:46:14 13 MS. ROHN: That's actually not correct.

11:46:16 14 There was a second lawsuit of --

11:46:18 15 THE DEPONENT: Well, that's what I kept

11:46:20 16 telling him, let me refer to my attorney.

11:46:22 17 BY MR. RAMES:

11:46:22 18 Q I understand.

11:46:23 19 A I'm trying to answer to the best of my

11:46:25 20 ability.

11:46:27 21 Q I understand. That's just fine. I'll

11:46:30 22 accept your counsel's representation that there's a

11:46:33 23 second lawsuit.

11:46:38 24 MR. RAMES: I believe I am very, very

11:46:39 25 close to being done, but I am also feeling hard

11:46:42 1 edged at this coffee.

11:46:45 2 So if you don't mind, I will take a short
11:46:49 3 break.

11:46:50 4 MS. ROHN: TMI, too much information.

11:46:58 5 (Recess held from 11:46 a.m.

11:56:19 6 MR. RAMES: Back on the record.

12:14:43 7 This concludes my direct testimony -- my direct
12:14:46 8 examination.

12:14:51 9 MS. ROHN: Well, I think "testimony" is
12:14:53 10 probably more accurate.

12:14:56 11 I have some questions.

12:14:57 12 EXAMINATION

12:14:57 13 BY MS. ROHN:

12:14:58 14 Q In the questions that were given to you by
12:15:00 15 VITELCO and Redfield's attorney, you were asked had
12:15:10 16 you ever seen any documents concerning Mr. Redfield
12:15:12 17 being an employee of VITELCO.

12:15:15 18 Did you ever see documents evidencing what
12:15:18 19 employees had been transferred to the VITELCO
12:15:21 20 payroll which you gave to the PSC?

12:15:27 21 MR. RUSKIN: Objection; lack of
12:15:27 22 foundation, assumes facts not in evidence.

12:15:30 23 THE DEPONENT: I had obtained some
12:15:34 24 documents with a listing of all the employees in
12:15:38 25 VITELCO, and they had them listed by race.

12:15:43 1 BY MS. ROHN:

12:15:43 2 Q And was Mr. Redfield on that list of
12:15:46 3 VITELCO employees?

12:15:49 4 A To the best of my knowledge, I do believe
12:15:52 5 his name appeared there.

12:15:55 6 Q You were asked questions about what you
12:15:57 7 thought that VITELCO had done to paint you in a bad
12:16:02 8 light.

12:16:06 9 Were you aware that you had been
12:16:08 10 investigated by VITELCO?

12:16:11 11 A I had suspicion before 2002.

12:16:16 12 Q But you, at some point, became aware that
12:16:18 13 they had indeed investigated you, did you not?

12:16:21 14 A Yes. That's correct.

12:16:23 15 Q Do you believe factually that that was in
12:16:25 16 an effort to paint you in a bad light?

12:16:28 17 A Yes, because I was privy to certain
12:16:32 18 footnotes by principals -- well, not principals, but
12:16:36 19 executive level employees who scribbled notes about
12:16:41 20 digging up dirt, and you would only suggest or
12:16:45 21 request such an act for malicious purposes.

12:16:49 22 Q You were asked questions about different
12:16:53 23 stories in the paper and various statements made or
12:16:59 24 quoted in the paper. Do you need to see those
12:17:05 25 articles and stories to completely answer those

12:17:08 1 questions?

12:17:08 2 A Yes.

12:17:12 3 Q You were shown, in your Deposition,
12:17:14 4 Exhibit 2 — do you have that in front of you? Do
12:17:18 5 you have the exhibits from yesterday?

12:17:21 6 A Yeah. They're right here.

12:17:43 7 Q Your attention was drawn to Page 3 on the
12:17:47 8 top of the page, the Overview --

12:17:49 9 A Yeah.

12:17:50 10 Q -- in which they pointed out that there
12:17:56 11 was a finding that they billed for and remitted to
12:17:59 12 the Government of the Virgin Islands, the emergency
12:18:03 13 service surcharge.

12:18:05 14 They did not point out to you in the
12:18:06 15 second two paragraphs of that Overview, the second
12:18:09 16 one being that:

12:18:09 17 "In a related matter, we noted that
12:18:12 18 Innovative Telephone consolidated the
12:18:15 19 telephone bills of some customers who had
12:18:17 20 multiple telephone lines. This resulted
12:18:20 21 in the reduction of surcharge payments by
12:18:22 22 these customers because the surcharge is
12:18:24 23 based on bills, not telephone lines. Had
12:18:27 24 these bills not been consolidated, we
12:18:29 25 estimate the surcharge payments would have

12:18:31 1 increased by approximately \$9,000 per
12:18:33 2 month."
12:18:34 3 Is that your understanding?
12:18:35 4 A That's correct.
12:18:35 5 Q And that was an additional Overview
12:18:37 6 finding by the Audit?
12:18:39 7 A Yes.
12:18:39 8 Q And then the third paragraph:
12:18:41 9 "Finally, we noted that earlier the
12:18:43 10 process, Innovative Telephone (from April
12:18:46 11 2000 to June 2001) did not always remit
12:18:49 12 the emergency services surcharge
12:18:50 13 collections within 15 days of the end of
12:18:54 14 each month, and that the Department of
12:18:55 15 Finance (from April to August of 2000) did
12:18:58 16 not pay the costs to maintain the 911
12:19:00 17 emergency telephone service until six to
12:19:04 18 ten months after the costs were incurred."
12:19:07 19 Was that also a finding by the Audit?
12:19:13 20 A Yes.
12:19:14 21 Q Was a charge that you made they were not
12:19:18 22 timely paying their surcharge?
12:19:21 23 A That's correct.
12:19:29 24 Q Now, you were asked the basis of your
12:19:33 25 belief that the funds that were ultimately used to

12:19:40 1 pay for the investigation of you came from VITELCO.

12:19:45 2 Have you reviewed Bankruptcy Court

12:19:46 3 documents which have established that ICC withdrew

12:19:54 4 millions of dollars worth of funds from VITELCO

12:19:57 5 which it then used to pay its own bills?

12:20:00 6 MR. RUSKIN: Hold on. I'd like to make

12:20:02 7 an objection before the witness answers, please.

12:20:04 8 THE DEPONENT: That's correct.

12:20:06 9 MR. RUSKIN: My objection -- I tried to

12:20:06 10 get my objection in before the witness answered,

12:20:09 11 but I'll say it afterwards.

12:20:10 12 Objection; lack of foundation, assumes facts

12:20:13 13 not in evidence, and it's extremely leading.

12:20:16 14 BY MS. ROHN:

12:20:25 15 Q Now, you were asked about the statements

12:20:27 16 that Mr. Redfield made on the radio in which he

12:20:35 17 referred to your supposed liaison with AT&T. Other

12:20:45 18 than that, did he slander you in other ways on that

12:20:50 19 radio broadcast and the statements to the various

12:20:54 20 newspapers related to that?

12:20:57 21 A Yes, I do believe that Senator Redfield's

12:21:00 22 characterization -- description of me has been

12:21:04 23 mean-spirited. Continuously doing mean-spirited

12:21:07 24 things in itself was slander.

12:21:11 25 Q All right. And did he accuse you of

12:21:13 1 slandering Jeffrey Prosser and ICC in making false
12:21:16 2 statements about them?

12:21:17 3 A Yes, he did. On several occasions he
12:21:20 4 called me a liar on public record, which in itself,
12:21:23 5 is insinuating that a person is practicing,
12:21:26 6 providing, or disseminating misinformation, and
12:21:32 7 lying on the activities or actions of another.

12:21:36 8 Q Have you ever made any false accusations
12:21:38 9 against either Mr. Jeffrey Prosser or ICC or
12:21:42 10 VITELCO?

12:21:43 11 A No.

12:21:49 12 Q In the radio statements made by
12:21:56 13 Mr. Redfield, do you recall him characterizing the
12:21:59 14 investigation as a "professional investigation"?

12:22:02 15 A Yes. I do believe he was quite passionate
12:22:05 16 and excited about the persons that conducted the
12:22:09 17 investigation were professional, and that the work
12:22:13 18 product or the investigation itself was
12:22:15 19 professionally carried out.

12:22:20 20 Q And did you take that to mean that he was
12:22:23 21 claiming that because it was done by professional
12:22:26 22 investigation, that the statements that were made
12:22:29 23 were therefore truthful?

12:22:31 24 A Yes.

12:22:37 25 Q Now, you were asked about the ways that

12:22:41 1 the investigation harmed you.

12:22:47 2 Do you believe that calling people and
12:22:50 3 asking various people -- business associates, people
12:22:54 4 in the community -- and asking them if they know of
12:22:57 5 any negative information about you harms your
12:22:59 6 reputation?

12:23:00 7 A It most definitely does. I mean, just by
12:23:07 8 virtue of calling someone and giving the appearance
12:23:11 9 that there is, in fact, an investigation, raises a
12:23:16 10 red flag in the eyes of anyone, because you would
12:23:19 11 not want to be associated with a person who is being
12:23:22 12 investigated.

12:23:24 13 (Plaintiffs' Exhibit 90 marked for identification.)

12:23:24 14 BY MS. ROHN:

12:23:25 15 Q I'd like to show you Exhibit 90.

12:23:35 16 MS. ROHN: Despite the fact that you
12:23:36 17 have a joint defense, I'll give you two exhibits.

12:23:41 18 MR. RUSKIN: You're just a much better
12:23:42 19 person than we are.

12:23:45 20 MR. RAMES: Yeah, jointly.

12:23:46 21 BY MS. ROHN:

12:23:47 22 Q Do you recognize this as a letter you
12:23:48 23 wrote, February 28, 2006 --

12:23:50 24 A Yes.

12:23:50 25 Q -- to Lowe Davis and Ed Crouch?

12:23:52 1 A Yes.

12:23:53 2 Q And in this letter you say:

12:23:56 3 "Once again, I'm apparently being
12:23:59 4 investigated and followed by the Daily
12:24:00 5 News at the behest of its ownership."

12:24:03 6 What caused you to write that letter?

12:24:07 7 A Several things: Observations; noting
12:24:13 8 people in unfamiliar cars, just like I did in the
12:24:16 9 past; some very unusual activities taking place
12:24:21 10 around my home; being told once by a guy named
12:24:28 11 Frankie Hoeb that some gentleman was snapping
12:24:32 12 pictures of me over at the Frenchman's Reef Hotel --
12:24:40 13 the same clicking on my telephone that I heard years
12:24:45 14 before that during the investigation that prompted
12:24:49 15 me to believe that I was being investigated.

12:24:56 16 Q Have you ever been made aware of a
12:24:58 17 statement made by Jeffrey Prosser that he frequently
12:25:01 18 listens in to persons' telephone calls as a result
12:25:05 19 of his access to VITELCO?

12:25:11 20 A I remember once hearing -- and, of course,
12:25:16 21 I got it from a third party -- that indicated that
12:25:24 22 at the time Mr. Prosser was able to listen to
12:25:29 23 telephone conversations of the sitting Governor, I
12:25:32 24 believe back to the time with Alexander Farrelly.

12:25:37 25 Q In your letter, you say:

12:25:40 1 "Everything I have ever said has been
12:25:42 2 proven correct and, as the company hovers
12:25:46 3 near bankruptcy, the shady dealings of ICC
12:25:49 4 are now public record."

12:25:52 5 What shady dealings of ICC were you
12:25:54 6 referring to?

12:25:57 7 A Well, shady dealings of ICC in that they
12:25:59 8 were maneuvering in so many different ways that it
12:26:06 9 came as no surprise the decisions that the Public
12:26:11 10 Services Commission would make; for example,
12:26:16 11 executing an existing agreement with someone who is
12:26:20 12 close to the governor and, I believe at the time,
12:26:23 13 Leroy Machena, who was the responsible party for
12:26:27 14 having Mr. Alric Simmonds appointed to the PSC,
12:26:34 15 which he led the charge in pro VITELCO initiatives
12:26:40 16 with the PSC.

12:26:42 17 And I can go on and on with numerous other
12:26:48 18 issues.

12:26:48 19 (Plaintiffs' Exhibit 93A marked for identification.)

12:26:48 20 BY MS. ROHN:

12:26:51 21 Q I'm going to show you Exhibit 93A. It is
12:27:10 22 an email from yourself to myself about a
12:27:15 23 conversation that you had with Attorney Riel
12:27:16 24 Faulkner.

12:27:20 25 Did you, indeed, have a conversation with

12:27:22 1 Riel Faulkner?

12:27:23 2 A Yes.

12:27:23 3 Q Was Riel Faulkner one of the additional
12:27:26 4 persons that the cabal had paid for an investigation
12:27:30 5 at that time?

12:27:34 6 MR. RUSKIN: Object to the
12:27:34 7 characterization.

12:27:36 8 THE DEPONENT: Yes.

12:27:36 9 BY MS. ROHN:

12:27:36 10 Q This goes on to say he had a conversation
12:27:39 11 regarding Senator Rocky Liburd's home being in
12:27:43 12 foreclosure.

12:27:43 13 "He further indicated that
12:27:44 14 Mr. Valentino McBean was quite lenient,
12:27:45 15 although Mr. Liburd was 11 months past due
12:27:51 16 and owed over some \$35,000 for mortgage."
12:27:52 17 And you say: "Now I learned from
12:27:54 18 Mr. Edwin Callwood that Prosser and
12:27:57 19 Attorney Holt was fully aware because
12:27:59 20 during the infamous 'Prosser Plan,' Rocky
12:28:02 21 was continuously calling Attorney Holt's
12:28:04 22 office asking for money to take his house
12:28:11 23 out of foreclosure in exchange for his
12:28:13 24 vote on the 'Prosser plan'. Not too long
12:28:15 25 after the passage of the 'Prosser plan,'

12:28:17 1 Rocky's house was no longer in
12:28:20 2 foreclosure."

12:28:21 3 Is that indeed a conversation that you had
12:28:24 4 with Mr. Callwood about Mr. Liburd --

12:28:27 5 A Yes.

12:28:28 6 Q -- continuing to call Joel Holt's office?

12:28:31 7 A Yes. That's correct.

12:28:34 8 Q You also questioned that Prosser -- I take
12:28:36 9 it you mean "Daily News" -- knew about Liburd being
12:28:40 10 in foreclosure, why they didn't write a story about
12:28:43 11 that.

12:28:44 12 A Yes.

12:28:44 13 Q Did you ever inquire of the Daily News why
12:28:46 14 they would write a story about your supposed
12:28:48 15 foreclosure but not write one about Rocky Liburd's
12:28:52 16 supposed foreclosure?

12:28:55 17 A I believe sometime back I had a casual
12:28:58 18 conversation with one of the reporters in the
12:29:00 19 Legislature -- and I think it was Megan Polinsky
12:29:03 20 (phonetic) -- who I felt was targeting me.
12:29:08 21 (Plaintiffs' Exhibit 98 marked for identification - not
12:29:08 22 provided for attachment to transcript)

12:29:08 23 BY MS. ROHN:

12:29:10 24 Q And I show you Exhibit Number 98. Can you
12:29:18 25 identify that exhibit?

12:29:20 1 A This is a document given to me by Ms. -- I
12:29:26 2 believe it was a Ms. Fern Clark, who worked for the
12:29:30 3 former Commissioner of Public Works, Abrahamson, and
12:29:38 4 also owner of Abrahamson Enterprise.

12:29:42 5 Q All right. And what did she represent
12:29:43 6 this \$20,000 loan to Rocky Liburd was?

12:29:50 7 A If I'm not mistaken, she indicated that
12:29:53 8 that was the form of payment for the movement of an
12:29:56 9 initiative in the institution.

12:29:59 10 Q Is that the Prosser bill?

12:30:00 11 A Yes.

12:30:01 12 Q And did she, in fact, tell you that this
12:30:05 13 was a receipt for that money that had been given to
12:30:10 14 Rocky Liburd by ICC?

12:30:12 15 A Yes, as a loan.

12:30:28 16 Q Now, you were asked in Exhibit 14 --
12:30:30 17 Defendant's Exhibit 14 -- about various stories
12:30:35 18 printed by the *Daily News* about the "Rumble in
12:30:44 19 paradise."

12:30:46 20 During the time that these stories came
12:30:49 21 out, did you compare the facts -- supposed facts and
12:30:54 22 tenor of the stories in the *Daily News* versus those
12:30:57 23 in the *Avis*?

12:30:58 24 A Yes.

12:30:59 25 Q And did they differ?

12:31:02 1 A Drastically.

12:31:03 2 Q And how did they differ drastically?

12:31:06 3 A They differed in terms of the *Daily News*
12:31:10 4 articles appeared to have tried to just put a twist
12:31:18 5 to the intent, put a twist to the tone of the
12:31:24 6 article which was more geared towards highlighting
12:31:28 7 at least an item or an issue that would be
12:31:33 8 derogatory.

12:31:34 9 The *Avis* reporting for me was more or less
12:31:40 10 a fair assessment based on interviews with
12:31:46 11 individuals who associated to the project, and it
12:31:49 12 seemed to appear more balanced and unbiased.

12:31:54 13 Q If you look at the second page of Exhibit
12:31:57 14 14, which is "V.I- backed boxing event called off,
12:32:01 15 future uncertain," with a sub headline "No TV
12:32:06 16 coverage scheduled despite promise when Donastorg
12:32:10 17 got V.I. to appropriate \$300,000," which is the
12:32:13 18 article that Mr. McDonald has testified that Lowe
12:32:15 19 Davis altered but left his "By line" on.

12:32:44 20 (Pause in proceedings.)

12:32:44 21 BY MS. ROHN:

12:32:50 22 Q There you go. You got them in reverse
12:32:53 23 order.

12:32:55 24 Now, that article that was quote,
12:32:56 25 "edited," end of quote, by Lowe Davis, refers to you

12:33:02 1 as getting the V.I. to appropriate \$300,000.

12:33:07 2 Do you have the ability to get the V.I. to
12:33:09 3 appropriate \$300,000?

12:33:11 4 A No.

12:33:11 5 Q Now, this article acts as if you were the
12:33:15 6 only person who was in favor of this \$300,000.

12:33:19 7 A Yes.

12:33:19 8 Q Can you pass legislation by yourself?

12:33:22 9 A No.

12:33:22 10 Q How many votes do you need to pass
12:33:25 11 legislation?

12:33:26 12 A A majority vote, depending if it is
12:33:31 13 legislative session, which, in this instance, it
12:33:33 14 would require a third of the body, at least eight
12:33:37 15 members.

12:33:37 16 Q And, indeed, did that legislation have at
12:33:40 17 least eight members?

12:33:42 18 A More than that. I think they unanimously
12:33:43 19 supported it without objections.

12:33:46 20 Q So this unanimous legislation became
12:33:49 21 something you got the V.I. to do; is that correct?

12:33:52 22 A That's correct.

12:33:53 23 Q Do you consider that to be flat slanders?

12:33:58 24 A Yes.

12:33:58 25 Q And then it says: "The professional

12:34:00 1 boxing event that Senator Donastorg, Jr. pushed the
12:34:05 2 V.I. government to support."
12:34:07 3 Did you push anybody to do this?
12:34:08 4 A No. In fact, my argument on the floor was
12:34:11 5 actually very subtle.
12:34:13 6 Q Okay. And were there co-sponsors of this
12:34:17 7 bill besides you?
12:34:19 8 A Yes.
12:34:20 9 Q Now, this article indicates that "the
12:34:23 10 event's future is uncertain."
12:34:25 11 Was that true?
12:34:25 12 A No.
12:34:28 13 Q And it also says: "Without a television
12:34:30 14 deal, a fight of that magnitude is not likely."
12:34:33 15 Is that true?
12:34:34 16 A Not true.
12:34:35 17 Q It then it goes on to say:
12:34:38 18 "Behind a push from Donastorg, the
12:34:41 19 appropriation was tacked onto a bill
12:34:44 20 intended to fund the rebuilding of the
12:34:47 21 collapsed Market Square pavilion."
12:34:50 22 First of all --
12:34:51 23 And that's the second time that they've
12:34:52 24 accused you of pushing; is that correct?
12:34:54 25 A Uh-huh. Yes.

12:34:55 1 Q And was it tacked onto a bill?

12:34:59 2 A It's just like any other amendment.

12:35:00 3 Amendments normally are proposed on appropriation

12:35:03 4 bills. There were several other amendments. There

12:35:07 5 were other appropriations, to include the Market

12:35:12 6 Square's appropriation for the rebuilding.

12:35:16 7 Q Now, the article quotes Mr. McPherson as

12:35:21 8 saying, "It's all up in the air right now."

12:35:24 9 Have you ever had a conversation with

12:35:26 10 Mr. McPherson about whether or not he actually made

12:35:29 11 that statement?

12:35:31 12 A Yes. In fact, Mr. McPherson was really

12:35:35 13 irate about it and decided to call Mr. Tim McDonald.

12:35:41 14 And what he related to me or conveyed to me after

12:35:44 15 this article is that Tim McDonald told him that the

12:35:47 16 article may have missed -- well, mischaracterized

12:35:51 17 his position but -- or his statements, and that it

12:35:56 18 was not really him, that it's just that the paper

12:36:01 19 despises Donastorg.

12:36:19 20 Q Now, if you'll go to the article that

12:36:21 21 says, "Sugar Ray Leonard to promote V.I. boxing."

12:36:27 22 Now, I think you testified previously that

12:36:53 23 this was a positive story; is that correct?

12:36:56 24 A Yeah.

12:36:57 25 Q Now, this article, which is positive about

12:37:01 1 this boxing event, says:

12:37:05 2 "The V.I. government committed
12:37:07 3 \$300,000 to the event in hopes it will
12:37:11 4 publicize the territory as a tourism
12:37:13 5 destination."

12:37:15 6 Do you see that?

12:37:17 7 A Uh-huh.

12:37:17 8 Q It has no mention that you pushed the
12:37:19 9 \$300,000, does it?

12:37:21 10 A That's correct.

12:37:21 11 Q And indicates that the \$300,000 is going
12:37:24 12 to have a positive result.

12:37:26 13 Would you agree?

12:37:27 14 A Yeah.

12:37:28 15 Q And there is no mention in this article
12:37:30 16 that is positive that you were a sponsor of that
12:37:35 17 positive result, is there, sir?

12:37:38 18 A Yes.

12:37:40 19 Q If you look right at the story, "Sugar Ray
12:37:44 20 says V.I. boxing event is a go" -- do you find that
12:37:48 21 one?

12:37:56 22 A Yeah.

12:37:57 23 Q Okay. And that one, written by
12:38:00 24 Tim McDonald, which was not edited by Ms. Davis to
12:38:05 25 change its content says:

12:38:07 1 "The V.I. government appropriated
12:38:09 2 \$300,000 for the event, and although the
12:38:13 3 contract with fight promoter calls for a
12:38:15 4 'world championship boxing match' as
12:38:18 5 defined by one of the major sanctioned
12:38:20 6 bodies, none of the fights planned for
12:38:23 7 December 5th is for a world title."

12:38:28 8 But Mr. McDonald doesn't put that blame on
12:38:31 9 you, does he? There is no mention that you're being
12:38:34 10 held responsible for that \$300,000, is there?

12:38:36 11 MR. RAMES: Objection --

12:38:37 12 THE DEPONENT: No, but it is in the
12:38:38 13 body of the --

12:38:40 14 BY MS. ROHN:

12:38:41 15 Q Right.

12:38:41 16 But it goes on to say:

12:38:42 17 "The government appropriation, which of
12:38:42 18 Senator Adlah Donastorg, Jr. sponsored as
12:38:44 19 an amendment to a bill and will draw from
12:38:46 20 Revolving Tourism Fund, is intended to
12:38:46 21 showcase the Virgin Islands as a tourism
12:38:51 22 destination."

12:38:52 23 Nothing about tacking it onto a bill, was
12:38:55 24 there?

12:38:55 25 A No.

12:38:56 1 MR. RAMES: Object to form.

12:38:56 2 BY MS. ROHN:

12:38:57 3 Q And, in fact, it's positive about that it
12:39:00 4 will promote the Virgin Islands; is that correct?

12:39:02 5 A Correct.

12:39:03 6 Q Now, if you just suppose this story done
12:39:08 7 by Mr. McDonald, which he has testified was not
12:39:11 8 altered by Ms. Davis, and the original story from
12:39:15 9 Mr. McDonald that was altered by Ms. Davis, how
12:39:19 10 would you characterize the difference between the
12:39:22 11 two? -- the first one being about how you pushed it
12:39:25 12 through.

12:39:27 13 MR. RAMES: Object to form.

12:39:27 14 THE DEPONENT: It's obvious that they
12:39:29 15 wanted the article to have a negative tone.

12:39:32 16 BY MS. ROHN:

12:39:33 17 Q Now, if you go to one statement that says,
12:39:35 18 "No ESPN contract yet for V.I. boxing card."

12:39:47 19 A Yes.

12:39:47 20 Q And it lists you as the pointman -- or was
12:39:49 21 Mr. McPherson the pointman?

12:39:54 22 A Mr. McPherson was the pointman.

12:39:57 23 MR. RAMES: Objection; form.

12:39:58 24 BY MS. ROHN:

12:40:27 25 Q Now, if you'd go to story "Heavyweight

12:40:30 1 bout dropped from St. Thomas Boxing Card" --

12:40:32 2 A Uh-huh.

12:40:34 3 Q -- which is November 26, 2003, it says:

12:40:37 4 "Although the V.I. government

12:40:38 5 appropriated \$300,000 for the event, and

12:40:41 6 although the contract with fight promoters

12:40:43 7 called for a world championship boxing

12:40:45 8 match as defined by one of the major

12:40:46 9 sanctioning bodies, none of the fights

12:40:47 10 planned for December 5th card will be for

12:40:49 11 a worldwide title."

12:40:51 12 That's also written by Mr. McDonald.

12:40:53 13 There's nothing about you being

12:40:55 14 responsible for that \$300,000, is there, sir? In

12:41:04 15 other words, he doesn't cast that at your feet, does

12:41:07 16 he?

12:41:09 17 MR. RAMES: Object to the form.

12:41:12 18 BY MS. ROHN:

12:41:13 19 Q Last paragraph.

12:41:14 20 A Yeah.

12:41:15 21 Q Is that true?

12:41:20 22 MR. RAMES: Object to the form.

12:41:33 23 THE DEPONENT: Actually, this was

12:41:34 24 erroneous because this was a title fight.

25

12:41:37 1 BY MS. ROHN:

12:41:37 2 Q Right. But he doesn't say "the \$300,000
12:41:40 3 Mr. Donastorg pushed through the Legislature"?

12:41:42 4 A No.

12:41:43 5 Q And then, if you go to the positive
12:41:45 6 article, "Count down to fight time marked by flurry
12:41:48 7 of activity" —

12:41:51 8 MR. RAMES: Object to the form.

12:41:51 9 BY MS. ROHN:

12:41:52 10 Q -- about all the things that are going on
12:41:55 11 to get this fight —

12:41:59 12 A Yeah.

12:42:00 13 Q -- and who is going to fight --

12:42:02 14 A Uh-huh.

12:42:02 15 Q -- where it's going to be --

12:42:04 16 A Uh-huh.

12:42:04 17 Q -- how many people are expected to see it,
12:42:07 18 you're not mentioned anywhere in there, are you,
12:42:10 19 sir?

12:42:10 20 A No.

12:42:11 21 Q And the statement -- the story about the
12:42:16 22 fight itself, "Burton defeats Lorenzo in main
12:42:21 23 event," you're not mentioned in that article, are
12:42:25 24 you, sir?

12:42:26 25 A No.

12:43:06 1 Q If you go to Exhibit 11 of the
12:43:11 2 Defendants -- it looks like this, "Voluntary
12:43:22 3 Disclosures."

12:43:41 4 This is a story in the *St. Thomas Source*,
12:43:43 5 "Pre-election VITELCO memo aimed at Donastorg."

12:43:51 6 Did you see this memo that they're
12:43:54 7 referring to:

12:43:55 8 "Saying they are trying to protect
12:43:57 9 confidential information about its
12:43:59 10 employees, Virgin Islands Telephone
12:44:00 11 Corporation officials notified their
12:44:02 12 workers in an internal memo Monday that
12:44:05 13 the company plans to fight an effort to
12:44:06 14 release information about its operation to
12:44:08 15 a local senator."

12:44:10 16 A Yes. In a conversation with Mr. Arthur
12:44:16 17 Joseph, had showed me a document from Mr. Ebbensen
12:44:21 18 that was circulated to all the employees in VITELCO.

12:44:24 19 There was another gentleman -- and I'm
12:44:26 20 trying to obtain his name, and I know if I see
12:44:29 21 him -- he had a -- there was a letter folded up and
12:44:32 22 placed in his back pocket, and said that he would
12:44:36 23 try his best to provide me with a copy. He showed
12:44:38 24 me the letter as well, and it is from that that I
12:44:45 25 think the *Source* actually obtained a copy of the

12:44:49 1 letter to confirm my allegation.

12:44:51 2 Q Now, this memo claims that you were trying
12:44:54 3 to obtain the information -- private information
12:44:57 4 about employees.

12:44:57 5 Were you trying to find this information
12:44:59 6 or were you asking that it be turned over to PSC?

12:45:04 7 MR. RUSKIN: Objection; lack of
12:45:04 8 foundation.

12:45:05 9 THE DEPONENT: In actuality, the
12:45:05 10 information I requested from the IDC was just
12:45:08 11 documents that was public documents that were
12:45:09 12 submitted to the IDC, but they did not want to
12:45:16 13 provide me with the information because it was
12:45:19 14 obvious that some of the information that they
12:45:22 15 submitted was erroneous and conflicted with
12:45:25 16 information from other sources.

12:45:26 17 BY MS. ROHN:

12:45:27 18 Q Were you seeking this information as to
12:45:29 19 the whether or not VITELCO was conforming to the
12:45:33 20 requirements of its IDC benefits as an individual or
12:45:37 21 as a senator?

12:45:38 22 A As a senator.

12:45:39 23 Q Okay. As a senator, do you have a right
12:45:41 24 to obtain that information?

12:45:43 25 A I do, under the jurisdiction of the

12:45:46 1 government and under the authority vested in us as
12:45:50 2 senators.

12:45:52 3 Q So the implication that you personally
12:45:53 4 were trying to obtain that information, would that
12:45:55 5 be true or false?

12:45:57 6 A That was false.

12:45:57 7 Q Okay. Now, this memo was circulated the
12:46:02 8 day before the election, wasn't it?

12:46:04 9 A Yes, I do believe so.

12:46:05 10 Q To every VITELCO employee, wasn't it?

12:46:08 11 A That's correct.

12:46:08 12 Q And claimed that you were trying to obtain
12:46:10 13 their private information, didn't it?

12:46:13 14 A That's correct.

12:46:14 15 Q Did you believe that this memo harmed you
12:46:16 16 as far as having a VITELCO employee vote for you?

12:46:21 17 A I believe it did.

12:46:23 18 Q "Company told its employees that the
12:46:28 19 information" quote, "demanded," end of
12:46:31 20 quote, "by Donastorg, includes age, sex,
12:46:34 21 address, citizenship, wages, percentage of
12:46:37 22 wages as benefits, social security number,
12:46:39 23 job title, and total hours worked for the
12:46:42 24 quarter."

12:46:42 25 Is that true, sir?

12:46:43 1 A No.

12:46:47 2 And what I found to be an inconsistency is
12:46:48 3 that the document that I acquired with the listing
12:46:53 4 of the employees in there, they were actually listed
12:46:55 5 by race.

12:46:57 6 Q Now, it says that -- this article goes on
12:47:02 7 quoting Mr. Ebbensen.

12:47:04 8 "VITELCO opposes the release of the
12:47:07 9 information and has instructed its legal
12:47:10 10 counsel to intervene in the lawsuit to
12:47:13 11 protect your personal and confidential
12:47:15 12 information from distribution to
12:47:17 13 Senator Donastorg and to the general
12:47:18 14 public."

12:47:19 15 Did you ever give any indication you were
12:47:22 16 going to take this information you would receive as
12:47:25 17 a senator and distribute it to the general public?

12:47:28 18 MR. RAMES: Objection to form.

12:47:29 19 THE DEPONENT: Never did.

12:47:30 20 BY MS. ROHN:

12:47:42 21 Q Now, this memo was written the day before
12:47:44 22 the election. This article indicates that you had
12:47:48 23 actually asked for this information in September,
12:47:53 24 some three months before.

12:47:56 25 Can you explain?

12:47:58 1 A Actually, I requested the information far
12:48:00 2 before that.

12:48:01 3 Q All right.

12:48:01 4 A Long before that.

12:48:02 5 Q You filed the lawsuit in September?

12:48:04 6 A Yeah.

12:48:05 7 Q But you had asked for that information how
12:48:06 8 long before that?

12:48:09 9 A About a year-and-a-half.

12:48:12 10 Q The article says: "For more than a
12:48:13 11 year, Donastorg has asked the IDC for
12:48:16 12 information regarding VITELCO's use of
12:48:20 13 employees from its sister company."

12:48:22 14 So what did you discern from the timing of
12:48:25 15 your having asked for this information a year
12:48:27 16 before, and then circulating this memo to every
12:48:31 17 VITELCO employee the day before the election?

12:48:34 18 A Well, it was an intent, or an attempt to
12:48:36 19 inflict harm on me, to reduce my numbers going into
12:48:41 20 the general election, in hope that it would have
12:48:45 21 assured my demise in being unsuccessful.

12:48:57 22 Q Mr. Redfield was quoted in the story
12:49:00 23 as saying: "The question is who is our
12:49:03 24 master, an individual senator or the
12:49:07 25 agencies regulating us?"

12:49:09 1 Were you in any way attempting to be the
12:49:12 2 master of VITELCO?

12:49:13 3 A No. In fact, that had been the second or
12:49:18 4 third time I heard Mr. Redfield make a racist remark
12:49:23 5 or infer or use a language that is along the racial
12:49:27 6 lines.

12:49:32 7 Q Mr. Redfield was quoted in the story
12:49:34 8 as saying: "As for the memo warning
12:49:37 9 VITELCO workers that Donastorg's efforts
12:49:39 10 would release company records, quote, 'to
12:49:42 11 the general public,' end of quote,
12:49:45 12 Redfield said there was nothing unusual in
12:49:47 13 the timing."

12:49:48 14 Do you believe Mr. Redfield was being
12:49:50 15 truthful?

12:49:50 16 A No.
12:49:50 17 (Plaintiffs' Exhibit 133 marked for identification.)

12:49:51 18 BY MS. ROHN:

12:50:25 19 Q Exhibit 133, which is Plaintiffs' 133.
12:50:35 20 This is a letter written by you, June 18, 2003.

12:50:40 21 A Uh-huh.

12:50:42 22 Q Did you, indeed, write this letter to
12:50:44 23 Mr. van Beverhoudt on that day?

12:50:48 24 A Yes.

12:50:48 25 Q And it was responding to a letter from May

12:50:50 1 13, 2002; is that right?

12:50:52 2 A Yes.

12:50:53 3 Q And it says -- in part of the letter
12:51:01 4 it says, "I am certain you took notice,
12:51:05 5 some interest in observing the chain of
12:51:07 6 events that unfolded after the *Avis*
12:51:08 7 published a story strongly indicating that
12:51:13 8 a federal audit would go forward. First,
12:51:15 9 Innovative Telephone (VITELCO) immediately
12:51:18 10 wrote the Governor, and citing harassment,
12:51:21 11 indicated its desire to discontinue
12:51:21 12 collection of the tax."

12:51:23 13 Did that, in fact, occur?

12:51:25 14 A Yes.

12:51:26 15 Q And after that, did they press legislation
12:51:31 16 to not have to collect the tax any longer?

12:51:34 17 A No.

12:51:36 18 Q There was no legislation? The governor
12:51:38 19 never brought down legislation to have them not have
12:51:42 20 to collect the tax?

12:51:44 21 A No. It was proposed.

12:51:45 22 Q By whom?

12:51:46 23 A It was suggested. I wouldn't say it was
12:51:48 24 proposed, it was suggested. I believe it was
12:51:53 25 suggested by the administration. I don't think it

12:51:56 1 was the government that said anything publicly; I
12:51:59 2 think it was a member of the financial team or
12:52:02 3 something.

12:52:05 4 That was in response to Senator Redfield
12:52:08 5 indicating that there would be an administrative
12:52:11 6 cost on the collection to then retract his position
12:52:15 7 and say that they won't apply any administrative
12:52:18 8 costs.

12:52:19 9 Q In this letter you say: "-- I have
12:52:21 10 disseminated numerous press releases and
12:52:24 11 letters regarding my concerns about the
12:52:25 12 collection of the \$1 charge. Yet this
12:52:28 13 information was ignored by the *Daily News*
12:52:30 14 up until May 11, 2002, when a story was
12:52:35 15 published regarding VITELCO's desire to
12:52:37 16 discontinue collection of the Emergency
12:52:38 17 Services Surcharge. Of course, ICC owned
12:52:42 18 newspapers interpretation of the facts was
12:52:45 19 skewed toward indicating that the audit
12:52:46 20 was entirely in your hands."

12:52:48 21 A Uh-huh.

12:52:49 22 Q Indeed, did you frequently give press
12:52:53 23 releases to the *Daily News* for which they refused to
12:52:55 24 print?

12:52:56 25 A Yes, I did. Every time there was a press

12:53:00 1 release that I wrote concerning something with
12:53:04 2 Mr. Jeffrey Prosser or even Mr. Holland Redfield,
12:53:09 3 they just would refuse to print those, what was
12:53:13 4 contained in those press releases.

12:53:15 5 Q Was there a history of the *Daily News*
12:53:17 6 refusing to write stories about positive -- well,
12:53:24 7 stories that were positive about you?

12:53:27 8 MR. RAMES: Object to form.

12:53:28 9 THE DEPONENT: The *Daily News* changed
12:53:30 10 its tone the minute Ms. Penny Feuerzeig resigned.

12:53:37 11 BY MS. ROHN:

12:53:37 12 Q And how did it change its tone?

12:53:39 13 A It changed its tone in terms of not really
12:53:42 14 recognizing a lot of the positive initiatives that I
12:53:45 15 had, and trying to find a negative in anything
12:53:47 16 positive that I would have done that they couldn't
12:53:50 17 avoid writing out about.

12:53:57 18 Q Can you think of some of the positive, as
12:53:59 19 you sit here today -- I know it's hard because it's
12:54:02 20 over years -- but can you think of some of the
12:54:04 21 positive activities or accomplishments that you were
12:54:10 22 able to make and that the *Daily News* refused to
12:54:13 23 print?

12:54:15 24 MR. RUSKIN: I'm going to move to
12:54:16 25 strike the preamble to that question.

12:54:19 1 MS. ROHN: You can move whatever you

12:54:20 2 want.

12:54:21 3 BY MS. ROHN:

12:54:22 4 Q Can you answer the question?

12:54:24 5 MR. RAMES: Objection to form.

12:54:24 6 THE DEPONENT: To be perfectly honest,

12:54:26 7 it got to the point where I tried as much as

12:54:29 8 humanly possible. I actually refrained from

12:54:32 9 engaging or making myself available to *Daily News*

12:54:36 10 reporters for fear that I would subject myself to

12:54:41 11 further scrutiny, subject myself to the

12:54:44 12 possibility of being maligned in some way. I

12:54:51 13 hardly read the newspaper for over, I believe,

12:54:54 14 about two years, and only allowed for my staff to

12:54:57 15 review and bring things to my attention.

12:54:59 16 BY MS. ROHN:

12:54:59 17 Q If you look at Exhibit 15 that you were

12:55:01 18 given to by the Defendant.

12:55:17 19 MR. RAMES: Sorry. Which one is that?

12:55:18 20 I don't have it marked.

12:55:21 21 MS. ROHN: The Notice of Production

12:55:21 22 from August 20, 2004.

12:55:24 23 BY MS. ROHN:

12:55:36 24 Q Attached to that is the editorial from

12:55:39 25 April 6, 2004.

12:55:42 1 A Uh-huh.

12:55:44 2 Q This article says: "Now, with an
12:55:47 3 election seven months away, Senator Adlah
12:55:50 4 Donastorg, Jr. is floating a proposal that
12:55:54 5 would separate Motor Vehicles from the
12:55:57 6 Police Department and create a new
12:55:59 7 government bureaucracy."

12:56:00 8 A Uh-huh.

12:56:02 9 Q Did your proposal have anything to do with
12:56:04 10 the fact that the election was seven months away?

12:56:07 11 MR. RAMES: Objection to form.

12:56:08 12 THE DEPONENT: No. The proposal was --
12:56:09 13 actually, the proposal was drafted long before
12:56:14 14 that. It's just -- it didn't see, really, the
12:56:18 15 time of day until I think it was passed over one
12:56:24 16 committee.

12:56:25 17 BY MS. ROHN:

12:56:26 18 Q Now, did you think that this was ironic
12:56:30 19 that they would pass out hand bills the day before
12:56:32 20 the election and state that that had nothing to do
12:56:35 21 with trying to influence the election but claim that
12:56:38 22 something you did seven months before had something
12:56:40 23 to do with an election?

12:56:43 24 MR. RUSKIN: Object to form.

12:56:44 25 MR. RAMES: Object to form.

12:56:44 1 THE DEPONENT: I found that
12:56:46 2 statement -- and I repeat again -- to be
12:56:50 3 absolutely ridiculous, in that I don't start
12:56:55 4 campaigning -- I don't consider my campaigning
12:56:58 5 effort to be politicking. That's a description
12:57:01 6 the *Daily News* used to describe me, for obvious
12:57:05 7 reasons, to paint me in a negative light, you
12:57:08 8 know. So I found it to be hypocritical that they
12:57:13 9 would circulate a letter before the election and
12:57:18 10 not suggest that that is in any way politicking
12:57:22 11 or attempting to assure the demise of what they
12:57:26 12 categorized or described as a politician, and my
12:57:29 13 letter or my initiative, the legislation that I
12:57:35 14 proposed, which was proposed from over a year
12:57:36 15 before the subsequent election, that I would be
12:57:40 16 politicking.

12:57:41 17 BY MS. ROHN:

12:57:41 18 Q So the statement that you were floating
12:57:43 19 this proposal seven months before the election was
12:57:47 20 false?

12:57:48 21 A Yes. Totally erroneous.

12:57:50 22 Q It goes on to say: "As Chairman of
12:57:51 23 the Senate Finance Committee, he has been
12:57:53 24 unable to pass a territorial budget for
12:57:55 25 fiscal year budget 2004."

12:57:58 1 Is that true, sir?

12:57:59 2 A No, not true.

12:58:00 3 Q Are you solely responsible for passing a
12:58:02 4 territorial budget?

12:58:04 5 A No. In fact, it's really interesting
12:58:08 6 because there was a pending issue that had to deal
12:58:14 7 with me fighting for taxpayers' money in terms of
12:58:18 8 its income tax refunds where they wanted to reduce
12:58:24 9 the set aside from 10 percent set aside to make sure
12:58:27 10 people are paid their due monies, their income tax
12:58:31 11 refunds, and the Daily News just refused to write
12:58:35 12 about that particular issue, which I thought was
12:58:37 13 far-reaching and a positive story.

12:58:39 14 Q Well, let's talk about other things the
12:58:41 15 *Daily News* refused to print.

12:58:42 16 The *Daily News* printed a story about how
12:58:45 17 you would be out on the street because you were
12:58:48 18 being foreclosed on.

12:58:49 19 Do you remember that story?

12:58:50 20 MR. RAMES: Objection to form.

12:58:51 21 THE DEPONENT: Yes.

12:58:51 22 BY MS. ROHN:

12:58:51 23 Q And that story was written despite the
12:58:54 24 fact that you were quoted in the story as saying
12:58:56 25 that that was a mistake that was made by the bank;

12:58:59 1 is that correct?

12:59:00 2 A That's correct.

12:59:00 3 Q In fact, was that lawsuit dismissed --

12:59:03 4 each party to bear their own cost and fees -- by the

12:59:07 5 bank shortly after it was filed?

12:59:10 6 A Yes. The bank requested a voluntary

12:59:12 7 dismissal. And, actually --

12:59:15 8 Q Before you even answered, correct?

12:59:17 9 A Yeah, before I even answered. Before I

12:59:19 10 was even able to consent to it, they had already

12:59:23 11 filed a voluntary dismissal for the judge to sign,

12:59:26 12 which included or consisted of both parties assuming

12:59:30 13 their own legal fees.

12:59:31 14 Q Of course, you hadn't hired an attorney at

12:59:33 15 that point yet? You hadn't answered yet; is that

12:59:36 16 correct?

12:59:36 17 A No.

12:59:37 18 Q Did the Daily News ever write a story that

12:59:39 19 the foreclosure had been dismissed?

12:59:42 20 A No.

12:59:45 21 Q Of course not.

12:59:47 22 MR. RUSKIN: Object to the form.

12:59:48 23 BY MS. ROHN:

12:59:48 24 Q Well, in fact, did the bank agree that the

12:59:53 25 foreclosure had been a mistake and should not have

12:59:55 1 been filed?

12:59:56 2 A What Mr. Crites indicated, that he
12:59:59 3 recognized that there were some discrepancies with
01:00:01 4 payments that were made, and that it may have been
01:00:04 5 prematurely done.

01:00:06 6 Q In fact, there were some things that had
01:00:07 7 not been reported; is that correct?

01:00:09 8 A That's correct.

01:00:11 9 Q It goes on to say: "With the
01:00:14 10 Senator's problems in managing his
01:00:16 11 personal finances and the government's."

01:00:19 12 Now, first of all, the time this story was
01:00:23 13 written on April 6, 2004, had the foreclosure
01:00:28 14 already been dismissed?

01:00:34 15 A I think so, yeah.

01:00:36 16 Q And did you have any problems managing
01:00:38 17 your personal finances?

01:00:40 18 A No.

01:00:41 19 Q Did you have any -- and then, do you
01:00:44 20 manage the government's finances?

01:00:46 21 A No.

01:00:48 22 Q So how would you have problems managing
01:00:50 23 the government's finances?

01:00:52 24 A That's what I said, it was totally
01:00:54 25 erroneous. All we do is we designate appropriations

01:00:58 1 by way of a budget; we actually don't manage the
01:01:02 2 finances. That may very well be the level of
01:01:05 3 understanding on the part of *Daily News* reporters,
01:01:08 4 not to be able to --

01:01:10 5 Q Of course, this is an editorial by either
01:01:12 6 Mr. Prosser or Mr. Crouch, isn't it?

01:01:14 7 MR. RAMES: Object to form.

01:01:15 8 BY MS. ROHN:

01:01:16 9 Q Based on prior testimony from Ms. Davis
01:01:18 10 that either Mr. Prosser or Mr. Crouch wrote every
01:01:22 11 editorial in the paper.

01:01:23 12 MR. RUSKIN: Object to counsel
01:01:24 13 testifying.

01:01:25 14 THE DEPONENT: That is indeed my
01:01:26 15 impression.

01:01:27 16 BY MS. ROHN:

01:01:28 17 Q It says: "This appears to be an
01:01:29 18 election year strategy to curry favor with
01:01:33 19 voters and offer hope of creating jobs in
01:01:36 20 the new government bureaucracy."

01:01:37 21 Is any of that true?

01:01:40 22 A No. Totally erroneous. It was not a new
01:01:44 23 level -- as they describe -- a new level of
01:01:46 24 bureaucracy but, in fact, a new infrastructure was
01:01:50 25 already in place, and all we did is we afforded them

01:01:54 1 autonomy to make sure that the little bureaucracy
01:01:56 2 that existed, which had to do with the cash flow and
01:02:00 3 whether or not the Motor Vehicles Bureau was, in
01:02:02 4 fact, a priority for the Police Department, the bill
01:02:07 5 was intended to ensure that there was an infusion or
01:02:10 6 readily cash for them to be able to cover operations
01:02:16 7 costs.

01:02:17 8 Q Okay. Now, if you'll go to Exhibit 16,
01:02:19 9 which was the other one that you picked up a minute
01:02:22 10 ago and I said no -- no. There it is.

01:02:45 11 And if you'll go to the last page of that
01:02:48 12 document, which is the "GERS as political fodder."

01:02:54 13 A Yeah.

01:02:55 14 Q Now, will you notice the date of this
01:02:58 15 article -- what is the date of this article?

01:02:59 16 A March 1st, 2004.

01:03:01 17 Q Okay. And it starts off, "It's an
01:03:04 18 election year." On March 4, 2004, is this the time
01:03:10 19 when people begin campaigning or doing things
01:03:12 20 because of election?

01:03:15 21 MR. RAMES: Object to form.

01:03:15 22 THE DEPONENT: No. Actually,
01:03:16 23 traditionally people don't start to really,
01:03:19 24 really, I mean, campaign in full swing until
01:03:23 25 maybe around the month of June, July.

01:03:27 1 In my case, being an incumbent, I would not
01:03:30 2 launch my campaign until probably around the early
01:03:34 3 part of August.

01:03:35 4 BY MS. ROHN:

01:03:36 5 Q And it says: "At least once senator
01:03:38 6 is attempting to use the Government
01:03:39 7 Employees Retirement System to advance his
01:03:42 8 reelection efforts."

01:03:45 9 Were you at any point using the GERS to
01:03:47 10 try -- or any legislation -- to advance your
01:03:51 11 reelection efforts?

01:03:53 12 A No. In fact, there were numerous phone
01:03:56 13 calls to the GERS system, I think at the time to
01:04:00 14 Mr. Lawrence Bryan, about implementing an initiative
01:04:05 15 that was put in place for the purpose of making sure
01:04:07 16 that the retirees or potential retirees, should they
01:04:14 17 decide to withdraw from the system, would be
01:04:19 18 entitled to some kind of interest on their money
01:04:21 19 that the GERS system had been using to invest.

01:04:25 20 Q And it goes on to say that because you're
01:04:27 21 using this for your reelection effort, you're doing
01:04:30 22 it even if it hurts the pensions of thousands of
01:04:34 23 current and future VI government employees.

01:04:37 24 Would you ever do something like that,
01:04:38 25 sir?

01:04:38 1 A No. Definitely not. I mean, it's really
01:04:42 2 counterproductive, as far as I'm concerned, because
01:04:45 3 I am, in fact, a member of the system, a vested
01:04:48 4 member, so I would be hurting myself as well.

01:04:53 5 Q And it says: "Senator Donastorg is
01:04:57 6 pushing" -- ah, one of their favorite
01:04:59 7 words -- "pushing to get the GERS to pay 4
01:05:01 8 percent interest on the money participants
01:05:05 9 withdraw from the system when they leave
01:05:08 10 government employment before retirement.
01:05:09 11 This policy has been on the books since
01:05:11 12 2000, but apparently no interest has been
01:05:14 13 paid because legislation creating the
01:05:17 14 policy did not explain how the interest is
01:05:19 15 to be calculated. Senator Donastorg
01:05:22 16 sponsored the legislation."

01:05:22 17 Were you the only sponsor for that
01:05:25 18 legislation?

01:05:29 19 MR. RUSKIN: I'm going to object to the
01:05:29 20 form of the question.

01:05:30 21 THE DEPONENT: No. I think that
01:05:32 22 legislation had about four, five more sponsors,
01:05:34 23 and I believe that it passed without any
01:05:37 24 objections, so it was so ordered.

25

01:05:40 1 BY MS. ROHN:

01:05:41 2 Q It goes on to say: "This issue is
01:05:43 3 being raised only in an attempt to endear
01:05:47 4 a senator to voters in an election year."
01:05:51 5 That have any part -- motive of yours?

01:05:55 6 MR. RAMES: Objection to form.

01:05:56 7 BY MS. ROHN:

01:05:57 8 Q Any factual accuracy of that statement?

01:06:00 9 MR. RAMES: Objection to form.

01:06:01 10 BY MS. ROHN:

01:06:02 11 Q "The issue all current VI Government
01:06:04 12 employees should be concerned about is how
01:06:07 13 senators continue the use the GERS as
01:06:10 14 political fodder."

01:06:11 15 Is it true that you were using the GERS as
01:06:16 16 political fodder?

01:06:18 17 A The GERS is the retirees, it's not a,
01:06:24 18 per se, a separate and apart entity. There's
01:06:31 19 individuals that are charged with the responsibility
01:06:33 20 of administrating and, you know, function in
01:06:38 21 different capacities to keep a system that manages
01:06:42 22 the money that belongs to the retirees. And the
01:06:44 23 language that they used in this editorial depicted
01:06:48 24 me as trying to take away from something that is
01:06:55 25 separate and apart from the people of the Virgin

01:06:57 1 Islands or those retirees who make up the system.

01:07:03 2 The legislation was simply just intended
01:07:06 3 to reward -- or not reward but to compensate a
01:07:10 4 person for their investment in the system. It's
01:07:12 5 like any other -- any banking institution that holds
01:07:16 6 your money for a period of time, they use your money
01:07:19 7 to invest. And certainly for the GERS to be holding
01:07:23 8 the type of money that they were holding, a person
01:07:26 9 elected to withdraw from the system, they should be
01:07:29 10 entitled to some kind of interest on their money,
01:07:32 11 which the percentage of individuals was small,
01:07:36 12 individuals who was quick-drawing from the system,
01:07:39 13 because everyone wanted to be vested.

01:07:42 14 Q Goes on to say: "No senator has
01:07:44 15 taken any action to prevent the imminent
01:07:47 16 collapse of the GERS because they don't
01:07:50 17 want to jeopardize their reelection
01:07:53 18 campaigns."

01:07:55 19 A I don't know exactly what they were
01:07:57 20 referring to because there are initiatives that I
01:08:00 21 voted for that would improve the GERS position and
01:08:06 22 system.

01:08:06 23 The only legislation I can remember that I
01:08:10 24 voted against, on the contrary, which was proven to
01:08:13 25 be to the GERS detriment, was to authorize the board

01:08:17 1 members -- the Board of GERS and GERS in general --
01:08:21 2 to be able to invest in the stock market and invest
01:08:27 3 in other things, in different business ventures.

01:08:30 4 Q Now, this article written March 1, 2004,
01:08:33 5 says, "The GERS is in imminent threat of collapse."

01:08:41 6 It is now December 2008. Has the GERS
01:08:44 7 collapsed?

01:08:45 8 A No.

01:08:47 9 Q Then it goes on to say: "Senators
01:08:50 10 continue to tap into GERS' assets in order
01:08:53 11 to win votes."

01:08:54 12 Have you ever taken GERS' assets to win a
01:08:59 13 vote?

01:08:59 14 A Never. I've never even taken GERS' assets
01:09:03 15 to do anything.

01:09:21 16 MS. ROHN: I have no further questions
01:09:22 17 at this time.

01:09:24 18 MR. RUSKIN: Well, I'll go first on
01:09:27 19 redirect.

01:09:29 20 FURTHER EXAMINATION

01:09:29 21 BY MR. RUSKIN:

01:09:35 22 Q Early on in the cross-examination you
01:09:39 23 testified that you saw Redfield's name on a list of
01:09:44 24 VITELCO employees; is that right?

01:09:46 25 A I said I think a list that I had obtained

01:09:50 1 from an anonymous source -- actually, I suspect that
01:09:56 2 it is one of the -- maybe someone within the company
01:09:58 3 that was privy to documentation. There is a list
01:10:02 4 that I referenced where the employees were -- race
01:10:07 5 was listed as well on that listing.

01:10:13 6 When I made the accusation publicly,
01:10:16 7 Mr. Redfield said that no such list existed. And I
01:10:20 8 presented the list, and that list contained Holland
01:10:23 9 Redfield's name on it as being White.

01:10:27 10 Q And you actually saw his name, "Holland
01:10:29 11 Redfield," on the list?

01:10:30 12 A Yeah.

01:10:32 13 Q When did you see that list?

01:10:36 14 A I don't know the approximate date. That
01:10:38 15 was years ago.

01:10:39 16 Q Could it have been as much as eight or
01:10:42 17 nine, ten years ago?

01:10:43 18 MS. ROHN: Objection to the form.

01:10:45 19 THE DEPONENT: It could be as much as
01:10:46 20 ten years ago.

01:10:46 21 BY MR. RUSKIN:

01:10:48 22 Q Are you aware that at one point in 1999
01:10:54 23 Holland Redfield actually did work for VITELCO?

01:11:02 24 A I know that there was comment on the floor
01:11:04 25 that, in fact -- and I think I spelled that out

01:11:09 1 yesterday. There was comments on the floor that
01:11:11 2 Holland Redfield did work for VITELCO even during
01:11:13 3 the period that he served in the Senate.

01:11:17 4 Q That wasn't my question, sir.

01:11:19 5 My question was: Were you aware of the
01:11:21 6 fact that Holland Redfield actually did work for
01:11:23 7 VITELCO --

01:11:24 8 A And that's my response again.

01:11:25 9 Q I beg your pardon. Let me finish my
01:11:27 10 question.

01:11:28 11 Were you aware that Holland Redfield
01:11:29 12 actually worked for VITELCO for a period of time in
01:11:32 13 1999?

01:11:33 14 A No, I was not aware of that. And now that
01:11:38 15 confirms that he was employed by VITELCO.

01:11:42 16 Q I'm simply asking if you were aware of
01:11:45 17 that.

01:11:45 18 MS. ROHN: He answered your question,
01:11:45 19 sir.

01:11:48 20 BY MR. RUSKIN:

01:11:56 21 Q But as you sit here today, you cannot tell
01:11:58 22 me what year you saw the list of VITELCO employees?

01:12:03 23 MS. ROHN: That's what he said, sir.

01:12:06 24 BY MR. RUSKIN:

01:12:06 25 Q I'm asking you again, sir. Please answer

01:12:08 1 the question.

01:12:09 2 A I don't know the specific time. I can't
01:12:12 3 remember. But now, thinking of the sequence of
01:12:15 4 events, it would have had to have been when Redfield
01:12:21 5 left the Legislature and indulged in a conflict of
01:12:25 6 interest by being employed by VITELCO within a
01:12:28 7 two-year period.

01:12:30 8 Q So it would have been sometime between
01:12:32 9 1999 and 2000 — end of 2000?

01:12:38 10 A Whenever Redfield left the Senate.

01:12:41 11 Q You also testified on Cross that Holland
01:12:49 12 Redfield called you a liar. You recall that
01:12:51 13 testimony?

01:12:52 14 A Yes.

01:12:52 15 MS. ROHN: He didn't only testify to
01:12:53 16 that on Cross, but --

01:12:57 17 BY MR. RUSKIN:

01:12:58 18 Q Did Holland Redfield call you a liar on
01:13:00 19 the Sam Topp Radio Show?

01:13:03 20 A No, I don't think it was on the Sam Topp
01:13:08 21 Radio Show. He graduated his comment, "liar," to
01:13:13 22 that of being -- the term he used, I think,
01:13:18 23 "mean-spirited," mean-spirited and "mean-spirited
01:13:22 24 actions," a "mean-spirited person."

01:13:25 25 Q So he didn't call you a liar on the Sam

01:13:31 1 Topp Radio Show. When exactly did he call you a
01:13:33 2 liar?

01:13:34 3 A I think he called me a liar when I had got
01:13:37 4 on the radio -- must have been about two years
01:13:40 5 before that -- about the termination of the
01:13:42 6 employees, the over 80 employees that he assumed
01:13:48 7 responsibility for terminating. And I indicated
01:13:51 8 that the employees were categorized, or their race
01:13:56 9 was listed on the same listing. He said it was a
01:14:02 10 lie. It's been several times he's said I was a
01:14:05 11 liar.

01:14:06 12 Q Do you have a copy of any recording in
01:14:08 13 which Mr. Redfield called you a liar?

01:14:10 14 A I felt no need at that time to hold copies
01:14:15 15 of anything. I just thought that enough was enough;
01:14:17 16 that Redfield had repeatedly made disparaging
01:14:21 17 comments; and the Sam Topp program was the icing on
01:14:24 18 the cake.

01:14:27 19 Q So do you know who Redfield made the
01:14:29 20 statements about calling you a liar to?

01:14:33 21 A He made the statement to me.

01:14:35 22 Q So he called you, personally, a liar, to
01:14:37 23 your face?

01:14:38 24 A No. He said it on the public airways, I
01:14:40 25 believe years prior to the Sam Topp program.

01:14:43 1 Q How many years?

01:14:45 2 A I don't know.

01:14:47 3 Q More than two?

01:14:48 4 A It's been so many times.

01:14:51 5 Q But I'm asking you for specific examples

01:14:53 6 with specific dates. Can you give me any specific

01:14:57 7 examples with specific dates?

01:14:58 8 A No, because I had been ~~bombarded~~ by so

01:15:02 9 many different people that it's very difficult for

01:15:04 10 me to remember dates as to any specific one. That's

01:15:07 11 why I referred to them as "the wicked clan."

01:15:11 12 Q You referred to Holland Redfield as being

01:15:13 13 a member of the wicked clan?

01:15:15 14 A I would refer to him as being one of those

01:15:18 15 with his repeated attacks. I have no choice but to

01:15:21 16 believe they are unfounded.

01:15:23 17 Q Do you believe that anybody who says

01:15:24 18 things that you consider to be negative against you

01:15:27 19 is wicked?

01:15:29 20 A No. I would describe a wicked person --

01:15:32 21 and this is by my own personal admission and

01:15:35 22 opinion -- wicked people, those people who have

01:15:39 23 tried to affect the lives of little kids, like my

01:15:42 24 kids, like my mother, like my father, like my

01:15:45 25 sisters, and anyone who is remotely associated to

01:15:48 1 me.

01:15:52 2 Q What is it that you believe Holland

01:15:54 3 Redfield said about you on the Sam Topp Radio

01:15:56 4 Show -- excuse me. Withdrawn.

01:15:58 5 What is it that you believe that Redfield

01:16:00 6 said on the Sam Topp Radio Show about any member of

01:16:03 7 your family?

01:16:05 8 A Well, anything that is said -- he didn't

01:16:08 9 say anything about my family; he actually attacked

01:16:11 10 me. And my family is a normal family, a family who

01:16:17 11 hurts if you're attacking one of their siblings or

01:16:20 12 one of your children.

01:16:22 13 Q But he didn't say anything about your

01:16:24 14 family on the radio show, did he?

01:16:27 15 A Well, what he did was he confirmed that

01:16:29 16 there was an investigation, and he actually tried to

01:16:32 17 put credibility to the investigation, and the

01:16:35 18 investigation was exactly what was hurting my family

01:16:38 19 as well.

01:16:39 20 Q Again, I'm just asking you a yes or no

01:16:40 21 question.

01:16:40 22 A Yes, he said something about my family.

01:16:42 23 Q What did he say about your family?

01:16:44 24 A He said about my family that the

01:16:45 25 investigation was true. So my family is contained

01:16:47 1 in the investigation. So he was trying to say that
01:16:50 2 they had a right to disclose or go after a family
01:16:53 3 for decisions that was made by a political figure or
01:16:58 4 a public servant.

01:16:59 5 Q And you believe that Holland Redfield
01:17:03 6 disclosed the contents of the investigation?

01:17:05 7 A No. I just believe that Holland Redfield
01:17:08 8 tried to justify as though he had read it. And his
01:17:12 9 comments was quite contradictory and conflicting.

01:17:15 10 Q Didn't Holland Redfield say on the radio
01:17:18 11 show that he hadn't read it?

01:17:20 12 A Holland Redfield said a lot of things.
01:17:21 13 Holland Redfield said that the investigation was
01:17:23 14 provided by professionals, the individuals are
01:17:26 15 professional people, and it was a professional
01:17:28 16 investigation, which gives me the impression that
01:17:32 17 Holland Redfield sure didn't know what he was
01:17:33 18 saying.

01:17:34 19 Q The question is very simple, sir.

01:17:36 20 MS. ROHN: He answered it.

01:17:39 21 MR. RUSKIN: Excuse me, ma'am. I'm
01:17:39 22 going to ask my question. You can object if
01:17:42 23 you'd like to. I'm going to ask my question.

01:17:44 24 MS. ROHN: Do not raise your voice at
01:17:45 25 me, please.

01:17:46 1 THE DEPONENT: That's the way you talk
01:17:47 2 to women? I mean, you're attacking the woman.

01:17:49 3 BY MR. RUSKIN:

01:17:49 4 Q Sir, this is a question. I get to
01:17:51 5 question, you get to answer.

01:17:51 6 A I can't stand here and let you disrespect
01:17:51 7 my attorney.

01:17:51 8 Q That's fine.

01:17:52 9 A You're trying to intimidate her.

01:17:56 10 MS. ROHN: Good luck.

01:17:58 11 MR. RUSKIN: Nobody has ever
01:17:59 12 intimidated Lee Rohn, and I bet you she'd agreed
01:18:03 13 with me on that.

01:18:03 14 MS. ROHN: Sir, there is little I would
01:18:05 15 agree with you on.

01:18:07 16 BY MR. RUSKIN:

01:18:08 17 Q Isn't it true, sir, that Holland Redfield
01:18:12 18 specifically said on the Sam Topp Radio Show that he
01:18:17 19 had not read the report?

01:18:19 20 A Holland Redfield specifically said on the
01:18:21 21 radio that the investigation was provided by
01:18:27 22 professional people. And that the contents,
01:18:32 23 obviously being, "provided for by professional
01:18:36 24 people," he has just defined the investigation but
01:18:39 25 also confirming that its contents is accurate.

01:18:42 1 Q Again, sir, the question is a very simple
01:18:43 2 one. Do you --
01:18:45 3 A I'm answering.
01:18:45 4 Q I'll ask it to you a different way.
01:18:48 5 A Okay.
01:18:48 6 Q Do you know, as you sit here today,
01:18:48 7 whether or not Holland Redfield said on the Sam Topp
01:18:53 8 Radio Show that he had not read the report?
01:19:00 9 A This was right after he said that what
01:19:03 10 prompted the investigation was my ride to St. Lucia
01:19:06 11 on a plane, courtesy of AT&T.
01:19:10 12 Q Do you know whether or not when he was
01:19:13 13 speaking on the Sam Topp Radio Show he specifically
01:19:16 14 said, "I have not read the report?" Do you know
01:19:19 15 whether or not he said that?
01:19:21 16 MS. ROHN: Objection; asked and
01:19:21 17 answered.
01:19:25 18 BY MR. RUSKIN:
01:19:25 19 Q Do you know whether or not he said that?
01:19:27 20 A He said the investigation was a
01:19:28 21 professional report, and that it was done by
01:19:32 22 professional people.
01:19:37 23 Q You also testified -- and correct me if I
01:19:40 24 didn't get it down right -- that you had issued
01:19:45 25 press releases about Mr. Redfield; is that correct?

01:19:49 1 A No. I have issued press releases
01:19:52 2 responding to VITELCO and may have responded to any
01:19:57 3 comments or one or two comments that Mr. Redfield
01:20:00 4 made.

01:20:01 5 Q Have you ever issued a press release in
01:20:04 6 which you have talked specifically about
01:20:06 7 Mr. Redfield as an individual?

01:20:07 8 A No, not to the best of my knowledge.

01:20:09 9 Q I'm going to ask you a question or two
01:20:58 10 about Exhibit 98 that your attorney asked you about
01:21:04 11 as well. Do you have it in front of you, perhaps?

01:21:07 12 A Yeah, I have it right here.

01:21:08 13 If I may -- so you can confirm that I know
01:21:11 14 what you're talking about -- the \$20,000 that was
01:21:13 15 given -- the indication or evidence given to me by a
01:21:17 16 Ms. Fern Clark, indicating that \$20,000 was paid to
01:21:22 17 or loaned to Senator Liburd, and he was required to
01:21:26 18 sign off a note -- and this was a loan just shortly
01:21:32 19 before the infamous Prosser plan was passed on the
01:21:36 20 floor of the Legislature.

01:21:37 21 BY MR. RUSKIN:

01:21:38 22 Q I haven't even asked you question, sir.

01:21:39 23 A I know, but I'm just referring to the
01:21:41 24 document --

01:21:41 25 MS. ROHN: That's the answer to the

01:21:41 1 question "Do you have it in front of you?"

01:21:44 2 BY MR. RUSKIN:

01:21:44 3 Q That's the answer to the question "Do you
01:21:46 4 have it in front of you"?

01:21:47 5 A Uh-huh.

01:21:48 6 Q Okay. Do you have any independent
01:21:50 7 knowledge that what Fern Clark told you was true?

01:21:57 8 A Fern Clark worked for Abramson, and Fern
01:22:02 9 Clark represented that this document was what
01:22:05 10 Senator Liburd signed, and she indicated when it was
01:22:10 11 signed and when it -- when it was signed.

01:22:14 12 Q Do you have any independent knowledge --
01:22:15 13 did you see anybody sign this, for instance?

01:22:18 14 A No.

01:22:19 15 Q Did you see Senator Liburd give this to
01:22:25 16 anybody?

01:22:25 17 A (No response.)

01:22:27 18 Q All information you know about this
01:22:29 19 Exhibit 98 comes from Fern Clark herself, right?

01:22:32 20 A Well, actually, what I did was -- yes, the
01:22:36 21 information came from Fern Clark.

01:22:38 22 Q And it came from nowhere else except Fern
01:22:41 23 Clark; isn't that right?

01:22:42 24 A Yeah. That's correct.

01:22:43 25 Q And you don't know for sure whether or not

01:22:46 1 Fern Clark is telling you the truth, do you?

01:22:48 2 A No. The only thing that I was compelled
01:22:50 3 to do was to compare the signature of Senator Liburd
01:22:55 4 here to documents found in the Legislature to see if
01:22:57 5 there was any correlation.

01:23:04 6 Q Turn, if you would, to Exhibit Number 93A
01:23:06 7 that your attorney asked you to speak about.

01:23:08 8 A 93A, what is it, an email?

01:23:16 9 Q An email from you to Lee Rohn.

01:23:18 10 A Yeah.

01:23:19 11 Q Okay. The first line of the email, after
01:23:21 12 you say, "Lee," you say, "I forgot to mention
01:23:24 13 something else."

01:23:25 14 What were you talking to or communicating
01:23:27 15 to Attorney Rohn during that —

01:23:31 16 MS. ROHN: Don't answer that.

01:23:32 17 MR. RUSKIN: I beg your pardon. I'm
01:23:35 18 going to get my question out.

01:23:37 19 BY MR. RUSKIN:

01:23:37 20 Q What was the subject you were talking to
01:23:39 21 Lee Rohn about wherein you forgot to mention the
01:23:44 22 things that you put in this email?

01:23:46 23 MS. ROHN: Don't answer the question.
01:23:47 24 Attorney/client privilege.

01:23:49 25 MR. RUSKIN: Okay. And I would just

01:23:50 1 say that you have waived attorney/client

01:23:53 2 privilege with regard to this matter.

01:23:55 3 MS. ROHN: Nice try.

01:23:57 4 MR. RUSKIN: Well, I will take the

01:23:58 5 position that all testimony about this document

01:24:02 6 must be —

01:24:04 7 MS. ROHN: You can take whatever

01:24:05 8 position you want. Fortunately, you're not a

01:24:07 9 judge.

01:24:08 10 MR. RUSKIN: Can I finish what I was

01:24:10 11 saying, or do you get to interrupt me every time?

01:24:13 12 MS. ROHN: If you want to waste your

01:24:14 13 money on a transcript that has no basis because

01:24:17 14 you're not the judge, you can tell the transcript

01:24:19 15 what position you intend to take at some later

01:24:23 16 date.

01:24:24 17 MR. RUSKIN: That's fine.

01:24:24 18 We will move to strike all testimony about this

01:24:26 19 email.

01:24:27 20 MS. ROHN: Do what you want to. Why do

01:24:30 21 you need to put on the record what you claim

01:24:33 22 you're going to do?

01:24:34 23 MR. RUSKIN: Attorney Rohn, it's really

01:24:35 24 rude of you to keep interrupting me when I'm in

01:24:36 25 the middle of a sentence.

01:24:36 1 THE DEPONENT: You want me to deal with
01:24:36 2 him?

01:24:37 3 MS. ROHN: No, just leave him alone.
01:24:39 4 He's just blowing wind.

01:24:48 5 MR. RUSKIN: I have no further
01:24:48 6 questions.

01:24:49 7 FURTHER EXAMINATION

01:24:50 8 BY MR. RAMES:

01:24:52 9 Q Other than the articles that we've
01:24:56 10 discussed over the last two days, and the statements
01:25:03 11 in the articles that we've discussed over the last
01:25:06 12 two days during the course of this deposition, do
01:25:09 13 you have any specific recollection of specific
01:25:17 14 articles --

01:25:18 15 A Specific what?

01:25:19 16 Q -- of specific articles that include
01:25:31 17 factual errors by the *Daily News* concerning you?

01:25:35 18 MS. ROHN: Objection. You would have
01:25:35 19 to show him the articles.

01:25:37 20 MR. RAMES: No, no, no. I said --

01:25:38 21 MS. ROHN: I'm going to put my
01:25:39 22 objection on the record. The objection is to ask
01:25:41 23 him questions without having the articles present
01:25:44 24 and ask him questions over the six years that the
01:25:47 25 *Daily News* has been defaming him --

01:25:50 1 THE DEPONENT: I could say another
01:25:50 2 article --
01:25:51 3 BY MR. RAMES:
01:25:51 4 Q Do you have -- okay. Hold on.
01:25:55 5 MR. RAMES: Just read back the
01:25:56 6 question, please.
01:26:18 7 In fact, let me ask the question differently.
01:26:23 8 THE DEPONENT: Okay.
01:26:24 9 BY MR. RAMES:
01:26:24 10 Q Other than the articles that you have
01:26:28 11 discussed during the course of this deposition, and
01:26:30 12 the editorials that we've discussed during the
01:26:32 13 course of this deposition, do you have any specific
01:26:34 14 recollection of false statements made against you by
01:26:44 15 the *Daily News*?
01:26:46 16 MS. ROHN: Same objection.
01:26:48 17 THE DEPONENT: I remember once I
01:26:55 18 believe I called, and I did -- the person
01:26:57 19 wouldn't even give me the name at the *Daily News*,
01:26:59 20 a reporter -- cause I asked for the division or
01:27:04 21 the section with the reporters. And I drew their
01:27:10 22 attention to an article some years back. I
01:27:12 23 couldn't remember the date, but I gave them a
01:27:15 24 subject which had to do with when I was attacked
01:27:18 25 by Bert Bryan --

01:27:18 1 Q Whoa. I'm sorry.

01:27:22 2 (Discussion held, not reported.)

01:27:51 3 THE DEPONENT: I called the *Daily News*
01:27:52 4 reporter and, of course, I drew their attention
01:27:55 5 to one particular story and the biasness that
01:28:00 6 exists.

01:28:00 7 They wrote and gave the appearance that there
01:28:07 8 was a potential conflict of interest when Bert Bryan
01:28:11 9 mentioned about Carrier Medical Supply having some
01:28:16 10 contract that he later found out was erroneous.

01:28:19 11 So I drew their attention to a concern that I
01:28:21 12 had regarding Golden Gaming and William Punch --
01:28:24 13 William and Punch -- with respect to a local
01:28:28 14 attorney representing one entity and, of course,
01:28:31 15 going to work for the other entity, a competitor, in
01:28:34 16 that why didn't they write about that potential or
01:28:38 17 that notable conflict of interest. And they
01:28:42 18 obviously were bias in not wanting to even respond
01:28:45 19 to my concern because it was somewhat the equivalent
01:28:48 20 of what took place -- or what didn't take place with
01:28:51 21 Carrier Medical Supply but what they portrayed.

01:28:56 22 BY MR. RAMES:

01:28:57 23 Q What is the false statement to which you
01:28:58 24 refer?

01:28:58 25 A The false statement was that I had an

01:29:00 1 existing contract -- something about a contract that
01:29:06 2 Bert Bryan had said on the floor. I believe in the
01:29:10 3 article they did not get into details, but they just
01:29:14 4 tried to quote Senator Bryan, and I'm not sure the
01:29:17 5 quote was correct. I checked high and low for the
01:29:20 6 article and couldn't find out.

01:29:22 7 Q So you believe that the *Daily News* quoted
01:29:26 8 Senator Bryan concerning an alleged conflict of
01:29:29 9 interest, and that the quote by Senator Bryan was a
01:29:36 10 false accusation against you?

01:29:43 11 A Yes, because what they quoted, or what
01:29:45 12 they gravitated or navigated to was the fact that
01:29:50 13 there was a Carrier Medical that had a major
01:29:53 14 contract with a hospital. I believe --

01:29:57 15 MS. ROHN: Is that it?

01:30:02 16 I may have the article.

01:30:03 17 MR. RAMES: Wonderful. Thank you.

01:30:06 18 THE DEPONENT: No, this is something
01:30:07 19 else. That was when he didn't want me to talk
01:30:10 20 about his involvement with VITELCO.

01:30:15 21 BY MR. RAMES:

01:30:16 22 Q Okay. Carrier, C-a-r-r-i-e-r?

01:30:21 23 A That's correct.

01:30:21 24 Q Okay. As we sit here today, can you think
01:30:27 25 of any other matters in the *Daily News* articles

01:30:33 1 other than what we've discussed —

01:30:35 2 A No, sir.

01:30:36 3 Q -- that you contend are false statement?

01:30:40 4 MS. ROHN: Objection, as unable to

01:30:44 5 answer as to all articles in six years, without

01:30:46 6 you showing him articles. But...

01:30:49 7 THE DEPONENT: Yeah, that's what I was

01:30:51 8 going to say. I am not -- I don't have in my

01:30:55 9 possession all the articles to be able to

01:30:59 10 accurately respond to you.

01:31:00 11 BY MR. RAMES:

01:31:01 12 Q Okay. So at this point, not having

01:31:04 13 articles in your presence, or in your recollection,

01:31:08 14 you can't answer my question?

01:31:10 15 A I can't answer your question. There has

01:31:11 16 been so many.

01:31:24 17 MR. RAMES: I think I'm done.

01:31:24 18 Thank you.

01:31:29 19 (Whereupon, the deposition concluded at 1:31 p.m.)

01:31:29 20 -000-

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JURAT

I, ADLAH DONASTORG, JR., certify that I have read the foregoing transcript of my Volume II Deposition taken on December 17, 2008, and have signed it subject to the following changes:

PAGE LINE CORRECTION

Deponent

Date

JA001834

COURT REPORTER'S CERTIFICATE

I, N. Antoinette Cérge, Registered Professional Reporter with the National Court Reporters Association; Certified Shorthand Reporter, licensed in the State of California; Notary Public in the U.S. Virgin Islands, do hereby certify that the foregoing is a true and correct transcript of the proceedings had in the within entitled and numbered cause on the date hereinbefore set forth; and I do further certify that the foregoing transcript has been prepared under my direction.

Dated: December 24, 2008



N. Antoinette Cérge, RPR/CSR

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on July 15, 2022, I electronically filed the foregoing with the Clerk of the Court using the VIJFES system, which will send a notification of such filing (NEF) to the following:

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