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VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

IN THE SUPREME COURT OF THE VIRGIN ISLA

Appeal No. 2021-0001

**SENATOR ADLAH DONASTORG, JR., BENEDICTA DONASTORG,
ADLAH DONASTORG, SR., JOSEPINA 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 VI**

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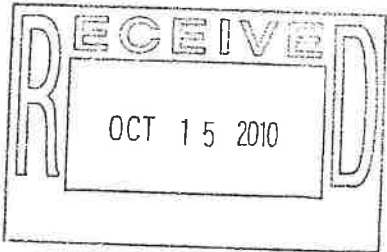
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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

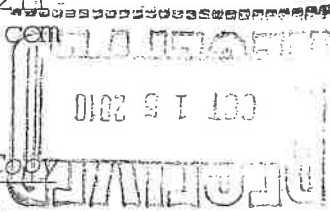
Senator Adlah Donastorg, Jr.,)
Benedicta Donastorg, Adlah)
Donastorg, Senior, Josephina)
Donastorg, Ella Moron, and)
Norma Duran,) CIVIL NO.
) 117/2002
)
Plaintiffs,)
)
vs.)
)
DAILY NEWS PUBLISHING COMPANY, INC.,)
INNOVATIVE COMMUNICATION CORP.,)
JEFFREY PROSSER, LOWE DAVIS,)
HOLLAND "DYKE" REDFIELD, and VITELCO,)
)
Defendants.)
)
-----)



DEPOSITION OF BENEDICTA DONASTORG

Date: Monday, September 13, 2010
Time: 1:03 a.m.
Location: Smock and Moorehead
11 Norre Gade
St. Thomas, Virgin Islands
Reported by: N. Antoinette Cerge
RPR-National/CSR-California
Realtime Writer/Notary Public

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JA001836

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1 ST. THOMAS, VIRGIN ISLANDS; MONDAY, SEPT. 13, 2010

2 1:03 P.M.

3 -000-

4 BENEDICTA DONASTORG,

5 having been first duly sworn,

6 was examined and testified as follows:

7 EXAMINATION

8 BY MR. RAMES:

9 Q Good afternoon.

10 A Good afternoon.

11 Q Please give me your name and your
12 residential address.

13 A Benedicta Acosta-Donastorg.

14 Q And where were you born?

15 A St. Croix.

16 Q Where did you go to high school?

17 A Central High.

18 Q Did you take any formal education after
19 you left high school?

20 A I did three years at the University of the
21 Virgin Islands.

22 Q Was that a degree program?

23 A Yeah, Business Administration.

24 Q Did you receive a degree?

25 A No, I didn't finish.

1 Q Okay. Did you take any other formal
2 education after you left your three years at the
3 University of the Virgin Islands?

4 A No.

5 Q Did you take any technical training --

6 A No.

7 Q -- after the three years at the University
8 of the Virgin Islands?

9 A No.

10 Q What was your first employment after you
11 left the University of the Virgin Islands?

12 A The Legislature of the Virgin Islands of
13 the St. Thomas.

14 Q What was your capacity in the Legislature
15 of the Virgin Islands, St. Thomas?

16 A Legislative Aide.

17 Q Who were you Legislative Aide to?

18 A Bent Lawetz and Kenneth Mapp.

19 Q And how long were you Legislature Aide to
20 Bent Lawetz and Kenneth Mapp?

21 A Almost five years.

22 Q Subsequent to your work as a Legislature
23 Aide for Bent Lawetz and Kenneth Mapp, what was your
24 next employment?

25 A The Schneider Regional Medical Center, the

1 St. Thomas Hospital, then.

2 Q What was your capacity at the St. Thomas
3 Hospital?

4 A Assistant Public Information Specialist.

5 Q And who was your direct supervisor?

6 A Dr. Roy Lester Schneider.

7 Q How long did you work as a Public
8 Information Specialist for the St. Thomas Hospital?

9 A Maybe four years.

10 Q And when you left your work as a
11 Public Information Specialist at the Roy Lester
12 Schneider -- St. Thomas Hospital, why did you leave?

13 A I didn't leave, I was transferred to the
14 Management Information System at the same Roy Lester
15 Schneider Hospital.

16 Q And what was your capacity in Management
17 Information System?

18 A Special Assistant to the Director.

19 Q And who is the Director, please?

20 A That was Cecile Hinkson.

21 Q When did you begin work as a Management
22 Information Specialist? -- what year?

23 A '84.

24 Q And how long did you work as a Management
25 Information Specialist to Ms. Hinkson?

1 A No. For Ms. Hinkson was Special
2 Assistant; the Public Information was with
3 Dr. Schneider.

4 Q Oh, yes, yes. I understand.
5 Did you say something about Management --

6 A -- Information System, MIS.

7 Q And the MIS was to Ms. Hinkson?

8 A Yes. There, I worked for two years.

9 Q And what was your next employment after
10 that two years?

11 A The same, at Schneider Regional Medical
12 Center. I was also moved from there to the
13 Accounting Department.

14 Q And what was your role at the
15 Accounting Department?

16 A Accounting work.

17 Q And what was your title?

18 A I had the same title.

19 Q And who was your direct supervisor?

20 A Charles Hobson.

21 Q How long did you work in the Accounting
22 Department at --

23 A Two years.

24 Q -- Roy Lester Schneider Hospital?

25 A Two years after.

1 Q And what did you do next?

2 A Then I went in as the Project
3 Administrator, the hospital's Project Administrator.

4 Q Who was your direct supervisor?

5 A All the different CEOs that came in.

6 Q So you were direct report to the CEO?

7 A Uh-huh.

8 Q Okay. Say "yes" or "no."

9 A Yes. Sorry.

10 Q All right. And what was your
11 responsibility as Project -- what was the name of
12 the --

13 A Project Administrator.

14 Q What was your responsibilities as a --

15 A I did all the --

16 Q What was your responsibilities as a
17 Project Administrator?

18 A Whatever projects was assigned by the CEO.

19 Q Okay. Can you give me one example of a
20 major project?

21 A Events for employees; I used to still do
22 public relations.

23 Q When you say "employees," does that mean
24 you had some Human Resources issues?

25 A Yeah.

1 Q So you were in Event Management, Human
2 Resources issues, as well as --

3 A Public Relations.

4 Q -- Public Relations; is that correct?

5 A Correct.

6 Q Okay. How long did you work in that
7 position?

8 A After the two years with the Accounting
9 Department, I worked there until presently; that's
10 where I am.

11 Q You're in that same position now?

12 A Yeah. It's been like fifteen years now,
13 that position.

14 Q And your direct supervisor is who?

15 A Right now is Alice Taylor, the new CEO.

16 Q All right. So you are an employee in good
17 standing of the Roy Lester Schneider Regional
18 Medical Center; is that correct?

19 A For 26 years.

20 Q Are you married?

21 A Yes.

22 Q And what is the name of your spouse?

23 A Adlah Fonzie Donastorg.

24 Q And do you have children?

25 A Yes.

1 Q How many children do you have?

2 A Three.

3 Q Please give me their names, in their order
4 of age, from oldest to youngest, and what their ages
5 are.

6 A Adlah Donastorg, III; he's twenty two.
7 Vanessa Marie Donastorg; she's 21. And Erika
8 Elizabeth Donastorg; she's 17.

9 Q And do any of your children live with you?

10 A Right now, my son, who is finishing
11 college.

12 Q Okay. Is he going to the University of
13 the Virgin Islands?

14 A Yes.

15 Q And with respect to your other two
16 children, neither of them live with you; is that
17 correct?

18 A They're at the university.

19 Q So they're in residence at the university?

20 A (Nodding affirmatively.)

21 Q Yes?

22 A Yes.

23 Q Okay. Do you support your children
24 financially?

25 A Yes.

- 1 Q All three of them?
- 2 A Yes.
- 3 Q Are you a member of any clubs or social
4 organizations?
- 5 A My children's club.
- 6 Q Your children's club. Okay.
- 7 No sorority? No Lions? No Rotary? No
8 Masons?
- 9 A No.
- 10 Q None of that?
- 11 A No.
- 12 Q So your children and your job keep you
13 quite busy?
- 14 A Yes.
- 15 Q Do you attend a particular church?
- 16 A Right now I attend the New Ministry
17 Church.
- 18 Q And what denomination is that, please?
- 19 A I don't think they have any denomination.
- 20 Q This is a Protestant church?
- 21 A Yes.
- 22 Q Do you attend church regularly?
- 23 A Yeah.
- 24 Q Once weekly, or something along those
25 lines, or more?

1 A No, less than that; sometimes between the
2 two weeks, I'll go once every two weeks.

3 Q Other than your children and your church
4 and your job, do you have any other personal
5 interests or hobbies?

6 A Other than Fonzie's campaign, that's it.

7 Q Okay. And were you an active member of
8 Fonzie's campaign?

9 A Yes.

10 Q Okay. And when you say "Fonzie's
11 campaign," you mean his recent Primary Campaign for
12 Governor; is that correct?

13 A Yeah, all of them, from the beginning.

14 Q All right. Were you here for Mr. Adlah
15 Donastorg, Senior's deposition? You were, right?

16 A To the end.

17 Q Okay. And Mr. Adlah Donastorg, Senior
18 indicated in his Deposition that Mr. Adlah Fonzie
19 Donastorg, Junior has never lost a senatorial
20 election; is that correct?

21 A That he never lost a senatorial election?

22 Q Right.

23 A The first time he ran, he did lost.

24 Q What year is that; do you recall?

25 A I think '92.

1 Q Were you involved in that campaign?

2 A Yes.

3 Q Okay. So every time he's run since then,
4 he's won; is that correct?

5 A Correct, until when he decided to run for
6 Governor.

7 Q Okay. And he's ran for Governor twice; is
8 that correct?

9 A Correct.

10 Q Okay. Do you recall how many times he has
11 won a seat in the Legislature?

12 A No, not now. I have to count. I have to
13 think about that. He has won for '94, until he ran
14 for Governor --

15 Q Let's start from '94. He ran and lost in
16 '94; is that correct?

17 A He ran in '92.

18 Q He ran and lost in '92?

19 A Yeah.

20 Q Did he run in '94?

21 A Yes.

22 Q And did he win in '94?

23 A Yes.

24 Q So that would be one?

25 A Yes.

- 1 Q Did he run in '96?
- 2 A Yes.
- 3 Q And did he win in '96?
- 4 A Yes.
- 5 Q That would be two; is that correct?
- 6 A Yes.
- 7 Q Did he run in '98?
- 8 A Yes.
- 9 Q Did he win in '98?
- 10 A Yes.
- 11 Q That would be three.
- 12 Did he run in 2000?
- 13 A Yes.
- 14 Q Did he win in 2000?
- 15 A Yes.
- 16 Q That would be four.
- 17 Did he run in 2002?
- 18 A Yes.
- 19 Q And did he win in 2002?
- 20 A Yes.
- 21 Q That would be five.
- 22 A Uh-huh.
- 23 Q Did he run in 2004?
- 24 A Yeah.
- 25 Q Did he win in 2004?

1 A Yeah.

2 Q Okay. That will be six.

3 Did he run in 2006 -- or was that the race
4 for Governor?

5 A I think that was the race for Governor.

6 Q And did he run in 2008; is that correct?

7 A Huh?

8 Q And he ran in 2008 as a Senator? That's
9 where he's serving now; is that correct?

10 A Okay.

11 Q Okay. That would be seven; is that
12 correct?

13 A Correct.

14 Q Okay. Do you know of those times how many
15 times he came in as the top vote-getter?

16 A Maybe three.

17 Q Do you recall those years?

18 A No.

19 Q Okay. When you work on the Senator's
20 campaigns, what was your function?

21 A Organizing the different events.

22 Q Okay. So is it fair to say that you
23 organize events for the current campaign?

24 A Yes.

25 Q And by extension, you organized events for

1 the prior campaigns as well; is that correct?

2 A Correct.

3 Q Were those paid positions?

4 A Pardon me?

5 Q Were those paid positions?

6 A No.

7 Q And presumably your children worked on the
8 campaigns as well; is that correct?

9 A Correct.

10 Q All right. Well, you know this is a
11 Deposition in the matter Senator Donastorg, Junior,
12 Benedicta Donastorg, Adlah Donastorg, Senior,
13 Josefina Donastorg, Ella Moran, and Norma Duran
14 versus Daily News Publishing Company, Inc.,
15 Innovative Communication Corporation,
16 Jeffrey Prosser, Lowe Davis, Holland "Dyke"
17 Redfield, and Vitelco.

18 You recognize that that's why we're here; is
19 that correct?

20 A Right.

21 Q And Adlah Donastorg, Senior, that's your
22 father-in-law; is that correct?

23 A Yes.

24 Q And Josefina Donastorg is your
25 mother-in-law; is that correct?

1 A Yes.

2 Q And Ella Moron is your sister-in-law; is
3 that correct?

4 A Correct.

5 Q And Norma Duran is your sister-in-law; is
6 that correct?

7 A Yes.

8 Q And Norma Duran and Ella Moron are your
9 sisters-in-law because they are Adlah Donastorg,
10 Junior's sisters; is that correct?

11 A Correct.

12 Q This Deposition, as I'm sure you've heard
13 me say, is a court proceeding. And the stenographer
14 is going to be taking down everything that you say,
15 and everything that we say. And the results are
16 going to be put in a transcript that can be used as
17 evidence in either the trial or pretrial matters.

18 And have you ever been deposed before?

19 A Divorced?

20 Q Have you ever been deposed?

21 A Deposed, yes.

22 Q And in what capacity were you deposed
23 previously?

24 A In another case.

25 Q What kind of a case was it?

1 A Can she people help me with -- can
2 Ms. Rohn help me with the last --

3 MS. ROHN: No. You're on your own, honey.

4 THE DEPONENT: I was just asking you a
5 question.

6 I did one years ago for a car accident that
7 somebody caused, and --

8 BY MR. RAMES:

9 Q Okay. Were you a plaintiff in that case
10 or a defendant?

11 A A defendant.

12 Q You were a --

13 MS. ROHN: No, you were a plaintiff.

14 THE DEPONENT: No, that was before.

15 BY MR. RAMES:

16 Q Okay. Okay. Well, it sounds like you've
17 had more than one car accident-related lawsuit?

18 A Only once.

19 Q Only on?

20 A Yeah.

21 Q And in that case, you were a defendant?

22 A Yes.

23 Q Have you been a plaintiff in any case,
24 ever?

25 A Yes, not too long ago.

- 1 Q And what was the nature of that case?
- 2 A Can't remember now.
- 3 Q Do you remember who you were suing?
- 4 A I can't remember it now.
- 5 Q Okay. And approximately when was that
- 6 case filed?
- 7 A Can't remember.
- 8 Q Or what court was that case in?
- 9 A It wasn't in the court. It haven't been
- 10 in court yet.
- 11 Q So it's a case that is still pending?
- 12 A Pending, yeah.
- 13 MS. ROHN: Actually, it's settled.
- 14 THE DEPONENT: It settled?
- 15 BY MR. RAMES:
- 16 Q The case is settled.
- 17 A Okay.
- 18 Q Is it a case where you claimed personal
- 19 injuries?
- 20 A No.
- 21 Q Is it a case where you received a
- 22 financial settlement?
- 23 A Can't answer right now.
- 24 Q You cannot or will not?
- 25 A No, can't.

1 MS. ROHN: You can say "I don't know."

2 THE DEPONENT: Oh. Sorry.

3 I don't know.

4 BY MR. RAMES:

5 Q Okay. All right. Which court was it
6 in? -- or do you know? -- the Superior Court or the
7 Federal Court?

8 A I don't know.

9 Q Was it on the Island of St. Thomas or the
10 Island of St. Croix?

11 A I don't know how to answer that. I don't
12 know.

13 Q Okay. Were you the only plaintiff?

14 A No.

15 Q Who were the other plaintiffs?

16 A Adlah Fonzie Donastorg.

17 Q Okay. Who were the defendants? Who were
18 you and Adlah Fonzie Donastorg going after?

19 A That's what I'm trying to remember. I'm
20 blank here.

21 Q You're blanking on the names; is that
22 correct?

23 A I'm blanking.

24 Q Are you also blanking on the circumstances
25 that led to the lawsuit --

1 A No, I'm not.

2 Q -- or do you remember the circumstances
3 that led to the lawsuit?

4 A Can I get back to that? Let me just think
5 a little bit more.

6 Q Yeah, think about it for a moment. If you
7 can --

8 MS. ROHN: You want me to help her out?

9 MR. RAMES: Please do.

10 MS. ROHN: Bank, suit against the bank,
11 FirstBank for --

12 MR. RAMES: Oh, yes.

13 MS. ROHN: -- giving up your private
14 banking information.

15 BY MR. RAMES:

16 Q Okay. So you recall that lawsuit?

17 A Yeah.

18 Q Okay.

19 THE DEPONENT: Thank you.

20 MS. ROHN: You're welcome.

21 BY MR. RAMES:

22 Q So you and your husband sued FirstBank in
23 connection with the improper release -- the
24 allegedly improper release of information?

25 A Information, yeah.

1 Q So if my understanding of your testimony
2 is correct, you were a defendant in a car accident
3 in case a number of years ago; is that correct?

4 A Correct.

5 Q And you were deposed in that case; is that
6 correct?

7 A Yes.

8 Q And you were a plaintiff in a matter
9 against FirstBank concerning their release of
10 information; is that correct?

11 A Correct.

12 Q And you were deposed in that case as well?
13 If you recall.

14 A I think I was, but I'm not to sure.

15 Q Okay. I understand.

16 Other than the matter involving the car
17 accident and the matter involving FirstBank, have you
18 ever been a plaintiff or a defendant in a lawsuit? --
19 and this one.

20 A No.

21 Q Are you in good health?

22 A Not a hundred percent, but...

23 Q Are you currently under a doctor's care?

24 A Not now.

25 Q Are you currently taking medication,

- 1 prescription medication?
- 2 A Can I go back there?
- 3 Q Yes.
- 4 A I am with Dr. Gonzalez in Puerto Rico --
- 5 Q Which doctor?
- 6 A -- is my physician.
- 7 Q I'm sorry, say again.
- 8 A Beatrice Gonzalez in Puerto Rico.
- 9 Q And does she have a private practice --
- 10 A That's my private --
- 11 Q -- or does she work in a hospital?
- 12 A Private.
- 13 Q And what kind of a doctor is Beatrice
- 14 Gonzalez?
- 15 A She's an OB-Gyn.
- 16 Q And how long have you been under the care
- 17 of Dr. Beatrice Gonzalez?
- 18 A Maybe two years now.
- 19 Q And has Beatrice Gonzalez prescribed
- 20 medication to you that you are taking now?
- 21 A Now, I'm anemic.
- 22 Q So you are taking medication now to
- 23 address your anemia; is that correct?
- 24 A Yes.
- 25 Q And Dr. Beatrice Gonzalez has prescribed

1 medication since for you to address your anemia; is
2 that correct?

3 A Yes, sir.

4 Q Are you taking any other medication other
5 than the medication prescribed by Dr. Beatrice
6 Gonzalez for anemia?

7 A No.

8 Q Have you ever been convicted of a crime?

9 A No.

10 Q Have you ever met Jeffrey Prosser?

11 A No.

12 Q Have you ever met Oakland Benta?

13 A Yes.

14 Q In what capacity? Under what
15 circumstances did you meet Oakland Benta?

16 A A friend of my sister, Iris Magras.

17 Q Iris Magras?

18 A Uh-huh.

19 Q Iris Magras is the friend?

20 A Of Mr. Benta, yes.

21 Q Okay. Did you say a friend of your sister
22 or a friend of Mr. Benta?

23 A No. Mr. Benta is a friend of my sister,
24 and that's how I met him, through my sister.

25 Q I gotcha. Okay.

- 1 What's the name of the sister?
- 2 A Iris Magras.
- 3 Q All right. And what were the
4 circumstances of that meeting?
- 5 A When I met him?
- 6 Q Yeah.
- 7 A Just he was visiting her, I guess.
- 8 Q Okay. And do you recall when that was?
- 9 A No.
- 10 Q Was that prior to him becoming the
11 Chief of Police for the Island of St. Croix?
- 12 A Yes.
- 13 Q Was that during the time when he was
14 working at Innovative Communication Corporation?
- 15 A Yes.
- 16 Q What were your impressions of Mr. Benta
17 when you met him?
- 18 A He seemed like a nice guy.
- 19 Q Have you met him since?
- 20 A If I've met him since then?
- 21 Q Since then.
- 22 A Yes.
- 23 Q Under what circumstances?
- 24 A "Hi and bye," "How you doing?"
- 25 Q Okay. Other than that, nothing?

1 A No.

2 Q All right. What do you know of

3 Mr. Jeffrey Prosser?

4 A What I know of him?

5 Q What do you --

6 MS. ROHN: Overly broad. Objection.

7 MR. RAMES: Yeah. Okay.

8 BY MR. RAMES:

9 Q Have you ever spoken to

10 Mr. Jeffrey Prosser?

11 A No.

12 Q Have you ever met Mr. Holland Redfield?

13 A Yes.

14 Q Under what circumstances did you meet

15 Mr. Holland Redfield?

16 A A senator, buying a business from him or
17 being part of him talking about the business that he
18 wanted to sell.

19 Q Did you actually conclude the purchase of
20 a business from Holland Redfield?

21 A I, personally, no.

22 Q What was the nature of that business?

23 A Beauty salon.

24 Q Okay. When you say you, "personally, no,"
25 did you purchase it in some other capacity than

1 personally?

2 A I know him through -- I know him being
3 that when I was in the Senate, he was a senator; and
4 I know his wife, so I know them.

5 Q When you say "his wife," you mean Paula;
6 is that correct?

7 A Paula.

8 Q And tell me about this beauty salon. You
9 discussed the purchase of the beauty salon with
10 Mr. Holland Redfield?

11 A Not me personally.

12 Q Who did?

13 A My husband.

14 Q And was that sale concluded?

15 A Yeah.

16 Q And what beauty salon is that?

17 A It's no longer.

18 Q Where was it?

19 A Havensight.

20 Q And did your husband own and operate a
21 beauty salon --

22 A No.

23 Q -- after the purchase?

24 A No.

25 Q Okay. To your knowledge, does your

1 husband still control that rental space?

2 A Pardon me?

3 Q Does your husband still control that
4 rental space?

5 A No. That was years ago.

6 Q Okay. Do you know Lowe Davis?

7 A No.

8 Q To your knowledge have you ever met
9 Lowe Davis?

10 A No.

11 Q Let me go to Mr. Holland Redfield for a
12 moment. So you know him in two capacities, one as a
13 senator, and second, as a person with whom your
14 husband was discussing the purchase of a beauty
15 salon; is that correct?

16 A And I know his wife; I know him that way.

17 Q You know him through his wife?

18 A Yeah.

19 Q Do you read The Daily News?

20 A I used to.

21 Q Okay. And when you used to read
22 The Daily News, did you read it everyday?

23 A Not everyday.

24 Q How often? More than three times a week?

25 Less than three times a week?

1 A Less than three times a week.

2 Q And when did you stop reading
3 The Daily News?

4 A From the time they starting attacking
5 Fonzie, everything they used to talk about him, so I
6 stopped buying The Daily News.

7 Q When you say "they started attacking
8 Fonzie," to what are you referring?

9 A When they used to be coming out with all
10 the negative on him, I didn't want to support
11 The Daily News anymore, so I didn't buy any more
12 newspapers.

13 Q Do you listen to Talk Radio?

14 A Sometimes.

15 Q And what stations on Talk Radio?

16 A All of them; there's 105, 1620. And I
17 just recently started listening to them.

18 Q When did you start listening to them?

19 A During this campaign --

20 Q Okay. Why?

21 A -- and it was just recently.

22 Because if they ask me, I need to know what's
23 going on, to listen how the --

24 Q And when you say if they ask you, who are
25 you referring to?

1 A The committee members.

2 Q So prior to that testimony, it's your
3 testimony that you never listened to Talk Radio?

4 A I never listened.

5 Q Do you watch television news?

6 A Puerto Rican news.

7 Q How do you get your news of the
8 Virgin Islands?

9 A I don't.

10 Q Do you consider The Daily News generally
11 fair, unfair, or neutral towards Senator Donastorg?

12 A Unfair.

13 Q And would you please give me some specific
14 examples of why you feel that.

15 A We're talking years of unfairness to him
16 of what they have published in the newspaper.

17 Q Do you understand that that's a general
18 statement, and I asked you for specifics?

19 A The rate investigation with VITELCO, how
20 they used to persecute him and talk all the negative
21 on him; when they talked about our house being in
22 foreclosure. A lot of different things.

23 Q All right. So can you think of anything
24 else other than the VITELCO rate investigation and
25 your house in foreclosure?

1 A I would say that a lot of times when he
2 used to say something or he used to send some report
3 to The Daily News, for some reason the stories used
4 to be switched.

5 Q And when you say "switched," what do you
6 mean?

7 A To instead of being a positive, it used to
8 be a negative.

9 Q Okay. And were you ever involved in
10 delivering -- preparing or delivering press releases
11 from the Senator's office to The Daily News?

12 A No.

13 Q Okay. Were you ever involved in drafting
14 or reviewing press releases even before or after
15 they were sent to The Daily News?

16 A No.

17 Q Have you ever had any formal involvement
18 in the Management or Operations of
19 Senator Donastorg's Senatorial Office?

20 A No.

21 Q So the information that you have about
22 press releases getting changed or switched, that
23 information comes from Senator Donastorg?

24 A That information, I used to see his press
25 releases before they used to go, and he used to

1 bring it home and said this is what he's going to
2 put out. So I used to actually see what he was
3 going to send out before they go to The Daily News.
4 I used to see them.

5 Q So your testimony is that you did not
6 prepare it --

7 A (Indicating negatively.)

8 Q -- or deliver it, but you would review it;
9 is that correct?

10 A I will, yeah -- not review it for any
11 reason. He just used to say -- he would say, "This
12 is what we're going to put out to the Press the next
13 day." And by the time the next day come, or the
14 next two days, it was, like, totally different to
15 what he's talking about or what he was saying. It
16 always had a negative every time he sent in this
17 document.

18 Q Okay. And to what do you attribute that?

19 A I don't know what they did.

20 Q You have no idea?

21 A I want to believe it's because he was
22 investigating because of the rates; he was
23 investigating VITELCO with the rates.

24 Q Okay. So if I understand your testimony,
25 you're saying that you believed that The Daily News

1 treated Senator Donastorg's press releases in a
2 negative manner because of his attempts to get rate
3 investigations done at VITELCO? Is that your
4 testimony? Is that a fair statement of your
5 testimony?

6 A I would believe that.

7 Q Other than by speaking to
8 Senator Donastorg about it, and by reading the
9 newspaper and the Press Releases yourself, do you
10 have any other basis to believe that that is true?

11 MS. ROHN: Object to the form of the
12 question.

13 BY MR. RAMES:

14 Q You can answer.

15 A Pardon?

16 Q I said you can answer.

17 Would you like me to repeat the question?

18 A Yeah.

19 Q Other than by speaking to your husband,
20 Senator Donastorg, or by reviewing the
21 press releases and the resulting stories, do you
22 have any other bases to believe that that is true?

23 A Yes.

24 Q And what other bases do you have to
25 believe that is true?

1 A 'Cause I used to read the newspaper then,
2 and I used to see whatever he used to put in; it
3 wasn't all the time what he used to put in, it
4 was -- they always had some kind of negative to put
5 to what he used to put in, by reading that press
6 release.

7 Q Have you ever read a newspaper story at
8 The Virgin Islands Daily News that supported a rate
9 increase for VITELCO?

10 A A long time ago.

11 Q You have read a -- have you ever read --
12 I'll ask the question again.

13 Have you ever read a newspaper article or
14 editorial in The Daily News that supported a rate
15 increase by VITELCO?

16 A I don't remember.

17 Q How has the coverage of The Daily News
18 affected Senator Donastorg's political career?

19 Has the coverage by The Daily News affected
20 Senator Donastorg's political career in your opinion?

21 A Somewhat.

22 Q And how has it done that?

23 A Because when he was running the first time
24 for Governor, they had a lot of negative stuff to
25 say, write about him.

1 Q Do you recall --

2 A Go ahead with your question.

3 Q Do you recall specifically the negative
4 things to which you're referring?

5 A Not now.

6 Q So you have no present recollection of the
7 negative things that The Daily News -- that you say
8 The Daily News was printing when he first ran for
9 Governor?

10 A I don't recall now.

11 Q Has the coverage by The Daily News had any
12 effect on Senator Donastorg's personal life?

13 A The Daily News?

14 Q Yes.

15 A Yes.

16 Q What is the effect, if any, of
17 The Daily News' coverage on Senator Donastorg's
18 personal life?

19 A I think whenever they had the
20 investigation on him, the different things, like on
21 the house, the investigation, when he put in
22 something and they said something different to what
23 he states.

24 Q All right. And you believe that that has
25 an impact on his personal life?

- 1 A Well, I know he used to get upset --
- 2 Q Anything else?
- 3 A -- and angry and hurt.
- 4 Q Anything other than just being upset and
- 5 angry and hurt? Anything other than that?
- 6 A With the articles?
- 7 Q Yeah.
- 8 A Like stress, of course.
- 9 Q Have you ever had your name printed in
- 10 The Daily News?
- 11 A Yes.
- 12 Q In what context was your name printed in
- 13 The Daily News?
- 14 A On the house.
- 15 Q When you say "on the house," are you
- 16 referring to the article that concerned the
- 17 foreclosure of the house in Estate Wintberg; is that
- 18 correct?
- 19 A Yeah. Correct.
- 20 Q Now, to your knowledge has your name ever
- 21 been printed in The Daily News other than in that
- 22 article?
- 23 A I don't remember.
- 24 Q You have no recollection?
- 25 The story concerning the foreclosure, was

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1 that story accurate?

2 A No.

3 Q Why do you contend that the story was not
4 accurate?

5 A Because, first of all, we didn't even know
6 the house was going in foreclosure until we read it
7 in the newspaper.

8 (Defendants' Exhibit 1 marked for identification.)

9 BY MR. RAMES:

10 Q Okay. I want to show you a document that
11 will be marked for purposes of this examination as
12 Defendants' 1. And I'll just mark this as a
13 composite.

14 MS. ROHN: How are you going to do that?
15 Because then we won't be able to tell from the
16 record what thing she's referenced.

17 MR. RAMES: Well, when I say "Composite
18 Exhibit," I mean, one number but sub numbers.

19 MS. ROHN: Okay.

20 MR. RAMES: Okay?

21 MS. ROHN: Sure.

22 MR. RAMES: This will be 1, and every page
23 will be A, B, C through the end, okay?

24 So that would be one, two, three, four, five,
25 six, seven pages back. So that would be 1A, 1B, 1C,

1 1D, 1E, and 1G.

2 So it would be 1G, okay?

3 So take a look at 1G, which is the seventh
4 page back.

5 A Where do you see the 1G?

6 Q Okay. I haven't written 1G on there. I'm
7 just calling it 1G because it's seven back, and G is
8 the seventh letter of the alphabet.

9 It says at the top:

10 "WAPA board takes steps towards
11 issuing \$60 million in bonds.
12 Donastorg and wife face foreclosure
13 on their Wintberg home."

14 MS. ROHN: Mine doesn't say "WAPA board."
15 It's cutoff. It says, "A board."

16 BY MR. RAMES:

17 Q Okay. Unfortunately, this is the only
18 copy I have.

19 You see the first paragraph of that, the
20 first column, the first paragraph of that story, below
21 the word "Donastorg"? Do you see that? -- and above
22 the word "Benham"?

23 Are we looking at the same page?

24 A I don't know.

25 Q You see where the word "Benham" is?

1 A "Benham," yeah.

2 Q And above that, you see the first column
3 of this story?

4 A Yeah.

5 Q Okay. I'm going to suggest to you that
6 that first paragraph reads as follows, because of
7 the cutoff:

8 "A St. Thomas Senator is going to
9 find himself looking" -- well --
10 "for a place to live if he cannot
11 pay the mortgage on his Wintberg
12 home."

13 I believe that that is the essence of what
14 that first paragraph says.

15 Okay. Let's set that paragraph aside, okay?
16 You see the rest of the article starting with
17 the word "FirstBank Puerto Rico"?

18 A Yes.

19 Q Okay. It says:

20 "FirstBank Puerto Rico has filed an
21 action in the District Court for
22 debt and foreclosure for a property
23 mortgage against Senator Donastorg
24 and his wife
25 Benedicta Acosta-Donastorg."

1 Is that a correct reading of that paragraph?

2 A This is after the fact.

3 Q I understand. But is that a correct
4 reading of that paragraph?

5 I will do it again.

6 "FirstBank Puerto Rico has filed an
7 action in District Court for debt
8 and foreclosure for a property
9 mortgage against Senator Donastorg,
10 Jr., and his wife, Benedicta
11 Acosta-Donastorg."

12 Is that a correct reading of that paragraph?

13 A Of this paragraph?

14 Q Yes. Have I just made a correct reading
15 of that paragraph?

16 A Yes.

17 Q Okay. Is there anything about that
18 paragraph that is false?

19 A At that time, yes.

20 Q As of the date --

21 A Yes.

22 Q Do you see the date at the top? What is
23 the date at the top?

24 A February 6, 2002.

25 Q So as of February 6, 2002, had

1 FirstBank Puerto Rico filed an action in the
2 District Court for debt and foreclose of a property
3 mortgage?

4 A I don't think so.

5 (Defendants' Exhibit 2 marked for identification.)

6 BY MR. RAMES:

7 Q Okay. I'll show you a document marked for
8 the purposes of examination as Defendants' 2.

9 And I'll ask you if you're familiar with this
10 document? I'll make copies after the fact.

11 Okay. You see that document? Please take
12 your time and read through it, if you will.

13 (Pause in proceedings.)

14 BY MR. RAMES:

15 Q Have you familiarized yourself with that
16 document?

17 A Yeah.

18 Q Is there a District Court date stamp on
19 the first page?

20 Do you see the District Court date stamp on
21 the first page?

22 A Uh-huh.

23 Q And what is the date of the District Court
24 date stamp?

25 A It says February 4.

1 Q All right. And the date of the article
2 again?

3 A February 6.

4 Q Of what year, please?

5 A 2002. This one just says "February 4".

6 Q Does it say "2002" before the "February"?

7 A It's in the front. Yeah.

8 Q Do you see that?

9 A Yeah.

10 Q So by virtue of your review of that, can
11 you confirm that the District Court date stamp is
12 two days because the issuance of the publication of
13 the article?

14 A Yes.

15 Q Okay. So going back to the first
16 paragraph of the story, that first paragraph is true
17 and correct, isn't it?

18 "FirstBank Puerto Rico has filed an
19 action in District Court for debt
20 and foreclosure of a property
21 mortgage against Senator Adlah
22 Donastorg, Jr., and his wife
23 Benedicta Acosta-Donastorg"?

24 A Yeah.

25 Q The next paragraph says:

1 "FirstBank said in court documents
2 that the Donastorg's owe
3 \$232,573.52, plus attorney's fees
4 and cost and annual interest of
5 8.75 percent."

6 Do you see those numbers in the Complaint?

7 A Yes, I see it.

8 Q The next paragraph says:

9 "On May 31, 2000, they entered into
10 a \$228,000, 30-year mortgage with
11 First Virgin Islands Federal
12 Savings Bank which merged with
13 FirstBank on September 25, 2000."

14 Did you read that in the Complaint, or would
15 you like me to point it out to you?

16 A I think I saw it.

17 Q Could you confirm that you did?

18 A It's right there (indicating).

19 Q Okay. The next paragraph of the article
20 says:

21 "The Donastorgs have failed to
22 comply with the terms and
23 conditions of the Note and
24 Mortgage, and are in default under
25 those instruments for failing to

1 pay principal and interest when
2 due."

3 Is that an accurate quote from the lawsuit?

4 MS. ROHN: Is that what the lawsuit says?

5 MR. RAMES: It's in quotations.

6 BY MR. RAMES:

7 Q Is that an accurate quote --

8 MS. ROHN: Do you want her to look at the
9 Complaint?

10 MR. RAMES: Oh, yes, please.

11 BY MR. RAMES:

12 Q Is that an accurate quote from the
13 Complaint?

14 A It's in the Complaint.

15 Q Okay. The next paragraph:

16 "Under the terms of the mortgage,
17 the Donastorgs had to make monthly
18 payments of \$1,793.68."

19 Is the number "\$1,793.68" in the Complaint as
20 a monthly payment?

21 A Yes.

22 Q Okay. The next paragraph of the letter
23 says:

24 "When contacted at his office --

25 Excuse me. I'm sorry. Withdrawn.

1 The next paragraph of the article says:
2 "When contacted at his office, the
3 senator said the bank either made a
4 mistake or that he took care of the
5 problem and left any further
6 comment to the bank. 'It's being
7 taken care of,' Senator Donastorg
8 said. 'The bank dropped the ball.
9 I don't understand why this is a
10 major issue.'"
11 Is that a correct reading of that portion of
12 the article?
13 A Yes.
14 Q Okay. And there is a quote there. Is
15 that quote attributed to Senator Donastorg?
16 A I wasn't there when he said that quote.
17 Q I understand.
18 A I cannot answer.
19 Q But the article attributes it to him; is
20 that correct?
21 A To him?
22 Q Yeah. The article attributes it to him;
23 is that correct?
24 A Yes.
25 Q And it goes on to say at the top of the

1 next column:

2 "He would not comment further or
3 clarify his statements about the
4 suit."

5 Now, do you read that?

6 A Yes.

7 Q The next paragraph says:

8 "Bruce Bennett, the attorney
9 representing FirstBank, would not
10 comment Tuesday."

11 And the final paragraph says:

12 "The Complaint was filed in
13 District Court instead of
14 Territorial Court because the two
15 parties come from different
16 territories. FirstBank is based in
17 Puerto Rico, the Donastorgs are
18 from the Virgin Islands."

19 Is there anything in that article that you've
20 identified as false?

21 A To the lawsuit?

22 Q Yes. Is there anything in the article
23 that you've identified as false?

24 A Not by the lawsuit.

25 Q Excuse me?

1 A Not by the lawsuit. The information is
2 there.

3 Q Okay. Now, the Donastorg's, Mr. and Mrs.,
4 took issue with the action of the bank; is that
5 correct?

6 A Yes.

7 Q And the Donastorgs believed that the
8 actions of the bank were wrong; is that correct?

9 A Right.

10 Q Okay. And, in fact, I'll represent to you
11 that the suit was dropped in April of 2002. Does
12 that accord with your recollection?

13 A I don't remember.

14 Q Okay. Were you involved at all in the
15 process of ensuring that this lawsuit was dismissed?
16 Were you involved in that process?

17 A Whatever had to be taken care of, we both
18 did what we had to do.

19 Q Okay. So you contacted the bank?

20 A Fonzie did.

21 Q And did you or did you not hire a lawyer
22 for that purpose?

23 A Yes, we did.

24 Q You did. Okay. All right.

25 So I understand that you take issue at the

1 bank, and believe that they were incorrect in filing
2 the lawsuit; is that correct?

3 A Correct.

4 Q Okay. Why do you take issue with
5 The Daily News?

6 A I'm not sure if I should say this.

7 Q Oh, you can say, really, anything that
8 comes to your mind about these things that is
9 properly responsive to the question, of course.

10 Would you like me to repeat my question?

11 A Yes.

12 Q Why do you take issue with The Daily News?

13 A My issue with The Daily News is that --
14 We are not talking about this issue only --

15 Q Yes.

16 A -- we're talking about the negative that
17 they always put against Fonzie.

18 Q Okay.

19 A This here with the Wintberg home, when it
20 was published, I didn't have idea of it.

21 So I know you said it's February the 4th here,
22 and we did it February 6th, but when did they know about
23 it? I think The Daily News knew before we knew this
24 information out there.

25 Q I understand.

1 Do you object to the fact that The Daily News
2 knew before you knew?

3 A But maybe if they had checked us and
4 called us and asked us what was our comment before
5 they put it in The Daily News -- most likely they
6 did it the night before.

7 Q But you do understand, though, that
8 The Daily News did contact Senator Donastorg --

9 MS. ROHN: No --

10 BY MR. RAMES:

11 Q -- prior to the publication of his
12 February 6th article?

13 MS. ROHN: Object to the form of the
14 question; no foundation whatsoever.

15 MR. RAMES: Excuse me. There's a quote in
16 the article.

17 MS. ROHN: And you think The Daily News
18 tells the truth?

19 MR. RAMES: Oh. Excuse me.

20 MS. ROHN: Excuse me?

21 Can I tell you how many times The Daily News
22 said they contacted me, and I had no comment, and they
23 never contacted me?

24 MR. RAMES: No, no, no. Come on, Lee.
25 Lee, Lee, I appreciate the extraordinary speaking

1 objection --

2 MS. ROHN: Great.

3 BY MR. RAMES:

4 Q Are you contending that this is not a
5 quote from your husband?

6 A I wasn't there.

7 Q I understand. Okay.

8 So you don't know whether it was a quote from
9 your husband or not?

10 A No. And I don't know when he said it, if
11 he said it.

12 Q I understand.

13 But the statement that was attributed to him,
14 "It's being taken care of. The bank dropped the ball.
15 I don't understand why this is a major issue," from
16 your perspective, those statements are true? It was
17 being taken care of; isn't that correct? -- by you and
18 by your husband; is that correct?

19 MS. ROHN: Object to the form of the
20 question.

21 BY MR. RAMES:

22 Q Okay. Let me repeat it again.

23 The quote says, "It's being taken care of."

24 My question about that is, it was, in fact,
25 being taken care of by you and your husband; isn't that

1 correct?

2 MS. ROHN: You mean as of February 6th?

3 THE DEPONENT: That's good.

4 BY MR. RAMES:

5 Q Yeah, that's very good. You know, maybe
6 you can --

7 MS. ROHN: Well, you didn't ask ever or --

8 MR. RAMES: Okay. I'll withdraw. Let me
9 just ask the question this way.

10 BY MR. RAMES:

11 Q The quote said: "It's being taken care
12 of."

13 My question is, you and your husband did take
14 care of it; is that correct?

15 A I'll reply yes.

16 Q I'm sorry. Please?

17 A I'm going to say yes for now.

18 Q And it says, "The bank dropped the ball."
19 That's a quote as well.

20 You and your husband, in fact, do agree that
21 in this case, the bank dropped the ball; is that
22 correct?

23 A Yes.

24 Q What you have before you is all of the
25 articles and editorials that are at issue in this

1 case.

2 MS. ROHN: I'm going to object to that.

3 MR. RAMES: There's a ruling from
4 Judge Hollar, 20 articles, 4 editorials.

5 MS. ROHN: She has never made that ruling.
6 Show me the Order. There's never been that ruling.

7 THE DEPONENT: I'm sure it's more.

8 BY MR. RAMES:

9 Q To your knowledge, other than the articles
10 concerning the Wintberg home, have you ever
11 personally been mentioned in The Daily News?

12 A I don't remember. I don't think so.

13 Q Were you damaged by the Wintberg article,
14 article about the Wintberg foreclosure? And, if so,
15 how?

16 A Yes, I was.

17 Q How?

18 A I was very upset; I was very angry.
19 Because, like I said before, I never knew of this
20 until The Daily News printed it. So we never got
21 this --

22 Q When you say "this," you mean the lawsuit?

23 A The lawsuit.

24 Q So your anger was based on the fact that
25 The Daily News had it before you did? Is that what

1 your anger was based on?

2 A Not that it was anger, just to see our
3 name in The Daily News, discrediting us that we
4 didn't do the proper payment.

5 Q Okay. Anything other than that?

6 A No.

7 Q Okay. And so is it fair to say that you
8 were upset by that?

9 A About?

10 Q About seeing that article in
11 The Daily News.

12 A Yeah.

13 Q Is there any other reason other than that
14 article that you have brought your lawsuit against
15 The Daily News?

16 A Additional to an investigation?

17 Q No --

18 A Oh, we haven't gone there?

19 Q No. Rather than asking me questions, just
20 speak freely about reasons why you brought this
21 lawsuit.

22 Now, you have first indicated that one of the
23 reasons why you brought this lawsuit is because of the
24 foreclosure article on the Wintberg home; is that
25 correct?

1 A One of the reasons, yes.

2 Q Tell me every other reason why you brought
3 this lawsuit against The Daily News.

4 A Publishing other negative articles about
5 Fonzie.

6 Q Okay. Let's talk about that now.

7 You brought this lawsuit against
8 The Daily News because The Daily News wrote negative
9 articles about your husband; is that correct?

10 A Yes.

11 Q Okay. And how does that affect you?

12 A It doesn't just affect me. My kids --

13 Q That's what I'm asking. How does it
14 affect you?

15 A It also affected the kids.

16 Q Okay. Let's talk about you first.

17 A Okay. It affected me. I used to be very
18 upset. When everything used to go in the newspaper,
19 first calls in the morning, "They're talking about
20 Fonzie. They have negative stuff on you all." It
21 used to get me so upset. I couldn't even go to
22 work, I used to be very stressed.

23 The kids were very stressed; you know, they
24 didn't want to go to school. I had to be calming them
25 down all the time, you know.

1 Don't talk about Fonzie being stressed. I had
2 to see all of that, with the kids, Fonzie, and his
3 family. So...

4 Q Okay. You know Senator Donastorg to be a
5 very combative senator; isn't that correct?

6 A I know that.

7 Q Okay.

8 A But how much more -- you know, you fight
9 all the time, you fight all the time, but they was,
10 like, always on top of him, all the time. No matter
11 what he tried, they always was on top of him, you
12 know, all because he was looking out for the People
13 of the Virgin Islands, that's why.

14 Q And so you said that the way that it
15 affected you -- sorry, I didn't really get your
16 answer.

17 The way that these articles affected you is
18 how?

19 A I was stressed.

20 Q Okay. So the fact that these articles
21 were about your husband, and you saw them as
22 negative, caused you stress; is that correct?

23 A I'm talking now not about just me. When
24 you talk about me, you have to talk about me and my
25 kids.

1 Q But we have to break it down.

2 A Okay, break it down.

3 Okay. Stress.

4 Q I will deal with your kids after we finish
5 talking about you, if that's okay.

6 A All right.

7 Q And, I'm sorry, I should have said it
8 earlier, but if you want to take a break --

9 A I'm okay.

10 Q -- all you need to do is say so.

11 All right. So when we're talking about your
12 reaction to this, to these articles, if my
13 understanding of your testimony is correct, because
14 they're about your husband, the Senator, and because
15 they are negative, that causes you stress; is that
16 correct?

17 A Correct.

18 Q Okay. Anything else?

19 A I mean, when you say "stress," we're
20 talking about headaches, couldn't deal with the day,
21 being sick, not wanting to go to work, you know.

22 Q Okay.

23 A That's what I'm talking about.

24 Q Anything else?

25 A That's it.

1 Q And you mentioned your children. Why did
2 you mention your children?

3 A Because they knew how to read, too, at
4 that time, so they knew about it, and they were very
5 upset. They didn't want to go to school; they can't
6 believe why they writing that, why they always
7 hating their father. They used to be very upset.
8 And I'm looking at my kids going through that, and I
9 did not like it.

10 Q So is it fair to say that your children
11 were going through the same kind of stress that you
12 were for the same reasons; is that correct?

13 A Of course. They look at their mother, and
14 they look at their dad going through it, so they
15 also was getting it worse.

16 Q Other than that, with respect to the kids,
17 anything else?

18 A No.

19 Can I go back?

20 Q Of course.

21 A Other than the kids getting stress, I'm
22 talking about kids going to school and people
23 teasing the kids, and telling the kids them that
24 they would be without a home, or calling their
25 father all kinds of stuff because of articles they

1 have written, you know. So the kids have really had
2 their part to deal with.

3 Q And when you talked about teasing at
4 school, you're talking about the foreclosure
5 article; is that correct?

6 A The home foreclosure, yeah. But it have
7 been others; I just can't recall which ones.

8 Q The others, why don't you take a moment
9 and go through the articles that I've provided you
10 as Composite Exhibit 1?

11 MR. RAMES: And while we're at it, why
12 don't you give me a set of exhibit stickers,
13 Defendant Exhibit stickers? And I'll mark these 1A
14 through the end.

15 THE DEPONENT: Can I say at least 10 or 15
16 articles here is all about the boxing?

17 BY MR. RAMES:

18 Q Yes, there are articles about the boxing.

19 A But I know it has had other articles other
20 than this on Fonzie. All these are boxing.

21 Q I have marked 1A through 1W. This will be
22 the stenographer's copy.

23 When you complete your review, my question to
24 you is, is there anything false in any of these
25 articles from your perspective, Mrs. Donastorg?

1 A I didn't review all of them; I just was
2 reading your highlights; that's the only thing I
3 read. And some of the highlights, I guess not.

4 Q Well, there are some highlights, and those
5 highlights represent where I noticed
6 Senator Donastorg's name. But I don't --

7 A Uh-huh.

8 Q -- suggest by any means that I've picked
9 up every reference.

10 But my question to you is, have you
11 identified everything that, from your perspective, is
12 false?

13 A What can I say? I didn't read the whole,
14 entire document again, so...

15 Q We have as much time as you need,
16 Mrs. Donastorg.

17 MR. RAMES: Off the record for a moment.

18 (Off record.)

19 THE DEPONENT: The first one is an
20 editorial --

21 BY MR. RAMES:

22 Q Yeah.

23 A -- or article?

24 Q I will characterize -- you're talking
25 about the "GERS as political fodder," the first

1 page?

2 A Yeah.

3 Q 1A is the lead editorial in The Daily News
4 on March 1st, 2004.

5 A So it's an editorial?

6 Q Yes. That is correct.

7 A I can't answer if it's true or not.

8 Q Okay. You can go on.

9 I'm sorry, I'll ask another question about
10 it.

11 You can't say that it's true or not, because
12 it's just an opinion; is that correct?

13 MS. ROHN: Object to the form of the
14 question.

15 BY MR. RAMES:

16 Q It's an opinion; is that correct?

17 MS. ROHN: Objection to the form of the
18 question.

19 BY MR. RAMES:

20 Q You have to answer.

21 MS. ROHN: You can answer.

22 THE DEPONENT: Repeat that.

23 BY MR. RAMES:

24 Q I said, you can't say that it is true or
25 false because it is an opinion; is that correct?

1 A Correct.

2 Q Okay. You can go on.

3 MS. ROHN: Same objection.

4 THE DEPONENT: Is the second also an
5 editorial?

6 BY MR. RAMES:

7 Q Yes. It says at the top "Editorial," so
8 that is an editorial.

9 A Well, the negative at the end on that one.

10 Q Dated April 6th, 2004?

11 A Uh-huh.

12 Q Okay. And so --

13 A Can I read that part, what I'm talking
14 about, about being negative?

15 Q I understand.

16 But have you identified anything false?

17 If you'd like to say the answer to that
18 question and then say whatever you'd like to say after
19 that, it's fine.

20 A I think it is false when they said:

21 "With the senator's problem in

22 managing his personal finances and

23 the government's, we are --

24 MS. ROHN: Is it 2:00 o'clock?

25 MR. RAMES: 2:20.

1 THE DEPONENT: -- "we are weary of any" --.

2 MR. RAMES: Should we go off the record?

3 MS. ROHN: Yeah.

4 (Recess.)

5 BY MR. RAMES:

6 Q Have you concluded your reading of the
7 article?

8 A This one, the second one, yeah.

9 Q Have you identified anything in the
10 article that's false?

11 A Yes.

12 Q And what do you contend that's false?

13 A When they said:

14 "With the senator's problems in
15 managing his personal finances and
16 the government's, we are weary of
17 any proposal from him to create a
18 new government agency."

19 Q Okay. And the reason why you contend that
20 is false?

21 A That is negative.

22 Q Would you say that again, please?

23 A Pardon me?

24 Q Would you say that again, please?

25 A I would say that is not true.

1 Q What is not true about it?

2 A When they said "his problem in managing
3 his personal finances."

4 Q Anything else?

5 A No.

6 Q Okay.

7 A What page is this one?

8 Q In fact, I tell you what. Why don't we
9 exchange, and you can use the one with the numbers
10 at the bottom. And those are numbered 1 and then
11 the letter following, okay? So it's 10.

12 Unfortunately, it looks like a ten; that's why I'm
13 telling you that.

14 A So the one I just spoke to was 1B.

15 Q Was 1B. Okay.

16 A 1C, I don't see anything there.

17 What is the 1C?

18 Q 1C would be just the last two words of the
19 previous editorial. See the previous editorial ends
20 in the words "previous Page 1B?" Ends in the words
21 "Senate Finance," and then the next page at the top,
22 it says, "Committee Chairman."

23 A Oh. Okay.

24 Q That's all. It's just the last two words
25 at the end.

1 A Oh. Okay.

2 Q And 1D, it is the lead editorial.

3 A Another editorial. Okay.

4 Q A lead editorial, 5-29-98.

5 A Here we come again, on 1D, with the
6 negative here again from the editorial.

7 Q Okay. Is there anything in the editorial
8 that is false?

9 A "But the regulatory body should not
10 be threatened by a rogue senator
11 who is trying yet again - to play
12 politics and jeopardize the
13 economic well being of the people
14 he supposedly represents."
15 False.

16 Q Okay. And that is an opinion; is that
17 correct?

18 A It is.

19 Q And you previously said an opinion is
20 neither false nor true; is that correct?

21 A Well, so far all the editorials -- these
22 editorials that I have seen, they always have
23 something negative to say about him.

24 Q Negative. I understand.

25 But the first part of my inquiry is whether

1 there is any falsity. And then the second part of the
2 inquiry is whatever you'd like to say about the
3 article. Okay?

4 So we can move on, then, to 1E, which appears
5 to be another lead editorial.

6 I believe in the bottom part it says
7 "8-30-2004." I don't think that that's the date. I'm
8 sorry.

9 A Which one?

10 Q The one that says "Blind eye to
11 cockfighting? Animal cruelty nonetheless!"

12 Do you see that?

13 A Yeah.

14 Q Okay. Again, anything false about that
15 editorial?

16 A Okay. I read it.

17 Q Okay. Is there anything false about this
18 editorial?

19 A It doesn't say nothing false or negative.

20 Q Let's move on.

21 Would you like to say anything else about
22 this editorial?

23 A No.

24 Q 1F?

25 A Okay.

1 Q Anything false about that article?

2 A I don't know. I didn't see nothing
3 negative, other than what he have been saying, but I
4 don't know if that's what it said.

5 Q All right. And we already spoke about 1G;
6 is that correct?

7 A Yes -- no, 1F.

8 Q 1 --

9 A Oh, yeah.

10 Q 1G?

11 A Yeah.

12 Q Okay.

13 And then on to 1F.

14 A 1F or --

15 Q Excuse me, 1H.

16 A 1H. Okay.

17 Q And I will tell you that Senator Donastorg
18 claimed that the paragraph in this article that said
19 he voted no on his own bill was false.

20 A Okay.

21 Q Okay?

22 A Okay.

23 Q All right. And I will also tell you that
24 the next page, 1I, is the correction that was
25 printed two days later.

1 A Oh. Okay.

2 Q Okay?

3 Going to 1J.

4 A This one, I cannot see.

5 Q You can't see 1J?

6 A Uh-huh.

7 Q Let's move on to -- and then it starts
8 with the working articles.

9 Were you familiar with this boxing event when
10 it took place?

11 A Yeah.

12 Q Were you reading the articles that were
13 generated by The Virgin Islands Daily News at the
14 time of the bout in 2003?

15 A I don't recall. I don't remember.

16 Q Do you recall having any issue with
17 The Daily News' coverage of the boxing event?

18 A I don't remember.

19 Q You have no recollection?

20 A I don't remember.

21 Q All right. Those boxing articles go
22 through 1K or 1W. And I believe your husband has
23 testified extensively about those articles, so I
24 don't think we need to go over those articles in
25 this deposition.

1 Okay. You filed this lawsuit shortly after
2 it was discovered that there was information about you
3 in the Investigative Report; is that correct?

4 A Repeat that.

5 Q You filed this lawsuit --

6 A Uh-huh.

7 Q -- after it was discovered that there was
8 information about you in the Investigative Report;
9 is that correct?

10 A Correct.

11 Q Okay. Have you read the Investigative
12 Report?

13 A Yeah.

14 Q Tell me what you know about the
15 Investigative Report.

16 A I know they investigated a lot of his
17 friends, his family, us; about being followed.

18 Q Would you say that again, please?

19 A About being followed.

20 Q When you say "about being followed," you
21 heard the testimony of Josefina Donastorg where she
22 said that there were two gentlemen who she believed
23 were following her from her home to church. Is that
24 what you're talking about?

25 A No, I'm not talking about her; I'm talking

1 about what I saw in the report.

2 Q Okay. And what did you see in the report
3 about that issue?

4 A I remember people talking that they
5 followed him to the homes or so and when he left; to
6 the headquarters, when we leave. All of that, I
7 remember from the report.

8 Q Okay.

9 A I remember my mother-in-law's information
10 about her working at Pueblo and all of that stuff.
11 I do remember that.

12 Q Okay. Do you know when the Investigate
13 Report was ordered? Do you have any idea when it
14 was ordered to be completed?

15 A No.

16 Q Do you have any information that The
17 Virgin Islands Daily News has any connection to the
18 Investigative Report?

19 A I thought they were the ones who was doing
20 the report.

21 MR. ECKARD: I'm sorry. Can you speak up?

22 MS. ROHN: She said, "I thought they were
23 the ones who did the report."

24 THE DEPONENT: Who did the report.

25 (Defendants' Exhibit 3 marked for identification.)

1 BY MR. RAMES:

2 Q I want to show you what has been marked
3 for the purposes of this examination as
4 Defendants' 3.

5 And I'll ask you if you're familiar with this
6 document? Are you familiar with that document?

7 A I think so, yeah.

8 Q And is that the cover --

9 MS. ROHN: Do you have a copy for me? Or
10 show it to me before you show it to her.

11 MR. RAMES: Yes, that's the right thing to
12 do. I'm sorry.

13 MS. ROHN: That's okay.

14 BY MR. RAMES:

15 Q Okay. Is that the Investigative Report to
16 which you refer?

17 A Yeah.

18 Q Okay. And does it indicate who prepared
19 the Investigative Report?

20 A Sheraw and Associates. It comes from
21 them.

22 Q Did you have some understanding or belief
23 that Sheraw was connected to The Daily News?

24 A After.

25 Q And what connection is there that you know

1 of or that you believe exist?

2 A The connection --

3 Q Yes.

4 A -- of Mr. Sheraw?

5 Q To The Daily News.

6 A When I spoke to Fonzie about it, I asked
7 who they were, and he said that he was for
8 The Daily News. That's how I knew.

9 Q Okay. Do you know any other way other
10 than by hearing it from Senator Donastorg?

11 A No.

12 Q Let me understand what you just said.

13 Are you saying that Senator Donastorg
14 indicated that Sheraw did the investigation for the
15 Daily News? Was that your testimony?

16 A Let me read this.

17 Uh-huh.

18 Q Yes?

19 A Yes.

20 Q Okay. Do you see who the Investigative
21 Report is directed to? Who is it directed to?

22 A To Oakland Benta.

23 Q Okay. Did you ever have any understanding
24 or belief that Oakland Benta was working for
25 The Daily News?

1 A No.

2 Q Did you know who Oakland Benta was working
3 for at this time, in 1998?

4 A He was working for Mr. Prosser.

5 MR. RAMES: Okay. Nothing further at this
6 time.

7 EXAMINATION

8 BY MR. ECKARD:

9 Q Good afternoon, Mrs. Donastorg. My name
10 is Mark Eckard. I represent VITELCO.

11 A Mark who?

12 Q Mark Eckard. Kind of like the drugstore,
13 but spelt a little differently.

14 A Okay.

15 Q Just to repeat what Attorney Rames said --
16 which also stays the same for me -- if there's
17 anything that I ask that you don't understand, just
18 stop me, let me know; I'll try to rephrase what I
19 asked.

20 I just want to correct one thing.

21 You said you only filed this lawsuit after
22 VITELCO was joined as a Defendant to this lawsuit.

23 I think -- maybe just to clarify, I think you
24 were actually a plaintiff to the original Complaint in
25 this case; is that correct?

1 MS. ROHN: It's not a question.

2 BY MR. ECKARD:

3 Q Were you a plaintiff in the original
4 Complaint that was filed in this case?

5 A In which case?

6 Q In the case that we're here on today.

7 A On this case?

8 Q No, no. On the lawsuit that you filed
9 against The Daily News and some other party.

10 A I really do not understand your question.

11 Q Do you remember filing, or were you
12 involved in the filing of this lawsuit at all?

13 A In this lawsuit?

14 Q Yeah.

15 A Yeah. That's why I'm here.

16 Q Okay. Do you remember being a plaintiff
17 in the original Complaint that was filed in this
18 lawsuit?

19 Do you understand what a plaintiff is versus
20 a defendant?

21 A Yeah. I just -- what is the question? I
22 don't understand what the question is.

23 If I was an original -- do we have an original
24 and a past one? I don't understand that.

25 Q Okay. Do you know that there was -- there

1 have been three amendments to the Complaint filed in
2 this lawsuit?

3 A Okay.

4 Q Do you know that?

5 A That, I remember.

6 Q Do you know whether or not you were a
7 plaintiff on the very first, the original Complaint
8 in this lawsuit?

9 A I'm lost, so I can't answer.

10 Q Is your answer "I don't know"?

11 MS. ROHN: She says she doesn't understand
12 your question.

13 MR. ECKARD: I don't know how else to ask
14 it.

15 MS. ROHN: Well, she doesn't understand
16 it.

17 BY MR. ECKARD:

18 Q Were you named as a plaintiff in the
19 Complaint that first commenced this lawsuit?

20 A I'm a plaintiff on it right now? Yes?

21 Q Yes.

22 A Oh. Okay.

23 MR. RAMES: The record is pretty clear.

24 MR. ECKARD: I'll move on.

25 MR. RAMES: It's my mistake. I'm sorry.

1 BY MR. ECKARD:

2 Q In the Complaint, you state that VITELCO
3 used rate payer funds to fund the investigation,
4 with the Investigative Report that you're holding
5 right now.

6 What facts or evidence do you have to base
7 that statement?

8 A I don't have anything now, but I have
9 documents someplace that will show that.

10 Q You have documents that --

11 A I guess from the documents when we were
12 seeing the report. This is not all the information
13 on the report, what I'm holding here.

14 Q Okay. So you have documents that show
15 that --

16 A This is not a complete investigation
17 report here.

18 MS. ROHN: It's 5 inches.

19 BY MR. ECKARD:

20 Q Understood. Understood.

21 Okay. You don't have any recollection of
22 what those specific documents are right now?

23 A Not now, no.

24 Q For the benefit of the record -- and we
25 can -- I don't know if you want to have the same

1 stipulations here that we did with Mr. Donastorg,
2 Senior with regard to the dates and the invoice and
3 the check --

4 MS. ROHN: The documents speak for
5 themselves.

6 MR. ECKARD: Okay.

7 I just want to attach these --

8 MS. ROHN: How can she testify to a
9 document she didn't create, she didn't pay, except
10 to tell you what it says?

11 MR. ECKARD: I just want to attach this as
12 an exhibit to the --

13 MS. ROHN: Great. You can attach it as an
14 exhibit.

15 She has no personal knowledge of whether or
16 not anything that's on the document is true, other than
17 that's what the document says.

18 MR. ECKARD: All right. So I'm just going
19 to pass this to her, and --

20 MS. ROHN: You don't have to. You can
21 just mark it with the deposition, and that's our
22 stipulation, the document says what it says. But
23 she has no personal knowledge. She wouldn't have
24 written the check, or paid the check, or gotten the
25 invoice.

1 MR. ECKARD: Of course.

2 (Defendants' Exhibit A marked for identification.)

3 MR. ECKARD: I'd just like to mark
4 VITELCO 1, which is an Invoice to
5 Emerging Communications, addressed to
6 Mr. Oakland Benta, in his capacity as Security
7 Director.

8 And Defendants' Exhibit 1 says that it is a
9 bill for services rendered, "Full background search on
10 above-named subject as detailed in reports dated
11 April 16, May 20th, and June 24, 1998."

12 The total balance due is \$6,565.05.

13 So that's Plaintiff's Exhibit 1 -- I'm
14 sorry -- VITELCO Exhibit 1 -- VITELCO Exhibit A.

15 And then I'd like to mark for identification
16 VITELCO Exhibit B. That is a check from Atlantic
17 Tele-Network Co, for \$6,565.05, made out to Dennis R.
18 Sheraw and Associates. And that check is dated
19 June 30, 1998.

20 (Defendants' Exhibit B marked for identification.)

21 BY MR. ECKARD:

22 Q And if I could just clarify,
23 Mrs. Donastorg, just to be sure I understood.

24 Did you say that for the past 26 years,
25 you've worked at Schneider Regional Hospital --

1 A (Nodding affirmatively.)

2 Q -- through a series of different titles?

3 A (Nodding affirmatively.)

4 Q And you're still employed there today?

5 A (Nodding affirmatively.)

6 Q Have you had any other business interests
7 over those years?

8 A No.

9 MR. ECKARD: That's all for me.

10 Thanks.

11 MS. ROHN: I have some questions.

12 EXAMINATION

13 BY MS. ROHN:

14 Q Now, you were asked about the story of a
15 foreclosure.

16 The story started out with the Donastorgs
17 were going to have to -- I'll paraphrase it -- find a
18 new place to live.

19 Was there any truth to that?

20 A No.

21 Q And did you guys ever have to find a new
22 place to live?

23 A No.

24 Q Were you guys about to be put out on the
25 street?

1 A No.

2 Q And that fact that was put in the
3 newspaper, did anything happen to your children as a
4 result of that statement put in the newspaper?

5 A Yeah. That's the one I said that when
6 they went to school and they said that they will be
7 put on the street or that they're going to be
8 without a home, and all of that stuff.

9 In fact, they was telling them they could come
10 live with them if they didn't have any place to stay.

11 Q Did your children get taunted?

12 A Yes, they did.

13 Q And how did that affect you, knowing your
14 children were taunted over a false statement by
15 The Daily News?

16 A We were very upset.

17 MR. RAMES: Object to form.

18 BY MS. ROHN:

19 Q Was there anything true about the fact you
20 guys were about to go out in the street?

21 A No, that was not true.

22 MR. RAMES: Object to form.

23 BY MS. ROHN:

24 Q Now, you were asked about a statement from
25 Senator Donastorg, that it was being taken care of,

1 in The Daily News' story. The date that the
2 Daily News story ran the statement that
3 Senator Donastorg said it was being taken care of,
4 did you guys even know there was such a lawsuit?

5 A No.

6 MR. RAMES: Object to form.

7 BY MS. ROHN:

8 Q The amount that was claimed to be owed in
9 the lawsuit, was that an erroneous amount? In other
10 words, was an error -- the amount was not correct?

11 A I think the amount was correct. I mean,
12 all that money that we owed, that was not true. We
13 did not \$224,000.

14 MS. ROHN: No further questions.

15 MR. RAMES: We're done.

16 Thank you.

17 (Whereupon, the Deposition concluded at 2:52 P.M.)

18 -000-

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JURAT

I, Benedicta Donastorg, certify that I have read the foregoing transcript of my Deposition taken on Monday, September 13, 2010, and have signed it subject to the following changes:

PAGE LINE CORRECTION

Deponent

Date

JA001916

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: September 24, 2010


N. Antoinette Cérge, RPR/CSR

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1 ST. THOMAS, VIRGIN ISLANDS; MONDAY, SEPT. 13, 2010

2 9:28 A.M.

3 -000-

4 ADLAH DONASTORG, SENIOR,

5 having been first duly sworn,

6 was examined and testified as follows:

7 EXAMINATION

8 BY MR. RAMES:

9 Q Good morning, Mr. Donastorg.

10 A Good morning.

11 Q My name is Kevin Rames. I represent
12 The Virgin Islands Daily News, Daily News Publishing
13 Company.

14 I wonder if you could state your name, and
15 spell your last name for the record, please.

16 A It's Adlah A. Donastorg --
17 D-o-n-a-s-t-o-r-g -- Senior.

18 Q What is your residence address?

19 A It's Estate Wintberg 1-123-13.

20 Q Are you a native of St. Thomas?

21 A Huh?

22 Q Are you a native of St. Thomas?

23 A Yes.

24 Q Have you ever had your deposition taken
25 before?

1 A Only here. I don't remember.

2 Q Okay. Have you ever been a plaintiff or a
3 defendant in a lawsuit?

4 A No.

5 Q Other than this one, of course?

6 A Right. Yeah.

7 Q Okay. This is a court proceeding in the
8 Matter Senator Adlah Donastorg, Junior, Benedicta
9 Donastorg, Adlah Donastorg, Senior, Josefina
10 Donastorg, Ella Moron, and Norma Duran versus Daily
11 News Publishing Company, Inc., Innovative
12 Communications Corporation, Jeffrey Prosser,
13 Low Davis, Holland Dyke Redfield, and VITELCO.

14 Are you the individual, Adlah Donastorg,
15 Senior, that is noted as a Plaintiff in that lawsuit?

16 A Yes.

17 Q I'm going to be asking you some questions
18 today in my capacity as The Daily News' lawyer, and
19 Mr. Eckard will be asking you some questions today
20 in his capacity as the Attorney for Virgin Islands
21 Telephone Corporation.

22 A All right.

23 Q This deposition is going to be recorded by
24 Ms. Noreen Cérge. She is going to be taking down
25 everything that I say, and everything that you say,

1 and what other counsel here say. And a document is
2 going to be produced which may be used as evidence
3 at trial or in pretrial motions.

4 If I ask you a question and you don't hear
5 the question, would you ask me to repeat it? Will you
6 do that?

7 A Yes.

8 Q If I ask you a question and you don't
9 understand the question, will you ask me to rephrase
10 it? Will you do that?

11 A Yes.

12 Q If you wish to take a break at any time
13 during this deposition, please just say so, and I
14 will afford you that opportunity. Okay?

15 A Okay.

16 Q Are you taking any medications today that
17 would interfere with your ability to either
18 understand my questions or to respond to them?

19 A No.

20 Q Where did you go to high school?

21 A Charlotte Amalie.

22 Q Did you have any formal education after
23 high school?

24 A I went to the university.

25 Q And which university did you go to?

1 A The Virgin Islands University.

2 Q Back when it was called CVI; is that
3 correct?

4 A CVI, yeah.

5 Q What was your course of study at CVI?

6 A Business.

7 Q Did you receive a degree or other
8 certification --

9 A No, I didn't.

10 Q -- from CVI?

11 MS. ROHN: Sir, you have to let him finish
12 his question before you start talking.

13 THE DEPONENT: No.

14 BY MR. RAMES:

15 Q Okay. How long did you spend in your
16 student life at CVI?

17 A Well, I earned about 120 credits, and I
18 had to stop because of other responsibilities.

19 Q I understand.

20 So you were close to graduating?

21 A Yeah.

22 Q Okay. All right. Ever considered going
23 back?

24 A No.

25 Q After you left CVI, what was your first --

1 excuse me.

2 After you left CVI, did you take any other
3 additional formal education?

4 A Well, I went to Philadelphia for some
5 training in -- well, I had already know the
6 scientific work of air conditioning because I used
7 to work with Hector Roebuck in building freezers and
8 installing air conditions and electrical components,
9 et cetera, but I went to Philadelphia to get some
10 training in the mechanics and the electrical
11 schematic of vehicle air conditioning.

12 Q Okay.

13 A So I stayed there for about three weeks, I
14 think.

15 Q Okay. And after you left your further --
16 you would call that technical studies, yes?

17 A Yes.

18 Q -- in Philadelphia, did you come straight
19 back to the Virgin Islands, to St. Thomas?

20 A Yeah.

21 Q And did you commence employment at that
22 time?

23 A Excuse me?

24 Q Did you commence employment at that time?

25 MS. ROHN: Had you started working?

1 THE DEPONENT: I was employed.

2 BY MR. RAMES:

3 Q When you left CVI, what was your first
4 employment?

5 A I was employed.

6 Q Okay. By whom?

7 A I was a Maintenance Engineer in Education,
8 and then I moved up to Director, Plant Operations
9 and Maintenance.

10 Q When did you start working for the
11 Department of Education?

12 A In the late '60s.

13 Q Okay. And was this prior to going to CVI
14 or after going to CVI that you started working for
15 the Department of Education?

16 A Well, I started there, and I went to UVI.
17 After that -- after, I started to work --

18 Q Okay. And how long -- excuse me.

19 A -- under the G.I. Bill.

20 Q Under the G.I. Bill?

21 A Yeah.

22 Q And what years were you in the
23 Armed Services?

24 A It had to be '61, '62, '63.

25 Q Okay.

1 A I'm not too sure about that. I'll hold
2 off to look at my records to see, but, you know,
3 that's -- I think that's it.

4 Q And is that immediately -- that's after
5 you came out of Charlotte Amalie High School; is
6 that correct?

7 A Yeah, that's -- yeah. Uh-huh.

8 Q So when you came out of Charlotte Amalie,
9 did you immediately go into the Armed Services?

10 A I think so, yeah.

11 Q Okay. Absolutely.

12 And when you came back from the
13 Armed Services, did you return directly to the
14 Virgin Islands?

15 A Yeah.

16 Q And is that when you got the job in the
17 Department of Education?

18 A No. I bought a little truck, and I was
19 doing my own work in air conditioning, installing.

20 Q Absolutely.

21 And how long did you do your own work in air
22 conditioning before you got your next employment?

23 About how many years did you work in air conditioning?

24 A About three years.

25 Q Before you started working for the

1 Department?

2 A About three years.

3 Q Okay. And after you finished work, after
4 you stopped working in your own air conditioning
5 business, was your next employment with the
6 Department of Education?

7 A Yes.

8 Q In what position did you start?

9 A Excuse me. Actually -- okay. After I
10 came out of the Army -- yeah, I think it's nearly
11 correct; I'm not too sure.

12 Q I understand.

13 You can't recall any other --

14 A I can't recall.

15 Q -- any other employment between the air
16 conditioning business and the Department of
17 Education?

18 A You mean when I was small? -- when I was
19 younger?

20 Q Yeah, before you started working with the
21 Department of Education, you went directly from your
22 air conditioning business into the Department of
23 Education; is that correct?

24 A You mean as a --

25 Q As a young man, yeah.

- 1 A As a young man?
- 2 Q Yes, please.
- 3 A Yeah.
- 4 Q And how long did you work in the
5 Department of Education?
- 6 A Thirty-seven years.
- 7 Q Okay. And did you retire from the
8 Department of Education?
- 9 A Yes.
- 10 Q And what was the last position you held
11 with the Department of Education?
- 12 A Director of Plant Operations.
- 13 Q And is that for the St. Thomas and
14 St. John District?
- 15 A Yeah.
- 16 Q How long did you work as a Director of
17 Plant Operations?
- 18 A I would guess about fifteen years.
- 19 Q Okay.
- 20 A I'm not too sure about that, but --
- 21 Q But more than ten years?
- 22 A More than -- yeah, more than ten years.
- 23 Q -- as the Director of Plant Operations.
- 24 And what is the responsibility of Director of
25 Plant Operations?

1 A Well, my responsibility, I had 129
2 maintenance personnel, electricians -- licensed
3 electricians, plumbers, air conditioning, ground
4 people; you know, I was in charge of them. Our
5 responsibility was to make sure that we maintained
6 the schools on St. John and St. Thomas --

7 Q Okay. And all those --

8 A -- and educational properties, et cetera.

9 Q All those men reported to you?

10 A Yeah.

11 Q And who did you report to?

12 A I reported to the superintendent.

13 Q And what year did you retire?

14 A In 19 -- it was right after Farrelly
15 leave, 1994, December.

16 Q And have you been employed since you left
17 the Department of Education?

18 A No, not -- I have my business license,
19 certified. Before that I went to -- before all of
20 this, I went to the -- what's the name? -- Universal
21 Technical Institute.

22 Q Yes.

23 A And so I got my diploma from there. And
24 this is before -- this is about a little bit before
25 going to Education, somewhere in between there.

1 Q Okay. I understand.

2 And what did you get that technical training
3 in?

4 A In air conditioning.

5 Q And where did you take that technical
6 training?

7 A It was a correspondence school.

8 Q Okay. And did you get some sort of
9 certification or degree?

10 A Yeah, I have it. Yeah.

11 Q And would you consider yourself an expert
12 in maintaining and repairing air conditioning
13 systems?

14 A Yes.

15 Q I did ask, but I don't recall the
16 response.

17 Have you been working for compensation since
18 your retirement in 1994? Have you been working?

19 A Yeah.

20 Q Okay. And what have you been working in?

21 A In mobile air conditioning.

22 Q And what is the name of your business?

23 A Adlah's AC Repair Installation. It's
24 right here (indicating).

25 Q Okay. And you're still working through

1 today?

2 A Yeah.

3 Q And how many employees do you have, if
4 any?

5 A None.

6 Q Where is your business located?

7 A It's located at Wintberg.

8 Q At where?

9 A At Wintberg.

10 Q Okay. And are you licensed as a -- well,
11 you, of course, are licensed --

12 A Uh-huh.

13 Q -- is that correct?

14 A Uh-huh.

15 Q And what is the nature of that license?
16 What is the title of it?

17 A It's Air Condition Installation and
18 Repairs.

19 Q Are you married?

20 A Yes.

21 Q And who are you married to?

22 A Josephina Donastorg.

23 Q How long have you been married to
24 Josephina Donastorg?

25 A A long time, 44, 45 years.

1 Q 44 or 45 years. Okay.

2 And do you have --

3 A I could be wrong about that. That's --

4 MR. ECKARD: We won't tell her.

5 BY MR. RAMES:

6 Q We understand. I'm sure she'll know

7 precisely.

8 Do you have children?

9 A Yes.

10 Q And what are the names of those children?

11 Would you name them in order of age, from the oldest

12 to the youngest.

13 A I have eleven kids. All of them are good

14 kids.

15 Monica Donastorg, Delia Donastorg, Adlah,

16 Junior, Alfino I and Alfino II, Anthony, Jamie, Wayne,

17 Kishma, Tiffany, and Debbie.

18 Now, I don't know it in order. The first part

19 of it is in order --

20 Q Okay.

21 A -- I mean according to age and so.

22 Q Do any of your children live with you?

23 A One right now.

24 Q Which ones lives with you?

25 A Jamie Donastorg.

1 Q Is Jamie Donastorg a minor or is Jamie
2 doing an adult?

3 A He's 18 and goes to UVI.

4 Q Okay. Do you support any of your children
5 financially?

6 A All the time. As long as you're a dad,
7 you're a dad until you die.

8 Q I understand.

9 Do you provide the primary support for any of
10 your children?

11 A No, just Jamie.

12 Q Just for Jamie. Okay.

13 Are you a member of any clubs? Rotary?
14 Lions? Masons?

15 A I'm in the Bowling Club.

16 Q So you're a bowler?

17 A Yeah.

18 Q And are you a member of any fraternities
19 or, like I said, of the Masons or something --

20 A No.

21 Q Nothing like that? Okay.

22 Are you a member of any church?

23 A I'm a member of the Catholic Church.

24 Q Do you attend Catholic Church regularly?

25 A Regularly, I used to, but I stopped and go

1 once in a while --

2 Q Okay.

3 A -- through my daughters, go down.

4 Q What are your primary personal interests
5 other than your work, like hobbies or what you do to
6 bide the time?

7 A Chess, and I make sure that my two TVs in
8 my room working. I don't go no place --

9 Q So you play Chess?

10 A -- just to go bowling and back.

11 Q You play Chess, and you watch television,
12 and bowl in a bowling alley?

13 A Yeah. I had my good time already.

14 Q All right. Are you in good health?

15 A Yeah.

16 Q Okay.

17 A I'm taking Lipitor because the doctor told
18 me my kidney developed -- what you call it? Well,
19 my kidney, it's something that developed; I forget
20 the word. But he gave me Lipitor, tell me to go
21 ahead and take it for a while.

22 Q Did he indicate to you that you had high
23 cholesterol?

24 A Cholesterol, yeah.

25 Q Okay. And how long have you been taking

1 Lipitor?

2 A Since -- I was taking it before, but I
3 stopped because my cholesterol was down, and then in
4 February I went for my annual physical and he said
5 it was up, so that's when he give it to me.

6 Q And who is your doctor?

7 A Dr. Less.

8 Q Garfield Less?

9 A Yeah. Uh-huh.

10 Q Okay. Do you have any other physicians
11 who you see regularly other --

12 A No.

13 Q -- than Garfield Less?

14 A That's it.

15 I used to see Dr. Montilla in Puerto Rico, so I
16 had to go down there every time, but then Dr. Montilla
17 retired, and somebody told me about Dr. Less, and I went
18 to him, and I was satisfied with him.

19 Q That was my next question. You're
20 satisfied with the services he provides to you?

21 A Yeah.

22 Q Do you have any other chronic conditions
23 or illnesses?

24 A I have a little back problem.

25 Q And was that something that was

1 job-related? Or what is the nature of the back
2 problem?

3 A Well, I could blame it on many things.
4 When I was in the Army, I was Airborne Division, and
5 I could have had -- because I started to complain
6 about the back from then. But then in '82 --
7 '82? -- yeah -- I took my father in because he was
8 really getting down, and --

9 Q Say it again, please.

10 MS. ROHN: It's okay, sir.

11 You want to take a break?

12 MR. RAMES: Would you like some water?

13 THE DEPONENT: No.

14 MS. ROHN: Why don't you take a break?

15 THE DEPONENT: Okay.

16 MS. ROHN: We're going to take a short
17 break.

18 (Recess.)

19 BY MR. RAMES:

20 Q What is your age, Mr. Donastorg?

21 A 72.

22 Q What is your date of birth?

23 A [REDACTED]

24 Q You indicated that you had some back
25 difficulties. Are you being treated for those?

1 A I had some pictures and MRI taken, and I
2 plan sometime to go to my daughter in Miami and see
3 what I could do.

4 Q Okay. So do I take that to mean that
5 you're not currently being treated for your back
6 issues?

7 A No.

8 Q But that you intend at some future time to
9 look into that; is that correct?

10 A Yes.

11 Q Are you taking any pain medication
12 associated with --

13 A As long as --

14 Q -- associated with your back?

15 A As long as I had Bayer, back, body and
16 pain, I'm in good shape. Bayer, back, body, and
17 pain. That's the Bayer, the tablets; I drink them.

18 Q Oh, "Bayer." I thought you said "beer,"
19 like Heineken.

20 MS. ROHN: No, "Bayer."

21 THE DEPONENT: No. I don't drink.

22 BY MR. RAMES:

23 Q I know it can cure some things.

24 A Well, if it cures my back, I'll --

25 Q So you do take aspirin, then, to deal with

1 the pain of your back?

2 A Yeah.

3 Q Yes?

4 Have you ever been convicted of a crime?

5 A Not that I know of. I don't remember.

6 Q Okay.

7 A Probably.

8 Q Let's put it this way. Have you ever been

9 convicted of a crime in the last 20 years?

10 A No.

11 Q Have you ever met Jeffrey Prosser?

12 A No.

13 Q Have you ever met Oakland Benta?

14 A No.

15 Q Have you ever met Holland Redfield?

16 A I have seen him of TV and so on.

17 Q Have you ever met Lowe Davis?

18 A That name don't ring a bell.

19 Q Okay. Do you know who Jeffrey Prosser is?

20 A I know, yeah. I know he's the owner of

21 Innovative. I mean, that's how I know him.

22 Q Okay. Do you know him in any other way

23 other --

24 A No.

25 Q -- than the owner of Innovative?

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1 A No.

2 Q Do you know who Oakland Benta is?

3 A No.

4 Q Do you know -- and you said you do know --
5 you've seen Holland Redfield. Do you know who or
6 what Holland Redfield is?

7 A Yeah. I think I saw him one time in a
8 deposition. I think so; I'm not too sure.

9 Q Do you know what Lowe Davis does for a
10 living?

11 A Who?

12 Q Lowe Davis.

13 A Lowe Davis, I don't know.

14 Q Do you read The Virgin Islands Daily News?

15 A Hardly.

16 Q Hardly?

17 A Yeah.

18 Q Approximately how often do you read
19 The Virgin Islands Daily News?

20 A Probably if my son -- I hear something
21 about my son, and that's very -- I rarely don't -- I
22 don't buy none of the newspapers.

23 Q Okay. So you don't buy The St. Croix Avis
24 either?

25 A No.

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1 Q Do you use the computer?

2 A Yeah. That's where I get all my news.

3 Q Okay. So do you get your news as well
4 from the Virgin Islands Source?

5 A When I have to. I don't go there often
6 unless it's got something to do with my son.

7 Q Okay. So do I understand your testimony
8 to mean when you hear from some other source that
9 there's something in there, you go looking; is that
10 correct?

11 A I go to that page, yeah.

12 Q But do I understand your testimony to mean
13 that you don't go looking on a regular basis?

14 A No.

15 Q Okay. And you mentioned your son twice.
16 Are you referring to the Senator, Adlah Fonzie
17 Donastorg, Junior?

18 A Yeah.

19 Q And do you often speak to Senator Adlah
20 Fonzie Donastorg, Junior concerning newspaper
21 articles?

22 A No. It probably -- probably I would say I
23 went online and I see so and so, and I would mention
24 it to him.

25 Q Okay.

1 A Of course he would have already known
2 about it anyhow.

3 Q Of course.

4 You say you have two televisions in your
5 room. Do you watch television news?

6 A CBS sometimes.

7 Q And what about the local news broadcast on
8 Channel 12 or Channel 2, the local Virgin Islands
9 news broadcast?

10 A Yes, on 2, Channel 2.

11 Q So you watch the local Virgin Islands
12 television news broadcast on TV 2 --

13 A Once in a while.

14 Q -- is that correct?

15 A Once in a while.

16 Q You say you watch CBS; is that National
17 news you're referring to?

18 A 60 Minutes, yeah -- no, no. I talking
19 about -- Channel 2 carry CBS programs, and I look at
20 that, not --

21 My whole thing is sports, and I watch sports
22 all the time, HBO, Showtime, Cinemax, you know, all of
23 them; that's my entertainment.

24 Q So you do not generally follow either
25 national or local news?

1 A I look at CNN sometimes, more than -- when
2 you talk about news, more than any other news.

3 Q Okay. Do you listen to Virgin Islands
4 Talk Radio?

5 A I listen -- lately I listen to a station
6 in St. Croix, 1620.

7 Q 1620. That's the Pemberton station that
8 has Mario Moorehead --

9 A Yeah.

10 Q -- is one of the commentators; is that
11 right?

12 A Yeah, I listen to that. Lately I listen
13 to that. And out on the north, you know, that
14 station come in very weak, so sometimes it turns me
15 off and I don't listen. But it's only recently I
16 start listening to it.

17 Q And how recent is this, within the last
18 year?

19 A About a month.

20 Q About a month?

21 A Yeah.

22 Q Did anything in particular cause you to
23 begin to listen to Talk Radio on 1620 within the
24 last month?

25 A Well, a friend of mine, Mr. Dawson, called

1 me to tell me to try and find it. And I could
2 barely find it and could have barely recognized,
3 because it had a lot of disturbance in the -- but
4 it's about a month ago. I really don't have no time
5 to listen to the radio.

6 Q So do I take that to mean that you do not
7 listen to Addie Ottley?

8 A No.

9 Q Or to Radio One?

10 A No.

11 Q Or to WSTA, Sam?

12 A I wouldn't say I don't listen; probably
13 once in a while I will do it, but that's very,
14 very -- you know, that's very once in a while.

15 Q Do you follow media reports about your
16 son's career?

17 A Yeah.

18 Q Okay. Do you follow television reports of
19 your son's career?

20 A If he tell me he going to be on the TV or
21 on the radio, I would follow it.

22 Q Okay. And do you follow --

23 A Sometimes I miss it --

24 Q Yeah.

25 A -- a lot of times.

1 Q And do you listen on Talk Radio --

2 A No.

3 Q -- to hear about your son?

4 A No.

5 Q Do you have any opinion about whether the
6 news is generally fair or unfair or neutral to your
7 son, Senator Donastorg?

8 A Well, some of them unfair and some is
9 neutral.

10 Q Okay. Can you give me any specific
11 examples of what you mean by "unfair" coverage?

12 A I don't know if I should say this, but --

13 Q Please do --

14 A -- unfair coverage, to me, when
15 The Daily News had written -- they wrote in the
16 paper about Adlah losing his home and he couldn't
17 pay his mortgage, and I think that was very
18 unfair --

19 Q Okay.

20 A -- because, you know, it's just like the
21 situation now, it's lies; I know that. I know he
22 didn't do anything.

23 Q Okay. Other than the story about your
24 son's -- about Adlah Donastorg's mortgage, can you
25 recall any other coverage about your son that you

1 considered to be unfair?

2 A I does hardly buy the paper, unless
3 somebody call me and tell me that, you know, they
4 have some writeup about him in the paper, you know.
5 And sometimes the people don't call to tell me that,
6 and sometimes they do. But I have no interest in
7 buying the paper.

8 Q But of those times when you have looked in
9 the paper --

10 A Uh-huh.

11 Q -- The Daily News, about your son, can you
12 recall any other instance, other than the story
13 about his mortgage, that you consider to be unfair?

14 MS. ROHN: Objection; overly broad.

15 MR. RAMES: I'll restate the question.

16 BY MR. RAMES:

17 Q Other than the story that you mentioned
18 about your son's mortgage --

19 A Uh-huh.

20 Q -- can you recall any other story
21 published in The Daily News about your son that you
22 consider to be unfair?

23 A I know The Daily News will make a lot of
24 stuff up about when he -- you know, when he get
25 involved with Innovative, because they had a lot of

1 stuff written up about that. I think I could
2 remember that.

3 Q Do you remember any specifics about those
4 newspaper articles?

5 A I honestly don't remember. But anytime if
6 I had buy a paper, it was something negative or bad
7 that they was saying.

8 Q Would you say that last -- would you say
9 that again, please?

10 A Negative or bad. And they twist it.
11 That's all I could say.

12 Q But can you give me any specific examples
13 of what you believe was twisted?

14 A The situation with his home, the situation
15 with the girl.

16 Q When you say "the girl" --

17 A The girl with this -- the new accusation
18 about domestic violence.

19 Q Do you believe that the coverage by
20 The Daily News --

21 A Yeah, they twist it.

22 Q One moment, please.

23 Do you believe that the coverage by
24 The Daily News about your son and domestic violence was
25 unfair?

1 A Unfair, and they twisted a whole lot of
2 stuff. And, furthermore, The Daily News always do
3 that.

4 The Daily News and Adlah have never get along.

5 Q And to what do you attribute that?

6 A I mean, I expect them to put the truth,
7 but they does twist it up.

8 Q Have you read the media reports,
9 The Daily News' report about your son and the
10 domestic violence incident that was alleged?

11 A Yeah. Uh-huh.

12 Q Have you read any other media --

13 A No.

14 Q -- any other newspapers --

15 MS. ROHN: Sir, you have to let him finish
16 his question before you start talking --

17 THE DEPONENT: Yeah.

18 MS. ROHN: -- because she can't take --
19 well, she's can; she's a miracle worker -- but she
20 shouldn't have to take down two people at once.

21 BY MR. RAMES:

22 Q Have you read any other media reports
23 about your son and the domestic violence incident?

24 A I don't remember if I read the Avis,
25 because that's the only other paper that I would

1 look at. I know I went online, and I think I saw
2 something in there.

3 Q Are you speaking about the St. Thomas
4 Source or are you speaking about something else
5 online?

6 A No, no, no, not St. Thomas Source,
7 Crucians in Focus.

8 Q Crucians in Focus?

9 A Crucians in Focus.

10 Q So you read a report on Crucians in Focus
11 concerning the allegations of domestic violence?

12 A I don't remember reading that.

13 Q But do you read Crucians in Focus
14 regularly?

15 A Once in a while.

16 Q And do you read DemManSay.com regularly?

17 A Once in a while.

18 Q Have you read about your son on either
19 Crucians in Focus or DemManSay.com?

20 A If I read anything, it wasn't anything
21 negative.

22 Q It was or it was not?

23 A If I read anything, it wasn't anything
24 negative. If it was something negative, I would
25 have remembered it, but I passed over it.

1 Q Do you believe that The Daily News has
2 affected Senator Donastorg's political career?

3 A It affects his political career, and it's
4 affected his family. As family, you don't want to
5 see your children mark up in the newspaper, and you
6 know fully well that that's not so, it's not the
7 truth; or they twist it there, they twist it there,
8 twist the truth.

9 Q Let's talk first about how The Daily News
10 has affected Senator Donastorg's political career.
11 Has that affect been positive or negative or
12 neutral, in your opinion?

13 A Negative.

14 Q And Senator Donastorg has never lost an
15 election, has he? -- with the Senate, has he?

16 A No.

17 Q Please give me specific examples of how
18 The Daily News has negatively affected Senator
19 Donastorg's political career.

20 A Well, the two that came to mind is his
21 house -- his home, and the domestic violence
22 situation.

23 Q So you believe that the story about the
24 mortgage and the story about domestic violence have
25 hurt Senator Donastorg's political career; is that

1 right?

2 A Well, not that alone. I mean, it's a
3 continuous going back from, I would say from 2002.

4 Q What is continuous, going back from 2002?

5 A Well, if anything come up with Adlah, it
6 would, you know -- they just don't write the truth,
7 they just twist it. Either it's close to it or
8 whatever. Well, at least when I read it, I read it
9 that way.

10 Q Okay.

11 A And I does hardly buy the paper, but when
12 I do, I -- you know.

13 Q Do you have any specific examples of
14 anything printed in The Daily News about your son
15 that you believe was false?

16 A I don't know how to answer that question,
17 but I'm going to answer it like this. I believe
18 60 percent of the time the truth is twisted to make
19 it look as, you know, as something else.

20 Q Okay. So do I take -- okay. You want to
21 continue?

22 A No.

23 Q Okay. So do I take that to mean that you
24 cannot think of anything that you deem false, but
25 that you believe that the stories are --

1 A Twisted.

2 Q -- twisted; is that correct?

3 A Yeah.

4 Q Okay. All right. Please be more specific
5 about what you mean by "twisted."

6 A Well, something that I remember in my mind
7 is his home --

8 Q Yes.

9 A -- they twisted a whole lot of stuff
10 there, his mortgage, the bankruptcy, and they
11 twisted a lot of things there that wasn't the truth.

12 Q You do know that the bank that held his
13 mortgage did file a complaint for foreclosure
14 against him? You do know that, right?

15 A No, I didn't. No. I don't search my kids
16 unless they come to me and they tell me, you know.

17 Q And this particular instance, the instance
18 of the mortgage, did your son, Adlah Donastorg,
19 Junior, indicate to you that a foreclosure action
20 had, in fact, been filed?

21 A No.

22 Q Did you believe that a foreclosure action
23 had, in fact, been filed?

24 A Well, I didn't know. I mean, I only read
25 about what The Daily News had write at that time.

1 And I only could remember certain lines.

2 Q The articles in The Daily News that have
3 affected Senator Donastorg's political career, how
4 have they affected you?

5 A Withdraw the question.

6 Q The articles in The Daily News that have
7 affected Senator Donastorg's political career, have they
8 affected you?

9 A Yeah. I mean --

10 Q And how have they affected you?

11 A How?

12 Q How? Specifically, how have they affected
13 you?

14 A Well, it was painful, you know. I mean,
15 as a father that love his children, I mean, things
16 affect you as a father more than it affects the
17 children.

18 Q And when you say "things that affect you,"
19 are you specifically speaking about the story
20 concerning the foreclosure of his mortgage and the
21 stories concerning the domestic violence incident?
22 Is that what you're speaking about?

23 A The foreclosure --

24 Q Yes.

25 A -- that's one. The violence, the domestic

1 violence, I know -- that didn't bother me much
2 because I know there's no truth to that.

3 Q Okay. Do you believe that the coverage in
4 The Daily News has affected Senator Donastorg's
5 personal life?

6 A He has a strong back, so I don't know;
7 you'll have to ask him that. Well, I would say
8 yeah, because I remember him coming up to me and we
9 talking, and both of us break down. So it had to --
10 it affected him, yeah.

11 Q And when both of you broke down, what
12 specifically were you talking about?

13 A About the situation with Innovative.

14 Q And what aspects of the situation with
15 Innovative caused you both to break down?

16 A Because, you know, it had a lot of stuff
17 going on with people coming by and moving things,
18 and things that didn't have nobody looking at them.

19 Q I'm sorry, I totally dropped that phrase.
20 I didn't understand what you said.

21 A I said that -- well, let me just say this.

22 Q Yes.

23 A It had one time we had a get-together for
24 all my grandchildren and family; it was a family
25 gathering.

1 Q Yes.

2 A And I buy a TV so that the kids could play
3 the games and things like that. So it had more kids
4 than it had people -- grownups, you know, because
5 it's a lot of grandchildren. And some of the
6 kids -- probably around 12:00, they was going home.
7 The nextdoor neighbor and two persons -- this is
8 during Innovative time --

9 Q Uh-huh.

10 A -- and two persons roll down the window --
11 the kids' them window, and talk to the children.
12 And so they come up and they tell me. And what they
13 ask them about is if we upstairs dealing with any
14 drugs or giving them any drugs or something like
15 that. And that really had pissed me off.

16 Q Right. And what do you attribute that to?

17 A Well, this is something that went on for
18 years.

19 Q Questions about your son and drugs went on
20 for years?

21 A No, no, but, I mean the fiddling around,
22 coming to the house, stopping, looking in my 'lil
23 office. They tried to move the area condition, but
24 I had turned the alarm on, so if they had moved it,
25 it would have gone off, and then God knows what

1 would have happened.

2 Q And what, if anything, did The Virgin
3 Islands Daily News have to do with those incidents?

4 A I just told you that. The Daily News had
5 a lot of writeup about the situation with Adlah and
6 Innovative. Whatever they had write, it was always
7 twisted, to me. And I use that word fluently, you
8 know, twisted, because it had a lot of things that
9 The Daily News had written that had truth to it, you
10 know. I'm not saying that they do it all the time,
11 but when it come to Adlah, they'd always -- it would
12 start out good and end bad, summarize bad.

13 Q And you're not claiming here that anyone
14 from The Daily News interfered with your business --

15 A No.

16 Q -- are you?

17 MS. ROHN: Let him finish, sir. Let him
18 finish his question before you answer.

19 BY MR. RAMES:

20 Q Are you claiming that anyone from
21 The Daily News interfered with your business?

22 A I even self can't recognize the people
23 them who was there before.

24 Q Are you claiming that anyone from
25 Innovative -- withdrawn.

1 Are you claiming that anyone from
2 The Daily News interfered with or troubled the
3 children, the grandchildren?

4 A My grandchildren?

5 Q Yeah. I mean, you said --

6 A No, no, no.

7 Q Okay. So you're not attributing --

8 A In fact, I don't know.

9 Q But are you attributing that behavior to
10 The Daily News in some way?

11 A No. Because I recognized the truck, the
12 SUV, and I recognized that even though the people
13 them in the vehicle disguised themselves, I know
14 that it was the same people.

15 Q Okay. Has your name ever been printed in
16 The Daily News?

17 A I can't remember. I don't know.

18 Q Do you have any recollection of the name
19 "Adlah Donastorg, Senior" being printed in
20 The Daily News?

21 A No, I don't have no -- I don't remember
22 that.

23 Q Have you ever spoken to a Daily News
24 reporter?

25 A No.

1 Q Okay. Have you ever --

2 A The only time I spoke to any -- well, my
3 name have been in the news a lot when I was working
4 for Education, especially during the return of the
5 new school year, and I have spoken with people in
6 The Daily News.

7 Q So when you had spoken to people in
8 The Daily News, it is in connection with your
9 work --

10 A Yeah.

11 Q -- as the Director of Plant Operations for
12 the Department of Education; is that correct?

13 A Yeah.

14 Q And have you ever written to
15 The Daily News, either to its reporters or its
16 editor?

17 A I don't recall. I don't recall that.

18 Q Have you ever spoken to a Daily News
19 editor, one of the higher-up people working in the
20 office?

21 A No.

22 Q You understand that you filed this lawsuit
23 after it was discovered that there was information
24 about you in an Investigative Report?

25 A That I?

1 Q Yes, that you filed this lawsuit after it
2 was discovered that there was information about you
3 in an Investigative Report? Do you know that to be
4 the case?

5 A I don't recall reading -- I don't recall
6 that.

7 Q Tell me why did you file this lawsuit
8 against these people, Daily News, Innovative,
9 Jeffrey Prosser, Lowe Davis, Holland Redfield, and
10 VITTELCO. Why did you file this lawsuit?

11 A Because they did wrong to my son.

12 Q Okay. And specifically, to your
13 knowledge, what wrong did they do to your son?

14 A They don't show parity. They'll write
15 something about him, and somebody else is doing the
16 same thing --

17 Q Okay.

18 A -- and in high office.

19 Q All right. So you filed this lawsuit
20 because The Daily News doesn't treat your son with
21 parity; is that what you're saying?

22 A Well, I mean if The Daily News knows about
23 another situation like this, then they should write
24 about it.

25 Q Okay. And by bringing this lawsuit,

1 you're trying to bring attention to that issue?

2 A Yes.

3 Q Other than bringing attention to that
4 issue, lack of parity, is there any other reason why
5 you brought this lawsuit?

6 A Well, you know, it's like putting a cold
7 pot of water on the stove and putting it on the fire
8 at low --

9 Q Uh-huh.

10 A -- and it just starts to boil and boil
11 until it starts to boil over. Okay?

12 Q In this case, who's the stove? Who's the
13 pot? Who's the water? I don't understand the
14 analogy. Explain the analogy to me.

15 A Well, The Daily News been writing all
16 kinds of stuff about Adlah from 2002 --

17 Q Okay.

18 A -- coming all the way up, you know. So
19 they keep -- I don't know how it affected him, but I
20 know it keep boiling my pressure up during all that
21 time.

22 Q Okay.

23 A So that's the analogy.

24 Q I understand.

25 So you're concerned about parity --

1 A Parity is showing equalness.

2 Q I understand. Okay. So that's your
3 definition of parity, showing equalness?

4 A Yeah, be fair and equal.

5 Q And if my understanding of your testimony
6 is correct, you're bringing this claim because
7 The Daily News -- this lawsuit, because
8 The Daily News fails to show parity --

9 A Yes.

10 Q -- correct?

11 And any other reason that you can think of?

12 A Well, as I indicated before, given you a
13 scenario of water on the fire, there's a lot of
14 things that happened to me in 2002 and the present
15 time that worried me about The Daily News.

16 Q When you say things that worried you about
17 The Daily News, are you speaking about articles that
18 were written about your son?

19 A Yes.

20 Q Okay. Are you speaking about anything
21 other than articles that were written about your
22 son?

23 A When you say "articles," tell me what you
24 mean.

25 Q Newspapers articles, stories --

- 1 A Yeah. Okay.
- 2 Q -- or editorials.
- 3 A Yeah. Okay.
- 4 Q Do you know what an editorial is?
- 5 A I know what an editorial is.
- 6 Q It's an opinion of the newspaper; is that
- 7 correct?
- 8 A Uh-huh.
- 9 Q Yes?
- 10 A Yeah.
- 11 Q Okay.
- 12 A Or the opinion of somebody else.
- 13 Q Okay. Yes.
- 14 Other than the news articles, stories, or the
- 15 editorials, opinions concerning your son, do you have
- 16 any other claims against The Daily News?
- 17 A No.
- 18 Q How does an article about your son
- 19 damage -- withdraw the question.
- 20 Does an article about your son that you
- 21 believe does not show parity, does that damage you?
- 22 A If I have to worry about it, sit down and
- 23 hold my head and shake my head, it got to worry me.
- 24 Q Okay.
- 25 A And those things are damaging to people.

1 Stress is damaging to people. Anything happen to
2 any of my children, it bothers me, not just Adlah.

3 Q I don't want to put words in your mouth,
4 but I want to understand your testimony.

5 The claims you're bringing in this case
6 concern lack of parity by The Daily News in articles
7 and editorials concerning your son; is that correct?

8 A Yeah.

9 Q Yes?

10 A Yes.

11 Q And the damage that you are claiming is
12 stress and worry associated with those articles and
13 editorials; is that correct?

14 A Yeah.

15 Q Anything else?

16 A No.

17 Q Okay.

18 MR. RAMES: I'll pass the witness.

19 EXAMINATION

20 BY MR. ECKARD:

21 Q Good morning, Mr. Donastorg.

22 A Good morning.

23 Q My name is Mark Eckard.

24 I'm going to ask you some questions now. If
25 there's anything that I ask you -- just like Attorney

1 Rames said, if there's anything that I say or ask that
2 you don't understand, please let me know, and then I'll
3 repeat.

4 A Okay.

5 Q Who else have you sued in this lawsuit
6 besides The Daily News?

7 A Innovative.

8 Q Anybody else?

9 A Well, Innovative -- when I say Innovative,
10 I mean everybody that work for Innovative in higher
11 office.

12 Q So in addition to the company, you have
13 sued some of the people that work there in higher
14 office; is that what you said?

15 A Uh-huh.

16 Q Okay. And in reality, you've also sued a
17 separate company --

18 MS. ROHN: Object to form.

19 BY MR. ECKARD:

20 Q Are you aware that you have sued VITELCO?

21 A I consider VITELCO, all of them the same,
22 Innovative the same as VITELCO, and, you know --

23 Q Okay.

24 A -- put them all together.

25 Q And what reason do you have to put them

1 all together?

2 A Because I consider Innovative as being --
3 all of them is the same. Innovative represents
4 VITELCO. I don't know. I mean, I don't know the
5 difference.

6 Q Are there any other companies that you
7 consider to be the same as Innovative?

8 A Not that I know of.

9 Q I'm going to hand an exhibit. I'm handed
10 you the Third Amended Complaint. I've just handed a
11 copy to your counsel.

12 Handing you a copy -- and there's another
13 copy here for Attorney Rames.

14 MS. ROHN: Why is this highlighted or,
15 actually, redacted?

16 MR. ECKARD: Excuse me. Let me make
17 another copy of that for you.

18 BY MR. ECKARD:

19 Q Can I see that, sir?

20 A Uh-huh.

21 Q Thank you.

22 I want to go through your Complaint, sir, and
23 find out what proof there is for any of the allegations
24 in your Complaint.

25 A Uh-huh.

1 Q With regard to Paragraph 11 of your
2 Complaint, you say that:

3 "The motivation for the attempts to
4 and actual slander of Plaintiff,
5 Senator Donastorg, is the fact that
6 he has diligently sought to have
7 another ICC-owned Company, VITELCO,
8 audited, its rates reduced, and its
9 IDC benefits withdrawn, and any
10 other adverse acts or statements
11 against Defendants." (sic)

12 What proof do you have of that?

13 MS. ROHN: Do you need to see the document
14 to be able to understand the question?

15 THE DEPONENT: Yeah.

16 MS. ROHN: I wouldn't be able to have you
17 read that and tell you the answer to that. If you
18 could show him the document, please.

19 BY MR. ECKARD:

20 Q Mr. Rames asked you if you are aware that
21 there was an Investigative Report that mentioned
22 you, prepared.

23 A Uh-huh.

24 Q And I believe you answered "no" to that.

25 A I think I said no, and then I said I don't

1 recall.

2 Q You don't recall.

3 (Defendants' Exhibit A marked for identification.)

4 BY MR. ECKARD:

5 Q I'm going to hand you a copy of an
6 Investigative Report.

7 I have a copy for your counsel --

8 MS. ROHN: Thank you.

9 BY MR. ECKARD:

10 Q -- and a copy for you.

11 MS. ROHN: Do you know this isn't the
12 whole Investigative Report?

13 MR. ECKARD: This is a copy of an excerpt
14 of the Investigative Report?

15 MS. ROHN: Yes. The whole Investigative
16 Report is about 5 inches thick.

17 BY MR. ECKARD:

18 Q I've just handed you a copy of a piece of
19 the Investigative Report, and I'd like to go through
20 this to find out what in here concerns you.

21 MS. ROHN: Well, you'll have to give him
22 time to read it, so let's take a break.

23 MR. ECKARD: Okay.

24 MS. ROHN: Mr. Donastorg, you can read it
25 and go through it before you answer.

1 (Recess.)

2 MS. ROHN: If the record could reflect
3 that Josefina Donastorg and Benedicta Donastorg have
4 just joined the deposition.

5 MR. ECKARD: Good morning.

6 MR. RAMES: Good morning.

7 MR. ECKARD: Mark Eckard, Mrs. Donastorg,
8 and Mrs. Donastorg.

9 MS. ROHN: I think the question,
10 Mr. Donastorg, was what in that portion of the
11 Investigative Report that he showed you is about
12 you?

13 Is that a fair paraphrase?

14 MR. ECKARD: That is.

15 BY MR. ECKARD:

16 Q And if it would be helpful, I can flip
17 through with you page-by-page and point out some
18 things that relate to you in there.

19 A Well, you could do that.

20 MS. ROHN: That would probably speed
21 things along.

22 MR. ECKARD: Would that speed things
23 along?

24 MS. ROHN: (Nodding affirmatively.)

25

1 BY MR. ECKARD:

2 Q Mr. Donastorg, first of all, could you
3 tell me what the date on this first page is that you
4 have?

5 MS. ROHN: Document speaks for itself.

6 THE DEPONENT: April 16, 1998.

7 BY MR. ECKARD:

8 Q Okay. And in the bottom paragraph of that
9 first page, do you see where it says:

10 "We have attached the Commercial
11 Reporter entries found in the V.I.
12 Online search"?

13 A Uh-huh.

14 Q "Of these entries, we were able to
15 later discern that two criminal
16 cases pertain to a cousin of the
17 subject."

18 And then it says:

19 "Some of the court cases found in
20 the Commercial Reporter pertain to
21 the subject, and some to his
22 father, Adlah Donastorg, Senior."

23 A Uh-huh.

24 Q "The property records found in the
25 Commercial Reporter relate to the

1 subject father, and we are unsure
2 if the UCC Filing is for
3 Donastorg, Sr. or Jr."

4 Does that indicate to you that they were
5 searching public records in preparing this document?

6 A Yeah.

7 MS. ROHN: In reading that portion of
8 this?

9 BY MR. ECKARD:

10 Q In reading this document dated April 16,
11 1998.

12 A Uh-huh.

13 Q You're free to scan it -- I don't want to
14 put words in your mouth -- but I don't think there's
15 anything on the second page that relates to you
16 personally.

17 I believe the next thing that relates to you
18 personally is on Page 3. There's a paragraph in the
19 middle that states, "Small Claims, Case Number
20 1157-93."

21 A Uh-huh.

22 Q Do you see that paragraph?

23 A Yes.

24 Q Is everything in that paragraph
25 publicly-available information in court records?

1 A Repeat it.

2 Q Is everything in that paragraph
3 publicly-available information?

4 MS. ROHN: Objection; calls for
5 speculation.

6 THE DEPONENT: I don't see anything wrong
7 with -- this is -- repeat the question you said.

8 BY MR. ECKARD:

9 Q If I went to the Court --

10 A Uh-huh.

11 Q -- could I find that record and read it
12 for myself?

13 A Yeah.

14 Q Okay.

15 MS. ROHN: Objection; calls for
16 speculation.

17 BY MR. ECKARD:

18 Q Is there anything untrue about that
19 statement?

20 A Well, you know, I argued about the
21 situation about this case here, and the judge ruled
22 differently, so there is nothing I could say about
23 it.

24 Q Okay. So is it true that somebody named
25 Jacqueline Simeon won a judgment against you in

1 1993?

2 A That's true.

3 Q On the next page, sir, is it true -- or at
4 least was it true on April 16th, 1998, that you and
5 Mrs. Donastorg owned two properties located at
6 148-243 Anna's Retreat and 325 Estate Wintberg?

7 A That's false.

8 Q That was incorrect --

9 A Yeah.

10 Q -- at the time? Okay.

11 What property -- you didn't own the Wintberg
12 property?

13 A Huh?

14 Q Did you own the Wintberg property?

15 A Yeah.

16 Q And did you own the Anna's Retreat
17 property?

18 A Not this property.

19 Q There was another property?

20 MS. ROHN: Which one are you pointing to,
21 sir?

22 THE DEPONENT: This here (indicating).

23 MS. ROHN: Let me see it. He's referring
24 to the 325 Estate Wintberg.

25

1 BY MR. ECKARD:

2 Q You didn't own that property?

3 A No.

4 Q Is it true that you purchased the
5 Anna's Retreat property in November 1968 --

6 A Yeah.

7 Q -- from West Indies Enterprises, Inc.?

8 A Uh-huh.

9 Q Is it true that you had a mortgage on the
10 property for \$15,000?

11 A Yeah.

12 Q Are you aware that mortgages filed on
13 properties and Tax Assessor records are
14 publicly-available information?

15 A I guess it is. I didn't know that, you
16 know, you could go up there and get a copy of
17 another person's information --

18 Q Okay.

19 A -- but if you say so.

20 Q Did you ever own a Honda Accord EX?

21 A A Honda Accord?

22 Q A car.

23 A Never.

24 Q No?

25 Has your son ever lived with you? Has

1 Senator Donastorg ever lived with you?

2 MS. ROHN: You mean since the time he was
3 a baby?

4 BY MR. ECKARD:

5 Q Has Senator Donastorg lived with you since
6 he was an adult?

7 A Not with me.

8 Q Okay.

9 A When you say "live with me," what do you
10 mean?

11 Q Live in your house.

12 A He has an office in my house --

13 Q Okay. Have you --

14 A -- downstairs apartment.

15 Q You testified that you live -- at the
16 beginning of today's deposition, you testified that
17 you live in Estate Wintberg, I believe.

18 A Uh-huh.

19 Q What's the address of that home?

20 A That I live in?

21 Q Yeah.

22 A 1-123-13.

23 Q Do you own any house in Estate Wintberg?

24 A Yeah.

25 Q You own the house in Estate Wintberg?

1 A Yes.

2 Q Did you buy the house in Estate Wintberg
3 in 1983?

4 A I think I bought that house in 1971.

5 MS. ROHN: Okay. So the answer would be
6 "no."

7 THE DEPONENT: No.

8 BY MR. ECKARD:

9 Q Okay. Then if we flip through here, do
10 you see anything else in this report, sir? Are you
11 mentioned anywhere else in this report?

12 A No.

13 Q Actually, you're still looking at that,
14 sir.

15 The document that you're holding actually
16 consist of a series of letters.

17 MS. ROHN: Is this something else or is
18 this the same document?

19 MR. ECKARD: Same document.

20 BY MR. ECKARD:

21 Q Could you please flip through to the
22 eighth page, please; it's the beginning of a second
23 letter. I think it's the eighth page of the
24 document that I handed you. I think it's the
25 page --

1 MS. ROHN: Why don't you just show him
2 where it is so we can move on?

3 MR. ECKARD: Is that okay?

4 BY MR. ECKARD:

5 Q Could you tell me what the date is at the
6 top left of that document?

7 A May 20, 1998.

8 Q Okay. Flipping another eight pages
9 back -- which I'll be happy to do for you if you'd
10 like -- could you tell me, please, sir, what the
11 date is at the top of that letter, the top left?

12 A June 24, 1998.

13 Q Okay. So the document that you're holding
14 now, or that's on the table in front of you, consist
15 of three letters. Do you agree one is dated
16 April 16, 1998; one is dated May 20, 1998; and one
17 is dated June 24, 1998? Is that correct?

18 A Yeah.

19 (Defendants' Exhibit B marked for identification.)

20 BY MR. ECKARD:

21 Q Okay. I'm going to hand you now another
22 document, which I'll give your counsel a copy first.

23 MS. ROHN: Is this B, VITELCO B?

24 MR. ECKARD: Yes, this will be marked as
25 VITELCO B.

1 BY MR. ECKARD:

2 Q Mr. Donastorg, could you tell me what this
3 document is?

4 MS. ROHN: How would he know that?

5 MR. ECKARD: He's reading it.

6 MS. ROHN: We'll stipulate that it's a
7 bill from Dennis Sheraw to Oakland Benta.

8 MR. ECKARD: Okay.

9 BY MR. ECKARD:

10 Q In the top paragraph, underneath the line
11 "Invoice," do you see where it says:

12 "Services rendered. Full
13 background search on above-named
14 subject as detailed in reports
15 dated April 16, May 20th, and
16 June 24, 1998?"

17 MS. ROHN: That's what the document says.

18 THE DEPONENT: This?

19 BY MR. ECKARD:

20 Q Yes.

21 MS. ROHN: He's looking at right here
22 (indicating), sir.

23 Actually, right under "Invoice," it says the
24 case file number. But under that, see, that's what
25 he's having you to look at.

1 THE DEPONENT: Oh.

2 BY MR. ECKARD:

3 Q Do you see that?

4 A April 16th, November 20, and June the
5 24th, 1998.

6 Q And then I believe if you look down the
7 document, there are a list of expenses and charges.

8 And down at the very bottom, what is the
9 balance due?

10 MS. ROHN: Counsel, the document speaks
11 for itself. Why are you having him just read
12 numbers off of a document?

13 MR. ECKARD: I'm asking him a question.

14 MS. ROHN: Well, why don't you ask the
15 question?

16 BY MR. ECKARD:

17 Q What is --

18 MS. ROHN: We'll stipulate that the
19 document says \$6,565.05.

20 MR. ECKARD: Okay. All right. Thank you.

21 BY MR. ECKARD:

22 Q And to whom is this document addressed?

23 MS. ROHN: We've already stipulated it's a
24 document to Oakland Benta.

25

1 BY MR. ECKARD:

2 Q And what company?

3 MS. ROHN: Well, that company doesn't
4 exist. There's no licensed company called
5 Emerging Communications.

6 MR. ECKARD: Okay.

7 May I hand the witness another document?

8 MS. ROHN: Sure.

9 (Defendants' Exhibit C marked for identification.)

10 BY MR. ECKARD:

11 Q Mr. Donastorg, I've just handed you a
12 check that was made out by a company named Atlantic
13 Tele-Network Co. And is the amount of this check --

14 MS. ROHN: Oh, come on.

15 BY MR. ECKARD:

16 Q -- the same amount as the balance due --

17 MS. ROHN: This isn't proper.

18 Of course it is. The document speaks for
19 itself.

20 BY MR. ECKARD:

21 Q Does the word "VITELCO" appear anywhere on
22 this check?

23 MS. ROHN: Is Atlantic Tele-Network the
24 parent copy of VITELCO?

25 MR. ECKARD: Attorney Rohn, you're

1 testifying here. I thought there weren't supposed
2 to be speaking objections.

3 MS. ROHN: But this is a silly line of
4 questioning.

5 Why would you ask him how much is on a
6 document? This isn't something you can get in through
7 him. I mean, we'll stipulate that this is a check to
8 pay for this bill.

9 MR. ECKARD: Okay. And you'll stipulate
10 that the check came from Atlantic Tele-Network
11 Company?

12 MS. ROHN: We'll stipulate that that's
13 what the document says. That's correct.

14 BY MR. ECKARD:

15 Q And the question I asked, is the word
16 "VITELCO" anywhere on that document?

17 MS. ROHN: We'll stipulate that the word
18 "VITELCO" is not on this document. But that's stuff
19 that you don't have to stipulate to because you
20 could read the document to see that.

21 MR. ECKARD: Okay.

22 BY MR. ECKARD:

23 Q So the question, is the word "VITELCO"
24 anywhere on that document?

25 MS. ROHN: We stipulated to it. It's not

1 on there.

2 MR. ECKARD: I'd like to hear him answer,
3 please. Can he answer the question?

4 THE DEPONENT: No.

5 BY MR. ECKARD:

6 Q Okay. Thank you.

7 MR. ECKARD: Could we take a break for a
8 second?

9 MS. ROHN: Sure.

10 (Recess.)

11 BY MR. ECKARD:

12 Q Mr. Donastorg, just so we can just rap up
13 here.

14 Have you ever seen that document before I
15 handed it to you today?

16 A Which document?

17 Q This document.

18 MR. ECKARD: And let the record reflect
19 that I'm pointing at the document that says
20 "April 16, 1998" at the top.

21 THE DEPONENT: I've seen sections of it.

22 BY MR. ECKARD:

23 Q You've never seen that actual --

24 A I've never seen the whole document, but
25 I've seen parts of what's in it.

1 the newspaper or after it was in the newspaper? And
2 if you don't know, it's perfectly okay to say you
3 don't know.

4 A I think it was after.

5 Q And how did you feel when you found out
6 that you'd been investigated?

7 A Terrible.

8 Q Why did you feel terrible?

9 A Well, I felt more terrible for Adlah.

10 Q No, but why did you feel terrible about
11 you being investigated?

12 A I felt terrible because I didn't do
13 anything. I mean, you know, I felt that -- I don't
14 know. I felt invaded or something like that, you
15 know.

16 Q Did it cause you to feel bad?

17 A Yes.

18 Q Physically?

19 A Very, very much; very much so.

20 Q And how did you feel about it physically?

21 A Well, I feel weak. I feel weak, I feel
22 stressed. You know what I mean?

23 MS. ROHN: Okay. No further questions.

24 MR. RAMES: One follow-up.

25 FURTHER EXAMINATION

JA001983

1 BY MR. RAMES:

2 Q Mr. Donastorg, do you know of any
3 connection because the Investigative Report and the
4 Daily News?

5 A I don't know that gentleman.

6 Q Would you say it again, please?

7 A I don't know this person, Dennis R.
8 Sheraw.

9 Q I understand.
10 Do you know of any connection between the
11 Investigative Report and The Daily News?

12 A The only other place that I could say that
13 I saw this name is in a package that Adlah had given
14 me.

15 Q When you say "this name," you're referring
16 to the name Dennis R. Sheraw and Associates?

17 A Yeah.

18 Q Okay. Do you know who Dennis R. Sheraw
19 is?

20 A Personally?

21 Q Yeah.

22 A No.

23 Q Other than what you just told me, do you
24 know of any other connection because the
25 Investigative Report and The Daily News?

1 A If I know of any --

2 Q Yeah. Other than what you just told me in
3 answer to my question, do you know of any connection
4 between the Investigative Report and The Daily News?

5 A I don't know how to answer that question.

6 Q Well, I'm asking what you know, you know.
7 So you know what you know, and you know what you
8 don't know.

9 A Uh-huh.

10 Q So do you know of any connection between
11 the Investigative Report and The Daily News?

12 A No.

13 MR. RAMES: Thank you.

14 Nothing further.

15 FURTHER EXAMINATION

16 BY MS. ROHN:

17 Q Did you know that The Daily News was owned
18 by ICC at the time of this investigation?

19 A ICC ring a bell. Yeah.

20 Q Innovative?

21 A Yeah.

22 MS. ROHN: No further questions.

23 (Whereupon, the Deposition concluded at 11:21 a.m.)

24 -000-

25

JURAT

I, Adlah Donastorg, Sr., certify that I have read the foregoing transcript of my Deposition taken on Monday, September 13, 2010, and have signed it subject to the following changes:

PAGE LINE CORRECTION

Deponent

Date

JA001986

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: September 22, 2010



N. Antoinette Cérge, RPR/CSR

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

Senator Adlah Donastorg, Jr.,
Benedicta Donastorg, Adlah
Donastorg, Senior, Josephina
Donastorg, Ella Moron, and
Norma Duran,

Plaintiffs,

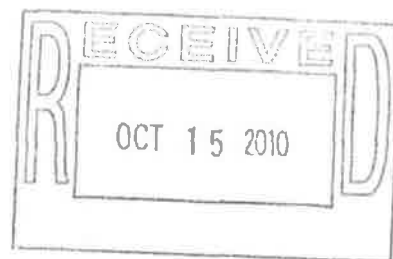
vs.

DAILY NEWS PUBLISHING COMPANY, INC.,
INNOVATIVE COMMUNICATION CORP.,
JEFFREY PROSSER, LOWE DAVIS,
HOLLAND "DYKE" REDFIELD, and VITELCO,

Defendants.

CIVIL NO.
117/2002

PAGES 1-26



DEPOSITION OF JOSEFINA DONASTORG

Date: Monday, September 13, 2010

Time: 11:24 a.m.

Location: Smock and Moorehead
11 Norre Gade
St. Thomas, Virgin Islands

Reported by: N. Antoinette Cerge
RPR-National
CSR-California
Realtime Writer
Notary Public

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JA001988

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(By Ms. Rohn)	23

EXHIBITS
(None)

1 ST. THOMAS, VIRGIN ISLANDS; MONDAY, SEPT. 13, 2010

2 11:24 A.M.

3 -000-

4 JOSEFINA DONASTORG

5 having been first duly sworn,

6 was examined and testified as follows:

7 EXAMINATION

8 BY MR. RAMES:

9 Q Good morning, Mrs. Donastorg.

10 A Good morning.

11 How are you?

12 Q How are you doing today?

13 A I'm fine, thank God. Praise God.

14 Q Praise God.

15 I wonder if you could please give the court
16 reporter your full name and your residence address.

17 A My full name, Josefina Ponte de Donastorg.

18 Q And where do you live?

19 A 148-243 Anna's Retreat.

20 Q And where were you born?

21 A Santurce, Puerto Rico.

22 Q Where did you go to high school? Did you
23 go to high school?

24 A Yes, Central High.

25 Q Central High, in Santurce?

1 A In Santurce.

2 Q Did you take any more education after high
3 school?

4 A No.

5 Q And are you currently employed?

6 A No.

7 Q When was the last time you were employed?

8 A I worked Pueblo in 1973.

9 Q And is that the last year you worked at
10 Pueblo?

11 A Yes. I worked for Pueblo from 1963 to
12 1973.

13 Q And, first of all, let me introduce
14 myself. My name is Kevin Rames, and I'm the
15 attorney for The Daily News.

16 This is Mark Eckard; he's the Attorney for
17 VITELCO.

18 A Uh-huh.

19 Q Okay. And you, Mrs. Donastorg, have filed
20 a lawsuit against my client, The Daily News, and
21 you've filed a lawsuit against Mark's client, the
22 Virgin Islands Telephone Corporation.

23 And this is a court proceeding, so everything
24 that we say, and everything that you say, will be taken
25 down by the court reporter, and it may be used as

1 evidence, and it may be used or referred to in
2 documents that the lawyers prepare.

3 Do you understand?

4 A I didn't fill out no report yet. This is
5 the first time you question me.

6 Q This is the first time I'm questioning me,
7 yes. Absolutely.

8 A Okay.

9 Q I remember you were here the last time,
10 but we didn't get around to you.

11 A Exactly.

12 Q Yes. Absolutely. Absolutely.

13 If I ask you a question and you don't hear
14 the question, please ask me to repeat. Yes?

15 A (Nodding affirmatively.)

16 Q You have to speak out loud.

17 A If I don't know the answer to the
18 question, I ain't go answer.

19 MS. ROHN: No, you can say "I don't know,"
20 okay? "I don't know" is okay.

21 BY MR. RAMES:

22 Q And if you don't understand my question,
23 you just ask me to repeat it or to say it
24 differently, okay?

25 A (Nodding affirmatively.)

1 Q Okay. And if you want to take a break
2 anytime, you just say "I want to take a break."

3 A Well, I feel like taking a break.

4 Q Take a break now?

5 A This is the first time I been in a
6 situation like this.

7 Q Oh. Yes. Well -- all right.

8 You are married, yes?

9 A (Nodding affirmatively.)

10 Q You have to say out loud.

11 A I am married, yes.

12 Q And you're married to Adlah Donastorg,
13 Senior?

14 A (Nodding affirmatively.)

15 Q Yes?

16 A Yes.

17 Q And how long have you been married to
18 Adlah Donastorg, Senior?

19 A First, we married but separated.

20 Q Okay.

21 A Okay?

22 So from 1961.

23 Q And do you have children with
24 Adlah Donastorg, Senior?

25 A Only one, Adlah Donastorg, Junior.

1 Q When you say "Adlah Donastorg," you mean
2 the Senator, Adlah Donastorg, Junior; is that
3 correct?

4 A Yes, my only child.

5 Q Are you a member of any clubs, sororities,
6 or -- any clubs, or anything along those lines?

7 A No clubs; I only belong to my church, my
8 faith, Catholic.

9 Q So you are a member of the Catholic faith,
10 yes? Roman Catholic?

11 A Yes.

12 Q And where is your church?

13 A Holy Family --

14 Q And do you --

15 A -- in Anna's Retreat.

16 Q Do you attend church regularly?

17 A Very regularly, every day.

18 Q Every day?

19 A (Nodding affirmatively.)

20 Q You're missing today.

21 A Uh-huh.

22 MS. ROHN: Well, not unless you keep her
23 all day.

24 BY MR. RAMES:

25 Q Other than going to church, what are your

1 other interests? Do you have other interests or
2 hobbies?

3 A Home.

4 Q Home? Okay.

5 Are you in good health?

6 A Not really.

7 Q Okay. Are you under a doctor's care?

8 A Yes.

9 Q And which doctor's care are you under?

10 A Right now, Dr. Callwood.

11 Q Callwood?

12 A Linda Callwood.

13 Q And what is Linda Callwood treating you
14 for?

15 A Diabetes, blood pressure, cholesterol.

16 Q Okay. And are you taking medication for
17 all three of those?

18 A (Nodding affirmatively.)

19 Q Yes?

20 A Yes.

21 Q And do you take those medications daily?

22 A Just now I take the one for the blood
23 pressure.

24 Q All right. So you have a schedule for
25 your medication, yes?

- 1 A Yes, I do.
- 2 Q And you follow your schedule, yes?
- 3 A Yes.
- 4 Q Okay. Have you ever had your deposition
5 taken before in any other case?
- 6 A Not as far as I remember.
- 7 Q Have you ever sued anyone or has anyone
8 ever sued you in court?
- 9 A (Indicating negatively.)
- 10 Q No?
- 11 A (Indicating negatively.)
- 12 Q You have to answer out loud.
- 13 A No. No.
- 14 Q See, because she's taking it down. She
15 cannot take down "shake head" --
- 16 MS. ROHN: Well, she actually can, but
17 it's better that you answer.
- 18 MR. RAMES: -- and "nod head," I guess.
- 19 BY MR. RAMES:
- 20 Q Okay. Have you ever met Jeffrey Prosser?
- 21 A No.
- 22 Q Have you ever met Oakland Benta?
- 23 A No.
- 24 Q Have you ever met Holland Redfield?
- 25 A No.

- 1 Q Have you ever met Lowe Davis?
- 2 A Who?
- 3 Q Lowe Davis?
- 4 A That one, I don't recall; maybe no, but I
5 don't recall.
- 6 Q Do you recognize those names?
- 7 A Well, I feel I recognize because he was a
8 senator.
- 9 Q So you recognize the name Redfield?
- 10 A Yes.
- 11 Q Do you recognize the name Lowe Davis?
- 12 A (Indicating negatively.)
- 13 Q No? You have to say out loud.
- 14 A No. Maybe I know it personally, but I
15 don't know by name.
- 16 Q Do you read The Daily News?
- 17 A Not really; once in a while.
- 18 Q When you say "once in a while," once a
19 week or once a month?
- 20 A Maybe once a week.
- 21 Q Maybe once a week.
22 You purchase it yourself or do you get it
23 from others?
- 24 A No, no. I have a friend that when he
25 reads it, he pass it then to me.

- 1 Q And who would that friend be?
- 2 A His name is Luis Lima.
- 3 Q So every now and then your friend, Luis
- 4 Lima, passes you the newspaper; yes?
- 5 A And that's lately, okay?
- 6 Q Just lately?
- 7 A Lately, lately.
- 8 Q Okay. I understand.
- 9 Do you listen to Talk Radio?
- 10 Do you know what Talk Radio is?
- 11 A Yeah.
- 12 Q Do you listen to that, Talk Radio --
- 13 A Hardly.
- 14 Q -- when people get on the radio and talk
- 15 about political and social issues?
- 16 A (Indicating negatively.)
- 17 Q No, you don't listen to that?
- 18 A (Indicating negatively.)
- 19 Q Okay. Are you ever on the computer, like
- 20 Attorney Rohn?
- 21 A I don't even know.
- 22 Q You don't know computers?
- 23 MS. ROHN: It's not a computer, it's an
- 24 iPad.
- 25 MR. RAMES: It's not a diamond, it's a

1 Tiffany.

2 BY MR. RAMES:

3 Q Okay. Do you follow newspaper reports
4 about your son, Adlah?

5 A Most of the time people call me and tell
6 me.

7 Q People call you and tell you what's going
8 on with your son?

9 A (Nodding affirmatively.)

10 Q Yes?

11 A (Nodding affirmatively.)

12 Q Okay. And --

13 A That's in the political thing, because I
14 am not for politics.

15 Q You're not into politics?

16 A (Indicating negatively.) I'm into
17 politics because he's in politics, but not that --

18 Q I understand.

19 So you're not into politics independent of
20 Senator Donastorg?

21 A Exactly.

22 Q Exactly.

23 Okay. You have brought a lawsuit against
24 The Daily News, my client.

25 A Uh-huh.

1 Q Can you tell me why?

2 Take your time. If you know, it's fine, and
3 if you don't know, it's just fine, too.

4 Would you like me to bring you some water?

5 A (Indicating negatively.)

6 (Pause in proceedings.)

7 MS. ROHN: You all right?

8 You want to take a break, ma'am?

9 Mrs. Donastorg?

10 Let's take a break.

11 MR. RAMES: Yes.

12 (Recess.)

13 BY MR. RAMES:

14 Q Mrs. Donastorg, we're back on the record.

15 Why are you a part of this lawsuit? Why are
16 you a part of this lawsuit? Why are you a Plaintiff in
17 this lawsuit?

18 A Because why they investigate me? Why they
19 was following me all the time? I didn't even know
20 why they was following me until I see the paper
21 where they was investigating me. At that time I was
22 not working for Pueblo anymore

23 Q Okay. So you brought this lawsuit because
24 they were investigating you; is that correct?

25 A And it hurts me because Adlah is my son;

1 whatever they do to him, they do to me, okay? And
2 it hurts. It hurts.

3 Q Okay. So your first reason for bringing
4 the lawsuit was because they were investigating you;
5 is that correct?

6 A Yes.

7 Q Do you know who investigated you?

8 A No.

9 Q Okay. And how did that investigation hurt
10 you?

11 A One, they told a lie in there. I used to
12 work for Pueblo, but I was not the bookkeeper for
13 them, I was the accountant in the office. I was in
14 charge of the office.

15 And second, because why was the reason people
16 was following me, even to my church? That's the only
17 place I go.

18 Q And do you have any idea who was following
19 you to your church?

20 A They even went as far as my door. I
21 parked, and I coming from church -- no, I was going
22 to church. I open the gate. There come these two
23 young men and pass me and went down to the back of
24 my house. I was thinking that they was going to the
25 back people, the people what live in the back, but

1 it was not. Then they come out. And they get in,
2 and they follow me to my church, even to the gate of
3 my church. At that time I didn't know why they was
4 following me.

5 Then, that night, I ask the people in the back
6 if these two young men went to visit them. She said,
7 "No, nobody come." But then I realize it was me.

8 When I get in the car, they follow me. I went
9 in the parking lot of my church. They went over there;
10 they come out the other gate.

11 And every time I was going to church in the
12 night, wherever, they was parked, and as soon as I get in
13 the car, they start, and they follow me again. I don't
14 know the reason at that time.

15 Q Do you recall when this occurred, when
16 this happened? What year?

17 A I don't remember, a few years back.
18 That's when -- I didn't remember, really. I try to
19 forget all this.

20 Q Who was the pastor at the time?

21 A Huh?

22 Q Who was the pastor at the time?

23 A Well, we had so many, I didn't even
24 remember.

25 MS. ROHN: You have priests, not pastors.

1 MR. RAMES: Yes, of course, old
2 seminarian.

3 THE DEPONENT: I don't remember whether it
4 was Bishop Thomas or -- I can't remember exactly.

5 BY MR. RAMES:

6 Q Did you tell the priest that someone had
7 followed you to the church?

8 A No. I go confession, but that was not to
9 go to confession.

10 Q No, I don't want to know that.

11 Did you tell anyone else that someone else
12 had followed you?

13 A Yeah, I tell a lady.

14 Q A lady at the church?

15 A Yeah.

16 Q And did you tell your husband?

17 A My husband?

18 Q No.

19 A We not together, so I was not going to
20 call him to tell him that.

21 Q Did you tell your son?

22 A Neither, at that time. I didn't know at
23 that time. I tell him after.

24 Q Do you believe that the boys following you
25 had something to do with that investigation?

1 A That I thought of, yes.

2 Q You think so?

3 A Yeah, because I know I ain't do anything
4 wrong, so it couldn't have been -- it have to be for
5 that reason. And this is the first time anything
6 like that happened to me.

7 Q Okay. Do you know of any connection
8 between The Daily News and that investigation?

9 A The Daily News operates it, right?

10 Q Say it again, please.

11 A The Daily News was the one print it,
12 right?

13 Q You're asking if The Daily News printed
14 the investigation?

15 A I ask. I don't remember. I don't know.

16 Q Do you recall seeing anything about the
17 investigation in The Daily News?

18 A That was after.

19 Q You said you believe that something from
20 the investigation was in The Daily News?

21 A Well, perhaps it was the owner. Prosser
22 was the owner, right?

23 Q But I'm talking about what was printed in
24 The Daily News. Do you know of anything from the
25 investigation that was printed in The Daily News?

1 A Well, I say that I didn't used to read the
2 newspapers at that time, and when I read the
3 newspaper, I go for sports, like tennis and all
4 this.

5 Q Or baseball?

6 A Baseball and basketball.

7 Q Basketball, too?

8 A (Nodding affirmatively.)

9 Q So you said there were two reasons why you
10 brought this lawsuit; first one was because of the
11 investigation and the boys following you? Yes?

12 A (Nodding affirmatively.) And they
13 investigated my daughter Norma.

14 Q And they investigated your daughter,
15 Norma. Okay.

16 Same investigation, though, right?

17 A Yes.

18 Q Okay. Anyone ever follow Norma?

19 A Anyone --

20 A I don't know.

21 Q Okay. So you said about the investigation
22 and the boys following you, and the investigation of
23 Norma; that's one thing, right?

24 And you said another thing; you said what
25 they do to Adlah --

1 A Yes.

2 Q -- Junior, hurts you?

3 A That's right. Whatever hurts him, hurts
4 me.

5 Q So tell me what was done to Adlah, Junior,
6 that hurts you.

7 A The same thing; it was to Adlah they was
8 trying to do, not to me. But I'm the mother, so we
9 was the family, so they even investigated us --

10 Q Okay.

11 A -- to get to him.

12 Q So when you're talking about doing
13 something to Adlah, you're talking about the
14 investigation again?

15 A That's right.

16 Q Are you talking about anything other than
17 the investigation?

18 A I don't know what they were doing it in
19 the investigation.

20 Q So when you talk about you brought suit
21 because of the investigation, and because they
22 investigated Norma, and because they investigated
23 Adlah, and because the boys were following you --
24 yes? Is that why you brought this suit, all those
25 reasons?

1 A (Nodding affirmatively.)

2 Q Yes? You have to say out loud.

3 A Yes.

4 Q Any other reason that you can think of?

5 A No, I didn't think about any. Maybe I
6 did, but right now, my mind is blank.

7 Q I understand. But you must do your best
8 because I only have one opportunity to do this. I
9 can't call you again. Okay?

10 So other than what you have told me, is there
11 any other reason why you're bringing this lawsuit?

12 A No.

13 MR. RAMES: Okay. I pass the witness.

14 Thank you.

15 EXAMINATION

16 BY MR. ECKARD:

17 Q Mrs. Donastorg, just to go back.

18 With regard to your job history, you said you
19 worked at -- I just wanted to clarify -- you worked at
20 Pueblo?

21 A (Nodding affirmatively.)

22 Q When did you start working at Pueblo?

23 A 1963.

24 Q And when did you stop working there?

25 A I think the end of '72.

1 Q Nineteen --
2 A Seventy-two.
3 Q So you worked there from '63 to '72?
4 A (Nodding affirmatively.)
5 Q And where did you work after that?
6 A After that, no place -- home.
7 Q Home.
8 So you haven't worked in any business since
9 1972?
10 A I used to help my son with the medical,
11 and I used to be just answering the phone.
12 Q And what years did you do that?
13 A I don't remember what years; it had to
14 be -- I can't remember.
15 Q Do you remember the name of that company?
16 A Not really.
17 Q But it was the medical -- you said it
18 was --
19 A It was medical, but I don't remember.
20 Q Medical equipment?
21 A Supplies.
22 Q A medical supplies company?
23 A (Nodding affirmatively.)
24 MR. ECKARD: Okay. I have nothing
25 further.

EXAMINATION

1

2 BY MS. ROHN:

3 Q How did you find out that you'd been
4 investigated?

5 A When I see the --

6 Q The document?

7 A (Nodding affirmatively.)

8 Q And what documents were those?

9 A I don't remember. I know documents that
10 my son --

11 Q Your son showed you?

12 A -- showed me, and to let me know that I
13 was investigated, to aware me that if I see -- maybe
14 I feel if I see in the newspaper, I knew already,
15 you know.

16 Q And when your son told you that you'd been
17 investigated, how did it make you feel?

18 A Mad.

19 Q Mad?

20 A Yeah. Because I work all my life. I had
21 no contact with the law or with nothing, so I say
22 why should they investigate me.

23 Q And did it make you feel ill?

24 A Bad.

25 Q You need to take a break, honey? I know

1 you're crying. Why are you crying?

2 A Because every time I remember that, I
3 start to cry.

4 Q And why do you cry every time you remember
5 it?

6 A Because it hurts. Why should he be
7 investigating me? Why should he be investigating
8 me? Why should he be investigating my daughter?

9 MS. ROHN: No further questions.

10 (Whereupon, the Deposition concluded at 11:51 A.M.)

11 -000-

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JURAT

I, Josefina Donastorg, certify that I have read the foregoing transcript of my Deposition taken on Monday, September 13, 2010, and have signed it subject to the following changes:

PAGE LINE CORRECTION

Deponent

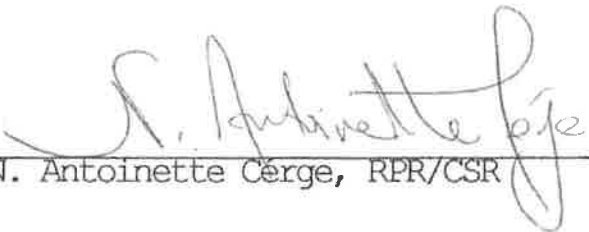
Date

JA002012

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Dated: September 13, 2010


N. Antoinette Cérge, RPR/CSR

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

SENATOR ADLAH DONASTORG, JR.,)
BENEDICTA DONASTORG, ADLAH)
DONASTORG, SR., JOSEFINA)
DONASTORG, ELLA MORON AND NORMA)
DURAN,)
)
Plaintiffs,)
)
vs.) Case No. 117/2002
)
DAILY NEWS PUBLISHING COMPANY,)
INC., LOWE DAVIS, HOLLAND "DYKE")
REDFIELD, VITELCO and OAKLAND)
BENTA,)
)
Defendants.)

THE ORAL DEPOSITION OF MARTY SCHLADEN

was taken on the 14th day of February, 2011, at the Law
Offices of Rohn and Carpenter, LLC, 1101 King Street,
Christiansted, St. Croix, U.S. Virgin Islands, between the
hours of 1:04 p.m. and 2:02 p.m. pursuant to Notice and
Federal Rules of Civil Procedure.

Reported by:

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ORIGINAL

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By: Mark Eckard

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MARTY SCHLADEN -- DIRECT

1 MARTY SCHLADEN,

2 Called as a witness, having been first duly sworn,

3 testified on his oath as follows:

4 DIRECT EXAMINATION

5 BY MS. ROHN:

6 Q. Would you state your name for the record, please?

7 A. Marty Schladen.

8 Q. Mr. Schladen, my name is Lee Rohn. I represent
9 Senator Donastorg in a case against **The Daily News**. And you
10 have been tendered as a deponent by **The Daily News** in that
11 matter.

12 Are you aware of that?

13 A. Yes, ma'am.

14 MS. ROHN: Okay. Kevin, I understand that
15 Mr. Schladen was taken this morning about his employment
16 history?

17 MR. RAMES: Yes, that is correct.

18 MS. ROHN: Rather than go through that whole
19 thing again, I would like to have an agreement that that
20 testimony, as to his employment history, be referenced and
21 made a part of this deposition?

22 MR. RAMES: Without objection.

23 MS. ROHN: Okay. Just trying to save you
24 some time.

25 THE WITNESS: I appreciate that.

MARTY SCHLADEN -- DIRECT

1 Q. (Ms. Rohn) Have you -- where do you currently
2 live?

3 A. El Paso, Texas.

4 Q. And what do you do there?

5 A. I'm a newspaper reporter.

6 Q. And I take it that's -- that was discussed in your
7 deposition --

8 A. Yes.

9 Q. -- earlier this morning?

10 Have you ever been -- other than this
11 morning, have you ever been deposed before?

12 A. No, ma'am.

13 Q. Have you ever been the subject of any litigation
14 before?

15 A. No, ma'am.

16 Q. Never been named in any litigation involving a
17 newspaper?

18 A. No, ma'am.

19 Q. Have any of the stories that you've written ever
20 been the subject to litigation?

21 A. No, ma'am. Well, I have been called to testify in
22 one case in federal court, of which a story played a
23 tangential part.

24 Q. Okay. And who did you work for? What paper?

25 A. The Muncie Star Press in Indiana.

MARTY SCHLADEN -- DIRECT

1 Q. And what was your story about?

2 A. To tell you the truth, I don't even remember now.
3 It was the mid-'90s. I testified for like, not even three
4 minutes.

5 Q. When were you first contacted about either this
6 case or the Hansen -- well, when were you first contacted
7 regarding any litigation concerning **The Daily News**?

8 A. I don't remember which came first. At one point,
9 Attorney Rames had contacted me, and then at another point,
10 you had contacted me in connection with the Tim McDonald
11 litigation.

12 Q. All right. Did you ever give a statement for the
13 Tim McDonald litigation?

14 A. I -- you asked me questions and I answered them,
15 but it wasn't a deposition. It wasn't sworn.

16 Q. Okay. And did we only have that one conversation?

17 A. I believe so.

18 Q. You didn't testify in the McDonald case?

19 A. No, ma'am.

20 Q. And your first contact, whether it was before that
21 or after that, with Mr. Rames, what was the nature of that
22 contact?

23 A. It was the Hansen litigation.

24 Q. And, specifically, what was discussed in that
25 first conversation?

MARTY SCHLADEN -- DIRECT

1 A. It was an e-mail. It was e-mail and telephone,
2 and he just brought me up-to-date on what the status of the
3 litigation was, and what might happen subsequently in terms
4 of depositions, that sort of thing.

5 Q. And what did he tell you as to the status of the
6 litigation?

7 A. That it was ongoing; and that your office had some
8 interest in deposing me.

9 Q. At that point, did you discuss what your knowledge
10 might be?

11 A. No, ma'am.

12 Q. How many e-mails or conversations have you had
13 with Kevin Rames since then?

14 A. Conversations, I'd say two or three, maybe four.
15 E-mails, we exchanged quite a few just working out the
16 logistics of coming here, and there were a few e-mails about
17 the cases themselves.

18 Q. And have you saved those e-mails?

19 A. I have saved most of them. My work e-mail, we
20 have to purge it pretty quickly because there's no memory
21 space in it.

22 Q. Okay. The e-mails that you have saved, do you
23 have any problem giving me copies of them?

24 A. I generally have problems giving copies of my
25 e-mails to anybody.

MARTY SCHLADEN -- DIRECT

1 Q. Well, I can certainly subpoena them from you if
2 you'd rather I do this?

3 A. Is that something you plan to do?

4 Q. Yes.

5 A. Well, why don't you go ahead and do that.

6 Q. Okay. I'm putting you on notice now that you will
7 be subpoenaed for those e-mails, and so please do not
8 destroy anything.

9 A. Okay.

10 Q. That would be obstructive of justice.

11 A. Yes, ma'am.

12 Q. Other than e-mails, did you receive any other
13 correspondence from Attorney Rames?

14 A. No, ma'am.

15 Q. Okay. You said that some of the e-mails were
16 about the cases themselves.

17 What about the cases were in those e-mails?

18 A. There were the depositions, like the deposition
19 Jason Robbins gave in the Hansen matter. Really nothing
20 relating to the Donastorg matter. I don't even believe I've
21 read the Complaint in this case.

22 Q. Okay. Other than sending you depositions, were
23 there any substantive statements about the case?

24 A. That Kevin had made --

25 Q. Um-hum.

MARTY SCHLADEN -- DIRECT

1 A. -- or -- we had -- we had verbal conversations
2 about them.

3 Q. No, I'm talking about the e-mails themselves.

4 A. The e-mails. Well, he's proposing a motion for
5 summary judgment. That's about it.

6 Q. Okay. Now, the -- have you had any substantive
7 conversations with Mr. Rames, Kevin Rames, Attorney Rames,
8 about the Donastorg case?

9 A. No, ma'am. We talked about it yesterday, and I
10 think we got together for a couple, three, maybe 3-4 hours,
11 and it was very much the minor topic.

12 Q. Well, the conversations that you did have, what
13 were the substance of them?

14 A. That you're arguing that **The Virgin Islands Daily**
15 **News** had a policy of, you know, attacking Senator Donastorg.

16 Q. Anything else?

17 A. No, ma'am.

18 Q. Have you reviewed any documents concerning the
19 Donastorg case?

20 A. No, ma'am.

21 Q. Who paid for your flight here?

22 A. **The Daily News**, as I understand it.

23 Q. What do you mean, as you understand?

24 A. Well, I got -- my itinerary had Jason Robbins'
25 name at the top of it.

MARTY SCHLADEN -- DIRECT

1 Q. And do you know how much that ticket -- was it a
2 round-trip ticket?

3 A. Yes.

4 Q. Do you know how much it was?

5 A. Like \$966-some dollars, I think.

6 Q. And when did you get here?

7 A. Saturday night.

8 Q. And where are you staying?

9 A. Frederiksted Hotel.

10 Q. Is that where you asked to stay?

11 A. Yes, ma'am.

12 Q. Why did you ask to stay in that hotel?

13 A. When I lived here, I lived on the west side. I
14 still have some friends there, so I'm close to them.

15 Q. And who paid for your hotel?

16 A. The Daily News.

17 Q. And how long are they paying for your hotel?

18 A. Till Wednesday or -- well, yeah, till Wednesday
19 morning.

20 Q. And do you know why, if your deposition is today,
21 they're paying for it until Wednesday?

22 A. We tried to set it up -- well, I came here and
23 worked with Kevin on Sunday, and I wanted to have a free day
24 while I was here.

25 Q. Is The Daily News paying for your hotel the whole

MARTY SCHLADEN -- DIRECT

1 time you're here?

2 A. Yes, ma'am.

3 Q. Are they paying for your food?

4 A. The business-related food expenses, which will end
5 after today.

6 Q. Do you have a rental car?

7 A. No, ma'am.

8 Q. Are they paying for your transportation?

9 A. As it relates to this case, but not other
10 transportation.

11 Q. Are they paying for any loss of wages?

12 A. Yes, ma'am.

13 Q. Anything else that they're paying for that I
14 haven't asked you about?

15 A. No, ma'am.

16 Q. Have you ever met Mr. Eckard?

17 A. No, ma'am, not that I remember.

18 Q. Do you have any -- any convictions?

19 A. Yes, ma'am.

20 Q. And what are those?

21 A. 1990, I was convicted of DUI.

22 Q. And where were you living then?

23 A. Indiana.

24 Q. Do you know Senator Donastorg?

25 A. Yes, ma'am.

MARTY SCHLADEN -- DIRECT

1 Q. And how do you know him?

2 A. I covered the senate when I worked for **The Daily**
3 **News**.

4 Q. And what -- what period of time did you work for
5 **The Daily News**?

6 A. From some point in 2002, until, I believe, March
7 of '04. I think early 2002 till -- till March of '04.

8 Q. And in covering the senate, did you ever actually
9 speak to Senator Donastorg?

10 A. Yes, ma'am.

11 Q. And on how many occasions would you say you've
12 spoken to him?

13 A. At least a dozen.

14 Q. Do you remember the subject matter on what things
15 you talked to him about?

16 A. Several things. He -- the -- the conversations
17 almost always would be initiated by the news of the day,
18 whatever story I was writing out of the senate meeting, and
19 if he was -- happened to be a particular player in that, I'd
20 interview him. But I knew he was deeply aggrieved with **The**
21 **Daily News** and didn't feel as though he got a fair shake
22 from it.

23 I think that one of the reasons he was
24 willing to talk to me is because, unlike some other members
25 of the senate, he knew that, you know, you talk to a

MARTY SCHLADEN -- DIRECT

1 reporter, that's how you get your side of the story in the
2 paper.

3 Q. And did he tell you why he was deeply aggrieved by
4 **The Daily News**?

5 A. He didn't feel the coverage that he'd gotten was
6 fair.

7 Q. Did you agree with him?

8 A. No, ma'am. I had no basis to agree with him.

9 Q. You didn't have conversations with him in which
10 you said, yeah, that story's really bad, I wouldn't have
11 written that story that way?

12 A. No, ma'am.

13 Q. Okay.

14 A. Not that I recall.

15 Q. How many conversations did you have with Senator
16 Donastorg about his feeling that **The Daily News** was
17 attacking him?

18 MR. RAMES: Object to form.

19 THE WITNESS: It's hard for me to say at the
20 point. That was 8-9 years ago, but it was more than one.

21 Q. (Ms. Rohn) Did you give him any advice?

22 A. I told him that I couldn't speak for other people,
23 but, you know, as long as he was dealing with me, I'd do
24 everything I could to be fair to him.

25 Q. And what other people were you referring to that

MARTY SCHLADEN -- DIRECT

1 you couldn't speak for?

2 A. Everybody else at the paper. I don't hold a
3 management -- didn't hold a management position. I was in
4 charge of me, and that was it.

5 Q. Was Mr. Donastorg's complaint specifically towards
6 Ms. Lowe Davis?

7 A. I think he complained about her, but he complained
8 about the entire organization.

9 Q. Okay. Did you ever commensurate with him about
10 Ms. Davis' behavior at **The Daily News**?

11 A. No, ma'am, I don't remember doing that.

12 Q. Do you remember specifically what his complaints
13 were about Lowe Davis?

14 A. I remember just generally he felt like the paper
15 was out to get him.

16 Q. And when he told you this, other than, Gee, you're
17 going to get a straight shot from me, did you have any other
18 statements that you made to him?

19 A. Not that I remember, other than to talk about the
20 news of the day. And as I remember it, I got along with him
21 pretty well.

22 Q. Do you remember any of the specific stories that
23 he complained to you about?

24 A. I really do not.

25 Q. Do you know Jeffrey Prosser?

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1 A. No, ma'am. I stood in the same room as him one
2 time, and he had to be identified to me after I left. I
3 didn't even know who it was.

4 Q. So you never had any conversations with him?

5 A. No, ma'am.

6 Q. Do you know Lowe Davis?

7 A. Yes, ma'am.

8 Q. And how do you know Lowe Davis?

9 A. She hired me at **The Daily News**.

10 Q. And what was your title at **The Daily News**?

11 A. Reporter.

12 Q. And she got you from the Galveston paper; is that
13 right?

14 A. No, ma'am. I had worked at the Galveston paper at
15 some point in the past, but I was an assistant city editor
16 at **The Biloxi Sun Herald** when she hired me.

17 Q. And did you ever have any position with **The Daily**
18 **News**, other than reporter?

19 A. No, ma'am.

20 Q. How would you describe your relationship with Lowe
21 Davis?

22 A. It was fine at first, and then it soured.

23 Q. And when did it sour?

24 A. It soured in '04. I believe early '04.

25 Q. Are you aware of what caused it to sour?

MARTY SCHLADEN -- DIRECT

1 A. Yes, ma'am.

2 Q. And what was that?

3 A. Lee Williams was on board at that time, and he
4 wrote a story about a contract that was let by the
5 government to a company called COMTek and I objected to the
6 story itself. High up in the story, it made some pretty,
7 you know, strong implications that I didn't believe were
8 supported further down in the story. And it referred back,
9 it said that this could draw some comparisons to the Global
10 Resources Management story.

11 And when we did that story, I wrote a memo to
12 Lowe saying that I thought that -- that that story needed to
13 have its, what was up high, stronger supported down low,
14 because this really jeopardized our credibility. And pretty
15 shortly thereafter, well, like a day after she received it,
16 I was disciplined.

17 Q. Did you think you warranted discipline?

18 A. Do I think I did?

19 Q. Yes.

20 A. Oh, absolutely not.

21 Q. What were you disciplined for?

22 A. I was told that I was -- my work performance was
23 flagging; and that I was trying to stab a colleague in the
24 back; and that I couldn't be trusted.

25 Q. Up until you complained about the COMTek story, or

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1 make observations about COMTek story, had you ever had any
2 indication that your work performance was flagging?

3 A. No, ma'am.

4 Q. And, factually, was your work performance
5 flagging?

6 A. No, ma'am.

7 Q. Had you stabbed Lee Williams in the back?

8 A. No, ma'am.

9 Q. Did you feel that the discipline was in
10 retaliation for observations of lack of journalistic ethics?

11 MR. RAMES: Object to form.

12 THE WITNESS: Yeah, I don't know if -- I
13 don't want to go as far as to say lack of journalistic
14 ethics. I thought it was -- I thought it was weak
15 reporting, and I think that that's what I was disciplined
16 for; was questioning what they were doing on St. Thomas and
17 criticizing them.

18 Q. (Ms. Rohn) Okay. Were you a friend of Lee
19 Williams?

20 A. I was friendly with him. You know, he was on St.
21 Thomas, I was on St. Croix. We didn't socialize.

22 Q. Okay. Did Lee Williams subsequently leave the
23 paper?

24 A. Yes, ma'am.

25 Q. Do you know why he left the paper?

MARTY SCHLADEN -- DIRECT

1 A. I do not. I think maybe I've heard some rumors,
2 but you don't even -- can't even tell you what the substance
3 of those is now.

4 Q. Did you ever have any disagreements with Lowe
5 Davis yourself?

6 A. Yes, ma'am.

7 Q. And what were the nature of those disagreements?

8 A. I think I just described it.

9 Q. That one?

10 A. Yeah.

11 Q. Any others?

12 A. No. I mean, nothing that's out of the -- it's a
13 collaborative relationship, reporter and editor, so you
14 don't always agree on everything, you know. So it's very
15 common to have, you know, day-to-day disagreements, but that
16 was the only one that was major.

17 Q. Did you ever have any disagreements with her about
18 changes that she made in your stories?

19 A. Well, in the Hansen case, when it turned out that
20 Esdel was not an owner, I wished we hadn't put that in the
21 story, but --

22 Q. Did you put it in or did she put it in?

23 A. She put it in.

24 Q. What is supposed to be the procedure that's
25 followed if an editor changes a reporter's story --

MARTY SCHLADEN -- DIRECT

1 A. Well, she --

2 Q. -- at **The Daily News**?

3 A. She called me and said that she wanted to put that
4 in, and I said, Well, my reporting hasn't developed that.
5 And she said, Well, mine has. So I said, Then, you know,
6 you're the boss. Then so she did. But, really, that's what
7 an editor should do, is if an editor is changing your story
8 substantively, he or she should call you and run it past
9 you, and she did that.

10 Q. Was that the procedure at **The Daily News**?

11 A. Well, you know, I mean, there's not a manual that
12 lays out how we do everything, but that would be -- that
13 would be normal operating procedure there, and at any other
14 paper.

15 Q. No, my question was in practice, --

16 A. In practice.

17 Q. -- did Ms. Davis call reporters when she was
18 changing the stories or did she not, or was she 50/50 or
19 what?

20 A. And I couldn't --

21 MR. RAMES: Object to form.

22 THE WITNESS: I couldn't answer that 50/50.
23 I'm sure it didn't happen every single time. I'd like to
24 think it happened the majority of the time. The only
25 person's stories I know about are my own. And I didn't --

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1 it didn't happen to me, you know. I had no big problems
2 with her that way.

3 Q. (Ms. Rohn) Were you aware of other reporters who
4 were complaining that Ms. Davis had changed their stories?

5 A. No, ma'am.

6 Q. Do you know about Mr. McDonald?

7 A. No. I barely knew Tim. I think he came shortly
8 before I left.

9 Q. Do you know Eunice Bedminister?

10 A. Yes.

11 Q. And how do you know Eunice Bedminister?

12 A. She was our bureau chief. She was my immediate
13 supervisor.

14 Q. How was your working relationship with her?

15 A. Great.

16 Q. Okay. Were you aware of any difficulties between
17 Ms. Bedminister and **The Daily News**?

18 A. Yes, ma'am.

19 Q. And what were you aware of?

20 A. General working condition things. You know,
21 expecting her to be at work well beyond -- well, well beyond
22 the 40-hour work week. Not being reasonable in those kinds
23 of demands was a problem that Eunice had.

24 Q. Okay. Did you ever discuss with her your problems
25 at **The Daily News**?

MARTY SCHLADEN -- DIRECT

1 A. Yes, ma'am.

2 Q. And what sorts of things did you discuss with her?

3 A. The whole scenario that I outlined to you a minute
4 ago, Eunice was aware of, as I was doing it.

5 Q. Ms. Bedminister has given a deposition.

6 Were you and she friends?

7 A. Yes, ma'am.

8 Q. She stated at Page 8, there was a question, "Why
9 were you fed up?" Talking about why she was fed up with **The**
10 **Daily News**. And she said, "There were a lot of reporters,
11 there were a lot of folks that, in between the time that
12 Mr. Prosser took over, when we were -- when we were owned by
13 Gannet and Mr. Prosser took over, that were either let go,
14 quit, for a variety of reasons that they should not have
15 been let go or they should not have been put in a position
16 to be forced to quit."

17 Were you aware of that?

18 **MR. RAMES:** Object to form.

19 **THE WITNESS:** Yes, ma'am.

20 Q. (Ms. Rohn) Okay. And what reporters were you
21 aware of that were forced to quit?

22 A. Billy Shields. Nancy Cole.

23 Q. Nancy Cole?

24 A. Yeah. I wouldn't say -- forced to quit may be too
25 strong, but they became disillusioned and no longer wanted

MARTY SCHLADEN -- DIRECT

1 to work there.

2 Q. Anybody else?

3 A. Not that I can think of right now.

4 You have to remember that I was in the
5 St. Croix office, so I was isolated from most of the staff.

6 Q. Question and answer goes on, "And what do you mean
7 by that?"

8 And her answer is, "The most recent case was
9 Marty Schladen, for example. There's another reporter of
10 mine's name Nancy, but I can't remember her last name. And
11 they were -- I think they were contesting a story that was
12 written that they thought that put (Senator) -- Delegate
13 Christensen in a bad light, and I think he may have called
14 over to management and said --"

15 Do you recall having a conversation about a
16 story that put Donna Christensen in a bad light?

17 MR. RAMES: Object to form.

18 THE WITNESS: It's the same story. It's the
19 COMTek story. We didn't call; Nancy and I wrote a memo and
20 sent it over there.

21 Q. (Ms. Rohn) Okay. Going through her testimony
22 about you. She then goes on, Page 14, says, "Those were the
23 kind of letters that were going back and forth. So Isaac
24 Coursey, Carl Caesar, Marty. Nancy ... (wrote letters) or
25 may have signed the letter that Marty wrote saying that you

MARTY SCHLADEN -- DIRECT

1 put Delegate Green in a bad light, and that's what makes us
2 look bad because people think we're vindictive."

3 MR. RAMES: Object to form.

4 Q. (Ms. Rohn) Did you, indeed, put your name to a
5 letter that said that?

6 MR. RAMES: Object to form.

7 THE WITNESS: That's not what it said.

8 Q. (Ms. Rohn) Did you -- did you believe that the
9 COMTek story made it look like **The Daily News** was
10 vindictive?

11 A. No. I think it made us look like we didn't do the
12 kind of solid journalism that I aspire to.

13 Q. Was there more than one person -- was this in a
14 phone call or in writing?

15 A. Writing.

16 Q. And was there more than one person who signed this
17 letter?

18 A. I did, and Nancy Cole did.

19 Q. Did Isaac Coursey sign it?

20 A. No, not that I remember. I don't even know Isaac
21 Coursey. It may be somebody I've met and forgotten.

22 Q. Do you know Carl Caesar or Caesar?

23 A. No, ma'am. No, ma'am.

24 Q. Do you still have a copy of this letter?

25 A. No, ma'am.

MARTY SCHLADEN -- DIRECT

1 Q. Then she goes to say, "Nancy eventually couldn't
2 take it. She quit. Marty stayed on for as long as he
3 could, and then he wanted -- he left, because he wanted to
4 file suit and he couldn't. I think he was told by his
5 lawyer that he couldn't do that."

6 Did you go to a lawyer to sue **The Daily News**?

7 A. Yes, ma'am.

8 Q. What lawyer did you go to?

9 A. Vince Colianni, Jr.

10 Q. And why did you go sue **The Daily News**?

11 A. Constructive discharge.

12 Q. And why didn't you sue them?

13 A. I did.

14 Q. Oh, sorry. Shouldn't assume anything.

15 A. That's okay.

16 Q. When did you sue them?

17 A. Would have been in '04. I forget the exact date.

18 Q. And what happened to that lawsuit?

19 A. As far as I know, it's languishing in the courts.
20 I tried to contact Colianni before I came down here and was
21 unsuccessful.

22 Q. Did you discuss settling that lawsuit as part of
23 your testimony?

24 A. No, ma'am.

25 Q. And she goes on to say, "He had planned on

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1 sticking it out no matter what they did to him."

2 Was that your plan before you quit?

3 A. That was -- I was, I guess, groping for a plan,
4 and that was one of the things that I discussed.

5 Q. And why did you decide not to stick it out and to
6 leave?

7 A. Because of the advice that Colianni had given me.

8 Q. Don't tell me the advice of your lawyer.

9 A. Okay.

10 Q. It's kind of confidential between the two of you.

11 A. Okay. Well, yeah, there's this idea that you
12 can't sue for constructive discharge if you're still working
13 and the situation had become intolerable. They had taken
14 all my big stories away from me and given them to Lee
15 Williams and had me writing stuff that a rookie reporter
16 would be doing.

17 Q. Did they eventually do the same thing to Lee
18 Williams?

19 A. I don't know. I was gone by then.

20 I recall hearing that he left and there was
21 some bad blood, but I don't know what happened.

22 Q. Do you know Perry Brothers?

23 A. The name rings a bell, but I don't know if I ever
24 met that individual or not.

25 Q. Do you know Karen Goodlaw?

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1 A. No, ma'am.

2 Q. Derek Phipps?

3 A. No.

4 Q. Nicole Bollatini?

5 A. No, ma'am.

6 Q. Gary McCracken?

7 A. That name sounds a lot more familiar than any of
8 the others that you've read, but I don't remember him.

9 Q. Okay. Were there persons -- Ms. Eunice
10 Bedminister has defended under oath that there were persons
11 at *The Daily News* who were what she called *persona non*
12 *grata*, people that *The Daily News* didn't like.

13 Are you aware of that?

14 MR. RAMES: Object to form.

15 THE WITNESS: You mean people that we
16 covered?

17 Q. (Ms. Rohn) Yes.

18 A. No, I was not. I'm not aware of that.

19 Q. You never heard anyone make negative comments
20 about anyone that you covered?

21 A. I'm sure there were negative comments. That
22 happens in every newsroom, but there was no hit list or
23 anything like that.

24 Q. Any of the stories that you wrote covering the
25 senate, were any of those changed concerning Senator

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1 Donastorg?

2 A. Not to my recollection.

3 Q. Well, were you aware that Senator Donastorg was
4 adverse to VITELCO and ICC?

5 A. Yes, ma'am.

6 Q. And how were you aware of that?

7 A. He told me. You know, he felt that VITELCO and
8 ICC had outsized power in the territory. And that **The Daily**
9 **News** was an organ for which they maintained that power.

10 Q. Did you disagree with him?

11 A. Yes, yes.

12 Q. Did you -- in fact, were there a number of stories
13 about Senate Donastorg's efforts to reign in VITELCO and
14 ICC?

15 **MR. RAMES:** Object to form.

16 **THE WITNESS:** I have some recollection of
17 those stories, but one of the things that you have to
18 remember is, this was thousands of news stories ago for me.

19 Q. (Ms. Rohn) Okay. Were you aware of Mr. Prosser's
20 involvement in the paper?

21 A. That he owned it, yes, ma'am.

22 Q. Were you aware of any influence he had over
23 anything that was printed in the paper?

24 A. No, ma'am. As far as his -- any involvement in
25 day-to-day newspaper operations, I never had any evidence of

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1 that.

2 Q. The editorials in the paper, did you know how they
3 were selected?

4 A. I thought that Ariel Meichior wrote those.

5 Q. Well, Mr. Ariel Meichior has been deposed before
6 he died and has verified that he, once Prosser took over the
7 paper, he never wrote any editorials.

8 A. He didn't? His name was on the editorial page.

9 MR. RAMES: Object to form.

10 Q. (Ms. Rohn) Sure was, wasn't it?

11 A. Yeah.

12 Q. Do you know a guy by the name of Ed Crouch?

13 A. Yes, ma'am.

14 Q. Were you aware of what his participation was in
15 the editorials?

16 A. No, not really. Once again, I was on St. Croix
17 and all this stuff happened across all those miles of water,
18 so I wasn't -- I wasn't involved.

19 Q. Do you -- were you aware of -- that Jeffrey
20 Prosser was sending editorials to the paper to be published?

21 A. I was not. And if I had been, I would have been
22 very disturbed.

23 Q. And why is that?

24 A. Because he does have a hand in all these other
25 companies.

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1 Q. Do you recall the story called "Prosser Bails Out
2 the Virgin Islands"?

3 A. Yes, ma'am.

4 Q. Do you know who wrote that?

5 A. I do not. It was written before I got here, and
6 Eunice showed it to me one day.

7 Q. Eunice inform you that Mr. Prosser participated in
8 that story being -- appearing in *The Daily News*?

9 A. No, ma'am.

10 Q. Why did she show you that particular story?

11 A. Because we were talking about -- I had gotten
12 assurances when I took this -- before I took this job that,
13 you know, Prosser was a controversial figure in the Virgin
14 Islands, but the paper had editorial independence, and that
15 Lowe said it was in her contract. And I had brought that up
16 to Eunice, and this is when things had started to go south
17 after Lee Williams had gotten here, as I remember. And
18 Eunice dug out that story and showed it to me and -- as
19 evidence that perhaps the paper is not as agnostic when it
20 comes to the subject of Jeff Prosser as it might be.

21 Q. Based upon your training, when you're doing an
22 investigative story, or any kind of, really, story, what are
23 you supposed to do to check your facts?

24 A. Well, first thing you want to do is, if there are
25 any people who are directly involved in that story, you

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1 should call them and run it by them and get their -- their
2 version of it.

3 Then beyond that, it depends on the nature of
4 the story. If they're relevant government records, those
5 are good things. Court records are like gold. You know, so
6 it depends, case to case. You want to do what you can
7 within the time limits that you're faced with to corroborate
8 the information you're getting ready to print.

9 Q. Well, what is more important, an accurate story or
10 a timeline?

11 A. It's a balancing act. They're both important.

12 Q. Well, I take it investigative pieces are less time
13 sensitive than news stories; is that true?

14 MR. RAMES: Object to form.

15 THE WITNESS: Well, that's not always true.
16 Sometimes what you want to do is, if you've got a story
17 that's a really powerful story, you want to publish pretty
18 quickly, because -- especially when you're writing about
19 people with a lot of influence and a lot of money, they work
20 behind the scenes to kill the story before it even makes it
21 into print, and that's happened to me more than once.

22 Q. (Ms. Rohn) Really? In the Virgin Islands?

23 A. No, ma'am.

24 Q. What do you know as far as your training as to the
25 requirement of fact checking?

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1 MR. RAMES: Object to form.

2 THE WITNESS: You want the story to be as --
3 you want it to be completely accurate.

4 Q. (Ms. Rohn) And what are you supposed to do to fact
5 check?

6 A. You want to -- to the extent possible, you want
7 to, if you make a statement of fact, particularly a
8 sensitive one, you want to doublecheck that it's correct.

9 Q. And how would you go about doing that?

10 A. Well, for example, in El Paso right now, we've got
11 a big utility controversy brewing, and so in the midst --
12 there's -- the government had to take several days off
13 because utilities were asking them to a couple of weeks ago.
14 And so before I printed that, they took all three days off
15 because the utilities asked them, I called to ask, So all
16 three of these days or did you call off one because of the
17 weather? And the answer I got back was, No, we called off
18 two hours because of the weather. Those are the sorts of
19 things you go back in fine grain detail.

20 Q. Okay. Now, do you -- from your training, does an
21 editor of a story also have responsibility to make sure that
22 items in the story have been fact checked?

23 A. Yes, but -- you know, I have been an editor, and
24 when you're dealing with multiple stories, one of the things
25 you want to do is rely on your reporter's competence that

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1 the stories they're turning in are accurate.

2 Q. So you don't fact check as an editor?

3 A. You can, but you don't -- you're under completely
4 different time constraints. And the presumption, when a
5 reporter turns in a story, is that that information in it is
6 correct.

7 Q. I'd like to show you Exhibit 300.

8 (Deposition Exhibit No. 300 was
9 marked for identification.)

10 This was produced in the Hansen case as the
11 policy concerning stories printed by **The Daily News** as
12 produced in 2004.

13 Have you ever seen this document before?

14 A. Not that I recall.

15 Q. Have you ever been -- this ever been explained to
16 you in substance?

17 A. Not that I recall.

18 Q. Do you know "Dyke" Redfield?

19 A. Please say the name again.

20 Q. Holland Redfield.

21 A. Oh, yes.

22 Q. How do you know him?

23 A. Through my work at **The Daily News**, and I had
24 reason to talk to him on several occasions.

25 Q. And what were those reasons to talk to him?

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1 A. To tell you the truth, I don't remember anymore,
2 but I can remember standing in his office talking to him.

3 Q. Where was his office when you talked to him?

4 A. I believe in St. Croix, in Sunny Isle.

5 Q. And was that the ICC office, VITELCO office?

6 A. It was in that building, but I don't know which
7 particular company.

8 Q. What sorts of things did you discuss with him?

9 A. I do not recall. I know one thing I do recall
10 talking to him about was, he had just gone -- he was
11 friendly with Andrew Card, who was then President Bush's
12 chief of staff, and he was telling me, you know, stories
13 from the Oval Office.

14 Q. Did you contact him when you had stories about
15 VITELCO?

16 A. No, ma'am.

17 Q. Have you ever discussed Senator Donastorg with
18 him?

19 A. No, ma'am, not that I recall.

20 Q. Do you know Oakland Benta?

21 A. Yes, ma'am.

22 Q. Excuse me. I have a cold.

23 How do you know Oakland Benta?

24 A. If it's the same individual, and I believe it is,
25 Senator Hansen, I did a story about some academic

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1 credentials that was put on her resume, and it turned out
2 that they came from an institution that was accredited by
3 the Liberian Education Ministries, and she got a bachelor's
4 and master's on the same day, and we were trying to give
5 her -- you know, get her side of the story and she wouldn't
6 return phone calls. This was during the -- the election
7 campaign when she was running against Governor Turnbull.
8 And she was having a rally outside of Frederiksted one
9 Friday night, and Jason wanted me to try and interview her
10 there. And they sent Oakland Benta with me as kind of a
11 bodyguard, which, at the time I didn't think that was
12 necessary, but at least I got to know him.

13 Q. Who did you understand he worked for?

14 A. ICC.

15 Q. Were you ever aware that Senator Donastorg had
16 been investigated by ICC or its related companies?

17 A. I recall something about them hiring a private
18 investigator.

19 Q. How do you learn that?

20 A. Oh, through the grapevine. Possibly from Eunice.

21 Q. And what did you learn about that?

22 A. Oh, that they had hired a private investigator to
23 check out -- check "Fonsie" out, which struck me as being
24 kind of politically foolish. You know, I don't know what
25 they expected to find out.

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1 Q. Did you ever see any of the documents from the
2 investigation?

3 A. No, ma'am.

4 Q. Were you ever informed of the results of the
5 investigation?

6 A. No, ma'am.

7 Q. Do you know who had paid for the investigation?

8 A. Well, my understanding was ICC.

9 Q. Were you ever aware that **The Daily News** had had --
10 excuse me, ICC or its related companies had had the
11 consultant to the PSC investigate it?

12 MR. RAMES: Object to form.

13 THE WITNESS: The Public Service Commission?
14 And the consultant, who would that individual have been?

15 Q. (Ms. Rohn) That would have been Mr. Rice from a
16 consulting group that was determining whether or not VITELCO
17 could raise its rates or not.

18 MR. RAMES: Object to form.

19 THE WITNESS: I was not aware. I was not
20 aware of that.

21 Q. (Ms. Rohn) Were you ever aware that ICC or its
22 related companies had Lori Gilmore and Beryl Faulkner
23 investigated, because they made complaints against VITELCO?

24 MR. RAMES: Object to form.

25 THE WITNESS: No, ma'am.

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1 Q. (Ms. Rohn) Were you aware that **The Daily News** had
2 referred to Senator Donastorg as a "rogue"?

3 A. No, ma'am.

4 Q. During the entire time that you worked there, you
5 never heard him referred to in that name?

6 A. No, ma'am, not that I recall.

7 Q. Did you ever hear either -- well, did you ever
8 hear Lowe Davis make any negative comments about Senator
9 Donastorg?

10 A. No, not that I remember.

11 Q. Or hear Jason Robbins make any negative statement
12 about him?

13 A. No, ma'am.

14 (Respite.)

15 There is a letter I'll give you, Exhibit 56.

16 (Deposition Exhibit No. 56 was
17 marked for identification.)

18 First of all, have you ever seen this letter
19 before?

20 A. No, ma'am. This would have been after -- oh, no,
21 no, this was before I got to **The Daily News**.

22 Q. If you go to the second page, and it's about 1, 2,
23 3, 4, 5, 6 paragraphs down, it says, "Our News staff is even
24 careful to avoid voicing opinions in public or in the
25 newsroom about any person or topics they cover."

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1 Were you ever aware that was a requirement at
2 **The Daily News?**

3 **MR. RAMES:** Object to form.

4 **THE WITNESS:** That's typical in every
5 newsroom, you know, you're a human being, too, so you're
6 allowed to have opinions, but if they're about people you
7 cover, you really need to keep them to yourself. I mean,
8 you talk -- you talk more frankly with your colleagues than
9 you do members of the general public, but you always have to
10 have in mind that, you know, your credibilities can be
11 affected if you go out there and think, Oh, I think
12 so-and-so is a real idiot.

13 **Q.** (Ms. Rohn) And if you'll go to the last page, the
14 third paragraph, "Sometimes we don't run a story that has
15 checked out. Why not? Because we don't run stories that do
16 not serve the general public interest."

17 Is that a policy at **The Daily News?**

18 **A.** Yeah, I think that's unremarkable. I don't know
19 if I'd write it like this. Sometimes we don't run stories
20 because they're just dull.

21 **Q.** Says, "Some people would argue that it's a big
22 story if we find out a public official has been hit with a
23 complaint about failure to pay alimony or child support. I,
24 however, tend to think this is more a private matter and
25 should not become a story in our newspaper unless it

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1 develops into something of much greater general public
2 concern, such as ability to handle the public's money."

3 Is that a policy at **The Daily News**?

4 A. If it was, I was unaware of it, and I would have
5 objected to it.

6 Q. And why is that?

7 A. Because I think if somebody is running for
8 elective office or in another position of high public
9 responsibility, whether or not they're meeting their
10 obligations as a parent goes to whether -- it could be --
11 indicate whether or not they're responsible people.

12 Q. Okay. Exhibit 60.

13 (Deposition Exhibit No. 60 was
14 marked for identification.)

15 This is a press release from ICC.

16 First of all, did you get press releases from
17 ICC while you were a reporter?

18 A. I'm sure I did, but I don't have a specific memory
19 of it. Again, I get press releases, numerous press releases
20 every day.

21 Q. Okay. Well, I'm just really focusing on ICC.

22 A. Yes.

23 Q. Whether or not ICC would give press releases to
24 **The Daily News**?

25 A. I'm sure we did. I'm sure we did get them.

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1 Q. This press release references the fact that
2 Senator Donastorg was going to be suing **The Daily News** for
3 investigating him. And ICC's response is, "Is this for
4 real?"

5 Do you think that a newspaper has a right to
6 investigate? Hire investigators and try to dig up dirt on
7 persons in the community?

8 MR. RAMES: Object to form.

9 THE WITNESS: I believe it's their right, I
10 suppose, the same as it's anybody's right to hire a private
11 investigator. But, I think that, you know, I mean, we
12 should do our own investigating, and it should be not
13 digging dirt, as you say, it should be looking for things
14 that might relate to the person's fitness to do their job.

15 Q. (Ms. Rohn) In your experience as a reporter, do
16 you think whether or not someone is behind -- a senator who
17 is behind on his mortgage payments is newsworthy?

18 A. I would need more context, but potentially. I
19 have written about how a city councilman was behind on his
20 taxes, and, you know, the rational being that here he is,
21 sitting on city council, spending everybody else's taxes,
22 tax money, you know, but he's behind on his own.

23 Q. It would be a little different than whether or not
24 he's making mortgage payments?

25 A. It would be a little different, and that's why --

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1 MR. RAMES: Object to form.

2 THE WITNESS: Sorry.

3 MR. RAMES: Please go ahead.

4 THE WITNESS: It would be a little different,
5 so you would have to look at these on a case-by-case basis.

6 Q. (Ms. Rohn) Have you ever done a story concerning
7 someone not making mortgage payments?

8 A. Well, yeah, I was the business reporter for **The**
9 **Fort Wayne Journal Gazette** and -- during the whole mortgage
10 meltdown, and I was writing about, you know, massive
11 foreclosures and all the pain that was associated with that
12 in September-November of 2008.

13 Q. That's not exactly the same thing, is it?

14 MR. RAMES: Object to form.

15 THE WITNESS: Well, it's people not making --
16 not being able to make their mortgage payments.

17 Q. (Ms. Rohn) Now, I'd like to show you Exhibit 61.

18 MR. ECKARD: Do you want him to have the
19 sticker?

20 MS. ROHN: Yeah.

21 (Deposition Exhibit No. 61 was
22 marked for identification.)

23 Q. (Ms. Rohn) Look at the bottom story, "Sen.
24 Donastorg and (his) wife face foreclosure on their Wintberg
25 home."

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1 Do you recall seeing this when it came out?

2 A. This, I think, was before I got to The Daily News.

3 Q. Generally, if you're going to do a story that you
4 picked up from the courthouse that a foreclosure action had
5 been filed, as a journalist, what sorts of things should you
6 do before you printed such a story?

7 MR. RAMES: Object to form.

8 THE WITNESS: You'd call, in this case,
9 Senator Donastorg.

10 Q. (Ms. Rohn) Call Senator Donastorg.

11 Would you call the bank to find out the
12 nature of it?

13 A. Chances are you would.

14 Q. The opening lead on this story is, "A St. Thomas
15 senator may find himself looking for a new place to live if
16 he cannot pay off the mortgage on his Wintberg home."

17 Is that the type of lead story line that you
18 would write to -- a story about someone having a foreclosure
19 action --

20 MR. RAMES: Object to form.

21 Q. (Ms. Rohn) -- filed against them?

22 A. Possibly.

23 Q. That just because a foreclosure action had been
24 filed, you immediately assume that the entire mortgage had
25 to be paid off, and you would immediately assume that they

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1 would be looking for a house?

2 MR. RAMES: Object to form.

3 THE WITNESS: It depends on what sort of
4 demand he had made on him by the bank. If they -- I mean,
5 isn't it possible they said -- gave him a notice of default
6 and say, You got to pay this loan or we're going to
7 foreclose on your house?

8 Q. (Ms. Rohn) Well, in the fourth column, last
9 paragraph, "It's being taken care of," Sen. Donastorg
10 said. 'The bank dropped the ball. I don't understand why
11 this is a major issue.'

12 If that is the statement made by the person
13 who was supposedly in foreclosure, would you agree with me
14 that the opening sentence that he may be "looking for a new
15 place to live," and have to pay the full mortgage, was not
16 in balance with the rest of the story?

17 MR. RAMES: Object to form.

18 THE WITNESS: I'd need to read the rest of
19 the story.

20 Q. (Ms. Rohn) Go ahead.

21 A. And I'd need -- I mean, I would want to see what
22 else Billy was looking at when he wrote this story.

23 (Witness reads document.)

24 And the bank would not comment.

25 Q. Mr. Donastorg says that this is a mistake. I've

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1 paid this off. The bank doesn't comment, and the lead line
2 is, he's going to be looking for a new place to live. Do
3 you think that's balanced?

4 MR. RAMES: Object to form.

5 THE WITNESS: Well, it doesn't say that. It
6 says that he may be looking for a new place to live.

7 Q. (Ms. Rohn) Do you know whether or not Mr. Shields
8 wrote this, or whether or not this was edited by Lowe Davis?

9 MR. RAMES: Object to form.

10 THE WITNESS: I have no idea. Sorry, Kevin.

11 MR. RAMES: Quite all right.

12 Q. (Ms. Rohn) So you, as a journalist, think that's a
13 balanced story?

14 MR. RAMES: Object to form.

15 THE WITNESS: I would need to read the bank
16 documents that Billy was looking at, but we had a -- an El
17 Paso city councilman who got caught for the second time
18 driving without a driver's license. And this was this
19 summer, and every time I called him up, he said, This is
20 being taken care of. This is being taken care of. And a
21 month later, I check with DPS, he still doesn't have a
22 driver's license.

23 You know, when a public official makes a --
24 makes a statement, we need to greet that with healthy
25 skepticism.

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1 Q. (Ms. Rohn) Exhibit 63.

2 (Deposition Exhibit No. 63 was

3 marked for identification.)

4 Have you ever seen this editorial before?

5 A. Once again, I think this was before I started.

6 Q. Do you think that because a bank files a
7 foreclosure action against you, that that, as a reporter,
8 that automatically means you actually owe the money, or that
9 it would be in dispute?

10 MR. RAMES: Object to form.

11 THE WITNESS: No, ma'am, I don't think it
12 automatically means that.

13 Q. (Ms. Rohn) This editorial says, "Clearly, many
14 V.I. senators can't even manage their own money, how can we
15 expect them to know how to manage taxpayers' money?"

16 Do you think the fact that a bank files a
17 foreclosure action, means that somebody can't manage their
18 money?

19 MR. RAMES: Object to form.

20 THE WITNESS: It certainly can mean that.

21 Q. (Ms. Rohn) Well, aren't those allegations, sir,
22 that are not facts? They're just what one side said versus
23 what another side says?

24 MR. RAMES: Object to form.

25 THE WITNESS: Well, that these -- this

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1 foreclosure notice was filed is a fact.

2 Q. (Ms. Rohn) No. Is a fact that the bank claims
3 something that has not yet been proved; isn't that true?

4 A. Sure.

5 (Deposition Exhibit No. 84 was
6 marked for identification.)

7 Q. Exhibit 84, have you ever seen this editorial from
8 March 1st, 2004?

9 A. Can you give me a second to look at it?

10 Q. Sure.

11 A. (Witness reviews document.) No, I haven't seen
12 this before.

13 Q. You never read it at or near the time it came out?

14 A. No.

15 Q. Did you read the editorials at **The Daily News** when
16 you worked there?

17 A. As a general matter of policy, I tend to avoid the
18 editorials at every paper I worked for. I read them from
19 time to time, but I don't read them regularly.

20 Q. Have you talked to Senator Donastorg since you
21 left the Virgin Islands?

22 A. No, ma'am.

23 Q. How often would you speak to him when you were
24 here?

25 A. The senate would meet on St. Croix, how often, you

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1 know, once, twice a month; is that right? So, you know, I
2 probably spoke to him one out of every three senate
3 meetings, maybe, you know.

4 Q. Were you friends?

5 A. We were friendly. I -- politicians and I can't
6 really be friends.

7 Q. Why is that?

8 A. Because I have to have -- I have to have some
9 objective distance.

10 Q. Have you seen Eunice since you have been here?

11 A. No, ma'am. Wondered how she's doing.

12 MS. ROHN: I have no further questions.

13 MR. RAMES: Nothing for this witness.

14 MR. ECKARD: Nothing from me.

15
16
17
18
19 (Whereupon the deposition concluded
20 at 2:02 p.m.)
21
22
23
24
25

CERTIFICATE

C-E-R-T-I-F-I-C-A-T-E

I, SUSAN C. NISSMAN, a Registered Merit Reporter and Notary Public for the U.S. Virgin Islands, Christiansted, St. Croix, do hereby certify that the above and named witness, **MARTY SCHLADEN**, was first duly sworn to testify the truth; that said witness did thereupon testify as is set forth; that the answers of said witness to the oral interrogatories propounded by counsel were taken by me in Stenotype and thereafter reduced to typewriting under my personal direction and supervision.

I further certify that the facts stated in the caption hereto are true; and that all of the proceedings in the course of the hearing of said deposition are correctly and accurately set forth herein.

I further certify that I am not counsel, attorney or relative of either party, nor financially or otherwise interested in the event of this suit.

IN WITNESS WHEREOF, I have hereunto set my hand as such Registered Merit Reporter on this the 24th day of February, 2011, at Christiansted, St. Croix, United States Virgin Islands.

My Commission Expires: June 8, 2011 Susan C. Nissman, RPR-RMR
NP-145-07

JA002060

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32	"Vitelco customers asked to pay \$372,000 to PSC's off-island consultant 43	43
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1 ST. THOMAS, VIRGIN ISLANDS; WEDNESDAY, SEPT. 15, 2010

2 3:22 P.M.

3 -000-

4 DAVID SHARP,

5 having been first duly sworn,

6 was examined and testified as follows:

7 EXAMINATION

8 BY MS. ROHN:

9 Q Good afternoon.

10 State your name for the record, please.

11 A David Sharp.

12 Q And Mr. Sharp, where do you live?

13 A I live in St. Thomas.

14 Q Where in St. Thomas? An address, please.

15 A 16 Estate Harmony.

16 Q How long have you lived there?

17 A Oh, fifteen years.

18 Q Do you live there with anyone?

19 A I live there with my wife and animals.

20 Q Where are you presently employed?

21 A I'm not.

22 Q Okay. Where were you last employed?

23 A VITELCO.

24 Q And during what period of time were you
25 employed at VITELCO?

JA002064

1 A 1980 until, I believe 1998, and 2003
2 through the end of 2007.

3 Q Had you been employed, either
4 self-employment or any other employment since 2007?

5 A I do a little bit of ad hoc consulting
6 work.

7 Q And who do you do consulting work for?

8 A Whoever will hire me.

9 Q Does that include VITELCO?

10 A It does not.

11 Q You don't do any consulting work for
12 VITELCO?

13 A Not at all.

14 Q How about ICC or any of their related
15 companies?

16 A Not at all.

17 Q What were the circumstances that you left
18 in 2007?

19 A The Trustee took over the company and
20 decided they no longer wanted my services.

21 Q And do you remember when in 2007 that was?

22 A December 7th.

23 Q And from 2003 to 2007, what work did you
24 do for VITELCO?

25 A I was the President and Chief Executive

1 Officer.

2 Q What were your job responsibilities in
3 that regard?

4 A The day-to-day operation of the company.

5 Q And who did you report to?

6 A I reported -- we had a board, board of
7 directors.

8 Q Do you recall who was on the board?

9 A Not at all names. I can probably recall
10 who was on the board close to when I left.

11 Q Okay.

12 A It would have been Jeffrey Prosser,
13 Michael Prosser, Sam Ebbesen, John Raynor,
14 Dick Goodwin, Sir Shridoff Ramfelt (phonetic) --

15 Q Can you spell that for me, please?

16 A I couldn't possibly. And I can't remember
17 the other gentleman's name -- also from Guyana --
18 another Sir; I don't recall his name.

19 Q How often would you report to the board?

20 A Whenever we met, which, in the last couple
21 of years, was not very frequently.

22 Q Okay.

23 Q How much hands-on control did
24 Jeffrey Prosser exert over the phone company during
25 2003 to 2007?

1 A In the day-to-day operations, very little.

2 Q How about in the policy-making or
3 financial area?

4 A ICC controlled the treasury of all the
5 companies.

6 Q So the money that went to VITELCO, went to
7 ICC?

8 A The holding company swept the money from
9 all the different accounts and reallocated it back
10 to the operating divisions as needed, required,
11 requested, what have you.

12 Q In the period 1980 to 1998, what was your
13 position with VITELCO?

14 A I started out as a Systems Engineer; I
15 moved up to Central Office Engineering Manager; then
16 Vice President of Engineering; Vice President of
17 Operations; and then President and CEO. I couldn't
18 hold a job.

19 Q What period of time were you the Vice
20 President of Operations?

21 A I believe 1990 to '92, roughly, more or
22 less.

23 Q And what period of time were you President
24 and CEO?

25 A 1992 until '97.

1 Q And what were you from '97 to '98 when you
2 were laid off?

3 A I wasn't laid off, I was moved to ICC --
4 well, actually, I take that back. I was moved to
5 VITEL Cellular and ran the cellular operation for
6 approximately a year; and then I moved to ICC as
7 Senior Vice President in the capacity of
8 Engineering.

9 Q How did it come about that you were moved
10 from VITELCO to VITEL Cellular? How did you learn
11 that that was coming?

12 A We had, I guess, a new Chief Operating
13 Officer at ICC, Mr. Tom Minnich.

14 Q And what did Mr. Minnich have to do with
15 that?

16 A I guess he decided it was time for a
17 change, and wanted to move me to cellular, and they
18 brought in General Ebbesen.

19 Q And then how did it come about that you
20 went from VITEL Cellular to ICC Senior Vice
21 President?

22 A They moved -- I can't think of his name --
23 one of Mr. Prosser's brother-in-laws to be head of
24 the cellular company. I don't recall his name; last
25 name was Williams.

1 Q And what were your job functions when you
2 were ICC Senior Vice President?

3 A I had a variety of functions. I did some
4 operational reviews of some of the off-island
5 properties' operational reviews.

6 I did some insurance coordination because, we
7 had a number of windstorms in the French and Dutch
8 islands, and so we had some insurance claims, so I
9 coordinated those, and also coordinated with the folks to
10 get those rehabilitated and rebuilt and get them fixed.

11 I was also working on the engineering of a
12 Caribbean fiber network.

13 Q And how long did you hold the position of
14 ICC Senior Vice President?

15 A From 1998 until I came back to VITELCO in
16 2003, I believe.

17 Q And were you transferred by ICC back to
18 VITELCO?

19 A Yes, I was.

20 Q And who at ICC notified you of that
21 transfer?

22 A Mr. Prosser.

23 Q How would you describe Mr. Prosser's --
24 (Telephone ringing - pause in proceedings.)

25

1 BY MS. ROHN:

2 Q How would you describe Mr. Prosser's
3 control of ICC in its decision-making?

4 A I'm sorry?

5 Q How would you describe Mr. Prosser's
6 control of ICC and its decision-making?

7 A Of ICC and --

8 Q And --

9 A -- its decision-making?

10 Q Uh-huh.

11 A I think he was involved in what went on at
12 the holding company. I mean, he was the owner and
13 he was the chairman.

14 Q And he was, am I correct, the sole
15 shareholder?

16 A I believe he was.

17 Q So would it be fair to say that he
18 ultimately made all decisions for ICC?

19 A I guess it would be fair to say that he
20 ultimately accepted or approved all decisions.

21 Q And would it be fair to say that he
22 ultimately accepted or approved all decisions for
23 the subsidiaries?

24 A No, I don't think that's true. I mean,
25 there are certain types of operational decisions

1 that he didn't concern himself with.

2 Q Well, what types of decisions did he
3 concern himself with?

4 A I think the overall strategic direction of
5 the companies. I think he was concerned with the
6 growth, the expansion of ICC and its properties, and
7 I guess his debt service and, you know, financial
8 obligations.

9 Q When is the last time you spoke to
10 Jeffrey Prosser?

11 A Probably in the last couple of days.

12 Q What did you talk about?

13 A His current venture before the Bankruptcy
14 Court. He talks, I listen.

15 Q Did you do anything to prepare to be
16 deposed?

17 A Took a shower.

18 Q Did you meet with any counsel before your
19 deposition?

20 A Did not.

21 Q And did you review any documents before
22 your deposition?

23 A No.

24 Q Do you know Ed Crouch?

25 A I do.

1 Q Do you know where he is?

2 A I don't.

3 Q Where was he the last time you knew where
4 he was?

5 A Florida.

6 Q Do you know where in Florida?

7 A West Palm, I guess.

8 Q What was Ed Crouch's position with ICC?

9 A I'm not sure that I know his official
10 title.

11 Q What did he do?

12 A I think he did some public relations; from
13 time to time he got involved in some marketing, you
14 know, advertising promotions, at a higher level. I
15 don't know. I didn't really work with Ed, 'cause he
16 was in the corporate office.

17 Q Were you aware of whether or not Ed Crouch
18 wrote the editorials for the Daily News?

19 A Well, there was a time I think that he
20 actually worked for The Daily News, and he was -- he
21 might have even been the head of The Daily News for
22 a while, so I think he was writing editorials. And
23 then I think that -- I'd heard that he might be
24 writing them after that. But I really don't know.

25 Q Do you know whether or not Jeffrey Prosser

1 ever wrote editorials for The Daily News?

2 A I have no specific knowledge.

3 Q Did Jeffrey Prosser ever talk to you about
4 his control over The Daily News?

5 A We talked about different operations. I
6 think his conversation with me was that he didn't
7 get involved in the individual, you know, activities
8 and reporting of the newspaper.

9 Q Did he ever tell you that ICC controlled
10 the Editorial page of the newspaper?

11 A I think that that -- I'm not sure if he
12 told me that or if Ed told me that as a matter of
13 normal corporate dynamics in the newspaper, that the
14 Editorial belonged to the -- whoever -- to the
15 owner.

16 Q Did you know Oakland Benta?

17 A I do.

18 Q And how do you know Oakland Benta?

19 A I think he worked for ICC, and I worked
20 with him on a couple of activities.

21 Q Which were?

22 A I think associated with the Strike Labor
23 action that we had at VITELCO in 2002, coming into
24 2003, and the sabotage. And he kind of was the
25 liaison with the local police department, and also

1 the hiring of security to help protect our
2 properties and keep our services in place.

3 Q Do you know Eling Joseph?

4 A I do.

5 Q And how do you know her?

6 A She worked for the company for a number of
7 years. I believe she may have started out with
8 VITELCO and then moved up to ICC.

9 Q Do you know Michael Cumbermack?

10 A Cumbermack, yes, I do.

11 Q How do you know him?

12 A Mike worked for VITELCO for a number of
13 years. Actually, he may have come just before I did
14 in 1980 or about the same time. So he worked for
15 VITELCO for a number of years, and then he worked
16 for ICC, and then I think he worked for both.

17 Q And what was his job function?

18 A I think he was the Chief Financial Officer
19 of ICC, and VITELCO, towards the end.

20 Q When you originally worked for VITELCO,
21 was its parent company a company called Atlantic
22 Tele-Network?

23 A When I originally came to work, it was a
24 company called ITT.

25 Q At any point in time when you worked

1 there, was there a company named Atlantic
2 Tele-Network which was the parent company?

3 A There's some co.'s and inc.'s, but there
4 was a company -- I think after ITT divested itself,
5 I believe the holding company was Atlantic
6 Tele-Network.

7 Q During that period of time, were the
8 monies of VITELCO and Atlantic Tele-Network
9 transferred back and forth?

10 MR. ECKARD: Object to form.

11 THE DEPONENT: Please restate the
12 question.

13 BY MS. ROHN:

14 Q Well, did VITELCO pay Atlantic
15 Tele-Network's bills? And did Atlantic Tele-Network
16 pay VITELCO bills?

17 MR. ECKARD: Object to form.

18 THE DEPONENT: Not that I'm aware of.

19 BY MS. ROHN:

20 Q Well, for instance, there is a story in
21 The Daily News, the fact that Ann Abramson charged
22 VITELCO \$440,000 in consulting fees, only 143 of
23 which was paid by VITELCO, and the rest paid by
24 Atlantic Tele-Network.

25 A I'm not aware of that.

1 Q You wouldn't have any knowledge of that?

2 A I do not.

3 Q Did Mr. Benta ever do any work for

4 VITELCO?

5 A Some.

6 Q Other than what you just testified to?

7 A Not directly; I don't think so; not that I
8 can recall.

9 Q Did he work for Atlantic Tele-Network?

10 A I don't believe so.

11 Q Atlantic Tele-Network, was it anything but
12 a holding company?

13 A Not to my knowledge, no.

14 Q And to your knowledge did it hold VITELCO?

15 A I'm sorry. Did it?

16 Q To your knowledge, is what it held was
17 VITELCO?

18 MR. ECKARD: Object to form.

19 THE DEPONENT: I think there were a number
20 of companies, and there was an Atlantic Tele-Network
21 Co. and Atlantic Tele-Network, Inc., so I'm not sure
22 which one you're talking about, or which is which.

23 BY MS. ROHN:

24 Q Were you aware of an investigation into
25 Senator Donastorg having been launched in or

1 around --

2 A Only through what I read or heard on the
3 radio or the media.

4 Q Do you know who paid for that
5 investigation?

6 A I do not.

7 Q Do you know why certain of the bills for
8 that investigation would have gone to Atlantic
9 Tele-Network?

10 A I do not.

11 Q Were you aware of payments from the
12 St. Martin Cable TV to Kenneth Mapp?

13 A No.

14 Q Were you aware of cash fund being
15 withdrawn from VITELCO at or near the time of
16 John Tutein's trial?

17 A No.

18 Q Were you aware of --

19 A I don't think I was at VITELCO at that
20 time.

21 Q Were you aware of loans and dividends
22 being paid -- millions of dollars of loans and
23 dividends being paid from VITELCO to Atlantic
24 Tele-Network?

25 MR. ECKARD: Object to form.

1 THE DEPONENT: I guess dividends were paid
2 when declared to I guess whoever the shareholders
3 were, and they were not unsubstantial.

4 As far as loans, I'm not sure what you mean
5 by "loans."

6 And in the ICC days, when they took over the
7 Treasury function, they swept up all of the cash, and
8 they kept track of intracompany transactions and ins
9 and outs of the money, so it was all accounted for.

10 Q Well, for instance, are you aware of a
11 loan from VITELCO to Atlantic Tele-Network which was
12 then used by Atlantic Tele-Network to purchase the
13 Puerto Rico cellular phone company?

14 MR. ECKARD: Object to form.

15 THE DEPONENT: I didn't know we bought a
16 cellular phone company in Puerto Rico.

17 BY MS. ROHN:

18 Q Who set the budget for VITELCO during the
19 time period of Atlantic Tele-Network?

20 A Inc. or Co.?

21 Q The holding company.

22 A They're both holding companies.

23 Q Whichever holding company held VITELCO.

24 In other words, did VITELCO do its own budget
25 or did the corporate headquarters do the --

1 MR. ECKARD: Object to form.

2 BY MS. ROHN:

3 Q -- budget?

4 A I worked for the company for twenty-seven
5 years. You know, VITELCO, as a starter, always
6 prepared a budget to be submitted to somebody for
7 approval. Whether that was ITT, Atlantic
8 Tele-Network, Encom, ICC, or what have you, the
9 budgets, to my knowledge, were always at least
10 prepared by the operating companies.

11 Q But then they had to be approved and/or
12 changed by the parent company?

13 A That's my understanding.

14 Q During the time that you were at VITELCO,
15 was there dissention between VITELCO and
16 Senator Donastorg?

17 MR. ECKARD: Object to form.

18 THE DEPONENT: I'm not sure I know what
19 you mean by "dissention."

20 BY MS. ROHN:

21 Q Well, was there an adverse relationship?

22 A Senator Donastorg was certainly taking
23 positions at the PSC and in public that were
24 contrary to the interests of VITELCO.

25 Q Did you ever have any discussions with

1 Jeffrey Prosser about that fact?

2 A I'm sure I did.

3 Q Did you ever have any discussions with
4 Jeffrey Prosser as to his feelings or opinion about
5 Senator Donastorg?

6 MR. ECKARD: Object to form.

7 THE DEPONENT: I don't know that I've ever
8 had a specific conversation about his opinions of
9 Senator Donastorg. Certainly, for an extended
10 period of time, there was extended activity at the
11 Public Service Commission with respect to rate
12 cases, much of which was involved or certainly
13 Senator Donastorg participated in.

14 Q Did you --

15 A So I had lots of discussions -- or we had
16 lots of discussions about the proceedings before the
17 Commission.

18 Q Did you ever form the opinion that
19 Mr. Prosser didn't like Senator Donastorg?

20 MR. ECKARD: Object to form.

21 THE DEPONENT: Restate the question,
22 please.

23 BY MS. ROHN:

24 Q Did you ever form, from conversations that
25 you had with him, the inference that he didn't like

1 Senator Donastorg?

2 A I'd say he was probably irritated by the
3 activities of many politicians.

4 Q Including Senator Donastorg?

5 A Including Senator Donastorg.

6 Q Did he ever voice desires to point out
7 negative things about Senator Donastorg to get back
8 at him?

9 MR. ECKARD: Object to form.

10 THE DEPONENT: Not that I recall.

11 BY MS. ROHN:

12 Q What source of things would he say about
13 Senator Donastorg?

14 A I think most of the conversations focused
15 more on what needed to be done with respect to
16 prosecuting the rate cases or the defense of the
17 rate showings before the Commission. So certainly
18 that's where my focus was, what needed to be done,
19 separating the fact from the fiction, trying to do
20 what we needed to do to move forward.

21 Q Did you ever hear him curse about
22 Senator Donastorg?

23 A I'm sorry, curse?

24 Q Curse.

25 MR. ECKARD: Object to form.

1 BY MS. ROHN:

2 Q "That um-um Senator Donastorg, he's after
3 me again"?

4 A I've heard Mr. Prosser curse about a lot
5 of people, including myself.

6 Q Would that include Senator Donastorg?

7 A I don't recall any specific instance; I
8 really don't. I'd be guessing.

9 Q Did you ever hear conversations from
10 Senator Donastorg about his desire to dig up dirt on
11 Senator Donastorg (as stated)?

12 MR. ECKARD: Object to form.

13 MR. RAMES: Object to form. You mentioned
14 him twice.

15 MS. ROHN: Oh. Sorry.

16 BY MS. ROHN:

17 Q Did you ever have any conversations with
18 Mr. Prosser about wanting to dig up dirt on
19 Senator Donastorg?

20 A Not that I recall.

21 Q Did you ever have any conversations with
22 Mr. Prosser about his feelings towards Mr. Madan,
23 who was from Georgetown Consulting Group?

24 A I wasn't one of his favorite people.

25 Q Were you ever aware that he had placed

1 Mr. Madan under investigation?

2 MR. ECKARD: Object to form.

3 THE DEPONENT: No, I was not.

4 BY MS. ROHN:

5 Q Were you ever told any information that
6 Mr. Prosser had acquired about Mr. Madan?

7 A No.

8 Q Did you ever hear Mr. Prosser speak about
9 Maria Hodge?

10 A Yes.

11 Q Another one of his not favorite people?

12 A Well, we're talking about all people that
13 worked for the Public Service Commission, so people
14 that we interacted with very frequently and on very
15 important issues.

16 Q Did there ever come a time that you
17 learned that the appointments to the PSC were going
18 to be pro VITELCO?

19 A I'm not sure I understand the question.

20 Q Did Mr. Prosser ever tell you or anyone
21 else that it had been arranged that the people that
22 would be on the PSC would be pro VITELCO?

23 MR. ECKARD: Object to form.

24 THE DEPONENT: Not in that context.

25

1 BY MS. ROHN:

2 Q Well, what context, then?

3 A We often spoke about the composition of
4 different PSC commissioners and what their
5 background was and, you know, what their biases may
6 be or, you know, how that may play into any issues
7 that we had before the Public Service Commission.

8 Q Did you overhear conversations or have
9 conversations with Mr. Prosser about Walter
10 Challenger?

11 A Walter Challenger was a Commissioner and
12 Chairman, I think, at one time.

13 Q Did you ever hear any conversations about
14 the fact that Mr. Prosser had been instrumental in
15 getting him appointed to the PSC?

16 A I don't recall that.

17 Q What was your observation of the
18 relationship between Mr. Prosser and Mr. Schneider?

19 MR. ECKARD: Objection to form.

20 THE DEPONENT: I think they were friends,
21 and I think that -- well, I don't think, I know --
22 Dr. Schneider was on the VITELCO Board.

23 BY MS. ROHN:

24 Q Was what?

25 A Was on the VITELCO Board at one time

1 before he became Governor.

2 Q Did Mr. Prosser ever have any
3 conversations with you, or did you overhear any
4 conversations by him as to his contributions to
5 Mr. Schneider's campaign?

6 MR. ECKARD: Object to form.

7 THE DEPONENT: No.

8 BY MS. ROHN:

9 Q Did you have any conversations with him at
10 all about the amount of money that he contributed to
11 political candidates?

12 A No.

13 Q Did Mr. Prosser ever comment to you about
14 his efforts to remove Senator Donastorg from the
15 Legislature?

16 A Not that I recall.

17 Q Did Mr. Prosser ever discuss with you his
18 efforts to affect the public's image of
19 Senator Donastorg's through The Daily News?

20 A Repeat that for me again.

21 Q Did you ever hear any conversations by
22 Mr. Prosser as to his efforts to affect the public's
23 image of Senator Donastorg through the use of
24 The Daily News?

25 MR. RAMES: Object to form.

1 THE DEPONENT: Not that I recall.

2 BY MS. ROHN:

3 Q Do you know Holland Redfield?

4 A I do.

5 Q And how do you know him?

6 A He worked for ICC, so I guess that's how I
7 met him. I don't know if I ever met him before that
8 or not.

9 Q Were you aware that for a period of time
10 he was on the VITELCO payroll?

11 A What period of time was that? No, I don't
12 recall that, or I'm not aware of that.

13 Q Did you participate in the obtaining of
14 IDC benefits for VITELCO?

15 A I did.

16 Q And what was your participation in that
17 regard?

18 A I'm trying to remember if it was -- I
19 guess it was more than one application, so I think I
20 participated in a couple of applications, one of
21 which I was very much involved in. Winston Hodge
22 and myself did most of the leg work in writing the
23 application and testifying before the board an their
24 hearing. So, yes, I was very involved in that EDC
25 benefit.

1 Q Did Mr. Prosser participate in those
2 applications as well?

3 A I'm sure we had discussions about them. I
4 don't believe that he was all that involved in what
5 I was doing.

6 Q Do you know a lawyer by the name of
7 Albert Sheen?

8 A Very well.

9 Q Did Albert Sheen ever do work for VITELCO?

10 A Yes, he did.

11 Q What type of work did Albert Sheen do for
12 VITELCO?

13 A I know that I worked with Albert Sheen on
14 some Regulatory work early when I was -- the first
15 time I was President. So in some docketed items
16 before the Commission, Albert and I worked on. I
17 think we did a rate settlement; and there may have
18 been some other outstanding issues that we worked
19 on.

20 Q During that period of time, who actually
21 paid Albert Sheen, VITELCO or the parent company?

22 A I don't recall.

23 Q Well, under the normal structure, were
24 there certain items that were paid for by the parent
25 company, for instance, human resources, accounting,

1 insurance?

2 A Well, I don't know what time you're
3 talking about, and I think that --

4 Q During the time period of Albert Sheen.

5 A I suspect during that time, and I guess as
6 a general proposition the companies paid their own
7 bills. So even when there came a time that ICC was
8 sweeping cash, ICC would return the cash to the
9 operating company bank account so that the checks
10 could be drawn on those bank accounts. So ICC did
11 not write checks for VITELCO bills as a general
12 proposition.

13 Q Well --

14 A And in the time that Albert Sheen was
15 working, which, again, was the first time that I was
16 the president, I don't think we were doing any cash
17 sweeps. So if Albert was working for us, I'm sure
18 that we paid him directly or -- that would have been
19 my expectation.

20 Q But my question was, were there certain
21 functions that were paid for by the parent company
22 such as human resources, the overall insurance
23 coverage, the overall healthcare plan, the overall
24 pension plan, that sort of thing?

25 MR. ECKARD: Object to form.

1 THE DEPONENT: You're going to have to be
2 more specific to the time, because it changed; it
3 wasn't always the same.

4 BY MS. ROHN:

5 Q Well, during the time period of
6 Albert Sheen, was there a health insurance policy?

7 A I think we had an insurance carrier, yes.

8 Q And was that something that was arranged
9 by the parent company?

10 A At that time, probably not; it was
11 probably done by VITELCO. Those were in the early
12 stages when VITELCO was pretty much the big entity.
13 We had a couple of smaller companies, so we were
14 much more self sufficient before stuff got farmed
15 out to the holding companies.

16 Q Is it true, sir, that all of the profits
17 of VITELCO went to the parent company?

18 A I'm not sure that I understand your
19 question.

20 Q Well, I'm assuming that there's some
21 profit that's made. And you were talking to me
22 about sweeps. Were those profits swept to the
23 parent company?

24 A It's apples and oranges. I mean, when
25 dividends are declared, they go to the stockholders.

1 You know, when money is swept, it's just an
2 accounting function. You know, it may go into the
3 holding company's account, but it's still VITELCO's
4 money, and it's still recorded on the books and
5 records of the companies.

6 Q And what books and records are those?

7 A The books and records of the company,
8 financial records.

9 Q Are those kept at the parent company or at
10 the subsidiaries?

11 A Both.

12 Q And do you know how long they were kept
13 for?

14 A I do not.

15 Q No?

16 A You're talking about a retention?

17 Q (Nodding affirmatively.)

18 A I don't.

19 (Plaintiffs' Exhibit 1 marked for identification.)

20 MS. ROHN: If the witness can be shown
21 Exhibit Number 1.

22 BY MS. ROHN:

23 Q Have you ever seen this document before?

24 A Not that I recall. I mean, I have only
25 looked at the first page, but --

1 Q This is a letter from Dennis Sheraw -- the
2 first two pages is a letter from Dennis Sheraw to
3 Albert Sheen. It starts out:

4 "Pursuant to your request,
5 investigation has been conducted in
6 the matter of Jamshed Kaikaus
7 Madan/Georgetown Consulting Group,
8 Inc. Enclosed for your review is
9 our investigative report in this
10 manner."

11 Who was your understanding was Mr. Madan?

12 A I'm sorry?

13 Q Who to your understanding was Mr. Madan?

14 A Jim Madan is a consultant for the
15 Public Service Commission.

16 Q And had his decisions with the
17 Public Service Commission gone against VITELCO's
18 positions?

19 A Mr. Madan doesn't make decisions for the
20 Public Service Commission.

21 Q Sorry.

22 Had his recommendations to the Public Service
23 Commission gone against VITELCO?

24 A His recommendations were always contrary
25 to the telephone company's interest.

1 Q Would it have benefited VITELCO to learn
2 materials that might discredit Mr. Madan?

3 MR. ECKARD: Object to form; calls for
4 speculation.

5 THE DEPONENT: I have no idea.

6 BY MS. ROHN:

7 Q Who was Patrick Rice?

8 A Patrick Rice. I believe he was a former
9 employee of VITELCO. He was a Rotarian; he was the
10 Executive Director of the Public Service Commission.

11 Q And did his votes often go against
12 VITELCO?

13 A Patrick Rice didn't vote for the
14 Commission.

15 Q Were his opinions against VITELCO?

16 A I don't recall Mr. Rice ever really given
17 opinions. I mean, he was essentially the
18 Administrator of the Commission, so he set the
19 meetings, coordinated with the directors and the
20 consultants. And I don't know that he opined on any
21 of the issues before the Commission.

22 Q The next-to-the-last sentence on Page 1
23 says:

24 "Third, is the consideration that
25 Patrick Rice, Executive Director,

1 PSC, may have or is receiving items
2 of value from subject" -- "subject"
3 being Georgetown Consulting Group
4 -- "or subject company to ensure
5 their longevity with the PSC. This
6 may include gratuities, housing,
7 vehicles, et cetera, provided by
8 subject company or other companies
9 associated with Madan. This would
10 necessitate an investigation of
11 Rice himself."

12 Did you ever hear any conversations or
13 overhear any conversations in which it was discussed
14 that Patrick Rice should be investigated?

15 MR. ECKARD: Object to form.

16 THE DEPONENT: No.

17 BY MS. ROHN:

18 Q Were you ever made aware of the fact that
19 Mr. Sheraw, at the request of Mr. Sheen, had
20 obtained confidential Social Security and credit
21 information about Mr. Madan?

22 MR. ECKARD: Objection to the extent that
23 calls for privileged information.

24 MS. ROHN: What's privileged about
25 invading somebody's privacy?

1 MR. ECKARD: I mean to the extent that
2 you're asking about conversations between -- you've
3 already established that Albert Sheen was counsel to
4 VITELCO. I mean, to the extent that you've already
5 established that, and you're asking about
6 conversations that may or may not have gone on
7 between counsel and the client, I think that would
8 be privileged. Wouldn't it?

9 MS. ROHN: You know, conversations about
10 illegal acts are not privileged. And obtaining
11 someone's Social Security information and their
12 credit information was a crime. As seen in the
13 report where it says, for goodness sakes, don't give
14 this to anybody.

15 MR. RAMES: You're counsel for VITELCO.

16 MR. ECKARD: I mean counsel for VITELCO.

17 MS. ROHN: Crimes committed by an attorney
18 who has discussed --

19 MR. RAMES: I'm saying you're counsel to
20 VITELCO.

21 MR. ECKARD: Right.

22 MR. RAMES: Yeah. Okay.

23 BY MS. ROHN:

24 Q Sir, would you answer my question, please?

25 MR. ECKARD: Don't answer the question.

1 MS. ROHN: Can you certify that for me?

2 BY MS. ROHN:

3 Q On the page Bates stamped D 1134 -- which
4 is at the bottom of each page -- under "Credit,"
5 second paragraph:

6 "confidential personal credit check

7 was ordered on Jamshed Madan.

8 Report indicated no civil

9 litigation or bankruptcies

10 concerning subject; subject's

11 credit appears to be very good.

12 Report is attached.

13 "Caution: This report may not be

14 disseminated or released without

15 DRSI approval."

16 Were you ever aware that that information

17 about Mr. Madan had been acquired?

18 A I'm not aware of anything about Madan and

19 an investigation.

20 And, you know, just to help you out here, in

21 1990 I was just a lonely, old engineer. I had no

22 interactions with the Public Service Commission or

23 nothing involving, you know, rate or politics or anything

24 else.

25 Q And who would have been the management

1 person of VITELCO in that time period?

2 A In December 1990?

3 Q Uh-huh.

4 A I think you had co CEOs, Jeffrey Prosser
5 and Cornelius Prior; and Jack Basford, I think, was
6 the Vice President of Regulatory Affairs.

7 Q Do you know where Mr. Basford is now?

8 A I believe he's deceased.

9 Q I think so, too.

10 (Plaintiffs' Exhibit 6 marked for identification.)

11 BY MS. ROHN:

12 Q Exhibit 6. This is an article in the Avis
13 from July 25, 1999, in which there are certain
14 agreements made with the PSC, including that
15 Mr. Prosser will step aside as an officer of the
16 telephone company, and stop drawing a salary from
17 VITELCO within a year.

18 To your knowledge, did that occur?

19 A It did.

20 Q Then, also that VITELCO will limit
21 dividends to its Parent Company Atlantic
22 Tele-Network to 60 percent of net income.

23 To your knowledge, did that occur?

24 A I believe it did.

25 Q New capital will be injected into VITELCO

1 to bring it equity to 25 percent.

2 To your knowledge, did that occur?

3 A I believe the equity floor was met.

4 Q And, finally, all inner company loans,
5 investments made after Hurricane Hugo will be
6 repaid.

7 Were you aware whether or not that occurred?

8 A I believe it did.

9 Q Were you aware that those loans were to
10 Atlantic Tele-Network?

11 A I believe, yeah, vaguely.

12 Q Were you aware that a corporate jet was
13 purchased --

14 MR. ECKARD: Object to form.

15 BY MS. ROHN:

16 Q -- by Mr. Prosser and Mr. Prior?

17 A Somebody bought a jet; I don't know which
18 company or -- but, yes, there was a plane.

19 Q Did VITELCO ever pay for that plane?

20 A I don't know that I understand your
21 question.

22 Q Were funds from VITELCO used to purchase
23 that plane?

24 A I don't know. I don't think so, but I
25 honestly don't know.

1 Q Do you recall having conversations
2 concerning the fact that there was an intent to
3 attack the hiring of Georgetown Consulting because
4 it had not been done by competitive bidding?

5 MR. ECKARD: Object to form.

6 THE DEPONENT: I recall reading about that
7 in the press.

8 BY MS. ROHN:

9 Q Did you hear anything about that in any of
10 your conversations with Mr. Prosser?

11 A I don't believe so.

12 (Plaintiffs' Exhibit 10 marked for identification.)

13 BY MS. ROHN:

14 Q Exhibit 10. I think you have that.

15 MR. ECKARD: Did we have that yesterday?
16 I don't think we had that yesterday.

17 BY MS. ROHN:

18 Q This is an article from The Daily News
19 from July 25, 1999, about how VITELCO is going to go
20 public.

21 And if you look at the third paragraph in the
22 first column, it says:

23 "Most of the money will go to repay
24 \$17 million in loans VITELCO has
25 made to ATN in the past two years,

1 VITELCO Attorney Albert Sheen

2 said."

3 Does that refresh your recollection as to
4 whether or not there were a large amount of loans from
5 VITELCO to ATN?

6 A I said I had general knowledge. This
7 predates my becoming President, and I was very much
8 involved in Engineering and Operations, dial tone
9 issues before that, so...

10 (Plaintiffs' Exhibit 12 marked for identification.)

11 BY MS. ROHN:

12 Q Exhibit Number 12. If you go to the side,
13 "Order VITELCO official to testify" --

14 MR. ECKARD: Do we have the full article?

15 MS. ROHN: No. This was the only thing
16 that was preserved.

17 BY MS. ROHN:

18 Q "ordered VITELCO President
19 Jeffrey Prosser to appear today,
20 with records to answer both
21 questions from the Public Service
22 Commission. At issue is a PSC's
23 consultant's contention that
24 VITELCO had improperly transferred
25 some of its assets to Puerto Rico

1 TeleCom. It did this, Madan said,
2 by paying back \$9.47 million loaned
3 from VITELCO to its parent company,
4 Atlantic Tele-Network, by giving it
5 stock it says is worth an equal
6 amount. Puerto Rico TeleCom is
7 long-distance provider similar to
8 AT&T or the V.I. based CALLS."

9 Does that refresh your recollection as to
10 whether VITELCO loaned money to Atlantic Tele-Network
11 Inc., who then bought a Puerto Rico company?

12 A I remember these things taken place. I've
13 read a gazillion transcripts from PSC records over
14 the years, some of them years later, about some of
15 these proceedings. Again, I was not at all involved
16 in any of the financial aspects of VITELCO at this
17 time, unless it involved service or new engineering
18 projects, capital projects.

19 Q It says here:
20 "Between January 1989 and
21 March 31st, VITELCO loaned ATN
22 \$17 million. On May 13th and 14th,
23 according to VITELCO's financial
24 report, VITELCO converted
25 \$9.4 million of \$17 million to

1 Puerto Rico TeleCom stock."

2 You don't have any knowledge of that?

3 MR. ECKARD: Object to form.

4 THE DEPONENT: Yeah. At that time, I was
5 involved in a \$60 million rebuild of the plant
6 following Hurricane Hugo and was not at all involved
7 in any of this stuff.

8 BY MS. ROHN:

9 Q Were you aware of a time in which
10 Senator Donastorg issued press releases and
11 complaints to the -- and/or complaints to the PSC
12 that VITELCO was in violation of its EDC benefits?

13 MR. ECKARD: Object to form.

14 THE DEPONENT: I know Senator Donastorg
15 issued a number of press releases; I probably read
16 most of them at the time.

17 BY MS. ROHN:

18 Q Well, in fact, were you aware of the time
19 in which --

20 Well, first of all, were you aware of the
21 fact that a condition of the tax benefit was that
22 VITELCO hadn't maintained a certain number of
23 employees?

24 MR. ECKARD: Object to form.

25 THE DEPONENT: Yes.

1 BY MS. ROHN:

2 Q And were you aware that there came a
3 period of time where VITELCO fell below those
4 numbers of employees?

5 A Again, I wasn't in VITELCO at that time;
6 my recollection, I was at ATN, so I wasn't involved
7 in the day-to-day operations of VITELCO.

8 Q You were at where?

9 A Probably Encom, ICC, one of the -- I was
10 not working for VITELCO per se.

11 Q Did you have any knowledge of the efforts
12 to transfer employees from other subsidiaries to
13 VITELCO to make up for the deficiency in the number
14 of employees?

15 MR. ECKARD: Object to form.

16 THE DEPONENT: Restate the question,
17 please.

18 BY MS. ROHN:

19 Q Were you aware of discussions about
20 transferring employees from other subsidiaries to
21 VITELCO payroll to make up for the lack of
22 sufficient employees?

23 MR. ECKARD: Restate, object to form.

24 THE DEPONENT: I think there came a time
25 when I was aware that those allegations had been

1 made.

2 BY MS. ROHN:

3 Q Were you aware of whether or not there had
4 been transfers?

5 MR. ECKARD: Objection to form.

6 THE DEPONENT: There was a general
7 consolidation of the operations to cable TVs and
8 VITELCO companies. Again, I became involved in some
9 of that after the fact, and discussions with EDC in
10 trying to resolve the issues, but, again, it was
11 after the fact. I was not involved in any of the
12 activities as they took place. And I think there
13 was, you know, some issue in terms of where the
14 employees belonged, where they should be.

15 Q Were you aware of whether or not
16 Holland Redfield was transferred to the VITELCO
17 payroll as one of those employees?

18 MR. ECKARD: Object to form.

19 THE DEPONENT: I was not.

20 (Plaintiffs' Exhibit 32 marked for identification.)

21 BY MS. ROHN:

22 Q Exhibit 32, which you don't have a copy
23 of.

24 Were you aware of a flier that was put in the
25 VITELCO phone bills called the Blue Striper?

1 A Yes, I am.

2 Q And do you know how this was generated?

3 A How it is or was?

4 Q How it was generated.

5 A I guess it was internally generated.

6 Q Do you know or are you guessing?

7 A I think it was internally generated.

8 Q Who would have generated it?

9 MR. ECKARD: Object to form.

10 THE DEPONENT: I think back when it was
11 active, I think Mr. Basford was very involved in its
12 generation; something that he really liked,
13 something I got rid of.

14 (Plaintiffs' Exhibit 44 marked for identification.)

15 BY MS. ROHN:

16 Q Exhibit 44. Were you aware that there
17 came a time in 1998 where Riel Faulkner -- I forget
18 the other person's name -- filed a Complaint against
19 VITELCO with the PSC -- Lori Gilmore -- filed
20 complaints against the PSC for discriminating
21 against residential phone?

22 A Uh-huh.

23 Q Were you aware that as a result of those
24 complaints, Dennis Sheraw was hired to investigate
25 them?

1 MR. ECKARD: Object to form.

2 THE DEPONENT: Was?

3 BY MS. ROHN:

4 Q -- hired to investigate them?

5 A Who, the --

6 Q Riel Faulkner and Lori Gilmore.

7 A I was not aware of that.

8 Q Would you agree with me that discrediting
9 Senator Donastorg would have been good for VITELCO?

10 MR. ECKARD: Object to form; calls for
11 speculation.

12 BY MS. ROHN:

13 Q You can answer.

14 A Would I agree with you that discrediting?

15 Q -- Senator Donastorg would have been
16 beneficial to VITELCO?

17 A I would agree with you that discrediting
18 anybody that is issuing false and misleading or
19 incomplete information, and if the facts could be
20 properly stated, it would be beneficial to VITELCO.

21 Q And would you agree that if someone was
22 filing a complaint against VITELCO with the PSC,
23 that discrediting them would be good for VITELCO,
24 beneficial for VITELCO?

25 MR. ECKARD: Object to form; asks the

1 witness to answer a hypothetical, calls for
2 speculation.

3 BY MS. ROHN:

4 Q You can answer.

5 A I would agree if anybody files a complaint
6 with an administrative agency, it behooves the
7 company to understand the nature of the complaint
8 and what the facts are.

9 Q And who the person is and the facts about
10 that person; would that be correct?

11 MR. ECKARD: Object to form.

12 THE DEPONENT: Yeah, and what it's all
13 about. Yes.

14 BY MS. ROHN:

15 Q And would you agree with me that
16 discrediting Mr. Madan and Georgetown Consulting
17 Corporation would have been beneficial to VITELCO?

18 MR. ECKARD: Again, like the previous two
19 questions, I object; calls for speculation, asks the
20 witness to answer a hypothetical question.

21 BY MS. ROHN:

22 Q You can answer.

23 A Again, the consultant, Madan, before the
24 PSC, is an adversarial relationship between the
25 company. You know, he states his case and presents

1 his facts, and we counter with our set of facts and
2 our understanding of the issues. So...

3 Q If you could prove to the PSC that he had
4 engaged in activities that were questionable or
5 unethical, would that have been a benefit to
6 VITELCO?

7 MR. ECKARD: Again, object to the form of
8 the question; calls for speculation.

9 BY MS. ROHN:

10 Q You can answer.

11 A Yeah, if they're underlying facts that
12 something is not quite right, or some unethical
13 practices are taken place, or somebody's falsifying
14 information -- again, hypotheticals -- yes, it would
15 behoove the company to point those things out.

16 MS. ROHN: I have no further questions.

17 MR. RAMES: Nothing from this witness.

18 MR. ECKARD: Nothing for me from this
19 witness.

20 (Whereupon, the Deposition concluded at 4:27 P.M.)

21

-000-

22

23

24

25

JURAT

I, David Sharp, certify that I have read the foregoing transcript of my Deposition taken on Wednesday, September 15, 2010, and have signed it subject to the following changes:

PAGE LINE CORRECTION

Deponent

Date

JA002108

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: September 28, 2010



N. Antoinette Cérge, RPR/CSR

JA002109

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)
NORMA DURAN,)
Plaintiffs,) PAGES 1-86
vs.)
DAILY NEWS PUBLISHING CO., INC.,)
INNOVATIVE COMMUNICATION)
CORPORATION, JEFFREY PROSSER,)
LOWE DAVIS, HOLLAND "DYKE")
REDFIELD and VITELCO,)
Defendants.)
-----)

DEPOSITION OF WILLIAM BROWN

Date: Wednesday, December 17, 2008
Time: 2:15 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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ALSO PRESENT:

Josefina Donastorg
Benedicta Donastorg
Ella Duran
Adlah Donastorg, Sr.

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EXHIBITS

<u>PLAINTIFFS'</u>		<u>PAGE</u>
<u>NUMBER</u>	<u>DESCRIPTION</u>	
11	(Defendants' Exhibit) Voluntary Disclosure Pursuant to Rule 26 (not attached)	74
13	(Defendants' Exhibit) "V.I. backed boxing event called off. Future uncertain. No TV coverage scheduled despite promise when Donastorg got V.I. to appropriate \$300,000."	64
38	"The public's right to know"	59
104	"Sugar Ray Leonard to promote V.I. boxing match for ESPN2's Friday Night at the Fights"	64
128	"Setting the record straight"	71

1 ST. THOMAS, VIRGIN ISLANDS; WED., DECEMBER 17, 2008

2 9:46 A.M.

3 -000-

4 WILLIAM BROWN,

5 having been first duly sworn, was examined and

6 testified as follows:

7

EXAMINATION

02:15:18 8 BY MS. ROHN:

02:15:19 9 Q Good afternoon. My name is Lee Rohn. We
02:15:23 10 have met before on other depositions. I'm here to
02:15:25 11 take your deposition in the Donastorg versus Daily
02:15:27 12 News matter. I represent the Donastorgs.

02:15:30 13 Q Would you state your name for the record,
02:15:30 14 please.

02:15:31 15 A William Brown.

02:15:33 16 Q Mr. Brown, having had your deposition
02:15:33 17 taken before by me, do you need me to explain
02:15:38 18 anything about what a deposition is or any of the
02:15:40 19 procedures?

02:15:41 20 A I don't think so.

02:15:41 21 Q Okay. Where do you reside?

02:15:45 22 A Lerkenlund, Estate Lerkenlund.

02:15:47 23 Q What is your address?

02:15:48 24 A 1-17.

02:15:50 25 Q How long have you lived there?

02:15:53 1 A About four years.

02:15:54 2 Q Where did you live before that?

02:15:56 3 A Estate Fortuna.

02:15:59 4 Q What was the address?

02:16:00 5 A 11 Estate Fortuna.

02:16:01 6 Q How long did you live there?

02:16:03 7 A About four years.

02:16:04 8 Q And where did you live before that?

02:16:06 9 A Estate Elizabeth.

02:16:08 10 Q Address?

02:16:09 11 A I don't recall the exact physical.

02:16:11 12 Q When did you come to the Virgin Islands?

02:16:12 13 A '98.

02:16:16 14 Q And why did you come to the Virgin

02:16:17 15 Islands?

02:16:18 16 A I had a job with the *Daily News*.

02:16:19 17 Q Did you get the job before you came?

02:16:21 18 A Yes.

02:16:22 19 Q And how was it that you got that job?

02:16:26 20 A I had a friend down here who was an

02:16:28 21 attorney -- a prosecutor down here, who, when the

02:16:33 22 sale was occurring, I was in the States, working for

02:16:37 23 a newspaper, and I was looking to make a move, and

02:16:41 24 he seen that they were advertising for different

02:16:43 25 positions, so he said, you know, "Why don't you

02:16:46 1 float a resume down here?" So I did. A couple
02:16:49 2 months later I got a phone call, and one thing led
02:16:51 3 to another and I ended up down here.

02:16:54 4 Q All right. And who was that friend?

02:16:55 5 A I'm sorry?

02:16:56 6 Q Who was that friend?

02:16:58 7 A Gary Alizio (phonetic).

02:17:01 8 Q And after sending your resume, who did you
02:17:04 9 interview with?

02:17:05 10 A I interviewed on the phone with Mike
02:17:08 11 Middlesworth.

02:17:09 12 Q Now, you said "after the sale." Was that
02:17:15 13 after the sale from Gannett to Prosser?

02:17:18 14 A Yeah. I mean, I'm not sure when they
02:17:19 15 started advertising, the exact time, but it was in
02:17:23 16 early 1998.

02:17:25 17 Q Sorry. I didn't mean to interrupt you.

02:17:28 18 A Yeah. I got down here, I think, in March
02:17:30 19 of 1998, so the time exactly before that I'm not
02:17:33 20 exactly sure.

02:17:34 21 Q All right. And when you started, was
02:17:38 22 Penny Feuerzeig still the editor?

02:17:41 23 A Yes.

02:17:43 24 Q And what was your initial occupation at
02:17:45 25 the *Daily News*?

02:17:46 1 A My exact title, I guess it was just
02:17:50 2 editor. I was originally brought down to start up a
02:17:53 3 tourist publication that we were starting, and I
02:17:58 4 spent the first year and a half -- almost two
02:18:02 5 years -- working with that in one form or another.
02:18:03 6 First few months we were developing, and then there
02:18:07 7 was an inside section called "Island Delights,"
02:18:08 8 which kind of still exists in some form or another.
02:18:12 9 It just had, like, you know, clubs and places to go,
02:18:17 10 that kind of stuff.

02:18:20 11 Q So you were editing those publications?

02:18:22 12 A Yes.

02:18:26 13 Q And how long did you edit those
02:18:28 14 publications?

02:18:30 15 A Timing, I'm not exact on. Probably -- we
02:18:36 16 switched things up sometime after Lowe came on --
02:18:39 17 Lowe Davis came on. And I had been doing
02:18:43 18 exclusively the *Virgin Islander*, which was the paper
02:18:48 19 we put together, which was mostly just wire copy,
02:18:53 20 had no local news section; the only local aspect was
02:18:57 21 the insert, which had the arts and entertainment
02:19:01 22 stuff.

02:19:02 23 At some point, probably around 2000 -- I'm
02:19:05 24 guessing -- as I said, the timing might be off -- we
02:19:09 25 started doing lifts of the wire section, so we

02:19:14 1 weren't doing twice the work. We had a wire editor
02:19:17 2 that was doing, like, AP stories, national,
02:19:21 3 international news for the *Daily News* newspaper,
02:19:24 4 while, at the same time, I was choosing stories for
02:19:26 5 the one that was targeting the tourist market. So
02:19:29 6 we combined that, and I started doing all the wire
02:19:32 7 work for the *Daily News* as well as pulling together
02:19:35 8 the *Virgin Islander* on a daily basis.

02:19:37 9 Q And how long did you do that?

02:19:40 10 A I think it was probably sometime in 2000
02:19:46 11 that I moved over to local. Again, I'm not exactly
02:19:49 12 sure on the timing; could have been 2001.

02:19:52 13 Q And meaning, "I moved over to local," you
02:19:56 14 mean doing the actual *Daily News* sold to locals at
02:19:58 15 the --

02:19:58 16 A Yeah, I started working with the local
02:20:00 17 news desk, working on local stories.

02:20:04 18 Q And were you a reporter or an editor?

02:20:06 19 A An editor.

02:20:09 20 Q What is your experience and background to
02:20:13 21 be an editor?

02:20:15 22 A Prior to being at the *Daily News*, I was
02:20:17 23 the managing editor of *Suburban Trends* in --

02:20:21 24 Q *Suburban Trends*?

02:20:22 25 A Trends.

02:20:23 1 Q And where was that out of?

02:20:24 2 A It was in Butler, New Jersey.

02:20:26 3 Q And what was its circulation?

02:20:29 4 A I think it was something around -- God --

02:20:31 5 maybe 20,000. It was twice a week; 20,000 Wednesday

02:20:38 6 and, say, 35- -- and you can't hold me to that; it

02:20:41 7 was a long time ago. I'm not sure about the exact

02:20:45 8 circulation -- and Sundays. It was a Wednesday and

02:20:46 9 Sunday paper.

02:20:48 10 Q And what other qualifications did you

02:20:49 11 have?

02:20:50 12 A I was managing editor there for a year and

02:20:52 13 a half or so. Before that I was the news editor. I

02:20:56 14 worked my way up from being a reporter at that

02:20:58 15 newspaper. That was about a five-and-a-half --

02:21:03 16 Q How long were you a news editor?

02:21:06 17 A Probably about a year, year and a half.

02:21:08 18 Q So you had about four years of experience

02:21:10 19 as an editor when you came to the *Daily News*?

02:21:12 20 A Give or take, yeah, three, four. I'm not

02:21:15 21 exactly sure. I mean, I could have brought my

02:21:17 22 resume, but...

02:21:19 23 Q Other than working your way up to being an

02:21:20 24 editor or being an editor, did you have any other

02:21:23 25 qualifications as an editor?

02:21:26 1 A I've been a reporter for a number of years
02:21:28 2 before that.

02:21:29 3 Q All with the same paper?

02:21:31 4 A No. I was a reporter for about a year
02:21:34 5 with *Suburban Trends*; then I started doing copy
02:21:37 6 editing work for them prior to becoming a news
02:21:40 7 editor, and then I was promoted to managing editor.

02:21:43 8 Q Had you ever been a reporter for anybody
02:21:45 9 besides *Surburban Trends*?

02:21:46 10 A Yeah. I worked for the *Worcester Telegram*
02:21:48 11 *and Gazette*.

02:21:58 12 Q And where is that out of?

02:22:01 13 A Worcester, Massachusetts.

02:22:03 14 Q How long were you a reporter for them?

02:22:04 15 A I was a contract stringer, and I had two
02:22:07 16 towns that I did political coverage for about a year
02:22:12 17 and a half, year and a half to two years.

02:22:16 18 Q Anyplace else you've ever been reporting?

02:22:19 19 A Yeah. I was a sportswriter at the same
02:22:21 20 time for the *Auburn News*, which was a weekly
02:22:24 21 newspaper.

02:22:27 22 Q Anyplace else you worked as a reporter?

02:22:30 23 A No. That covers it.

02:22:31 24 Q Okay. So in 2000 you became the News Desk
02:22:39 25 Editor?

02:22:40 1 A I'm the City Editor.

02:22:42 2 Q City Editor for the *Daily News*?

02:22:43 3 A Yes.

02:22:44 4 Q Okay. And how long did you remain the

02:22:46 5 City Editor for the *Daily News*?

02:22:47 6 A Until present.

02:22:48 7 Q Who do you --

02:22:49 8 A And the exact time of that, 2000, 2001.

02:22:52 9 I'm not exactly sure; I'd have to look it up.

02:22:56 10 Q Who do you report to?

02:22:58 11 A Lowe Davis. I mean, different times Lowe

02:23:00 12 Davis and Jason Robbins have been my superiors.

02:23:11 13 Q How would you describe your relationship

02:23:13 14 with Lowe Davis?

02:23:14 15 A We have a good relationship.

02:23:15 16 Q Are you friends?

02:23:16 17 A We have a good working relationship. We

02:23:17 18 don't socialize.

02:23:23 19 Q What did you do to prepare for your

02:23:25 20 deposition?

02:23:25 21 A Not a thing. I wasn't exactly sure what

02:23:27 22 the case was about, to be honest, before I came

02:23:31 23 down.

02:23:31 24 Q When did you first realize that there was

02:23:33 25 a case involving the Donastorg family against the

02:23:37 1 *Daily News?*

02:23:39 2 A The first -- for this current deposition?

02:23:42 3 Q No. When did you first realize that such

02:23:45 4 a case existed?

02:23:46 5 A I don't know.

02:23:46 6 Q Well, did you edit the story about the

02:23:49 7 fact that Donastorg had sued the *Daily News*?

02:23:51 8 A No. I don't think so.

02:23:52 9 Q Do you read your own newspaper or --

02:23:54 10 A I'm sure I read it.

02:23:55 11 When was that story?

02:23:57 12 Q Fortunately, sir, I get to ask questions,

02:24:00 13 you don't.

02:24:00 14 A Okay. Fair enough.

02:24:02 15 Q Do you read the stories in the paper?

02:24:04 16 A Yeah.

02:24:06 17 Q Now, what do you edit?

02:24:09 18 A Local news copy, sports copy, sometimes

02:24:13 19 special sections; depending what needs to be done.

02:24:16 20 But generally my job, day-to-day basis is the local

02:24:19 21 news copy.

02:24:20 22 Q You work seven days a week?

02:24:22 23 A No, I work five days a week, sometimes

02:24:24 24 six.

02:24:28 25 Q And how is it determined which stories you

02:24:30 1 would edit?

02:24:31 2 A Any number of factors; how busy the day
02:24:36 3 is. Oftentimes if it's a real complicated story, a
02:24:44 4 PSC story, GERS, I'll say, you know, I want to make
02:24:50 5 sure that I look at this first.

02:24:53 6 I don't necessarily read every story that
02:24:56 7 goes in, but if there are ones that I want to see,
02:25:00 8 I'll definitely see them.

02:25:04 9 Q And what does "how busy the day is" have
02:25:08 10 to do with deciding which stories you'll edit?

02:25:12 11 A Well, it would mean that -- like, I would
02:25:13 12 try and read everything unless there was something
02:25:16 13 precluding me from doing that.

02:25:19 14 Q What time do you generally begin editing
02:25:22 15 stories?

02:25:27 16 A Probably around 5:00, 6:00 o'clock.

02:25:29 17 Q And when do you come to work?

02:25:30 18 A Between 1:00 to 2:00.

02:25:33 19 Q And how late do you generally edit
02:25:37 20 stories?

02:25:38 21 A Again, it depends on the day; average,
02:25:40 22 probably midnight.

02:25:45 23 Q Now, if you edit a story, is that it, or
02:25:51 24 does somebody edit the story after you?

02:25:53 25 A No, it goes through a process. Regardless

02:27:57 1 working on, special projects.

02:27:59 2 I'm not necessarily involved in -- she's
02:28:03 3 very involved with working on news stories as well
02:28:09 4 with reporters; both of us interact with them. So
02:28:13 5 if it's something that she's been working on, she
02:28:15 6 will first read it -- she may want to first read a
02:28:18 7 story and say, "I got this one," and I'll second
02:28:21 8 read it after she first reads it.

02:28:23 9 Q What occurs on a first read?

02:28:25 10 A It's a first edit. It questions -- I
02:28:27 11 mean, it's nothing different than would happen on a
02:28:31 12 second read if the editor had questions. It's the
02:28:34 13 first time the editor is looking at the story and
02:28:37 14 looking for any problems there might be with it.

02:28:41 15 Q Are reporters usually present on a first
02:28:44 16 read or first edit?

02:28:45 17 A Not always. It's --

02:28:46 18 Q Are they usually present?

02:28:55 19 A Again, it depends. It depends on the
02:28:58 20 story. It depends on timing issues. So it's
02:29:01 21 60 percent of the time? I don't know. I can't
02:29:04 22 really --

02:29:05 23 Q 60 percent of the time what?

02:29:07 24 A If it's a difficult story, then the
02:29:09 25 reporter is going to be there and be available for

02:29:14 1 questions. I mean, if I'm reading something and
02:29:16 2 there's something for me to look at -- if the
02:29:17 3 story's going to have a lot of moving parts to it,
02:29:22 4 I'm going to want to be able to get in touch with
02:29:24 5 it. If they have to go, I have to be able to get in
02:29:26 6 touch with them by phone. "Okay. Listen, I'm not
02:29:29 7 going to get to this for an hour or two hours, but
02:29:31 8 I'll call you if I have any questions." So...

02:29:35 9 Q And what's the difference between the
02:29:36 10 first edit and the second edit?

02:29:38 11 A It's just rawer, I would guess.

02:29:42 12 Q Sir, you do it. Why are you guessing?

02:29:44 13 A Hopefully, most of the questions are
02:29:46 14 answered through the first read, the first edit, but
02:29:50 15 that doesn't mean that another editor might look at
02:29:53 16 something and say, "Hey, I think we need to ask
02:29:58 17 something about this."

02:29:59 18 Q Is it always a different editor from the
02:30:02 19 first read to the second read?

02:30:04 20 A Yeah.

02:30:05 21 Q So if you did the first read on one of
02:30:05 22 them, it would be Lowe that would do the second
02:30:08 23 read?

02:30:09 24 A Not necessarily.

02:30:09 25 Q And who decides you and Lowe would do the

02:30:11 1 reading?

02:30:13 2 A Currently?

02:30:14 3 Q Let's say when you started in 2000.

02:30:17 4 A I honestly can't remember what the copy

02:30:18 5 desk makeup was at that time. I mean, there's a

02:30:21 6 number of copy editors and there's been — you know,

02:30:25 7 if we're talking back to 2001, there's been all

02:30:28 8 kinds of turnovers on that desk. So...

02:30:31 9 Q Okay. Who presently?

02:30:35 10 A Jim Allison, Curtis Walcott. We have a

02:30:39 11 new editor who's just arrived, Steven Cheswick. It

02:30:44 12 could be -- there's any number of -- depending on,

02:30:49 13 like, if I read something, then it would be one of

02:30:51 14 those guys. It would be Lowe that's reading it.

02:30:54 15 Jason Robbins doesn't; he's not involved in the

02:30:58 16 editorial content at this point, but, you know, over

02:31:03 17 the years he had been involved in local copy as

02:31:06 18 well. So it could be any number of editors.

02:31:09 19 Q Why is Jason Robbins involved in that?

02:31:12 20 A He's the publisher.

02:31:13 21 Q So what does he do?

02:31:14 22 A He's more concerned on the business end of

02:31:16 23 things and editorial aspect at this time.

02:31:28 24 Q Is there some new publication that's

02:31:30 25 coming out?

02:31:31 1 A At our newspaper?

02:31:31 2 Q Uh-huh.

02:31:32 3 A We're revamping our weekend section.

02:31:35 4 That's the only thing that I'm aware of.

02:31:38 5 Q Is that taking a lot of time or is that

02:31:40 6 just a revamp?

02:31:41 7 A I'm not involved in it, so I really don't

02:31:42 8 know.

02:31:43 9 Q Who is involved in that?

02:31:44 10 A I know Lowe and Steven's working on it. I

02:31:47 11 know that there's been meetings with the features

02:31:49 12 editor, and features reporter. I know they have

02:31:54 13 been coordinating with the Advertising Department,

02:31:58 14 but I have no idea -- I know there's been quite a

02:32:02 15 few meetings. I just haven't been involved in it at

02:32:05 16 all.

02:32:06 17 Q Now, you were present at the *Daily News*

02:32:08 18 when Penny Feuerzeig resigned?

02:32:10 19 A Yes.

02:32:11 20 Q Did you have any conversations with

02:32:13 21 Ms. Feuerzeig about her resignation?

02:32:16 22 A No.

02:32:16 23 Q Did you have any conversations with

02:32:18 24 anybody from the *Daily News* about her resignation?

02:32:21 25 A No.

02:32:22 1 Q Are you aware of the reason she resigned?

02:32:27 2 A I think after the fact I became aware
02:32:28 3 there was some editorial difference of opinion; I
02:32:33 4 wasn't even sure what it was. I was fairly new when
02:32:37 5 all that happened, and I wasn't -- 'cause I was
02:32:39 6 doing my own publication at the time.

02:32:46 7 I answered to Penny, but I answered to
02:32:48 8 Mike Middlesworth most of the time. I'm a little
02:32:52 9 foggy on how all the transition happened. But Penny
02:32:56 10 was not there for a long period of time after I got
02:32:58 11 there, my recollection is.

02:33:03 12 Q I'm sorry. I didn't understand that
02:33:05 13 answer.

02:33:06 14 A My recollection is Penny was not there for
02:33:08 15 a long time after I arrived; it was a short period
02:33:11 16 of time that she was still there as the Executive
02:33:14 17 Editor, I think, was her title.

02:33:16 18 Q Do you recall how long it was after Penny
02:33:18 19 left that Ms. Davis arrived?

02:33:21 20 A I don't recall specifically, no.

02:33:22 21 Q More or less than a year?

02:33:23 22 A I think it was less than a year, yeah. It
02:33:26 23 was -- I recall there was a transition period
02:33:30 24 between when she left and when Lowe came in. I
02:33:33 25 think Mike was the only one who was there at that

02:33:35 1 time, but I'm not sure how long a period of time
02:33:38 2 that was.

02:33:43 3 Q Had you noticed a change in the newspaper
02:33:45 4 since Penny Feuerzeig left?

02:33:47 5 A No. I mean, it's pretty much my starting
02:33:53 6 there. As I said, I think she was only there for a
02:33:55 7 short period of time after I arrived. And it was
02:34:01 8 some time after that that I really got involved in
02:34:03 9 the local news, because I was concerned with the
02:34:06 10 publication that I was putting together. So...

02:34:08 11 Q From the time that you had been at the
02:34:10 12 newspaper, who do you understand had been writing
02:34:13 13 the editorials?

02:34:17 14 A For most of the time I've been there, my
02:34:19 15 understanding was that they were coming out of -- Ed
02:34:22 16 Crouch was writing them in West Palm.

02:34:28 17 Q Were you ever informed that Jeffrey
02:34:29 18 Prosser was writing editorials?

02:34:31 19 A No.

02:34:32 20 Q Were you ever informed that the editorial
02:34:34 21 that Ms. Feuerzeig had resigned over was written by
02:34:37 22 Jeffrey Prosser?

02:34:37 23 A No.

02:34:38 24 Q Do you know one way or another whether or
02:34:40 25 not he writes editorials?

02:34:41 1 A Prosser? My understanding was Crouch did
02:34:44 2 the editorials.

02:34:45 3 Q Do you have any -- are you able to say
02:34:47 4 under oath that Mr. Prosser didn't write editorials
02:34:50 5 and give them to Mr. Crouch?

02:34:53 6 MR. RAMES: Object to form.

02:34:54 7 THE DEPONENT: I'm sorry?

02:34:55 8 MR. RAMES: Go ahead and answer.

02:34:56 9 THE DEPONENT: Oh.

02:34:56 10 MR. RAMES: Just for the record.

02:34:57 11 THE DEPONENT: I have no knowledge of
02:34:59 12 that.

02:34:59 13 BY MS. ROHN:

02:34:59 14 Q Why is it your understanding that
02:35:01 15 Mr. Crouch was writing editorials for the *Daily*
02:35:03 16 *News*?

02:35:05 17 A I don't know why. I don't have an
02:35:06 18 understanding.

02:35:07 19 Q How did you get the understanding that
02:35:08 20 Mr. Crouch was writing stories for the *Daily News*?

02:35:11 21 MR. RAMES: Objection to form. He
02:35:11 22 wasn't writing stories.

02:35:16 23 BY MS. ROHN:

02:35:16 24 Q -- or writing editorials?

02:35:18 25 A I don't recall.

02:35:18 1 Q Did you ever talk to Mr. Crouch about it?

02:35:20 2 A No. I think I only met Ed Crouch once,
02:35:23 3 and that was when I first got on the island.

02:35:25 4 Q And what was the circumstances that you
02:35:27 5 met him?

02:35:28 6 A I had lunch with him and Mike
02:35:31 7 Middlesworth.

02:35:31 8 Q And why were you having lunch with
02:35:33 9 Ed Crouch?

02:35:33 10 A 'Cause I had just come onboard.

02:35:36 11 Q What was his position with the Daily News
02:35:37 12 that would cause you to have lunch with him?

02:35:39 13 A I don't recall what his job title was.

02:35:41 14 Q Okay. Well, did you discuss *Daily News*
02:35:44 15 business with him at the lunch?

02:35:46 16 A We talked about the paper that I was going
02:35:49 17 to be putting together.

02:35:52 18 Q Do you know who Mr. Crouch was employed
02:35:55 19 by?

02:35:55 20 A Yes.

02:35:56 21 Q And how did you know that?

02:35:59 22 A Don't really know how I knew that, but I
02:36:02 23 knew that he worked for Prosser. I forget what his
02:36:07 24 title was.

02:36:09 25 Q Did you ever, as a newspaper person, think

02:36:12 1 that it was strange that the person writing the
02:36:16 2 editorials worked for Prosser?

02:36:18 3 A No, because Prosser owned the paper, and
02:36:21 4 that was his -- the editorial page is his space,
02:36:27 5 basically, to, you know, put his opinions forward.

02:36:31 6 Q How often would you see -- well, I think
02:36:33 7 you said you only saw him once.

02:36:34 8 Did you ever see Mr. Crouch in the
02:36:36 9 newsroom?

02:36:38 10 A I don't recall how long and if Ed was
02:36:41 11 around when I first got -- I know we met for lunch.
02:36:45 12 And I don't recall if I -- I think I've only met him
02:36:51 13 once; I think it was only that lunch.

02:36:53 14 Q Well, that is not my question.

02:36:54 15 Have you ever seen him in the newsroom?

02:36:57 16 A I don't recall seeing him in the newsroom.

02:36:58 17 Q Did you ever see Mr. Prosser?

02:37:02 18 A Twice, I believe, he's been to the paper
02:37:04 19 to address the staff.

02:37:09 20 Q Can you recall the first time?

02:37:10 21 A I don't recall the dates. I think it was
02:37:12 22 after some award we had gotten or something.

02:37:16 23 Q And how about the second time?

02:37:19 24 A I don't recall.

02:37:19 25 Q Well, what was the nature of what he said

02:37:21 1 when he came?

02:37:23 2 A I think both times it was like a
02:37:25 3 congratulatory thing. The whole staff was in the
02:37:29 4 conference room.

02:37:32 5 Q Who decides what stories are going to
02:37:35 6 appear in the paper?

02:37:43 7 A Collaboratively the editors do. I mean,
02:37:45 8 final say, over the time that I've been there, would
02:37:48 9 be with Jason and with Lowe.

02:37:52 10 We have a daily meeting where we look at,
02:37:55 11 you know, what's transpired during the day, what's
02:37:59 12 still pending, what may or may not make it, what
02:38:03 13 stories may -- we may be getting later in the day,
02:38:08 14 and we try and plan out the paper from that end,
02:38:11 15 from that.

02:38:11 16 Q And when does that meeting take place?

02:38:14 17 A 5:00, 5:30 every day.

02:38:17 18 Q And who attends that meeting?

02:38:19 19 A The copy editors, Lowe, myself, and Jason.
02:38:29 20 Jason, not so -- as I said, he's been transitioning
02:38:34 21 out, doing more business things; that's a recent
02:38:37 22 change. But, you know, over the time period we're
02:38:40 23 talking about, those were the people involved.

02:38:42 24 Q Okay. Was Ariel Melchoir an editor?

02:38:47 25 A He was a publisher.

02:38:51 1 Q Did he ever attend any of those meetings?

02:38:53 2 A No, not that I recall. I mean, it may
02:38:58 3 have been one or two, but I actually don't recall
02:38:59 4 seeing him at those.

02:39:02 5 Q Were there certain topics that it became
02:39:05 6 known that stories were not going to be done?

02:39:10 7 A Not to my knowledge, no.

02:39:11 8 Q Well, how about stories that were adverse
02:39:14 9 to Mr. Prosser and any of his companies?

02:39:17 10 A Not to my knowledge.

02:39:18 11 Q So is there a reason that when the *Avis*
02:39:23 12 was doing stories on the fact that Mr. Prosser was
02:39:26 13 being sued, the *Daily News* didn't print those
02:39:29 14 stories?

02:39:30 15 MR. RAMES: Object to form.

02:39:31 16 THE DEPONENT: I can't speak to what
02:39:32 17 the *Avis* did.

02:39:33 18 BY MS. ROHN:

02:39:33 19 Q Well, don't you look at the *Avis* paper for
02:39:36 20 ideas for stories, just like the *Avis* looks at
02:39:39 21 yours?

02:39:40 22 A Actually, not very often, no.

02:39:41 23 Q You don't read the *Avis* to see if there's
02:39:44 24 a story that you missed?

02:39:46 25 A I read the *Avis* when I hear they have

02:39:48 1 something that I need to be aware of, you know, if
02:39:51 2 we're behind on something, but I don't follow the
02:39:55 3 *Avis*.

02:39:55 4 Q Well, how would someone tell you that
02:39:58 5 there's something in the *Avis* you need to be aware
02:40:00 6 of? Who would that person be?

02:40:03 7 A I don't know.

02:40:05 8 Q Are you telling me that as a newsperson on
02:40:07 9 the editor's desk, planning stories, you don't
02:40:10 10 review the other newspapers to see if there's a
02:40:12 11 story you missed?

02:40:14 12 MR. RAMES: Object to form.

02:40:14 13 THE DEPONENT: If there was
02:40:15 14 something -- someone would bring it to my
02:40:18 15 attention, but I don't bother reading the *Avis* on
02:40:20 16 a daily basis.

02:40:22 17 BY MS. ROHN:

02:40:22 18 Q Well, who would be the people that would
02:40:24 19 bring it to your attention?

02:40:25 20 A It could be anyone. It could be a
02:40:27 21 reporter; it could be someone calling me on the
02:40:29 22 phone about it.

02:40:30 23 Q Is there a reason that when Jeffrey
02:40:32 24 Prosser filed for bankruptcy, the *Daily News* didn't
02:40:34 25 cover that story?

02:40:36 1 MR. CRIAG: Object to form.

02:40:36 2 THE DEPONENT: I believe we covered the

02:40:37 3 bankruptcy.

02:40:39 4 BY MS. ROHN:

02:40:39 5 Q Uh-huh. About a week afterwards. Is

02:40:41 6 there a reason you were that late?

02:40:43 7 MR. RAMES: Object to form.

02:40:43 8 THE DEPONENT: I don't recall the

02:40:44 9 reason.

02:40:45 10 BY MS. ROHN:

02:40:46 11 Q Is there a -- well, let me stop there.

02:40:52 12 MS. ROHN: You have listed -- Kevin,

02:40:54 13 you have listed Mr. Brown on Rule 26, but given

02:40:58 14 me no Rule 26 information as to the scope of the

02:41:00 15 information that you think that Mr. Brown has.

02:41:03 16 Would you proffer for me what you think

02:41:04 17 Mr. Brown has that's caused you to list him as a

02:41:07 18 Rule 26 witness?

02:41:19 19 MR. RAMES: I think it is reasonable to

02:41:21 20 presume that Mr. Brown has edited stories that

02:41:25 21 were discussed during Mr. Donastorg's deposition.

02:41:37 22 MS. ROHN: Well, great.

02:41:38 23 Any other reason he's been listed as a witness?

02:41:47 24 MR. RAMES: Mr. Brown can refute the

02:41:52 25 contention that Mr. Donastorg is the subject of

02:41:59 1 conversation in the newsroom and is the subject
02:42:01 2 of any anonymity or other special treatment at
02:42:07 3 the *Daily News*.

02:42:12 4 BY MS. ROHN:

02:42:13 5 Q All right. Mr. Brown, why don't you tell
02:42:14 6 me, first of all, how the newsroom is organized.

02:42:19 7 A Currently, there's -- and it's pretty much
02:42:21 8 followed this. It's just been changed around,
02:42:24 9 different configurations, different areas of the
02:42:26 10 newsroom, but certainly there's an area where the
02:42:30 11 news reporters are all -- their cubes are all in the
02:42:34 12 general area. My desk is in that area, then there's
02:42:38 13 a copy desk area, then there's usually always been
02:42:44 14 an area where all the features editors are, and then
02:42:48 15 there's the calendaring and stuff like that; but for
02:42:53 16 the news area, the news reporters, copy desk area,
02:42:56 17 and then features, and other support area.

02:43:00 18 Q And how large is that big bullpen room?

02:43:04 19 A Oh, God. I'm terrible with spaces. I
02:43:07 20 don't know. For just for the news reporters?

02:43:11 21 Q Uh-huh.

02:43:12 22 MR. RAMES: 60 by 60.

02:43:12 23 THE DEPONENT: 60 by 60?

02:43:21 24 MS. ROHN: Kevin, you can't answer
02:43:22 25 that.

02:43:24 1 THE DEPONENT: I'm trying to think. It
02:43:25 2 sounds a little --
02:43:25 3 MR. RAMES: I'm just spacing it out in
02:43:27 4 my head.
02:43:28 5 THE DEPONENT: 50 by 50, somewhere
02:43:30 6 around there probably.
02:43:31 7 BY MS. ROHN:
02:43:31 8 Q And your office is in there?
02:43:33 9 A I have a cubical.
02:43:34 10 Q Did you know Will Jones?
02:43:36 11 A Yeah. I don't know him well.
02:43:40 12 Q What do you mean you have a cubical?
02:43:42 13 A I have a cubed-in area work station. It's
02:43:47 14 not a -- it's not an office with four walls and a
02:43:50 15 door.
02:43:50 16 Q It is or it is not?
02:43:52 17 A It is not.
02:43:52 18 Q So do the walls go up to the ceiling?
02:43:54 19 A No.
02:43:59 20 Q When you say you knew Will Jones, did you
02:44:01 21 work with him?
02:44:03 22 A I believe when he worked there, I was
02:44:06 23 still doing the -- or at least when he worked on
02:44:10 24 St. Thomas, I was still doing the tourist newspaper,
02:44:15 25 so I didn't really interact with him that much.

02:44:20 1 Q Did you know him to be an editor?

02:44:23 2 A Yeah. I'm not sure what his title was. I

02:44:25 3 think he was a -- I think he had a role similar to

02:44:28 4 mine as a -- I don't know if his title was city

02:44:32 5 editor or -- I'm not sure what his title was, but I

02:44:36 6 know that he worked with the local news reporters.

02:44:39 7 Q Did you ever have any conversations with

02:44:42 8 Mr. Jones in which he told you he had been offered

02:44:46 9 bonuses to write negative stories about

02:44:48 10 Senator Donastorg?

02:44:49 11 A No.

02:44:49 12 Q Did you know Lance Rake?

02:44:54 13 A No.

02:45:06 14 Q Do you know Tim McDonald?

02:45:08 15 A Yeah.

02:45:08 16 Q And how do you know Tim McDonald?

02:45:10 17 A Tim was a sportswriter for us.

02:45:17 18 Q Did you ever become aware of the fact that

02:45:20 19 Mr. McDonald was upset about editing of a story he

02:45:27 20 wrote about a boxing match?

02:45:29 21 A I was aware that he had some concerns

02:45:32 22 about it, and I told him that he should work

02:45:38 23 closely -- Lowe was doing the editing on that. I

02:45:41 24 told him he should work closely with her about --

02:45:44 25 you know, voice whatever concerns that he had.

02:45:48 1 That's the extent of my comments on the boxing
02:45:52 2 story.

02:45:52 3 Q You hadn't done any reading on that story?

02:45:54 4 A I don't think so.

02:45:54 5 Q How did that come about?

02:45:59 6 A I don't recall. I mean, I could have been
02:46:00 7 busy doing something else. Generally, after a story
02:46:04 8 has gone through a first read, then it's gotten
02:46:09 9 major edits from one of the front-line readers,
02:46:13 10 which, at that time, would have been myself, would
02:46:15 11 have been Lowe, would have been Jason. So it's gone
02:46:19 12 through that; then the copy desk, they can jump on
02:46:25 13 it as soon as it gets to that status.

02:46:28 14 Q Were you aware that he was upset because
02:46:31 15 his original story did not have any references to
02:46:37 16 Senator Donastorg, and the story, as printed,
02:46:39 17 claimed that Senator Donastorg had pushed through
02:46:43 18 legislation to get money for the fight?

02:46:46 19 MR. RAMES: Objection to form.

02:46:49 20 THE DEPONENT: Answer?

02:46:49 21 BY MS. ROHN:

02:46:50 22 Q Yes.

02:46:51 23 A I don't recall the specifics of the
02:46:53 24 conversation, but I think -- I recall he was
02:46:56 25 concerned about the fact that the money for the

02:47:03 1 boxing was becoming an issue in the story. And I
02:47:08 2 think I explained to him that that would be a major
02:47:11 3 issue.

02:47:12 4 It's one of the main things you always
02:47:14 5 have to look at, is how is something being funded.
02:47:17 6 And I told him, I think, at that point, that, you
02:47:21 7 know, he should work with Lowe about the specifics.
02:47:26 8 You know, I didn't have all the details of the
02:47:29 9 funding or -- I wasn't working the story with him.
02:47:32 10 But I think he expressed some concern to me, and I
02:47:36 11 said, you know, "Well, Tim, how something is funded,
02:47:40 12 it's definitely a priority issue when we're talking
02:47:43 13 about something like putting on a boxing event. You
02:47:47 14 know, anything, when we're talking about spending
02:47:49 15 government money. And you should work with Lowe
02:47:51 16 about how to present it in the story."

02:47:54 17 Q Do you know Marilyn Bailey?

02:47:56 18 A Yeah.

02:47:56 19 Q And how do you know Marilyn Bailey?

02:47:58 20 A She's been -- well, she's been there, I
02:48:00 21 think, the entire time I was with the paper, you
02:48:02 22 know, different roles. I think she was the -- when
02:48:06 23 I first got there, she was the news editor. I'm not
02:48:10 24 sure about the title, but she was working the night
02:48:13 25 desk. And she's been managing editor, working with

02:48:26 1 putting together the editorial pages for a number of
02:48:29 2 years. I don't know how many years that's been.

02:48:34 3 Q Is she with the paper?

02:48:37 4 A No. She's just recently laid off with the
02:48:41 5 layoffs we had last week.

02:48:43 6 Q You had layoffs last week?

02:48:45 7 A Yes.

02:48:45 8 Q And how many people were laid off last
02:48:52 9 week.

02:48:52 10 A Ten people.

02:48:53 11 Q Besides Marilyn Bailey, who else was laid
02:48:55 12 off?

02:48:56 13 A Norma Gomez. That's out of the news area.
02:49:01 14 I believe there was two people in the press room --
02:49:05 15 I haven't seen the full list. I think it was two
02:49:08 16 people in the press room, a couple people in
02:49:10 17 Creative Services; I think it was a couple people in
02:49:13 18 Accounting. But I don't have a complete list.

02:49:16 19 Q Norma Gomez is Mr. Melchoir's sister?

02:49:24 20 A Yeah. I believe so.

02:49:25 21 Q Do you know where Ms. Marilyn Bailey
02:49:27 22 lives?

02:49:28 23 A No.

02:49:28 24 Q Never been to her house?

02:49:29 25 A No.

02:49:30 1 Q Do you think that there are people at the
02:49:32 2 *Daily News* that know where she lives?
02:49:34 3 MR. RAMES: Objection to form.
02:49:35 4 MS. ROHN: Noted.
02:49:36 5 THE DEPONENT: I'm sure there are.
02:49:39 6 BY MS. ROHN:
02:49:42 7 Q What was her relationship to Lowe Davis?
02:49:46 8 A I really can't speak to that.
02:49:49 9 Q Well, did they look like friends or not?
02:49:55 10 A I can't speculate. I mean, I've seen them
02:49:58 11 working together. I've seen them talking about
02:50:01 12 issues about the, you know, letters or comics -- I
02:50:09 13 mean, cartoons on the editorial page, but I'm not
02:50:12 14 involved in their conversations, so I don't know,
02:50:15 15 you know, really, how they interact. But they seem
02:50:18 16 pleasant. I never really saw any kind of animosity.
02:50:22 17 Q Do you know why Marilyn Bailey was
02:50:26 18 selected as one of the people to be terminated?
02:50:28 19 A No.
02:50:29 20 Q Did you have any participation in that?
02:50:31 21 A No.
02:50:37 22 Q Was one of the complaints that
02:50:39 23 Mr. McDonald made, that he wasn't consulted about
02:50:43 24 the changes in the story that he wrote?
02:50:45 25 A Not to my knowledge.

02:50:46 1 Q Do you know whether or not he was
02:50:47 2 consulted about the changes --

02:50:49 3 A I don't know. I wasn't involved in
02:50:50 4 editing it, so I don't know.

02:50:53 5 Q Do you know Andy Gross?

02:51:01 6 A The name is very familiar, but I'm trying
02:51:04 7 to place the face with it.
02:51:10 8 What year was he there?

02:51:12 9 Q Sorry. I get to ask the questions, you
02:51:14 10 don't.

02:51:14 11 A Okay. Well, I can't help you.

02:51:16 12 Q Okay. Do you know Eunice Bedminster?

02:51:22 13 A Yes.

02:51:22 14 Q And how do you know Eunice Bedminster?

02:51:25 15 A She was the bureau chief on St. Croix.
02:51:27 16 She started on St. Thomas, and she was bureau chief
02:51:32 17 on St. Croix for a number of years. I worked with
02:51:37 18 her -- well, when she was bureau chief, she and I
02:51:40 19 would communicate on a daily basis about what was
02:51:42 20 going on here and what was going on there.

02:51:45 21 Q Ms. Bedminster has testified under oath
02:51:48 22 that since Mr. Prosser has bought the paper, that
02:51:54 23 there are persons who Mr. Prosser doesn't like and
02:51:58 24 for which there's a concerted effort for writing
02:52:01 25 negative stories about those persons.

02:52:06 1 MR. RUSKIN: Objection.

02:52:06 2 BY MS. ROHN:

3 Q Have you any knowledge of that?

02:52:07 4 MS. ROHN: You, as VITELCO, are

02:52:09 5 objecting?

02:52:10 6 MR. RUSKIN: I can object.

02:52:11 7 MS. ROHN: But you don't have a joint

02:52:13 8 defense? That's great.

02:52:14 9 MR. RAMES: Objection to form.

02:52:15 10 THE DEPONENT: No, I don't.

02:52:16 11 BY MS. ROHN:

02:52:16 12 Q Well, do you know Ms. Bedminster not to be

02:52:19 13 an honest person?

02:52:21 14 MR. RAMES: Objection to form.

02:52:21 15 THE DEPONENT: She's always been honest

02:52:23 16 with me, as far as I know.

02:52:24 17 BY MS. ROHN:

02:52:24 18 Q As a bureau chief, would she be in a

02:52:27 19 position to know those facts?

02:52:29 20 MR. RAMES: Objection to form.

02:52:31 21 THE DEPONENT: I don't know that she

02:52:32 22 would be. I mean, I know -- I don't agree with

02:52:35 23 what she's saying, so I don't --

02:52:37 24 BY MS. ROHN:

02:52:38 25 Q Well, sir, have you ever been a bureau

02:52:40 1 chief at the *Daily News*?

02:52:41 2 A No, but in my role as running the local
02:52:45 3 reporters over here, I mean, we had similar roles.

02:52:49 4 Q What is your understanding of the job
02:52:50 5 responsibilities of bureau chief?

02:52:53 6 A Well, she -- I mean, she was our link to
02:52:56 7 St. Croix, and she was in charge of the staff over
02:52:57 8 there.

02:52:58 9 Q How about when she was bureau chief on
02:53:01 10 St. Thomas?

02:53:01 11 A I didn't know that she held that role on
02:53:03 12 St. Thomas.

02:53:08 13 Q Have you been involved in editing stories
02:53:11 14 concerning Senator Donastorg?

02:53:12 15 A I'm sure I've been, but I couldn't give
02:53:15 16 you a list of them.

02:53:16 17 Q Do you have any recollection of the
02:53:18 18 editing of any of those stories?

02:53:20 19 A No.

02:53:26 20 Q Now, the *Daily News*, when you were -- up
02:53:30 21 until recently, did you get your -- did you work for
02:53:32 22 the *Daily News* or were you ever on the VITELCO
02:53:35 23 payroll?

02:53:37 24 A It was always the Daily News Publishing
02:53:37 25 Company.

02:53:40 1 Q That's who you got your checks from?

02:53:42 2 A Yeah. It's always been the Daily News
02:53:44 3 Publishing Company.

02:53:47 4 Q Were you aware of any persons from the
02:53:48 5 *Daily News* that were transferred to the VITELCO
02:53:52 6 payroll?

02:53:52 7 A No.

02:53:52 8 Q Are you aware of who Lowe Davis was
02:53:54 9 employed by?

02:53:55 10 A Assumed Daily News Publishing Company.

02:53:58 11 Q Well, that's why you probably shouldn't
02:53:59 12 assume.

02:54:00 13 MR. RAMES: Objection to form.

02:54:05 14 BY MS. ROHN:

02:54:05 15 Q Do you know who paid Mr. Crouch?

02:54:08 16 A No.

02:54:10 17 Q Other than Mr. Crouch and Mr. Prosser,
02:54:13 18 were there other employees of ICC who would be
02:54:19 19 present at the *Daily News*?

02:54:26 20 A Present, as in -- I mean, there might have
02:54:28 21 been an attorney for a meeting or something; I have
02:54:31 22 no idea. I mean, sometimes it would be -- there's
02:54:39 23 no one in the newsroom from ICC, if that's what you
02:54:42 24 mean. There is no permanent person there. But, I
02:54:47 25 mean, has anyone ever been in the newsroom? I

02:54:51 1 assume there has been; I couldn't give you names.

02:54:54 2 Q Do you know Melvin Claxton?

02:54:56 3 A No.

02:54:57 4 Q Do you recall a story that ran in the

02:55:00 5 *Daily News* that was cowritten with Mr. Claxton about

02:55:07 6 the Bird family and Antigua?

02:55:11 7 A Yes.

02:55:12 8 Q Do you recall that that story was taken

02:55:13 9 off the wire?

02:55:16 10 A I had nothing to do with that story, so I

02:55:19 11 really don't know what its genesis was.

02:55:24 12 Q Were you aware that Mr. Prosser called and

02:55:26 13 ordered that story to be taken off the wire?

02:55:30 14 MR. RAMES: Objection to form.

02:55:30 15 THE DEPONENT: No.

02:55:31 16 MR. RAMES: "Taken off the wire"? I

02:55:33 17 believe that the witness is of the opinion -- is

02:55:36 18 of the impression that that story was sourced

02:55:39 19 from the wire.

02:55:42 20 You see what I'm saying? Taken off the wire?

02:55:43 21 MS. ROHN: I don't really need you to

02:55:45 22 testify, sir.

02:55:46 23 MR. RAMES: I'm not testifying.

02:55:47 24 MS. ROHN: Then that's nice.

02:55:48 25 MR. RAMES: If you understand the

02:55:49 1 question, then answer it.

02:55:50 2 BY MS. ROHN:

02:55:51 3 Q Did you understand that the story that was
02:55:53 4 written about the Bird family in Antigua was
02:55:56 5 cowritten between Ms. Davis and Mr. Claxton?

02:56:00 6 A No, I didn't know that.

02:56:01 7 Q Were you ever aware that Ms. Davis was
02:56:01 8 called by Mr. Prosser and ordered to remove that
02:56:01 9 story from the inner net of distribution of the
02:56:06 10 *Daily News*?

02:56:11 11 A No.

02:56:11 12 Q Were you ever aware that there was a
02:56:16 13 disagreement between Mr. Prosser and Ms. Davis about
02:56:19 14 the running of that story?

02:56:20 15 A No.

02:56:21 16 Q Would Ms. Davis be likely to discuss those
02:56:24 17 things with you?

02:56:25 18 A I don't know.

02:56:26 19 Q Has Ms. Davis ever discussed with you any
02:56:29 20 of the conversations she's had with Mr. Prosser?

02:56:33 21 A I think only a couple, when he was giving
02:56:37 22 his, you know, thumbs up for something we had done,
02:56:41 23 an award. I think when we did the Vieques project,
02:56:47 24 which I was the editor on, I think I recall she told
02:56:52 25 me that he had actually read it and had enjoyed it.

02:57:01 1 Q Do you know Holland Redfield?

02:57:03 2 A No.

02:57:05 3 Q You've been here for how many years and
02:57:07 4 you don't know who Dyke Redfield is?

02:57:09 5 A I know who he is; I don't know him.

02:57:12 6 Q Well, how do you know who he is?

02:57:13 7 A I know he was an officer with ICC, and I
02:57:17 8 know he's been heavily involved in public politics.
02:57:22 9 I know that -- I mean, I just -- he's someone I know
02:57:29 10 of, but I don't know him personally.

02:57:32 11 Q Have you ever seen him in the *Daily News*?

02:57:34 12 A I don't think so, no.

02:57:35 13 Q Do you know why he's quoted in the stories
02:57:38 14 about ICC?

02:57:41 15 A I believe he was the spokesperson at the
02:57:43 16 time for management.

02:57:44 17 Q Do you know why he was quoted in stories
02:57:47 18 about VITELCO?

02:57:49 19 MR. CRIAG: Objection to form.

02:57:51 20 THE DEPONENT: Same reason, that he was
02:57:54 21 speaking for ICC.

02:57:55 22 BY MS. ROHN:

02:58:03 23 Q Now, when you are doing edit, do you keep
02:58:06 24 the copy that you edit from?

02:58:08 25 A No. It's in -- normally it's in computer

02:58:14 1 format, so -- and it's a live document that you're
02:58:17 2 working with.

02:58:19 3 Q So there's no way to see the changes from
02:58:21 4 the original to the --

02:58:22 5 A No, you can. In the system that we have
02:58:24 6 now, you can check revisions to stories within the
02:58:28 7 computer.

02:58:28 8 Q And when did that system come into play?

02:58:32 9 A I don't recall.

02:58:33 10 Q Well, more or less than five years?

02:58:36 11 A I think more than five years.

02:58:40 12 Q And what's that system called?

02:58:42 13 A QPS.

02:58:45 14 Q Who?

02:58:46 15 A QPS, which I'm sure stands for something,
02:58:49 16 but I don't know what it is.

02:58:58 17 Q Does that system show who made the
02:59:01 18 revisions?

02:59:02 19 A Yeah.

02:59:04 20 Q And what else does it tell you?

02:59:07 21 A I think it will tell you -- it will tell
02:59:12 22 you the time that they were made; date and time, I
02:59:15 23 think.

02:59:22 24 Q Is there a system at the *Daily News*, when
02:59:27 25 editing a story, to communicate with anyone, for

02:59:30 1 instance, the reporter, by email?

02:59:32 2 A Well, we have email, but I would rather
02:59:36 3 be -- if I needed to talk to the reporter, I rather
02:59:39 4 be talking to them live, you know, on the telephone.
02:59:41 5 If they weren't with me, I'd rather be talking to
02:59:44 6 them on the telephone. Email would be, I would
02:59:46 7 think, my last resort.

02:59:48 8 Q If you talked to a reporter by telephone
02:59:51 9 when editing, do you keep notes?

02:59:56 10 A No.

02:59:57 11 Q Is there any procedure to keep notes from
03:00:00 12 what a reporter tells you in editing a story?

03:00:04 13 A No. I mean, it's usually a live
03:00:06 14 situation, where you're working on a story, asking
03:00:08 15 questions and having them answer, reading back
03:00:11 16 things.

03:00:13 17 Q What is the procedure at the *Daily News* as
03:00:15 18 to whom will be assigned what stories?

03:00:21 19 A There's no set procedure. Reporters have
03:00:27 20 different areas that, you know, beats they have,
03:00:31 21 loose beats, you know, areas that they generally
03:00:35 22 focus on, but all of them write on all different
03:00:38 23 types of subjects. I mean, they could be doing
03:00:41 24 Senate one day and then be doing a school board
03:00:44 25 story the next day. It really depends on the

03:00:47 1 circumstances.

03:00:49 2 Q Who supervises the reporters?

03:00:51 3 A I do, as does Lowe and Jason, but I'm
03:00:53 4 their immediate supervisor.

03:01:01 5 Q What is the policy as far as fact-checking
03:01:04 6 of stories?

03:01:08 7 A I think you have to be more specific.

03:01:10 8 Q Well, for instance, there would be a story
03:01:14 9 that says that GERS is a billion dollars in debt.
03:01:18 10 How would you fact-check whether or not that was
03:01:20 11 true or not?

03:01:21 12 MR. RAMES: Objection; form.

03:01:24 13 THE DEPONENT: Any number of ways.

03:01:25 14 Could be documents that we have that we've gotten
03:01:30 15 from prior meetings; it could be a recent story
03:01:34 16 about it, saying there was an audit done of their
03:01:40 17 finances, and that's what they found. It could
03:01:41 18 be a number of ways. It could be picking up the
03:01:44 19 phone and calling Austin Nibbs and checking it
03:01:50 20 with him.

03:01:51 21 BY MS. ROHN:

03:01:52 22 Q But before you would print in the
03:01:54 23 newspaper that GERS was a billion dollars in debt,
03:01:56 24 you would need to know that that was a truthful
03:01:59 25 fact, wouldn't you?

03:02:00 1 A Yeah, if I had concerned about it. If I
03:02:02 2 didn't know it to be true through my own knowledge
03:02:04 3 or reporting that we'd already done, if I had a
03:02:07 4 question about it, I'd want to check it.

03:02:09 5 Q So are facts supposed to be checked?

03:02:12 6 A Yeah.

03:02:13 7 Q Okay. And if it's a -- well, who checks
03:02:21 8 those facts?

03:02:24 9 A Hopefully the reporter does. But if
03:02:27 10 questions arise about the information, the reporter
03:02:32 11 might be directed, you know, "How do you know this?"
03:02:34 12 "Well, this is it," or "Well, that's, you know, not
03:02:38 13 good enough; you need to make a few more calls on
03:02:43 14 this." So, I mean, it could be the reporter if it
03:02:46 15 was a simple thing that just needed to be looked up;
03:02:50 16 it could be the editor that's working on the story.

03:02:55 17 Q Well, when editing a story that contains
03:02:57 18 facts, is it part of the editor's job to check with
03:03:02 19 the reporter as to the verification of those facts?

03:03:12 20 A The reporters -- I mean, anything that I
03:03:14 21 had a question about, I would ask about. The
03:03:19 22 reporters are at a level where they should have
03:03:23 23 verification of, you know, what they're writing in
03:03:28 24 the story. If there were some things that didn't
03:03:33 25 make sense to me, or if it seemed out of left field,

03:03:38 1 I would want to know, "Hey, how do we know this?"

03:03:42 2 Q Otherwise you just assumed the reporter's
03:03:44 3 facts are correct?

03:03:46 4 A You'd have to be more specific about what
03:03:47 5 we're talking about. I mean, we're talking about a
03:03:50 6 real broad range of things that go into the
03:03:53 7 newspaper.

03:04:06 8 Q Well, why don't we get to some specific
03:04:08 9 stories.

03:04:15 10 Is it part of the editor's job to make
03:04:17 11 sure that stories are balanced and not biased?

03:04:21 12 A Sure.

03:04:21 13 Q And what do you do to make sure stories
03:04:23 14 are balanced?

03:04:25 15 A That you have all sides represented; that
03:04:30 16 you at least tried to reach all sides that are
03:04:32 17 discussed in the story, giving them the opportunity
03:04:35 18 to have them comment.

03:04:39 19 Q Anything else?

03:04:43 20 A That it's factual.

03:04:47 21 Q And what do you do to make sure the
03:04:49 22 stories aren't biased?

03:04:53 23 A I think go back to what I just said. Make
03:04:56 24 sure that the different parties are represented,
03:04:59 25 given a chance to comment on what's at issue.

03:05:03 1 Q Are you aware of any cases involving
03:05:06 2 claims of slander or defamation or libel against the
03:05:10 3 *Daily News*?

03:05:11 4 A I'm aware of this one.

03:05:13 5 Q Are you aware of any others?

03:05:14 6 A No. There may well be, but I couldn't
03:05:18 7 tell you what they are.

03:05:19 8 Q And how did you become aware of this one?

03:05:24 9 A Because I'm being deposed in it today.

03:05:27 10 Q Did you do anything to go back and read
03:05:29 11 any of the documentation about it?

03:05:31 12 A No.

03:05:31 13 Q Have you ever read any of the news stories
03:05:33 14 about it?

03:05:34 15 A I'm not exactly sure which stories are the
03:05:37 16 issue, so I --

03:05:40 17 Q Do you know if there are particular
03:05:46 18 persons who were assigned to do stories that involve
03:05:49 19 Senator Donastorg?

03:05:51 20 A No.

03:05:53 21 Q Are you aware of whether or not there are
03:05:54 22 any files, either generated by paper or computer,
03:06:01 23 that are kept on Senator Donastorg?

03:06:03 24 A No.

03:06:06 25 Q Well, in my office, if I have a particular

03:06:08 1 defendant, I might keep everything about that
03:06:10 2 defendant in a file. You don't do that about
03:06:14 3 keeping a file of past stories about a particular
03:06:16 4 person?

03:06:18 5 MR. RAMES: Objection to form.

03:06:18 6 THE DEPONENT: We have some files like
03:06:19 7 that in our archives, but I don't believe there's
03:06:21 8 one for Donastorg.

03:06:23 9 You know, it could be -- deJongh had his own
03:06:30 10 file; Paiewonsky does. There's any number of files
03:06:33 11 like that.

03:06:35 12 (Telephone ringing.)

03:06:37 13 MR. RAMES: I'm sorry. Let me go off
03:06:37 14 the record for a moment.

03:06:43 15 (Brief pause in proceedings.)

03:07:05 16 MR. RAMES: I'm sorry. Please go
03:07:06 17 ahead.

03:07:07 18 BY MS. ROHN:

03:07:08 19 Q Were you aware that Senator Donastorg had
03:07:12 20 been the subject of an in-depth investigation by any
03:07:19 21 of the companies owned by Mr. Prosser?

03:07:23 22 A I recall hearing at some point about --
03:07:30 23 and this is -- I don't even know where I heard it --
03:07:34 24 that there was -- and I think it may be the genesis
03:07:38 25 for this case -- an issue with some investigation of

03:07:42 1 the Senator by ICC. But that's about the extent of
03:07:46 2 my knowledge of it.

03:07:48 3 Q Well, did you ever read any of the stories
03:07:51 4 about that investigation?

03:07:52 5 A No.

03:07:54 6 Q How would it be that you wouldn't edit any
03:07:57 7 of those stories?

03:07:59 8 A When were they?

03:08:00 9 Q You don't get to ask me questions.

03:08:02 10 A I don't recall editing any of those
03:08:06 11 stories.

03:08:06 12 Q They would have been approximately 2002?

03:08:09 13 A I don't recall editing any of those
03:08:11 14 stories.

03:08:11 15 Q Well, how would it be that you don't edit
03:08:15 16 the Donastorg stories?

03:08:17 17 A I don't recall. That would have been in
03:08:18 18 the beginning of my working on the local side. My
03:08:21 19 role wasn't quite the same back in 2001, 2002, as it
03:08:25 20 is now. So I honestly don't recall.

03:08:30 21 Q How was it that you didn't edit the
03:08:31 22 Donastorg stories about the fight?

03:08:34 23 A Because Lowe was working on that story
03:08:36 24 with Tim.

03:08:47 25 Q Did you ever review the investigation file

03:08:50 1 on Mr. Donastorg?

03:08:50 2 A No.

03:08:51 3 Q Is it kept at the *Daily News*?

03:08:54 4 A You're talking about the one from ICC, a

03:08:56 5 file generated from that?

03:08:57 6 Q Uh-huh.

03:08:58 7 A No, I've never seen any file on that.

03:09:00 8 Q Do you know Oakland Benta?

03:09:05 9 A No. I mean, I know he's a Deputy Chief --

03:09:09 10 Acting Deputy Chief, but I've never met Benta.

03:09:13 11 Q Are you aware that Mr. Benta was the head

03:09:16 12 of Mr. Prosser's security?

03:09:18 13 A I heard that. I didn't know that before

03:09:19 14 his appointment to the Chief position.

03:09:24 15 Q And who told you that, when he got

03:09:26 16 appointed to the Chief position?

03:09:27 17 A I don't recall, but I know I heard it,

03:09:30 18 that he had been on Prosser's security.

03:09:37 19 Q Now, what is the policy at the *Daily News*

03:09:40 20 if you change a story, about leaving the reporter

03:09:47 21 byline?

03:09:52 22 A I'm not sure I understand your question.

03:09:54 23 Q Well, changing it from a byline of the

03:09:57 24 reporter instead of putting "*Daily News* staff" --

03:10:02 25 A I'm not sure there's a set policy. I

03:10:07 1 generally think that if something has been -- I
03:10:16 2 generally think if the reporter has done reporting
03:10:19 3 on the story, that it should carry a byline.

03:10:23 4 Q Even if the story has been altered?

03:10:27 5 A Stories are altered all the time; I mean,
03:10:29 6 that's what editing is.

03:10:47 7 Q Do you have anything to do with the policy
03:10:48 8 of the *Daily News* about running paid advertisements?
03:10:54 9 Do you know what the policy is?

03:10:55 10 A For paid advertisement? No. I have
03:10:58 11 nothing to do with that.

03:10:59 12 Q Do you know Hal Hatfield?

03:11:11 13 A Yeah.

03:11:11 14 Q And how do you know Hal Hatfield?

03:11:14 15 A He was a reporter for the paper.

03:11:19 16 Q Did you ever know him to have a drinking
03:11:21 17 problem?

03:11:21 18 A Yes.

03:11:22 19 Q Do you know why he was kept as a reporter
03:11:24 20 for the newspaper despite the fact that he had a
03:11:27 21 drinking problem?

03:11:28 22 A I can't speak to -- I can't speak to that.

03:11:32 23 Q Did you ever recommended that he be
03:11:36 24 terminated?

03:11:36 25 A I had one situation where I had to -- went

03:11:40 1 to Jason and said, "I think we have a problem," when
03:11:45 2 Hal had shown up, what I believe to be intoxicated
03:11:48 3 to work. And Jason had him leave that day, had
03:11:54 4 him -- I think he went to treatment after that. But
03:11:59 5 that's the only time that I was involved in anything
03:12:02 6 of that.

03:12:03 7 Q Did you ever have any discussions with
03:12:06 8 Mr. Hatfield about the fact that he had been offered
03:12:09 9 bonuses to write negative stories about
03:12:12 10 Mr. Donastorg?

03:12:13 11 MR. RAMES: Objection to form.

03:12:14 12 THE DEPONENT: No.

03:12:14 13 BY MS. ROHN:

03:12:15 14 Q Do you know whether or not he was ever
03:12:17 15 offered bonuses to write negative stories about
03:12:19 16 Mr. Donastorg?

03:12:20 17 A No.

03:12:22 18 Q Are there bonuses given at the *Daily News*?

03:12:25 19 A Yeah. Rarely.

03:12:28 20 Q What are they given for?

03:12:32 21 A Performance base.

03:12:34 22 Q Well, what do you mean by that?

03:12:37 23 A Well, like when we had the thing at the
03:12:40 24 hospital over on St. Croix, the guys really did a
03:12:45 25 great job that day. You know, I suggested let's

03:12:50 1 throw him 100 bucks, just to say, you know, "Hey,
03:12:55 2 nice job."

03:12:56 3 Q So you do get bonuses for doing nice jobs
03:12:59 4 on stories?

03:13:00 5 A That's the only time I recall doing that.
03:13:02 6 I just thought they had done a above-and-beyond.
03:13:05 7 That's the only time that I've ever suggested it.

03:13:09 8 Q Well, have you known other times where
03:13:11 9 reporters, whether or not you suggested it, got
03:13:13 10 bonuses for stories?

03:13:14 11 A No, I don't.

03:13:15 12 Q Would you be the person to know that or --
03:13:17 13 would you be the person to know who got bonuses if
03:13:20 14 you weren't instrumental in them being given?

03:13:25 15 A Let me state something. I do think
03:13:28 16 that -- a couple other times I can recall, I think
03:13:32 17 Nick Schoenaman (phonetic), I recall he got a bonus
03:13:36 18 once just because he had been doing a real good job
03:13:39 19 and coming along. Again, I think it was something
03:13:41 20 like \$100. And I wasn't involved in that, but I
03:13:44 21 think Jason told me about it.

03:13:46 22 And back to your question once again,
03:13:48 23 after that.

03:13:48 24 Q Do you know of other reporters who have
03:13:51 25 gotten bonuses for stories?

03:13:52 1 A No.

03:13:55 2 Q Do you know of any stories concerning
03:14:03 3 Senator Donastorg that the newspaper declined to
03:14:04 4 publish?

03:14:05 5 A No.

03:14:05 6 Q Do you know of any stories about Prosser
03:14:10 7 or his companies that the newspaper declined to
03:14:13 8 publish?

03:14:14 9 A No.

03:14:16 10 Q Do you know what the policy is at the
03:14:19 11 *Daily News* to investigate complaints of defamation,
03:14:22 12 slander or libel?

03:14:25 13 A I don't know that there's a policy.
03:14:27 14 I don't really understand your question.

03:14:29 15 Q Well, if someone calls the *Daily News* and
03:14:33 16 says, "You wrote a story about me, and it's not
03:14:36 17 true, and it's defamatory," is there some policy
03:14:41 18 about investigating that complaint?

03:14:43 19 A Well, unless there was something that was
03:14:47 20 obvious — if there was something that was an
03:14:48 21 obvious problem with the story, something that's
03:14:52 22 factually inaccurate, they would run a correction.
03:14:56 23 If we're talking about defamation and
03:14:58 24 libel, it sounds like you're probably talking about
03:15:00 25 attorneys talking to each other and is not someone

03:15:02 1 calling the newsroom.

03:15:04 2 Q So how do you determine when you're going
03:15:05 3 to publish a correction and when you're not?

03:15:08 4 A I would run a correction on anything of
03:15:15 5 importance that was wrong in a story, you know, due
03:15:20 6 to us putting the wrong -- we didn't get the right
03:15:23 7 information somehow.

03:15:24 8 Q And what would a correction consist of?

03:15:26 9 A Correct it and putting the correct
03:15:30 10 information in.

03:15:31 11 Q As to fact-checking, for instance, if
03:15:35 12 there was a story written --

03:15:39 13 For instance, there was a -- I don't know
03:15:40 14 if you recall, but there was a topic of discussion
03:15:45 15 about the Legislature reducing the number of
03:15:49 16 senators. Do you recall that?

03:15:50 17 A Uh-huh.

03:15:52 18 Q If there was a story written that said
03:15:55 19 that Senator Donastorg was the sponsor of the bill
03:16:01 20 to reduce the number of legislators --

03:16:04 21 A Uh-huh.

03:16:04 22 Q -- but that ironically he voted against
03:16:07 23 his own bill --

03:16:08 24 A Uh-huh.

03:16:09 25 Q -- you, as an editor, what would you have

03:16:11 1 done to determine the accuracy of that story?

03:16:21 2 A An action on the Senate floor the day of
03:16:24 3 the action? I'd be putting my faith in the
03:16:31 4 reporters because they were there. You know,
03:16:33 5 there's a number of votes in a given day. I
03:16:36 6 wouldn't be asking them specifically about every
03:16:40 7 vote that happened.

03:16:43 8 Q Even if the story was extremely negative
03:16:46 9 about the Senator, inferring that he represented
03:16:50 10 that he was in favor of limiting the legislators,
03:16:53 11 but then, when it came time, he voted against it?

03:16:57 12 A I would think that I would ask what
03:16:59 13 happened, because that would seem to be very
03:17:01 14 strange.

03:17:02 15 Q Were you aware that the *Daily News* printed
03:17:04 16 such a story about Senator Donastorg?

03:17:07 17 A I don't recall that story.

03:17:08 18 Q Were you aware that the story was untrue,
03:17:10 19 and that the Senator had not voted against it?

03:17:14 20 A I don't recall the story, so...

03:17:16 21 Q Who would have been responsible for that
03:17:18 22 improper story being printed in the paper?

03:17:23 23 A When was it?

03:17:27 24 Q 2001.

03:17:41 25 A I don't know. Hal was probably doing the

03:17:46 1 legislature then. I may have been reading the local
03:17:53 2 copy at that time, but I wasn't in this role.

03:17:59 3 Barbara Perry would have been the news editor at
03:18:04 4 that time, I believe.

03:18:11 5 Q Have you ever heard statements made that
03:18:15 6 Senator Donastorg was affiliated in some way with
03:18:20 7 AT&T?

03:18:20 8 A I've heard that, and I don't recall where
03:18:22 9 I've heard that. But that somehow in my mind is
03:18:26 10 connected to the fact that I heard IOC had some
03:18:31 11 investigation, but don't really know much about
03:18:33 12 that. I think that, my understanding, that's what
03:18:40 13 they were trying to bear out or something. I don't
03:18:44 14 really have a deep knowledge of that.

03:18:47 15 Q Did you ever hear Holland Redfield on the
03:18:50 16 radio claiming that the reason that Mr. Donastorg
03:18:56 17 was investigated was because of his believed
03:19:00 18 connection with AT&T?

03:19:04 19 MR. RUSKIN: Objection; assumes facts
03:19:07 20 not in evidence, lack of foundation.

03:19:09 21 MS. ROHN: Great.

03:19:09 22 BY MS. ROHN:

03:19:10 23 Q You can answer my question.

03:19:11 24 A Can you say that again?

03:19:12 25 Q Did you ever hear Holland Redfield on the

03:19:15 1 radio claiming that the reason that
03:19:18 2 Senator Donastorg was investigated was because of
03:19:21 3 his believed connection with AT&T?
03:19:23 4 A No.
03:19:24 5 Q Did you ever hear any comments that
03:19:27 6 Senator Donastorg had improperly taken an AT&T plane
03:19:33 7 ride to St. Lucia?
03:19:34 8 A No.
03:19:35 9 Q Have you ever heard any discussions that
03:19:46 10 there had been criminal activity involving
03:19:50 11 Senator Donastorg that he's attempted to cover up?
03:19:53 12 A No.
03:19:56 13 Q Did you participate in any stories related
03:19:59 14 to Senator Donastorg's mortgage payments?
03:20:06 15 A I don't think so. I don't recall.
03:20:07 16 Q Did you participate in any story that
03:20:12 17 started out, "Things go" -- I'm paraphrasing --
03:20:19 18 "Things go as they are now, Senator Donastorg and
03:20:22 19 his family will be looking for a new place to live
03:20:25 20 because he's had a foreclosure action against him"?
03:20:30 21 MR. RAMES: Object to the form.
03:20:31 22 THE DEPONENT: That, I don't recall.
03:20:32 23 BY MS. ROHN:
03:20:32 24 Q Is that the type of proper unbiased entry
03:20:37 25 sentence for a story, whether or not someone's being

03:20:39 1 foreclosed on?

03:20:41 2 MR. RAMES: Objection to form.

03:20:41 3 THE DEPONENT: That seems a little over
03:20:43 4 the top to me with editorializing.

03:20:47 5 BY MS. ROHN:

03:20:55 6 Q Have you ever heard Senator Donastorg
03:20:56 7 referred to as a "rogue senator"?

03:20:59 8 A No. I don't think so.

03:21:03 9 Q Have you ever read any of the editorials
03:21:06 10 in the *Daily News* referring to him as a "rogue
03:21:07 11 senator"?

03:21:10 12 A Not that I recall.

03:21:11 13 Q Do you read the editorials?

03:21:14 14 A Not on a daily basis, no.

03:21:31 15 Q All right. We're going to go through some
03:21:33 16 exhibits.

03:22:38 17 I want to show you Exhibit 38.

03:22:41 18 (Plaintiffs' Exhibit 38 marked for identification.)

03:22:41 19 BY MS. ROHN:

03:23:09 20 Q Have you ever read this editorial before?

03:23:12 21 A I don't recall.

03:23:15 22 Q This editorial says -- let me see. One,
03:23:27 23 two, three, four, five -- fifth paragraph.

03:23:31 24 "Utilities, especially monopolies,
03:23:34 25 such as electric and telephone companies,

03:24:45 1 are factually accurate?

03:24:47 2 A I have no dealing with the editorial page
03:24:50 3 or the process.

03:24:51 4 Q I'm sorry. Who edits the editorial page?

03:24:57 5 A Currently? As of last week, I'm actually
03:25:02 6 not sure. Since Marilyn has left, I'm not sure who
03:25:06 7 that's falling on. That's, you know, as of
03:25:09 8 Wednesday of last week.

03:25:11 9 Q Since the demise of Mr. Prosser, who has
03:25:13 10 been running the editorials?

03:25:16 11 MR. RAMES: Objection to form.

03:25:17 12 MS. ROHN: If you don't think he's
03:25:19 13 demised, you'd be the only person in the Virgin
03:25:22 14 Islands.

03:25:22 15 MR. RAMES: No. You --

03:25:22 16 MS. ROHN: Although you did tell me
03:25:24 17 that she was your hero. I understand that, but
03:25:27 18 still.

03:25:28 19 MR. RAMES: No.

03:25:29 20 Off the record.

03:25:30 21 MR. RUSKIN: I'm going to object to the
03:25:32 22 improper colloquy here.

03:25:34 23 BY MS. ROHN:

03:25:35 24 Q Since Mr. Prosser has lost control of the
03:25:39 25 *Daily News*, who has been running the editorials?

03:25:42 1 A Writing the editorials?

03:25:44 2 Q Uh-huh.

03:25:48 3 A Any of the locally done editorials, I

03:25:52 4 believe they have all been done by Lowe. But we've

03:25:56 5 been running editorials --

03:25:58 6 Q I know, editorials from years ago.

03:26:00 7 A We were doing -- I mean, we were doing

03:26:02 8 that for a long period of time, running stuff for a

03:26:06 9 long period of time, and then they went to .

03:26:08 10 -- I don't have a lot of involvement. I

03:26:10 11 don't have any involvement in the editorial page.

03:26:13 12 But they were doing that for a while, then they

03:26:17 13 started picking up editorials from around the

03:26:18 14 country off the news wire. My understanding is any

03:26:24 15 locally generated editorials since that time, Lowe

03:26:29 16 has written.

03:26:33 17 Q Is it not your understanding, being from

03:26:37 18 your years of journalism, that facts stated in an

03:26:40 19 editorial should be accurate?

03:26:42 20 MR. RAMES: Object to the form.

03:26:45 21 THE DEPONENT: It's a place to

03:26:47 22 certainly give your opinion, but it should be

03:26:50 23 based on the facts of the matter, yes.

03:26:53 24 BY MS. ROHN:

03:26:53 25 Q For instance, in this editorial, it says:

03:26:57 1 "Fortunately, this move apparently
03:26:59 2 has no support from anyone else in the
03:27:02 3 Legislature."
03:27:05 4 Should I take it to be some factual
03:27:08 5 integrity that indeed he is the only person that
03:27:12 6 supported that legislation?
03:27:14 7 MR. RAMES: Object to the form.
03:27:16 8 THE DEPONENT: Where are you?
03:27:17 9 BY MS. ROHN:
03:27:17 10 Q The next paragraph after:
03:27:23 11 "Enter Sen. Adlah Donastorg, who is
03:27:24 12 threatening an attempt to disband the PSC
03:27:28 13 and fire its chairman."
03:27:30 14 It then says:
03:27:32 15 "Fortunately, this move apparently
03:27:33 16 has no support from anyone else in the
03:27:35 17 Legislature."
03:27:36 18 I take it that that's a factual statement
03:27:38 19 and that there ought to be some attempt to determine
03:27:41 20 that it is true that he is the only supporter for
03:27:43 21 that legislation.
03:27:44 22 A You have to speak to who wrote it.
03:27:48 23 Q You think that the person who wrote it
03:27:50 24 decides the ethics of the newspaper?
03:27:52 25 A The editorial page is not the same as the

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03:27:53 1 news pages; it's an entirely different avenue, so --
03:28:00 2 and it's not something that I have any dealing with
03:28:04 3 and its decisions about how something was written,
03:28:10 4 how the person who wrote went about doing that. I
03:28:14 5 can't speak to it.

03:28:15 6 (Plaintiffs' Exhibit 104 marked for identification.)

03:28:15 7 BY MS. ROHN:

03:30:04 8 Q Let me show you Exhibit 104. Do you
03:30:29 9 recognize that story?

03:30:31 10 A I recall it.

03:30:32 11 Q Did you edit that?

03:30:34 12 A I don't recall.

03:30:37 13 Q If we went back to the -- what was it
03:30:42 14 called, QV something?

03:30:45 15 A Huh?

03:30:45 16 Q QVS? Would that tell you whether or not
03:30:49 17 you edited that story?

03:30:50 18 A It would still have to exist. You could
03:30:54 19 only look at a file as long as it's in the system.
03:30:56 20 They're only in the system for a couple of days.

03:30:59 21 Q Why is that?

03:31:00 22 A Because otherwise the system would crash.

03:32:22 23 Q This is Defendants' Exhibit 14. This is
03:32:48 24 the story -- this is part of the Defendants' Exhibit
03:32:55 25 13. It doesn't have a Bates number, but it is the

JA002171

03:32:59 1 article dated May 30, 2003.

03:33:02 2 "V.I. backed boxing event called off.

03:33:05 3 Future uncertain. No TV coverage

03:33:08 4 scheduled despite promise when Donastorg

03:33:11 5 got V.I. to appropriate \$300,000."

03:33:13 6 MS. ROHN: Do you have another copy of

03:33:14 7 this so he can look at it with me?

03:33:18 8 MR. RAMES: I believe I can find one.

03:33:20 9 I don't have it in any particular order, so it

03:33:23 10 may take a moment.

03:33:24 11 (Pause in proceedings.)

03:33:47 12 MR. RAMES: There you are.

03:33:49 13 MS. ROHN: And you can keep 104.

03:33:52 14 BY MS. ROHN:

03:33:52 15 Q This is the story that Mr. McDonald

03:33:54 16 complained about. His complaint is that his

03:33:57 17 original story did not mention Senator Donastorg's

03:33:59 18 name —

03:34:01 19 MR. RAMES: Objection to form.

03:34:01 20 BY MS. ROHN:

03:34:02 21 Q — and that it was added.

03:34:08 22 And his complaint is -- and if you'd look

03:34:10 23 at Exhibit 104 that I handed you -- his complaint is

03:34:17 24 that when he referred to the funding, he would say,

03:34:21 25 as in this article, the Government has given

03:34:25 1 \$300,000 to McPherson, because it was the Government
03:34:31 2 that the money came from.

03:34:34 3 This story that was rewritten by Ms. Davis
03:34:37 4 says:

03:34:38 5 "The professional boxing event that
03:34:42 6 Senator Adlah Donastorg, Junior, pushed
03:34:44 7 the V.I. Government to support with
03:34:45 8 \$300,000 on the basis that it would tap
03:34:48 9 the Virgin Islands to millions of Showtime
03:34:51 10 cable television network viewers will not
03:34:53 11 happen in June as scheduled."

03:34:56 12 Would you agree with me that that
03:34:58 13 beginning sentence is an editorialization and not
03:35:02 14 completely factual?

03:35:04 15 MR. RAMES: Object to the form.

03:35:07 16 THE DEPONENT: I don't recall what all
03:35:11 17 led up to -- how the money for the event came
03:35:16 18 about, so...

03:35:17 19 BY MS. ROHN:

03:35:17 20 Q Let me tell you how it came about.

03:35:21 21 MR. RAMES: Objection.

03:35:21 22 BY MS. ROHN:

03:35:22 23 Q There was a bill that was sponsored that
03:35:24 24 was an amendment to an appropriation for which a
03:35:28 25 unanimous voting of the Senate approved, allotting

03:35:33 1 \$300,000 from tourism to be allotted to the boxing.

03:35:39 2 Now, given those facts, would you say that

03:35:41 3 it was fair for an editorialization to claim that

03:35:46 4 Senator Donastorg pushed the Government to do so?

03:35:52 5 MR. RAMES: Objection to the

03:35:54 6 characterization of the bill as a partial

03:36:01 7 representation of the facts.

03:36:03 8 BY MS. ROHN:

03:36:04 9 Q Would you agree with me that stating that

03:36:06 10 Senator Donastorg had pushed the V.I. Government to

03:36:09 11 support the \$300,000 would be editorialization?

03:36:14 12 MR. RAMES: Same objection.

03:36:15 13 THE DEPONENT: Based on the facts as

03:36:16 14 you gave them to me, "pushed" might be too strong

03:36:21 15 a word.

03:36:22 16 Editorialization, I don't know if I'm going to

03:36:25 17 go that far, but I might say "pushed" might be too

03:36:29 18 strong a word. That's my opinion.

03:36:34 19 BY MS. ROHN:

03:36:40 20 Q If you'll look at the last sentence on

03:36:41 21 that column:

03:36:42 22 "Behind a push from Donastorg, the

03:36:44 23 appropriation was tacked on to a bill

03:36:47 24 intended to fund the rebuilding of the

03:36:50 25 collapsed Market Square Pavillion."

03:36:54 1 Now, you, as an editor, seeing "pushed"
03:36:57 2 two times in a story about a bill that was passed by
03:37:01 3 the legislature and alluding that Senator Donastorg
03:37:03 4 was the only person responsible for that, would you
03:37:06 5 have edited that story?

03:37:09 6 MR. RAMES: Object to the form.

03:37:10 7 THE DEPONENT: How do you mean would I
03:37:12 8 have edited the story?

03:37:13 9 BY MS. ROHN:

03:37:14 10 Q Would you have edited the story to take
03:37:16 11 out the double reference to Senator Donastorg
03:37:18 12 pushing \$300,000 --

03:37:19 13 A It would all depend on the effort that,
03:37:22 14 you know, the Senator put forth on the
03:37:26 15 appropriation. I mean --

03:37:28 16 Q Would you agree with me that the way that
03:37:30 17 Mr. McDonald generally wrote his stories was that it
03:37:34 18 was a \$300,000 amount of money appropriated by the
03:37:38 19 government, is a fairer representation --

03:37:41 20 MR. RAMES: Objection to form.

03:37:41 21 BY MS. ROHN:

03:37:41 22 Q -- since the bill not only had to be
03:37:44 23 passed by the Senate but also signed off on by the
03:37:47 24 Government?

03:37:48 25 MR. RAMES: Compound objection; dual

03:37:48 1 question. Object to the form.

03:37:52 2 THE DEPONENT: Can you ask that again?

03:37:54 3 BY MS. ROHN:

03:37:54 4 Q Yes.

03:37:54 5 You as an editor, would you agree that the
03:37:57 6 representations that Mr. McDonald put in his
03:38:02 7 stories, which was it was \$300,000 appropriated by
03:38:05 8 the government, is a fairer representation than
03:38:10 9 twice in the story claiming that a single senator
03:38:14 10 had pushed this legislation through when it was
03:38:16 11 voted on, passed by the Senate, and signed off on by
03:38:20 12 the governor?

03:38:22 13 A I think it totally depends on the
03:38:23 14 circumstances. You got one story from May and one
03:38:26 15 from September. Things don't happen in a vacuum.
03:38:29 16 So without recalling everything that was going on
03:38:34 17 surrounding that specific appropriation, I really
03:38:37 18 can't answer your question.

03:38:44 19 Q Well, wouldn't there have had to have been
03:38:46 20 something unique about Senator Donastorg and how
03:38:49 21 this money got appropriated two times in the story,
03:38:52 22 claiming that he had pushed --

03:38:54 23 A I think I just answered that question.

03:38:56 24 Q Is that what you said? Well, maybe I
03:38:58 25 didn't understand.

03:39:00 1 Wouldn't there have to have been something
03:39:02 2 unique about Senator Donastorg being the person who
03:39:05 3 got the bill passed over people not wanting to pass
03:39:08 4 it?

03:39:08 5 A I'm not sure what you mean by "unique."

03:39:11 6 MR. RAMES: Hold on, please.

03:39:14 7 Objection to form.

03:39:14 8 Okay. Go ahead.

03:39:15 9 BY MS. ROHN:

03:39:15 10 Q What, sir, would you require to label a
03:39:17 11 bill -- label appropriations the sole responsibility
03:39:22 12 of one senator when it had been unanimously passed
03:39:26 13 and signed by the governor? What would have to
03:39:28 14 occur?

03:39:29 15 MR. RAMES: Objection to form.

03:39:30 16 THE DEPONENT: I can't give you a
03:39:32 17 specific circumstance.

03:39:33 18 BY MS. ROHN:

03:39:42 19 Q Well, would you agree with me that the
03:39:45 20 statement by Mr. McDonald in the article on Exhibit
03:39:49 21 104, which says the government had given \$300,000 to
03:39:54 22 McPherson to be used in the promotion of the event
03:39:58 23 is a less editorialized statement?

03:40:06 24 MR. RAMES: Objection to the form.

03:40:09 25 THE DEPONENT: I don't know that

03:40:09 1 "editorialize" is the word. It's certainly
03:40:13 2 presented in a different way.
03:40:14 3 (Plaintiffs' Exhibit 128 marked for identification.)
03:40:14 4 BY MS. ROHN:
03:40:15 5 Q Exhibit 128. This is the story I
03:42:18 6 previously referred to, this one written by
03:42:21 7 Hal Hatfield, about limiting the number of senators.
03:42:26 8 If you look at the -- one, two, three --
03:42:30 9 fifth paragraph, it states:
03:42:31 10 "Ironically, Donastorg voted no on
03:42:35 11 his own bill, while three senators who
03:42:38 12 oppose the bill - committee Chairman
03:42:40 13 Donald Cole, Sen. Adelbert Bryan, Sen.
03:42:45 14 David Jones - voted to send it on to the
03:42:48 15 Rules Committee."
03:42:51 16 Now, did you edit that story?
03:42:53 17 A No.
03:42:55 18 Q What should have been done to determine
03:42:57 19 whether or not, since it even says "ironically,"
03:42:59 20 that that was a true fact?
03:43:05 21 A What do you mean what should have been
03:43:07 22 done?
03:43:08 23 Q Well, when you're editing it, when the
03:43:12 24 reporter notes that it's ironic, should there have
03:43:18 25 been anything that should have been done?

03:43:19 1 A Well, it would be ironic if he voted
03:43:22 2 against his own bill.

03:43:50 3 Q Since it was later discovered -- or,
03:43:52 4 actually, I don't know that it was later discovered,
03:43:55 5 but it was determined that Mr. Donastorg had not
03:43:59 6 voted against his own bill, what should have been
03:44:02 7 done to retract that statement?

03:44:04 8 MR. RAMES: Objection to the form.

03:44:10 9 THE DEPONENT: After the story was
03:44:12 10 printed?

03:44:12 11 BY MS. ROHN:

03:44:13 12 Q Yep.

03:44:13 13 A Then, if he didn't vote against his own
03:44:15 14 bill, then we should have run a correction.

03:44:17 15 Q And what should the correction state?

03:44:20 16 A Should have stated what actually, you
03:44:21 17 know, did happen, and if he voted for the bill.

03:44:26 18 Q Anything else it should have stated?

03:44:33 19 A That would be the primary thing, to
03:44:34 20 correct the mistake.

03:45:45 21 Q So is it your testimony that you never
03:45:47 22 heard anyone mention Senator Donastorg in
03:45:50 23 conversation in the newsroom?

03:45:52 24 MR. RAMES: Objection to form.

03:45:55 25 THE DEPONENT: Say that again. Is it

03:45:56 1 my --

03:45:56 2 BY MS. ROHN:

03:45:56 3 Q Is it your testimony that you have never
03:45:58 4 heard anyone mention Senator Donastorg in the
03:46:01 5 newsroom?

03:46:02 6 A I don't recall testifying to that.

03:46:03 7 Q Okay. Have you heard people mention
03:46:07 8 Senator Donastorg in the newsroom?

03:46:08 9 A Sure.

03:46:08 10 Q Okay. And in what context?

03:46:12 11 A I don't recall. I'm sure plenty of
03:46:15 12 different contexts.

03:46:15 13 Q Well, like what?

03:46:19 14 A I couldn't give you a specific.

03:46:21 15 Q Have you ever heard anyone say anything
03:46:24 16 negative about him in the newsroom?

03:46:26 17 A I'm sure I have. I couldn't give you a
03:46:28 18 specific.

03:46:29 19 Q Well, can you tell me the types of
03:46:36 20 negative comments you've heard?

03:46:39 21 A Honestly, no. I don't recall. I couldn't
03:46:42 22 give you a specific comment or a specific type of
03:46:47 23 comment. I've heard good things about the senator
03:46:50 24 in the newsroom; I mean, I couldn't tell you what
03:46:52 25 those are either.

03:46:55 1 Q Well, can you give me a range of types of
03:46:58 2 negative things that have been discussed about him?
03:47:01 3 MR. RAMES: Objection to form.
03:47:01 4 THE DEPONENT: No.
03:48:00 5 (Defendants' Exhibit 11, previously marked, not
03:48:00 6 attached.)
03:48:00 7 BY MS. ROHN:
03:48:00 8 Q I'm going to show you what previously has
03:48:02 9 been marked as Defendants' Exhibit 11. And I will
03:48:06 10 come around, because this is my only copy.
03:48:12 11 This is the news -- and I put had in
03:48:14 12 quotes -- story that was written concerning a
03:48:20 13 foreclosure.
03:48:20 14 Starts out, "A" -- written February 6,
03:48:23 15 2002, by Billy Shields.
03:48:27 16 "A St. Thomas senator may find
03:48:29 17 himself looking for a new place to live if
03:48:31 18 he cannot pay off the mortgage on his
03:48:33 19 Wintberg home."
03:48:37 20 Now, first of all, did you edit this
03:48:40 21 story?
03:48:41 22 A I don't recall editing this story.
03:48:43 23 Q Would you agree with me that that's not a
03:48:45 24 proper first line story?
03:48:48 25 MR. RAMES: Objection to form.

03:48:49 1 THE DEPONENT: It's not my style; I
03:48:51 2 would put it that way.
03:48:54 3 BY MS. ROHN:
03:48:54 4 Q Now, it shows later on that before writing
03:49:00 5 this:
03:49:01 6 "When contacted at his office, the
03:49:03 7 senator said the bank either made a
03:49:05 8 mistake or that he took care of the
03:49:07 9 problem and left any further comments to
03:49:11 10 the bank."
03:49:11 11 Quote, "It's being taken care of," close
03:49:15 12 quote.
03:49:15 13 Quote, "The bank dropped the ball. I
03:49:18 14 don't understand why this is a major issue."
03:49:20 15 Given that information, would you agree,
03:49:22 16 as an editor, that that's an improper first line to
03:49:26 17 the story?
03:49:29 18 A I'm not in love with the lead, I'll tell
03:49:34 19 you that.
03:49:34 20 Q Okay. You said you're not in love with
03:49:36 21 the lead?
03:49:37 22 A Yeah. I mean, you know, it's the style,
03:49:40 23 it's a choice. It wouldn't be my first choice.
03:49:45 24 Q Now, Mr. Donastorg has children and, of
03:49:48 25 course, a wife, who were, of course, taunted in

03:49:51 1 school as a result of hearing that they were going
03:49:54 2 to be out on the street as a result of the news
03:49:55 3 story.

03:49:56 4 As an editor, do you take those things
03:50:00 5 into account, that people have children, and things
03:50:03 6 have an effect on people?

03:50:04 7 MR. RAMES: Objection to form. I don't
03:50:05 8 see a reference to "the street."

03:50:07 9 MS. ROHN: Where do you go if you get
03:50:09 10 kicked out of your house?

03:50:10 11 MR. RAMES: I see no reference to "the
03:50:12 12 street."

03:50:12 13 MS. ROHN: Fine. I'll note your
03:50:14 14 statement.

03:50:15 15 MR. RAMES: Okay. Fine.

03:50:17 16 THE DEPONENT: So the question is, as
03:50:19 17 an editor, hypothetically, do I take people's
03:50:22 18 families and children into account when stories
03:50:27 19 are being done about them?

03:50:28 20 BY MS. ROHN:

03:50:29 21 Q Well, yes.

03:50:30 22 A To the extent that it needs to be, yes.

03:50:33 23 Q Okay. Particularly if you're doing --

03:50:35 24 I mean, first of all, why is the fact that
03:50:38 25 there's a foreclosure action pending news to be

03:50:42 1 given?

03:50:43 2 A I think it goes to when you have people
03:50:49 3 that are in charge of people's money, you know, if
03:50:53 4 they have problems with their own finances, I think
03:50:57 5 the argument could be made that it would be
03:51:02 6 something that is newsworthy.

03:51:03 7 Q Well, then, wouldn't that be true as to
03:51:06 8 every senator who gets a foreclosure action?

03:51:08 9 A I would say if it's true for one, it would
03:51:10 10 be true for others.

03:51:11 11 Q So, for instance, if Rocky Liburd was
03:51:15 12 subject to a foreclosure action, there should have
03:51:17 13 been a story about him as well?

03:51:19 14 MR. RAMES: Objection to form.

03:51:20 15 THE DEPONENT: It might depend on the
03:51:22 16 economic climate at the time. I mean, I don't
03:51:24 17 know if Rocky has something --

03:51:28 18 BY MS. ROHN:

03:51:28 19 Q No. I'm talking about at or about the
03:51:30 20 same time.

03:51:31 21 A I can't really answer your question.

03:51:34 22 What I'm saying is you're asking me the
03:51:35 23 value of it. The value of it is exactly what I
03:51:37 24 said. If someone is charged in dealing with
03:51:38 25 people's money, that's why a story like that would

03:51:42 1 be something that would be done.

03:51:43 2 Q Well, if the *Daily News* did a story that
03:51:47 3 started with the lead line that they may be looking
03:51:49 4 for another place to live, and then the foreclosure
03:51:55 5 action was voluntarily dismissed before
03:51:58 6 Senator Donastorg was even served, shouldn't there
03:52:02 7 have been a story that said that the foreclosure
03:52:05 8 action was dismissed?

03:52:06 9 A There should be a follow-up, yes.

03:52:13 10 MS. ROHN: Let me ask -- one second.
03:52:16 11 I'll be right back.

03:52:17 12 (Pause in proceedings.)

03:53:09 13 MR. RAMES: You have no further
03:53:09 14 questions?

03:53:09 15 MS. ROHN: No.

03:53:10 16 MR. RUSKIN: I have a couple of real
03:53:12 17 quick ones.

03:53:14 18 EXAMINATION

03:53:16 19 BY MR. RUSKIN:

03:53:16 20 Q Good afternoon, sir. My name is Paul
03:53:18 21 Ruskin. I represent VITELCO and Holland Redfield in
03:53:23 22 this case.

03:53:24 23 Do you know who Dave Sharp is?

03:53:28 24 A Yeah, I know who he is; I don't know him
03:53:30 25 personally.

03:53:30 1 Q Who do you know him to be?

03:53:32 2 A The President of Innovative Telephone,
03:53:35 3 VITELCO.

03:53:36 4 Q Do you know him to be president presently?

03:53:38 5 A No.

03:53:39 6 Q At some --

03:53:40 7 A Former president.

03:53:43 8 Q Okay. At any time during the period of
03:53:46 9 time that you knew Dave Sharp to be working for
03:53:50 10 VITELCO, did you ever know him to come by the *Daily*
03:53:53 11 *News*?

03:53:53 12 A No.

03:53:54 13 Q Did you ever talk to him?

03:53:55 14 A No.

03:53:55 15 Q Did you ever know of any reporters or
03:53:57 16 editors who talked to him personally?

03:54:00 17 A I believe he's been quoted in stories
03:54:03 18 about the telephone company. Probably Tim Fields
03:54:08 19 may have spoken with him, some of the other
03:54:11 20 reporters. I believe he's been quoted in stories,
03:54:14 21 and he's been at PSC meetings that we've attended.

03:54:17 22 Q Did you ever know Dave Sharp to ask the
03:54:20 23 *Daily News* to print particular stories or
03:54:23 24 editorials?

03:54:23 25 A No.

03:54:24 1 Q Do you know who Sam Ebbensen is?

03:54:26 2 A Yes.

03:54:26 3 Q And how did you know Sam Ebbensen?

03:54:29 4 A I don't recall what his title was with

03:54:33 5 ICC, but he was one of the folks with corporate.

03:54:36 6 Q Okay. Are you aware of the fact that at

03:54:39 7 one point in time Sam Ebbensen was the president of

03:54:42 8 the VITELCO?

03:54:43 9 A I guess so, now that you say it.

03:54:45 10 Q At any point in time did you ever know Sam

03:54:47 11 Ebbensen to come to the *Daily News*?

03:54:49 12 A No. I've never met him. I've never seen

03:54:51 13 him there.

03:54:52 14 Q Do you know what he looks like? Have you

03:54:54 15 seen a picture?

03:54:55 16 A Yeah, I think I have.

03:54:58 17 Q Have you ever spoken to Sam Ebbensen?

03:55:01 18 A Yeah, I've seen a picture of Sam Ebbensen.

03:55:03 19 No, I've never spoken to him.

03:55:05 20 Q Do you know whether either Sam Ebbensen or

03:55:08 21 Dave Sharp ever gave instructions to the *Daily News*

03:55:11 22 with regard to their stories that they wanted to see

03:55:13 23 run?

03:55:14 24 A Not to my knowledge.

03:55:15 25 Q How about stories that they didn't want to

03:55:18 1 see run, have you ever heard of either of them
03:55:20 2 giving instructions to the *Daily News*?
03:55:22 3 A Not to my knowledge.
03:55:23 4 Q Or to Lowe Davis or to Jason Robbins?
03:55:25 5 A Not to my knowledge.
03:55:27 6 Q How about Holland Redfield? You said you
03:55:28 7 knew who he was.
03:55:29 8 A Yes.
03:55:30 9 Q Who did you know him to be?
03:55:30 10 A The spokesman for ICC.
03:55:32 11 Q Did you ever know of him to be employed by
03:55:34 12 VITELCO?
03:55:39 13 A I don't recall his — my recollection is
03:55:41 14 he was the spokesman for ICC, the parent company. I
03:55:45 15 may be mistaken in my recollection.
03:55:47 16 Q Have you ever seen him at the *Daily News*?
03:55:50 17 A No. I don't believe so.
03:55:51 18 Q Have you ever heard of any instructions
03:55:53 19 given by Holland Redfield to the *Daily News*?
03:55:55 20 A No.
03:55:55 21 Q Have you ever heard of any instructions by
03:55:57 22 Holland Redfield given to Lowe Davis or Jason
03:55:59 23 Robbins?
03:56:00 24 A No.
03:56:02 25 Q Have you ever heard of any instructions by

03:56:05 1 Holland Redfield to run or not run stories by the
03:56:07 2 *Daily News*?

03:56:08 3 A No.

03:56:10 4 Q Do you know who Tom Minnich is?

03:56:13 5 A I know Tom Minnich. I think he was -- I
03:56:22 6 know his name. I know that he was with corporate,
03:56:24 7 that Lowe and Jason had dealings with him, but I
03:56:30 8 don't specifically know -- I mean, I believe that
03:56:34 9 they answered to him on financial things. I may be
03:56:39 10 mistaken on that.

03:56:40 11 Q When you say "corporate," are you
03:56:42 12 referring to --

03:56:43 13 A ICC.

03:56:43 14 Q -- ICC?

03:56:45 15 Did you ever know of Tom Minnich to have
03:56:48 16 given instructions to the *Daily News* with regard to
03:56:50 17 stories to write or not write?

03:56:52 18 A No, not to my knowledge.

03:56:55 19 Q Do you know who Jim Heying is?

03:56:57 20 A I know Jim Heying's name. I don't know
03:57:01 21 his particular role with the company.

03:57:02 22 MR. RUSKIN: For the reporter, that's
03:57:02 23 H-e-y-i-n-g.

03:57:06 24 BY MR. RUSKIN:

03:57:07 25 Q Have you ever heard of Jim Heying giving

03:57:09 1 instructions to the *Daily News* about stories to
03:57:12 2 write or not write?
03:57:13 3 A No.
03:57:14 4 Q Have you ever seen him at the *Daily News*?
03:57:16 5 A No.
03:57:17 6 Q And have you ever met him personally?
03:57:19 7 A No. I don't even know what he looks like.
03:57:22 8 MR. RUSKIN: I have no other questions.
03:57:24 9 MR. RAMES: Just a few.
03:57:25 10 EXAMINATION
03:57:25 11 BY MR. RAMES:
03:57:25 12 Q Have you ever edited editorials?
03:57:30 13 A No.
03:57:38 14 Q I bring your attention to the second page
03:57:49 15 of Exhibit Number 128. And I'll ask you whether
03:57:53 16 that, in your opinion, is a proper retraction of the
03:57:55 17 story on the front of that page? -- the front of
03:58:03 18 that document. Excuse me.
03:58:06 19 A Yeah. Given that's correct, the staff had
03:58:08 20 been provided that information, yeah.
03:58:15 21 Q Okay. You indicated that the word
03:58:16 22 "pushed," in connection with the \$300,000
03:58:19 23 appropriation for the boxing match appeared to be
03:58:27 24 strong language -- I believe that was your
03:58:29 25 testimony -- but that you'd have to know the

03:58:30 1 circumstances.

03:58:32 2 A Yes.

03:58:32 3 Q Okay. And if the circumstances were that

03:58:35 4 Mr. Donastorg was the drafter and primary sponsor of

03:58:41 5 that legislation, would it be appropriate, then, to

03:58:44 6 use the word "push"?

03:58:46 7 A I think it would be.

03:58:47 8 Q With respect to the issue of the filing of

03:58:49 9 the foreclosure story in 2002, would that -- excuse

03:58:56 10 me -- publication of the foreclosure story in 2002,

03:58:59 11 would it be more or less likely that you would run a

03:59:04 12 foreclosure story if it was about the Chairman of

03:59:07 13 the Committee on Finance at the Legislature?

03:59:10 14 A Rather than another senator?

03:59:12 15 Q Rather than another senator.

03:59:13 16 A It would be more likely if you were the

03:59:15 17 Chairman of the Finance.

03:59:18 18 Q Why would it be more likely if he was the

03:59:19 19 Chairman of the Finance Committee?

03:59:19 20 A Because he's in a leadership role, dealing

03:59:24 21 with how he would spend the taxpayers' money.

03:59:27 22 MR. RAMES: Nothing further.

03:59:28 23 Thank you.

03:59:28 24 MS. ROHN: Okeydoke. Have a great day.

03:59:37 25 MR. RAMES: Thank you. Have a great

03:59:38 1 day.

03:59:40 2 (Whereupon, the deposition concluded at 3:59 p.m.)

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JURAT

I, William Brown, certify that I have read the foregoing transcript of my deposition taken on Wednesday, December 17, 2008, and have signed it subject to the following changes:

PAGE LINE CORRECTION

Deponent

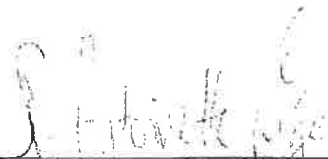
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COURT REPORTER'S CERTIFICATE

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 23, 2008



N. Antoinette Cérge, RPR/CSR

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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

SENATOR ADLAH DONASTORG, Jr.,)
BENEDICTA DONASTORG, ADLAH)
DONASTORG, Sr., JOSEFINA)
DONASTORG, ELLA MORON and NORMA)
DURAN,)

Plaintiff,)

vs.)

Case No. 117/2002

DAILY NEWS PUBLISHING CO., INC.,)
INNOVATIVE COMMUNICATION)
CORPORATION, JEFFREY PROSSER,)
LOWE DAVIS, HOLLAND "DYKE")
REDFIELD and VITELCO,)

Defendant.)

THE ORAL DEPOSITION OF JULIE ERIKSON

was taken on the 19th day of December, 2008, at the Law
Offices of Rohn & Cameron, 1101 King Street, Christiansted,
St. Croix, U.S. Virgin Islands, between the hours of
3:05 p.m. and 4:33 p.m., pursuant to Notice and Federal
Rules of Civil Procedure.

Reported by:

Cheryl L. Haase
Registered Professional Reporter
Caribbean Scribes, Inc.
2132 Company Street, Suite 3
Christiansted, St. Croix U.S.V.I.
(340) 773-8161

ORIGINAL

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JULIE ERIKSON -- DIRECT

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JULIE ERIKSON,

Called as a witness, having been first duly sworn,

Testified on his oath as follows:

DIRECT EXAMINATION

BY MS. ROHN:

Q. Good morning. I mean, good afternoon.

Can you state your name for the record,
please?

A. Julie Erikson.

Q. Are you the daughter of Dennis Sheraw?

A. Yes.

Q. Can you tell me where you presently reside?

A. 30 Hermon Hill.

Q. How long have you lived there?

A. Since 1990.

Q. All right. Are you currently employed?

A. I have my own business.

Q. And what business is that?

A. I'm a sales director with Mary Kay.

Q. How long have you had that business?

A. For six years.

Q. And I take it that there was a time that you
worked for Dennis Sheraw & Associates?

A. Yes.

Q. And during what period of time?

JULIE ERIKSON -- DIRECT

1 A. I only know that I worked for him for ten years,
2 but I don't know the exact dates of hire or when I left.

3 Q. Well, about what year did you leave?

4 A. Approximately 2001.

5 (Respite).

6 Q. (Ms. Rohn) When you worked for Dennis Sheraw &
7 Associates, what was your job title?

8 A. I was an investigator.

9 Q. All right. And did you attend any training to
10 become an investigator?

11 A. I did, yes.

12 Q. What training was that?

13 A. I went to several seminars through the American
14 Society of Industrial Security, and another one that I don't
15 recall the name of.

16 Q. How long was that first seminar?

17 A. I don't remember.

18 Q. Day, week?

19 A. Days. They usually last several days, and I went
20 to several.

21 Q. More than two, or two?

22 A. More than two.

23 Q. How many did you go to?

24 A. Somewhere between two-and-half dozen.

25 Q. Okay. Did you ever pass, take any tests to become

JULIE ERIKSON -- DIRECT

1 an investigator?

2 A. No.

3 Q. Did you ever get any licenses to become an
4 investigator?

5 A. No.

6 Q. How were you an investigator if you had no
7 license?

8 A. I worked for an investigative company.

9 Q. How would it be determined what investigations you
10 would work on?

11 A. Clients would call in and ask us to do work for
12 them.

13 Q. But how would it be determined which cases would
14 be assigned to you?

15 A. It depended on the workload of all the
16 investigators in the office.

17 Q. So you didn't have a particular type of
18 investigation that you specialized in?

19 A. No.

20 Q. Generally, when you were asked to do an
21 investigation, did you give a proposal as to the scope of
22 the investigation and the proposed costs?

23 A. Not that I recall.

24 Q. Did you participate in any way in the drafting of
25 the proposal to, at that time I think it was called EmCom,

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JA002200

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1 or what was the predecessor of ICC, to do work for them?

2 A. I don't recall.

3 Q. Okay. Do you recall putting together a package
4 that included security guard service, private investigations
5 and sweeping the offices?

6 A. No.

7 Q. Were you ever involved in sweeping the offices?

8 A. Yes.

9 Q. And what was your involvement in that?

10 A. Using the equipment that we had to sweep the
11 offices for bugs.

12 Q. Did that ever include VITELCO offices?

13 A. I don't recall. I don't recall.

14 Q. Okay. What did you do to prepare for your
15 deposition?

16 A. Today?

17 Q. Uh-huh.

18 A. I read my deposition of 2000-something.

19 Q. Anything else?

20 A. No.

21 Q. Did you meet, do you have counsel?

22 A. No.

23 Q. Why is Mr. Simpson here?

24 A. Oh, I guess he's my counsel.

25 Q. Have you ever retained him?

JULIE ERIKSON -- DIRECT

- 1 A. No.
- 2 Q. Do you know why he's your counsel?
- 3 A. Because he's the counsel for Dennis Sheraw &
- 4 Associates.
- 5 Q. Did you meet with him before the deposition?
- 6 A. Yes.
- 7 Q. And what did you discuss?
- 8 MR. SIMPSON: Don't disclose --
- 9 MS. ROHN: She's not an employee of Sheraw &
- 10 Associates.
- 11 MR. SIMPSON: Don't disclose what you have
- 12 discussed. There is an attorney-client relationship here.
- 13 MS. ROHN: Yeah, right. That's obvious.
- 14 Q. (Ms. Rohn) Have you ever paid him a retainer or
- 15 asked him to represent you?
- 16 A. No.
- 17 Q. Do you have a counsel of your own?
- 18 A. No.
- 19 Q. How long did you meet with Attorney Simpson?
- 20 A. For minutes, actually. I read my deposition.
- 21 That's what I did.
- 22 Q. How did you get your deposition?
- 23 A. He provided it to me.
- 24 Q. Did you have a copy of your own?
- 25 A. No.

JULIE ERIKSON -- DIRECT

1 Q. Okay. Did you discuss anything about this
2 deposition with your father?

3 A. No.

4 Q. Did you discuss anything about this deposition
5 with anyone from Sheraw & Associates?

6 A. No.

7 Q. Was anyone from Sheraw & Associates present when
8 you had a conversation with Mr. Simpson?

9 A. No.

10 Q. Since the last time that I took your deposition,
11 which was I think 2004, but I'm not sure, since then, have
12 you been deposed by anybody else?

13 A. No.

14 Q. Okay. Do you recall being involved in the
15 investigation of Adlah Donastorg?

16 A. Yes.

17 Q. Do you recall how it came about that that
18 investigation occurred?

19 A. No.

20 Q. Do you recall who contacted the office to do the
21 investigation?

22 A. No.

23 Q. Do you recall how the investigation was assigned
24 to you?

25 A. No.

JULIE ERIKSON -- DIRECT

1 Q. Do you recall the involvement of your father in
2 that investigation?

3 A. No.

4 Q. Normally, if you were assigned an investigation by
5 a fairly important client, what would be the involvement of
6 your father in that investigation?

7 MR. RUSKIN: Objection. Calls for
8 hypothetical.

9 Q. (Ms. Rohn) You can answer.

10 A. I'm sorry. Could you repeat the question?

11 Q. Normally, if you were assigned an investigation of
12 a client that was fairly important to the organization, what
13 would be the involvement of your father in that
14 investigation?

15 A. Well, we always discussed our cases at a weekly
16 meeting in the office between my father and the other
17 investigators.

18 Q. Okay.

19 A. And then work was divvied up based on, you know,
20 caseload.

21 Q. At that weekly meeting, would you discuss the
22 status of investigations?

23 A. Yes.

24 Q. And who would attend those weekly meetings?

25 A. Dennis Sheraw, myself, and the other investigator.

JULIE ERIKSON -- DIRECT

1 Q. Which would have been whom? Is that Lisa Wallace?

2 A. That could be, but to be perfectly honest, from
3 ten years ago, I don't recall.

4 Q. Would there be minutes kept of these meetings?

5 A. No.

6 Q. Any notes taken from the meetings?

7 A. No.

8 Q. Okay. Do you recall having what's called a source
9 list?

10 A. No.

11 Q. Okay. How would you know who the sources were
12 that you could use?

13 A. I don't know. I mean, I don't know.

14 Q. Well, did you use sources?

15 A. Yes.

16 Q. How did you know about them?

17 A. We might have had them on a list.

18 Q. Okay. Normally, when a case --

19 Would you call it a case?

20 A. Sure.

21 Q. What would you call a new investigation, a case --

22 A. Sure.

23 Q. -- or an operation?

24 Case?

25 A. A case would be fine.

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JULIE ERIKSON -- DIRECT

1 Q. Normally, when a case came into the office, what
2 would be the procedure for opening it?

3 A. I mean, they all varied so much. There's not
4 standard procedures, because every case is different. It's
5 different kinds of work and --

6 Q. Well, would there be an intake sheet to set up a
7 file?

8 A. There might have been. To be perfectly honest,
9 you're asking me about a job I did ten years ago. So, yeah,
10 I don't know.

11 Q. Okay.

12 A. If you put a case file in front of me, maybe I
13 could tell you what things were. But to ask me at this
14 point what I did on something ten years ago, I don't know.

15 Q. Well, we're going to show you some documents. I'm
16 just trying to test your memory.

17 A. Okay. It's not good.

18 Q. Since you left Sheraw & Associates, have you done
19 any work for them at all?

20 A. No.

21 Q. Okay. And why did you leave?

22 A. Several reasons.

23 Q. Which would be?

24 A. Personal reasons.

25 Q. Okay. Were you aware of an investigation of the

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1 consultant for the PSC, Mr. Madan, conducted by Sheraw &
2 Associates?

3 A. No.

4 Q. You didn't work on that?

5 A. No.

6 Q. Okay. I'm going to show you what's marked as --

7 MS. ROHN: Actually, can she be shown

8 Exhibit No. 1?

9 MR. SIMPSON: One or 33?

10 MS. ROHN: One.

11 (Deposition Exhibit No. 1 was

12 previously marked for identification.)

13 Q. (Ms. Rohn) I'd like you to go to the page that's

14 Bates stamped 1184.

15 A. I'm sorry. Where do I find the 1184?

16 Q. It's at the bottom left-hand corner.

17 A. Okay.

18 MR. SIMPSON: Looks like that (indicating).

19 THE WITNESS: Okay.

20 Q. (Ms. Rohn) You see this form here, Case Open,

21 Contact?

22 Do you recognize this form as a form that was

23 used at the office to open case files?

24 A. No.

25 Q. Had you ever seen such a form before that you can

JULIE ERIKSON -- DIRECT

- 1 recall?
- 2 A. No.
- 3 Q. Okay. Also, if you'll go to Page 1183, Indices
4 Check, have you ever seen this form before?
- 5 A. Yes, I have.
- 6 Q. What did you understand this form was used for?
- 7 A. This was used to search names through our V.I.
8 Online database.
- 9 Q. Do you know why there's little circles above the
10 names?
- 11 A. No.
- 12 Q. Were you ever aware that there was an
13 investigation on a Riel Faulkner and a Lori Gilmore at the
14 request of Ed Crouch?
- 15 A. No.
- 16 Q. Okay. You didn't work on that --
- 17 A. No.
- 18 Q. -- investigation?
19 Do you know where Lisa Wallace is now?
- 20 A. No.
- 21 Q. When is the last time you spoke with her?
- 22 A. Probably ten years ago.
- 23 Q. Okay. Do you know where she went when she left
24 Sheraw & Associates?
- 25 A. Spain.

JULIE ERIKSON -- DIRECT

1 Q. All right. Did you know if she was planning on
2 staying there, or going someplace else after that?

3 A. I don't know.

4 Q. Were you and she friends?

5 A. We were coworkers.

6 MS. ROHN: Okay. Okay. If you could have
7 the witness shown Exhibit 48.

8 (Deposition Exhibit No. 48 was
9 previously marked for identification.)

10 Q. (Ms. Rohn) Do you recognize the handwriting on
11 that document?

12 A. Yes.

13 Q. Is that yours?

14 A. Yes, it is.

15 Q. Okay. The first page of that document, which is
16 LR 08, is an indices check, is that correct?

17 A. Yes.

18 Q. For Senator, or for Adlah "Foncie" Donastorg?

19 A. Yes.

20 Q. The date is 3/27/1998.

21 Is this one of the first things that you
22 would do when you -- when assigned an investigation file?

23 A. Yes.

24 Q. So would it be fair to say that you started this
25 investigation at or around that time?

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JA002209

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1 A. Yes.

2 Q. And your -- we deposed your father, and he said
3 that case 100 would be the hundredth case of 1998.

4 Is that your recollection?

5 A. Yes.

6 Q. And OPDON, is that Operation Donastorg?

7 A. Yes.

8 Q. The second page of that document, which is LR 400,
9 can you identify what that document is?

10 A. It's a billing worksheet.

11 Q. And is that a normal form that would have been
12 used at Sheraw & Associates?

13 A. Yes.

14 Q. And this, the date June 12th, 1998, what date does
15 that indicate?

16 A. Huh?

17 Q. The date of the bill?

18 A. Probably, yes.

19 Q. Okay. Now, this indicates that Julie 31.75.

20 Is that the hourly rate that you were
21 charging?

22 A. No, that's the amount of hours that I worked.

23 Q. Okay. And it has Outside, Riise, R-I-I-S-E, and
24 \$40.

25 A. Yes.

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1 Q. What does that indicate?

2 A. That would have been a fee that we paid to an
3 outside source.

4 Q. And who is Riise?

5 A. That would be Riise Richards.

6 Q. All right. And who is Riise Richards?

7 A. She was a police officer in St. Thomas.

8 Q. And was she a normal source for Sheraw &
9 Associates?

10 A. Occasionally.

11 Q. And what would she be used for?

12 A. Information in St. Thomas on people.

13 Q. How often had you used her?

14 A. I couldn't tell you that.

15 Q. Okay. Did your father ever use her?

16 A. You'd have to ask him that.

17 Q. Okay. But she was listed as a source if you
18 wanted information about people in St. Thomas?

19 A. Yes.

20 Q. And why would you have paid her \$40?

21 A. To pay her for her time, I guess.

22 Q. Now, under charges, it has A & R court records.

23 What is that?

24 A. I have no idea.

25 Q. Okay. Do you know what A & R corporate at \$44 is?

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JA002211

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1 A. No, I don't.

2 Q. Under the -- at the bottom, under Other, it has,
3 Bank Searches, \$1,000?

4 A. Yes.

5 Q. What does that indicate?

6 A. That would have been the fee we paid for banking
7 information.

8 Q. On Senator Donastorg?

9 A. Yes.

10 Q. Did you understand that that was private
11 information?

12 MR. SIMPSON: Object to the form.

13 You can answer.

14 A. I'm sorry. Did I understand --

15 Q. (Ms. Rohn) Did you understand that that was
16 private information?

17 A. Yes.

18 Q. And why were you accessing private information?

19 A. That's my job, is to get facts on Mr. Donastorg.

20 Q. Even if it was private?

21 A. I guess so.

22 Q. Okay. When you -- do you remember who you talked
23 to before doing this investigation?

24 A. No, I don't.

25 Q. Okay. If Oakland Benta was the person that was

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1 being billed, does that help refresh your recollection?

2 A. Not necessarily, no.

3 Q. Why is that not?

4 A. It would be more, whoever had hired me would more
5 likely be whoever the report was directed to.

6 Q. Okay. If the reports were directed to Oakland
7 Benta, does that help refresh your recollection?

8 A. Yes, then that would have been my client.

9 Q. Was the purpose of this investigation to find
10 negative information about Senator Donastorg?

11 A. The purpose was to get facts on Senator Donastorg.

12 Q. Well, was the focus to be to dig up as much dirt
13 as you could?

14 MR. RUSKIN: Object to the form of the
15 question.

16 Q. (Ms. Rohn) You can answer.

17 MR. RAMES: Object to the form.

18 A. When -- no. I mean, it was to get facts on a
19 person, whether they're good or bad. You know, we don't
20 decide what kind. We go out to get information.

21 Q. Well, if there was a note in the file from Ed
22 Crouch, "Dig up dirt," would that be one of your
23 instructions?

24 MR. RUSKIN: Object. Assumes facts not in
25 evidence. Lack of foundation.

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J/A 002213

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1 MR. RAMES: Join.

2 A. I haven't seen that.

3 Q. (Ms. Rohn) Okay. Well, did you normally, in your
4 investigations, get private banking information about the
5 people you were investigating?

6 A. Not all investigations, no.

7 Q. Well, what about this investigation caused you to
8 go get the private banking information about Mr. Donastorg?

9 A. Probably the budget of the client.

10 Q. If you'll go to the next page, this is an activity
11 log, is that correct?

12 A. Yes. This is my time sheet.

13 Q. Okay. This indicates, on March 27th, you had the
14 first meeting with the client and opened the case, and the
15 first meeting with the client was forty-five minutes?

16 A. Yes.

17 Q. Can you recall why it would have been forty-five
18 minutes' conversation with Oakland Benta?

19 A. No.

20 MR. RUSKIN: Object to the form.

21 Q. (Ms. Rohn) Do you recall anything he told you
22 during that forty-five minutes?

23 A. No. To be perfectly honest, I don't recall that
24 it was with Oakland Benta.

25 Q. You don't remember who, actually?

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1 A. I don't.

2 Q. Okay. Would you have kept some notes about who
3 you first contacted, or who first contacted you?

4 A. If I did, they would be in the case file.

5 Q. Would you normally keep such notes?

6 A. Not necessarily.

7 Q. Now, on March 31st, it has that you went to the
8 Daily News for articles.

9 What does that entail?

10 A. That would be getting, obtaining actual copies of
11 articles. Anything that had been found in our V.I. Online
12 database, then we would go through the newspaper and look
13 through their archives to actually get copies of those
14 articles.

15 Q. Did you have a source at the Daily News that would
16 assist you in doing that?

17 A. No.

18 Q. Because the Daily News was owned by the same
19 company for whom you were doing the investigation, did you
20 ask them to assist in that?

21 A. No.

22 MR. RAMES: Object to form.

23 Q. (Ms. Rohn) All right. On April 8th it says,
24 Organized file. Called Riise.

25 Would that be Riise Richards?

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JA002215

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1 A. Yes.

2 Q. Do you remember the subject of that conversation?

3 A. No.

4 Q. On April 9th, you called the client.

5 Normally, why would you call the client
6 during the middle of an investigation?

7 A. I have no idea.

8 Q. Now, on April 15th, you have a note here, Went to
9 board of elections, called universities, bank court, outline
10 for report.

11 What bank would you have been contacting?

12 A. That's short for bankruptcy court.

13 Q. Ah. On April 22nd you have a note, Ran Social
14 Security searches.

15 What would that entail?

16 A. That was a search that we ran through a database
17 that the company used. Basically, it provided address
18 information.

19 Q. Okay. You have that you, again on April 23rd,
20 called the client.

21 Do you know why you would typically call a
22 client during an ongoing investigation?

23 A. Typically, it could be to give them updates, but
24 in this particular instance I don't recall those
25 conversations, so I don't know what we spoke of.

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JA002216

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1 Q. Okay. All right. And then on April -- May 8th it
2 says, Called library.

3 Do you know what library that would have
4 been?

5 MR. SIMPSON: You mean May 18th?

6 Q. (Ms. Rohn) Is that 18th?

7 I'm sorry. May 18th.

8 A. Called library. No, I don't.

9 MR. RUSKIN: For the record, it's probably
10 not May 18th, because it comes before the 14th and after the
11 6th.

12 A. I think it's the thirteenth.

13 Q. (Ms. Rohn) All right. Says, Faxed Coleman re:
14 bank searches.

15 Mr. Coleman would be Coleman -- that is
16 Coleman Gay, is that correct?

17 A. I was familiar with the company Brooks/Gay. I
18 don't know who Mr. Coleman is.

19 Q. We have taken Mr. Coleman's deposition in another
20 case in which Brooks/Gay then turned the bank searches over
21 to him, and he actually is the person who did the bank
22 searches.

23 Does that refresh your recollection?

24 A. I don't recall him personally, no.

25 Q. Do you know what you faxed concerning bank

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1 searches?

2 A. No.

3 Q. Do you recall if it was Social Security or bank
4 account numbers or --

5 A. No, I don't.

6 Q. All right. On May 15th, you have, Went to Daily
7 News, again.

8 Do you know why you went to the Daily News
9 again?

10 A. The only reason I would go there would be to
11 obtain copies of newspaper articles.

12 Q. Then it has, Called Carrier.

13 Do you know who Carrier is?

14 A. No, I don't.

15 Q. And, Called Weiss.

16 Would that be Attorney Weiss?

17 A. I have no idea.

18 Q. Before your deposition, have you had any
19 conversations with either Mr. Ruskin or Mr. Rames --

20 A. No.

21 Q. -- at any time about this case?

22 A. No.

23 Q. And on May 19th it has, again, Called Carrier.

24 A. (Witness nods head.)

25 Q. Do you know what that is?

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JA002218

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1 A. No, I don't.

2 Q. There is a notation on May 22nd, IRSC reports.

3 What are IRSC reports?

4 A. I believe that was one of the database searches
5 that we ran through our computers.

6 Q. And what type of a database was that?

7 A. I -- a database for investigators. Could have
8 been court records, I'm not really sure. I remember the
9 name IRSC, but I'm not sure exactly what kind of reports
10 they were.

11 Q. And on May 26th, you have you called Riise again.

12 Do you remember why?

13 A. No.

14 Q. Why would you call, on the 26th, you actually
15 called IRSC. Do you know why you would call a database?

16 A. No.

17 Q. And then it has you called the IRB.

18 What would be the purpose of you calling the
19 IRB in an investigation?

20 A. I have no idea.

21 Q. Did you have a source in the IRB?

22 A. No, not that I recall.

23 Q. Then you spoke to IRSC again on June 11th.

24 Do you have any idea why you would you have
25 done that?

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JA002219

JULIE ERIKSON -- DIRECT

1 A. No.

2 Q. The next one is a document dated 3/30, Lead List.

3 Where did you get this Lead List from?

4 A. Well, it's my handwriting.

5 Q. Okay. So did you generate this?

6 A. Probably, yes.

7 Q. Under, there is a listing, Bank account search.

8 This is early on in, it's like three days after you took
9 over this investigation.

10 Why, within three days, had you determined
11 that you were going to make a bank account search?

12 MR. RUSKIN: Object to the form.

13 MR. SIMPSON: Join.

14 A. I'm sorry. Can you repeat the question?

15 Q. (Ms. Rohn) Why, within three days of starting
16 this investigation, had you determined that you were going
17 to do a bank account search?

18 MR. SIMPSON: Objection.

19 THE WITNESS: Am I supposed to answer?

20 MR. SIMPSON: You can answer.

21 A. Again, bank account searches, you know, we're just
22 looking, doing a background investigation on someone, and a
23 bank account search was really determined on whether the
24 client could afford it or not. If the client could afford
25 it, then we would put it in there.

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JA002220

JULIE ERIKSON -- DIRECT

1 Q. (Ms. Rohn) Riise, again, that would be Riise
2 Richards?

3 A. Yes.

4 Q. You planned on speaking with her?

5 A. Yes.

6 Q. And Derricks, that is who?

7 A. That is another police officer in St. Thomas.

8 Q. Named?

9 A. Derricks. Just known by Derricks.

10 Q. Did you speak to him concerning Mr. Donastorg?

11 A. I don't recall.

12 Q. And Liz Goggins, with a check.

13 Why would you be speaking to Liz Goggins?
14 First of all, who is she?

15 A. Liz Goggins? I believe she used to work for one
16 of Prosser's companies, but I don't recall which one.

17 Q. Okay. And then you have an indices check for
18 April 6th, 1998, with various people who worked for Senator
19 Donastorg.

20 Do you know why you were doing indices checks
21 on his staff?

22 MR. RUSKIN: Object to the form.

23 MR. SIMPSON: Join.

24 A. Probably because we were looking into anyone that
25 was associated with him.

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JA002221

JULIE ERIKSON -- DIRECT

1 Q. (Ms. Rohn) And why was that? Was that one of
2 your instructions?

3 A. I have no idea.

4 Q. Well, did you normally, in an investigation,
5 investigate not only the person, but anybody who was
6 associated with them?

7 MR. SIMPSON: Object to form.

8 A. Well, we didn't do an investigation on them. We
9 just ran them through our database. It's a database check,
10 not an investigation.

11 Q. (Ms. Rohn) The next is some notes. Do you
12 recognize this as your handwriting?

13 A. Yes.

14 Q. Okay. Benta, do you know the significance of
15 "Benta" in that note?

16 A. I would imagine that's Oakland Benta.

17 Q. And was that because that's who you were speaking
18 to?

19 A. I don't recall.

20 Q. And it says re: CO.

21 Do you know what that stands for?

22 A. Regarding the company.

23 Q. Do you know what company?

24 A. No.

25 Q. Mr. Donastorg owned a company called Carrier

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JA002222

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1 Medical Supplies.

2 Does that help refresh your recollection?

3 A. Yes.

4 Q. Is that who you were speaking about?

5 A. I guess so.

6 Q. Okay.

7 A. But again, I don't recall this conversation.

8 Q. Okay. And then, do you know if these were
9 questions Mr. Benta had about Carrier Medical Supplies?

10 A. I don't recall the conversation, but looking at
11 the notes, that would be what I would imply from it, yes.

12 Q. That he wanted to know who he bought it from, how
13 much he was selling, how much he was selling compared to
14 other suppliers, his mother had the experience to run the
15 business.

16 Is that a fair explanation of those notes?

17 A. Yes.

18 MR. SIMPSON: Object to the form.

19 Q. (Ms. Rohn) Then there's a Cal Chung.

20 Do you know who that is?

21 A. Cal Chung owned a company in Jamaica.

22 Q. Okay. Was that someone who Carrier Medical did
23 business with?

24 A. I don't know.

25 Q. Has an indication, Info on company sent to Gemma.

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JA002223

JULIE ERIKSON -- DIRECT

1 Do you know what that indicates?

2 A. No.

3 Q. Then there's an April 8th, an indices check for
4 April Petroff and Carrier Medical Supplies.

5 Is that something that you did?

6 A. Yes.

7 Q. Then there is a note, the next page, Julie, I
8 reviewed the V.I. Online results for OPDON and made a
9 complete (sic) notes on your notes. Looks like Liz Goggins,
10 ATN and Greenpeace, has probably worked with Foncie, as he
11 helped divert nuclear shipments.

12 Is that a fair reading of those notes?

13 MR. RUSKIN: I'm going to object to the form
14 of the question, and it's not a fair reading.

15 Q. (Ms. Rohn) What's not right?

16 MR. RUSKIN: Has he "claimed" he helped.

17 MR. SIMPSON: Also made a "couple" of notes,
18 not made "complete" notes.

19 MS. ROHN: Sorry. I can't read that
20 handwriting.

21 Q. (Ms. Rohn) Was Lisa Wallace helping you with this
22 investigation?

23 A. I don't recall.

24 Q. From this note, does it refresh your recollection
25 as to whether or not she was helping you with this

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JA002224

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1 investigation?

2 A. This is her handwriting and her note, but I don't
3 recall if she worked on the investigation.

4 Q. Okay. The next is an April 16th indices check on
5 members of Mr. Donastorg's family and some companies.

6 Why did you do an indices check on his family
7 members?

8 A. Again, running them through the database because
9 they were related to him.

10 Q. And the next is April 17th indices check on, I
11 would assert, the major donors to his campaign.

12 Why were you doing a check on the major
13 donors to his campaign?

14 A. I don't know.

15 Q. Okay. And May 13th is another indices check.

16 Do you know why you looked into these
17 persons?

18 A. No. None of these names are familiar to me.

19 Q. Think there's somebody associated with a property
20 in Florida. Does that help you?

21 A. No.

22 Q. And here is a fax to Bill Coleman from Julie
23 Erikson.

24 Does that refresh your recollection as to
25 whether or not you spoke or communicated with Mr. Coleman in

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JA002225

JULIE ERIKSON -- DIRECT

1 this case?

2 A. I still don't recollect who Bill Coleman is at
3 all.

4 Q. Well, you certainly -- is this your handwriting?

5 A. Yes, it is.

6 Q. So you did send a fax to him on May 13th, 1998?

7 A. Yes, I did.

8 Q. Says, We would like to run a U.S. and USVI bank
9 account search on the following, and you have a Social
10 Security number for Mr. Donastorg, and a tax I.D. number for
11 Carrier Medical Supplies -- Multi Service, sorry, d/b/a
12 Carrier Medical Supplies.

13 Where did you get the Social Security and tax
14 I.D. number?

15 MR. SIMPSON: Object to the form.

16 A. I don't recall.

17 Q. (Ms. Rohn) Normally, in a search -- excuse me --
18 in an investigation, how would you get that information?

19 A. I don't recall. I mean, there is no normal. All
20 of our cases were different. Sometimes we were provided
21 with it. Sometimes it would come up in a database search.
22 There was no normal.

23 Q. (Ms. Rohn) Well, was there a database that you
24 could obtain somebody's Social Security number from?

25 A. Not that I recall.

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1 Q. Do you recall whether or not you were given the
2 Social Security number of Senator Donastorg from
3 applications that he made for phone service?

4 A. I don't recall.

5 Q. There are some newspaper articles attached,
6 VITELCO report released. Consultant recommends full rate
7 case investigation, with a subheading, VITELCO hammered by
8 PSC.

9 Do you know why that's in this file?

10 A. Because -- well, no, I don't.

11 Q. Did you understand that Mr. Donastorg was adverse
12 to VITELCO?

13 A. Repeat the question.

14 Q. Do you know whether or not Senator Donastorg, at
15 the time they requested this investigation, was adverse to
16 VITELCO?

17 A. I don't recall.

18 (Whereupon a cell phone interrupted the proceedings.)

19 MR. RAMES: I apologize.

20 MR. RUSKIN: You didn't do anything wrong. I
21 apologize.

22 MR. RAMES: Good man.

23 Q. (Ms. Rohn) Go to the one Bates stamped LR 386.

24 MR. RAMES: 386?

25 Q. (Ms. Rohn) Is that your handwriting on that

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- 1 document? Not the signatures.
- 2 A. No.
- 3 Q. The one that says, No recent history, is not
4 yours?
- 5 A. No.
- 6 Q. If you go to the next page, is that your
7 handwriting?
- 8 A. Yes.
- 9 Q. And is that notes taken from a conversation with
10 the St. Thomas hospital?
- 11 A. It looks like it is, yes.
- 12 Q. Do you know who you spoke to at the St. Thomas
13 hospital?
- 14 A. No.
- 15 Q. It says down here, Alfonso Williams, acting
16 director, who I spoke with.
- 17 A. Oh, yes.
- 18 Q. Does that help your recollection?
- 19 A. That would be, then, who I spoke to.
- 20 Q. And he said he highly recommended Carrier, is that
21 correct?
- 22 A. According to these notes, yes.
- 23 Q. Next page, is that also your handwriting?
- 24 A. Yes.
- 25 Q. And is that from a conversation you had with

JULIE ERIKSON -- DIRECT

1 St. John Company?

2 A. Could be. I would say it was notes from a
3 conversation with Holly, would be what I would guess.

4 Q. What's underneath it, is that a note from a
5 conversation with Colortrieve Records Systems?

6 A. Yes.

7 Q. And that indicates you spoke to a Connie Grant?

8 A. Yes.

9 Q. And she said she preferred not to give a
10 reference, and says she is no longer doing business with
11 them, is that correct?

12 A. According to these notes, yes.

13 Q. Now, was this a pretext call? Were you pretending
14 to be someone else?

15 A. I don't recall.

16 Q. Well, you didn't call them up and say, Hi, I'm
17 doing an investigation on Senator Donastorg. I'd like to
18 ask you some questions, did you?

19 A. Probably not.

20 Q. You probably claimed that you were somebody from
21 some company that was looking for information?

22 A. Probably.

23 Q. Wasn't it the pattern to do pretext calls --

24 A. Yes.

25 Q. To get information?

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JA002229

JULIE ERIKSON -- DIRECT

1 A. It was one of the things that we did, yes.

2 Q. And the next document, which is 531, what is that?

3 A. That looks like a lead list.

4 Q. Is that your handwriting?

5 A. Yes, it is.

6 Q. Next page, what is that?

7 A. That looks like a form that we used to obtain
8 credit information on companies.

9 Q. Okay. And where would you get this credit
10 information from?

11 A. By calling the company. It was self-reported.

12 Q. Calling what company?

13 A. Calling whatever company is listed there at the
14 top.

15 Q. Carrier Medical Supplies?

16 A. Yes.

17 Q. So, in order to investigate Carrier Medical
18 Supplies, you called them --

19 A. Yes.

20 Q. -- and asked them this information?

21 A. That's what this looks like, yes.

22 Q. Okay. Now, there are several reports that say,
23 have notations that say that a credit background information
24 has been received, but the information is to be kept very
25 confidential.

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JA00223

JULIE ERIKSON -- DIRECT

1 Do you remember putting those in reports?

2 MR. RAMES: Object to form.

3 Q. (Ms. Rohn) Let me just pull back up
4 Exhibit No. 1. In the first paragraph of Exhibit No. 1, it
5 says, You are also cautioned that the credit report herein
6 enclosed was obtained confidentially, and cannot be released
7 or disseminated.

8 MR. RUSKIN: Object.

9 Q. (Ms. Rohn) See that notation in the next-to-last
10 sentence of the first paragraph?

11 A. Yes.

12 MR. SIMPSON: Objection.

13 Q. (Ms. Rohn) Next sentence says, Credit information
14 is for your information only.

15 A. Yes, I see that.

16 Q. Does that refresh your recollection that you used
17 to get credit information as part of investigations?

18 MR. SIMPSON: Objection.

19 A. I'm not sure as to what your question is.

20 Q. (Ms. Rohn) Did you used to get credit
21 information on people that you were investigating?

22 A. We would -- we would get self-reporting credit
23 information.

24 Is that what you're speaking of?

25 Q. No. I'm talking about credit information that you

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1 would get from an outside source.

2 A. I'm not -- no, I don't recall getting credit
3 information on companies, no.

4 MS. ROHN: Okay. If you could show the
5 witness Exhibit 33.

6 (Deposition Exhibit No. 33 was
7 previously marked for identification.)

8 Q. (Ms. Rohn) If you'll go to the Bates stamp 1240,
9 Confidential Credit Check. "We ran a confidential credit
10 check on subject." Then, "Please note. This report is
11 extremely confidential and should be reviewed and
12 safeguarded."

13 Does that refresh your recollection about
14 credit reports that were obtained as part of the
15 investigations?

16 A. No, I don't recall getting credit reports as part
17 of background investigations.

18 Q. All right. If you go to Bates stamp number 409?

19 MR. RUSKIN: Are we back to exhibit --

20 MS. ROHN: The original exhibit.

21 MR. RAMES: One?

22 MS. ROHN: I thought everybody could figure
23 that out.

24 Back to the original exhibit we were talking
25 about, Exhibit 48.

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JA002232

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1 MR. RUSKIN: What page is it?

2 MS. ROHN: 409. It's fairly close to the
3 end.

4 Q. (Ms. Rohn) It's fairly close to the end.

5 A. I know. They're not in proper numerical order.

6 MR. SIMPSON: It looks like that
7 (indicating).

8 Q. (Ms. Rohn) No, they're not, but it's close to the
9 end.

10 THE WITNESS: Can I use your copy?

11 MR. SIMPSON: Sure.

12 A. There is it is. Okay.

13 Q. (Ms. Rohn) Is that your handwriting again?

14 A. Yes, it is.

15 Q. Is that a lead list?

16 A. Yes, it is.

17 Q. And the next page, is that your handwriting?

18 A. Yes.

19 Q. And who is Leon George?

20 A. I have no idea.

21 Q. Okay. All right. If you go to Exhibit 36?

22 (Deposition Exhibit No. 36 was
23 previously marked for identification.)

24 A. Thank you, sir.

25 Q. (Ms. Rohn) Do you recognize this as a report that

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JA002233

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1 you wrote in connection with your investigation of Senator
2 Donastorg?

3 A. Yes.

4 Q. Is this, indeed, your report after the first phase
5 of the investigation?

6 A. I don't know what phase it's after. It's just a
7 report that I wrote to him.

8 Q. Says, "Pursuant to your request for a background
9 search on Adlah Donastorg, we have completed the first phase
10 of our investigation."

11 Does that refresh your recollection?

12 A. Yes, it does.

13 Q. This indicates, "We enclose copies of newspaper
14 articles."

15 Do you know where those copies of newspaper
16 articles are?

17 A. No.

18 Q. Why would you enclose copies from 1992 to the
19 present in a 1998 report?

20 A. If it came up as an article that Donastorg was in,
21 then we would have put it in our report. We were searching
22 for all the facts that we could find.

23 Q. Says, "As we know you are a very busy man, we have
24 pulled out some of the key points that we found in these
25 articles below for your perusal."

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JA002234

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1 How did you, what did you mean that Oakland
2 Benta was "a very busy man"?

3 A. (Witness laughing).

4 Q. How would you know that?

5 A. I didn't know it. I don't know.

6 Q. Then you have under here, Issues.

7 How did you identify what were the issues?

8 A. I don't know.

9 Q. How did you get the information about his court
10 cases?

11 A. My guess would be that we checked public court
12 records.

13 Q. Okay. Okay. Confidential Source Information,
14 that's on Bates Stamp 1304. This says, "On April 6th, 1998,
15 a confidential source in St. Thomas who has furnished
16 accurate and reliable information in the past was contacted
17 regarding Senator Adlah "Foncie" Donastorg."

18 Is that Derricks?

19 A. I don't know.

20 Q. Was there a reason Derricks is on your lead list?

21 A. He would have been one of the people that I spoke
22 to regarding Donastorg, as well as Riise Richards.

23 Q. This says, "This source works in law enforcement."

24 Does that help refresh your recollection as
25 to whether or not it was Derricks?

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1 A. It could have been either of them.

2 Q. Well, the next one down says "her."

3 A. Okay.

4 Q. So I'm assuming this one's a he.

5 MR. RUSKIN: Objection.

6 Q. (Ms. Rohn) Does that help you any?

7 A. I don't recall the conversation, no.

8 Q. He related that "Donastorg is generally well liked
9 and well thought of in St. Thomas."

10 Does that help refresh your recollection?

11 A. No, I'm sorry, I don't remember the conversation.

12 Q. Says, "The Senator does not have many enemies, but
13 two include Governor Schneider and Senator Adelbert Bryan."

14 Did you ever do anything further concerning
15 that information?

16 A. Not that I recall.

17 Q. Says, "On April 8th, 1998," which would conform
18 with your log of when you spoke to Riise --

19 A. Okay.

20 Q. "-- another confidential source in St. Thomas was
21 contacted. This source has also provided reliable
22 information in the past, and also works with law enforcement
23 in St. Thomas. The source described the senator as
24 'knowledgeable, but headstrong and difficult to deal with.'
25 our source indicated that in her dealings with the senator,

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JA007236

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1 he had promised to do something and then not come through
2 with the results."

3 Do you remember anything about that
4 conversation?

5 A. No, I don't.

6 Q. Do you remember anything about what it was she
7 claimed he had promised to do but not done?

8 A. No.

9 Q. "She indicated that she believed one of Senator
10 Donastorg's girlfriends was a former Carnival Queen named
11 April Petroff."

12 Does that refresh your recollection as to why
13 you did an indices search on April Petroff?

14 A. That would indicate to me why I did that, yes.

15 Q. Then this indicates, "She has heard rumors that he
16 is bisexual and 'keeps' a young boy."

17 That would have been something that you heard
18 from Riise Richards?

19 A. According to this, if my time sheet matched up and
20 that's who I spoke to, because, again, I don't remember this
21 conversation.

22 Q. You also listed his major campaign contributors,
23 is that right?

24 A. Are we talking about D 1305? Yes.

25 Q. Yes. And also did an online search for his staff

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JA002237

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1 members, is that correct?

2 A. Yes.

3 Q. And then it says, "Per our discussions,
4 investigation is continuing as follows," and it has a list
5 of items that you intend to continue doing.

6 Would that indicate "per our discussion," the
7 discussion with Mr. Benta?

8 A. Not necessarily.

9 Q. Well, this report is written to Mr. Benta. Who
10 else would you be talking to?

11 A. I mean, we would have developed that lead list.

12 Q. Says, "Per our discussions, investigation is
13 continuing as follows." So you would have discussed that
14 investigation continuation with Mr. Benta.

15 A. That doesn't mean that that's what he told us to
16 do, though.

17 Q. No, I'm not saying that.

18 A. Okay.

19 Q. Only that you discussed with him that those were
20 the items you intended to do in your further investigation.

21 A. Yes.

22 Q. And one of those included number six, "Bank
23 account searches on Donastorg and Carrier"?

24 A. Yes.

25 Q. Is that not correct?

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JA002238

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1 A. Uh-huh.

2 Q. The next one is Exhibit 34.

3 (Deposition Exhibit No. 34 was
4 previously marked for identification.)

5 Q. (Ms. Rohn) This looks like a follow-up report
6 again written to Oakland Benta, would you agree?

7 A. Yes.

8 Q. And this involved the investigation into his major
9 supporters, is that correct?

10 A. We didn't investigate his supporters. We ran them
11 through V.I. Online.

12 Q. Now, that's not one -- oh, there it is, No. 8.
13 That would be No. 8. If you can keep Exhibit 36 in front of
14 you, the Page 1306.

15 That would be No. 8, V.I. Online searches of
16 campaign contributors.

17 A. Yes.

18 Q. All right. And then you also have his family
19 members that you went through. Where is that on your things
20 that you're going to continue doing?

21 MR. RAMES: Object to form.

22 A. Are you referring to Document 1306?

23 Q. (Ms. Rohn) Yes.

24 MR. SIMPSON: And where are you referring to?

25 Q. (Ms. Rohn) The eight things that you say you're

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1 going to do for continuing investigation.

2 A. Yes.

3 Q. On Exhibit No. 34, Page 1288, you say, "We ran the
4 following names through the V.I. Online," which are his
5 family members, and two companies.

6 Is that your list of eight things you intend
7 to do?

8 A. Not that I see, no.

9 Q. Okay. There is a review of court cases. Is that
10 on your area of eight things you're going to do?
11 California -- well, these are Territorial Court.

12 A. It is not on that list that I see.

13 Q. Okay. You then have business licensing on
14 Carrier.

15 That would be in keeping with No. 4, "Further
16 research on Carrier sales and suppliers"?

17 MR. SIMPSON: No. 3.

18 Q. (Ms. Rohn) Is that correct, No. 3?

19 A. Oh, Business licensing information on Carrier
20 supplies. Yes.

21 Q. Is that correct?

22 Then it says, "Social Security number search.
23 The subject's Social Security number and date of birth were
24 obtained."

25 How did you do that?

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JA002240

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1 A. I don't recall. That might have been one of
2 the -- that might have been the IRSC database search that we
3 spoke of earlier. I believe it's a database search.

4 Q. Okay.

5 A. And it says, National computer database hookup.
6 So, yes, that's where I got it.

7 Q. That's where you got his Social Security number?

8 A. Yes.

9 Q. Okay. Where do you see that?

10 A. "A Social Security number search was run through
11 our national computer database hookup."

12 Q. Okay. Pepper Pike Drive research, is that on your
13 list of eight things to do?

14 A. Not that I see, no.

15 Q. Did you have to have permission for doing the
16 things that you were doing, or did you have *carte blanc* and
17 just go do whatever you wanted?

18 A. I don't recall.

19 Q. Under that investigation of Pepper Pike Drive, you
20 have, "We found it interesting that so many women with
21 Virgin Islands security numbers had also used that address."

22 First of all, how did you get all these
23 women's Social Security numbers?

24 A. I don't know.

25 Q. Why did you think it was interesting that women

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1 with V.I. Social Security numbers had used that address?

2 A. I guess because it was a Florida address, and that
3 so many different women from this place had lived there.

4 Q. Okay. Then on banks, No. 1292, Bank account
5 search.

6 So that's a thing that you promised to do in
7 your list, No. 6, and that's the information, is that
8 correct?

9 A. Yes.

10 Q. You have, Please note that this information is
11 difficult --

12 (Discussion held off the record.)

13 (Whereupon Mr. Donastorg joined the
14 proceedings by telephone.)

15 Q. (Ms. Rohn) You have, under the bank account
16 search, "Please note that this information is difficult to
17 obtain and highly confidential in nature, and should be
18 handled accordingly."

19 What did you mean by that?

20 A. Exactly what it says.

21 Q. What do you mean, "handled accordingly"? How did
22 you expect it to be handled?

23 A. As confidential information.

24 Q. Then you have the pretext call to carriers.

25 That's in keeping with No. 4, Further research on Carrier's

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JA 02242

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1 sales and suppliers, is that correct?

2 A. I would believe so, yes.

3 Q. Verification of schooling would be in keeping with
4 number one on your list of future activity, Verification of
5 attendance at Cal State Fullerton and Mt. San Antonio?

6 A. Yes.

7 Q. And then you have, Continuing investigation in the
8 list, but I don't see -- you had as No. 7 on your list,
9 Contact with other confidential sources in St. Thomas, but I
10 don't see that that occurred in this report.

11 Is there a reason?

12 A. No, I don't know.

13 Q. After talking to Riise Richards and Derricks, did
14 you have any particular people who they'd given you as
15 persons to contact as confidential sources?

16 A. Not that I recall.

17 Q. Do you recall who you planned on contacting as
18 confidential sources?

19 A. No.

20 Q. All right. In this report to Mr. Benta, you gave
21 a listing of eight things that you intended to do in the
22 future, is that correct?

23 A. Yes.

24 Q. And do you recall whether or not you had any
25 conversation with Mr. Benta about your intentions to follow

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1 up with these eight things?

2 A. No.

3 Q. If you had gotten a -- do you know whether or not
4 Mr. Benta told you he didn't want you to do any of those
5 eight things?

6 A. I don't recall any conversations with him.

7 Q. These eight things included, Contact with Attorney
8 Weiss regarding the dismissal of the criminal case against
9 Norma Durand; search for and review other criminal cases
10 against Miguel Donastorg; results of the Florida criminal
11 and civil searches on Donastorg, Housen and A & R Express
12 Trucking; results of California criminal and civil searches
13 on Donastorg; procurement of the A & R corporate record
14 documents; procurement of letter from Cal State Fullerton;
15 research into Josephine Donastorg's qualifications and
16 involvement in Carrier Medical Supply; and pretext contact
17 with the St. Thomas Hospital and Carrier Supplies.

18 Why were you going to do those things? Why
19 so much emphasis on criminal information on family members?

20 MR. RAMES: Object to form.

21 A. I don't know that there's extra emphasis on that.
22 Again, we're just looking for facts.

23 Q. (Ms. Rohn) Exhibit 35.
24
25

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1 (Deposition Exhibit No. 35 was
2 previously marked for identification.)

3 Q. (Ms. Rohn) If you could keep 34 open.

4 This is at the end of your investigation, is
5 that correct?

6 A. Based on the fact that it says, We have now
7 completed all investigation, then, yes, that's what I would
8 get from this.

9 Q. Okay. You did No. 1, Contact with Attorney Weiss,
10 is that correct?

11 A. Yes.

12 Q. Why would information on Norma Durand's criminal
13 arrest have anything to do with Senator Donastorg?

14 A. I have no idea.

15 Q. If you weren't digging up dirt on he and his
16 family, why would you care about her arrest?

17 A. I don't even know who Norma Durand is.

18 Q. It's his sister.

19 Can you answer my question?

20 A. I'm sorry. Can you repeat it?

21 Q. Why, if you weren't digging up dirt, would you
22 care about a sister's arrest?

23 MR. RUSKIN: Object to the form.

24 A. We would be interested in anybody that was closely
25 associated with Mr. Donastorg.

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1 Q. (Ms. Rohn) Were you aware that, in reality,
2 Ms. Durand was never arrested?

3 A. No.

4 Q. Okay. No. 2 on your list was, Search for and
5 review of the other criminal cases against Miguel Donastorg,
6 and the next thing on this report is, indeed, Miguel
7 Donastorg's criminal cases, is that correct?

8 A. Yes.

9 Q. All right. And then the next thing, Results of
10 Florida criminal searches on Donastorg, Housen and A & R,
11 and the next thing in this report is, indeed, the Florida
12 court records search, is that correct?

13 A. Yes.

14 Q. And you found nothing, is that correct?

15 A. Yes, it says that no records were found.

16 Q. Okay. The next thing on your previous list was,
17 Procurement of A & R corporate record documents, and you
18 indicated that the only connection to Mr. Donastorg was that
19 he used them to ship something from Florida to the V.I., is
20 that correct?

21 A. Which paragraph is that, please?

22 Q. That's the last sentence under Florida corporate
23 records?

24 A. That's what I wrote, yes.

25 Q. And as to the procurement of a letter from Cal

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JA002246

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1 State Fullerton, says, "Records office at California State
2 University Fullerton thoroughly checked their records under
3 the subject's name and Social Security number, and found no
4 record of the subject ever attending their university.
5 Please see attached letter."

6 Do you know where that letter is?

7 A. No.

8 Q. And you also had a search of the California court
9 records, is that correct?

10 A. Yes.

11 Q. And then, under Josephine -- No. 7, Research into
12 Josephine Donastorg, you have, Researched her background, is
13 that correct?

14 A. It looks like I contacted sources in St. Thomas
15 regarding Ms. Donastorg.

16 Q. Do you know who that source was?

17 A. No.

18 Q. Is there any way for you to refresh your
19 recollection?

20 A. No. It says "sources," so I don't know who I
21 spoke with.

22 Q. Okay. If we looked back on your records and
23 showed that that's the second conversation you had with
24 Riise Richards, would that help you?

25 A. I don't --

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1 MR. SIMPSON: Object to the form.

2 A. I don't know that that's my second conversation
3 with Riise Richards.

4 Q. (Ms. Rohn) Well, let's go back to Exhibit 48.

5 On May 26th, called Riise.

6 A. It means I called her on that day, but I have no
7 idea what I spoke to her about.

8 Q. Okay. And -- well, do you have anybody else on
9 your list that you talked to that you can see is a source?

10 A. On my list?

11 Q. On your log of what you did.

12 A. Where would I find that?

13 Q. Well, that's in Exhibit 48, Bates stamped No. 401
14 through 403. You had -- you wrote your report, the first
15 report. Then you have that you spoke with Weiss. This
16 would be in connection with the third report. You got
17 called the Territorial Courts, "Called the IRB, spoke to the
18 Territorial Court." Then you have, on May 26th, "Called
19 Riise."

20 A. Uh-huh.

21 Q. You see any other source that you spoke to listed
22 on that billing?

23 A. On that billing, and that billing starts at what
24 time?

25 Q. Starts after, you see report writing May --

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1 May 20th, May 21st, that would have been your second report.

2 A. Okay.

3 Q. Then those documents, those entries after that?

4 MR. SIMPSON: Object to the form.

5 A. The only people that I see that I've spoken to on
6 here are spoke with Weiss -- I mean spoke -- well, I called
7 some companies, spoke with Weiss, called Riise. Those are
8 the only two people's names that I see on my time sheets,
9 yes.

10 Q. (Ms. Rohn) That, and also wrote and faxed
11 Hedrington?

12 A. Yes.

13 Q. Okay. And then the last thing, Pretext contact
14 with St. Thomas Hospital, and you have the results of your
15 pretext, correct?

16 A. And which document are we looking at now?

17 Q. We're looking at Exhibit 34 for the things that
18 you told Oakland Benta you were going to do versus
19 Exhibit 35, your listing of the things that you actually
20 did.

21 A. Yes.

22 Q. All right. All right. Then we have, if we go to
23 the last page, we have attached several current newspaper
24 articles involving Senator Donastorg for your perusal. "We
25 also attached our invoice for services rendered in this

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1 matter. We hope this information provided has been useful
2 to you." Quote, While no blatant indiscretions have been
3 found for the senator, there are several chips in his armor.

4 Does this refresh your recollection as to
5 whether or not they were looking for negative information?

6 MR. RUSKIN: I'm going to object to the form
7 of the question, and the place where you put quotes in where
8 there aren't quotes in that reading suggests that the first
9 part of what you're saying wasn't a quote.

10 MS. ROHN: It is a quote from her statement.

11 MR. RUSKIN: But you read the entire --

12 MS. ROHN: Fine. I'm not arguing to you,
13 sir.

14 MR. RUSKIN: I get to make my point.

15 MS. ROHN: Sir, don't raise your voice to me.

16 MR. RUSKIN: Excuse me. I'll make my
17 statement.

18 You read the entire paragraph --

19 MS. ROHN: Let the record reflect that
20 Mr. Ruskin is raising his voice to me.

21 MR. RUSKIN: I'm not raising my voice to you.
22 I'm simply trying to get my voice into the record.

23 MS. ROHN: All of us can hear you quite well,
24 sir.

25 MR. RUSKIN: I big your pardon?

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1 MS. ROHN: All of us can hear you quite well.

2 MR. RUSKIN: Fine. Then let me get my
3 statement into the record and then you can move on.

4 MS. ROHN: You're not allowed to make
5 statements into the record. You're allowed to make
6 objections as to form.

7 MR. RUSKIN: I can, and my objection is that
8 you read the paragraph in its entirety, but indicated quotes
9 only around the last sentence, indicating or at least
10 suggesting that you weren't quoting from the whole
11 paragraph.

12 MS. ROHN: Fine, sir. Have you finished?

13 MR. RUSKIN: Yes, I'm done.

14 Q. (Ms. Rohn) Why would you tell them that you
15 couldn't find any blatant indiscretions?

16 MR. SIMPSON: Object to the form.

17 A. I don't know.

18 Q. (Ms. Rohn) And what did you mean by quote, and
19 this was in quotes, chips in his armor, end of quote.

20 A. I don't know.

21 Q. Well, would that refresh your recollection as to
22 whether or not they were looking for negative information?

23 A. That looks like a judgment call --

24 MR. SIMPSON: Objection to form.

25 A. -- on my part.

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1 Q. (Ms. Rohn) And then you have listed nothing
2 positive in your summary of your chips in the armor, have
3 you?

4 A. I don't know. I have to read. Are you talking
5 about everything below that?

6 Q. The six below, correct?

7 A. That does look like I listed derogatory
8 information after that, yes.

9 Q. You didn't mention the fact that he was president
10 of the PTA, number two vote getter, any of those positive
11 things, did you, ma'am?

12 A. No.

13 MR. RUSKIN: Object to the form of the
14 question.

15 Q. (Ms. Rohn) Your father testified that his
16 recollection was that they had, indeed, asked for negative
17 information.

18 Do you dispute that?

19 A. I don't have a recollection of it. I don't recall
20 getting this case.

21 Q. Did you ever have any conversations with Holland
22 Redfield?

23 A. No.

24 Q. Never had a conversation with him at all?

25 A. Never spoken with him.

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1 Q. Have you ever spoken to Jeffrey Prosser?

2 A. Yes.

3 Q. What were the occasions that you spoke with
4 Jeffrey Prosser?

5 A. That I recall, to say hello when we were doing the
6 security sweeps of his office.

7 Q. Anything else?

8 A. No, that's all that I recall.

9 Q. Do you have any recollection of any of the
10 conversations you had with Oakland Benta?

11 A. I recall the visit that he made to our office when
12 he asked for my father's support for the Prosser Bill.

13 Q. And that was -- I believe you wrote him a letter
14 declining that support, is that correct?

15 A. No, I believe that we wrote a letter saying that
16 Dennis was having surgery and we'd have to get him a
17 response at a later date.

18 Q. And subsequent to that, the Sheraw contract was
19 terminated, is that correct?

20 A. Yes.

21 Q. Any other conversations that you can recall having
22 with Oakland Benta?

23 A. No.

24 Q. Do you recall having any conversations with Ed
25 Crouch?

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1 A. No, other than to say hello when we would be doing
2 the security sweeps of their offices. Not really a
3 conversation. We just said hello.

4 Q. Did -- in any of the investigations that you were
5 involved in, did they ever involve surveillance?

6 A. Yes.

7 Q. Okay. How would you know which investigations you
8 would engage in surveillance, and which ones you would not?

9 A. The client would indicate that.

10 Q. Do you recall whether or not this particular
11 investigation included surveillance?

12 A. I don't believe so, no.

13 Q. Do you have any recollection one way or another?

14 A. No, because I don't recall getting the case.

15 Q. Okay. Well, you had indicated to me earlier that
16 this was a client who was willing to pay a lot of money for
17 the investigation.

18 MR. SIMPSON: Object to the form.

19 MR. RUSKIN: Objection. Mischaracterizes the
20 testimony.

21 Q. (Ms. Rohn) Is that fair?

22 A. I -- I'm sorry. Can you repeat the question?

23 Q. I think you indicated that this was a case in
24 which the client didn't have financial constraints on the
25 scope of the investigation?

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1 MR. RUSKIN: Objection. Mischaracterizes the
2 testimony.

3 MR. SIMPSON: Join.

4 MS. ROHN: Fine.

5 Q. (Ms. Rohn) You can answer.

6 A. I did not feel that way, no.

7 Q. You didn't feel like there were any financial
8 constraints?

9 A. That's correct.

10 Q. Have you ever engaged in a --

11 Well, when you are doing surveillance in an
12 investigation, how was it conducted?

13 A. By vehicle? I mean I'm not --

14 Q. Did you use your own people?

15 A. Yes.

16 Q. Did you hire outside people?

17 A. We most often used our own investigators for that.

18 Q. Okay. And what vehicles would they use?

19 A. Our own personal vehicles.

20 Q. Okay. And did you receive some particular
21 training in surveillance?

22 A. No.

23 Q. How often would you engage in surveillance?

24 A. I have no idea.

25 Q. Were you ever involved in any investigation that

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JA002255

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1 included somehow accessing phone records?

2 A. No.

3 Q. Are you ever aware of any investigations that
4 accessed like cell phone records?

5 A. No.

6 Q. Have you ever seen a proposal that included that?

7 A. No.

8 Q. Okay. About what percentage of your
9 investigations would include accessing bank records?

10 A. A very small percentage.

11 Q. All right. And why is that?

12 A. Because of the cost.

13 Q. During the entire time that you were there, did
14 you access bank records, if asked?

15 A. Yes.

16 Q. I don't remember if I asked --

17 A. Can I restate that, --

18 Q. Yes.

19 A. -- because I did not actually access bank records,
20 personally. But I asked, I required it from an outside
21 source.

22 Q. Outside source?

23 A. So, yes.

24 Q. Okay. Did any of the investigations that you do
25 include obtaining credit card information?

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1 A. No.

2 Q. Did any of the investigations that you did involve
3 obtaining credit reports or credit information?

4 A. We got self-reported credit information from
5 companies, yes.

6 Q. Did you ever do any investigations that included
7 getting or obtaining access to computer information?

8 A. No. Well, you're going to have to clarify that.

9 Q. Well, the subject's computer information.

10 A. Oh, no.

11 Q. Are you aware of whether or not Sheraw &
12 Associates has the ability to do that?

13 A. Not that I was aware of at the time that I worked
14 there.

15 Q. Okay. Did, in your investigation, do you recall
16 whether or not you took any photographs of anyone?

17 A. In this particular investigation?

18 Q. Uh-huh.

19 A. No, I did not.

20 Q. Do you recall whether or not Oakland Benta and his
21 employers were unhappy about the results of the
22 investigation?

23 A. No, I don't have any recollection of that.

24 Q. Do you ever recall working in conjunction with
25 VITELCO to get information on people's phones or phone

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JA002257

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1 lines?

2 A. Never.

3 Q. Did you ever speak with anyone at the Daily News
4 about Senator Donastorg?

5 A. Not that I recall.

6 Q. Dennis Sheraw testified that one of the additional
7 investigations that they did for Mr. Prosser or his
8 companies was to investigate two lawyers.

9 Were you involved in that investigation?

10 A. Not that I recall.

11 Q. Do you know who those lawyers were?

12 A. No.

13 Q. Did you ever do NCIC checks to obtain criminal
14 information?

15 A. Not that I recall.

16 Q. Do you know where Erin Macik is?

17 A. No.

18 Q. Do you know who she is?

19 A. No.

20 Q. She was a secretary at Sheraw & Associates. Does
21 that help?

22 A. No.

23 Q. Do you know who the secretary was when you were
24 there?

25 A. No, I don't. Actually, no.

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1 MS. ROHN: Okay. Give me two seconds.

2 (Discussion held off the record.)

3 MS. ROHN: Okay. I have no further
4 questions.

5 MR. RUSKIN: I just have a couple little
6 ones. Short ones. I --

7 MR. RAMES: Please, go right ahead.

8 CROSS-EXAMINATION

9 BY MR. RUSKIN:

10 Q. You were asked a question about whether you've
11 ever spoken to Holland Redfield.

12 A. Yes.

13 Q. Do you know who Mr. Redfield is?

14 A. I do.

15 Q. Have you ever seen him?

16 A. Yes.

17 Q. Have you ever heard him speak?

18 A. Maybe very briefly on the radio before I switched
19 the station.

20 Q. But he's never spoken to you, personally?

21 A. No.

22 Q. That's even to say hello?

23 A. No, I don't think that we've ever said hello.

24 Q. Okay. Do you know who Lowe Davis is?

25 A. No.

JULIE ERIKSON -- CROSS

1 Q. Do you know anybody that works for -- that worked
2 for the Daily News back in 1998?

3 A. No.

4 Q. Did you ever speak to anybody at the Daily News
5 back in 1998 about Senator Donastorg?

6 A. No. My going to the Daily News was truly just a
7 public records search to look through their archives. So I
8 would have organized an appointment to look through their
9 archives, but never spoke to anybody about him.

10 Q. Did you ever speak to anybody at VITELCO about
11 Senator Donastorg?

12 A. Not that I recall.

13 Q. After you issued out the last report letter dated
14 June 24th, 1998, did you ever do any further investigation
15 on Senator Donastorg?

16 A. Not that I recall, no.

17 Q. Is it a fair characterization to say that, with
18 the exception of when you went to do court searches and the
19 Daily News archive searches, all of the investigation you
20 did with regard to Senator Donastorg, you did from your
21 office?

22 MS. ROHN: Objection to form.

23 A. I'm sorry. You'll have to repeat that question.

24 Q. (Mr. Ruskin) With the exception of the trips you
25 made to the V.I. Daily News, the Daily News for the

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JULIE ERIKSON -- CROSS

1 newspaper archives, --

2 A. Uh-huh.

3 Q. -- and going to court to search court records, --

4 A. Uh-huh.

5 Q. -- is it fair to say that all of the investigation
6 that you did with regard to the Senator Donastorg
7 investigation was done from your office?

8 MS. ROHN: Objection. Form.

9 A. I would say a majority of it was. I would have to
10 review through all of my records to see if there was other
11 public records places that I went to search, but it would
12 all be in the report.

13 Q. (Mr. Ruskin) Well, then, is it fair to say that
14 everything you did outside of the office involved public
15 records searches?

16 MS. ROHN: Objection to form.

17 A. If that's what's in those reports, then yes.

18 Q. (Mr. Ruskin) Okay. I believe you said at one
19 point, and correct me if I'm wrong, that you didn't actually
20 do an investigation on Senator Donastorg's family, is that
21 correct?

22 A. That's correct.

23 MS. ROHN: Objection to form.

24 A. We did a V.I. Online database search on them.

25 Q. (Mr. Ruskin) Is that the extent of what you did

JULIE ERIKSON -- CROSS

1 on Senator Donastorg's family?

2 A. Yes.

3 Q. What does that mean, that --

4 A. If I can clarify that?

5 Q. Sure.

6 A. I believe that somewhere in there, we also made
7 some inquiries about his mother, because she was in business
8 with him.

9 Q. I see.

10 Let's deal first with the V.I. Online
11 database search. Describe, if you would, what is V.I.
12 Online?

13 A. It's a database that the company had, where public
14 records information was entered into it, and so you could
15 search a name and see where that person's name had come up
16 in public Virgin Islands records.

17 Q. Okay. So, and all of the information in that
18 database back in 1998, when you were using it for the
19 Donastorg investigation, was from public records?

20 A. For V.I. Online, yes.

21 Q. Okay.

22 MS. ROHN: Objection to the form of the
23 question.

24 MR. RUSKIN: I beg your pardon?

25 MS. ROHN: Object to the form of your

JULIE ERIKSON -- CROSS

1 question. You're leading her.

2 Q. (Mr. Ruskin) And with the exception of what you
3 just mentioned about making inquiries about the senator's
4 mother's employment, all of the investigation you did with
5 regard to the members of his family were done from the
6 public records that were entered into the V.I. Online
7 database?

8 MS. ROHN: Objection to the form.

9 A. Again, my recollection is that we just ran his
10 family's name through V.I. Online, and I didn't actually do
11 any investigation on them. And then I'd have to review my
12 reports to see what exactly I did on his mother.

13 Q. (Mr. Ruskin) Well, leaving aside his mother for a
14 moment, we'll come to that in a minute.

15 A. Okay.

16 Q. Is it fair to say that the only information that
17 you reported with regard to the senator's family members is
18 information that comes from public records?

19 MS. ROHN: Objection to form.

20 A. Came from V.I. Online, yes.

21 Q. (Mr. Ruskin) And the V.I. Online contained only
22 public records?

23 A. Yes.

24 MS. ROHN: Objection to form.

25 Q. (Mr. Ruskin) Let's talk for a moment about what

JULIE ERIKSON -- CROSS

1 was discovered about the senator's mother.

2 A. And is that Norma Durand?

3 MS. ROHN: No, that's Josephine.

4 A. Oh, Josephine Durand.

5 Q. (Mr. Ruskin) Let's deal first with what was
6 learned about his mother.

7 A. Okay.

8 Q. Was the extent of the search that you did with
9 regard to his mother beyond the V.I. Online database limited
10 to determining what her employment had been?

11 A. I --

12 MS. ROHN: Objection to form. Leading.

13 A. Can you give me a report to look at? It's all in
14 the report if I did it, so I don't remember.

15 Q. (Mr. Ruskin) If you'd look at, this is in
16 Exhibit 35.

17 A. Okay.

18 Q. The Bates number's D 1297. Down at the bottom it
19 says Josephine Donastorg research.

20 A. Okay.

21 Q. If you would review that, and can you then answer
22 for me if the extent of your research into Josephine
23 Donastorg, beyond the V.I. Online database search that you
24 did, was limited to contacting sources in St. Thomas to find
25 out about her prior employment?

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JULIE ERIKSON -- CROSS

1 A. That's correct.

2 MS. ROHN: Objection to form. Leading.

3 Q. (Mr. Ruskin) Now, let's talk about -- hold on a
4 second. Withdrawn.

5 Let me find it.

6 If you'd turn, if you would, to -- this is
7 Exhibit 34, Bates numbered D 1289.

8 A. Yes.

9 Q. In the review of court cases section, last
10 paragraph in that section talks about a case called United
11 States of America v. Norma Durand.

12 Do you see that?

13 A. Yes.

14 Q. Okay. Where did you get the information that you
15 put into this report with regard to Norma Durand?

16 A. I would guess that would come from the District
17 Court Criminal Case 93-141.

18 Q. Would that be a file that you could just walk up
19 to the court clerk and ask for a copy of the file?

20 A. Yes.

21 MS. ROHN: Object to the form.

22 Q. (Mr. Ruskin) So that's public record, as far as
23 you know?

24 A. Yes.

25 MS. ROHN: Objection to form.

JULIE ERIKSON -- CROSS

1 Q. (Mr. Ruskin) Did you do any other investigation
2 into Norma Durand, other than reviewing the court case
3 that's described in this report, and the V.I. Online
4 database search that you did?

5 A. Not that I recall.

6 MR. RAMES: And Weiss.

7 MS. ROHN: She spoke to Weiss. She had a
8 whole thing with Weiss. That's not true.

9 MR. RUSKIN: It's been pointed out to me by
10 plaintiff's counsel that you also spoke to --

11 MS. ROHN: And your own co-counsel.

12 MR. RUSKIN: That's fine.

13 Q. (Mr. Ruskin) That you also spoke to Jeffrey
14 Weiss, Attorney Jeffrey Weiss, about Norma Durand?

15 A. Yes.

16 Q. What was Attorney Weiss's involvement in the case
17 involving Norma Durand?

18 A. According to this report, because, again, I have
19 no recollection of ever speaking to him, it says Attorney
20 Weiss's office is the one who filed the original complaint
21 against Durand.

22 Q. Okay. You have no recollection of actually
23 speaking to Attorney Weiss?

24 A. No, I don't.

25 Q. Is there anything that you can see in your report

JULIE ERIKSON -- CROSS

1 here that would indicate to you whether or not Attorney
2 Weiss asked you to keep any of the information he gave you
3 in confidence?

4 MS. ROHN: Objection to form.

5 A. I wrote, "Of course, we will give no indication to
6 Attorney Weiss that our investigation is in regards to the
7 senator."

8 Q. (Mr. Ruskin) I'm sorry. Where is that?

9 A. The second-to-last sentence under District Court
10 Criminal Case 93-141.

11 Q. Would you just point?

12 A. I'm sorry. No, we're here, D 1289.

13 MR. RAMES: It's the other.

14 A. Exhibit 34.

15 MR. RAMES: You had it right in front of you.

16 A. The last sentence.

17 Q. (Mr. Ruskin) I see that. My question was
18 slightly different.

19 My question was, is there anything in any of
20 your reports here that indicates to you that the
21 information -- that when Attorney Weiss gave you whatever
22 information he gave you with regard to Norma Durand, that he
23 asked you to keep it in confidence or he told you that it
24 was private information?

25 A. I don't recall ever speaking to Attorney Weiss, so

JULIE ERIKSON -- CROSS

1 if it's -- if there's something in one of these reports,
2 then we can find it and point it out, but I don't know. I
3 don't remember anything, so --

4 MR. RUSKIN: I have no further questions.

5 MR. RAMES: I only have one question.

6 CROSS-EXAMINATION

7 BY MR. RAMES:

8 Q. The V.I. Online, is that a website?

9 A. No, it's a computer database.

10 Q. Is that a computer database that was created by
11 Dennis R. Sheraw & Associates?

12 A. Yes, it is.

13 Q. So it's private to you?

14 A. Yes.

15 Q. Do other companies have access to that database?

16 A. No.

17 Q. So it's not like a membership database or anything
18 along those lines?

19 A. No.

20 Q. So you indicated earlier that everything on V.I.
21 Online is sourced from public information?

22 A. Yes.

23 Q. Did you, yourself, do inputs into V.I. Online?

24 A. I didn't actually input the information, but I did
25 provide the data entry person with the information to put in

JULIE ERIKSON -- CROSS

1 there.

2 Q. Okay.

3 MR. RAMES: Nothing further. Thank you.

4 REDIRECT EXAMINATION

5 BY MS. ROHN:

6 Q. In your letter of April 16th, Exhibit 36, you say,
7 as to the V.I. Online database, has, "approximately ten
8 years ago, and contains over 500,000 entries." And it lists
9 the various places that they come from, including, quote,
10 and past cases we have worked on, end of quote.

11 That wouldn't be public knowledge, would it?

12 A. That's correct.

13 MS. ROHN: Thank you.

14 MR. RUSKIN: I have one follow-up question to
15 that.

16 RECROSS-EXAMINATION

17 BY MR. RUSKIN:

18 Q. With regard to any of the information that you put
19 about any member of the senator's family into any of these
20 three reports, was any of that information obtained from
21 past cases that Dennis Sheraw & Associates had worked on?

22 A. I wouldn't know that, but I can tell you that
23 information that we entered from past cases would just be,
24 like we wouldn't put confidential bank account information
25 in V.I. Online. We would put public information in there.

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JULIE ERIKSON -- RECROSS

1 Q. So is it fair to say that all of the information
2 in the V.I. Online database is either from -- is either
3 sourced directly from public information, or it's sourced
4 indirectly from public information?

5 A. Exactly.

6 MR. RUSKIN: Thank you.

7 REDIRECT EXAMINATION

8 BY MS. ROHN:

9 Q. Would you also put in there information that you
10 received from sources?

11 A. No.

12 Q. Are you sure?

13 A. Not that I recall.

14 Q. If Mr. Sheraw has testified otherwise, would you
15 disagree with that?

16 MR. SIMPSON: Objection.

17 MR. RUSKIN: Objection.

18 MR. SIMPSON: That's an absolute
19 mischaracterization.

20 MS. ROHN: Not in this case.

21 MR. SIMPSON: He's never so testified.

22 MS. ROHN: We'll see, sir.

23 A. Okay. Can you repeat the question?

24 Q. (Ms. Rohn) Do you have any real recollection of
25 whether or not source information was in there or not?

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JA002270

CERTIFICATE

C-E-R-T-I-F-I-C-A-T-E

1
2
3 I, CHERYL L. HAASE, a Registered Professional Reporter
4 and Notary Public No. NP-158-03 for the U.S. Virgin Islands,
5 Christiansted, St. Croix, do hereby certify that the above
6 and named witness, JULIE ERIKSON, was first duly sworn to
7 testify the truth; that said witness did thereupon testify
8 as is set forth; that the answers of said witness to the
9 oral interrogatories propounded by counsel were taken by me
10 in Stenotype and thereafter reduced to typewriting under my
11 personal direction and supervision.

12 I further certify that the facts stated in the caption
13 hereto are true; and that all of the proceedings in the
14 course of the hearing of said deposition are correctly and
15 accurately set forth herein.

16 I further certify that I am not counsel, attorney or
17 relative of either party, nor financially or otherwise
18 interested in the event of this suit.

19 IN WITNESS WHEREOF, I have hereunto set my hand as such
20 Certified Court Reporter on this the 6th day of January,
21 2009, at Christiansted, St. Croix, United States Virgin
22 Islands.

23 

24 Cheryl L. Haase, RPR
25 My Commission Expires 11/9/07

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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