

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS

STATE OF MISSOURI

ADAM PAUL,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Cause 13SL-CC00699
	)	Division No. 33
THE CITY OF ELLISVILLE, MISSOURI,	)	
et al.,	)	
Defendants.	)	

DEPOSITION OF PAUL MARTIN

On behalf of the Plaintiff

VOLUME II

March 21, 2013

Margaret Walsh Chopin, CCR  
 Certified Court Reporter  
 Missouri CCR NO. 997

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APPEARANCES

The Plaintiff was represented by C. John Pleban of Pleban & Petruska Law, 2010 South Big Bend Boulevard, St. Louis, Missouri 63117.

The Defendants, City of Ellisville, Missouri, and Alderpersons, were represented by John W. Maupin of Eckenrode Maupin, 8000 Maryland Avenue, Suite 1300, Clayton, Missouri 63105.

The Defendants, City of Ellisville, Missouri, et al., were represented by J. Patrick Chassaing of Curtis, Heinz, Garrett & O'Keefe, 130 South Bemiston Avenue, Suite 200, Clayton, Missouri 63105.

Also present: Adam Paul and Kevin Bookout

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et al., )
Defendants. )

DEPOSITION OF PAUL MARTIN, produced, sworn and examined on March 21, 2013, between the hours of 10:30 a.m. and 11:30 a.m. on that day, at the law offices of Curtis, Heinz, Garrett & O'Keefe, 130 South Bemiston Avenue, Clayton, Missouri, before Margaret Walsh Chopin, a Certified Court Reporter and a Notary Public within and for the State of Missouri.

1 (Prior to the commencement of the deposition,
2 the reporter marked Deposition Exhibit No. 20, for
3 identification.)

4 PAUL MARTIN,
5 being produced, sworn and examined on the part of the
6 Plaintiff, deposes and says:

7 EXAMINATION
8 QUESTIONS BY MR. PLEBAN:

9 Q Will you tell us your name again for the
10 record, please, sir?

11 A Paul Martin.

12 Q You're the same Paul Martin who testified here
13 yesterday; is that correct?

14 A Yes.

15 Q And you understand and recognize that you're
16 still under oath?

17 A Yes.

18 Q Yesterday we discussed some documents that you
19 were going to produce this morning, and you have
20 produced some documents. I have marked those as Group
21 Exhibit 20.

22 A Okay.

23 Q Would you take a look at those, please, and
24 tell me whether or not you can identify those as the
25 documents that you brought with you this morning

1 consistent with our discussion yesterday?  
 2 A They appear to be.  
 3 Q All right. Let's talk -- Well, go ahead.  
 4 Take your time.  
 5 A No. They appear to be.  
 6 Q All right. I want to talk about those  
 7 documents first, if I can. Some of them will pertain to  
 8 my future questions, some of them pertain to issues that  
 9 we talked about yesterday that you didn't have the  
 10 documents with you.  
 11 So, in any event, you talked yesterday about  
 12 maintaining what I called yesterday notes on your computer  
 13 about issues --  
 14 A Yes.  
 15 Q -- relating to Mayor Paul?  
 16 A Yes.  
 17 Q Now, the top portion there of Exhibit 20 I've  
 18 marked, is that the document that you maintained  
 19 periodically in your computer and as I referred to as  
 20 notes yesterday?  
 21 A Yes.  
 22 Q Now, what format was that? I mean, did you  
 23 prepare, was it just one Word document that you  
 24 labeled -- what does it say here -- "Potential Charter  
 25 Violations, Mayor Adam Paul," was that the subject?

1 THE WITNESS: Findings.  
 2 MR. CHASSAING: Findings & Specs, but the  
 3 actual heading of it is different. It's not unusual. I  
 4 do it all the time.  
 5 Q (By Mr. Pleban) To be sure I have all of  
 6 the documents in your computer consistent with  
 7 Exhibit 12, and I'd ask you to take a look at  
 8 Exhibit 12 again, which is our motion -- by "our," I  
 9 mean Mayor Paul's Motion for the Issuance of a  
 10 Subpoena Duces Tecum.  
 11 A Let me tell you what I did. I have reviewed  
 12 all of my record e-mails that were in my sent folder,  
 13 and printed out many of those late yesterday afternoon  
 14 after receiving Mr. Maupin's order.  
 15 MR. CHASSAING: That would be Monday?  
 16 THE WITNESS: Was that Monday?  
 17 A That's right. It was Monday.  
 18 Q (By Mr. Pleban) So, you did it on Monday?  
 19 A I printed out many of them.  
 20 Q All right.  
 21 A And then yesterday I did not have time to  
 22 continue the job, and I came back to the office and  
 23 continued -- Well, I asked my associate to continue, I  
 24 just told her, whatever you see of anything that goes to  
 25 anybody at Ellisville, just print it out. So, that's

1 A I believe the subject was "Findings & Specs."  
 2 Q Okay. How come when it printed off it has the  
 3 "Potential Charter Violations, Mayor Adam Paul" on it?  
 4 A That's the document as saved, but that was not  
 5 the title of the document in the computer.  
 6 Q The title of the document in the computer was  
 7 what again?  
 8 A I believe it was "Findings & Specs," an and  
 9 sign.  
 10 Q How come I don't have that document? Where is  
 11 that document?  
 12 A No. No. No. This is that document.  
 13 Q Okay. Then I'm not understanding, and it  
 14 could be because of my lack of computer knowledge.  
 15 MR. CHASSAING: Ordinarily in Word if you type  
 16 "Outline of deposition of Adam Paul," and you save it  
 17 without titling it, it will be "Outline of  
 18 deposition" --  
 19 MR. PLEBAN: Right.  
 20 MR. CHASSAING: -- as many characters, or you  
 21 may override that and give the document whatever title  
 22 you want. I think that's what he's telling you.  
 23 MR. PLEBAN: All right.  
 24 MR. CHASSAING: He just called it, he titled  
 25 the Word file, what and Specs?

1 what she did. I didn't have the opportunity to review  
 2 all of those, but that's what you got this morning. I  
 3 have not reviewed my trash file or my received file.  
 4 Q That's what I was going to get to.  
 5 A Okay. Now, I do not think there is anything  
 6 in those files that is any different from this, but I am  
 7 going to do that, and I'll supplement if there is  
 8 anything different.  
 9 By the way, I need a copy of all this so that  
 10 I can figure out if there is anything different.  
 11 MR. CHASSAING: You will get to take it back.  
 12 We ran copies for Mr. Pleban and Mr. Maupin. It's here.  
 13 You'll get it all back.  
 14 Q (By Mr. Pleban) All right. And you are  
 15 aware of the contents of Exhibit 12, the Motion for  
 16 the Issuance of the Subpoena Duces Tecum; is that  
 17 correct? And you have a copy of that Exhibit 12?  
 18 A Frankly -- I think I do have a copy of 12.  
 19 Q We can make one for you here, if you need it.  
 20 A I think I do have a copy of 12. Frankly, I'm  
 21 not aware of the individual items in there, but I have  
 22 copied everything, or that's my -- What I'm doing is  
 23 copying everything and submitting everything.  
 24 Q All right. And now, you're looking in your  
 25 computer, and I'm assuming that any communications to

1 **include but not be limited to things such as e-mails,**  
 2 **but also memoranda --**  
 3 A Yes.  
 4 **Q -- are contained your computer? They are not**  
 5 **contained in a file someplace separate from your**  
 6 **computer; is that correct?**  
 7 A No. They're in the computer.  
 8 **Q All right. So, once we look at the computer,**  
 9 **we're going to be able to identify any document that**  
 10 **satisfies the request in the Subpoena Duces Tecum,**  
 11 **correct?**  
 12 A Yes.  
 13 **Q All right. And we're obviously not going to**  
 14 **finish you today. So, if you can make those available**  
 15 **to Pat as soon as possible so we don't have to wait, if**  
 16 **there is anything.**  
 17 A I'll go back to the office after court and  
 18 continue the effort.  
 19 **Q Okay. All right. Thank you.**  
 20 MR. CHASSAING: I think -- Keep this on the  
 21 record. I think what I saw in here with most of this  
 22 was responding to e-mails he got.  
 23 MR. PLEBAN: That's what I saw, too.  
 24 MR. CHASSAING: So, you've got his received  
 25 e-mails.

1 (The reporter marked Deposition Exhibit No.  
 2 20A, for identification.)  
 3 **Q (By Mr. Pleban) Let me hand you, sir, what**  
 4 **we have marked as Exhibit 20A, and it purports to be**  
 5 **a memorandum concerning a TC/Adam Paul, 5/2/12 at**  
 6 **9:40 a.m. telephone conversation.**  
 7 MR. CHASSAING: Oh, yeah. Okay. All right.  
 8 **Q (By Mr. Pleban) Let me ask you if you**  
 9 **recognize that document?**  
 10 A Yes, I do.  
 11 **Q Now, did that document come off of your**  
 12 **computer, as well?**  
 13 A Yes.  
 14 **Q Okay. But that document is not part of or is**  
 15 **it part of Exhibit 20 here?**  
 16 MR. CHASSAING: Did you just bring it out of  
 17 that collection?  
 18 MR. PLEBAN: I brought it out of this pile,  
 19 yeah.  
 20 MR. CHASSAING: Okay. I thought I gave that  
 21 to you earlier, this one. I could be wrong.  
 22 MR. PLEBAN: Somehow it got -- Somehow it's  
 23 here.  
 24 MR. CHASSAING: I don't know. I thought we  
 25 gave it to you.

1 MR. PLEBAN: Well --  
 2 MR. CHASSAING: You may not have them where  
 3 they first came in, but he responds to them, and I think  
 4 that's what he said to you.  
 5 **Q (By Mr. Pleban) Well, there are a couple**  
 6 **of spots in there, again I was trying to look at all**  
 7 **of them, but time is limited this morning, and I**  
 8 **have some questions about some of the documents that**  
 9 **I saw that didn't appear to contain other documents.**  
 10 A That's absolutely true --  
 11 **Q Okay.**  
 12 A -- and the reason for that was when I was  
 13 trying to print those out yesterday, my Word program  
 14 shut down for some reason. I couldn't print anything  
 15 out.  
 16 **Q Okay. Well, I'm not going to waste -- If**  
 17 **you're going to go back and look at that stuff, then**  
 18 **I'll see what we get later on, and compare it to what**  
 19 **I've got, because I was going to ask you about some of**  
 20 **this stuff.**  
 21 A Okay.  
 22 **Q All right. Let me pull out some of these**  
 23 **things that we want to talk about.**  
 24 MR. PLEBAN: Let's mark that as 20A.  
 25 MR. CHASSAING: Can you give me the date?

1 MR. PLEBAN: I didn't separate it out.  
 2 MR. CHASSAING: I'm acquainted with the  
 3 document. You go ahead and examine on it.  
 4 **Q (By Mr. Pleban) Okay. All right. The**  
 5 **document, Exhibit 20A, is not contained in the**  
 6 **document that is marked as Group Exhibit 20,**  
 7 **correct?**  
 8 A Do you mean was it a separate document?  
 9 **Q Yes.**  
 10 A Yes.  
 11 **Q All right. Did you provide that this morning,**  
 12 **or do you know?**  
 13 A I thought I just provided it this morning.  
 14 **Q All right. Well, I thought it was part of**  
 15 **this. I didn't try to separate anything out here, and**  
 16 **we just looked at it and kept it separate, but in any**  
 17 **event, why is it not part of Exhibit 20 and why is it a**  
 18 **separate document?**  
 19 A I don't know why, just typed it up and saved  
 20 it as a separate document.  
 21 **Q Okay. And do you recall now, looking at that**  
 22 **document, when you typed that out?**  
 23 A I think I typed it up on May 2nd.  
 24 **Q Now, this document here that's part of a**  
 25 **running tally, so to speak, begins on May 1st. Do you**

1 see that?  
 2 A Uh-huh.  
 3 Q Yes?  
 4 A Yes.  
 5 Q You have to answer yes or no.  
 6 A Yes.  
 7 Q All right. So, why would that document not be  
 8 Item 2 on Exhibit 20 as opposed to a separate document?  
 9 A I don't know.  
 10 Q Did you put it into a separate computer or do  
 11 you only have one computer?  
 12 A I only have one computer.  
 13 Q And you have a laptop, I assume?  
 14 A No. I have a desktop.  
 15 Q Just the desktop at your office and that's the  
 16 computer that you use?  
 17 A I have a laptop at home but it doesn't access  
 18 the desktop.  
 19 MR. CHASSAING: Here it is. It's in here.  
 20 It's just out of sequence.  
 21 MR. PLEBAN: I don't know what the sequence  
 22 was, but everything is out of sequence now.  
 23 MR. CHASSAING: No. You've got them. We  
 24 copied them just the way they were handed to me.  
 25 Q (By Mr. Pleban) Okay. The laptop, when

1 we have all the documents from whatever source. Is that  
 2 agreeable?  
 3 A Yes. Everything I have is on the office  
 4 computer.  
 5 Q All right. And at the moment you cannot  
 6 explain why Exhibit 20A is separate from Group Exhibit  
 7 20?  
 8 A I don't know why I didn't add this in the  
 9 chronological, in the chronology.  
 10 MR. PLEBAN: All right. I'm just going to  
 11 write on the top of this "Group."  
 12 All right. I just marked, instead of 20, I've  
 13 got Group Exhibit 20, and then we're going to take all  
 14 of these documents and mark them alphabetically.  
 15 MR. CHASSAING: Just for the record, I was  
 16 having trouble locating what you have marked as 20A in  
 17 my identical pile of copies, and then I found it.  
 18 So, what I'm saying is where you thought  
 19 initially maybe it had not been included, it was  
 20 included, because all that's in this pile is what you've  
 21 got, same documents.  
 22 MR. PLEBAN: Yeah. That he provided this  
 23 morning.  
 24 MR. CHASSAING: Yes.  
 25 MR. PLEBAN: Yes. And that's what he said.

1 you -- Until we got a new system recently on my  
 2 laptop, if I sent an e-mail on my laptop, it didn't  
 3 necessarily go onto our server, okay, for whatever  
 4 reason. I don't understand the reasoning, but  
 5 that's what happened. Is that true of your laptop?  
 6 If you send an e-mail off of your laptop at home,  
 7 for example, does it go onto your server at the  
 8 office?  
 9 A I think that if I send an e-mail from my phone  
 10 or from my laptop or from the office computer, that all  
 11 three devices reflect the transmission of the e-mail.  
 12 Q On your server at the office, you're talking  
 13 about?  
 14 A I don't -- I don't understand how the computer  
 15 system works, but --  
 16 Q All right.  
 17 A -- someplace it's there.  
 18 Q To the extent that we both are functioning  
 19 without knowing how these things work, all I'd ask you  
 20 to do is verify, when you go back to look for additional  
 21 documents, verify that everything from your laptop,  
 22 everything from your cell phone, and any other source  
 23 that you use is all filtered through your server at the  
 24 office, and if it's not, then I ask you to go to  
 25 wherever that's stored to search there to make sure that

1 MR. CHASSAING: Okay.  
 2 MR. PLEBAN: And that's fine.  
 3 Q (By Mr. Pleban) I'm just trying to  
 4 understand why it is that 20A is separate from 20,  
 5 and you don't have an answer for that?  
 6 MR. CHASSAING: What do you mean separate?  
 7 Oh, you mean --  
 8 MR. PLEBAN: Separate. It's not included --  
 9 MR. CHASSAING: Separate from the Potential  
 10 Charter Violation documents?  
 11 MR. PLEBAN: Yes. Yes. That's all I'm  
 12 asking.  
 13 MR. CHASSAING: The record wasn't really  
 14 clear, but now I understand what you're asking.  
 15 Q (By Mr. Pleban) Do you understand that,  
 16 Mr. Martin? What I'm asking you is on your document  
 17 that's marked Group Exhibit 20, it says, "Potential  
 18 Charter Violations, Mayor Adam Paul," and it's a  
 19 running list of some seven pages, beginning with an  
 20 entry on May 1, 2012 of an incident on May 1, 2012,  
 21 and my question to you, so that we're clear, is the  
 22 document marked Exhibit 20A is a document that  
 23 purportedly was a telephone conversation on May the  
 24 2nd but is not contained in the larger document  
 25 Exhibit 20, and I'm asking why, and my understanding

1 **is that you don't have an answer for that?**  
 2 A Well, I can -- I can speculate.  
 3 MR. CHASSAING: Give him an educated  
 4 assumption. Don't speculate. Nobody wants that.  
 5 A All right.  
 6 **Q (By Mr. Pleban) Just tell me something.**  
 7 A An educated assumption.  
 8 **Q Just tell me something.**  
 9 A This document was started after this document  
 10 was created, and for whatever reason I knew I already  
 11 had this document. So, perhaps I just didn't feel it  
 12 necessary to include it in that document, or perhaps I  
 13 just overlooked it.  
 14 **Q Okay. Can I see that?**  
 15 **Now, can you -- the reference on Exhibit 20A is**  
 16 **to that confidential memorandum. Can you show me in the**  
 17 **document that you provided today or someplace else --**  
 18 A Can I get -- I think I know what you're going  
 19 to ask. I need to start making a list.  
 20 THE WITNESS: Can I get something to write on?  
 21 I'm sorry.  
 22 **Q (By Mr. Pleban) Okay. Can you show me or**  
 23 **point me to the confidential memorandum that is**  
 24 **discussed in Exhibit 20A, from at least your**  
 25 **perspective?**

1 **we have to share it because I don't have another copy.**  
 2 A Here.  
 3 **Q You have one?**  
 4 A Yeah. I'm going to have the same problem Pat  
 5 did. It will take forever to find it.  
 6 **Q Here it is.**  
 7 A Here it is.  
 8 **Q You have got it. All right. Down in the**  
 9 **second to last paragraph you said, according to your**  
 10 **memorandum, you said -- and I'm quoting from the**  
 11 **memorandum now -- "he," I guess the "he" is referring to**  
 12 **Adam Paul?**  
 13 A Yes.  
 14 **Q "Said that when these people found out about**  
 15 **referendum not being lawful" -- quote, now this is the**  
 16 **quote apparently from Adam Paul -- "all hell is going to**  
 17 **break loose," end quote. Do you see that?**  
 18 A Yes.  
 19 **Q Is that exactly what he said to you?**  
 20 A That is, again it was intended to reflect  
 21 exactly what he said to me.  
 22 **Q Okay. So, did you ask him, after you had this**  
 23 **conversation in the first instance, according to your**  
 24 **memorandum, he said specifically "that confidential**  
 25 **memorandum really fanned the flames." Do you see that**

1 A It was the referendum memorandum.  
 2 **Q Is it in this pile that you brought today?**  
 3 A It might have been an attachment to an e-mail  
 4 in that pile.  
 5 **Q Can I ask you to look?**  
 6 A I'm sorry. I don't think it was printed out  
 7 because of my printing problems.  
 8 **Q Okay. All right. So, I don't have that. So,**  
 9 **I'm going to need --**  
 10 A Right.  
 11 **Q I'm going to need a copy of that, right, and**  
 12 **you're making some notes for yourself as to what --**  
 13 A The documents you need.  
 14 **Q All right. Okay. The telephone conversation**  
 15 **that you had with Adam Paul on May the 2nd was not**  
 16 **recorded, at least not from your perspective; is that**  
 17 **correct?**  
 18 A No.  
 19 **Q All right. You have quotation marks around**  
 20 **"that confidential memorandum really fanned the flames."**  
 21 **Are you telling me that those are exactly the words that**  
 22 **Adam Paul used or are you paraphrasing there?**  
 23 A The quotations indicate that they are, to the  
 24 best of my recollection, exactly the words that he used.  
 25 **Q Later on in the -- Can you look at this, but**

1 **up on top?**  
 2 A Yes.  
 3 **Q And then at the bottom it says, "All hell is**  
 4 **going to break loose."**  
 5 A Yes.  
 6 **Q It's suggesting an activity to occur in the**  
 7 **future. Did you ask him to reconcile those two**  
 8 **statements?**  
 9 A My next question was, how did the confidential  
 10 memorandum fan the flames. I think that is implicitly,  
 11 how do you reconcile those statements.  
 12 **Q Well, the one statement suggests that all hell**  
 13 **is going to break loose someplace down the road.**  
 14 A Yes.  
 15 **Q All right. But the other statement is that**  
 16 **the confidentiality memorandum really fanned the flames**  
 17 **as opposed to -- indicating past tense as opposed to**  
 18 **future tense?**  
 19 A Yes.  
 20 **Q Right?**  
 21 A Yes.  
 22 **Q Did you ask him to reconcile those two**  
 23 **statements?**  
 24 A In the fashion that you're suggesting, no.  
 25 **Q Could it be that your recollection of the**

1 conversation and the quotation marks you put around some  
2 of the statements that you attributed to Adam Paul are  
3 not accurate?

4 A That's -- Anything is possible, I suppose, but  
5 my recollection is this is exactly what he said.

6 **Q What I'm having trouble with is if I'm having  
7 a conversation with somebody and they said "fan the  
8 flames," but then they tell me it's going to fan the  
9 flames someplace down the road, I'm going to say to  
10 them, what are you talking about, did it fan the flames,  
11 do they have it, I'm going to ask for classification,  
12 but you didn't do any of that, correct?**

13 MR. CHASSAING: I'm going to object to the  
14 question because it presupposes it can only be a past  
15 tense or a future tense and not both.

16 MR. PLEBAN: Well, it doesn't presuppose  
17 anything.

18 MR. CHASSAING: Yeah, it does.

19 **Q (By Mr. Pleban) The memo is confusing, and  
20 I'm asking you to clarify.**

21 A I think I did do that. It says clearly I  
22 asked about the memorandum and how did that fan the  
23 flames.

24 **Q Okay. And he said, "I haven't shared the  
25 memorandum with anybody." Okay?**

1 A Yes.

2 **Q Well, then why didn't you ask the next  
3 question, are you talking about if the memorandum is  
4 shared it will fan the flames? I mean, I'm confused by  
5 the memo, frankly. I'm asking you to clarify.**

6 A All I can do is tell you that this is what I  
7 wrote down after the conversation.

8 **Q Okay. All right.**

9 **(The reporter marked Deposition Exhibit No.  
10 20B, for identification.)**

11 MR. PLEBAN: 20B, Pat, is February -- I'm  
12 sorry -- December 6th, 2:10 p.m. to Pirrello.

13 A Can I go backward for just a second?

14 **Q (By Mr. Pleban) Yes.**

15 A I think your packet doesn't include that  
16 referendum memo.

17 MR. CHASSAING: December what?

18 MR. PLEBAN: December 6th.

19 A April 20th, 2012.

20 **Q (By Mr. Pleban) Can you find that for me  
21 here? You would be able to find it quicker.**

22 **When you come back next time I will have this a  
23 little better organized.**

24 **Is this it?**

25 A No, that's not it.

1 **Q Okay. This one?**

2 A No. It's a memorandum rather than an e-mail,  
3 and it has the banner attached -- or excuse me -- the  
4 banner on top of the document.

5 There it is.

6 MR. PLEBAN: We're going that make this 20B  
7 and this 20C.

8 MR. CHASSAING: Is this 20B?

9 MR. PLEBAN: I'm going to change it because he  
10 just pulled this out.

11 (The reporter remarked Deposition Exhibit No.  
12 20B and marked 20C, for identification.)

13 **Q (By Mr. Pleban) Let me hand you, sir,  
14 what's been marked as Exhibit 20B, as in boy, and  
15 ask you if that is the memorandum that you  
16 referenced in Exhibit 20A or that was at least  
17 discussed in Exhibit 20A?**

18 A It is.

19 **Q All right. Let me hand you what's been marked  
20 as Exhibit 20C, and ask you if you can identify that,  
21 please?**

22 MR. PLEBAN: That's the one we had before.

23 MR. CHASSAING: Okay.

24 A This is an e-mail I sent to Matt Pirrello on  
25 December 6th, 2012.

1 **Q (By Mr. Pleban) All right. Can you get  
2 that out of your stack there so we can talk about  
3 that?**

4 A If I can find it. Okay.

5 **Q Have you got it?**

6 A Yes, sir.

7 **Q All right. Now, Exhibit 20C is dated December  
8 6th, 2012 at 2:19 p.m.; is that correct?**

9 A Yes.

10 **Q All right. And that's the time and the date  
11 that you sent to Mr. Pirrello for his review for what  
12 purposes?**

13 A As I testified yesterday, in December of last  
14 year Mr. Pirrello and I were talking about initiating a  
15 complaint against Mr. Paul, and to the best of my  
16 recollection he said, what would that look like, or  
17 something similar, and I said, it would look something  
18 like this.

19 **Q The document that you've attached to your  
20 e-mail to Mr. Pirrello begins with "Dear Miss Demeter"?**

21 A Demeter.

22 **Q She's the city clerk; is that correct?**

23 A Correct.

24 **Q So, I notice that that document or that letter  
25 is some nine pages long, correct?**

1 A Yes.  
 2 **Q And you prepared the entirety of that letter?**  
 3 A Yes.  
 4 **Q Did you prepare that on your own or with the**  
 5 **assistance of anybody?**  
 6 A I prepared that on my own.  
 7 **Q So, presumably all of the issues that are**  
 8 **raised in this December 6th e-mail, with the attached**  
 9 **letter, are alleged incidents that occurred on or before**  
 10 **December the 6th, 2012, correct?**  
 11 A Yes. I presume that's true. It appears to be  
 12 true.  
 13 **Q All right. Flip to the last page, if you**  
 14 **would. It say, "Sincerely, MP." Whose initials are**  
 15 **those?**  
 16 A Well, Matt Pirrello.  
 17 **Q All right. So, back on -- in December of**  
 18 **2012, the letter that you prepared, you prepared it for**  
 19 **the signature of Matt Pirrello; is that right?**  
 20 A I didn't prepare it for the signature of Matt  
 21 Pirrello. Well, I guess I did, if he wanted to do it.  
 22 **Q I mean, you're the one that authored the**  
 23 **document?**  
 24 A Yes.  
 25 **Q And you've got MP at the bottom indicating**

1 **letter that's attached to Exhibit 20C and file it?**  
 2 A No, I was not suggesting that.  
 3 **Q Did he ask you for a letter, or did you take**  
 4 **it upon yourself to present it?**  
 5 A Again, the discussion was something like, what  
 6 would that complaint look like, and I prepared the  
 7 complaint and sent it to him.  
 8 **Q Then later on, you testified yesterday that**  
 9 **you developed this game plan of having a third party**  
 10 **file the complaint so that you could minimize the public**  
 11 **reaction; is that correct?**  
 12 A Yes.  
 13 **Q When did that start coming about after this**  
 14 **December 6th, 2012 e-mail?**  
 15 A That happened after Matt called me on February  
 16 8th, I believe.  
 17 **Q All right. You testified to that yesterday.**  
 18 A Yes.  
 19 **Q So, are you saying that there was no**  
 20 **discussion about impeaching Adam Paul between December**  
 21 **the 6th, 2012 and February the 8th, 2013?**  
 22 A There may have been discussions. I don't  
 23 recall any. I do know that this particular document was  
 24 not discussed at all.  
 25 **Q Exhibit 20C, you're talking about?**

1 **that he's the one at least that should sign it or at**  
 2 **least his initials are there?**  
 3 A Right. I was giving him something that he  
 4 could act on if he wanted to execute it, if he wanted to  
 5 pursue it.  
 6 **Q All right. Now, do we have all of the e-mail**  
 7 **responses from Mr. Pirrello in what you brought today,**  
 8 **Group Exhibit 20, or are there more to come on that?**  
 9 A I think they're all here, but again, I'm going  
 10 to check some additional files and I will let you know.  
 11 **Q All right. So, back in December of 2012 you**  
 12 **and Mr. Pirrello were discussing impeaching the mayor,**  
 13 **and were you also at that time discussing having**  
 14 **Pirrello pursue that impeachment formally in whatever**  
 15 **form?**  
 16 A Yes.  
 17 **Q Why wasn't this pursued back in December?**  
 18 A I don't know.  
 19 **Q Or the early part of December of 2012 then?**  
 20 A I don't know.  
 21 **Q Well, did you have conversations with Pirrello**  
 22 **about why it wasn't pursued?**  
 23 A Did not.  
 24 **Q So, you sent him this back in December, and**  
 25 **were you suggesting to him that he sign off on this**

1 A Yes. When I say discussions, I don't mean  
 2 necessarily only with Mr. Pirrello.  
 3 **Q Who else were you discussing it with --**  
 4 A As I said --  
 5 **Q -- that with between that time?**  
 6 A As I testified yesterday, I had many  
 7 discussions with different council members at different  
 8 times.  
 9 **Q And forgive me. I haven't had a chance to sit**  
 10 **down, I haven't had the time to compare Exhibit 20 with**  
 11 **Exhibit 20C. Is the document attached to Exhibit 20C,**  
 12 **is that identical to Exhibit 20?**  
 13 A Let me see 20 really quickly.  
 14 **Q Sure.**  
 15 A I don't know. I need to take a look at that  
 16 one also.  
 17 **Q Yeah.**  
 18 A What I was looking for were dates.  
 19 **Q Okay.**  
 20 A Exhibit 20, the items listed preceded December  
 21 6th. Do you want me to go through each of these  
 22 allegations and determine if they are the same?  
 23 **Q Well, no. I mean, no. I can do that later**  
 24 **on. To your recollection is it the same? Was that your**  
 25 **intent? I guess what I'm doing is, you took what you**



1 **had listed and then sent it on to Pirrello? Was that**  
 2 **the deal?**  
 3 A In all probability that's true.  
 4 **Q All right. I mean, I haven't had a chance to**  
 5 **compare them, and I don't want to spend the time here**  
 6 **today doing that.**  
 7 A Right.  
 8 **Q All right.**  
 9 A I can squeeze another six minutes out.  
 10 **Q Let me ask you this question. In the**  
 11 **original -- or the amended, rather, Exhibit 19, the**  
 12 **charges that were amended after the February 20 meeting,**  
 13 **there was an allegation -- let me see if I can -- I**  
 14 **believe it was an allegation of some tape recordings of**  
 15 **a February 20 council meeting, do you recall that?**  
 16 A Uh-huh.  
 17 **Q Yes?**  
 18 A Yes.  
 19 **Q All right. It's Page 10 of 12 here in Exhibit**  
 20 **19. You can certainly look at that. And that**  
 21 **particular allegation was dismissed; is that right?**  
 22 A It was -- If I recall correctly, Exhibit 19  
 23 was the version that was presented to the council at  
 24 that meeting.  
 25 **Q At the special meeting?**

1 charge, then does that mean that the hearing would be  
 2 extended an additional -- the mayor have four days or  
 3 five days after that to respond, and does that mean that  
 4 the public hearing would be extended by an additional 30  
 5 days.  
 6 **Q Right.**  
 7 A I raised the issue.  
 8 **Q Yes.**  
 9 A That's what I was concerned about, yes.  
 10 **Q Okay. And if I recall correctly, you raised**  
 11 **that issue at a public hearing?**  
 12 A Yes. Well, public --  
 13 **Q Public meeting, rather --**  
 14 A Yes.  
 15 **Q -- in which that document, Exhibit No. --**  
 16 A 19.  
 17 **Q -- 19 was discussed; is that right?**  
 18 A Yes.  
 19 **Q And ultimately then the council voted to**  
 20 **dismiss --**  
 21 A Yes.  
 22 **Q -- that particular provision, correct?**  
 23 A True.  
 24 **Q Okay. All right.**  
 25 MR. PLEBAN: You have to go?

1 A And in the course of that meeting, that  
 2 particular charge was removed.  
 3 **Q All right. And that was at the special**  
 4 **meeting that postdated the February 20th meeting,**  
 5 **correct?**  
 6 A Yes, I believe that's true.  
 7 **Q All right. And the charge dealing with the**  
 8 **February 20, 2013 allegation of tape recording was**  
 9 **removed at that meeting subsequent to the meeting of**  
 10 **February 20th?**  
 11 A I believe that's true.  
 12 **Q And why was that removed?**  
 13 A I don't recall who came to the conclusion. I  
 14 think it was Mr. Cheung who basically said, your proof  
 15 there is awfully thin.  
 16 **Q Do you recall --**  
 17 A It might have been myself. I don't know.  
 18 **Q Do you recall any statement that you made at**  
 19 **any time that including that allegation in the amended**  
 20 **charges during the course of that special meeting would**  
 21 **extend the time for the hearing in this matter?**  
 22 A I recall saying that it could have caused a  
 23 problem, yes.  
 24 **Q What kind of problem could it have caused?**  
 25 A Well, it raised an issue about if it's a new

1 THE WITNESS: Good time to stop.  
 2 MR. PLEBAN: All right.  
 3 MR. CHASSAING: Let's go off the record.  
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NOTARIAL CERTIFICATE

STATE OF MISSOURI )  
                          ) SS.  
COUNTY OF ST. LOUIS )

I, MARGARET WALSH CHOPIN, a Certified Court Reporter and a duly commissioned Notary Public within and for the State of Missouri, do hereby certify that I was present on the date and time aforementioned; and then and there took down by stenotype the proceedings, and the preceding pages are a true and complete transcript of said proceedings.

\_\_\_\_\_  
Margaret Walsh Chopin, CCR,  
Notary Public within and for  
the State of Missouri