

EXHIBIT D

1 that you remain under oath.

2 Did you and Mr. Hannafan have any
3 conversation during the break during which
4 Mr. Conway was present regarding this case?

5 A. No.

6 MR. HANNAFAN: You won't give up on that,
7 will you?

8 BY MS. HAMILTON:

9 Q. Mr. White, if I could, I'd like to
10 return to Deposition Exhibit No. 14.

11 A. Okay.

12 Q. Did you ever mail this letter to
13 anyone?

14 A. No.

15 Q. Do you know whether Mr. Delp ever
16 mailed this letter to anyone?

17 A. Not that I'm aware of.

18 Q. Do you know whether your secretary ever
19 mailed the letter to anyone?

20 A. No.

21 Q. At the time that the stories appeared
22 in the paper about this letter, did you have any
23 conversations with anyone about those newspaper
24 stories or about the letter?

1 A. I had a conversation with Mr. Bergen.
2 Who alerted me to the fact that my name was in the
3 newspaper. I had not seen it. My paper wasn't
4 delivered that day or I came into the office
5 earlier than my Tribune. And he suggested that I
6 call Mr. Ted Miller, who was a member of the
7 Management Committee and in charge of litigation,
8 and Mr. Conlon was in Ireland at the time. And I
9 had a conversation with him.

10 Q. What did Mr. Bergen say to you when he
11 told you about the article?

12 MR. HANNAFAN: Just a minute, Bill. I don't
13 know if there's going to be an objection.

14 MR. CONWAY: Bergen is okay.

15 MR. HANNAFAN: Go ahead.

16 THE WITNESS: No?

17 MR. HANNAFAN: Yes.

18 BY THE WITNESS:

19 A. He told me I was a celebrity.

20 BY MS. HAMILTON:

21 Q. And what else did he say?

22 A. That I should call Mr. Miller.

23 Q. But he must have said more. He said
24 you're a celebrity, call Mr. Miller, period?

1 A. Yes.

2 Q. Did he show you the article?

3 A. Yes, he gave me a copy of the
4 newspaper.

5 Q. So you were coming in to work at Sidley
6 & Austin on that day, correct?

7 A. I was working at Sidley & Austin that
8 day.

9 MR. HANNAFAN: You got to slow down.

10 THE WITNESS: Okay.

11 BY MS. HAMILTON:

12 Q. And you were working on the project
13 that you are still working on, is that correct?

14 A. No, it was a previous project.

15 MR. HANNAFAN: Would you pause?

16 BY MS. HAMILTON:

17 Q. What was the nature of that project?

18 MR. HANNAFAN: Bill, you're not pausing. You
19 have to pause.

20 MS. HAMILTON: Mr. Hannafan --

21 MR. HANNAFAN: Oh, God. Leave me alone.
22 You've been bugging me all day about this.

23 After she asks the question, pause for
24 a moment just in case Mr. Conway or I might have

1 an objection. Okay?

2 MS. HAMILTON: Mr. Hannafan, this is my
3 deposition.

4 MR. HANNAFAN: Please --

5 MS. HAMILTON: I'm going to ask the
6 questions.

7 MR. HANNAFAN: We've been through this. Stop
8 being so cranky about all of this. I can tell him
9 this. It's completely legitimate. And if you
10 don't like it, call the Judge or make a motion and
11 ask him to put me under arrest or something like
12 that, will you? Quit bugging me.

13 MS. HAMILTON: We were doing pretty well
14 there for a while. So I'd just like to remind you
15 that the Federal Rules --

16 MR. CONWAY: Let's just come on.

17 THE WITNESS: Let's go.

18 MS. HAMILTON: -- that the Federal Rules make
19 clear what objections are appropriate. That isn't
20 one of them. And I'm not here for your testimony.
21 Thank you.

22 MR. HANNAFAN: Hey, if you want my testimony,
23 swear me in. I'm ready.

24 BY MS. HAMILTON:

1 Q. Mr. White, you were working at Sidley &
2 Austin the day that the newspaper article came out
3 regarding this, the letter that is Exhibit No. 14,
4 correct?

5 A. Correct.

6 Q. What project were you working on at
7 Sidley & Austin?

8 A. It was -- I don't remember which one.
9 There were a couple about that time. I know it
10 was not the project that I'm currently working on.

11 BY MS. HAMILTON:

12 Q. At that time, were you being paid \$60
13 an hour by Sidley for your work?

14 A. Yes.

15 Q. Did you follow Mr. Bergen's
16 instructions and call Mr. Miller?

17 A. Yes.

18 Q. What did you say to Mr. Miller during
19 that conversation?

20 MR. CONWAY: I'm going to object on the
21 grounds of privilege, work product.

22 BY MS. HAMILTON:

23 Q. Did you seek legal advice from
24 Mr. Miller during that conversation?

1 MR. CONWAY: You can answer that yes or no.

2 MR. HANNAFAN: What do you mean by legal
3 advice?

4 MR. CONWAY: Right. And he's a layperson.
5 So if you want, I can take him out in the hallway
6 and talk to him about the conversation --

7 MS. HAMILTON: You're not his lawyer,
8 Mr. Conway. So if you take him out in the
9 hallway, the court reporter and I will be there.

10 MR. CONWAY: I'm just looking for a Way to
11 cut through it. But objection.

12 MS. ELKIN: She can lay a foundation as to
13 whether it's a proper objection.

14 MR. CONWAY: She can do whatever she wants.
15 I made a suggestion. She said she didn't want to
16 do it.

17 MS. ELKIN: He can answer the foundational
18 question.

19 MR. CONWAY: What was the foundational
20 question?

21 MS. ELKIN: Was he seeking legal advice.

22 MR CONWAY: And I'm going to object to that
23 question on the basis of form and foundation.

24 MS. ELKIN: But you're not instructing him

1 not to answer?

2 MR. CONWAY: No, I said he could answer it
3 yes or no. I already said that on the record.

4 MR. HANNAFAN: I'm going to instruct him not
5 to answer unless you define for him what you mean
6 by legal advice.

7 BY MS. HAMILTON:

8 Q. Mr. White, as you understand the term,
9 were you seeking legal advice from Mr. Miller?

10 MR. HANNAFAN: Give him a definition or ask
11 him what he understands to be legal advice.
12 That's easy. You've made your foundation.

13 So I'm going to instruct you not to
14 answer until she wants to pop with the definition.

15 MS. HAMILTON: Excuse me. Mr. Hannafan, if
16 Mr. White doesn't understand my question, he can
17 let me know.

18 BY THE WITNESS:

19 A. I don't understand the question.

20 MR. HANNAFAN: There you go. Are you happy?

21 BY MS. HAMILTON:

22 Q. Were you seeking advice from Mr. Miller
23 in his role as a lawyer regarding an issue of
24 legal concern to you?

1 A. No.

2 Q. Were you seeking legal assistance from
3 Mr. Miller at the time of that phone call?

4 MR. HANNAFAN: Why don't you rephrase that?

5 BY MS. HAMILTON:

6 Q. Mr. White, you've already testified
7 that you were not seeking legal advice from
8 Mr. Miller.

9 A. Right.

10 Q. Were you seeking legal assistance due
11 to any legal concern that you had at that time
12 from Mr. Miller?

13 MR. HANNAFAN: You can answer yes or no.

14 THE WITNESS: Could you read that back to me,
15 please? I've lost my train of thought.

16 MS. HAMILTON: As it's hard to maintain with
17 all of these speaking objections.

18 (WHEREUPON, said record was

19 read by the reporter.)

20 BY THE WITNESS:

21 A. No.

22 BY MS. HAMILTON:

23 Q. During that conversation, were you
24 asking Mr. Miller to serve as your attorney?

1 A. No.

2 Q. Then I reiterate my question. What did
3 you tell Mr. Miller during that conversation?

4 MR. HANNAFAN: Wait. I don't know if
5 Mr. Conway has an objection.

6 MR. CONWAY: I am going to object on the
7 grounds of work product and privilege. At the
8 time, he was -- and again, I mean, I've offered a
9 way to cut through this. I could have a private
10 conversation with him in the hallway. But we were
11 offering legal advice. Mr. Miller was acting as
12 counsel to the firm in connection with this
13 matter. Having a conversation with Mr. White
14 about activities during the scope of his
15 employment I think is privileged. And if I'm not
16 going to have an opportunity to talk with him and
17 confirm outside your presence that it's not
18 privileged, I'm going to instruct him not to
19 answer or --

20 MS. HAMILTON: I don't see how it could
21 possibly be privileged.

22 MR. CONWAY: You know what, I'm sure that
23 you're saying that sincerely. And I don't want to
24 waste time on this. I've offered a way to cut

1 through it. I can have a conversation with him in
2 the hallway. If it's not privileged, then I'll
3 let him testify. But you're not giving me that
4 opportunity. He's a layperson. He doesn't
5 understand necessarily what was going on. So I --
6 so --

7 BY MS. HAMILTON:

8 Q. Is it correct that at that time,
9 Mr. White, you were working for Sidley & Austin as
10 a part-time hourly employee?

11 A. Correct. Oh, no, that is not correct.
12 I was not an employee.

13 Q. As a part-time hourly contract worker.

14 A. Correct.

15 Q. Other than the conversation that you
16 had with Mr. Miller regarding the article in the
17 paper, did you have a conversation with -- other
18 than the conversations with Mr. Miller and
19 Mr. Bergen, did you have a conversation with
20 anyone else regarding the article in the paper?

21 A. No.

22 Q. Is that the only conversation that you
23 had with Mr. Miller about the letter that's
24 identified as Exhibit 14?