

EXHIBIT E

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1 BY THE WITNESS:

2 A. I have no idea. I was not made aware
3 of that.

4 BY MS. HAMILTON:

5 Q. At the time that you signed this
6 letter, did you know that this statement in the
7 letter was incorrect?

8 A. No.

9 Q. At the time that you signed this
10 letter, you had responsibility for payments to
11 partners both while they were partners and in
12 their retirement, is that correct?

13 MR. CONWAY: Object to form.

14 BY THE WITNESS:

15 A. Yes.

16 BY MS. HAMILTON:

17 Q. But yet you had no knowledge regarding
18 the time at which a partner of Sidley & Austin was
19 expected to retire, is that correct?

20 MR. HANNAFAN: Objection, argumentative.

21 But you can answer, unless Mike has an
22 objection.

23 MR. CONWAY: I have the same objection in
24 form.

1 But you can go ahead and answer.

2 BY THE WITNESS:

3 A. Basically, when they alerted me when
4 the payments were to be made. You know, I didn't
5 make those decisions. People retired at different
6 times.

7 BY MS. HAMILTON:

8 Q. At the time that you signed this
9 letter, were you aware of the general expectation
10 at Sidley & Austin that retirement would occur
11 around age 65?

12 A. No.

13 Q. Does Karen Reber still work for the
14 firm, to your knowledge?

15 A. Yes.

16 Q. What did you do with the copy of this
17 letter that you kept?

18 A. It was put in my general correspondence
19 file by my secretary.

20 Q. As a result of the change in status of
21 several or a group of partners in October of 1999,
22 were you aware of any change that was made to
23 Sidley's retirement policy?

24 A. No.

1 Q. Why was Mr. Conlon providing you with
2 legal advice or assistance in February of 2006?

3 MR. CONWAY: Objection. Wait, wait. Can you
4 repeat that question? I think that's --

5 MR. HANNAFAN: He didn't say that.

6 MS. HAMILTON: I'm sorry.

7 MR. HANNAFAN: He didn't testify to that.

8 MS. ELKIN: All right. She's going to ask a
9 question.

10 BY MS. HAMILTON:

11 Q. Was Mr. Conlon providing you with legal
12 advice or assistance in February of '06?

13 A. Was he providing me with legal advice?

14 Q. Yes.

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

16 BY THE WITNESS:

17 A. No.

18 BY MS. HAMILTON:

19 Q. Then what's the basis for the claim of
20 privilege with regard to that conversation between
21 Conlon, Bergen and White?

22 MR. CONWAY: This was a conversation by a
23 Sidley lawyer who was investigating the case. So
24 it's protected either by the attorney-client or

1 work product privileges or both. So I'm
2 instructing him not to -- or I'm requesting that
3 Mr. Hannafan instruct him not to answer on that
4 basis.

5 You're entitled to discover the facts.
6 You're asking him questions about the facts, but
7 you're not allowed to discover the communications
8 themselves.

9 MS. ELKIN: Under the work product?

10 MR. CONWAY: Work product and attorney-client
11 privilege, because --

12 MS. ELKIN: What if he wasn't providing legal
13 advice?

14 MR. CONWAY: He could have been.

15 MS. ELKIN: The witness just said --

16 MS. HAMILTON: -- he wasn't.

17 BY MS. HAMILTON:

18 Q. Were you seeking Mr. Conlon's legal
19 advice during the conversation that you had with
20 Mr. Conlon and Mr. Bergen in February of 2006?

21 A. No.

22 Q. Who initiated the communication?

23 A. He did.

24 Q. What exactly did you say to Mr. Conlon

1 during the conversation?

2 MR. CONWAY: Objection --

3 MR. HANNAFAN: I'll let Mr. -- I'll let Mike
4 go first.

5 MR. CONWAY: Again, on privilege grounds.

6 MR. HANNAFAN: I'll instruct you not to
7 answer until -- this is not -- this is not our
8 battle.

9 THE WITNESS: Okay.

10 MR. HANNAFAN: So you should not answer the
11 question until it might be later determined by a
12 court that you should answer it.

13 MS. HAMILTON: Let me explain to you, Mike,
14 why I don't --

15 MR. CONWAY: I don't want to waste time with
16 you explaining to me your position. I understand
17 that you disagree with me. We're not here to
18 debate the issue. I made my objection. He's been
19 instructed not to answer. Why don't you just
20 continue with the deposition.

21 MS. HAMILTON: We'll just reserve the right
22 to recall Mr. White if necessary when we receive a
23 ruling on the issue from the Judge.

24 BY MS. HAMILTON: