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       STATE OF ILLINOIS)
                        ) SS.
       COUNTY OF C O O K)
 2.
 3
                IN THE CIRCUIT COURT OF COOK COUNTY
                COUNTY DEPARTMENT-CHANCERY DIVISION
 4
          PETER JOHN CAVOTO, JR. and
 5
          GERALD A. CARR, JR.,
 6
          individually and on behalf
                                          )
          of all other similarly
 7
          situated class members,
 8
                    Plaintiffs,
 9
                                          ) No. 02 CH 18372
               vs.
10
          CHICAGO NATIONAL LEAGUE
                                          )
          BALL CLUB, INC., a Delaware
                                          )
11
          corporation, and WRIGLEY
          FIELD PREMIUM TICKET
12
          SERVICES, INC., a Delaware
          corporation,
13
                                          )
                    Defendants.
14
15
               The deposition of CARL RICE, III, called by
16
17
       the plaintiffs for examination, pursuant to notice and
       pursuant to the provisions of the Illinois Code of
18
19
       Civil Procedure and the Rules of the Supreme Court of
20
       the State of Illinois, for the purpose of discovery,
21
       taken before Lisa M. Esposito, CSR and Notary Public
22
       in and for the County of Cook and State of Illinois,
23
       at 11 South LaSalle Street, Suite 1600, Chicago,
       Illinois, on April 23, 2003, at 10:05 a.m.
24
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1	PRESENT:
2	
3	BAUCH & MICHAELS By MR. KENNETH A. MICHAELS, JR. 53 West Jackson Boulevard, Suite 1115
4	Chicago, Illinois 60604 (312) 588-5000
5	
6	appeared on behalf of the plaintiffs;
7	SONNENSCHEIN NATH & ROSENTHAL By MR. JAMES A. KLENK
8	8000 Sears Tower 233 South Wacker Drive
9	Chicago, Illinois 60606 (312) 876-7934
LO	
L1	appeared on behalf of the defendants.
L2	ALSO PRESENT:
L3	MR. MICHAEL LUFRANO
L4	
L5	
L6	
L7	
L8	
L9	
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1	I N D E X	
2	WITNESS	
3	CARL RICE, III	
4	EXAMINED BY	PAGE
5	MR. MICHAELS	4
6	MR. KLENK	113
7		
8		
9	NO EXHIBITS WERE MARKED	
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- 1 CARL RICE, III,
- 2 having been first duly sworn, was examined and
- 3 testified as follows:
- 4 EXAMINATION
- 5 BY MR. MICHAELS:
- 6 Q. Can you please state your name and spell your
- 7 last name for the record.
- 8 A. It's Carl Rice, III. It's R-I-C-E.
- 9 Q. Mr. Rice, have you ever presented at
- 10 deposition before?
- 11 A. Yes.
- 12 Q. So you're familiar that I ask you questions
- 13 and you respond?
- 14 A. Yes.
- MR. MICHAELS: And we ask that you respond
- orally, not through a shrug or a nodding of the head
- or anything along those lines.
- 18 THE WITNESS: Yes.
- 19 MR. MICHAELS: If you don't understand any
- 20 questions I ask, I ask that you please tell me so and
- 21 ask me to clarify the questions.
- 22 THE WITNESS: Okay.
- Q. Where do you reside?
- A. 1909 West Belle Plaine, Chicago, 60613.

- 1 Q. What was the last year of schooling that you
- 2 attained?
- 3 A. Loyola University. I have two years
- 4 completed toward my bachelor's degree.
- 5 Q. That's Loyola of Chicago?
- 6 A. Yes.
- 7 Q. And what high school did you go to?
- 8 A. St. Benedict High School in Chicago.
- 9 Q. And where are you presently employed?
- 10 A. Chicago National League Ball Club.
- 11 Q. That's the Cubs?
- 12 A. Yes.
- 13 Q. And how long have you been employed at the
- 14 Ball Club?
- 15 A. In various capacities, I started there in
- 16 1982.
- 17 Q. What job capacity did you start at?
- 18 A. As part-time working when I was in high
- 19 school.
- Q. What was your job function?
- 21 A. I worked in stadium operations as a stadium
- 22 operations assistant.
- Q. What does stadium operations entail?
- A. Stadium operations oversees the day-to-day

- operations of the facility at Wrigley Field, the
- 2 crowd, turnstiles, promotional items.
- 3 Q. Does it include maintenance, clean-up crews?
- 4 A. Those are also functions of stadium
- 5 operations.
- 6 Q. Does it include vending of soft drinks and
- 7 food?
- 8 A. That is done by someone else.
- 9 Q. Is that ARAMARK?
- 10 A. Currently it's ARAMARK.
- 11 Q. After being a stadium operations assistant,
- 12 what did you do for the Cubs?
- 13 A. I was hired on in the systems area as an EDP
- 14 systems staff.
- 15 Q. EDP, meaning electronic data processing?
- 16 A. That's what it meant at that time, yes.
- Q. Did you input data then?
- 18 A. No. I was working for another person
- overseeing the company's computer systems.
- 20 Q. And what computer systems were they operating
- 21 under in the 1980s?
- 22 A. It was 1988. It was small PC-based systems.
- Q. DOS-based system at that time?
- 24 A. I believe so.

- 1 Q. That was prior to networking of PCs, wasn't
- 2 it?
- 3 A. Correct.
- Q. What was your next job for the Cubs, or
- 5 capacity for Cubs?
- A. All my capacities stayed within the systems
- 7 area, and I was promoted throughout inside that
- 8 department.
- 9 Q. Okay. What is your present title?
- 10 A. I am the director of information systems and
- 11 special projects.
- 12 Q. Who do you answer to in that capacity?
- 13 A. To Mark McGuire.
- Q. And he's vice president in charge of
- 15 operations?
- 16 A. Business operations.
- Q. Okay. Now, your title includes that you're
- 18 also in charge of special projects?
- 19 A. Yes.
- Q. What special projects would you be working
- 21 on?
- 22 A. Special projects would include the addition
- of new scoreboards to Wrigley Field, the acquisition,
- 24 bidding and purchase of a new video operations center

- 1 for the baseball operations department.
- Q. Now, what does that mean, a video operations
- 3 department?
- 4 A. Video scouting.
- 5 Q. Oh, these are videos that others bring in
- from scouting of potential players and you play them
- 7 on TVs, essentially?
- 8 A. That would be one application. Other
- 9 applications would include scouting your own team and
- 10 being able to analyze trends.
- 11 Q. How long have you been directing special
- 12 projects?
- 13 A. I received my current promotion in January of
- 14 2001 to that title.
- 15 Q. What other special projects have you worked
- 16 on since then?
- 17 A. There's a million. The addition of the
- 18 complex at 36 -- I can't think of the address. The
- 19 Yum Yums Building, the addition of that as an office
- 20 complex for us, the rebuild of that as an office
- 21 complex.
- 22 Q. That's like 3669 North Clark or something
- 23 like that?
- 24 A. I'm not quite sure. Could be.

- 1 Q. Is that building operational now?
- 2 A. It's an office and conference center for us.
- 3 O. It is?
- 4 A. Yes.
- 5 Q. And you're familiar with the building at 3717
- 6 North Clark also where Premium Tickets is located?
- 7 A. Yes.
- 8 Q. Now, sticking with your job responsibilities
- 9 at the Ball Club for a bit, as the director of
- 10 information systems, what does that really entail you
- 11 doing each day?
- 12 A. I oversee a staff that, with myself, manages
- 13 the day-to-day operations of the technical services to
- 14 Wrigley Field.
- 15 Q. How many on your staff?
- 16 A. There's two members that work for me.
- Q. Who are they?
- 18 A. Sean True and Lucas Luecke, L-U-E-C-K-E.
- 19 Q. And True is T-R-U-E?
- 20 A. Yes.
- 21 Q. Now, the technical operations of the stadium
- you're referring to supervising or overseeing, would
- that include the computer systems?
- 24 A. Yes.

- 1 Q. Does it include the telecommunications
- 2 systems?
- 3 A. Yes.
- Q. Are there other types of systems that I'm
- 5 missing here?
- A. Well, since everything is connected to the
- 7 computer system, the computer system would incorporate
- 8 a lot of things.
- 9 Q. The telecommunications is tied into the
- 10 computer system there?
- 11 A. In a method, yes.
- 12 Q. Are the computers connected through a T-1
- line, for instance, or is it a DSL system or --
- 14 A. Connected to where?
- 15 Q. Well, first, are the computers on a network?
- 16 A. Yes, they are.
- Q. Where are the servers for the network?
- 18 A. There is a server at Wrigley Field. There is
- 19 a server at Tribune Tower. There is a server in the
- 20 Mueller Engineering Building. There is a server in
- 21 California. There is a server in New York.
- Q. There is one in Wrigley Field, one at 435
- North Michigan, which is Tribune Tower. The Mueller
- 24 Building, that's 3717 North Clark where Premium

- 1 Tickets is?
- 2 A. The server is not at 3717 precisely, but it's
- 3 in that building.
- 4 Q. Oh, okay. That building has other addresses?
- 5 A. I believe so.
- 6 Q. Okay. And all these servers are connected
- 7 with each other, correct?
- 8 A. Yes.
- 9 Q. Are there work groups of computers then tied
- 10 to a server, for instance, at Wrigley Field?
- 11 A. No, not in that facet.
- 12 Q. Now, the telecommunications, how is that
- 13 hooked into the computer system?
- 14 A. You can access the telephone system through a
- 15 computer to manage the phone system.
- 16 Q. And the phones, are they all connected into
- one system such that someone in the Mueller Building
- 18 could hit an extension and reach someone in the box
- 19 office at Wrigley Field?
- 20 A. There are two phone systems for Wrigley
- 21 Field. The phone system at Wrigley Field operates the
- 22 ballpark. The phone system in the Mueller Engineering
- 23 Building, the old Mueller Engineering Building, they
- have their own isolated phone system.

- 1 Q. So if someone in Mueller wanted to call
- 2 Wrigley Field box offices at Wrigley Field, they would
- 3 have to dial a full set of telephone numbers to do so
- 4 or --
- 5 A. No.
- 6 Q. Because of the computer system they can just
- 7 go with an extension?
- 8 A. There is a connectivity point between the two
- 9 phone systems to have them talk to each other.
- 10 Q. Okay. And three of you do all this?
- 11 A. Yes.
- 12 Q. What's the server in New York for?
- 13 A. Major League Baseball.
- Q. That's the Advanced Media?
- 15 A. No, Major League Baseball.
- Q. Okay. The server in California is for --
- 17 A. Ticketing.
- 18 Q. Tickets.com?
- 19 A. Correct.
- 20 Q. How does the Major League Baseball Advanced
- 21 Media tie into all this?
- 22 A. Into our networks, they do not.
- Q. Okay. Well, we'll cover them a little bit
- 24 more in a bit.

- Now, when I say Premium Tickets, I'm
- 2 referring to the corporation Wrigley Field Premium
- 3 Ticket Services, Inc., okay?
- 4 A. Yes.
- 5 Q. You're an officer of Premium Tickets?
- 6 A. Yes.
- 7 Q. You're vice president?
- 8 A. Yes.
- 9 Q. Do you get a paycheck for serving in that
- 10 capacity?
- 11 A. No.
- 12 Q. Do you get bonuses for serving in that
- 13 capacity?
- 14 A. No.
- Q. Who pays you?
- 16 A. The Chicago National League Ball Club.
- 17 Q. Do the checks say Tribune Company or Chicago
- 18 National League Ball Club on them?
- 19 A. Chicago National League Ball Club.
- 20 Q. Okay. And you have a pension and medical
- 21 through Tribune Company then?
- 22 A. I believe so.
- Q. Who is your supervisor at Premium Tickets as
- 24 an officer?

- 1 A. Mark McGuire.
- Q. Did you have any role in the creation of
- 3 Premium Tickets?
- 4 A. Yes.
- 5 Q. What role was that?
- 6 A. I served as part of a project team that
- 7 looked at the secondary market and ultimately formed
- 8 Wrigley Field Premium Tickets as a separate company
- 9 for Tribune Company.
- 10 Q. And who was on this project team?
- 11 A. Mark McGuire, Frank Maloney, Jody Reischl.
- 12 Q. Anyone else?
- 13 A. No, that was all.
- Q. Did you ever attend any meetings with Dennis
- 15 Fitzsimmons in regards to Premium Tickets?
- 16 A. I don't recall.
- 17 Q. When did you first learn about the concept of
- 18 Premium Tickets?
- 19 A. I can't answer that question.
- Q. Because you don't understand it or --
- 21 A. (Indicating.)
- Q. Did someone tell you that, "Hey, we at the
- 23 Ball Club are looking to explore the possibility of
- opening up a ticket brokering operation"?

- 1 A. No, not to that point.
- Q. Did someone say to you, "We're exploring the
- 3 secondary ticket market"?
- 4 A. Yes.
- 5 Q. Who said that to you?
- 6 A. Mark McGuire.
- 7 Q. And do you have any recollection about when
- 8 that would have been?
- 9 A. August 2001.
- 10 Q. And --
- 11 A. I think that's right.
- 12 Q. And how did he present this to you? Did he
- ask you to do work or --
- 14 A. In a meeting that he and I had, he had talked
- about this idea that he had and asked me to look at
- 16 what other teams were doing in regards to online sales
- of season tickets.
- Q. Was anyone else at this meeting with Mark?
- 19 A. At this time, no.
- 20 Q. Are you familiar with the Cubs having late in
- 21 each season or fall a meeting with the Tribune Company
- 22 to review the season plan for the next year?
- 23 A. I am aware that the meeting exists.
- Q. Were you attending that meeting in 2001?

- 1 A. I did not attend the meeting.
- Q. Have you ever attended that meeting?
- 3 A. I have never attended that meeting.
- 4 Q. What work did you do then investigating what
- 5 other teams do about selling tickets online?
- A. Made a few phone calls to my counterparts at
- 7 various ball clubs and inquired to the products that
- 8 they were using.
- 9 Q. Now, at this time wasn't Ball Club in a
- 10 contractual relationship with Major League Baseball
- for selling tickets through something called Advanced
- 12 Media?
- 13 A. Online?
- 14 Q. Online.
- 15 A. Yes.
- Q. And were Cubs tickets being sold online
- through the Web site, the Cubs Web site?
- 18 A. Yes.
- 19 Q. Backing up a little bit, Major League
- 20 Baseball Advanced Media, would you characterize it as
- an aggregation of ball clubs that sell tickets online,
- 22 Major League Baseball clubs that sell tickets online?
- 23 A. No.
- Q. How would you characterize it?

- 1 A. Major League Baseball Advanced Media is a
- 2 corporation formed by Major League Baseball that
- 3 oversees all of the assets on the Web for the baseball
- 4 teams.
- 5 Q. And what are those assets?
- 6 A. Our Web sites and our domain names.
- 7 Q. Does Major League Baseball Advanced Media
- 8 supervise the sale of souvenirs over the Internet?
- 9 A. They manage the process.
- 10 Q. They don't actually sell the souvenirs
- 11 though?
- 12 A. I do not believe so.
- 13 Q. Okay. I am trying to understand the concept
- of what Advanced Media is about.
- Now, there is a separate contract between
- 16 Ball Club and Tickets.com, isn't there?
- 17 A. Yes.
- 18 Q. Or to your knowledge there is a contract?
- 19 A. Yes.
- 20 Q. And what is the relationship between
- 21 Tickets.com and Ball Club?
- 22 A. Tickets.com is our back office ticketing
- vendor.
- Q. Now what does that mean?

- 1 A. Back office means that they oversee the
- 2 actual box office ticketing system and our phone
- 3 systems for consumers to dial and get tickets. They
- 4 also oversee the outlet network that has been put in
- 5 place in the Chicagoland area, and they maintain, from
- 6 the back office, they maintain a connectivity to the
- 7 front office on the Internet for ticketing sales.
- Q. Okay. Now, the front office, just so I can
- 9 understand this, that's the box office windows around
- 10 Wrigley Field that sell tickets?
- 11 A. No.
- 12 Q. What are those, are those part of the back
- 13 office?
- 14 A. Yes.
- 15 Q. The front office, is that the executive
- 16 suites?
- 17 A. No.
- 18 Q. Okay. What are the front offices?
- 19 A. The front office is considered the package
- that attaches to the back office through the Internet.
- Q. We'll back up on that because I don't
- 22 understand.
- 23 Tickets.com then actually, if I understand it
- 24 then, provides the printers to print out tickets at

- 1 Wrigley Field?
- 2 A. They are provided by our contract, yes.
- 3 Q. With Tickets.com?
- 4 A. Correct.
- 5 Q. And Tickets.com developed and installs or
- 6 implements software at the box office at Wrigley Field
- 7 to manage the tickets and selling them?
- 8 A. No.
- 9 Q. Okay. Who does that?
- 10 A. There is no software installed at Wrigley
- 11 Field.
- 12 Q. Okay. Is the software installed in
- 13 California for --
- 14 A. Yes.
- 15 Q. On the server in California is software for
- 16 selling the tickets in Chicago?
- 17 A. Yes.
- 18 Q. And it sells tickets for other ball clubs in
- 19 other cities as well?
- 20 A. Yes.
- Q. I am assuming.
- 22 A. Yes, yes.
- Q. That's correct that they do sell other ball
- 24 clubs -- Tickets.com is not only dealing with the

- 1 Cubs, it deals with other teams?
- 2 A. Correct.
- 3 Q. Now back to the box office.
- Well, technology never makes it simple. It
- 5 only makes it harder to do.
- Now, the back office operations through
- 7 Tickets.com, that also includes the sale through
- 8 retail outlets such as Sears?
- 9 A. No.
- 10 Q. No? Okay. Who is running that operation?
- 11 A. Tickets.com directly.
- 12 Q. Okay. Oh, it doesn't go through the back
- 13 office at all?
- 14 A. Correct.
- 15 Q. All right. It's just Tickets.com doing it.
- 16 I see.
- Now, the tickets for baseball games, as I
- 18 understand it, are not preprinted before the season
- 19 runs, they are actually printed when they are sold
- 20 now, is that correct?
- 21 A. I can't answer.
- MR. KLENK: What tickets?
- 23 BY MR. MICHAELS:
- Q. If I went to Wrigley Field, for instance,

- 1 years ago I remember that they'd have tickets up on
- the wall and they pulled them out and say here's some
- 3 seats for you, you can go to these seats, is that
- 4 correct?
- 5 A. Yes.
- 6 Q. These tickets were preprinted and ready to
- 7 go.
- 8 A. Yes.
- 9 Q. Now if I go to Wrigley Field Box Office, the
- 10 seller looks at a computer screen and tells me what's
- 11 available and prints out a ticket for me, is that
- 12 correct?
- 13 A. Since 1984.
- Q. So it shows how long I've been going to
- 15 games.
- 16 In the same fashion are the tickets printed
- out at Sears locations if someone goes in to buy
- 18 tickets for a game?
- 19 A. Yes.
- Q. Are these printers called the Boca printers,
- 21 B-O-C-A?
- 22 A. I'm not sure to what extent I'm answering
- 23 that question.
- Q. Are the printers that print out the tickets,

- 1 are they referred to as Boca printers?
- 2 A. At which location?
- 3 Q. Say at Wrigley Field.
- 4 A. Yes.
- 5 Q. Okay. Do you know if they use Boca printers
- 6 at the Sears retail outlets?
- 7 A. I believe they use a different type of
- 8 printer at Sears.
- 9 Q. Okay. Now, after Mark McGuire asked you to
- 10 go check what other ball clubs are doing on the
- 11 Internet sales, what did you do?
- 12 You called clubs, your counterparts at clubs,
- 13 I think you said?
- 14 A. Yes.
- Q. Did you present a report to Mr. McGuire?
- 16 A. No.
- 17 Q. Did you orally tell Mr. McGuire what your
- 18 findings were?
- 19 A. Yes.
- Q. And what were your findings?
- 21 A. That the San Francisco Giants had developed a
- 22 system with Tickets.com that would allow season ticket
- 23 holders to resell their tickets online that they were
- 24 not able to use.

1	Ω	Did	VOU	make	anv	recommendations	tο

- 2 Mr. McGuire?
- 3 A. No.
- Q. Did you report on what any other teams were
- 5 doing online?
- 6 A. Yes.
- 7 Q. What were those?
- 8 A. At that time everyone was investigating, but
- 9 no one else was truly in this market yet.
- 10 Q. Today are more teams in this market?
- 11 A. Yes.
- 12 Q. What happened next in relationship to
- 13 Mr. McGuire in setting up Premium Tickets?
- 14 A. We began to look at the possibilities of
- 15 forming a ticket broker company.
- Q. Was that your suggestion or someone else's?
- 17 A. It was not mine.
- Q. Do you know whose suggestion it was?
- 19 A. Do not.
- Q. When you say who, who was involved at that
- 21 point?
- You said we, I'm sorry.
- 23 A. Mark and myself were in that meeting.
- Q. Was Frank Maloney present?

- 1 A. Not that I recall.
- Q. Did you consult with Mr. Maloney at all in
- 3 your investigation about what other ball clubs are
- 4 doing about selling tickets over the Internet?
- 5 A. Yes.
- 6 Q. And what did he recommend or state?
- 7 A. I don't remember.
- Q. Were you involved in further meetings with
- 9 Mr. McGuire or anyone else regarding setting up
- 10 Premium Tickets?
- 11 A. Yes.
- 12 Q. What was the next meeting you can recall?
- Well, let me ask, were the meetings frequent
- or were they intermittent, far apart, were they daily,
- 15 monthly?
- 16 MR. KLENK: Objection. How many questions
- 17 you got there? Ask one at a time, Ken, okay?
- MR. MICHAELS: I am providing, actually,
- 19 examples on it, but --
- MR. KLENK: I know that.
- 21 BY MR. MICHAELS:
- Q. Were the meetings daily meetings?
- 23 A. No.
- Q. Were they weekly?

- 1 A. Yes.
- Q. Was there a set weekly meeting to discuss
- 3 this?
- 4 A. No.
- 5 Q. Would you just receive a phone call, "Come on
- down here and we'll talk about this"?
- 7 A. Occasionally.
- 8 Q. And what work were you asked to do in
- 9 connection with setting up Premium Tickets?
- 10 A. To work with our ticketing vendor and see if
- 11 there was a software package that would allow a
- separate corporation to sell tickets at a reasonable
- 13 price.
- Q. And that ticket vendor is Tickets.com?
- 15 A. Yes.
- Q. And what did you do when asked to do that?
- 17 A. Had phone conversations with Tickets.com.
- Q. Who asked you to do that?
- 19 A. (No response.)
- Q. Who asked you to talk to your ticket vendor?
- 21 A. Mark McGuire.
- 22 Q. Did Mr. McGuire at any point tell you that we
- 23 had to get Tribune Company's approval before we go
- forward with this project?

- 1 A. I don't recall.
- Q. Did he suggest anyone's approval had to be
- 3 obtained before going forward with the project?
- 4 A. I don't recall.
- Q. Who did you contact at Tickets.com to discuss
- 6 about software availability?
- 7 A. Marshall Pred.
- 8 Q. Can you spell the last name?
- 9 A. P-R-E-D.
- 10 Q. Is that a person you normally communicate
- 11 with at Tickets.com?
- 12 A. At that time.
- 13 Q. I take it it's a male?
- 14 A. Yes.
- Q. What was Mr. Pred's job capacity at
- 16 Tickets.com?
- 17 A. I don't know.
- 18 Q. Okay. Why would you call him, because he was
- a sales rep or was he a techie-type or --
- 20 MR. KLENK: Objection. One question at a
- 21 time.
- 22 BY MR. MICHAELS:
- Q. Why would you call him?
- A. He was our regional go-to person, the Chicago

- 1 Cubs' regional go-to contact.
- Q. Was he an account executive?
- 3 A. I do not believe that was his title.
- Q. Did he appear to have technical training for
- 5 computer systems?
- 6 A. No.
- 7 Q. So if you asked him a question about
- 8 software, he'd refer you to someone else?
- 9 A. No.
- 10 Q. Would he get the answer for you?
- 11 A. Yes.
- 12 Q. Approximately when did you contact Mr. Pred
- about the software availability?
- 14 A. Late November, 2001.
- 15 Q. And did Tickets.com have software available
- 16 for this function?
- 17 A. Yes.
- 18 Q. Is it the same software that's running at
- 19 Wrigley Field?
- 20 MR. KLENK: I'd object to the form of the
- 21 question.
- 22 A. Ultimately, yes.
- 23 BY MR. MICHAELS:
- Q. Okay. Let me address it more in a lay

- 1 person's approach.
- 2 If I go into an office supply store and buy a
- 3 copy of Microsoft Excel Spread Sheet, each copy on the
- 4 shelf in a box is the same software program, correct?
- 5 Presumably, I mean?
- 6 A. Yes, one would hope.
- 7 Q. It's all one type of software even though
- 8 there are different copies of the software and
- 9 different license to use it, correct?
- 10 MR. KLENK: Objection to the form of the
- 11 question. Which series?
- 12 MR. MICHAELS: I am talking about in Excel
- 13 still.
- 14 A. Could you ask me the question again?
- 15 Q. If I'm running Excel software on my computer,
- 16 presumably it's the same type of Excel program that
- another person would buy off the shelf and run on
- 18 their computer, correct?
- 19 A. Assuming they bought the exact same version,
- 20 box, et cetera, yes, that would be the answer.
- Q. Did Mr. Pred tell you that there was software
- 22 available from Tickets.com for this what was to become
- 23 Premium Tickets venture?
- 24 A. Yes.

1	Q. And had this software already been developed
2	by Tickets.com?
3	A. Yes.
4	Q. Was it a different version of the ticket
5	sales software that was already running at Wrigley
6	Field?
7	A. Yes.
8	Q. Does it perform the same functions as the
9	software at Wrigley Field?
10	A. Can I ask him a question?
11	MR. KLENK: Not in the middle of a question.
12	Answer the question.
13	THE WITNESS: Ask me the question again.
14	MR. MICHAELS: Can we read the question back.
15	Then we'll take a moment's break.
16	MR. KLENK: And it's probably just something
17	that needs to be clarified.
18	THE WITNESS: Exactly.
19	MR. MICHAELS: I understand.
20	(Question read.)
21	
22	A. No.
23	MR. KLENK: Can we take a short break?

MR. MICHAELS: Why don't we take a short

- 1 break.
- 2 (A recess was taken, after which the
- following proceedings were had:)
- 4 MR. MICHAELS: We're back on the record.
- 5 MR. KLENK: Thanks, Ken.
- 6 BY MR. MICHAELS:
- 7 Q. In answering the last few questions, you were
- 8 hesitant. Is it because I'm not understanding
- 9 technically something that I need to understand to ask
- 10 correct questions or --
- 11 MR. KLENK: I object. How is he supposed to
- 12 know what your understanding is, Ken? That's a hard
- one.
- 14 BY MR. MICHAELS:
- Q. Because of the hesitancy that you're
- demonstrating, is there something that you need to
- 17 explain in your answers?
- 18 A. Yes.
- 19 Q. And what is that?
- 20 A. There were many ticketing systems looked at
- 21 that Tickets.com proposed to the team that would
- 22 possibly be used to do that functionality.
- Q. Okay. The system that was decided upon, does
- it communicate with the system that's installed at

- 1 Wrigley Field?
- 2 A. No.
- 3 Q. Does it communicate with the servers in
- 4 California?
- 5 A. I can't answer your question, so no.
- 6 Q. The software that's loaded on the -- jumping
- ahead a bit here, but the software that's loaded on
- 8 the computers at Premium Tickets, is that Tickets.com
- 9 software?
- 10 A. (No response.)
- 11 Q. Let me rephrase the question.
- 12 A. No is the answer to the question.
- 13 Q. The software that's loaded on the computers
- 14 at Premium Tickets for selling tickets, tracking
- 15 tickets and selling them, is that Tickets.com
- 16 software?
- 17 A. There is no software installed on the
- 18 computers.
- 19 Q. Okay. When you were looking at software
- 20 through Tickets.com pursuant to Mr. McGuire's
- 21 instructions, did Mr. Pred make a recommendation to
- you of software to use?
- 23 A. Yes.
- Q. And did Ball Club ultimately acquire that or

- 1 somebody acquire that software?
- 2 A. There was no acquisition of software.
- Q. Okay. Is all the software still used to sell
- 4 tickets at Wrigley Field owned by Tickets.com?
- 5 A. Yes.
- 6 Q. Is all the software used to sell tickets at
- 7 Premium Tickets owned by Tickets.com?
- 8 A. Yes.
- 9 Q. Is the software for selling tickets at
- 10 Wrigley Field installed on a server owned by
- 11 Tickets.com?
- 12 A. Yes.
- 13 Q. And is that server located in California?
- 14 A. Yes.
- 15 Q. And is that the same server where the
- 16 software is loaded to sell tickets at Premium Tickets?
- 17 A. I'm not sure.
- 18 Q. Okay. But Premium Tickets sells tickets
- through software owned by Tickets.com, correct?
- 20 A. Yes.
- 21 Q. And that software is on a server owned by
- 22 Tickets.com?
- 23 A. Yes.
- Q. And is that server in California as well?

- 1 A. I believe so.
- Q. It could be the same server, but you don't
- 3 know if it is?
- 4 A. Yes.
- 5 Q. Now, if I go on the Internet and buy a Cubs
- 6 ticket, is that software that's owned by Tickets.com
- 7 that I'm buying the tickets through?
- 8 A. I do not know who owns the software.
- 9 Q. Is that process of selling that ticket a
- 10 process managed by Tickets.com?
- 11 A. Yes.
- 12 Q. Do you know if those tickets are sold through
- 13 the California office of Tickets.com?
- 14 A. I'm not sure.
- 15 Q. Okay. I am getting a better understanding as
- we go through this.
- Who is Dan Guza?
- 18 A. Dan Guza is the general manager of Wrigley
- 19 Field Premium Ticket Services.
- Q. When did you first meet Dan?
- 21 A. Years ago.
- Q. When he worked at Wrigley Field?
- 23 A. Yes.
- Q. He worked in the box office?

- 1 A. In the ticket office.
- Q. What was his job then?
- 3 A. He worked in group sales.
- 4 Q. Did you tell Mr. McGuire that Mr. Pred had
- 5 recommended certain software for the Premium Tickets
- 6 operation?
- 7 A. Yes.
- 8 Q. And what happened next that you were involved
- 9 in?
- 10 A. I evaluated various software options to find
- 11 a solution that would work for this business.
- 12 Q. This business referring to Premium Tickets?
- 13 A. Premium's business.
- Q. Did you look at software solutions from any
- 15 vendor other than Tickets.com?
- 16 A. Yes, one.
- 17 Q. Who was that?
- 18 A. I cannot remember their name.
- 19 Q. I take it it didn't impress you at all?
- 20 A. It was not very good.
- 21 Q. Okay. What happened next in reference to
- Mr. McGuire giving you any instructions?
- 23 A. Next would be I made a recommendation of
- 24 software that should be used for the ticketing

1	environm	ent.
2	Q.	Was that recommendation accepted?
3	A.	Yes.
4	Q.	Who accepted it?
5	Α.	Mark.
6	Q.	Did he give you directions to do anything
7	else the	n?
8	A.	To begin to look at the technical setup needs
9	for the	Premium corporation.
10	Q.	Did you do that?
11	A.	Yes.
12	Q.	Did you write a written report on it?
13	A.	No.
14	Q.	Did you make an oral report on it?
15	A.	Yes.
16	Q.	To Mark McGuire?
17	A.	Yes.
18	Q.	Were you reporting to anybody else during
19	this pro	cess?
20	A.	No.
21	Q.	Did you start purchasing any equipment at
22	that poi	nt to set up the operation?

And in your report to Mr. McGuire, did you

A.

Q.

No.

23

- just make recommendations of what equipment would have
- 2 to be acquired or used?
- 3 A. My general thoughts on what equipment would
- 4 be needed.
- 5 Q. And did he give you any direction then?
- 6 A. No.
- 7 Q. When did you next become involved with
- 8 Premium Tickets?
- 9 A. In February of 2002.
- 10 Q. And how did you become involved?
- 11 A. Meeting with Dan Guza.
- 12 Q. Did anyone tell you to meet with Dan Guza?
- 13 A. Not that I recall.
- Q. Where was this meeting at?
- 15 A. I don't know.
- Q. What was discussed at this meeting?
- 17 A. We discussed what I had found in regards to
- 18 the technical aspect of setting up the separate
- 19 company.
- Q. And what did you report to him?
- 21 A. That I had met with the ticketing vendor and
- found a software solution that seemed to work and had
- looked at other various systems issues, telephones,
- 24 computers, printers, and had an idea of what was

- 1 needed to do this.
- Q. Did he have any recommendations on your
- 3 findings?
- 4 A. No.
- 5 Q. Were you merely communicating information to
- 6 him or were you asking for his input on the process?
- 7 A. Filling him in.
- 8 Q. Who did you next meet with?
- 9 A. The next meeting I recall would be between
- 10 Dan, Jody and I.
- 11 Q. And what happened at that meeting?
- 12 A. Dan was inquiring about his purchase of
- 13 tickets from the Cubs.
- Q. And what did he say?
- 15 A. He was wondering how he goes about the
- 16 transaction process.
- 17 Q. And what was he told?
- 18 A. He was told to review possible purchase
- 19 numbers, tickets that he may wish to buy from the
- team, and to trim his numbers to get an understanding
- of the numbers of tickets he wishes to buy.
- Q. When you say trim his numbers, did he have a
- 23 number in mind that was too high at that point?
- A. He had numbers that he needed to review.

1 (Telephone interruption.) 2 (Discussion off the record.) 3 BY MR. MICHAELS: 4 Q. After Mr. Guza was told to look at his 5 numbers, was there a follow-up meeting? 6 Α. I do not know. Ο. At this meeting with Jody and Mr. Guza, was there any discussion about where the tickets would be 8 coming from, what seat locations? 9 10 Α. No discussion at that meeting. 11 Q. About that? 12 A. About that. 13 Q. Was there any discussion about VIP tickets? 14 Α. At that meeting, no. Okay. Was there a discussion about VIP 15 Ο. 16 tickets at a prior meeting? 17 A. Yes. At what meeting was that? 18 Ο. 19 VIP tickets had been a discussion point at 20 the Cubs for many years. We have had many meetings on 21 VIP tickets. 22 Ο. Why is that? 23 Because those tickets are the tickets that we

use to take care of our VIPs and our employee sales

- 1 firm. And as a department head, we are asked to use
- 2 our best judgment in those tickets.
- 3 Q. So if one of your staff wants tickets to a
- 4 game, they would come out of the VIP tickets?
- 5 A. If they were purchasing tickets or getting
- 6 complimentary tickets, yes.
- 7 Q. Is there a set pool of VIP tickets set aside
- 8 at the beginning of each year?
- 9 A. I believe so.
- 10 Q. Have you ever seen any memos identifying the
- 11 VIP tickets?
- 12 A. No.
- 13 Q. Is there anything in the computer software to
- 14 identify certain seat locations as being VIP seat
- 15 locations?
- 16 A. I'm not sure how they have set the software
- 17 up to work.
- 18 Q. If you look at the computer screen, would any
- 19 seats be identified in any manner to show that they
- were VIP seats?
- 21 A. I don't know.
- Q. Do you ever look at computer screens showing
- 23 tickets?
- A. Usually no.

- 1 Q. Who is in charge of the VIP tickets?
- 2 A. I believe Frank Maloney.
- 3 Q. Now, were VIP tickets in relationship to
- 4 Premium Tickets discussed at a subsequent meeting? By
- 5 subsequent I'm referring to the meeting with
- 6 Ms. Reischl, you and Mr. Guza.
- 7 A. Yes.
- 8 Q. And what meeting was that?
- 9 A. A meeting to have Mark McGuire approve Dan's
- 10 purchase of tickets from the Cubs and where the
- 11 tickets would be coming from.
- 12 Q. Who was in attendance at that meeting?
- 13 A. I believe just Mark and myself.
- Q. And what did Mr. McGuire tell you?
- 15 A. To have Dan work with Frank.
- Q. To do what?
- 17 A. On Dan's sale of tickets from the team.
- 18 Q. And how did VIP tickets fit into that
- 19 discussion?
- 20 A. That the tickets would be sold from the
- 21 tickets that are on hold for VIP sales.
- 22 Q. And how would anyone in the Cubs organization
- 23 know what tickets those were that were on hold?
- 24 A. I don't know.

- 1 Q. Okay. Is there any special notation on
- 2 tickets to indicate that they are VIP tickets?
- 3 A. No.
- Q. And when was this meeting with Mr. McGuire
- 5 and you?
- 6 A. In February of 2002.
- 7 Q. Was this the next meeting after the meeting
- 8 with Ms. Reischl and Mr. Guza or were there any
- 9 meetings between?
- 10 A. It's the next meeting I recall.
- 11 Q. Okay. At this meeting with Mr. McGuire, did
- 12 he direct you to do anything further?
- 13 A. To give the paperwork that he had signed on
- 14 to Dan and to instruct Dan that he should work
- directly with Frank on the sale of tickets.
- 16 Q. And what was the paperwork that Mr. McGuire
- 17 had signed?
- 18 A. A one-piece Excel spread sheet that had
- 19 various ticket numbers on it.
- Q. Was he approving these tickets for sale?
- 21 A. Yes, I believe so.
- Q. It was a one-page that identified ticket
- 23 numbers or seat locations or --
- MR. KLENK: Objection, compound question.

- 1 BY MR. MICHAELS:
- Q. Have you ever seen this sheet of paper since
- 3 then?
- 4 A. Yes.
- 5 Q. When did you next see it?
- 6 A. In preparation of data for this lawsuit.
- 7 Q. Did you organize all the document responses
- 8 in this lawsuit?
- 9 A. No.
- 10 Q. Were you asked to prepare documents in
- 11 connection with this lawsuit?
- 12 A. Yes.
- 13 Q. And what work did you do in connection with
- 14 preparing documents for the lawsuit?
- MR. KLENK: Objection to the form of the
- 16 question.
- 17 BY MR. MICHAELS:
- 18 Q. What specifically did you do in connection
- 19 with document --
- 20 A. Went and looked through files and e-mail for
- 21 any potential document that related to this case, that
- 22 related to Wrigley Field Premium Tickets.
- Q. At that time you did see this one-page sheet
- 24 approved by Mr. McGuire?

- 1 A. Yes.
- 2 Q. And was it produced?
- 3 A. I believe so.
- 4 Q. What was your next involvement in connection
- 5 with Premium Tickets after the meeting with
- 6 Mr. McGuire?
- 7 A. Finding a physical location for the office
- 8 structure for Wrigley Field Premium to sell tickets
- 9 out of.
- 10 Q. Did you do that?
- 11 A. Yes.
- 12 Q. And what location did you find?
- 13 A. The Yum Yums's Building on Clark Street.
- Q. We'll fill in the address for that later.
- 15 A. 37 -- I don't know.
- MR. KLENK: He hasn't asked you that.
- 17 BY MR. MICHAELS:
- 18 Q. That building did not work out, did it?
- 19 A. (No response.)
- MR. MICHAELS: Strike the question.
- Q. Were there other factors that prevented you
- from using that Yum Yums Building?
- 23 A. Yes.
- Q. And what were those factors?

- 1 A. City of Chicago ordinances.
- Q. So besides finding the building location for
- 3 Premium Tickets, what else did you do?
- 4 A. Coordinated the efforts of purchasing new
- 5 computer equipment, phone lines, and various advice to
- 6 Dan Guza throughout the next month.
- 7 Q. As head of special projects, were you
- 8 essentially in charge of setting up Premium Tickets?
- 9 A. No.
- 10 Q. Who was in charge of setting up Premium
- 11 Tickets?
- 12 A. Dan Guza.
- 13 Q. Did Mr. Guza -- what was his involvement in
- 14 selecting the Yum Yums' location?
- 15 A. I don't recall his involvement.
- 16 Q. Did he have any involvement in selecting the
- 17 Mueller Building when Yum Yums didn't work out?
- 18 A. No.
- 19 Q. Did you select the Mueller Building?
- 20 A. No.
- Q. Who selected the Mueller Building?
- 22 A. Mark McGuire.
- Q. The Mueller Building had to have some
- 24 renovation work done on the first floor, is that

- 1 correct?
- 2 A. Yes.
- 3 Q. That's called the Rock Room, is that correct?
- 4 A. That's its nickname, yes.
- 5 Q. And that's because it has a rock facade on
- 6 one wall?
- 7 A. Yes.
- 8 Q. Then there is also an office on the second
- 9 floor over the Rock Room, is that correct?
- 10 A. No.
- 11 Q. Is there a second floor office in the Mueller
- 12 Building?
- 13 A. Yes.
- Q. Is that where Mr. Guza's office presently is?
- 15 A. It's where his desk is located, yes.
- 16 Q. Does he still have a desk at Wrigley Field
- 17 Box Office?
- 18 A. No.
- 19 Q. Was Dan involved in setting up the telephone
- 20 and computer systems for Premium Tickets?
- 21 A. Yes.
- Q. What was his input?
- 23 A. He made recommendations on his thoughts.
- Q. And what were his recommendations?

- 1 A. How many phone lines they may need, locations
- of phone equipment, how many computers did he think he
- 3 needed.
- Q. Was he following your recommendations on the
- 5 computers?
- 6 A. No.
- 7 Q. He deviated from what you recommended on
- 8 doing on the computers?
- 9 A. Yes.
- 10 Q. And how did he deviate?
- 11 A. I had sized things based on being in the
- 12 Yum Yums facility, not being in the Rock Room and the
- office structure that we ended up being.
- Q. Were you in a larger office structure in the
- 15 Mueller Building?
- 16 A. Different office structure.
- 17 Q. The Rock Room is one large room, is that
- 18 correct?
- 19 A. Correct.
- 20 Q. And then there is one office facility that
- 21 Mr. Guza's desk is located?
- 22 A. Yes.
- Q. Are there other desks in that facility?
- 24 A. Yes.

- 1 Q. And Yum Yums, was it broken into smaller
- 2 offices?
- 3 A. Yes.
- 4 Q. Who else did you work with besides Mr. Guza
- on setting up Premium Tickets?
- 6 A. Our ticketing vendor.
- 7 Q. Tickets.com?
- 8 A. Tickets.com.
- 9 O. Who else?
- 10 A. The Tribune Company.
- 11 Q. Who at the Tribune Company?
- 12 A. I don't recall.
- 13 Q. Were they lawyers or staff people or --
- 14 A. Worked with lawyers and staff people.
- 15 Q. What was the Tribune Company's work involved
- 16 in this?
- 17 A. Setting up domain names, e-mail addresses,
- 18 e-mail privileges.
- 19 Q. Now, is this all for setting up the e-mail on
- 20 servers located at the 435 North Michigan facility?
- 21 A. I'm not sure of the location of the servers.
- Q. Okay. You set up e-mail addresses so that
- 23 Premium Tickets was within the intranet of the Cubs
- facility, is that correct?

- 1 A. No.
- Q. What e-mail privileges did you have to set
- 3 up?
- 4 A. Users needed to be added to the Tribune
- 5 Broadcasting server for each company. Each user is
- 6 pointed to a specific domain, and users for Premium
- 7 were pointed to the WFPTS domain.
- Q. And that's on the Tribune Company's server,
- 9 that domain?
- 10 A. Tribune Broadcasting server.
- 11 Q. Where is the broadcasting server physically?
- 12 A. I don't know its exact location.
- Q. Are the Cubs on the Tribune Broadcasting
- 14 server?
- 15 A. The --
- 16 Q. Ball Club. When I say the Cubs, Ball Club.
- 17 A. Yes.
- 18 Q. So at the Ball Club your e-mail's on the
- 19 Tribune Broadcasting server?
- 20 A. Yes.
- Q. And what's the domain for that?
- 22 A. Cubs.com.
- Q. Is that the same domain that the tickets are
- 24 sold through with Tickets.com?

- 1 A. (No response.)
- Q. If I typed in on a URL, our URL address,
- 3 Cubs.com, the software that comes up is the
- 4 Tickets.com software on the Internet?
- 5 A. No.
- 6 Q. Oh, it's not?
- 7 A. It's not.
- Q. Is that the Cubs' own Web page that comes up?
- 9 A. Could you ask me the question?
- 10 Q. If I type in Cubs.com, a Web page appears,
- 11 correct?
- 12 A. Correct.
- 13 Q. Is that the Web page to Major League Baseball
- 14 Advanced Media?
- 15 A. Yes.
- Q. Because they have a copyright notice at the
- 17 bottom, if I recall?
- 18 A. Correct.
- 19 Q. Then if I click on a link to buy tickets,
- does that take me to Tickets.com?
- 21 A. Yes.
- Q. At that point Tickets.com would be managing
- the process, is that correct?
- 24 A. Yes.

- 1 Q. I am just trying to understand these
- 2 relationships with these companies.
- 3 Besides setting up the domains and the
- 4 e-mails, computers and telecommunications, what else
- did you do in setting up Premium Tickets?
- A. I served as Dan's liaison between Premium and
- 7 the Cubs and also between Premium and Diana-Quentin.
- 8 Q. Diana-Quentin is the corporation that owns
- 9 the Mueller Building, is that correct?
- 10 A. Yes.
- 11 Q. Are you an officer of Diana-Quentin?
- 12 A. No.
- Q. Are you director of Diana-Quentin?
- 14 A. No.
- Q. Are you an employee of Diana-Quentin?
- 16 A. No.
- 17 Q. Do you know of any employees of
- 18 Diana-Quentin?
- 19 A. No.
- Q. Do you know of any officers of Diana-Quentin?
- 21 A. I don't know who the officers of
- 22 Diana-Quentin are.
- Q. Does Diana-Quentin have any business that
- you're aware of other than owning the Mueller

- 1 Building?
- 2 A. Yes.
- 3 Q. And what other business operations does it
- 4 have?
- 5 A. They own the land that the Yum Yums property
- is on and the carwash property is on and that parking
- 7 lot.
- 8 Q. Anything else?
- 9 A. Not that I am aware of.
- 10 Q. Who gives you direction in relationship with
- 11 Diana-Quentin?
- 12 A. Mark McGuire.
- Q. Why don't we spend a short bit of time going
- 14 through a few documents.
- 15 We have pre-marked documents in reference to
- 16 Bates numbers stamped at the bottom, without trying to
- infringe on anyone's copyright or trade name for
- 18 Bates. Rather than exhibit numbers, we are just going
- 19 to refer to the document numbers.
- In connection with the first two pages that
- 21 have been delivered, they are marked D 300 and 301.
- 22 Could you please look at those?
- MR. KLENK: They are marked D 000300 and
- 24 D 000301.

- 1 MR. MICHAELS: Correct.
- Q. Have you ever seen this document before?
- 3 A. Yes.
- 4 Q. Can you tell me what it is?
- 5 A. It's an agreement between Wrigley Field
- 6 Premium and the Chicago Cubs.
- 7 Q. And when did you first see it, to the best of
- 8 your recollection?
- 9 A. May to June, 2002.
- 10 Q. Were you involved in drafting this at all?
- 11 A. No.
- 12 Q. In what context did you first see this?
- 13 A. I was asked if this met my understanding to
- 14 what duties Wrigley Field Premium was going to fulfill
- in regards to the season ticket exchange.
- 16 Q. And who asked you that?
- 17 A. I believe our legal counsel.
- 18 Q. Anyone else? Did you talk to anyone else
- 19 about this agreement?
- A. Mark and Dan.
- Q. Did you discuss this agreement with them
- 22 before it was signed?
- 23 A. Yes.
- Q. Did you tell them to change anything in the

- 1 drafting of this agreement?
- 2 A. Not that I recall.
- 3 Q. Were you present when this agreement was
- 4 signed?
- 5 A. I don't recall.
- Q. To the best of your knowledge, was it signed
- 7 on or about June 10, 2002?
- 8 A. I don't know.
- 9 Q. Okay. Fair enough.
- 10 When a season ticket holder sells tickets
- 11 through Tickets.com -- is that how they sell their
- 12 tickets they don't want to use?
- 13 A. No.
- 14 Q. How do they sell their tickets they don't
- 15 want to use?
- 16 A. The season ticket holder has the ability to
- offer his tickets to Ticket Innovations to sell
- 18 through the season ticket exchange on the Web site,
- 19 Cubs.com.
- Q. Who is Ticket Innovations?
- 21 A. Ticket Innovations is a ticket broker that
- 22 was set up by Season Ticket Solutions to handle all of
- 23 these transactions.
- Q. And who owns Season Ticket Solutions?

- 1 A. Today they are owned by Paciolan Ticket
- 2 Services, I believe. P-A-C-I-O-L-A-N.
- 3 Q. Does Tribune Company own that, to your
- 4 knowledge?
- 5 A. No.
- 6 Q. So if a season ticket holder has a ticket he
- 7 or she wants to sell, they would go to the Web site
- 8 and sell it through that software?
- 9 A. No.
- 10 Q. How would they do it?
- 11 A. They would offer their ticket to Ticket
- 12 Innovations to be sold.
- 13 Q. By calling up Ticket Innovations?
- 14 A. By accessing the Web site.
- 15 Q. And Ticket Innovations then sells it?
- 16 A. Yes.
- 17 Q. Okay. Is there a written agreement with
- 18 Ticket Innovations then, to your knowledge?
- 19 A. There is no written agreement with Ticket
- 20 Innovations.
- Q. When Ticket Innovations sells the ticket,
- 22 does Ticket Innovations get a commission out of the
- 23 sale?
- 24 A. No.

- 1 Q. How do they get paid?
- 2 A. They are not paid in this process.
- 3 Q. They are doing this free of charge?
- 4 A. They are doing it for Season Ticket
- 5 Solutions.
- 6 Q. Is Season Ticket Solutions paid anything?
- 7 A. Yes.
- 8 Q. And Season Ticket Solutions is paid a
- 9 percentage of the sale?
- 10 A. They are paid a percentage of the purchaser
- 11 charge --
- 12 Q. Oh, as set forth in paragraph 10 of this
- agreement on page D 301, is that what you're referring
- to, the \$20 per order it says?
- 15 A. Yes. They share in a share of various
- 16 revenues, which I can't find exactly in front of me.
- Q. When the tickets are sold, after the shares
- are paid out, does the remainder of the money go back
- 19 to the season ticket holder or to whom does it go?
- 20 A. It goes to the season ticket holder's
- 21 account.
- Q. As a credit for next year's tickets?
- 23 A. Yes.
- Q. The actual money, the cash, goes to the Ball

- 1 Club?
- 2 MR. KLENK: Object to the form of the
- 3 question.
- 4 You can answer.
- 5 A. Tickets.com writes a check to the Cubs, yes.
- 6 BY MR. MICHAELS:
- 7 Q. Okay. As director of information systems, if
- 8 I have that right, does part of your job involve
- 9 licensing the use of Cubs' intellectual property and
- 10 logos and such?
- 11 A. No.
- Q. Who is in charge of that?
- 13 A. I don't know.
- Q. Are you familiar with the Cubs licensing
- their logos to any other company?
- 16 A. Yes.
- Q. What other companies?
- 18 A. I have no specific companies. I know that we
- 19 have done that in marketing contracts.
- Q. As part of a larger contract?
- 21 A. Yes.
- Q. Do the Cubs get paid for marketing their
- logos?
- A. I do not know.

- 1 Q. Do you know who would know that?
- 2 A. Mark McGuire or John McDonough.
- Q. Referring to page D 000301, paragraph 6, it
- 4 says that "The parties recognize all tickets sales are
- 5 subject to approval by the Cubs according to standard
- 6 ticket policies."
- 7 Do you know what those standard ticket
- 8 policies are?
- 9 A. In most regards that would be regarding our
- 10 rainout and cancellation policies.
- 11 Q. Any other policies?
- 12 A. Not to my knowledge.
- 13 Q. Are you aware of any policy the Cubs had or
- 14 have now against reselling tickets?
- 15 A. I know of a policy but not the policy
- 16 specifics.
- Q. And what you know of the policy, what is it?
- 18 A. That the organization used to frown on season
- 19 ticket holders reselling their tickets.
- 20 Q. In fact, the organization used to tell season
- 21 ticket holders if they were caught doing this, they
- 22 could not buy season tickets in the future?
- 23 A. I do not know that for sure.
- Q. Do you know if they still follow this policy?

- 1 A. I do not know.
- Q. Are ticket policies contained in any written
- documents that you've seen? Is there a company manual
- 4 that has a page that says "Standard Ticket Policies"
- 5 or anything like that?
- 6 A. Only in literature distributed to our fans as
- 7 part of our marketing process.
- 8 Q. Okay. Do you know who from the Cubs would
- 9 supervise whether ticket sales were according to
- 10 standard ticket policies?
- 11 A. No.
- 12 Q. If a season ticket holder had been caught
- 13 selling tickets, do you know who would have contacted
- that season ticket holder?
- 15 A. No.
- Q. Do the Cubs have a ticket policy regarding
- 17 ticket brokers?
- 18 A. No, not to my knowledge.
- 19 Q. If you'll look at the next page, D 000302.
- 20 Have you ever seen this document before?
- 21 A. Yes.
- Q. And can you tell us what this document is?
- 23 A. This was an amendment that was created
- 24 between Tickets.com and the Chicago Cubs that tried to

- 1 allow Premium to use the Tickets.com server in
- 2 California to sell tickets.
- 3 Q. When you say tried to allow, was that
- 4 followed through on?
- 5 A. Ultimately, yes.
- Q. When did you first see this document?
- 7 A. January of 2002.
- 8 Q. While it was in early draft stages?
- 9 A. Yes.
- 10 Q. And did you have input into drafting of this
- 11 document?
- 12 A. A little.
- Q. And what was your input into the document?
- 14 A. The number of printers that I had thought
- would be required for Premium to do their business.
- 16 Q. That's the three Boca printers that were
- 17 identified?
- 18 A. Yes.
- 19 A. And some conversation regarding the revenue
- 20 share that Tickets.com would receive for providing
- 21 these services to Premium.
- 22 Q. Did Tickets.com want more money than what was
- 23 ultimately agreed on?
- 24 A. No.

- 1 Q. Who drafted this document?
- 2 A. Tickets.com.
- 3 Q. Do you know, were you present when the
- 4 document was signed by any of the parties?
- 5 A. I don't believe so.
- 6 Q. Was this document printed out at the Cubs
- 7 facilities?
- 8 A. Yes.
- 9 Q. Was this document sent by e-mail to the Cubs
- 10 to print out and sign?
- 11 A. Yes, I believe so.
- 12 Q. To your knowledge, was it signed on or about
- 13 February 2002?
- 14 A. Yes.
- 15 Q. Were there prior drafts of the document?
- 16 A. I don't recall.
- 17 Q. To your knowledge, it references a
- November 1, 2000 agreement between Tickets.com and
- 19 Ball Club. Is that agreement still in full force and
- 20 effect?
- 21 A. Yes.
- Q. Is this amendment still in full force and
- 23 effect?
- 24 A. No.

- 1 Q. It's not. Is there a new amendment?
- 2 A. There is no amendments any longer to the Cubs
- 3 contract.
- 4 Q. And why is that?
- 5 A. There is a new agreement between Premium and
- 6 Tickets.com --
- 7 Q. There is?
- 8 A. -- that has been negotiated and I believe is
- 9 in the final stages of needing signatures.
- 10 Q. So it has not been signed yet?
- 11 A. I don't know its status. I believe it has
- 12 been.
- 13 Q. Referring to the part that looks like it had
- 14 been highlighted or something before coming to us,
- under 2, the first bullet under paragraph 2.
- 16 A. Yes.
- 17 Q. It appears to read "Principal shall be
- authorized to sales tickets through its Wrigley Field
- 19 Premium Ticket Services, Inc. Box Office for the 2002
- 20 Baseball Season," is that correct?
- 21 A. That's what the sentence says.
- Q. What is the Wrigley Field Premium Ticket
- 23 Services, Inc. Box Office?
- 24 A. I'm not sure.

- 1 Q. Was that referring to the Premium Ticket
- 2 offices?
- 3 A. I think ultimately.
- 4 Q. Was it contemplated in January 2002 that
- 5 Premium Tickets' sales office would be just a business
- 6 unit of the Cubs?
- 7 A. No.
- 8 Q. Was it represented to Tickets.com that
- 9 Premium Tickets was just another box office of the
- 10 Cubs?
- MR. KLENK: Objection, foundation.
- 12 BY MR. MICHAELS:
- Q. Do you know if it was?
- 14 A. I don't know.
- 15 Q. Who negotiated this amendment?
- 16 A. I would think that I had the majority of the
- 17 role in this amendment.
- 18 Q. How did you explain to Tickets.com Premium
- 19 Tickets was set up?
- 20 A. That we were working on forming a separate
- 21 company to resell tickets and we needed a contractual
- 22 relationship that would allow us to use the ticketing
- 23 services provided by Tickets.com.
- Q. Why did you need to use their ticketing

- 1 services?
- 2 A. That was the decision that was reached of
- 3 being the best product to sell, resell tickets for
- 4 Wrigley Field Premium.
- 5 Q. And that was after your vendor evaluations of
- 6 software?
- 7 A. Yes.
- 8 Q. Why did you need to buy three Boca printers?
- 9 A. To print tickets.
- 10 Q. Wouldn't they print on any type of printer?
- 11 A. No.
- Q. Why is that, what's special about them?
- 13 A. Ticket stock is very unique and it needs a
- 14 specialized printer to print on ticket stock.
- 15 Q. I'm sorry if I am unenlightened. I just
- 16 don't know enough about it.
- 17 A. Perfectly fine.
- Q. Where were these three Boca printers
- 19 ultimately placed?
- 20 A. I don't know the exact configuration of
- 21 how --
- 22 Q. Well, are they at the Premium Ticket offices?
- 23 A. In their offices, yes.
- Q. Okay. It states under paragraph 2, the third

20

21

22

23

24

break?

64

1	bullet dow	n, that "Principal shall be directly
2	responsibl	e for system connectivity and data
3	communicat	ion costs."
4	Т	he principal is the Ball Club, correct?
5	A. I	n this contract, yes.
6	Q. A	nd so the Cubs would be responsible for
7	making sur	e the system connected to the Premium
8	Tickets' o	ffice?
9	A. Y	es.
10	Q. A	nd if someone buys a ticket at Premium
11	Tickets, i	t's set up so that their credit card sale
12	would go t	hrough Tickets.com?
13	A. C	ould you ask me that again?
14	Q. I	f someone buys a ticket using a credit card
15	at Premium	Tickets, it's set up so the credit card
16	sale would	go through Tickets.com?
17	А. Т	heir credit card processing agent, yes.
18	O. N	ext page is D 000303.

MR. MICHAELS: Sure.

MR. KLENK: Before we go on, could we take a

(A recess was taken, after which the

following proceedings were had:)

- 1 BY MR. MICHAELS:
- 2 Q. Are you aware of any other ticket brokers
- 3 that have agreements with Tickets.com to sell tickets
- 4 through their software?
- 5 A. Do not know of.
- 6 Q. Have you ever asked?
- 7 A. No.
- 8 Q. On this new agreement being negotiated
- 9 between Premium Tickets and Tickets.com, who is
- 10 negotiating that agreement?
- 11 A. Premium with Tickets.com. So Dan Guza.
- 12 Q. Dan Guza is negotiating it?
- 13 A. Larry Cohen from Tickets.com. And since I
- oversee the Tickets.com relationship with the Cubs, I
- 15 have --
- 16 Q. Anyone else?
- 17 A. Not to my knowledge.
- 18 Q. Is Jody Reischl?
- 19 A. No.
- Q. Is Mark McGuire?
- 21 A. No.
- Q. We were looking at D 000303. Have you ever
- seen this document before?
- 24 A. No.

- 1 Q. Just drawing your attention to the third line
- on it, it has an address on it of 3639 North Clark.
- 3 Is that the Yum Yums Building?
- 4 A. I believe so.
- 5 Q. The next document is five pages, D 001180
- 6 through 84. Have you ever seen this document before?
- 7 A. Yes.
- 8 Q. When was the first time you saw it?
- 9 A. Upon being given it from the Tribune legal
- 10 counsel.
- 11 Q. And what did you do with it then?
- 12 A. Discussed with Mark McGuire.
- 13 Q. Was that in June of 2002 or prior to June?
- 14 A. June 2002.
- Q. And in your discussions with Mark McGuire,
- 16 what did you discuss?
- 17 A. I do not recall.
- 18 Q. Did you discuss any changes to the document?
- 19 A. I don't know.
- 20 Q. Looking at paragraph 1 of the -- can you tell
- 21 us what the document is?
- 22 A. I believe it is a lease for Wrigley Field
- 23 Premium to be able to use the space at 3711 North
- 24 Clark.

- 1 Q. Okay. The address that's identified in
- 2 paragraph 1 is 3711-27 North Clark, is that correct?
- 3 A. Yes.
- Q. And that's previously when we discussed that
- 5 there were other addresses for the Mueller Building,
- those are the addresses we're talking about?
- 7 A. I believe so.
- Q. This is the Mueller Building we're talking
- 9 about?
- 10 A. The --
- 11 Q. Where Premium Tickets is presently located?
- 12 A. They are located in part of the Mueller
- 13 Building.
- Q. Are they in part of another building?
- 15 A. No. They don't occupy the entire Mueller
- 16 Building.
- 17 Q. I understand what you're saying.
- 18 Was the document changed after your
- 19 discussion with Mark McGuire?
- 20 A. I don't recall.
- Q. Did Mark sign it in your presence?
- 22 A. I don't recall.
- Q. What did you do next in relationship to this
- 24 document?

- 1 A. Discussed this document with Dan Guza.
- Q. Where was that discussion at?
- 3 A. At his offices.
- 4 Q. And when was that?
- 5 A. June of 2002.
- 6 Q. And what did you discuss with Dan Guza about
- 7 this document?
- 8 A. Asked him to review it and asked him if he
- 9 had any problems with any part of the document.
- 10 Q. Did he review it in your presence?
- 11 A. Yes.
- 12 Q. Did he read it all?
- 13 A. I believe so.
- Q. Do you recall approximately how much time he
- 15 spent reviewing it?
- 16 A. No, I do not.
- 17 Q. Did he sign the document in your presence?
- 18 A. I don't recall.
- 19 Q. Do you recall ever seeing anyone sign the
- 20 document?
- 21 A. No.
- 22 Q. When you discussed it with Dan Guza, had Mark
- 23 McGuire already signed the document?
- 24 A. I don't know.

- 1 Q. What did you do with the document after
- 2 meeting with Mr. Guza?
- 3 A. I don't remember.
- 4 Q. Are there other tenants in the Mueller
- 5 Building?
- 6 A. I don't know what you mean by tenant.
- 7 Q. Are there other entities that are using any
- 8 space in the --
- 9 A. Yes.
- 10 Q. What entities are those?
- 11 A. ARAMARK.
- 12 Q. ARAMARK sells the souvenirs for Cubs, is that
- 13 correct?
- 14 A. Yes.
- Q. Anything else they sell for the Cubs?
- 16 A. Food and beverage.
- 17 Q. And do they use part of the building for
- 18 storing materials to be sold?
- 19 A. Yes.
- Q. It's like a warehouse use?
- 21 A. Yes.
- Q. Do you know if they have a lease for the
- 23 portion of the building they use?
- 24 A. I do not know.

- 1 Q. Do you know if they pay rent for the portion
- of the building they use?
- 3 A. I do not know.
- Q. Are there any other persons or entities in
- 5 the Mueller Building?
- 6 A. It's also used as a parking garage.
- 7 Q. Who uses it as a parking garage?
- 8 A. The Chicago Cubs.
- 9 Q. For like Mark McGuire's car?
- 10 A. No.
- 11 Q. Do they lease out space or sell space?
- 12 A. It's used for game day parking.
- Q. Okay. Inside the building?
- 14 A. Yes.
- 15 Q. Looking at the next document, it's comprised
- of five pages also marked D 001456 through 60. Have
- you ever seen this document before?
- 18 A. Yes.
- 19 Q. And can you tell us what this document is?
- 20 A. This is for Wrigley Field Premium's lease of
- 21 the Mueller Building Rock Room for 2003.
- Q. When did you first see this document?
- 23 A. Upon being given it from Tribune counsel.
- Q. And what did you do with the document?

- 1 A. Gave it to Dan Guza.
- Q. Did he review it in your presence?
- 3 A. No.
- Q. Did he sign it in your presence?
- 5 A. Yes.
- 6 Q. What did you do with the document then?
- 7 A. Gave it to Mark McGuire.
- 8 Q. Did he sign it in your presence?
- 9 A. No.
- 10 Q. Did you have any other dealings with this
- 11 document? By dealings I'm referring to did you ever
- do anything else with this document?
- 13 A. Produced it for this lawsuit.
- 14 Q. Okay. Was it in files at the Cubs' office?
- 15 A. I'm not sure where it's filed.
- Q. Well, when you produced it, where did you
- 17 look for documents?
- 18 A. I had a file copy of it.
- 19 Q. Was it in December of 2002 that you gave it
- to Mr. Guza to sign?
- 21 A. I don't recall the exact timing when we
- 22 signed it.
- Q. It might have been in January?
- A. Might have been in January.

- 1 Q. Looking at document D 001190, one page, have
- 2 you ever seen this document before?
- 3 A. Yes.
- Q. Can you tell us what the document is?
- 5 A. It's an invoice for the three Boca printers
- 6 that were purchased as part of the amendment that we
- 7 discussed earlier.
- Q. That's the amendment to the Tickets.com
- 9 agreement?
- 10 A. Yes.
- 11 Q. And you ordered the three printers?
- 12 A. They were part of the amendment.
- 13 Q. I notice that your name is on the first
- 14 Wrigley Field --
- 15 A. I am the business contact for Tickets.com.
- 16 Q. Okay. And let me ask, there is a square box
- 17 that looks like it is a stamp printing for approval
- 18 where you write in account numbers and such, is that
- 19 correct?
- 20 A. Yes.
- 21 Q. Down in the lower right corner of that square
- 22 box there is a little box in the table, so to speak,
- 23 called Approved, and it looks like a slash, forward
- 24 slash, I guess, dark black print that might be a large

- 1 C. Is that your approval signature?
- 2 A. That is me.
- 3 O. And ME underneath it is?
- 4 A. Mark McGuire.
- 5 Q. That's actually MG? I called it ME.
- 6 A. It's MEM.
- 7 Q. And who is MB to the right that has 5/20/02
- 8 date?
- 9 A. I'm not sure.
- 10 Q. Okay. Did you write at the top of that box,
- it's handwritten in there the word "Capital"?
- 12 A. No, I did not.
- Q. Do you know what that's in reference to?
- 14 A. That this would be a capital expenditure for
- 15 Wrigley Field Premium.
- Q. Are you familiar with basic accounting
- 17 terminology?
- 18 A. Some of this.
- 19 Q. It was required at Loyola?
- 20 A. It was required as part of my job.
- Q. Do they still require it at Loyola?
- 22 A. There is a class in it, yes.
- Q. Do you know who wrote "Capital" on there?
- A. Do not.

- 1 Q. Next document is marked D 001191, and also if
- 2 you'll look at 1192.
- 3 Looking at these documents it looks like they
- 4 may have been produced in backwards order. Can you
- 5 tell us what these documents are?
- 6 A. I have no idea.
- 7 Q. Okay. Have you ever seen this document
- 8 before?
- 9 A. I have not.
- 10 Q. Do you know who MRSA Architects are?
- 11 A. No, I do not.
- Q. Do you know who SEI, Incorporated is?
- 13 A. Yes, I do.
- Q. Who is that?
- 15 A. That is the company that Wrigley Field has
- 16 all its carpentry services done through.
- 17 Q. Who is Fred Jacobs?
- 18 A. He is a member of that company.
- 19 Q. Do you know who Kirsten Akkeron is?
- 20 A. Do not.
- Q. Referring now to four pages marked D 1347,
- 48, 49 and also D 001285. Can you tell me what these
- documents are?
- 24 A. Three of them are invoices for printer or

- 1 printer parts. The very last one is a copy of the
- 2 previous one.
- 3 Q. Okay, good. Did you order these printer
- 4 parts?
- 5 A. Not directly.
- 6 Q. Did a member of your staff order them?
- 7 A. Yes.
- 8 Q. What are these printer parts for?
- 9 A. They are three printers for Wrigley Field
- 10 Premium and three network cards to connect --
- 11 actually, four printers, excuse me, for Wrigley Field
- 12 Premium, and three network cards to attach them to the
- 13 network.
- 14 Q. So each of the printers is actually on the
- 15 network, correct?
- 16 A. They are network-capable printers, yes.
- 17 Q. Now, at the risk of repeating a question I've
- asked before, because I am just trying to comprehend
- 19 how this network is set up, is this an intranet within
- 20 Premium Tickets' offices?
- 21 A. It is not an intranet.
- Q. Is it a network within Premium Tickets'
- 23 offices?
- 24 A. Yes.

- 1 Q. Is it the domain WFPTS?
- 2 A. No.
- 3 Q. How is this network set up?
- 4 A. A network being a collection of computers
- 5 that are attached via a communication method in this
- one Ethernet that all share a common topology.
- 7 Q. The last part again, they share a --
- 8 A. A common topology, T-O-P-O-L-O-G-Y.
- 9 Q. And what type of operating system are you
- 10 using on this network?
- When you say topology, you're talking about
- 12 Novell?
- 13 A. Ethernet topology. And they communicate via
- 14 the Ethernet topology to each other and to the
- 15 printers.
- Q. Do you have a common operating system for
- 17 these computers?
- 18 A. I'm not aware what operating system truly
- 19 they are running on. I believe they are running
- Windows 98.
- Q. Do you use Linux to set up the communication?
- 22 A. No.
- Q. Do you use any software to set up this
- 24 communications?

- 1 A. None is necessary.
- Q. Is it TCP/IP?
- 3 A. Yes.
- 4 Q. Is this communication system then set up to
- 5 communicate with the computers over at Wrigley Field?
- 6 A. They communicate to Wrigley Field but not
- 7 with the computers at Wrigley Field.
- 8 Q. What do they communicate with at Wrigley
- 9 Field?
- 10 A. A router.
- 11 Q. Okay. The router is at Wrigley Field that
- 12 they are on?
- 13 A. There is a router in the Mueller Building
- 14 that they are on.
- Q. And there is a router at Wrigley Field?
- 16 A. Yes.
- 17 Q. There's probably several routers involved?
- 18 A. Yes.
- 19 Q. And several switches involved as well?
- 20 A. In this case just routers.
- 21 Q. I am starting to get a better understanding.
- Now, I see the purchase under D 1348 was for
- 23 a Jetdirect print server. That's the three print
- 24 cards, the cards that would go in the printers?

- 1 A. Yes.
- Q. So that in laymen's terms, these printers
- 3 would be identified as separate devices than, say, a
- 4 CPU computer unit within the network?
- 5 A. Yes.
- 6 Q. You approved, looking at the first one,
- 7 D 1347, that has your C approval?
- 8 A. Yes, it does.
- 9 Q. And so does 1348?
- 10 A. Yes.
- 11 Q. And 1349?
- 12 A. Yes.
- Q. As we said, 1285 is merely a duplicate of
- 14 1349?
- 15 A. Yes.
- 16 Q. There is an accounting code on here. I was
- just wondering, do you know what 102720 91000 means?
- 18 A. It's an account that was being used for all
- 19 bills that were for Wrigley Field Premium.
- Q. It's actually the accounting code that was
- 21 assigned to Major League Baseball Advanced Media,
- 22 isn't it?
- 23 A. Not to my knowledge.
- Q. Who was that account assigned to?

- 1 A. (No response.)
- 2 Q. The accounting codes are set up by the
- 3 Tribune Company?
- 4 A. Yes.
- 5 Q. And their accounting office sets up these
- 6 accounting codes?
- 7 A. The Chicago Cubs accounting office.
- 8 Q. Set up these codes?
- 9 A. Yes.
- 10 Q. In connection with the Tribune Company's
- 11 accounting department?
- 12 A. Correct.
- 13 Q. All the financial accounting is done through
- software called PeopleSoft?
- 15 A. I believe so.
- Q. Are you familiar with PeopleSoft software?
- 17 A. Not really.
- Q. Do you know if it's a Web-based application?
- 19 A. Do not know.
- Q. Are you familiar with this 91000 accounting
- 21 code as to who it was assigned to?
- 22 A. That is a balance sheet cost center.
- Q. And whose name is for the cost center, is
- that a Chicago Cubs cost center?

- 1 A. This is --
- Q. I'm asking what business unit is that
- 3 assigned to?
- 4 A. It's not assigned to any business unit.
- 5 Q. 91000 is just a cost center itself?
- A. It's the balance sheet. It's not an expense.
- 7 Q. All right. What about 102720?
- 8 A. That, I believe, is the inter-company account
- 9 to Wrigley Field Premium that is on the Cubs
- 10 accounting.
- 11 Q. Okay. And do you know who wrote capital
- 12 WFPTS on invoices?
- 13 A. Do not know.
- Q. Did you write anything besides your approval
- 15 initial on these invoices?
- 16 A. Yes.
- 17 Q. What did you write?
- 18 A. The number 23040 on the top.
- 19 Q. What does that refer to?
- 20 A. That is the company code for Wrigley Field
- 21 Premium.
- Q. When was that company code assigned?
- 23 A. I do not know.
- Q. Do you remember when you would have written

- 1 this on these invoices?
- 2 A. Upon my approval, which would have been the
- 3 dates that are on the invoices.
- Q. Okay. Now, if we can look at the -- the
- 5 pages are going to be approximately 13 pages that
- 6 we're going to take in a batch to move along, D 1286
- 7 and 87 and then D 1296 through 1307.
- 8 Do you recognize these documents?
- 9 A. Yes.
- 10 Q. And what are they, generally speaking?
- 11 A. They are a bill for cell phone services.
- 12 Q. Is this a cell phone account maintained by
- 13 the Cubs?
- 14 A. Yes.
- 15 Q. And it's with AT&T?
- 16 A. AT&T Wireless, yes.
- 17 Q. There is a handwritten notation throughout
- these bills under the approval box saying group 3,
- 19 miscellaneous cell phones, or something to that effect
- 20 referencing group 3. Can you explain what group 3 is
- 21 referencing here?
- 22 A. There are many cell phone bills that are
- 23 received by Chicago Cubs for various members of our
- 24 baseball operations department. Group 3 is a

- 1 classification of a group of cell phones.
- Q. I assume there is a group 1 and group 2 at
- 3 least?
- 4 A. I believe so.
- 5 Q. You're a member of group 3?
- 6 A. My cell phone bill is.
- 7 Q. Your cell phone, not you individually?
- 8 A. Yes.
- 9 Q. And it references, looking at, for instance,
- 10 page D 1287, the second page, there is one phone
- 11 assigned to stadium, AT&T Wireless?
- 12 A. Yes.
- Q. Who uses that phone?
- 14 A. Stadium operations security.
- 15 O. Then one to Mr. Guza?
- 16 A. Yes.
- Q. One to Mr. McDonough?
- 18 A. Yes.
- 19 Q. He is the director of marketing for the Cubs?
- 20 A. Vice president of marketing and broadcasting.
- 21 Q. It appears that you may have approved at
- least the last bill, D 1306?
- 23 A. There is many duplicate pages in here.
- 24 Yes.

- 1 Q. What, in your copy there were duplicate
- 2 pages?
- 3 A. Yes.
- Q. I'm sorry about that. I don't know why you
- 5 would have gotten duplicates. In any event -- I don't
- 6 know why that would happen.
- 7 All right, moving on to the next batch of
- 8 phone bills, it's 1288 through 91. It's three
- 9 documents, or four documents, or four pages of
- documents is more accurate. Have you ever seen these
- 11 before?
- 12 A. Yes.
- Q. Can you tell us what they are?
- 14 A. They are for the 800 number for Wrigley Field
- 15 Premium.
- Q. Did you set up the 800 number?
- 17 A. Yes.
- Q. Does the Cubs have other 800 numbers with
- 19 their telephone company?
- 20 A. Yes.
- Q. Are you the liaison between the Cubs and AT&T
- for setting up telecommunication services?
- 23 A. Yes.
- Q. Liaison meaning you're the communications

- 1 person?
- 2 A. Yes.
- Q. Did you approve these bills for payment?
- 4 A. One of them.
- 5 Q. Do you know who pays these bills?
- 6 A. The financial service center at Tribune
- 7 Tower.
- 8 Q. Is the relationship with the Cubs and AT&T
- 9 part of a larger relationship between AT&T and Tribune
- 10 Company?
- 11 A. Yes.
- 12 Q. So Tribune Company can get discounted rates
- 13 based on the economies of scale by bringing in more
- 14 telephone lines?
- 15 A. Yes.
- 16 MR. MICHAELS: Jumping to a little conclusion
- on economics here.
- 18 MR. KLENK: Anything to move it along, Ken.
- MR. MICHAELS: I'm sure.
- Q. Next, 1292 through 95. Have you seen these
- 21 documents before?
- 22 A. Yes.
- Q. Can you tell us what these documents are?
- 24 A. There's two separate bills here, two separate

- 1 sets of things.
- Q. Okay. 1292 and 93, what are those?
- 3 A. Those are bills from AT&T that were
- 4 inaccurately billed to WFPTS for minimum monthly long
- 5 distance services that AT&T thought they were
- 6 providing to Premium and had a minimum bill.
- 7 Q. And those were corrected down the line?
- 8 A. That account was terminated.
- 9 Q. All right. Who is long distance service now
- 10 provided through?
- 11 A. It's provided through AT&T through the
- 12 Wrigley Field phone switch.
- 13 Q. I am going to ask you to hold out 1295
- 14 because we are going to refer to another document
- 15 shortly.
- 16 If you can look at D 000243 and also, if you
- don't mind, the next page, 000244. Have you ever seen
- 18 either of these two documents before?
- 19 A. Yes.
- Q. And can you tell us what D 243 is?
- 21 A. A telephone directory for Wrigley Field
- 22 Premium.
- 23 Q. And what is D 244?
- 24 A. I believe the same.

- 1 Q. Are these current telephone directories?
- 2 A. I do not know.
- Q. If I can ask you to look at D 1295 for just a
- 4 moment. On the right column it appears to identify
- 5 three hunt lines, telephone numbers. Are you familiar
- 6 with those?
- 7 A. Yes.
- Q. Looking at D 243, those hunt lines appear to
- 9 have different numbers, if I'm correct. Is that
- 10 correct?
- 11 A. No.
- 12 Q. Maybe I was reading them wrong.
- No, they don't. Maybe it was on a different
- 14 bill.
- 15 Strike that line of questions.
- 16 Referring to 243, there's references here to
- 17 extensions. For instance, under Rock Room it says
- 18 Extension 5727?
- 19 A. Yes.
- Q. Is that an inter-company intercom?
- 21 A. No.
- Q. What is that extension for?
- 23 A. It is a phone extension on the switch, on the
- 24 phone system at the Mueller Engineering Building.

- 1 Q. And that switch communicates then into
- Wrigley Field?
- 3 A. It communicates with Wrigley Field.
- Q. Are all these phone numbers still active, to
- 5 your knowledge, on 243?
- 6 A. I do not know.
- 7 Q. Do you know who prepared these two phone
- 8 directories?
- 9 A. I'm not sure.
- 10 Q. Okay. You're done with 1295 at this point.
- I am going to ask you to take a look at a
- batch, D 1308 through 20. Can you tell us what these
- 13 are?
- 14 A. These are for the cable TV bill at the
- 15 Mueller Engineering Building.
- 16 Q. Is there a cable television system in the
- offices of Premium Tickets?
- 18 A. Yes.
- 19 Q. Is that for the entertainment of the
- 20 employees?
- 21 A. I'm not sure how they used it.
- Q. Is it part of a communications system? Is
- 23 this like cable broadband for --
- 24 A. No.

- 1 Q. So these are just for television
- 2 entertainment?
- 3 A. Yes.
- Q. Referring to the last page in the batch,
- 5 D 1320.
- 6 A. Yes.
- 7 Q. There is some account codes on there. And I
- 8 was asking before about these, so I want -- it seems
- 9 that you know the codes to some extent.
- 10 I wanted to ask you, there is a reference to
- 11 WFPTS, 23040. That's an account that's assigned to
- 12 Premium Tickets, is that correct?
- 13 A. That number is their company number.
- 14 Q. Their business unit number?
- 15 A. Correct.
- Q. Do you know what the number 743250 is?
- 17 A. It's an expense account for cable TV
- 18 services.
- 19 Q. Do you know what the number 62500 is?
- 20 A. That's a cost center for Premium.
- Q. Okay. Then part of the bill appears to be
- 22 assigned to MLBAM. Is that Major League Baseball
- 23 Advanced Media?
- 24 A. Yes.

- 1 Q. Is that a Cubs account or is that a separate
- 2 account?
- 3 A. Underneath that is an account on the balance
- 4 sheet, on the Cubs general ledger.
- 5 Q. The 23000 means that it's business unit Cubs,
- 6 right?
- 7 A. Yes.
- 8 Q. And 102720, what does that refer to?
- 9 A. It is a balance sheet account for accounts
- 10 receivable.
- 11 Q. And I think you previously said 91000 is the
- 12 cost center for the balance sheet?
- 13 A. Yes.
- Q. Now, you said that 102720 is for accounts
- 15 receivable?
- 16 A. It is an inter-company -- I'm not quite sure.
- Q. Do you know what C40001 is?
- 18 A. It is a product code.
- 19 Q. And what's the product?
- 20 A. I think a product code is used to separate
- 21 different business entities using the same center,
- 22 using the same account.
- Q. Okay. Looking at 1329 through 31, three
- 24 pages. Have you ever seen these documents before?

- 1 And I know they are hard to read, but this is how they
- 2 came.
- 3 A. These exact documents, I don't know.
- Q. Okay. Do you know who Shelby Enterprises is?
- 5 A. Yes.
- 6 Q. Who is Shelby Enterprises?
- 7 A. It's the firm that we discussed that our
- 8 carpenter at Wrigley Field works through.
- 9 Q. Oh, CEI?
- 10 A. SEI.
- 11 Q. SEI?
- 12 A. Yes.
- Q. Did you have any involvement in any
- 14 construction work done on the Mueller Building for
- 15 Premium Tickets?
- 16 A. Yes.
- Q. What was your involvement?
- 18 A. Upon Dan asking for certain improvements to
- 19 be done based on his lease, I went to the stadium
- 20 operations director and asked him to perform those
- 21 improvements.
- Q. Who is the stadium operations director?
- 23 A. Paul Rathje, R-A-T-H-J-E.
- Q. And were those improvements completed?

1	Α.	I	don'	t	know.

- Q. Did you ever supervise the work being done?
- 3 A. No.
- 4 Q. Would that be Mr. Rathje's job?
- 5 A. I don't know.
- Q. If you'll look at document D 001342 please.
- 7 Have you ever seen this document before?
- 8 A. Yes.
- 9 Q. You approved this one, right?
- 10 A. Yes.
- 11 Q. Can you tell us what this is?
- 12 A. For logo development for Wrigley Field
- 13 Premium.
- Q. It's an invoice for logo development?
- 15 A. Yes.
- Q. Did you ask the work to be done?
- 17 A. I put Dan in contact with Freeman Design.
- Q. Does Freeman Design do all the Cubs logo
- 19 work?
- 20 A. No.
- Q. Do they do some of the Cubs logo work?
- 22 A. No.
- Q. How was Freeman Design selected to do this
- 24 work?

- 1 A. They are a relationship that has helped us on
- very limited projects over the last few years.
- 3 Q. What type of work do they do?
- 4 A. Graphic design.
- 5 Q. And pursuant to your recommendation, Dan
- 6 contacted them?
- 7 A. I put Dan in contact with them.
- 8 Q. By saying put them in contact, that means you
- 9 gave him the phone number and told him who to call?
- 10 A. Yes.
- 11 Q. Do you know what they produced?
- 12 A. The Wrigley Field Premium logo.
- 13 Q. Is that the logo that looks like a Cubs logo
- 14 with two tickets sticking out of it?
- 15 A. Yes.
- 16 Q. Two or three tickets, I don't know.
- 17 A. Some number of tickets.
- Q. Do you know who paid for this work?
- 19 A. It was charged to Wrigley Field Premium.
- Q. How do you know that?
- 21 A. Through the cost center being 23040, which is
- 22 Premium, and those accounts are Premium accounts.
- Q. Okay. And it was paid through Tribune
- 24 Company?

- 1 A. Through the financial service center, I would
- 2 imagine.
- Q. D 1344, have you ever seen this document
- 4 before?
- 5 A. Yes.
- 6 Q. And can you tell us what this is?
- 7 A. It's the corporation filing for Wrigley Field
- 8 Premium.
- 9 Q. You approved this payment?
- 10 A. Yes, I did.
- 11 Q. Did you work with Mark Vainisi at all to set
- 12 up the corporation?
- 13 A. No, I did not.
- 14 Q. Do you know who worked with Mark on this?
- 15 A. No, I'm not sure who did.
- 16 Q. Did you have any involvement in setting up
- 17 the corporation?
- 18 A. No.
- 19 Q. If you'll look at D 1345. Do you recognize
- 20 this document?
- 21 A. Yes.
- Q. And can you tell us what this is?
- 23 A. For signage for Wrigley Field Premium.
- Q. Is this signage out in front of the building

- or within the building or both?
- 2 A. Both.
- 3 Q. It appears that there is a sketch here --\_
- 4 A. Yes.
- 5 Q. -- that has a sign for "Wrigley Field Premium
- 6 Ticket Service, Your Home For The Best Tics," with an
- 7 arrow drawn?
- 8 A. Yes.
- 9 Q. That sign would go on the side of the
- 10 building?
- 11 A. Yes.
- 12 Q. And the arrow points going around the
- 13 building to the front door of the entry to Premium
- 14 Tickets?
- 15 A. Yes.
- Q. Did you order these signs?
- 17 A. No.
- Q. Paul Rathje ordered these signs?
- 19 A. Yes.
- Q. Did you request the signs be ordered?
- 21 A. No.
- Q. Do you know who did request the signs?
- 23 A. Dan.
- Q. Did you have any involvement in the signs?

- 1 A. Yes.
- Q. What was your involvement?
- 3 A. I worked with Dan and Paul on the sign
- 4 layout.
- 5 Q. By sign layout, are you talking about where
- 6 the signs were placed?
- 7 A. The sketchings that are on the page.
- 8 Q. Are those your sketchings?
- 9 A. No.
- 10 Q. Did you have any other involvement with the
- 11 sign's layout?
- 12 A. No.
- Q. D 1346, have you ever seen this before?
- 14 A. Yes.
- Q. Can you tell us what is it?
- 16 A. For little vinyl decals.
- 17 Q. Where are the vinyl decals? What are they
- 18 used for?
- 19 A. They are the broker's license number, the
- 20 2002-66 license number.
- 21 Q. And was this for one decal or --
- 22 A. I believe it was for more than just one
- 23 decal. There were a few little numbers ordered.
- Q. Okay. Paul Rathje, is he an employee of the

- 1 Cubs or Ball Club?
- 2 A. Yes.
- 3 Q. And the phone number here, is that a Wrigley
- 4 Field extension, 404-4076?
- 5 A. Yes.
- 6 Q. So he has his own office at Wrigley Field?
- 7 A. Yes.
- 8 Q. And were you involved in ordering these
- 9 decals?
- 10 A. Yes.
- 11 Q. Did you place the order for them?
- 12 A. No.
- Q. Who did?
- 14 A. I believe Paul.
- 15 Q. Did you request that they be ordered?
- 16 A. No.
- Q. What was your involvement in the decals?
- 18 A. Dan requested that they were ordered. I
- oversaw making sure that that happened.
- Q. D 1350, have you ever seen this before?
- 21 A. No.
- Q. Do you know who Evergreen Oak Electric is?
- 23 A. No.
- Q. Do you know who Mike Dour is?

- 1 A. Yes.
- Q. Who is Mike Dour?
- 3 A. The electrician for Wrigley Field.
- 4 Q. Is he an employee of Ball Club?
- 5 A. No.
- 6 Q. Do you know who he is employed by?
- 7 A. The name escapes me.
- 8 Q. Is it a contractor that --
- 9 A. It's a contractor.
- 10 Q. And D 1351, have you ever seen this document
- 11 before?
- 12 A. No.
- 13 Q. Backing up for a second, were you involved
- 14 with installing electrical systems at Premium Tickets'
- 15 offices at all?
- 16 A. No.
- 17 Q. To your knowledge, did Mr. Guza or anyone
- 18 else ever ask that electrical systems be changed at
- 19 the Premium Tickets' offices?
- 20 A. Do not know.
- Q. Now, back to our 1351. Do you know who Pro
- 22 Heating & Air Conditioning is?
- 23 A. They are the heating and air conditioning
- 24 company for Wrigley Field.

- 1 Q. Were you involved with any HVAC work done at
- 2 the Premium Ticket offices?
- 3 A. No.
- Q. Do you know of anyone ordering HVAC work at
- 5 the Premium offices?
- 6 A. No.
- 7 Q. Based on this document, could you tell who
- 8 ordered this work?
- 9 A. No.
- 10 Q. I am going to ask you to back up one document
- 11 to the electric. It does indicate that it was ordered
- by Mike Dour, is that correct?
- 13 A. Yes.
- Q. Do you know who would have asked Mike Dour to
- 15 order the work?
- 16 A. Do not know.
- Q. Going to 1371 through 74. Have you ever seen
- 18 these documents before?
- 19 A. Yes.
- Q. Can you tell us what these documents are?
- 21 A. For the alarm system put into the Mueller
- 22 Engineering Building, specifically the Rock --
- Q. These are invoices?
- A. The invoices for the alarm.

- 1 Q. And did you order this alarm system?
- 2 A. Yes.
- 3 Q. Is this similar to alarm systems on Wrigley
- 4 Field?
- 5 A. Yes.
- Q. Is the Wrigley Field security systems on a
- 7 communications system?
- 8 A. (No response.)
- 9 Q. Are the alarms tied into a telephone?
- 10 A. Yes.
- 11 Q. And that's the telephone system that's at
- 12 Wrigley Field?
- 13 A. No.
- Q. Where is it?
- 15 A. It's tied into its own phone.
- 16 Q. It's got a separate phone system?
- 17 A. Separate phone line.
- 18 Q. Separate phone line just for security?
- 19 A. Yes.
- Q. And is there a separate phone line for
- 21 security at the Mueller Building?
- 22 A. I don't know.
- Q. Are these on the same phone line at the
- 24 Mueller Building as for Wrigley Field?

- 1 A. Can't be. No.
- 2 Q. They can't be because of the physical
- 3 differences in location?
- 4 A. Yes.
- 5 Q. Did anyone ask you to order security services
- 6 for the Mueller Building?
- 7 A. Yes.
- 8 Q. Who asked you?
- 9 A. Dan Guza.
- 10 Q. Do you remember when he asked you?
- 11 A. June of '02.
- 12 Q. And you approved payment of these bills,
- 13 correct?
- 14 A. Yes, I did.
- 15 Q. Those account codes on there, do you
- 16 recognize those?
- 17 A. I recognize my handwriting.
- 18 Q. Okay. Moving on to D 1490 through 97. Have
- 19 you ever seen this document before?
- 20 A. Just in preparation for deposition.
- Q. That's preparation with your attorneys,
- 22 correct?
- 23 A. Yes.
- Q. There is a portion of the document that's

- 1 marked "Tickets.com Cheatsheet" beginning on page
- 2 D 1493. Did you have any involvement in writing this?
- 3 A. No.
- Q. On the next page, under item 2 at the top,
- 5 there is a section called "Printing Receipt." Do you
- 6 see that?
- 7 A. Yes.
- 8 Q. And under 2 there's "Paper Receipt"?
- 9 A. Yes.
- 10 Q. Following the instructions under "Paper
- 11 Receipt," down a ways it says "Type S for system
- 12 printer. The system printer downstairs is cub\_rock.
- 13 The system printer upstairs is cubs\_dan." Is that
- 14 what it says?
- 15 A. That's what it says.
- Q. Did you set up those printer systems?
- 17 A. No.
- 18 Q. Do you know who did?
- 19 A. Tickets.com.
- 20 Q. Are the printers at Wrigley Field also on
- 21 network systems?
- 22 A. Yes.
- Q. And do they have names assigned to them such
- 24 as this?

- 1 A. The Tickets.com printers.
- Q. Right, do they have names assigned to them
- 3 such as this?
- 4 A. I don't know the naming conventions.
- 5 Q. But this naming convention is a Tickets.com
- 6 convention?
- 7 A. Yes.
- 8 Q. Do you know who does know the naming
- 9 conventions at Wrigley Field?
- 10 A. Someone in the box office.
- 11 Q. Are these the Boca printers that print the
- 12 tickets?
- 13 A. No.
- 14 Q. These are regular printers like an office
- would use, is that correct?
- 16 A. Yes.
- 17 Q. I believe one of the printers was a
- laser/fax/copier, multi-use printer that you ordered?
- 19 A. Don't know.
- Q. D 1368 and 1369, if you don't mind. Have you
- 21 ever seen those before?
- 22 A. No.
- Q. I am going to ask under the first page, 1368,
- 24 halfway down the page there is a line entitled

- 1 "Special Instructions." Do you see that?
- 2 A. Yes.
- Q. And it says, "Please code to," and then there
- 4 is a series, strings of numbers there. Do you
- 5 recognize those numbers?
- 6 A. Balance sheet accounts.
- 7 Q. And are these the balance sheet accounts for
- 8 Major League Baseball Advanced Media?
- 9 A. I don't know.
- 10 Q. If I could ask you to pull out 1320.
- 11 If you look at the MLBAM account codes, does
- this help you at all?
- 13 A. I don't know if that's Major League Baseball
- 14 Advanced Media's account. I don't know the account
- 15 code.
- Q. Do you know what MLBAM would stand for?
- 17 A. That stands for Major League Baseball
- 18 Advanced Media.
- 19 Q. Are these strings the same on these two
- different pages, 1320 and 1368?
- 21 A. They are the same.
- Q. Have you spoken to anyone at Tickets.com
- 23 since the filing of the lawsuit?
- 24 By the lawsuit, I am referring to the lawsuit

- 1 that we're here today on.
- 2 A. Yes.
- 3 Q. Do you frequently communicate with
- 4 Tickets.com?
- 5 A. Yes.
- 6 Q. On a daily basis?
- 7 A. No.
- 8 Q. Weekly basis?
- 9 A. Approximately.
- 10 Q. Have you discussed this lawsuit with anyone
- 11 at Tickets.com?
- 12 A. No.
- 13 Q. Have you told them about the existence of the
- 14 lawsuit?
- 15 A. They are aware of it, yes.
- 16 Q. Do you know who told them about the lawsuit?
- 17 A. I believe they read about it.
- 18 Q. And that's their only knowledge about the
- 19 lawsuit, to your knowledge?
- MR. KLENK: Objection, foundation.
- 21 A. I have no idea.
- 22 BY MR. MICHAELS:
- Q. Who do you talk to at Tickets.com?
- A. Larry Cohen and Darryl Hagedorn.

- 1 Q. Have you discussed the lawsuit in connection
- 2 with the new Premium Tickets agreement with
- 3 Tickets.com?
- 4 A. Yes.
- 5 Q. In what connection did you discuss the
- 6 lawsuit in connection with the new agreement?
- 7 A. In the fact that there had to be a new
- 8 agreement, that we needed to draft something new.
- 9 Q. Because of the lawsuit?
- 10 A. No.
- 11 Q. Well, why would you need a new agreement
- 12 then?
- 13 A. The old one didn't cover all the specifics of
- 14 refunds and credits, credit card fees.
- 15 Q. And how is the lawsuit tied to that?
- 16 A. I believe they asked the question was this
- dealing with the lawsuit, and my reply was no, we want
- 18 to form a separate agreement separate from the Cubs
- 19 agreement.
- 20 Q. Have you engaged in any conversations or
- 21 participated in any conversations where other members
- of the Cubs have discussed the lawsuit with
- 23 Tickets.com?
- A. No, not to my memory.

- 1 Q. Did Tickets.com ever express any concerns
- 2 about being joined to the lawsuit in conversing with
- 3 you?
- 4 A. No.
- 5 Q. As vice president of Premium Tickets, what's
- 6 your job obligations at Premium Tickets?
- 7 A. Not a whole lot. I act a little bit as an
- 8 advisor/counselor for Dan to go to, especially in
- 9 regards to the Season Ticket Solutions project. I
- 10 also assisted Dan in his budgeting needs last year.
- 11 Q. Dan suggested that you asked him how Dan
- 12 expected sales to be throughout last year, last
- 13 season. Do you recall asking him such a question?
- 14 A. Don't recall.
- Q. Did you ask him to estimate the 2003 expenses
- 16 at the end of last season?
- 17 A. Yes.
- Q. And why did you ask him that question?
- 19 A. As part of the budgeting process.
- Q. What's your involvement in the budgeting
- 21 process?
- 22 A. I oversee my own actual physical budget for
- 23 Wrigley Field on the technical side, and I was asked
- 24 to assist Dan in formulating a budget since he had

- 1 never been through the process before.
- Q. Who asked you to do that?
- 3 A. The accounting department and Mark McGuire.
- 4 Q. So Jody and Mark?
- 5 A. Jody was out on maternity leave.
- 6 Q. Okay. And did you assist Dan in preparing a
- 5 budget for this year?
- 8 A. Yes.
- 9 Q. Do you know who Randy Skocz is, S-K-O-C-Z?
- 10 A. Yes.
- 11 Q. Who is that?
- 12 A. He works for the Chicago Cubs. I believe his
- 13 title is office services coordinator.
- Q. What does that mean?
- 15 A. He oversees office supplies, mail room
- 16 functionality, copiers.
- 17 Q. Do you recall giving Dan Guza financial
- 18 statements during last season showing Premium Tickets'
- 19 sales and expenses?
- 20 A. He picked them up at a mailbox that is at my
- 21 desk.
- Q. He has a mailbox on your desk?
- A. Above my desk.
- Q. Is it still there?

- 1 A. Yes.
- Q. Is part of your job function with the Cubs
- 3 arranging for TV advertising with WGN TV?
- 4 A. No.
- 5 Q. Were you involved at all in arranging for TV
- 6 advertising of Premium Tickets on WGN TV?
- 7 A. No.
- Q. Do you know how much ads normally cost on WGN
- 9 TV?
- 10 A. No, I have no idea whatsoever.
- 11 Q. Do you have any involvement with the
- 12 broadcast relations with TV or radio?
- 13 A. I oversee from a technical side the
- 14 connectivity of the broadcasters to the ballpark.
- 15 Q. And what connectivity is there between the
- 16 broadcasters and the ballpark?
- 17 A. TV trucks plug into --
- 18 Q. Providing electrical for their equipment?
- 19 A. Data network that the cameras run along.
- Q. The cameras are all on digital networks?
- 21 A. No, but there is cable between each camera
- and the truck that is provided within our domain.
- 23 Q. So you don't become involved in advertising
- issues at all with WGN TV?

- 1 A. No.
- Q. Do you know who developed the idea of using
- 3 wristbands for ticket sales this year on opening day
- 4 of ticket sales?
- 5 A. Stadium operations.
- 6 Q. And who is that, I'm sorry?
- 7 A. The stadium operations department.
- 8 Q. Who is in charge of that department?
- 9 A. Paul Rathje.
- 10 Q. Do you know if any of the games were sold out
- 11 before the box office opened to the public?
- 12 A. None of the games were sold out this year
- 13 before the box office opened.
- Q. And how are you aware of that?
- 15 A. Through my role in the on sale.
- Q. What was your role?
- 17 A. I oversee the relationship with Tickets.com
- as far as opening up the phone center, the Internet
- 19 ports, and the box office, making sure the ticketing
- 20 system is ready to go.
- 21 Q. Now, were the Internet ports open at the
- 22 same -- when did the box office open at Wrigley Field,
- 23 about 6 a.m.?
- 24 A. 8 a.m.

- 1 Q. And were the Internet ports opened at the
- 2 same time?
- 3 A. Yes.
- 4 Q. So a person outside of Chicago could actually
- order at the same time the box office opened?
- 6 A. Strike that. I'm wrong. The box office was
- 7 opened at 8 a.m. this year. The Internet opened at
- 8 10 a.m. with the phones at 10 a.m. Sorry.
- 9 Q. On the Internet it will show that a game is
- 10 sold out, for instance. You may look for tickets for
- 11 a certain game and it will come up showing that it's
- 12 sold out, is that correct?
- MR. KLENK: Objection. You can answer.
- 14 A. No, it shouldn't.
- 15 BY MR. MICHAELS:
- 16 Q. All right. If tickets are sold out for a
- game, what does the Internet show if a person goes and
- 18 requests tickets for a certain date?
- 19 MR. KLENK: Objection. Internet is a huge
- 20 concept here.
- 21 BY MR. MICHAELS:
- 22 Q. Let's go back. If I'm sitting at my computer
- and I type in Cubs.com, at that point I go to the MLB
- 24 Advanced Media Web page. Then I click to purchase

- tickets, a link, and that takes me to Tickets.com,
- 2 correct?
- 3 A. Yes.
- Q. Now, you coordinate the ticket sales with
- 5 Tickets.com on the Internet, or is that on the
- 6 Internet at that point?
- 7 A. You are on the Internet at that point, yes.
- 8 Q. And those are selling tickets over the
- 9 Internet, correct?
- 10 A. Correct.
- 11 Q. And you coordinate the sale of tickets over
- 12 the Internet with Tickets.com?
- 13 A. No.
- 14 Q. You don't?
- 15 A. I oversee the technical side to making sure
- the two things are working, but I don't oversee the
- 17 sales.
- 18 Q. And what two things is it that you're making
- 19 sure are working?
- 20 A. The front office and the back office.
- Q. And we're back to the front office, back
- office that we started the deposition with.
- The back office being the actual equipment
- and Tickets.com, correct?

- 1 A. In California, yes.
- Q. And front office being the Chicago offices?
- 3 A. No.
- 4 Q. What was the front office?
- 5 A. The Internet portion of buying tickets.
- 6 Q. Okay. Let's suppose that after going to the
- 7 Tickets.com link I request tickets for a certain game
- 8 and that game, all the tickets have already been
- 9 purchased for. Would the Web page tell me no tickets
- 10 are available?
- 11 A. If the system was functioning, you would not
- 12 be able to request tickets for a game that there were
- 13 no longer any tickets available for because it would
- 14 not allow you to do so.
- 15 Q. Because it would show that that game was sold
- 16 out?
- 17 A. No. There would no longer be a ticket icon
- on that game with a T on it. And that's how you
- 19 purchase tickets for an individual game. A game that
- 20 no longer has any tickets available, the T is no
- 21 longer there.
- Q. Who decides when the T is removed from that
- 23 date?
- 24 A. It is decided when there are no more tickets

- 1 available on the system to sell. The T, I believe,
- 2 automatically vanishes, electronically.
- 3 Q. So it's part of the program, it's written
- 4 into the program that the T would be removed?
- 5 A. Correct, I believe.
- 6 Q. So to your knowledge it's not a human
- 7 decision to remove the T?
- 8 A. To my knowledge, it's not.
- 9 MR. MICHAELS: Nothing further.
- MR. KLENK: Nothing.
- 11 Wait, just a second.
- 12 I have something.
- 13 The December 2002 lease is what I am going to
- 14 show him, Ken.
- MR. MICHAELS: Okay.
- 16 EXAMINATION
- 17 BY MR. KLENK:
- 18 Q. And this is the document marked D 0001456
- 19 through D 001460.
- Do you have that in front of you, Mr. Rice?
- 21 A. Yes.
- Q. Now, you testified that you gave that to
- 23 Mr. Guza?
- 24 A. Yes.

- 1 Q. I want to focus back on that testimony.
- 2 Did he request any changes or revisions in
- 3 the lease?
- 4 A. Not that I can recall.
- 5 Q. Was anything said on the topic of
- 6 improvements to the Rock Room?
- 7 A. Yes.
- Q. What was said on the subject of improvements
- 9 to the Rock Room?
- 10 A. That he asked if the Rock Room could be
- 11 repainted and fixed up a little bit and how would he
- go about taking care of that based on what he had read
- in the lease.
- Q. Do you recall anything else about your
- 15 conversation with Dan and the lease?
- 16 A. That's all I can remember.
- MR. KLENK: I don't have anything else.
- MR. MICHAELS: That's fine.
- 19 THE COURT REPORTER: Signature?
- MR. KLENK: Reserved.
- 21 I would like a disk and Min-U-Script and a
- 22 copy.
- MR. MICHAELS: Original, disk and mini.
- 24 (WITNESS EXCUSED.)

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1
       STATE OF ILLINOIS )
                        ) SS.
       COUNTY OF C O O K )
 3
                IN THE CIRCUIT COURT OF COOK COUNTY
                COUNTY DEPARTMENT-CHANCERY DIVISION
 4
          PETER JOHN CAVOTO, JR. and
 5
          GERALD A. CARR, JR.,
          individually and on behalf
                                         )
 6
          of all other similarly
          situated class members,
 7
                    Plaintiffs,
 8
                                         ) No. 02 CH 18372
               vs.
 9
          Chicago National League
                                         )
10
          Ball Club, INC., et al.,
11
                    Defendants.
12
              I, CARL RICE, III, being first duly sworn,
       on oath say that I am the deponent in the aforesaid
13
14
       deposition taken on April 23, 2003; that I have read
       the foregoing transcript of my deposition, consisting
15
16
       of pages 1 through 114 inclusive, and affix my
17
       signature to same.
18
                          Corrections have been submitted
19
                          No corrections have been
                          submitted
20
21
                                  CARL RICE, III, Deponent
22
       Subscribed and sworn to
       before me this day of
23
                        , 20___
24
       Notary Public
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1	STATE OF ILLINOIS) ) SS.
2	COUNTY OF C O O K)
3	I, LISA M. ESPOSITO, CSR and Notary Public in
4	and for the County of Cook and State of Illinois, do
5	hereby certify that on April 23, 2003, at 10:05 a.m.,
6	at 11 South LaSalle Street, Suite 1600, Chicago,
7	Illinois, the deponent CARL RICE, III personally
8	appeared before me.
9	I further certify that the said CARL RICE,
LO	III was by me first duly sworn to testify and that the
L1	foregoing is a true record of the testimony given by
L2	the witness.
L3	I further certify that the deposition
L4	adjourned at 12:47 p.m.
L5	I further certify that I am not counsel for
L6	nor related to any of the parties herein, nor am I
L7	interested in the outcome hereof.
L8	In witness whereof, I have hereunto set my
L9	hand and seal of office this 5th of May, 2003.
20	
21	
22	Notary Public
23	
24	CSR No. 084-003227 - Expiration Date: May 31, 2003