

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

PETER JOHN CAVOTO, JR., on)
behalf of similarly situated)
class members,)
)
) Plaintiff,)
)
) vs.) No. 02 CH 18372
)
CHICAGO NATIONAL LEAGUE BALL,)
CLUB, INC., a Delaware)
corporation; and WRIGLEY FIELD)
PREMIUM TICKET SERVICES, INC.,)
a Delaware corporation,)
)
) Defendants.)

The deposition of DANIEL VINCENT GUZA
taken before Tina M. Alfaro, Registered Merit
Reporter and Notary Public, taken pursuant to
the provisions of the Illinois Code of Civil
Procedure and the Rules of the Supreme Court
thereof pertaining to the taking of depositions
for the purpose of discovery at 11 South LaSalle
Street, Suite 1600, Chicago, Illinois,
commencing at 10:00 a.m. on the 29th day of
January, A.D., 2003.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

APPEARANCES:

BAUCH & MICHAELS, by
MR. PAUL M. BAUCH
MR. KENNETH A. MICHAELS, JR.
53 West Jackson Boulevard, Suite 1115
Chicago, Illinois 60604
Phone: (312) 588-5000

On behalf of the Plaintiff;

SONNENSCHNEIN, NATH & ROSENTHAL, by
MR. JAMES A. KLENK
8000 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Phone: (312) 876-7934

On behalf of the Defendants.

ALSO PRESENT: Mr. Michael Lufrano

* * * * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

E X A M I N A T I O N

WITNESS	PAGE
DANIEL VINCENT GUZA	
Examination by Mr. Bauch	5

E X H I B I T S

(NONE MARKED)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

(Witness sworn.)

WHEREUPON:

DANIEL VINCENT GUZA,

called as a witness herein, having been first
duly sworn, was examined and testified as
follows:

EXAMINATION

BY MR. BAUCH:

Q. Can you state your full name, please.

A. Daniel Vincent Guza.

Q. Where do you live, Dan?

A. I live at 1511 Partridge Lane,
Arlington Heights, Illinois.

Q. What's your business address?

A. 3717 North Clark, Chicago.

Q. Do you have an office there?

A. Yes.

Q. Where is your office in the building?

A. My office in the building is upstairs.

Q. By whom are you employed currently?

A. Wrigley Field Premium Ticket Services.

Q. And do you have a job title?

A. General manager.

Q. When did you first become employed by

1 Wrigley Field Premium Tickets?

2 A. February of 2002.

3 Q. Do you have an employment contract with

4 Wrigley Field Premium Tickets?

5 A. No, not that I'm aware of.

6 Q. Is there any agreement or understanding

7 you have with Wrigley Field Premium Tickets

8 regarding the terms and conditions of your

9 employment?

10 A. I don't know for sure.

11 Q. Do you understand the question?

12 A. Yeah -- Repeat the question.

13 Q. Do you have an agreement with Wrigley

14 Field Premium Tickets regarding the terms and

15 conditions of your employment?

16 A. Repeat it one more time.

17 Q. Do you have an agreement with Wrigley

18 Field Premium Tickets regarding the terms and

19 conditions of your employment?

20 A. I don't know.

21 Q. Do you have an agreement as to what

22 your annual salary is?

23 A. Yes.

24 Q. Are you a full-time employee?

1 A. Yes.

2 Q. Do you work 40 hours a week?

3 A. Yes.

4 Q. You're salaried; you don't come in and
5 punch a time clock?

6 A. No.

7 Q. Is there an expectation that you'll
8 work 40 hours or more a week?

9 A. By me, yes.

10 Q. How many hours a week do you typically
11 work there?

12 A. Anywhere from 40 to sometimes 60 hours
13 during the baseball season.

14 Q. Does it vary during offseason and
15 baseball season how many hours you work?

16 A. Yes.

17 Q. Do you work Monday through Friday?

18 A. Yes.

19 Q. During the season do you work Monday
20 through Friday?

21 A. Yes.

22 Q. So you always take the weekends off
23 even during the season?

24 A. No.

1 Q. So during the season would you work
2 weekends?

3 A. Yes.

4 Q. And then do you take other days off
5 during the week during the season?

6 A. I can.

7 Q. Who determines when you work and what
8 days you take off?

9 A. I do.

10 Q. Who did you work for before you went to
11 work for Wrigley Field Premium Tickets?

12 A. The Chicago Cubs.

13 Q. And when did you first start working
14 for them?

15 A. I don't know the exact date. I believe
16 it's February of '98.

17 Q. What was your first position with the
18 Cubs?

19 A. Sales representative in the ticket
20 office.

21 Q. Who did you report to?

22 A. I reported directly to Brian Garza.

23 Q. Who is Brian Garza?

24 A. He's the assistant director of ticket

1 sales.

2 Q. And between February of '98 and
3 February 2000, did you remain in that sales rep
4 position?

5 A. Yes.

6 Q. What did you do as a sales rep for the
7 Cubs ticket office?

8 A. I sold season tickets and group sales.

9 Q. And how did you sell those tickets?

10 A. By answering phones, opening mail, and
11 walkups.

12 Q. Did you get a raise or an increase in
13 salary when you went from the Cubs to Premium
14 Tickets?

15 A. Yes.

16 Q. What was the increase?

17 A. I don't know the percentage.

18 Q. Was it a little, a lot?

19 A. It was a good increase.

20 Q. Who first approached you about going to
21 work for Premium Tickets?

22 A. Frank Maloney.

23 Q. And do you know when that was?

24 A. Early part of 2002, late January or

1 early February.

2 Q. What did Frank say to you, the best
3 that you can recall?

4 A. He just explained to me about what
5 Wrigley Field Premium Tickets was going to be;
6 that there was a startup business that was going
7 to be involved in the secondary market. He
8 explained how it was going to be, like I said, a
9 startup business, and he needed somebody to run
10 it.

11 Q. Did you discuss salary at that time?

12 A. I don't remember.

13 Q. Any other conversations you had with
14 Frank after this initial one?

15 A. After the initial one, no.

16 Q. Did you have any conversations with
17 anyone else about going to work for Premium
18 Tickets?

19 A. I met with Mark McGuire.

20 Q. When did that happen?

21 A. Same time.

22 Q. Same day?

23 A. I believe it was the same day.

24 Q. And you met with Mark in his office

1 face to face?

2 A. Yes.

3 Q. Who else was there?

4 A. Nobody.

5 Q. What did Mark say to you in that
6 conversation?

7 A. He went over the same information that
8 Frank did, that the Cubs were starting -- it was
9 going to be a startup business and they were
10 looking for somebody to run it, just explaining
11 how the secondary market was being run, just
12 basically more of the same information.

13 Q. What do you mean when you say "how the
14 secondary market was being run"?

15 A. The business of ticket brokering.

16 Q. Had you had experience in a ticket
17 broker business before?

18 A. No.

19 Q. Did anyone explain to you why they were
20 setting this up as a separate company?

21 A. At that meeting? I don't recall.

22 Q. At any time did anyone explain to you
23 why they were setting up the ticket brokerage
24 business as a separate company?

1 A. Wrigley Field Premium Tickets had to be
2 set up -- To sell tickets above face value, you
3 have to be a licensed ticket broker.

4 Q. Who told you that?

5 A. I don't remember exactly who.

6 Q. Did you have any discussions with
7 anyone as to why the Ball Club couldn't be a
8 ticket broker?

9 A. No.

10 Q. What are your job responsibilities with
11 Premium Tickets?

12 A. My responsibilities are basically
13 running all the day-to-day operations starting
14 from hiring staff, to interviewing, to training
15 them in the selling of tickets, how to run the
16 ticket software, building accounts, to paying
17 them off, to creating receipts, printing the
18 receipts, how to get seating within Wrigley
19 Field, how the seats were set up, the
20 differences between club boxes and field boxes,
21 just teaching them about tickets in general.

22 I had to make sure that the business
23 was running, that the door was open, that
24 somebody was there to answer phones during

1 normal business day, that we're in contact with
2 people walking into the store asking about
3 tickets and wanting to purchase.

4 Also, once we're selling tickets,
5 managing the ticket inventory, reviewing how
6 many tickets we have, what games are selling,
7 what games aren't, adjusting the price for each
8 game, do that through the balance of the day.

9 Also, I'm responsible for balancing at
10 the end of the day all the sales that are
11 inputted into the Tickets.com system. I'm also
12 responsible for the Season Ticket Exchange that
13 is run through the Cubs' web site, doing the
14 transfer of tickets from season ticketholder to
15 the person who purchased them, keeping files of
16 information pertaining to that, receipt files.

17 Basically, just monitoring the staff
18 and making sure that the business is running
19 from the time we open until the time we close.

20 Q. How many employees does Premium Tickets
21 have?

22 A. Four.

23 Q. Are those full-time employees?

24 A. No.

1 Q. How many are full time and how many are
2 part time?

3 A. One full time, three part time.

4 Q. Are you the full-time employee?

5 A. I am.

6 Q. Who are the three part-time employees?

7 A. Jeff Davis, Justin Fluke, and Katy

8 Marta.

9 Q. The part-time employees, are these
10 union?

11 A. No.

12 Q. When did you hire Jeff Davis?

13 A. I don't remember the exact date.

14 Q. During the last season?

15 A. It was.

16 Q. How about Justin?

17 A. They were all hired at the same time.

18 Q. What were the job responsibilities of
19 Jeff, Justin, and Katy? If they were different,
20 tell me the differences.

21 A. They were all responsible for the sales
22 of the tickets. They were responsible for
23 answering phones; they were responsible for any
24 walkup customers, selling tickets. As a staff

1 we came up with advertising materials, fliers
2 and whatnot. Number one was simply selling
3 tickets.

4 Q. Did they ever go out and distribute
5 fliers and handbills in front of Wrigley Field?

6 A. I gave them fliers to go hand out. I
7 don't know exactly where they went at all times.

8 Q. Are these people still working now for
9 the company?

10 A. They are not.

11 Q. When was the last time they worked for
12 the company?

13 A. At the end of the baseball season.

14 Q. Were they working through the last
15 game, last home game?

16 A. Jeff got a full-time job before the
17 season ended, Justin worked through the end of
18 the season, and Katy worked maybe a week after
19 the season ended.

20 Q. What was she doing after the season
21 ended?

22 A. Just assisting me in preparing end of
23 season reports.

24 Q. What have you been doing since the

1 season ended on a day-to-day basis?

2 A. Everything from reviewing last year's
3 sales numbers, trends, pricing, and preparing
4 for the 2003 season.

5 Q. How have you been preparing for the
6 2003 season?

7 A. By reviewing everything that went on
8 through the 2002 season, what I would want to
9 improve.

10 Q. And that's kept you busy 40 hours a
11 week for the last few months?

12 A. Yes.

13 Q. When you were asked to first go to work
14 for Premium Tickets, did you prepare a business
15 plan for the company?

16 A. No.

17 Q. Did you prepare any written document
18 setting out your goals or what your objectives
19 would be for the company?

20 A. No.

21 Q. Did you work on any pro forma? By
22 "pro forma" I mean sort of a forecast of ticket
23 sales and expenses.

24 A. Explain that again.

1 Q. Proforma, in the accounting sense, is
2 like a forecast that for this year I expect I'm
3 going to sell so many tickets and I'm going to
4 have this much payroll and rental and telephone
5 and utilities and those types of expenses. Did
6 you work on anything like that?

7 A. Did I prepare anything like that?

8 Q. Sometimes called a budget.

9 A. I didn't prepare any of that.

10 Q. Did anyone ask you to help them prepare
11 a budget?

12 A. Towards the end of the 2002 season,
13 Carl Rice asked just to be aware of what I
14 thought expenses may be for the 2003 season.

15 Q. Who is Carl Rice?

16 A. He's the vice president of Wrigley
17 Field Premium Tickets.

18 Q. Just so I understand, to the best of
19 your knowledge, there was no budget or goals or
20 targets for Premium Tickets for the 2002 season?

21 A. Say that again.

22 MR. BAUCH: Read it back.

23 (Record read as requested.)

24 BY THE WITNESS:

1 A. I didn't prepare anything.

2 Q. Did you know whether anybody else did?

3 A. I'm sure somebody did.

4 Q. Did anybody tell you, Dan, how many
5 tickets do you think you can sell for 2002?

6 A. Say that again.

7 Q. Did anyone ask you, Dan, how many
8 tickets do you think Premium Tickets will sell
9 in the 2002 season?

10 A. At different points during the year,
11 yeah.

12 Q. When is the first time someone asked
13 you that?

14 A. I don't know.

15 Q. To the best of your recollection, who
16 would have asked you that question?

17 A. Probably meeting with Carl.

18 Q. Carl Rice?

19 A. Yes.

20 Q. Was that earlier in the season?

21 A. Was what earlier in the season?

22 Q. The meeting with Carl Rice.

23 A. For --

24 Q. When he asked you how many tickets do

1 going to be.

2 Q. Did you tell them how much money you
3 thought you would need to operate the company?

4 A. No.

5 Q. Did you discuss what type of capital
6 equipment you would need to buy to get the
7 company up and running?

8 A. I don't recall.

9 Q. Did you discuss what the requirements
10 were to become a licensed ticket broker?

11 A. Yes.

12 Q. What was discussed about that?

13 A. I had a copy of the Illinois Scalping
14 Act, what you have to do to register with the
15 State of Illinois to be a ticket broker.

16 Q. You had that at the meeting?

17 A. At a meeting?

18 Q. No. I want you to focus on this
19 meeting with Carl and Jodi and you talked a
20 little bit more about your job responsibilities
21 and then you said you had the Illinois Ticket
22 Scalping Act.

23 A. Not at that meeting, no.

24 Q. Let's go back to that meeting. Other

1 than talking about your job responsibilities,
2 anything else you remember being discussed at
3 that meeting?

4 A. No.

5 Q. When did you first get a copy of the
6 Illinois Ticket Scalping Act?

7 A. I don't know a date.

8 Q. Did somebody give it to you?

9 A. Yes.

10 Q. Who gave it to you?

11 A. I don't remember.

12 Q. Was it a lawyer?

13 A. No. I don't know.

14 Q. Do you remember meeting with any
15 lawyers regarding the Premium Tickets
16 organization?

17 A. No.

18 Q. After the meeting, this first meeting
19 you had with Carl and Jodi, any other meetings
20 with any other Cubs personnel regarding
21 organizing Premium Tickets?

22 A. No.

23 Q. Did you have any discussions with
24 Tickets.com about what type of equipment you

1 would need at the Premium Tickets location?

2 A. No.

3 Q. Did you arrange to purchase any ticket
4 printers for the Premium Tickets location?

5 A. No.

6 Q. Did you arrange with a contractor to do
7 the buildout of the Premium Tickets location?

8 A. No.

9 Q. Did you arrange for the telephone
10 service at the Premium Tickets location?

11 A. No.

12 Q. Did you set up a bank account for
13 Premium Tickets?

14 A. No.

15 Q. Did you set up a general ledger for
16 Premium Tickets?

17 A. No.

18 Q. Do you know who arranged for the
19 buildout of the premises, Premium Tickets
20 premises?

21 A. No.

22 Q. Do you know who arranged to have the
23 telephone service put in there?

24 A. No.

1 Q. Do you know who arranged to have the
2 Tickets.com terminals put in there?

3 A. No.

4 Q. Did you have any discussions with
5 Tickets.com about an agreement to use their
6 service for Premium Tickets?

7 A. No.

8 Q. Did you have a contact at Tickets.com
9 that you called about technical issues or
10 anything?

11 A. Yes.

12 Q. Who is that?

13 A. Daryll Hagdorn (phonetic).

14 Q. Do you know how to spell that?

15 A. No.

16 Q. Is Daryll in Chicago or somewhere else?

17 A. I believe he's in Chicago.

18 Q. Does he have a title with Tickets.

19 A. I don't know.

20 Q. Tell me what's your understanding of
21 the Tickets.com system?

22 A. As far as what?

23 Q. I mean, what is it?

24 A. It's a ticket selling software.

1 Q. And then you have terminals at Premium
2 Tickets?

3 A. We have computers at Premium Tickets.

4 Q. Do you have any understanding
5 technically of how it works?

6 A. No.

7 Q. When you were working for the Ball
8 Club, did you have an understanding that the
9 Ball Club couldn't sell Cubs tickets for prices
10 in excess of the printed price or the advertised
11 price?

12 A. Can you repeat that?

13 MR. BAUCH: Read it back.

14 (Record read as requested.)

15 BY THE WITNESS:

16 A. The understanding was what was on the
17 face of the ticket was the cost of the ticket.

18 Q. Let me clarify.

19 When I talk about the "printed price"
20 or the "face price," that's the price on the
21 ticket or what would be posted at the box
22 office, you know, boxes \$36, bleachers \$26.
23 That's what I mean.

24 My question is, did you have an

1 understanding when you worked there that the
2 Ball Club could not sell those tickets to
3 customers for more than the printed price?

4 A. Yes.

5 Q. What was the basis of that
6 understanding?

7 A. The basis was just tickets that are
8 sold above face value is scalping.

9 Q. And did somebody tell you that, or how
10 did you come to know that?

11 A. I don't know.

12 Q. Osmosis from the ticket office?

13 A. I don't know.

14 Q. Were there any memos sent around to the
15 people in the ticket office regarding that
16 subject about scalping, dos and don'ts?

17 A. No, not that I know of.

18 Q. When you worked for the Cubs, did you
19 have periodic meetings where you went over
20 ticket policies and things like that, sales
21 policies?

22 A. No.

23 Q. There was no monthly meeting to discuss
24 how sales were going or new techniques for

1 selling and things like that?

2 A. No.

3 Q. When you worked for the Ball Club, did
4 you understand the Ball Club had a policy
5 against selling tickets to people who were
6 ticket brokers?

7 A. No.

8 Q. Did you ever get reports from security
9 about known ticket brokers?

10 A. No.

11 Q. When you working for the Ball Club, did
12 you ever sell tickets on credit, that is,
13 basically people didn't have to pay for them
14 when they bought the tickets; they were given
15 terms to buy the tickets?

16 A. In group sales we would for a larger
17 group that's a returning group. There are some
18 groups that come every year that buy 500 to a
19 thousand tickets. With groups like that, they
20 would say, We want a thousand tickets and we
21 need a month or a week to get you the check. So
22 an invoice would be sent to them.

23 Q. Did you give them the tickets, though,
24 before they paid?

1 A. No.

2 Q. Did Premium Tickets have an agreement
3 with the Ball Club regarding purchase of Cubs
4 tickets?

5 A. Yes.

6 Q. And what was the agreement?

7 A. Outside of -- I don't know. Describe
8 the question again.

9 Q. Let me approach it a different way.

10 Did you have a meeting with anyone from
11 the Ball Club where you discussed Premium
12 Tickets purchasing Cubs tickets for the 2002
13 season?

14 A. One more time. I'm sorry.

15 MR. BAUCH: Read that back.

16 (Record read as requested.)

17 BY THE WITNESS:

18 A. Yes.

19 Q. And when did that happen?

20 A. Prior to individual tickets going on
21 sale.

22 Q. And who did you meet with?

23 A. I met with Frank Maloney.

24 Q. And what did you discuss with Frank

1 about Premium Tickets purchasing tickets?

2 A. Just the number of tickets that I
3 wanted to purchase.

4 Q. How many tickets did you tell Frank you
5 wanted?

6 A. I don't remember the exact number.

7 Q. Did you have an idea about what the
8 face value of the tickets was that you wanted to
9 purchase, aggregate, that is? A thousand
10 dollars worth of tickets, a million dollars
11 worth of tickets?

12 A. At that meeting, no.

13 Q. What else do you remember about this
14 first meeting with Frank about buying the
15 tickets?

16 A. Just saying around what number of
17 tickets I wanted to buy and what tickets he
18 would be willing to sell me.

19 Q. Did you discuss like what locations you
20 wanted, what type of tickets?

21 A. What type of tickets?

22 Q. Yeah. Like bleachers, club boxes,
23 field boxes.

24 A. Yes.

1 Q. What did you discuss about what type of
2 tickets you wanted?

3 A. The only tickets we were going to
4 purchase were club box, field box, and
5 bleachers.

6 Q. Why was that?

7 A. Because those are the premium tickets
8 that we wanted to sell.

9 Q. Would it be fair to say those are the
10 high demand tickets?

11 A. Yes.

12 Q. At this first meeting with Frank, did
13 you guys agree on a specific number of tickets
14 that would be purchased?

15 A. I don't remember.

16 Q. Was there a subsequent meeting with
17 Frank or someone else where you actually got
18 very specific as to how many tickets you were
19 going to buy?

20 A. Meeting, no.

21 Q. What was the ultimate agreement between
22 Ball Club and Premium Tickets with respect to
23 the purchase of Cubs tickets for the 2002
24 season?

1 A. I guess I don't know how to answer.

2 After meeting with Frank, he gave me a
3 list of seat locations that he would be willing
4 to sell, and I bought them.

5 Q. Did they send you an invoice?

6 A. No.

7 Q. Did you discuss with Frank how you were
8 going to pay for these tickets?

9 A. No.

10 Q. When I say "you," I mean Premium
11 Tickets.

12 Did you discuss with anybody how you
13 were going to pay for these tickets?

14 A. I don't remember.

15 Q. Did anybody from the Ball Club ask
16 Premium Tickets to sign a note or some type of
17 agreement where they promised to pay in the
18 future for these tickets?

19 A. No.

20 Q. Did you have any agreement regarding a
21 refund policy if you were unable to sell these
22 tickets to the public?

23 A. Agreement with who?

24 Q. With the Ball Club.

1 A. Okay. Repeat the question.

2 MR. BAUCH: Read it back.

3 (Record read as requested.)

4 BY THE WITNESS:

5 A. No.

6 Q. With respect to your premises at
7 3717 North Clark Street -- That's where your
8 office is, correct?

9 A. Yes.

10 Q. (continued) -- how much space do you
11 lease in the building? Again, by "you" I mean
12 Premium Tickets.

13 A. Like dimensions?

14 Q. Approximately.

15 A. I don't know what to guess.

16 Q. How many spaces do you lease in the
17 building? Are there separate spaces you lease?

18 A. I don't know how they are determined in
19 the lease.

20 Q. Is there a sales office sort of where
21 the terminals are?

22 A. Yes.

23 Q. And then you have a business office
24 upstairs?

1 A. My office upstairs.

2 Q. With respect to this room, is your
3 ticket office as big as this conference room
4 area?

5 A. About half this size.

6 Q. How big is your office in comparison to
7 this conference room?

8 A. Similar.

9 Q. Can you describe what's in the ticket
10 office?

11 A. In the Wrigley Field Premium --

12 Q. Yeah.

13 A. We have a desk, three computers and
14 three ticket printers, and then we have a
15 printer that prints receipts.

16 Q. Is there any signage inside the office?

17 A. Inside the office is a Dry Erase board
18 where we write "Wrigley Field Premium Tickets".

19 Q. Do you post ticket prices there?

20 A. No.

21 Q. Do you have your ticket broker
22 registration up on the wall?

23 A. Yes.

24 Q. City business license?

1 A. Yes.

2 Q. What type of city business licenses do
3 you have?

4 A. What type?

5 Q. Yeah.

6 A. I don't know the type. I know we have
7 a business license posted.

8 Q. Anybody from Revenue ever come around
9 and hassle you?

10 A. No.

11 Q. Did you negotiate the lease between
12 your company and your landlord, which I believe
13 is called Diana-Quentin?

14 A. No.

15 Q. Do you remember signing a lease for
16 this space?

17 A. Yes.

18 Q. Did you read it before you signed it?

19 A. Yes.

20 Q. Did you have any discussions about the
21 terms of the lease before it was prepared and
22 you signed it?

23 A. No.

24 Q. Did you do any research regarding what

1 market rates were for rent in the area?

2 A. No.

3 Q. I want to ask you one follow-up
4 question.

5 When you get your paycheck, does it
6 come on a Tribune Company check?

7 A. Yes.

8 Q. That was the same way you were paid
9 when you worked for the Cubs too?

10 A. The check itself?

11 Q. Yeah.

12 A. Was a Tribune check.

13 Q. Do you know who the shareholder of
14 Premium Tickets is?

15 A. The shareholder?

16 Q. Shareholder.

17 A. No.

18 Q. Do you know who the directors of
19 Premium Tickets are?

20 A. No.

21 Q. Do you know what a director is of a
22 corporation?

23 A. I know directors. I don't know all the
24 directors of Wrigley Field Premium.

1 Q. Do you know any one director of Wrigley
2 Field Premium Tickets?

3 A. I know Mark McGuire is the president.

4 Q. President would be an officer. Do you
5 know any other officers like a vice president,
6 secretary, treasurer?

7 A. The only ones I know are Mark McGuire,
8 Carl Rice, and Jodi Reischel.

9 Q. And how do you know that?

10 A. Just from -- I don't know how.

11 Q. Somebody told you?

12 A. Yeah. I've seen it.

13 Q. You're not an officer or director of
14 Premium Tickets?

15 A. No.

16 Q. You're not a vice president or
17 secretary?

18 A. No.

19 Q. I'm going to show you an exhibit to the
20 complaint, which we've marked as Exhibit A.
21 It's a copy of the ticket broker registration.

22 My first question is have you seen that
23 document before?

24 A. Yes.

1 Q. When did you first see it?
2 A. February of 2002.
3 Q. How did you come -- Was it a blank form
4 when you first saw it?
5 A. Yes.
6 Q. How did you get the blank form?
7 A. I don't remember who originally showed
8 it to me.
9 Q. Do you remember where you were when you
10 saw it?
11 A. No.
12 Q. Were you over at the Cubs offices?
13 A. I don't remember.
14 Q. Did anybody help you in preparing the
15 form?
16 A. Yes.
17 Q. Who helped you?
18 A. Jodi.
19 Q. Was that in a face-to-face meeting?
20 A. Yes.
21 Q. Was it in Jodi's office?
22 A. Yes.
23 Q. Where is Jodi's office?
24 A. At Wrigley Field.

1 Q. What, if anything, do you remember when
2 you and Jodi were preparing this? Did Jodi say,
3 fill out the form, or did she tell you how to
4 fill out the form?

5 A. No. She filled this out.

6 Q. Oh, she filled it out for you. Did you
7 sign it?

8 A. Yes.

9 Q. Did you do any investigation regarding
10 the statements that are made in that form to
11 determine if they were true before you signed
12 it?

13 A. I read this registration, yes.

14 Q. To the best of your knowledge,
15 everything that was said in there was true?

16 A. Yes.

17 Q. Do you remember some issue coming up as
18 to where the location of the Wrigley Field
19 Premium Tickets office would be?

20 A. Yes.

21 Q. Tell me about that.

22 A. The original address was going to be at
23 the old Yum Yums building.

24 Q. And do you know why you didn't end up

1 going in there?

2 A. Because there was a zoning issue with
3 the City.

4 Q. Who told you about that?

5 A. I don't remember who.

6 Q. Did you ever go down to the Tribune
7 Tower in connection with the organization of
8 Premium Tickets?

9 A. No.

10 Q. Do you know where Tribune Tower is?

11 A. I probably couldn't get there from
12 here.

13 Q. Was anybody else present when Jodi
14 filled this out?

15 A. No.

16 Q. Did you mail this in to the Secretary
17 of State's office?

18 A. No.

19 Q. Do you know who did?

20 A. No.

21 Q. Do you know if there was a fee paid in
22 connection with the application?

23 A. The registration is \$100.

24 Q. Did Premium Tickets write a check for

1 that?

2 A. No.

3 Q. Do you have signature authority on

4 Premium Tickets' checking account?

5 A. No.

6 Q. Do you know who does?

7 A. Mark and Jodi.

8 Q. Do you know where that checking account

9 is, what bank?

10 A. No.

11 Q. Were you involved at all in setting up

12 the Consumer Protection Fund that was required

13 under the Ticket Scalping Act?

14 A. On this here?

15 Q. Yeah.

16 A. Ask that again.

17 Q. Do you know what the Consumer

18 Protection Fund is for a ticket broker?

19 A. Yes.

20 Q. What is your understanding of what that

21 is?

22 A. That the ticket broker has to have

23 \$100,000 on hand to settle any disputes or

24 refunds.

1 Q. Were you involved in setting up that
2 fund or account?
3 A. No.
4 Q. Do you know who was?
5 A. No.
6 Q. Do you know today whether there is such
7 an account set up for Premium Tickets?
8 A. Do I know?
9 Q. Yeah, personally.
10 A. Yes.
11 Q. How do you know?
12 A. Because we used it to send out refunds
13 last season. I haven't heard anything
14 different. I don't know why it wouldn't still
15 be there.
16 Q. Do you know where the account is?
17 A. No.
18 Q. You talked about sending out refunds.
19 What type of refunds did you send out last year?
20 A. There was a game June 22nd that was
21 cancelled.
22 Q. The Daryll Kyle game?
23 A. Yes. Anyone we sold a ticket to, they
24 returned their tickets and the receipt and got a

1 refund less 10 percent.

2 Q. How did you process that?

3 A. I filled out a sheet on my own and
4 turned it into Jodi, and she filled out the
5 check.

6 Q. Do you remember about how many refunds
7 there were from that game?

8 A. I don't remember.

9 Q. What type of sheet did you fill out?
10 Was it a check rec or refund request?

11 A. No. Just a sheet I created that had a
12 name and address and attached the receipt to it.

13 Q. Does Premium Tickets sell any tickets
14 other than Cubs tickets?

15 A. No.

16 Q. Does it have any intention of acquiring
17 other tickets?

18 A. I don't know.

19 Q. Does Premium Tickets buy any Cubs
20 tickets other than from the Ball Club?

21 A. No.

22 Q. What other people are in the building
23 at 3717 North Clark? Any other operations going
24 on in that building?

1 A. ARAMARK.

2 Q. What's ARAMARK?

3 A. They handle concessions and souvenirs.

4 Q. When Premium Tickets made its purchase

5 of Cubs tickets before the season started, did

6 they actually print those tickets out and

7 deliver paper tickets to Premium Tickets?

8 A. No.

9 Q. How were the tickets designated or set

10 aside for Premium Tickets?

11 A. They were sold on an account in the

12 Cubs system.

13 Q. Within the Tickets.com system?

14 A. The Tickets.com system.

15 Q. Was there essentially an inventory in

16 there for you to sell from?

17 A. Ask that again.

18 Q. Was there an inventory on the

19 Tickets.com system that Premium Tickets had to

20 sell from?

21 A. Wrigley Field Premium Tickets has an

22 account of all the tickets they bought from the

23 Cubs in the Tickets.com system.

24 Q. Those are the tickets that you then

1 sold from that account? Specific tickets were
2 then sold to consumers who called up or walked
3 in the door?

4 A. Yes.

5 Q. Did Premium Tickets sell all the
6 tickets that it bought from the Ball Club?

7 A. No.

8 Q. What did it do with the tickets it
9 didn't sell?

10 A. We ate them or returned them to the
11 Cubs.

12 Q. When you returned them, did you get a
13 credit for those returns?

14 A. What do you mean did we get a credit?

15 Q. You didn't pay for them, so presumably
16 you owed them money for the tickets. So when
17 you returned these, did it reduce the amount of
18 money you owed for the tickets?

19 A. Yes.

20 Q. And when was the first time you
21 remember Premium Tickets returning Cubs tickets
22 for credit?

23 A. The first weekend we were open.

24 Q. About how many tickets did you return,

1 the best you recall?

2 A. Maybe 25, 50. I don't remember.

3 Q. Who did you discuss the return of the
4 tickets to the Ball Club with at the Ball Club?

5 A. I don't remember who.

6 Q. How did you physically or technically
7 arrange for that return? How was that done?

8 A. Wrigley Field Premium Tickets had their
9 own system that we sell the tickets out of. I
10 log into the Cubs system and Tickets.com system.
11 So when I return tickets, I have to take them
12 off my system and put them back on the Cubs
13 system.

14 Q. Is there any type of accounting memo, a
15 credit memo or invoice, that you would create at
16 that time?

17 A. No.

18 Q. Is there a report you could run off the
19 Tickets.com system to show those returns?

20 A. I don't know.

21 Q. When you say that you have a separate
22 system, your system is still connected to the
23 Tickets.com system, right?

24 A. To Tickets.com.

1 Q. Do you know how many tickets you ate
2 for the season?

3 A. I don't know the exact number.

4 Q. When is the next time you returned
5 tickets to the Cubs for credit?

6 A. I don't remember the dates.

7 Q. Did you have any discussions with Frank
8 that you had excess tickets and you wanted to
9 return them so he could try and tell them?

10 A. Yes.

11 Q. When is the first time you had that
12 conversation?

13 A. Again, I don't remember any dates.
14 Within the first couple weeks of our operation
15 opening.

16 Q. The best that you can remember, what
17 did you say to him and what did he say to you?

18 A. Just that I knew that there were games
19 that we were not going to sell tickets for, we'd
20 have excess tickets, and if I could return them.

21 Q. And what did Frank say to you?

22 A. Yes.

23 Q. Did this happen periodically throughout
24 the season?

1 A. What?

2 Q. Your returning tickets to the Cubs.

3 A. Yes.

4 Q. And did you periodically have
5 discussions with Frank about returning tickets?

6 A. Not after the first few weeks.

7 Q. When you were going to return tickets,
8 how did you alert people at the Cubs that you
9 were going to send some tickets back so they
10 would know they were there?

11 A. I didn't.

12 Q. You just did it in the system?

13 A. Yes.

14 Q. From your understanding when you worked
15 for the Cubs, would those tickets then just show
16 up as being available in the Cubs system?

17 A. Yes.

18 Q. Any of your employees you described
19 earlier, did any of them used to work for the
20 Ball Club?

21 A. No.

22 Q. They were all new hires?

23 A. Yes.

24 Q. Does Premium Tickets have an agreement

1 with Tickets.com?

2 A. Agreement to --

3 Q. Use their system.

4 A. Yeah.

5 Q. Is that a written agreement?

6 A. I don't know. I believe so.

7 Q. Do you remember ever seeing any

8 agreement with Tickets.com between either the

9 Ball Club and Tickets.com or between Premium

10 Tickets and Tickets.com?

11 A. I don't remember.

12 Q. You didn't have any negotiations with

13 Tickets.com?

14 A. No.

15 Q. Do you know what type of fees

16 Tickets.com gets for providing the service?

17 A. Fees for what?

18 Q. For providing the service to Premium

19 Tickets.

20 A. I know they get a percentage of the

21 sales.

22 Q. Do they get a percentage of the markup

23 over face?

24 A. No. They have a set number.

1 Q. So they get the same fee on a ticket
2 that you sell that they would get when the Ball
3 Club sells that same ticket?

4 A. Maybe I misunderstood the question.
5 Per ticket sale Tickets.com doesn't get
6 anything.

7 Q. Let's use a hypothetical. If you sold
8 a ticket, a 36-dollar ticket for, say, \$50, what
9 would Tickets.com's fee be on that ticket?

10 A. I don't know.

11 Q. Do you know how it would be calculated?

12 A. My understanding of Tickets.com as far
13 as their financial with Wrigley Field Premium is
14 an end-of-the-year amount that they get.

15 Q. Is it based on the number of tickets,
16 transactions processed?

17 A. No. I think it's on the money, total
18 money that's made. I'm not exactly sure.

19 Q. You haven't seen or studied those
20 agreements?

21 A. I haven't studied them, no.

22 Q. Have you seen them?

23 A. I don't remember if I have.

24 Q. Let me direct your attention to the

1 next exhibit on the complaint, Exhibit B. It's
2 a press release. Have you ever seen that press
3 release before?

4 A. Yes.

5 Q. Did you have any involvement in
6 drafting it?

7 A. No.

8 Q. Do you know who did?

9 A. No.

10 Q. Did you pay the Cubs or the Tribune
11 Company anything for putting out that press
12 release?

13 A. I don't know.

14 Q. When I say "you" I mean Premium Tickets
15 again.

16 A. I don't know.

17 Q. Have you ever seen an invoice for it?

18 A. No.

19 Q. I want to next direct your attention to
20 Exhibit C of the complaint. Have you seen that
21 before?

22 A. Yes.

23 Q. When did you first see that?

24 A. Again, I don't remember the date.

1 Early, before we opened.

2 Q. Did you prepare that?

3 A. Yes.

4 Q. How did you prepare it?

5 A. With my staff at Wrigley Field Premium
6 just on the computer.

7 Q. Where did you get the logo, the Cubs
8 logo?

9 A. I signed an agreement with the Cubs for
10 use of their logo.

11 Q. What are the terms of that agreement?

12 A. I don't know all the terms.

13 Q. Do you pay any money for the use of the
14 logo?

15 A. I don't know.

16 Q. So you prepared that on a computer at
17 the Premium Tickets premises?

18 A. Yes.

19 Q. And then you printed it out?

20 A. Yes.

21 Q. How many fliers did you print out?

22 A. I don't remember. How many did I print
23 out?

24 Q. Right.

1 A. I only printed out, I believe, this
2 one.

3 Q. Did you send them out to be reproduced
4 at Kinkos?

5 A. Yes.

6 Q. Do you remember how many copies you had
7 of these fliers?

8 A. I don't remember the exact number.

9 Q. What was the purpose of preparing the
10 flyer?

11 A. To hand out -- To have something in our
12 office when people came in to buy tickets and
13 also hand out to customers.

14 Q. How did you intend to hand them out?

15 A. Just walking around the neighborhood.

16 Q. Did you hire people to do that?

17 A. No.

18 Q. You used your staff to do it?

19 A. Yes.

20 Q. Do you know how many fliers you
21 ultimately handed out?

22 A. No.

23 Q. Do you know where they went to hand
24 them out?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

A. No.

Q. Do you know whether anyone got permission from the Ball Club to go stand in front of Wrigley Field and hand them out?

A. Say that again.

Q. When I say "know," I mean you were there and you saw them do it.

A. No.

Q. Did any of your staff tell you where they went and handed them out?

A. Yes. Again, around the neighborhood, no specifics.

Q. Who told you that?

A. My staff.

Q. All three of them went out and did this?

A. All at different times.

MR. KLENK: When you reach a point to stop. We've been going for an hour.

MR. BAUCH: Let's take a break.

(A short break was had.)

BY MR. BAUCH:

Q. Dan, I just have a couple follow-up questions for you.

1 Since this last season ended, have you
2 done any work for the Cubs, the Ball Club?

3 A. No.

4 Q. Since the end of the year, you work out
5 of your office at 3717 and you've been just
6 studying last year's sales reports and planning?

7 A. The reports, planning.

8 Q. You mentioned Daryll Hagdorn was your
9 contact. Do you know whether he worked for
10 Tickets.com or for the Cubs?

11 A. He worked for Tickets.com.

12 Q. Does he have an office at Wrigley Field
13 or somewhere else?

14 A. No.

15 Q. How do you usually get in touch with
16 him?

17 A. I have his business card.

18 Q. With respect to the lease for the
19 premises, the original lease, do you remember
20 who gave the lease to you to sign?

21 A. Carl.

22 Q. Did he come over to the office and say,
23 Dan, you need to sign this?

24 A. No. I don't remember exactly how I got

1 to sign it.

2 Q. Did you recently sign a new lease for
3 the upcoming season?

4 A. Yes.

5 Q. Who gave you that lease?

6 A. Carl.

7 Q. And did he come over to your office to
8 do that or were you at Wrigley Field?

9 A. No. Again, I don't remember where I
10 did it.

11 Q. Were there any changes between the --
12 other than being for a new year, were there any
13 changes in rent or anything like that?

14 A. Yeah. I think it's \$10 more.

15 Q. Is there any more space that you
16 acquired in the lease?

17 A. No.

18 Q. When your people were out handing out
19 the fliers we just discussed, do you know what
20 they were wearing?

21 A. No.

22 Q. Do they wear Wrigley Field uniforms or
23 any type of uniform?

24 A. No.

1 Q. They just wear street clothes?
2 A. Yeah.
3 Q. Do you have a dress code?
4 A. No.
5 Q. Do you make them wear a tie?
6 A. There is no set dress code.
7 Q. Do you allow piercing of noses and
8 tattoos?
9 A. I wouldn't hire somebody with
10 piercings.
11 Q. Did Premium Tickets produce any
12 television commercials last season?
13 A. Did Wrigley Field Premium?
14 Q. Yes.
15 A. There were commercials where Wrigley
16 Field Premium Tickets was mentioned.
17 Q. Did you participate in having those
18 produced?
19 A. No.
20 Q. Do you know who did?
21 A. I don't know, no.
22 Q. Did you get billed by anybody for those
23 commercials?
24 A. I don't know.

1 Q. Did you ever talk to anybody at WGN
2 about those commercials?
3 A. No.
4 Q. Did you ever talk to anybody at Fox
5 Sports Net?
6 A. No.
7 Q. Were you featured in these commercials?
8 A. Was I featured? No.
9 Q. Did you see the text or the script for
10 the commercials?
11 A. Yes.
12 Q. When did you see that?
13 A. I don't remember when.
14 Q. Was it written text?
15 A. Yes.
16 Q. How did you come to see it?
17 A. I believe I got it in an e-mail from
18 Carl.
19 Q. Did he ask you to approve it?
20 A. I don't remember.
21 Q. Do you know how many television ads
22 were run for Premium Tickets?
23 A. How many? No.
24 Q. Were there any radio spots run for

1 Premium Tickets?

2 A. That, I don't know.

3 Q. Do you know what WGN's usual charge for
4 broadcasting a commercial during a Cubs game
5 would be?

6 A. No.

7 Q. You don't know whether or not Premium
8 Tickets was charged for any of these
9 advertisements?

10 A. For the radio and TV?

11 Q. Radio or TV.

12 A. I don't know.

13 Q. Did you have any discussions with
14 anyone at the Ball Club about their referring
15 customers to Premium Tickets?

16 A. I don't remember, no.

17 Q. Did you ever see any script that was
18 given out?

19 A. No.

20 Q. Do you know whether people over at the
21 Ball Club were referring customers to Premium
22 Tickets?

23 A. I don't know.

24 Q. Did anybody ever come in and say the

1 Cubs box office told me to come here or told me
2 to call here?

3 A. Not to me.

4 Q. Did any of your employees ever tell you
5 that the Cubs box office was referring people to
6 Premium Tickets?

7 A. I don't know.

8 Q. You don't remember?

9 A. I don't remember if they did or didn't.

10 Q. Did you have a policy at Premium
11 Tickets as to what people were to be told or how
12 they would be sold when a customer walks in, how
13 you would sell them a ticket?

14 A. Was there a policy?

15 Q. Yeah. Or a script.

16 A. No.

17 Q. Employee training, anything like that?

18 A. No.

19 Q. Did you have any training of these
20 employees with regard to how you should read a
21 customer and what they should be told about the
22 service?

23 A. Yes.

24 Q. And tell me about that.

1 A. Just very basic about being courteous
2 and you ask the customer exactly what they are
3 looking for and ask them either what locations
4 they were looking to sit or if price was
5 more -- or what seats they wanted was dictated
6 by the price.

7 Q. How did you set the markup on
8 particular tickets?

9 A. Through research of my own and my
10 staff.

11 Q. Tell me about the research.

12 A. Everything from calling other ticket
13 brokers, my staff has gone into stores of ticket
14 brokers, and through the internet asking
15 pricing.

16 Q. When did you make this decision to
17 price tickets? Was it made at the beginning of
18 the season when you bought them? Did you change
19 the pricing from time to time?

20 A. What question are you asking here?

21 Q. When you set the price, that is, you
22 had a 26-dollar bleacher seat, when did you
23 decide I'm going to offer that bleacher seat for
24 \$50?

1 A. I had the entire season priced before
2 we opened, the beginning of the year.

3 Q. Other than this research, did you have
4 any discussions with anyone other than your
5 employees regarding how to price those tickets?

6 A. No.

7 Q. You priced them at the inception and
8 you never changed those prices throughout the
9 year?

10 A. No. I've changed them through the
11 year.

12 Q. Tell me how you changed prices. What
13 was that process?

14 A. What do you mean how was the process?

15 Q. Well, it's now late June and St. Louis
16 is coming back in August. Did you continue to
17 monitor the market and say, you know, I can get
18 more for those tickets?

19 A. Yes.

20 Q. And that was just an ongoing process.
21 Would you put that into the computer? How would
22 you then reflect the price change?

23 A. I have an Excel sheet that I priced
24 everything on.

1 Q. Was that then inputted into the
2 Tickets.com system?

3 A. No.

4 Q. How did you control -- So within the
5 Tickets.com system it was just the face price
6 for the ticket? I mean, if -- Let me give you a
7 hypothetical.

8 Someone calls up and says, I want a
9 ticket for the Cardinals game. So your person
10 goes to your account on Tickets.com and says, I
11 have two seats. They are club boxes, face price
12 \$36. Did the computer tell them what the price
13 was, or did they have to look at the sheet?

14 A. They had to look at the sheet.

15 Q. And you would update that sheet daily
16 and then distribute it to them?

17 A. No. It was on the computer.

18 Q. So they would look at the Tickets.com
19 terminal and then they would look at another
20 computer for the sheet?

21 A. It's all on one screen.

22 Q. They would quote that price to the
23 customer and they would print the ticket off the
24 Tickets.com system, and then they would also

1 print a receipt which would show the markup
2 price? Tell me how it happened.

3 A. If someone is going to buy a ticket --
4 we'll use the example they walk in the store and
5 they want to buy a ticket -- the first thing
6 they are asked is what game. Then my staff or
7 myself would have on our screen the Excel sheet.
8 we'd find the game, and we would give the price
9 range. Then they would ask what locations, and
10 we'd have a seating diagram and we'd show them
11 where the locations were.

12 If they wanted to buy it then, then we
13 tell them what the price would be. We have to
14 calculate for the amusement tax and all that.
15 We did all that on Excel. So we had the total
16 for what the cost was, and we'd let the customer
17 know what they are paying. Then we go into the
18 Tickets.com system, build them an account, sell
19 the tickets on the account, and then put the
20 charges on there, the amusement tax and then the
21 upcharge, and then you pay it off.

22 Q. When you say "build an account," you
23 would essentially establish an account for the
24 customer?

1 A. For the customer.

2 Q. With his name, address, credit card

3 number?

4 A. Right.

5 Q. And then the Tickets.com terminal would

6 print out the paper ticket that they would use

7 to get in?

8 A. Correct.

9 Q. And then simultaneously another printer

10 would print out the receipt?

11 A. There's a command you have to do within

12 the system, a command to print and then a

13 command --

14 Q. Why don't you go to the next exhibit.

15 Is that a ticket that was printed by the

16 Tickets.com system at Premium Tickets?

17 A. Yes.

18 Q. What exhibit is that? You're looking

19 at Exhibit C to the complaint?

20 MR. KLENK: It doesn't say that there, but I

21 think it probably is. It might be Exhibit D.

22 BY MR. BAUCH:

23 Q. Why don't you just describe what that

24 ticket is.

1 A. What do you want me to describe?

2 Q. What game, what date.

3 A. It's a Tuesday, June 25th, 2002,
4 1:20 game, Cubs vs. Reds, Section 33, Row 8,
5 Seat 2.

6 Q. Is there anything on that ticket that
7 tells you that it was sold by Premium Tickets?

8 A. Yes.

9 Q. What's that?

10 A. A code on the bottom here is our code
11 within our Wrigley Field Premium Tickets system.

12 Q. Can you just describe that for the
13 record?

14 A. It's a lower case W and then a 01.

15 Q. We were talking about Tickets.com would
16 print the ticket, and then the actual receipt
17 would show your purchase price printed on a
18 separate machine?

19 A. A separate printer.

20 Q. That was running off the Tickets.com
21 terminal still?

22 A. Right. There's a command that you hit
23 within the account that prints a receipt.

24 Q. Do you know who did the credit card

1 processing for Premium Tickets?

2 A. No, I don't know for sure.

3 Q. Did you have a swipe machine there for
4 credit cards?

5 A. No.

6 Q. There's no swipe machine at Premium
7 Tickets?

8 MR. KLENK: Asked and answered.

9 BY THE WITNESS:

10 A. No.

11 Q. How did you process credit card orders?

12 A. You type in the credit card number and
13 then you hit the command within the Tickets.com
14 system.

15 Q. So you had to actually key in their
16 number; you couldn't just swipe the thing?

17 A. Right.

18 Q. Have you determined how many tickets
19 Premium Tickets is going to purchase from the
20 Ball Club for the 2003 season?

21 A. No.

22 Q. Have you submitted an application to
23 buy bleacher tickets?

24 A. No.

1 Q. How many telephone numbers does Premium
2 Tickets have?

3 A. Two. We have an 800 number and then a
4 local number.

5 Q. Is the 800 number the consumer
6 complaint number, or is that a ticket --

7 A. It's the consumer complaint number.

8 Q. How many extensions do you have within
9 your local system?

10 A. There's three phones.

11 Q. Do you have professional standards
12 posted on your premises?

13 A. Posted on the wall?

14 Q. Yeah.

15 A. No.

16 Q. Do you have written professional
17 standards?

18 A. We do.

19 Q. Do you know how much you spent on
20 advertising for the year 2002?

21 A. Total number, no.

22 Q. Do you have an idea what you spent?

23 A. I don't, no.

24 Q. Do you get a financial report monthly

1 about how much money Premium Tickets is
2 spending?

3 A. No.

4 Q. Do you ever review the general ledger
5 for Premium Tickets?

6 A. No.

7 Q. Do you know what a general ledger is?

8 A. Yeah.

9 Q. Does somebody review it for Premium
10 Tickets?

11 A. I don't know.

12 Q. Is there any monthly financial report
13 that you receive?

14 A. A report on what tickets were sold
15 through the Season Ticket Exchange, season
16 ticketholders, yes.

17 Q. What type of financial reports do you
18 get?

19 A. The Season Ticket Exchange, season
20 ticketholders who have used the Season Ticket
21 Exchange, and then just a report that's printed
22 off the Tickets.com system.

23 Q. That shows how many tickets you sold?

24 A. How many tickets I've sold and gross

1 amounts.

2 Q. You don't get a monthly income
3 statement showing what your revenues and
4 expenses were?

5 A. No.

6 Q. Have you ever seen an income statement
7 for Premium Tickets showing what your revenues
8 and expenses were?

9 A. I don't know. I don't remember.

10 Q. Did you look at any documents to
11 prepare for your deposition today?

12 A. Did I look at any documents? Yes.

13 Q. What type of documents did you look at
14 for preparing for your deposition?

15 A. The press releases, the broker
16 registration, the advertising, the Tickets.com
17 statements, a final balance sheet. That's about
18 it.

19 Q. What do you mean by "final balance
20 sheet"?

21 A. Just a final printout of end of year
22 expenses.

23 Q. Was it a statement of income and
24 expenses?

1 A. I don't know exactly what you call it.
2 It's a balance sheet.

3 Q. Do you have an accounting background?
4 A. No.

5 Q. Do you know the difference between a
6 balance sheet and income statement?
7 A. No.

8 Q. Was this a statement that showed
9 revenues, sales, and then expenses?
10 A. Yes.

11 Q. Did it also show assets and
12 liabilities, that is, what you own and what you
13 owe?
14 A. No. It was just expenses and --

15 Q. Revenues, sales?
16 A. Yes.

17 Q. Who keeps Premium Tickets' books and
18 records, financial books and records?
19 A. Who keeps them?

20 Q. Yeah. Who maintains them?
21 A. If I had any accounting questions, Jodi
22 was the person that I asked.

23 Q. Who is Jodi?
24 A. Jodi is the vice president and

1 treasurer of Wrigley Field Premium Tickets.

2 Q. Does she have any position with the
3 Chicago Cubs?

4 A. Yes.

5 Q. What's her position there?

6 A. I think her title is controller.

7 Q. Where is her office?

8 A. Wrigley Field. All those services, any
9 accounting services I know Wrigley Field Premium
10 is charged for.

11 Q. How much are you charged for accounting
12 services?

13 A. It's \$1,000 a month.

14 Q. Do you get an invoice for that?

15 A. I don't know.

16 Q. Did you ever approve an invoice for
17 accounting services?

18 A. I don't know. I don't think so.

19 Q. Do you prepare like a monthly report
20 for the accountants, anything of that nature?

21 A. No.

22 Q. Do you know how much you paid in rent
23 last year for your space?

24 A. The lease that I signed was for \$200.

1 Q. Was that paid monthly?

2 A. That, I don't know.

3 Q. Do you know what the volume of sales
4 through the Ticket Exchange was last year?

5 A. Exact numbers, no.

6 Q. Approximately?

7 A. As far as what?

8 Q. What were the gross sales through the
9 Ticket Exchange?

10 A. I don't remember.

11 Q. Did Premium Tickets get a fee for
12 administering the Ticket Exchange?

13 A. Yes.

14 Q. What type of fee?

15 A. There was -- How much? I don't know.

16 Q. Is it a percentage of gross or per
17 transaction charge?

18 A. I don't know the exact details of it
19 all, how the money was broken down.

20 Q. Was there an agreement it had that
21 provides for its fee?

22 A. Say this question again.

23 Q. Did it have an agreement with someone
24 as to what its fee would be on the Ticket

1 Exchange?

2 A. Did it?

3 Q. Premium Tickets, did it have an
4 agreement with someone as to what the fee would
5 be for administering the Ticket Exchange?

6 A. I don't know.

7 Q. Does it have an agreement with a
8 company called Ticket Innovations to assist with
9 the Ticket Exchange?

10 A. Does Wrigley Field Premium?

11 Q. Right.

12 A. I don't know.

13 Q. Have you ever heard of a company called
14 Ticket Innovations?

15 A. Yes.

16 Q. What is your understanding of that
17 company?

18 A. They are the software company that
19 handles the Season Ticket Exchange.

20 Q. So they provide the software that runs
21 the Season Ticket Exchange?

22 A. The Season Ticket Exchange is through
23 the Cubs web site; ticket Innovations runs that
24 part. When inputting season ticketholders

1 tickets, inputting tickets in the system,
2 anything within that computer system is Ticket
3 Innovations.

4 Q. Does that run through the Tickets.com
5 system?

6 A. No.

7 Q. In those transaction, the season
8 ticketholder is actually the seller of the
9 ticket or the reseller; is that your
10 understanding?

11 A. No.

12 Q. Who is the reseller of the ticket?

13 A. Ticket Innovations is the one that
14 actually does the sale.

15 Q. So Ticket Innovations buys it from the
16 season ticketholder and then resells it to a
17 consumer?

18 A. I don't know if "buys" is the right
19 term. A season ticketholder posts what tickets
20 he wants to sell and what price. The sale, the
21 charge and all that is done through Ticket
22 Innovations. I don't know the connection
23 between the season ticketholder and Ticket
24 Innovations.

1 Q. Ticket Innovations doesn't buy the
2 ticket. It sort of just matches a buyer and a
3 seller; would that be an accurate description of
4 what's going on?

5 MR. KLENK: Objection, foundation.

6 BY MR. BAUCH:

7 Q. If you know.

8 A. I don't know.

9 Q. What type of services does Premium
10 Tickets provide in connection with the Ticket
11 Exchange?

12 A. Wrigley Field Premium prints out
13 reports that list the season ticketholder, what
14 tickets were sold, and who the purchaser was.
15 Then we log into Tickets.com just for the Season
16 Ticket Exchange and an account is built for the
17 buyer and the transfer is done from the season
18 ticketholder to the buyer.

19 Q. Do you know what your telephone expense
20 was last year for Premium Tickets?

21 A. No.

22 Q. Do you know what your interest expense
23 was on the intercompany account you had with
24 Tribune Company or the Cubs?

1 A. No.

2 Q. I'm going to start showing you some
3 documents and I'll have some questions about
4 those. There's a little Bates stamp number that
5 will be at the bottom of the page.

6 This is a document that was produced
7 during discovery. Do you recognize it?

8 A. I have seen this.

9 Q. Is this Premium Tickets' phone
10 directory?

11 A. That's what it says.

12 Q. And these are all your phone numbers
13 and extensions used in the operation of the
14 business?

15 A. These aren't numbers that we use.
16 These are numbers to the different phones.

17 Q. So some of these phones you don't use?

18 A. No. There's only two numbers that we
19 use, the toll free number and then the 477-2425.
20 Those are the only published numbers. Each
21 phone has a phone number, but I don't know how
22 that works.

23 Q. I think the accurate description is if
24 three calls come in at once on the same number,

1 they roll over to different lines?

2 A. Yes.

3 Q. But these are all phones or extensions

4 that are used in connection with the business?

5 A. Yes.

6 Q. What are the Yum Yum numbers? Are

7 those being used?

8 A. I don't know what they are used for.

9 Q. The will call window, did you have a

10 will call window?

11 A. No. That's Yum Yums. I don't know

12 what that is.

13 Q. 528-1455, is that a number you use?

14 A. No.

15 Q. Let me direct your attention to the

16 next document, which is 244. What is this?

17 A. It says it's a "Wrigley Field Premium

18 Ticket Services Phone Directory."

19 Q. At the bottom it says "For internal

20 purposes" and there's an extension. What does

21 that mean?

22 A. I don't know.

23 Q. Can you pick up your phone system,

24 punch in an extension, and dial over to Wrigley

1 Field?

2 A. I can.

3 Q. Let me direct your attention to the
4 next document, 245. Is that your city license?

5 A. The business license.

6 Q. Did you prepare an application for
7 this?

8 A. I did not.

9 Q. Do you know who did?

10 A. I don't know for sure.

11 Q. Do you know who paid the 125-dollar
12 fee?

13 A. I don't know how the payment was made.

14 Q. Let me ask you to look at Document 246.
15 Have you seen that before?

16 A. Yes.

17 Q. This is your acknowledgement of your
18 registration from the Illinois Secretary of
19 State?

20 A. Yes.

21 Q. Let me ask you to look at Document 248,
22 which is SBC advertising. Have you seen this
23 before?

24 A. No.

1 Q. Do you remember placing advertising in
2 the Yellow Pages on behalf of Premium Tickets?

3 A. Yes.

4 Q. Did you do that personally?

5 A. I mailed it in.

6 Q. Are you the advertising manager of
7 Premium Tickets?

8 A. I'm everything at Wrigley Field Premium
9 Tickets.

10 Q. I just want you to look at some
11 documents. They begin at 260, 61, 62, 63, 64.
12 I believe you testified before that you actually
13 prepared the logo that appears, the Cubs symbol
14 and the two tickets behind it?

15 A. Right.

16 MR. KLENK: On which document are you
17 talking about?

18 BY MR. BAUCH:

19 Q. It's actually on any of them, the Cubs
20 logo and the two tickets.

21 All these documents were prepared on
22 your computer by you or your staff?

23 A. 260, I don't know where that was
24 prepared. 261, 263, and 264 look like they are

1 business cards.

2 Q. Let's look at 261 and 262. Is that a
3 brochure you prepared?

4 A. Me and my staff.

5 Q. And what did you mean by the statement
6 "The only ticket service that is fully endorsed
7 by the Chicago Cubs"?

8 A. That we're the only ticket broker that
9 is endorsed by the Chicago Cubs.

10 Q. And what did you understand "endorsed"
11 to mean?

12 A. If you were going to buy from a ticket
13 broker, that the Cubs are okay with you buying
14 from Wrigley Field Premium Tickets.

15 Q. Do you understand that the Cubs weren't
16 okay with people buying from other ticket
17 brokers at this time?

18 A. Well, I don't know if it was -- if they
19 were okay or if they were not okay.

20 Q. Can you take a look at Document 287 and
21 on the back of 288. Is that your handwriting on
22 there?

23 A. No. On 287 and 288?

24 Q. Yeah.

1 A. No.

2 Q. Do you know whose handwriting that is?

3 A. I don't know.

4 Q. It says "Mark-Dan's staff." Is that
5 one of your employees, Mark?

6 A. No.

7 Q. 289, same question. Do you recognize
8 the handwriting?

9 A. No.

10 Q. You don't recognize that as either
11 being your handwriting or the handwriting of any
12 of your staff?

13 A. No.

14 Q. Let's look at 303 and 04. Have you
15 seen this before?

16 A. Yes.

17 Q. Is this a document you prepared?

18 A. Yes.

19 Q. And you prepared that on your computer?

20 A. Yes.

21 Q. What did you mean by you were
22 "Officially licensed"?

23 A. That we're officially licensed. We
24 have a license through the State of Illinois to

1 be a ticket broker.

2 Q. Dan, let me draw your attention to
3 Document 302. Have you ever seen that document
4 before?

5 A. Yes.

6 Q. And when did you first see it?

7 A. I don't remember when.

8 Q. Did you have anything to do with
9 negotiating the terms of that document?

10 A. No.

11 Q. Let me draw your attention to
12 Document 300 and 301, which should be right in
13 front of it. Have you seen that document
14 before?

15 A. Yes.

16 Q. Did you prepare that document?

17 A. No.

18 Q. Did you have any negotiations with the
19 Ball Club or Mr. McGuire regarding the contents
20 of this document?

21 A. Did I? No.

22 Q. Is that your signature on there?

23 A. Yes.

24 Q. Who gave you the document to sign?

1 A. I don't remember.

2 Q. Did you get it in the mail or
3 intercompany mail?

4 A. No.

5 Q. Somebody handed it to you personally?

6 A. Yeah. I don't remember who.

7 Q. Were you over at your office or the
8 Cubs office when you signed this?

9 A. I don't remember exactly where I signed
10 this.

11 Q. To the best of your knowledge, that
12 accurately sets forth the terms of the agreement
13 between Wrigley Field Premium Tickets and the
14 Cubs?

15 A. Say the question again.

16 Q. Does it accurately set forth the
17 agreement between Premium Tickets and the Cubs?

18 A. One more time.

19 MR. BAUCH: Can you read it back.

20 (Record read as requested.)

21 BY THE WITNESS:

22 A. Yes.

23 Q. Look at 304. Did you develop the sales
24 terms and conditions?

1 Q. Is this something you would have
2 printed?

3 A. Yes.

4 Q. And how did you prepare this?

5 A. I had an Excel spreadsheet that I
6 filled out.

7 Q. So essentially you were doing this
8 manually?

9 A. I'm punching all these numbers in.

10 Q. And this basically reflects the hours
11 that people were working and their rates?

12 A. Yes.

13 Q. And then where did you send this
14 report?

15 A. I sent it over to Maryjane over at
16 payroll with the Cubs.

17 Q. So this was sent to process the
18 payroll?

19 A. This was.

20 Q. Dan, let me ask you to look at the next
21 set of documents, which begins 000323. These
22 appear to be refund slips for, looks like, the
23 Daryll Kyle game.

24 Is this a form you prepared?

1 A. Yes.

2 Q. With respect to refunds, you prepared
3 these and then what did you do with them?

4 A. This is what I would fill out and
5 attach tickets and the receipt and turn in to
6 Jodi.

7 Q. And what did Jodi do with them, to the
8 best of your knowledge?

9 A. She wrote the check for the refund.

10 Q. There were refund checks issued?

11 A. Yesv.

12 MR. BAUCH: Why don't we take a quick break.

13 (A short break was had.)

14 BY MR. BAUCH:

15 Q. Dan, I'm going to give you a new stack
16 of documents. Don't be intimidated by it. I
17 want you to look at the first set, which begins
18 at 001063 and goes through 001155.

19 My first question is, have you ever
20 seen that document before?

21 A. Yes.

22 Q. When did you first see that document?

23 A. Well, I printed it up. The date on
24 here is the date I printed it. So that's the

1 first time I would have seen it.

2 Q. Where did you print it?

3 A. I printed it from my desk.

4 Q. Your desk at Premium Tickets?

5 A. At this time I didn't have an office.

6 Q. So this would have been over at Wrigley
7 Field?

8 A. Yes.

9 Q. Where was your office at Wrigley Field?

10 A. I didn't have an office. I had a desk.

11 Q. Where was your desk?

12 A. In the ticket office.

13 Q. Was it a nice desk?

14 A. It was all right.

15 Q. Is this a statement from the Chicago
16 Cubs to Premium Tickets for the tickets that
17 Premium Tickets was purchasing for the 2002
18 season?

19 A. Yes.

20 Q. And had you selected all these tickets
21 on behalf of Premium Tickets?

22 A. These were the tickets -- locations
23 that Frank gave me that he was willing to sell,
24 and I purchased them.

1 Q. I want to direct your attention to the
2 back page. Does that reflect that the face
3 value of these tickets was \$1,047,776?

4 A. That's the face value of all these
5 tickets, yes.

6 Q. And these were then transferred on the
7 Tickets.com computer to the Premium Tickets
8 account at this time?

9 A. No. They are on the Premium Tickets
10 account in the Cubs system. I have a separate
11 system for Wrigley Field Premium Tickets that
12 there's nothing on that I had to go and input
13 every single one of these tickets into the
14 Wrigley Field Premium system.

15 Q. So you had to take this statement and
16 manually input that?

17 A. Yes.

18 Q. Did you pay by Visa, Mastercard, or
19 Discover card at the time this invoice was
20 issued?

21 A. No.

22 Q. Did you make a check payable to Chicago
23 Cubs and send it to the Chicago Cubs ticket
24 office?

1 A. At this time, no.

2 Q. Were these inputted into the
3 Tickets.com system; were they put on that server
4 only under Premium Tickets' name?

5 MR. KLENK: Objection, foundation.

6 BY THE WITNESS:

7 A. I don't know what you're asking.

8 Q. This invoice was printed out?

9 A. Yes.

10 Q. Presumably these tickets are now taken
11 out of the Cubs system or shown as sold or not
12 available?

13 A. They are sold on the Cubs system.

14 Q. And then you said you had to input
15 these into the Premium Tickets system?

16 A. Yes.

17 Q. Were they being put, though, back onto
18 a Tickets.com system?

19 A. Tickets.com runs the software both for
20 the Cubs and Wrigley Field Premium.

21 Q. But you actually had to manually type
22 in every single seat?

23 A. Every single seat, every section.

24 Q. They didn't hire somebody to do that

1 for you?

2 A. They hired me to do it.

3 Q. Why did you decide to purchase a
4 million dollars worth of tickets?

5 A. I purchased these tickets because these
6 were tickets that I thought we were going to be
7 able to sell.

8 Q. I want to direct your attention -- Let
9 me ask you to look at Document 1163, and why
10 don't you look at 1164 too.

11 Are those letters you prepared?

12 (Witness viewing documents.)

13 BY THE WITNESS:

14 A. Yes.

15 Q. Were these mailed out to people or
16 handed out at the office, put in with the
17 tickets when you delivered them?

18 A. 1163 was just a basic thank you when
19 somebody bought tickets from us. We put them in
20 an envelope when they picked them up or we sent
21 them out.

22 Q. And the second one?

23 A. The second one was after the game that
24 was cancelled, this is what I put in with the

1 refund check.

2 Q. From the Daryll Kyle game?

3 A. From the Daryll Kyle game.

4 Q. Did Jodi send checks back to you and
5 you mailed them out?

6 A. Yes.

7 Q. In 63 you make a statement "Our prices
8 will also be comparatively lower than our
9 competitors and we provide refunds for rainouts
10 and game cancellations." What was the basis for
11 that statement?

12 A. What do you mean "What was the basis"?

13 Q. I assume by "competitors" you meant
14 other ticket brokers?

15 A. Yes.

16 Q. Had you done some research to show that
17 you were selling for less than other ticket
18 brokers?

19 A. Yes.

20 Q. Do you know whether other ticket
21 brokers provide refunds for rainouts and game
22 cancellations?

23 A. I don't know.

24 Q. Let me direct your attention to

1 Document 1165. Is that a letter you prepared?

2 A. Yes, with my staff.

3 Q. Who did you send that to?

4 A. Hotels in the Chicago area.

5 Q. Let's take a look at the next document,
6 which begins 1166. This is a State of Illinois
7 payroll tax return. Have you ever seen this
8 before?

9 A. No.

10 Q. Can you look through the document for a
11 minute.

12 (Witness viewing documents.)

13 BY THE WITNESS:

14 A. Okay.

15 Q. This is a return for the second quarter
16 which shows that Premium Tickets had no
17 employees for the first two months and then one
18 employee for the third month. Do you see that?

19 A. Yes.

20 Q. Is that when you actually went to work
21 for Premium Tickets?

22 A. I don't know how to read this.

23 Q. Why don't you go to the next document,
24 which starts at 1170. This is another of these

1 state tax reports which shows for the next
2 quarter, the third quarter, quarter ending
3 9/30/02, four employees for Premium Tickets.
4 Have you ever seen these reports before?

5 A. No.

6 Q. During those quarters that would be you
7 and the three other employees, to the best of
8 your knowledge?

9 A. Again, I wouldn't know how to read
10 this.

11 Q. Just go to 1180 quickly, which is the
12 lease. Did you sign that? Is that your
13 signature on there?

14 A. Yes.

15 Q. Do you know whether Premium Tickets has
16 paid any of the other charges called for under
17 the lease other than the rent, such as taxes?

18 A. That, I don't know.

19 Q. Did you get any billing from the
20 landlord for taxes, real estate taxes due?

21 A. I did not see it.

22 Q. When did you start occupying the
23 second floor office at 2711 through 27 North
24 Clark?

1 MR. KLENK: I object to the form of the
2 question.

3 BY MR. BAUCH:

4 Q. Do you understand? I guess I should
5 say 3717 North Clark is your address.

6 A. I don't remember the exact date.

7 Q. Let me ask you this: When did you
8 physically move over to 3717 North Clark?

9 A. Again, I don't remember. Sometime
10 after I was hired. I don't remember the exact
11 date.

12 Q. Did you start using the upstairs office
13 from the day you went over there?

14 A. Yes.

15 Q. Do you remember when you signed the
16 lease?

17 A. No, I don't.

18 Q. Let me ask you to look at
19 Document 5032 -- Hang on. Actually, before we
20 go on, I'm going to show you Document D001193,
21 which is a general ledger printout. Have you
22 ever seen that document before, anything like
23 this?

24 A. I don't remember. I don't know if

1 that's -- I don't remember.

2 Q. It wasn't part of your practice to
3 review something like that on a monthly or daily
4 basis?

5 A. That wasn't part of my job
6 responsibilities.

7 Q. In connection with the buildout and the
8 equipping of Wrigley Field Premium Tickets, did
9 you negotiate with any vendors to purchase
10 furniture, computer equipment, telephone
11 systems, anything like that?

12 A. No.

13 Q. That was all there when you got there?

14 A. No.

15 Q. When you took possession of the space,
16 was it up and running at the time, meaning you
17 had phones working, computer terminals?

18 A. When I got over there, yes.

19 Q. Do you know who took care of getting
20 all the equipment in and getting things up and
21 running?

22 A. I know Wrigley Field Premium performed
23 computers for over there.

24 Q. But you don't know which individual --

1 You didn't do that personally?

2 A. I did not do that personally.

3 Q. Here's another stack of documents for
4 you. Dan, let me just ask you a question about
5 the first document, which is 001446. Have you
6 ever seen that before?

7 A. Yes.

8 Q. Is that the balance sheet that we were
9 talking about earlier?

10 A. This, no.

11 Q. Why don't you look at the next page,
12 1447.

13 A. Yes.

14 Q. Have you seen that before?

15 A. Yes.

16 Q. And the following page, 1448.

17 A. Yes.

18 Q. Is that sort of the balance sheet or
19 the income statement you were talking about?

20 A. Yes.

21 Q. When is the first time you saw this?

22 A. I don't remember.

23 Q. Did you get this in like interoffice
24 mail, did somebody hand it to you?

1 A. I got it from Carl the first time I saw
2 it.

3 Q. Did Carl just say, Here's a financial
4 statement for the company?

5 A. Yes.

6 Q. Did you have any discussion with him
7 over the financial statement?

8 A. No.

9 Q. Did he say anything like, You're doing
10 great over there?

11 A. No. We didn't really discuss it.

12 Q. Just sort of for your information?

13 A. More or less.

14 Q. Dan, let me ask you to take a look at
15 Document 5031. Have you ever seen that before?

16 A. I've never seen this.

17 Q. Let me ask you to turn, actually, back
18 a little bit to a document beginning with 5026,
19 which looks like a computer printout. Do you
20 recognize that document?

21 A. Yes.

22 Q. Have you seen that before?

23 A. Yes.

24 Q. When did you first see it?

1 A. Again, I don't remember the dates.

2 Q. Is that something you would have

3 printed off a system?

4 A. Yes.

5 Q. Is this a computer system or is this an

6 Excel spreadsheet?

7 A. This is an Excel spreadsheet.

8 Q. So essentially this was manually

9 prepared by you?

10 A. Yes.

11 Q. And does this reflect tickets that

12 Premium Tickets was acquiring for the season?

13 A. Yes.

14 Q. Can you look at the next page, which is

15 handwritten notes, 5027. Do you recognize the

16 handwriting?

17 A. Yes.

18 Q. And whose handwriting is that?

19 A. This is Frank's.

20 Q. These were the specific tickets that

21 were being allocated?

22 A. That I was purchasing, yes.

23 Q. Let me ask you to take a look at 5032,

24 which on mine the numbers are cut off but it's

1 Mark's letter to season ticketholders. Did you
2 participate in drafting this letter at all?

3 A. No.

4 Q. Did you see it before it went out?

5 A. Yes.

6 Q. Did anybody ask you to approve it or
7 comment on it?

8 A. No.

9 Q. The next page, the Qs and As, same
10 questions. Did you see this before it went out?
11 Did you participate in drafting it?

12 A. What question do you want to ask?

13 MR. KLENK: One at a time.

14 BY MR. BAUCH:

15 Q. Did you see this before it went out?

16 A. Yes.

17 Q. Did you participate in drafting it?

18 A. No.

19 Q. Did anybody ask to you approve it?

20 A. No.

21 Q. Take a look at 5034. What is 5034?

22 A. I've never seen this before, but --

23 I've never seen this before.

24 Q. Have you ever seen anything like this

1 before?

2 A. Yes.

3 Q. What did you see like this before?

4 A. The confirmation -- Let me read it.

5 (Witness viewing documents.)

6 BY THE WITNESS:

7 A. This would be an e-mail that Ticket
8 Innovations sends to the season ticketholder
9 alerting them that their tickets were sold.

10 Q. So Premium Tickets wouldn't have
11 initiated this e-mail?

12 A. No.

13 Q. Let me direct your attention to 5035,
14 which is a picture of a Cubs web site ticket
15 availability. Did you have anything to do with
16 reporting to the web site regarding ticket
17 availability?

18 A. No.

19 Q. Do you know who in the Cubs
20 organization did report ticket availability to
21 the web site?

22 A. No idea.

23 Q. Let me ask you to take a look at 5036.
24 Have you ever seen that before?

1 A. No.

2 Q. Have you seen anything like that

3 before?

4 A. No.

5 Q. Any idea where this report may have

6 been printed?

7 A. No.

8 Q. Let me ask you to look at the next

9 page, 5037. Have you seen this report before?

10 A. No.

11 Q. Have you seen anything like it before?

12 A. No.

13 Q. Do you have any idea who would have

14 printed this?

15 A. No.

16 Q. Does Premium Tickets get a similar

17 report for its inventory that looks like this?

18 A. No.

19 Q. Can you print an inventory report from

20 Tickets.com as to what you've got left in your

21 account to sell?

22 A. In my system there is no account. My

23 Tickets.com system isn't an account. All the

24 seats are programmed -- I input the tickets.

1 There is no account in the Tickets.com system
2 for Wrigley Field Premium.

3 Q. Can you get a report off that system
4 that shows what your inventory to sell is?

5 A. Yes, but I've never printed anything
6 like this.

7 Q. It doesn't look like this, what you
8 get?

9 A. I've never printed one up.

10 Q. You just get a screen?

11 A. Well, yeah. I've never printed a
12 report of availability off Tickets.com.

13 Q. Does the screen show this type of
14 format with these scales across the top?

15 A. Not what I can pull up, no.

16 Q. When you were working in the Cubs
17 ticket office, did you have any involvement in
18 monitoring ticket scalpers or ticket brokers?

19 A. No.

20 Q. Did you ever get any reports about
21 ticket brokers or tickets scalpers?

22 A. No.

23 MR. BAUCH: I think we're almost done. Let
24 me take a quick break.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

(A short break was had.)

BY MR. BAUCH:

Q. Just a couple follow-up questions.

Did you have anything to do with a book called "Wrigley Field, a Celebration of the Friendly Confines"?

A. No.

Q. Do you know what I'm talking about?

A. Yes.

Q. Have you seen this book?

A. I think so.

Q. Did you get a copy of it?

A. No. Never even looked at it.

Q. You were not involved in the Cubs season ticketholder policy when you worked for the Cubs?

A. No, not my job.

Q. With respect to transactions where you would sell tickets back to the Cubs box office, did people from the box office call you and ask you whether you had tickets left to sell?

A. No.

Q. You would basically call Frank or someone there and say, I've got extra tickets

1 and then you would initiate those transactions?

2 A. If I had tickets that I could not sell?

3 Q. Yeah.

4 A. Yes, I would let Frank know.

5 Q. How far before the game would you make

6 a decision to call them?

7 A. It varied.

8 Q. Can you give me some approximations?

9 A. Anywhere from a month to a day.

10 Q. Did you ever do like the morning of the

11 game where you have extra tickets?

12 A. Yes.

13 Q. I may have asked you this. How did you

14 actually effectuate that transaction to get them

15 back into the Cubs system?

16 A. Again, I have two systems. So I have

17 to take the seats off my Wrigley Field Premium

18 system, I have to take them off, and then I have

19 to go into the Cubs system, into the Wrigley

20 Field Premium account, and return them off of

21 that account.

22 Q. And you had to do that manually?

23 A. Yes.

24 Q. You had to type each seat into the

1 computer again?

2 A. Yes.

3 Q. Have you spoken with anybody about this
4 lawsuit?

5 A. Yes.

6 Q. Who did you speak to?

7 A. Family, friends.

8 Q. What did you say to them?

9 A. I said I was getting deposed on
10 Wednesday.

11 Q. Did you tell them you were going to be
12 famous as a result of this?

13 A. I did not.

14 Q. When you had your first conversation
15 with Mr. Maloney about going to work for Premium
16 Tickets, did you discuss with him the prospect
17 of getting your old job back with the Ball Club
18 if Premium Tickets didn't work out?

19 A. I wasn't guaranteed anything.

20 Q. He didn't make you any promises?

21 A. No.

22 Q. Did he say anything like that he would
23 favorably consider you?

24 A. I wish he did.

1 MR. BAUCH: We're done.

2 MR. KLENK: Reserved.

3 (Witness excused.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24 STATE OF ILLINOIS)
) SS.

1 COUNTY OF COOK)
 2 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, CHANCERY DIVISION
 3
 4 PETER JOHN CAVOTO, JR., on)
 behalf of similarly situated)
 class members,)
 5)
 Plaintiff,)
 6)
 vs.)No. 02 CH 18372
 7)
 CHICAGO NATIONAL LEAGUE BALL,)
 8 CLUB, INC., a Delaware)
 corporation; and WRIGLEY FIELD)
 9 PREMIUM TICKET SERVICES, INC.,)
 a Delaware corporation,)
 10)
 Defendants.)
 11

12 I, DANIEL VINCENT GUZA, being first
 13 duly sworn, on oath, say that I am the deponent
 in the aforesaid deposition, that I have read
 14 the foregoing transcript of my deposition taken
 January 29, 2003, consisting of pages 1 through
 15 106 inclusive, taken at the aforesaid time and
 place and that the foregoing is a true and
 correct transcript of my testimony so given.

16 _____ Corrections have been submitted
 17 _____ No corrections have been submitted

18
 19 DANIEL VINCENT GUZA

20 SUBSCRIBED AND SWORN TO
 before me this _____ day
 21 of _____ A.D., 2003.

22
 23 _____
 NOTARY PUBLIC

24 STATE OF ILLINOIS)
) SS:

1 COUNTY OF C O O K)

2

3 I, Tina M. Alfaro, Registered Merit
4 Reporter and Notary Public in and for the County
5 of Cook, State of Illinois, do hereby certify
6 that on the 29th day of January, A.D., 2003 the
7 deposition of the witness, DANIEL VINCENT GUZA,
8 called by the plaintiff, was taken before me,
9 reported stenographically and was thereafter
10 reduced to typewriting through computer-aided
11 transcription.

12 The said witness, DANIEL VINCENT GUZA,
13 was first duly sworn to tell the truth, the
14 whole truth, and nothing but the truth, and was
15 then examined upon oral interrogatories.

16 I further certify that the foregoing is
17 a true, accurate and complete record of the
18 questions asked of and answers made by the said
19 witness, at the time and place hereinabove
20 referred to.

21 The signature of the witness was waived
22 by agreement.

23

24 The undersigned is not interested in

1 the within case, nor of kin or counsel to any of
2 the parties.

3 Witness my official signature and seal
4 as Notary Public, in and for Cook County,
5 Illinois on this 30th day of January, A.D.,
6 2003.

7

8

9

10

Tina M. Alfaro, CSR, RMR
Notary Public
312 West Randolph Street
Suite 550
Chicago, Illinois 60606

11

12

13

License No. 084-004220

14

15

16

17

18

19

20

21

22

23

24