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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

CHRYSLER CORPORATION,

Plaintiff,

-vs-

No. 94-489177-CZ
Hon. Edward Sosnick
BOOK I

PAUL SHERIDAN,

Defendant.

The deposition of JOHN M. FONGER,
taken pursuant to the Michigan General Court Rules before
Rose Ann Zaidan, a Notary Public in and for the County of
Oakland, State of Michigan, at 525 Woodward Avenue,
Bloomfield Hills, Michigan, on Thursday, April 27, 1995,
commencing at or about the hour of 10:10 o'clock A. M.

APPEARANCES:

DICKINSON, WRIGHT, MOON, VAN DUSEN & FREEMAN,
BY THOMAS G. KIENBAUM, ESQ., (P15945),
and ROBERT B. BROWN, ESQ., (P51378),
500 Woodward Avenue, Ste. 4000, Detroit, MI
48226, 313-223-3500, appearing on behalf of the
Plaintiff.

CHAMBERS STEINER, P. C., BY COURTNEY E. MORGAN, ESQ.,
(P29137), 1490 First National Building, Detroit,
MI 48226, 313-961-0130, appearing on behalf of
the Defendant.

ALSO PRESENT: MR. PAUL SHERIDAN

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Rose Ann Zaidan, CSR-2217, RPR

1 the printing looks similar to what was on the other
2 documents.

3 Q. What was on the other documents, meaning this
4 looks similar to other printing you've seen that you know
5 is Mr. Crossman's?

6 A. That appears similar to Mr. Crossman's.

7 Q. Okay. Do you know Seymour Kliger?

8 A. I have never met Mr. Kliger.

9 Q. Do you know -- what do you know about him?

10 A. I know that Mr. Kliger is -- works at Garrity
11 Dodge and works in sales, has a travel agency, was possibly
12 involved working in a company which I believe is E-C-C-O or
13 E-O-O-C -- ECCO, that Mr. Kliger knows many people from
14 Chrysler because he sold them vehicles, and that's about
15 it.

16 Q. Have you ever spoke with Mr. Kliger?

17 A. No.

18 Q. Did you intend as part of this investigation to
19 speak with Mr. Kliger?

20 A. I am directed by Counsel and I have not spoken
21 to Mr. Kliger.

22 Q. Okay. I understood that you haven't. You
23 already answered that question. I asked you if you had
24 intended as part of this investigation to speak to Mr.

1 Kliger. Remember what you said about responding to the
2 questions; they're important if you don't.

3 MR. KIENBAUM: Come on. Is that a sense of
4 humor I see appearing across this table there? What is the
5 question now?

6 A. Did I ever intend to talk to Seymour Kliger?

7 Q. (BY MR. MORGAN) Yes, as part of this
8 investigation.

9 A. My answer is that somebody from the
10 investigative team would talk with Mr. Kliger, yes.

11 Q. (BY MR. MORGAN) Okay. Was there someone who
12 you anticipated was going to do that?

13 A. I presented the facts to Counsel and Counsel
14 made the decision who would talk to Mr. Kliger.

15 Q. Okay. And was the decision no one?

16 MR. KIENBAUM: Well, the decision of Counsel
17 I don't think -- as communicated to him I don't think you
18 need to get into.

19 Q. (BY MR. MORGAN) Is it true that your
20 investigative team did not speak to Mr. Kliger upon advice
21 of Counsel?

22 MR. KIENBAUM: Well, again, that's -- why
23 don't we leave it the fact that they didn't, that he
24 intended to. He spoke with Counsel. I mean why get into

1 A. That's what the statement he made to us was.

2 Q. He was apparently successful, then, wasn't he?

3 MR. KIENBAUM: That is your question?

4 Q. (BY MR. MORGAN) Mr. Sheridan, neither his
5 report nor his name got into the press with respect to thi
6 Automotive News article, is that correct?

7 MR. KIENBAUM: What do you mean by his
8 report?

9 MR. MORGAN: His status report. Do you wan
10 the exhibit number? Is that what you're asking me?

11 MR. KIENBAUM: Well, no, I just want it
12 identified as we --

13 MR. MORGAN: Exhibit 22.

14 A. His name was not mentioned and nor was the
15 status report.

16 Q. (BY MR. MORGAN) Okay. Keep reading.

17 A. "His problem was he never told Seymour to keep
18 this info tight. He knew he was in trouble with memo to
19 Ted and this would make it worse."

20 Q. Have you ever considered whether or not Mr.
21 Kliger (KLI-ger) or Kliger (KLI-ger) would have any motive
22 to want to hurt Chrysler?

23 A. Not to my knowledge.

24 Q. He is a man whose income, because he works for

1 Garrity Dodge, depends upon, does it not, the financial
2 health of the Chrysler Corporation?

3 A. At least part of his income, yes.

4 Q. And a significant, as I understand it, a
5 significant part of the Chrysler income is based upon
6 minivan sales, isn't it?

7 A. You'd have to ask somebody else. I'm not
8 really an expert on our income.

9 Q. I mean did this thought cross your mind why in
10 the world would Kliger ever give this stuff to Bohn?

11 A. Yes.

12 Q. It did?

13 A. (Nodding).

14 Q. What was your thought process on it?

15 A. It was a question that was unanswered.

16 Q. It seems a little inconsistent, doesn't it?

17 MR. KIENBAUM: Inconsistent with what?

18 MR. MORGAN: With what you know about Mr.
19 Kliger.

20 MR. KIENBAUM: Well, let's get down what he
21 knows about Mr. Kliger so as to be inconsistent. You mean
22 just that he works for a dealership?

23 A. What I know about Mr. Kliger is very limited,
24 as I told you, and I don't know. He might have a very big

1 reason, but I don't know.

2 Q. (BY MR. MORGAN) Okay. Is that something that
3 you intended to investigate?

4 A. I intended to find out if Mr. Kliger gave the
5 information to Mr. Bohn.

6 Q. And in the course of that would you have wanted
7 to investigate or try and determine a motive Mr. Kliger
8 had, one either for or against the proposition that he may
9 have given items to Mr. Bohn?

10 A. If Mr. Kliger would admit that he gave those
11 items to Mr. Bohn, I would have asked the question why, the
12 same as I asked the question of Mr. Sheridan.

13 Q. Okay. But you would agree with me as you sit
14 here today that it seems an unusual circumstance for
15 someone who apparently would be -- would want to be loyal
16 and whose financial livelihood is tied to the Chrysler
17 Corporation would do something that would hurt the
18 corporation or could hurt the corporation?

19 MR. KIENBAUM: Well, let's take that apart.
20 You're asking him whether it would be unusual for somebody
21 to take an action that hurts somebody if all the other
22 things are true, if they're true?

23 MR. MORGAN: You have my question.

24 THE WITNESS: Can you read it back?

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

CHRYSLER CORPORATION,

Plaintiff,

--vs--

No. 94-489177-CZ
Hon. Edward Sosnick

PAUL SHERIDAN,

Defendant.

The deposition of MICHAEL J. KROTCHÉ,
taken pursuant to the Michigan General Court Rules before
Rose Ann Zaidan, a Notary Public in and for the County of
Oakland, State of Michigan, at 525 Woodward Avenue,
Bloomfield Hills, Michigan, on Wednesday, April 5, 1995,
commencing at or about the hour of 9:00 o'clock A. M.

APPEARANCES:

DICKINSON, WRIGHT, MOON, VAN DUSEN & FREEMAN,
BY JOHN E. SCOTT, ESQ., (P20164),
and ROBERT B. BROWN, ESQ., (P51378),
500 Woodward Avenue, Ste. 4000, Detroit, MI
48226, 313-223-3500, appearing on behalf of the
Plaintiff.

CHAMBERS STEINER, P. C., BY COURTNEY E. MORGAN, ESQ.,
1490 First National Building, Detroit, MI
48226, 313-961-0130, appearing on behalf of the
Defendant.

ALSO PRESENT: MR. PAUL SHERIDAN
GREGORY S. MUZINGO, ESQ.

- - -

Rose Ann Zaidan, CSR-2217, RPR

1 Q. You indicated that you know Seymour Kliger?

2 A. Yes, sir.

3 Q. How do you know him?

4 A. Seymour has been at Garrity Dodge for a number
5 of years. My brother-in-law has bought vehicles from
6 Seymour, my brother has bought vehicles from Seymour. I've
7 taken vehicles over there for service and talked to
8 Seymour. Basically professionally. You know, I've met him
9 a number of times.

10 Q. You certainly knew how to find Seymour Kliger
11 any time you wanted to find him, would that be correct?

12 A. No.

13 Q. You wouldn't be able to call Garrity Motors and
14 ask for Seymour?

15 A. I could call Garrity Motors, yes.

16 Q. Did you at any time talk -- attempt to talk to
17 Seymour Kliger about this investigation?

18 A. No.

19 Q. Were you directed not to do so?

20 A. Counsel advised us not to speak to Mr. Seymour
21 Kliger.

22 Q. When were you advised not to speak to a witness
23 in this case?

24 A. I believe on or about January 13th, 1995.

1 Q. Were you given a reason?

2 MR. SCOTT: Well, I'll object to that
3 question on the grounds that it would invade the
4 attorney/client privilege and instruct the witness not to
5 answer.

6 Q. (BY MR. MORGAN) Did you have an intention of
7 your own investigative agenda, if I may use that term, to
8 interview Seymour Kliger?

9 A. I would assume we would have done it, yes, sir.

10 Q. In order to do a complete investigation you
11 would agree that a discussion with Seymour Kliger would be
12 appropriate?

13 A. From an investigatory standpoint, I would think
14 so.

15 Q. And you -- at no time, however, prior to
16 January 13 did you attempt to interview Mr. Kliger
17 regarding this case?

18 A. Again, based upon advice from Counsel, we had
19 not met with Mr. Kliger at that point, no.

20 Q. Well, you told me that you were advised by
21 Counsel on January 13 not to talk to Mr. Kliger.

22 A. Yes.

23 Q. And my question was directed to the time period
24 before January 13. So your failure to speak to Mr. Kliger,

1 if you told me the truth that you were advised on January
2 13 not to talk to Seymour Kliger, cannot be because you
3 were advised by Counsel.

4 MR. SCOTT: That's a statement. You don't
5 need to answer.

6 Q. (BY MR. MORGAN) Isn't that correct, sir?

7 A. No, sir.

8 Q. Is it true that you were advised by Counsel on
9 January 13, 1995, not to talk to Seymour Kliger?

10 A. Yes, sir.

11 Q. But your intention was prior to that to do so?

12 A. At a point prior to that, yes.

13 Q. Did you have some other conversation with
14 Counsel wherein you were advised not to talk to Seymour
15 Kliger?

16 A. There was a point in time in discussions
17 with our boss that we talked about interviewing Mr. Kliger,
18 but --

19 Q. (Interposing) That would be Mr. Miller you're
20 talking about?

21 A. Yes, among others. Plus the three
22 investigators, we discussed it. But there was a point in
23 time that -- and I don't know if it was Mr. Ridella or who
24 it was advised against talking to Mr. Kliger until they had

1 a time to -- till we had this February -- January 13th
2 meeting.

3 Q. When were you -- when did you discuss with Mr.
4 Miller your intention to interview Mr. Kliger?

5 A. Probably -- probably the week after -- the week
6 of the new year -- after we came back from the holiday.

7 Q. Would it be January 3?

8 A. I would think so.

9 Q. That's an assumption on your part?

10 A. Sometime in that period of time, yes.

11 Q. Okay. Did the three investigators, did they
12 discuss interviewing Mr. Kliger at any time prior to the
13 first week of January?

14 A. We had certainly discussed it, yes.

15 Q. How many times?

16 A. I have no idea.

17 Q. Sometime between January -- I'm sorry --
18 December 13 and December 31 you discussed it several times?

19 A. I would say between December 19th and probably
20 January 13th we had talked about it, yes.

21 Q. All right. Well, you didn't discuss it between
22 the 13th and the 19th?

23 A. If we did, it would probably have been simply
24 as an overview of where we were at at the time. I would

1 think we may have, but I don't remember or recall
2 specifically saying, well, we got over to go over and talk
3 to Kliger now. I'm sure we all in the back of our minds --
4 we may have talked about it, but it really wasn't that
5 pointed at that point in time.

6 Q. Well, did it ever become pointed?

7 A. Certainly.

8 Q. When?

9 A. Following -- following the 19th and then
10 following the point in time that we had Mr. Sheridan's
11 statement we probably -- I'm sure we talked about it.

12 Q. Okay. Were the phones in Highland Park out of
13 order or something during that time period?

14 A. Not that I know of.

15 Q. So, on the 19th, if you had wanted to, you
16 could have picked up the phone, dialed Mr. Kliger's number
17 there at Garrity, and asked to speak to Seymour, couldn't
18 you?

19 A. Certainly.

20 Q. You didn't do it?

21 A. No.

22 Q. And through the balance of the year the phones
23 weren't out of order; you could have called him at any
24 time, right?

1 A. Certainly.

2 Q. Where is Garrity Motors, by the way, in
3 relationship to your office?

4 A. About a mile.

5 Q. About a mile. Without telling me what they
6 were, were you given reasons by Counsel why not to talk to
7 Seymour?

8 MR. SCOTT: Objection, calls for an invasion
9 of the attorney/client privilege. You're instructed not to
10 answer.

11 MR. MORGAN: I don't think it does. That's
12 why I asked the question the way I asked it.

13 MR. SCOTT: I disagree with you.

14 MR. MORGAN: I'm entitled to get some idea
15 of the conversation. It may or may not be privileged, Mr.
16 Scott. You are not in charge of that.

17 MR. SCOTT: I respectfully disagree with you
18 and instruct the witness not to answer.

19 MR. MORGAN: You disagree with me that you
20 are in charge of the privilege, not the Court, is that your
21 position?

22 MR. SCOTT: I have made my objection and my
23 objection is on the record. I do not intend to debate with
24 you.

1 Q. (BY MR. MORGAN) Did you at any time discuss
2 speaking with Mr. Bohn?

3 A. No.

4 Q. You never serious -- you never considered at
5 all contacting Mr. Bohn about his article?

6 MR. SCOTT: Do you -- I'm sorry. I heard
7 you say -- did you say Bohn?

8 MR. MORGAN: Mr. Bohn.

9 MR. SCOTT: All right. I'm sorry. I
10 misheard. I apologize.

11 A. Are you saying me specifically?

12 Q. (BY MR. MORGAN) Yes, you.

13 A. No.

14 Q. Did anyone that you spoke with ever discuss the
15 possibility that an attempt should be made to interview Mr.
16 Bohn?

17 A. No.

18 Q. Okay. So, in all of your investigation in this
19 case the subject matter of talking to Joe Bohn about his
20 article never came up?

21 MR. SCOTT: Well, I'm going to object. You
22 may answer the question other than as it relates to your
23 conversations with Counsel.

24 A. No, we discussed it very briefly and

1 immediately terminated any discussions because we were of
2 the opinion that no way would Joe Bohn discuss his source
3 of information.

4 Q. (BY MR. MORGAN) Who's "we," now?

5 A. Brian Bradley, Fonger and myself.

6 Q. All right. So your testimony earlier that no
7 discussion was had about talking to Joe Bohn, that was an
8 error? You did talk about it, but only briefly, is that
9 your testimony?

10 A. You asked about me personally. We talked
11 about --

12 Q. (Interposing) Then I asked you --

13 MR. SCOTT: (Interposing) Wait. Wait. Let
14 him finish his answer, please.

15 A. We at some point in time, and I believe it may
16 have been shortly after the interviews with Mr. Sheridan,
17 we said no. "Where do we go from here?" And the interview
18 with Joe Bohn, "Forget it. He's not going to release his
19 source of information." And we just discounted it at that
20 point in time and proceeded no farther.

21 Q. (BY MR. MORGAN) Well, who did you consider to
22 be the investigator principally in charge of this
23 investigation?

24 A. John Fonger.