

Page 13

1 that the witness' testimony not be
2 permitted in any of the Wise and Julian
3 cases and if other counsel wish to join,
4 I'm sure they will state additional
5 objections.

6 MS. NIELSEN: Christina Nielsen
7 on behalf of the O'Brien Law Firm
8 plaintiffs will join in the objection.

9 MR. GIANARIS: Ted Gianaris on
10 behalf of Simmons plaintiffs joins.

11 Just to make the record clear,
12 there is just one misstatement. It was
13 Judge Mendelson made the Order on
14 Friday. Judge Byron was on trial.

15 For the record, my firm filed a
16 Motion to Quash on Friday because the
17 original disclosure was, in my mind,
18 inadequate. The judge ordered that a
19 deposition transcript be provided by the
20 end of the business day. On Friday, I
21 was provided with trial testimony on
22 Friday. When I got home on Saturday to
23 read it, realized it was not a
24 deposition, but was trial testimony.
25 Obviously trial testimony does not flush

Page 15

1 provided to plaintiffs in the interim,
2 and I think the list that Mr. Gianaris
3 referred to is a subset of the larger
4 list that was previously provided to
5 plaintiffs' counsel. This is not a new
6 list. It is just a specification, a
7 breaking out of our larger list.

8 MR. KAY: Do you have a Proof of
9 Service that the deposition transcript
10 was provided to the plaintiffs? We
11 never got those.

12 MS. ROSENBERG: I believe this
13 was provided yesterday. I don't have
14 the Proof of Service with me.

15 MR. KAY: Monday before the day
16 of the deposition?

17 MS. ROSENBERG: That's correct.

18 MR. KAY: To Wise and Julian?

19 MS. ROSENBERG: I believe to all
20 plaintiffs.

21 MR. GIANARIS: We can deal with
22 all this later. Let's proceed.

23 EXAMINATION BY:

24 MR. GIANARIS:

25 Q. Please state your name, sir.

Page 14

1 out someone's opinions in the way that a
2 discovery deposition does for many
3 reasons. So, we object that it's in
4 violation of the judge's order, this
5 deposition and this witness, this
6 witness' testimony.

7 In addition, I received on my
8 chair Monday morning a Supplemental
9 Disclosure in which, for the first time,
10 I saw that Dr. Marmor would speak
11 specifically about certain Illinois and
12 Missouri media coverage, regulations, et
13 cetera. I object to this since I saw it
14 the day before the deposition.

15 I object to the deposition if the
16 professor is going to rely on Exhibits
17 UCC-M-1 through 216 for the reason that
18 the majority of them had not been
19 disclosed or produced previously.

20 MS. ROSENBERG: I would like to
21 note for the record that I do believe
22 the curriculum vitae was provided on
23 Friday along with the Supplemental
24 Disclosure.

25 The deposition testimony has been

Page 16

1 A. Theodore Marmor.

2 Q. Mr. Marmor, where do you live?

3 A. New Haven, Connecticut.

4 Q. What is your address?

5 A. 139 Armory Street. It's actually
6 Hamden, which is the associated town.

7 Q. Where do you work?

8 A. At Yale University.

9 Q. What do you do there?

10 A. I'm a professor of political
11 science, professor of public policy and
12 management and adjunct professor of law.

13 Q. How long have you been at Yale?

14 A. Since 1979.

15 Q. What is your expertise?

16 A. My expertise is in three areas;
17 one is the area of describing and understanding
18 public policy, particularly regulation. The
19 second area is an understanding of historical
20 disputes about public health and medical care,
21 and the third is a general area of social
22 insurance that is collective arrangements to
23 try to compensate people for the risks of life,
24 both industrial risks and unemployment and the
25 like.