

1 Q. Okay. And that testimony was going -- that case
 2 was ongoing at the time of her investigation,
 3 correct?
 4 A. Right.
 5 Q. And in fact, he never testified on her behalf
 6 until after her investigation was concluded?
 7 A. According to the documents you showed me, that
 8 appears to be right.
 9 Q. Yes. And so wouldn't you agree that if she
 10 terminated her relationship with Mr. Krenz, for
 11 one, he then could not testify on her behalf?
 12 A. No. I presume she would hire another expert.
 13 Q. All right. But though Mr. Krenz couldn't testify,
 14 could he?
 15 A. Well, under the scenario you're proposing to me.
 16 Q. He could not testify, correct?
 17 A. Right.
 18 Q. All right. And are you aware -- and -- and --
 19 one, are you making an assumption that this is the
 20 only time Robert Krenz has worked for Attorney
 21 Tibbetts?
 22 A. I don't have any other knowledge of any other
 23 cases.
 24 Q. Okay. Well, did you have knowledge of this case
 25 prior to today?

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1 A. Not this particular case. I'd heard of the issue,
 2 like I testified before, recently.
 3 Q. So you're saying prior to you sitting here today
 4 you have never had any information given to you
 5 that -- that -- that asserted in specific that
 6 Attorney Tibbetts had used Robert Krenz in Green
 7 County Case 04-CV-255?
 8 A. Not that specifically. I don't recall seeing that
 9 before, but -- uh-huh. I remember hearing about
 10 it, like I mentioned before, that she or her firm
 11 had retained Mr. Krenz for a case like I mentioned
 12 to you before. That's what I remember now.
 13 Q. Isn't it true actually what you just have
 14 testified to is false? Isn't it true that you
 15 have received -- that you received in specific an
 16 e-mail that actually gave the case number?
 17 A. It's possible, Mr. Sommers. I just told you I
 18 don't remember it today.
 19 Q. Well, isn't it possible actually that you received
 20 that in the not-so-distant past?
 21 A. If you can show it to me and I would recognize it,
 22 I might, but I don't remember it today.
 23 Q. Well, isn't it true that you actually received
 24 that very e-mail from reporter Dee Hall?
 25 A. Again --

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1 Q. That information was passed on to her and she
 2 passed it on to you in an e-mail?
 3 A. When would this have been?
 4 Q. I'm asking you. You're saying as we sit here
 5 today --
 6 A. Uh-huh.
 7 Q. -- Dee Hall did not tell you in an e-mail that
 8 Attorney Tibbetts had been retained -- Attorney
 9 Tibbetts had retained Robert Krenz in Green County
 10 Case 04-CV-255?
 11 A. It's possible.
 12 MS. FALK: Objection, asked and
 13 answered.
 14 MR. SOMMERS: All right.
 15 MS. FALK: And the witness has
 16 testified that he does not recall the
 17 specific e-mail.
 18 MR. SOMMERS: Yes, and I believe
 19 that that testimony is false and --
 20 MS. FALK: And I will also indicate
 21 that the attorney -- that Attorney Sommers is
 22 getting argumentative with the witness.
 23 MR. SOMMERS: Well, all right.
 24 Q. You recognize that you have an obligation, do you
 25 not, to testify truthfully?

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1 A. Yes.
 2 Q. All right. Good. Now, and you have -- and you
 3 recognize, do you not, that for an attorney to
 4 testify that they do not recall when they do
 5 recall, that would not be truthful?
 6 A. I agree.
 7 Q. Okay. Let's go to -- okay. Where is three of --
 8 I have these letters mixed up. I was trying to
 9 find the letter that you received. Here. All
 10 right. Go to -- what letter is the -- February
 11 8th, 2006, letter. Here we go. Okay. That was a
 12 letter, did you not, last week concede that your
 13 office had received from me?
 14 A. I believe I did.
 15 Q. All right. And let's go to page 3.
 16 A. (Witness complies.)
 17 Q. Would you agree, would you not, that in the
 18 paragraph that is -- that has the -- that says
 19 fourth?
 20 A. Okay.
 21 Q. That in that paragraph I basically raise the issue
 22 of Attorney Tibbetts?
 23 A. Yes.
 24 Q. I basically ask you to how she was chosen?
 25 A. I see that, yes.

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