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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,) Docket No. 05 CR 691
)
Plaintiff,))
)
vs.)
)
ANTOIN REZKO,) Chicago, Illinois
) May 1, 2008
Defendant.) 11:49 o'clock a.m.

EXCERPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE AMY J. ST. EVE, AND A JURY

APPEARANCES:

For the Plaintiff: HON. PATRICK J. FITZGERALD
BY: MR. CHRISTOPHER NIEWOEHNER
MR. REID J. SCHAR
MS. CARRIE E. HAMILTON
219 S. Dearborn St., Suite 500
Chicago, Illinois 60604

For the Defendant: STETLER & DUFFY, LTD.
BY: MR. JOSEPH J. DUFFY
MR. WILLIAM P. ZIEGELMUELLER
MS. MARIAH E. MORAN
11 S. LaSalle St., Suite 1200
Chicago, Illinois 60603

Also Present: S/A DANIEL CAIN, FBI
S/A VIKAS ARORA, IRS

Court Reporter: MR. JOSEPH RICKHOFF
Official Court Reporter
219 S. Dearborn St., Suite 1232
Chicago, Illinois 60604
(312) 435-5562

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PROCEEDINGS RECORDED BY
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TRANSCRIPT PRODUCED BY COMPUTER

1 THE CLERK: 05 CR 691, USA v. Antoin Rezko. Jury
2 trial continues.

3 * * * * *

4 (Proceedings had in open court:)

5 (Jury in.)

6 ALI ATA, PLAINTIFF'S WITNESS, SWORN

7 DIRECT EXAMINATION

8 BY MS. HAMILTON:

9 Q. Sir, could you please state and spell your name for the
10 jury.

11 A. Ali Ata, A-l-i, A-t-a.

12 Q. Mr. Ata, how old are you?

13 A. 56 years old.

14 Q. Where do you live?

15 A. Lemont, Illinois.

16 Q. Sir, where were you born?

17 A. In Jordan.

18 Q. When did you come to the United States?

19 A. In 1970.

20 Q. Why did you come to the United States in 1970?

21 A. Seeking education.

22 Q. And did you, in fact, receive an education here in the
23 United States?

24 A. Yes, I did.

25 Q. What is your educational background?

1 A. I have a bachelor degree in engineering.

2 Q. Where did you receive that degree?

3 A. At University of Illinois, Chicago.

4 Q. After you received that degree, what did you do for a
5 living?

6 A. I took a job -- my first job was in 1975 -- '74 -- with
7 UOP for about a year. Took a second job with the Austin
8 Company as an engineering consultant for a year. Then I took
9 a job with Ondeo Water Treatment Chemical Company for 25
10 years.

11 Q. And, sir, could you spell the name of the last company
12 that you said you worked with for 25 years?

13 A. Ondeo, O-n-d-e-o, Nalco.

14 Q. And when you say Nalco, is that N-a-l-c-o?

15 A. Yes.

16 Q. Okay. And what did you do for -- I'll refer to that as
17 Nalco.

18 A. Okay.

19 Q. What did you do for Nalco?

20 A. I served in several areas of responsibilities in
21 manufacturing, engineering, marketing and logistics.

22 Q. In the course of your work there, did you earn patents?

23 A. Yes, I earned five U.S. patents.

24 Q. At some point, did you retire from Nalco Laboratories?

25 A. In 19- -- in 2001, I did. I took an early retirement

1 package.

2 Q. What were the circumstances that led to you taking an
3 early retirement package?

4 A. Within days after 9/11, I was visited at work by two FBI
5 agent for investigation and -- regarding 9/11. And two weeks
6 after that, I was offered an early-out package by the company.

7 Q. And did those circumstances have an effect on you?

8 A. Yes. They were devastating to myself and my family.

9 Q. After you took an early retirement, what did you do for a
10 living?

11 A. I started doing real estate work, developing retail/
12 commercial properties.

13 Q. Prior to that, had you been involved in real estate
14 development?

15 A. Yes, I was.

16 Q. Sir, do you know Tony Rezko?

17 A. Yes, I do.

18 Q. When did you meet Mr. Rezko?

19 A. About 12 years ago.

20 Q. Do you see Mr. Rezko in the courtroom?

21 A. I do.

22 MR. DUFFY: We'll stipulate, your Honor.

23 THE COURT: They will stipulate.

24 MS. HAMILTON: Accept the stipulation.

25 THE COURT: Okay. So stipulated.

1 BY MS. HAMILTON:

2 Q. Have you and Mr. Rezko done business together over the
3 years?

4 A. Yes, we have.

5 Q. I'm going to ask you some specifics about that later.

6 Sir, have you pled guilty to tax fraud and lying to
7 the FBI?

8 A. Yes, I have.

9 MR. DUFFY: Your Honor, may I have the instruction at
10 this time, please, regarding the guilty plea.

11 THE COURT: Ladies and gentlemen, you are about to
12 hear testimony that this witness has pled guilty in exchange
13 for certain benefits. You can give his testimony whatever
14 weight you feel it deserves, but you should consider it with
15 caution and great care.

16 MS. HAMILTON: Thank you, your Honor.

17 THE COURT: You may proceed.

18 BY MS. HAMILTON:

19 Q. Mr. Ata, did you plead guilty pursuant to a written plea
20 agreement with the government?

21 A. Yes, I have.

22 Q. Under the terms of that agreement, what are you required
23 to do?

24 A. I'm required to testify and tell the truth.

25 Q. And are you testifying here today because of the agreement

1 that you made with the government?

2 A. Yes.

3 Q. In exchange for that, are you hoping that the government
4 will make a motion for reduced sentence for you?

5 A. Yes.

6 Q. What is the sentence that you are facing if the government
7 makes no motion?

8 A. Eight years.

9 Q. Are you familiar with the sentencing guidelines?

10 A. Yes.

11 Q. What's the guideline range that applies to you for the
12 offenses that you pled guilty to?

13 A. 12 to 18 months.

14 Q. And is it your hope that the government will make a motion
15 so that you can get less than 12 to 18 months?

16 A. Yes.

17 Q. Sir, do you know Stuart Levine?

18 A. No, I don't.

19 Q. Have you ever met him?

20 A. I don't believe I have.

21 Q. Have you ever spoken to him?

22 A. I don't believe I have spoken to him.

23 Q. Now, you testified that, over the years, you've done some
24 business with Mr. Rezko.

25 Were you also involved with Mr. Rezko in fundraising

1 for Governor Rod Blagojevich?

2 A. Yes.

3 Q. When did you become involved in fundraising for Rod
4 Blagojevich's run for the governorship?

5 A. In 2002.

6 Q. How did you become involved?

7 A. I was approached early on by Mr. Blagojevich, informing me
8 that he was contemplating a run for the governor's office and
9 asking for my support; and I told him I will.

10 Q. And after that, did you, in fact, support his run for the
11 governor?

12 A. Yes, I did.

13 Q. Who was your primary contact within Governor
14 Blagojevich's -- now-Governor Blagojevich's -- fundraising
15 team at that time?

16 A. Mr. Rezko.

17 Q. And what did you do -- did you yourself put on
18 fundraisers?

19 A. Yes, I did.

20 Q. How many fundraisers did you put on?

21 A. Two.

22 Q. And when were those fundraisers?

23 A. In 2002.

24 Q. In addition to holding fundraisers, did you make
25 individual contributions to now-Governor Blagojevich?

1 A. Yes, I did.

2 Q. And was this in response to a request by Mr. Rezko?

3 A. Yes.

4 Q. When did Mr. Rezko ask you for an individual contribution?

5 A. In 2002 and 2003.

6 Q. All right.

7 Let's focus on the first time. When in 2002 did you
8 make your first individual contribution to Governor
9 Blagojevich?

10 A. Around August of 2002.

11 Q. And was that in response to a request from Mr. Rezko?

12 A. Yes.

13 Q. How much was your contribution at that time?

14 A. \$25,000.

15 Q. And that was in addition to the fundraising events that
16 you held?

17 A. Yes.

18 Q. Do you remember the exact date of your \$25,000
19 contribution?

20 A. I do not.

21 Q. If I showed you your check, might that refresh your
22 recollection?

23 A. Yes.

24 (Counsel confer off the record.)

25 MS. HAMILTON: I'm sorry, your Honor.

1 May I approach?

2 THE COURT: You may.

3 BY MS. HAMILTON:

4 Q. Sir, I'm going to show you what's marked Government
5 Exhibit Ata Checks August 2002.

6 A. Yes.

7 (Document tendered.)

8 BY MS. HAMILTON:

9 Q. Sir, looking at that document, does that refresh your
10 recollection of the date of your \$25,000 contribution?

11 A. Yes, it does.

12 Q. And what was that date?

13 A. The 30th of August '02.

14 Q. After you wrote that check, what did you do with it?

15 A. I delivered it to Mr. Rezko.

16 Q. And where did you go to deliver it to Mr. Rezko?

17 A. To Mr. Rezko's office.

18 Q. Where was Mr. Rezko's office?

19 A. On Elston Avenue in Chicago.

20 Q. What did you do when you got to Mr. Rezko's office?

21 A. I waited in the reception area.

22 Q. And, sir, I should ask you: In relation to the check, you
23 testified that you wrote that check on August 30th, 2002?

24 A. Or about that date.

25 Q. When in relation to that date did you deliver the check to

1 Mr. Rezko's office?

2 A. Around that date.

3 Q. When -- and you said you got to the office and you waited
4 in the reception area?

5 A. Yes.

6 Q. What happened next?

7 A. Mr. Rezko came out and got me to -- and we walked to the
8 back room -- back conference room.

9 Q. At some point, did you give Mr. Rezko the check?

10 A. Yes, as -- as he greeted me at the door, I gave him the
11 check.

12 Q. I believe you said that Mr. Rezko then walked you to the
13 back conference room?

14 A. Yes.

15 Q. Had you been to Mr. Rezko's office before?

16 A. Yes.

17 Q. And had you been in that conference room before?

18 A. Yes.

19 Q. When you got to the conference room on that day, was
20 anyone there?

21 A. Yes.

22 Q. Who was there?

23 A. Mr. Blagojevich was there, Lon Monk was there, Chris
24 Kelly, and later on -- there was another gentleman who I
25 learned later on was Jay Hoffman.

1 Q. All right.

2 So, I believe you testified, at this point, you've
3 already met Mr. Blagojevich in person; you know who he is; is
4 that right?

5 A. Yes.

6 Q. Who is Lon Monk?

7 A. Lon was -- Lon Monk was the -- the campaign manager at
8 that point.

9 Q. Prior to seeing him at Mr. Rezko's office on about August
10 30th, 2002, had you met Mr. Monk before?

11 A. Yes, I had.

12 Q. Where had you met Mr. Monk before?

13 A. I believe I had met him at Mr. Rezko's office, too.

14 Q. And you indicated that in addition to Mr. Blagojevich and
15 Mr. Monk, Mr. Chris Kelly was there?

16 A. Yes.

17 Q. Prior to seeing him on that day, had you met Chris Kelly
18 before?

19 A. Yes, I had.

20 Q. Where had you met Chris Kelly before?

21 A. At a fundraiser that I held a couple weeks earlier.

22 Q. So, Mr. Kelly had come to one of the fundraisers you had
23 held for --

24 A. Yes.

25 Q. -- Mr. Blagojevich?

1 And you indicated there was another gentleman who you
2 later learned to be Jay Hoffman?

3 A. Yes.

4 Q. So, at that point when you saw this other gentleman, you
5 didn't necessarily know who he was?

6 A. That's true.

7 Q. Did you come to learn who Jay Hoffman was?

8 A. Yes.

9 Q. And who was he in relation to Mr. Blagojevich?

10 MR. DUFFY: Your Honor, could we have a foundation?

11 THE COURT: Sustained.

12 BY MS. HAMILTON:

13 Q. How did you learn who Jay Hoffman was?

14 A. Mr. Rezko told me.

15 Q. What -- he told you?

16 A. Yes.

17 Q. I'm sorry. I didn't mean to cut you off.

18 A. Yes.

19 Q. When did Mr. Rezko tell you who Mr. Hoffman was in
20 relation to Mr. Blagojevich?

21 A. Sometime after that meeting.

22 Q. And this conversation, was this in person or over the
23 phone?

24 A. In person.

25 Q. And what did Mr. Rezko tell you about who Mr. Hoffman was

1 to Mr. Blagojevich?

2 MR. DUFFY: Objection, foundation as to when, who was
3 present.

4 MS. HAMILTON: He said shortly after.

5 THE COURT: Who was present?

6 BY MS. HAMILTON:

7 Q. When you had this conversation with Mr. Rezko about
8 Mr. Hoffman, was anyone else there?

9 A. I don't recall anybody being present.

10 Q. What did you learn? What did Mr. Rezko tell you?

11 A. I learned that Mr. Hoffman was part of a select group of
12 advisers that were referred to as the kitchen cabinet, and
13 Mr. Jay Hoffman was in that group.

14 Q. During this conversation, did Mr. Rezko indicate who else
15 was in this select group of advisers?

16 A. Yes.

17 Q. What did Mr. Rezko say about who else was in this select
18 group of advisers?

19 A. Mr. Rezko, Lon Monk, Jay Hoffman and Chris Kelly.

20 Q. All right.

21 Focusing back on that time that you went to
22 Mr. Rezko's office to deliver the check that you said you
23 think was on or around August 30th of 2002. After you got to
24 the conference room -- when you got to the conference room and
25 you saw these individuals there, did you observe them doing

1 anything?

2 A. Yeah, they -- as I walked in, I greeted -- said hello to
3 everybody; seemed to have been discussing business. As Tony
4 announced me to the Governor, Chris Kelly and Lon Monk stepped
5 aside in the corner; and -- and I was there with the Governor
6 and Tony Rezko.

7 Q. All right.

8 So, at some point then, it was just the three of you
9 in the conference room?

10 A. Yes.

11 Q. And where were you in the conference room?

12 A. I was across the table on the -- from the Governor, and
13 Mr. Rezko was to my right.

14 Q. Did you then have a conversation?

15 A. Yes.

16 Q. And what happened in that conversation?

17 A. The -- Mr. Blagojevich thanked me for my support in past
18 and thanked me for being a team player and a supporter and --

19 Q. Did Mr. Rezko still have the check that you had given him?

20 A. Yes.

21 Q. And where was the check in the course of this conversation
22 with the Governor and Mr. Rezko?

23 A. It was on the table.

24 Q. Did Mr. Blagojevich say anything to you about you working
25 in his administration?

1 MR. DUFFY: I'll object as to leading. And then,
2 secondly, I assume it's not being offered for the truth.

3 MS. HAMILTON: No. Certainly Mr. Blagojevich's
4 statements are not being offered for the truth.

5 THE COURT: Context and actions taken?

6 MS. HAMILTON: Yes.

7 THE COURT: Okay.

8 MR. DUFFY: Then I object to the leading.

9 THE COURT: Sustained.

10 Rephrase your question.

11 BY MS. HAMILTON:

12 Q. What, if anything, was said with regard to you having a
13 possible position in the administration?

14 THE COURT: And before you answer, sir.

15 Ladies and gentlemen, the statements of
16 Mr. Blagojevich during this meeting are not being offered for
17 the truth of what he said, but instead are being offered to
18 give context to the conversation and to show actions that this
19 witness may have taken based on those statements.

20 MS. HAMILTON: Thank you, your Honor.

21 THE COURT: You may answer.

22 BY THE WITNESS:

23 A. Mr. Rezko stated that I had expressed interest in serving
24 in the administration. Mr. Blagojevich, again, stated that I
25 had been a supporter and a friend and asked Mr. Rezko if I had

1 identified business -- or job opportunities; and Mr. Rezko
2 said yes.

3 BY MS. HAMILTON:

4 Q. And prior to this meeting, had you and Mr. Rezko spoken
5 about possible positions for you?

6 A. Yes.

7 Q. And at that point, going back to the meeting with
8 Mr. Blagojevich and Mr. Rezko, was anything further said in
9 that meeting of any significance?

10 A. After the meeting or --

11 Q. I -- in the course of talking -- you were talking about
12 what was said?

13 A. Yes.

14 Q. Other than what you've already testified to, was there
15 anything else that was said that was of any significance to
16 you?

17 A. I don't recall at this point.

18 Q. Okay.

19 Now, you said that prior to this, you had, in fact,
20 spoken with Mr. Rezko about possible positions in the new
21 administration?

22 A. Yes.

23 Q. When in relation to that meeting that we just talked about
24 with Mr. Blagojevich and Mr. Rezko, when in relation to that
25 meeting had you spoken with Mr. Rezko about the possibility of

1 you having a position?

2 A. A couple months earlier.

3 Q. And was this one conversation or more than one
4 conversation?

5 A. Several conversations.

6 Q. Were these conversations in person?

7 A. Yes.

8 Q. Where did these conversations take place?

9 A. Mr. Rezko's office.

10 Q. Was there anyone else there when you had these
11 conversations?

12 A. I don't recall.

13 Q. Do you remember these conversations individually or
14 collectively?

15 A. Collectively.

16 Q. What was said in those conversations about the possibility
17 of you having a position in the new administration?

18 A. I was asked to identify jobs of interest to me, and I did.

19 Q. And how did you go about identifying jobs that would be of
20 interest to you?

21 A. I looked on the Internet under the state budget and looked
22 at the different departments, looked at their mission
23 statement and what they do and came back to Mr. Rezko with a
24 list of job possibilities.

25 Q. And what was on the list that you gave to Mr. Rezko?

1 A. The director of --

2 MR. DUFFY: I apologize, your Honor. Now we're on a
3 specific conversation or meeting. Can I have a foundation for
4 this, please.

5 THE COURT: Ms. Hamilton?

6 MS. HAMILTON: Your Honor, I think that I've already
7 laid the foundation. These were conversations that took place
8 in the months before --

9 THE COURT: Do you want to see if he can be any more
10 specific about this particular one with respect to this
11 document. I think that is what the objection is.

12 MR. DUFFY: Yes.

13 BY MS. HAMILTON:

14 Q. Mr. Ata, focusing on the conversation you had with
15 Mr. Rezko when you came back after doing research on agencies
16 you might be interested in, do you recall that conversation
17 where you came to him and you had a list of agencies you were
18 interested in?

19 A. Yes.

20 Q. Where did that conversation take place?

21 A. Mr. Rezko's office.

22 Q. Approximately when did that conversation take place?

23 A. July, July of '02.

24 Q. And was anyone else present for that conversation?

25 A. I don't recall anybody present.

1 Q. When you came back with the list of agencies, what
2 happened in that conversation?

3 A. I gave that list to Mr. Rezko, and I left it with him at
4 that point.

5 Q. What was the list that you gave to Mr. Rezko?

6 A. A list of three agencies that I would be interested in
7 serving in.

8 Q. What were the three agencies you told Mr. Rezko you would
9 be interested in serving?

10 A. The capital development board, transportation and human
11 services.

12 Q. And these were agencies that you had become interested in
13 by looking on the Internet?

14 A. Yes.

15 Q. Did Mr. Rezko have any reaction when you proposed these
16 three possibilities?

17 A. Don't recall any specific reaction.

18 Q. At some point after you gave Mr. Rezko that list with
19 those three agencies, did you have any further conversations
20 with Mr. Rezko about that?

21 A. Yes.

22 Q. When?

23 A. Later in the year.

24 Q. When you say later in the year --

25 A. 2002.

1 Q. And when within 2002?

2 A. December.

3 Q. All right.

4 So, is this after Mr. Blagojevich has won the
5 election?

6 A. Yes.

7 Q. And, so, you believe it was sometime in December of 2002?

8 A. Late December 2- -- it was after the election.

9 Q. All right.

10 Where did this conversation take place?

11 A. At Mr. Rezko's office.

12 Q. Was anyone else there?

13 A. Don't recall.

14 Q. What was said in this conversation with respect to the
15 agencies you had previously proposed?

16 A. That I'll be getting the position of the executive
17 director of the capital development board.

18 Q. That's what Mr. Rezko told you?

19 A. Yes.

20 Q. Did he say anything further about what, if anything, you
21 needed to do?

22 A. Yes, that I need to fill out an application and submit it.

23 Q. And submit it to who?

24 A. To the Governor's office.

25 Q. Did you, in fact, complete an application and provide that

1 to the Governor's office?

2 A. Yes, I did.

3 Q. Do you recall when?

4 A. Sometime after December of '02.

5 MS. HAMILTON: Your Honor, may I have just one
6 moment?

7 THE COURT: Yes, you may.

8 (Brief pause.)

9 MS. HAMILTON: Sorry, your Honor.

10 THE COURT: That's okay. Take your time.

11 MS. HAMILTON: I'm having a little difficulty
12 locating the document.

13 THE COURT: That's okay.

14 MS. HAMILTON: I'll hopefully find it over the break
15 and come back.

16 THE COURT: That's fine.

17 BY MS. HAMILTON:

18 Q. When you filled out the paperwork, did you fill out the
19 paperwork with respect to a particular position?

20 A. Yes.

21 Q. And what was the position you filled out the paperwork
22 for?

23 A. Capital development board.

24 Q. Did you, in fact, get the position of executive director
25 of the capital development board?

1 A. No, I did not.

2 Q. Why not?

3 A. I was not informed of why.

4 MR. DUFFY: Your Honor, I apologize, but I --
5 foundation, please.

6 THE COURT: Sustained on foundation.

7 MS. HAMILTON: Sure.

8 BY MS. HAMILTON:

9 Q. At some point -- when did you learn that the position was
10 not yours?

11 A. Sometime in the -- in the spring of 2003, I learned that I
12 did not get the position.

13 Q. Who told you that you did not get the position?

14 A. Mr. Rezko.

15 Q. Was this a conversation that you had over the phone or in
16 person?

17 A. In person.

18 Q. Where did this conversation take place?

19 A. Mr. Rezko's office.

20 Q. Was anyone else there?

21 A. I don't believe anybody was there.

22 Q. What did you learn in this conversation with Mr. Rezko?

23 MR. DUFFY: Could we do any -- you said spring of --
24 I object as to the foundation, time.

25 THE COURT: Ms. Hamilton?

1 MS. HAMILTON: I'll ask if he can be any more
2 specific.

3 THE COURT: Okay.

4 BY MS. HAMILTON:

5 Q. Sir, you indicated you believe this conversation took
6 place in the spring of 2003?

7 A. Yes.

8 Q. Do you have any better memory of a month, or is spring of
9 2003 the best of your recollection today?

10 A. That's the best of my recollection. It -- probably early
11 spring. It was, say, March, March time frame.

12 Q. Okay.

13 What happened in this meeting with Mr. Rezko?

14 A. I walked in Mr. Rezko's office. He informed me that he
15 had just gotten off the phone with Mr. Jay Hoffman who had
16 basically shouted at him and told him that this position that
17 was offered to me would not be given to myself. It had always
18 been given to somebody from downstate and will always stay
19 that way.

20 Q. Did Mr. Rezko say anything further about a position for
21 you at this point?

22 A. Not at that point. I --

23 Q. What was your reaction to learning that this was not your
24 position -- this position would not be yours?

25 MR. DUFFY: Objection as to relevance.

1 THE COURT: What's your response?

2 BY MS. HAMILTON:

3 Q. Did you respond at all -- I'm sorry.

4 Did you respond at all to Mr. Rezko when he said that
5 this position was not yours?

6 A. No, I just felt bad that I caused that embarrassment and
7 the shouting.

8 Q. After the position at the capital development board did
9 not work out, did Mr. Rezko ask you to do anything else for
10 him in relation to the state?

11 MR. DUFFY: I have to object to the leading nature of
12 the examination.

13 THE COURT: Sustained.

14 Please rephrase.

15 BY MS. HAMILTON:

16 Q. After that position didn't work out, what, if anything,
17 did Mr. Rezko ask you to do for the state?

18 A. Mr. Rezko asked me --

19 MR. DUFFY: Objection as to the form of the question.
20 It assumes that he was asked to do something.

21 THE COURT: What, if anything.

22 MR. DUFFY: All right.

23 THE COURT: Overruled.

24 You may answer.

25 BY THE WITNESS:

1 A. Mr. Rezko asked me to look at --

2 MR. DUFFY: I apologize. Foundation.

3 THE COURT: Ms. Hamilton?

4 MS. HAMILTON: I asked what, if anything, to get an
5 open-ended answer. If I -- yes, no would be leading. I'm
6 happy to ask the yes, no and then lay the foundation. I don't
7 know how to --

8 MR. DUFFY: Maybe did they have a later conversation,
9 and he'd say yes. And then we can get into it, but --

10 THE COURT: Well, you can --

11 MR. DUFFY: I understand, Judge, but --

12 THE COURT: Conduct your examination how you would
13 like.

14 Go back and lay a foundation for what he is about to
15 say.

16 BY MS. HAMILTON:

17 Q. Did you have a later conversation with Mr. Rezko about
18 something he wanted you to do for the state?

19 A. Yes.

20 Q. Approximately when?

21 A. Middle of 2003.

22 Q. When you say middle, like summertime?

23 A. May.

24 Q. And was this a conversation in person or over the phone?

25 A. In person.

1 Q. Was anyone else there?

2 A. Don't recall.

3 Q. Where did this take place?

4 A. Mr. Rezko's office.

5 Q. What was said in this conversation?

6 A. Mr. Rezko asked me to look at opportunities in state
7 leases and gave me a report to analyze and put into a -- put
8 some recommendations together and bring it back to him.

9 Q. When you say to analyze, what was it Mr. Rezko asked you
10 to analyze about state leases?

11 A. The -- the -- the number of leases, the opportunities for
12 cost savings through consolidation and -- and come back with
13 some recommendations.

14 Q. In the course of talking to you about this project, did
15 Mr. Rezko say who, if anyone, he was working on -- with for
16 this project?

17 A. Yes. He had --

18 Q. Who did he say he was working with?

19 A. Mr. Cellini.

20 Q. Now, at that point, mid 2003, did you know Mr. Cellini?

21 A. I had met Mr. Cellini before that.

22 Q. And where had you met Mr. Cellini?

23 A. I met him at Rezmar, Mr. Rezko's office, a few times; and
24 I had met him before many years ago.

25 Q. Okay.

1 So, many years ago, you had been introduced to
2 Mr. Cellini, having nothing to do with Mr. Rezko?

3 A. Yes.

4 Q. And, then, at what point prior to mid 2003 had you seen
5 Mr. Cellini at Mr. Rezko's offices?

6 A. Sometime before and sometimes after mid 2003.

7 Q. All right.

8 So, you say sometimes before and sometimes after.
9 So, is this throughout 2003, you would see Mr. Cellini there?

10 A. Yes.

11 MR. DUFFY: I object as to that last question and
12 answer, your Honor.

13 THE COURT: On what basis?

14 MR. DUFFY: The form of the question, throughout
15 2003. And it was leading, too.

16 THE COURT: Sustained on leading.

17 BY MS. HAMILTON:

18 Q. All right.

19 Mr. Ata, you indicated that you saw Mr. Cellini at
20 Mr. Rezko's office?

21 A. Yes.

22 Q. I just want to focus first on you and the time that you
23 spent at Mr. Rezko's office.

24 Starting in 2002, in the year 2002, approximately how
25 often would you go to Mr. Rezko's offices?

1 A. Every -- weekly or biweekly I would go there.

2 Q. And what about in 2003?

3 A. The same frequency, every two weeks.

4 Q. And into 2004?

5 A. Yes.

6 Q. And throughout the course of 2004, did you continue to go
7 there on the same frequency?

8 A. Yes.

9 Q. When you went to Mr. Rezko's office, would you typically
10 see Mr. Rezko right away and meet with him?

11 A. No.

12 Q. What would happen -- in the course of regularly going to
13 Rezko to see Mr. Rezko, what would happen when you would
14 arrive at Mr. Rezko's offices?

15 A. Typically wait.

16 Q. And --

17 MR. DUFFY: Your Honor, I do apologize. We're -- we
18 covered three years. So we're doing all three years at once
19 or --

20 THE COURT: She is just doing background and asked
21 typically what would happen.

22 MR. DUFFY: All right.

23 THE COURT: If she goes to a particular meeting, if
24 you have another objection, then you can object.

25 MR. DUFFY: Okay.

1 BY MS. HAMILTON:

2 Q. And, likewise, was there any sort of -- would you be the
3 only person there waiting typically?

4 A. At times, there will be other people waiting.

5 Q. And in the course of waiting for Mr. Rezko, would you have
6 conversations with other people who were waiting for

7 Mr. Rezko?

8 A. Yes.

9 Q. And was Mr. Cellini one of the individuals who from time
10 to time you would see waiting for Mr. Rezko and you would have
11 conversations with him?

12 A. I did see Mr. Cellini there at times waiting.

13 Q. And would you have conversations with Mr. Cellini when you
14 saw him?

15 A. Yes.

16 Q. Now, I want to focus on by mid 2003. You said that
17 Mr. Rezko said he was working on this project regarding state
18 leases with Mr. Cellini; is that right?

19 A. Yes.

20 Q. At that point, had Mr. Rezko told you whether he had any
21 sort of relationship with Mr. Cellini?

22 MR. DUFFY: I object as to the leading question.

23 THE COURT: Sustained.

24 BY MS. HAMILTON:

25 Q. Did you have understanding as to whether Mr. Rezko had a

1 relationship with Mr. Cellini?

2 A. Yes.

3 Q. What was that understanding based on?

4 MR. DUFFY: I'm premature. I'm waiting for the
5 answer.

6 THE COURT: Okay. Sit down. You can stand again.

7 MR. DUFFY: Thank you, Judge.

8 (Laughter.)

9 BY THE WITNESS:

10 A. Can you repeat the question, please?

11 BY MS. HAMILTON:

12 Q. You said you had an understanding that Mr. Rezko had a
13 relationship with Mr. Cellini by mid 2003?

14 A. Yes.

15 Q. What was the basis of your understanding that Mr. Rezko
16 had a relationship with Mr. Cellini by mid 2003?

17 A. Both Mr. Rezko and Mr. Cellini told me.

18 Q. All right.

19 Let's focus on conversations that you had with
20 Mr. Rezko about his relationship with Mr. Cellini.

21 A. Yes.

22 Q. At the point Mr. Rezko asked you to look into these state
23 leases, mid 2003, had you had one conversation with Mr. Rezko
24 or more than one conversation with Mr. Rezko about his
25 relationship with Mr. Cellini?

1 A. I recall one.

2 Q. When was this conversation?

3 A. In early 2003.

4 Q. Was this in person or over the phone?

5 A. In person.

6 Q. Was this at Mr. Rezko's office?

7 A. Yes.

8 Q. Was anyone else there?

9 A. I don't recall.

10 Q. What did Mr. Rezko tell you in that conversation?

11 A. He mentioned that Mr. Cellini had been around state
12 government for many years, he knew his way around, and that he
13 had developed a -- a system of managing these state leases
14 through his management company.

15 Q. And did -- what, if anything, did Mr. Rezko say about what
16 Mr. Cellini was doing to help Mr. Rezko in the Blagojevich
17 administration?

18 A. That he -- again, having been around state government for
19 many years, that he knew state government and he would --
20 would play a role of adviser in there. He had also -- that
21 Mr. Cellini had committed to raise a million dollars for the
22 campaign.

23 THE COURT: Ms. Hamilton, whenever you are at a good
24 point to break for lunch, let me know. If you need to go a
25 little longer, that's fine.

1 MS. HAMILTON: This is just fine.

2 THE COURT: Okay.

3 Ladies and gentlemen, we are going to break for lunch
4 now. We will pick back up at about quarter to 2:00.

5 (Jury out.)

6 (Whereupon, there were further proceedings which were not
7 ordered transcribed.)

8 * * * * *

9 C E R T I F I C A T E

10 I, Joseph Rickhoff, do hereby certify that the
11 foregoing is a complete, true, and accurate excerpt of the
12 proceedings had in the above-entitled case before the
13 Honorable AMY J. ST EVE, Judge of said Court, at Chicago,
14 Illinois, on May 1, 2008.

15 /s/ Joseph Rickhoff

August 21, 2008

16 _____
17 Official Court Reporter
18 United States District Court
Northern District of Illinois
Eastern Division

Date

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,) Docket No. 05 CR 691
)
Plaintiff,))
)
vs.)
)
ANTOIN REZKO,) Chicago, Illinois
) May 1, 2008
Defendant.) 2:00 o'clock p.m.

EXCERPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE AMY J. ST. EVE, AND A JURY

APPEARANCES:

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BY: MR. JOSEPH J. DUFFY
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Also Present: S/A DANIEL CAIN, FBI
S/A VIKAS ARORA, IRS

Court Reporter: MS. NANCY C. LaBELLA
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* * * * *

PROCEEDINGS RECORDED BY
MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED BY COMPUTER

1 THE CLERK: 05 CR 691, USA v. Antoin Rezko. Jury
2 trial continues.

3 * * * * *

4 (Proceedings heard in open court:)

5 (Jury in.)

6 THE COURT: Our witness is coming.

7 Please be seated, Mr. Ata.

8 You may proceed.

9 MS. HAMILTON: Thank you, your Honor.

10 ALI ATA, PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

11 DIRECT EXAMINATION (Resumed)

12 BY MS. HAMILTON:

13 Q. Mr. Ata, before we broke, one of the things that you were
14 testifying about were the frequency with which you would go to
15 Mr. Rezko's office to meet with him from 2002 through 2004; is
16 that right?

17 A. Yes.

18 Q. During that period, did you also speak with Mr. Rezko over
19 the telephone?

20 A. Yes.

21 Q. And would -- typically, speaking in that period of time,
22 let's say, 2002 through 2004, would you talk with Mr. Rezko
23 about business in substance over the phone?

24 A. Not typically, no.

25 Q. Not what?

1 A. Not -- you asked typically. I said, no, not typically, I
2 would not talk to him business over the phone.

3 Q. Typically when you would talk to Mr. Rezko over the phone,
4 was there any sort of general nature to your conversations?

5 A. Yes, basically to set up a time to go visit with Mr. Rezko
6 at his office.

7 Q. Before we broke, you were also talking about, in May 2003,
8 that Mr. Rezko asked you to do an analysis of state leases; is
9 that right?

10 A. Yes.

11 Q. And I believe you testified that he told you he was
12 working on this project with Mr. Cellini at this time?

13 A. Yes.

14 Q. In this period of time, focusing you on mid 2003, did
15 Mr. Rezko tell you about any other reasons that he was meeting
16 with Mr. Cellini?

17 A. Yes. Mr. Rezko informed me that --

18 MR. DUFFY: Objection, your Honor, foundation.

19 THE COURT: Sustained.

20 BY MS. HAMILTON:

21 Q. You said yes, he did tell you about other reasons he was
22 meeting with Mr. Cellini?

23 A. Yes.

24 Q. Was this one conversation or more than one conversation
25 when Mr. Rezko told you about some other reason he was meeting

1 with Mr. Cellini?

2 A. More than one conversation.

3 Q. And when in relation to mid 2003 did the conversations
4 take place?

5 A. In that period. I'm not sure exactly when.

6 Q. Were these conversations in person?

7 A. Yes.

8 Q. Was anyone else there?

9 A. Do not recall.

10 Q. What, if anything, did Mr. Rezko tell you about other
11 reasons he was meeting with Mr. Cellini during this period of
12 time?

13 A. That Mr. Cellini had identified a way to -- or found a way
14 to utilize state pension funds to invest in real estate
15 projects.

16 Q. Now, you testified before the break that Mr. Rezko had
17 originally told you, you were going to be the executive
18 director of a certain state agency; but that did not happen,
19 right?

20 A. Yes.

21 Q. At some point in 2003, did Mr. Rezko talk with you about a
22 different position that he wanted you to take within the
23 administration?

24 A. Yes.

25 Q. When did this different position come up?

1 A. In the summer of 2003.

2 Q. And was this one conversation or more than one
3 conversation about this new position?

4 A. More than one conversation.

5 Q. Were these conversations in person or over the phone?

6 A. In person.

7 Q. What did Mr. -- was anyone else present when you and
8 Mr. Rezko talked about this new position?

9 A. Do not recall.

10 Q. What did Mr. Rezko say to you about the new position he
11 wanted you to take in the administration?

12 A. Mr. Rezko informed me that the state was consolidating
13 five state agencies, finance agencies, into a new agency
14 called IFA and asked me to look at -- at the new agency to see
15 if I have an interest in working there.

16 Q. Did you do anything in relation to that?

17 A. Yes.

18 Q. What did you do?

19 A. I went on the Internet and looked at the Web pages of
20 these different agencies.

21 Q. At some point, did you go back to Mr. Rezko?

22 A. Yes.

23 Q. And, again, when was this? You said that the
24 conversations first came up in mid 2003?

25 A. Yes.

1 Q. After you had done your research and went back to
2 Mr. Rezko, when in 2003 approximately was that?

3 A. Around July of 2003.

4 Q. Was this a conversation that you had in person?

5 A. Yes.

6 Q. Was it at Mr. Rezko's office?

7 A. Yes.

8 Q. Was anyone else there?

9 A. I do not remember if anybody else was there.

10 Q. What happened in that meeting with Mr. Rezko after you had
11 gone and done research on this new agency?

12 A. I informed Mr. Rezko that I would be interested in taking
13 that position as the executive director of the new agency.

14 Q. At some point after Mr. Rezko first brought up the concept
15 of you being the executive director at the new agency, were
16 you asked to make another contribution to Governor
17 Blagojevich?

18 A. Yes.

19 Q. Was it in relation to a particular fund-raiser?

20 A. Yes. There was an annual fund-raiser coming up.

21 Q. And when was this?

22 A. I believe in August of 2003.

23 Q. Who asked you to make another contribution?

24 A. Mr. Rezko.

25 Q. When Mr. Rezko asked you for another contribution, was

1 this in person or over the phone?

2 A. In person.

3 Q. And where did this conversation take place?

4 A. Mr. Rezko's office.

5 Q. Was anyone else there when he asked you for the
6 contribution?

7 A. I don't believe so.

8 Q. What was said in this conversation?

9 A. Mr. Rezko asked me for a contribution and asked if I can
10 give \$50,000. I said, no, I can only give 25,000.

11 Q. Did you, in fact, contribute \$25,000 to Governor
12 Blagojevich --

13 A. Yes.

14 Q. -- after you got this request?

15 Now, was this money that was yours or that you raised
16 through a fund-raiser?

17 A. It was my own money.

18 Q. And do you remember the date on which you made the
19 contribution?

20 A. I do not remember the exact date.

21 Q. Would seeing the check refresh your recollection on the
22 date?

23 A. Yes.

24 Q. Sir, I'm going to show you what I've marked as Government
25 Exhibit Ata Check July '03.

1 Take a look at that and let me know if that refreshes
2 your recollection on the date.

3 A. Yes, it does.

4 Q. And what was the date?

5 A. The 25th of July '03.

6 Q. And, sir, what did you do with that check after you wrote
7 it?

8 A. I gave it to Mr. Rezko.

9 Q. When did you give the check to Mr. Rezko?

10 A. On about that day.

11 Q. Where were you when you gave the check to Mr. Rezko?

12 A. I believe at Navy Pier.

13 Q. What was happening at Navy Pier?

14 A. There was a fund-raiser for the governor there.

15 Q. Okay. So you were actually at the fund-raiser --

16 A. Yes.

17 Q. -- that you described earlier?

18 A. Yes.

19 Q. After you gave Mr. Rezko the contribution, did you talk to
20 anyone at the fund-raiser about that contribution?

21 A. Yes, I did.

22 Q. Who?

23 A. Mr. Blagojevich.

24 MS. HAMILTON: And, your Honor, I'm going to be
25 eliciting that conversation not for the truth but for his

1 state of mind and actions that he takes afterwards.

2 THE COURT: Ladies and gentlemen, the statements you
3 are about to hear during this conversation from
4 Mr. Blagojevich are not being offered for the truth of what
5 Mr. Blagojevich was saying, but instead are being offered for
6 this witness' state of mind and to show actions that this
7 witness took based on Mr. Blagojevich's statements.

8 MS. HAMILTON: Thank you, your Honor.

9 BY MS. HAMILTON:

10 Q. This conversation with Mr. Blagojevich, where did it take
11 place?

12 A. Navy Pier.

13 Q. So it was that same evening at the fund-raiser?

14 A. Yes.

15 Q. What was said in this conversation?

16 A. Mr. Blagojevich thanked me for my continuing support. He
17 indicated that he was aware of myself making another
18 contribution, indicated -- and said that I -- he understood
19 that I was considering a position with the new administration
20 and said that it better be a job where I can make some money.

21 Q. Did you say anything in response?

22 A. I did not.

23 Q. After you had that conversation with Mr. -- or Governor
24 Blagojevich, did you say anything to anybody about what he had
25 said to you?

1 A. Yes, I did.

2 Q. Who -- to whom did you say this?

3 A. I -- to Mr. Rezko.

4 Q. When did you talk to Mr. Rezko about this conversation you
5 had with Governor Blagojevich?

6 A. Shortly after that conversation took place.

7 Q. When you talked with Mr. Rezko about this, was this in
8 person or over the phone?

9 A. In person.

10 Q. Where did you talk to him?

11 A. Mr. Rezko's office.

12 Q. Was anyone else there when you talked to him about this?

13 A. I don't believe so.

14 Q. What was said in that conversation?

15 A. I mentioned to Mr. Rezko that the governor stated that it
16 better be a job where I can make some money, and that I was
17 surprised he would make such a statement; and Mr. Rezko said
18 he wasn't surprised.

19 Q. Now, I had -- before I asked you about that Navy Pier
20 fund-raiser, I had asked you about some conversations you had
21 with Mr. Rezko about a position with the Illinois Finance
22 Authority, right?

23 A. Yes.

24 Q. When in relation to that fund-raiser did you first start
25 talking with Mr. Rezko about that position?

1 A. Maybe a month or two.

2 Q. After that fund-raiser, did you have further conversations
3 with Mr. Rezko about that position?

4 A. Yes.

5 Q. And what, if anything -- after the fund-raiser, did
6 Mr. Rezko ever say anything to you about whether you had the
7 position?

8 MR. DUFFY: Your Honor, I have to object to the
9 leading nature of this.

10 MS. HAMILTON: I'm trying to get to a specific
11 conversation.

12 THE COURT: Just answer yes or no. And then you can
13 lay your foundation in a non-leading way.

14 BY THE WITNESS:

15 A. Can you repeat the question, please?

16 BY MS. HAMILTON:

17 Q. At some point after that fund-raiser, you said you
18 continued to talk to Mr. Rezko about the position at the IFA?

19 A. Yes.

20 Q. And was it one conversation or more than one conversation
21 about that?

22 A. More than one conversation.

23 Q. At some point in the course of those conversations, did
24 the topic of you actually being given that position come up?

25 A. Yes. Sometime later, I was informed by Mr. Rezko that I

- 1 can have that position.
- 2 Q. When did that conversation take place?
- 3 A. In October time frame, around October.
- 4 Q. Of 2003?
- 5 A. '3, yes.
- 6 Q. Where did that conversation take place?
- 7 A. Mr. Rezko's office.
- 8 Q. Was there anyone else with you -- other than Mr. Rezko,
- 9 was there anyone else there?
- 10 A. No.
- 11 Q. What did Mr. Rezko say to you in that conversation?
- 12 A. Mr. Rezko informed me that I will be getting a phone call
- 13 from the governor's office to meet with Mr. Filan.
- 14 Q. Who was Mr. Filan?
- 15 A. Mr. Filan was the budget director at that time.
- 16 Q. And did you, in fact, receive a call from Mr. Filan?
- 17 A. Yes.
- 18 Q. Did you talk with Mr. Filan?
- 19 A. Yes.
- 20 Q. Did you talk with him over the phone or in person?
- 21 A. I met with him in person.
- 22 Q. Where did that meeting take place?
- 23 A. In his office at the State of Illinois building.
- 24 Q. Approximately when did you meet with Mr. Filan?
- 25 A. In October time frame of 2003.

1 Q. And what happened in this meeting with Mr. Filan?

2 A. Mr. Filan informed me about the formation of the new
3 agency. He had -- he informed me that he was -- he initiated
4 the consolidation; that he had his staff working on it and
5 asked me to work with the financial adviser that he had hired
6 and accounting adviser that he had hired and the law firm that
7 he had hired to help him with the consolidation and informed
8 me that I was being considered for the job and asked me if I
9 wanted it, and I said yes.

10 Q. After that meeting with Mr. Filan, did you talk with
11 anyone about what had happened at that meeting?

12 A. Yes.

13 Q. Who?

14 A. Mr. Rezko.

15 Q. When in relation to your meeting with Mr. Filan did you
16 talk to Mr. Rezko about that meeting?

17 A. Shortly after.

18 Q. Was this a conversation in person or over the phone?

19 A. In person.

20 Q. Was that in Mr. Rezko's office?

21 A. Yes.

22 Q. Was anyone else there?

23 A. Do not remember anybody else being there.

24 Q. What happened in that meeting after you had met with
25 Mr. Filan?

1 A. Mr. Rezko -- I informed Mr. Rezko of the meeting that I
2 had with Mr. Filan. Mr. Rezko said, fine, he can have the
3 job. Mr. Filan will be trying to take over your agency, so he
4 can have it; but you'll report to me.

5 Q. And did he say anything further about how it is that you
6 would report to him, being Mr. Rezko?

7 A. No.

8 Q. When Mr. Rezko said that Mr. Filan would be trying to take
9 over the agency, what did you understand him to be saying?

10 A. That Mr. Filan had worked on the consolidation, that he
11 thought it belonged in his department, and that Mr. Rezko
12 wanted me to report to him and keep him informed of what was
13 happening at IFA.

14 Q. Did Mr. Rezko explain to you why he wanted you to report
15 to Mr. Rezko about what was happening at the IFA?

16 A. No.

17 Q. What was your reaction to this?

18 A. I agreed.

19 Q. And did you then have any sort of system in place as to
20 how you would report to Mr. Rezko?

21 A. Yes. Mr. Rezko asked that I would set up a time through
22 his secretary to meet with him on a weekly or biweekly basis.

23 Q. So at this point, had you officially accepted the
24 position?

25 A. Yes.

1 Q. And when was it that you officially accepted the position?

2 A. Officially, as far as -- can you rephrase your question,
3 please?

4 Q. Sure. Prior to this, this idea had been out there and you
5 had been considering the position; is that fair?

6 A. Yes.

7 Q. At some point, was the position offered to you?

8 A. Yes.

9 Q. And who offered the position to you?

10 A. Mr. Rezko.

11 Q. And was that the discussion that we just went through?

12 A. Yes.

13 Q. And did you accept the position?

14 A. Yes.

15 Q. Was that also in that same meeting or in some later
16 meeting?

17 A. I accepted the position that Mr. Rezko offered me in that
18 meeting.

19 Q. Okay. And generally a time frame as to when that meeting
20 occurred, that Mr. Rezko offered you the position and you
21 accepted the position?

22 A. October-November time frame of 2003.

23 Q. Now, you talked about the fact that you did some research;
24 and there was some agencies that were being consolidated into
25 the new agency that you were going to be the executive

1 director of, right?

2 A. Yes.

3 Q. And the agency that you had accepted the position with was
4 called the Illinois Finance Authority?

5 A. Yes.

6 Q. Is that also referred to as the IFA?

7 A. Yes.

8 Q. What was the IFA?

9 A. IFA is the consolidation of five different agencies that
10 had existed prior and served the different market needs in
11 education, healthcare, industrial and non-for-profit.

12 Q. And when you say it served different market needs, how had
13 it served those needs?

14 A. In providing tax exempt bonds and loans.

15 Q. And what were your responsibilities as the executive
16 director of the IFA?

17 A. To bring to a successful conclusion the consolidation and
18 to get the agency up and running.

19 Q. And you mentioned getting the agency up and running. When
20 you accepted the position in the fall of 2003, was the agency
21 up and running?

22 A. No.

23 Q. When did the agency -- when was the agency up and running?

24 A. January 1, 2004.

25 Q. Did you start working on behalf of the IFA prior to it

1 officially starting on January 1, 2004?

2 A. In consulting capacity in November of 2003.

3 Q. Okay. So November and December of 2003, you were working
4 as a consultant?

5 A. Yes.

6 Q. And then the IFA was officially founded on January 1,
7 2004?

8 A. Yes.

9 Q. Now, you testified about the fact that in 2003 and 2004,
10 you were at Mr. Rezko's office with some regularity; is that
11 right?

12 A. Yes.

13 Q. At various times that you were there, did you see certain
14 state employees?

15 A. Yes.

16 Q. All right. I'm going to ask you first who you saw and so
17 if you could just give me the names and then we'll go back and
18 lay some foundation for when you saw them, okay?

19 A. Yes.

20 Q. What state employees did you see at Mr. Rezko's office
21 when you were there?

22 A. I saw Ms. Kelly King, I saw Ms. Russell, and I saw
23 somebody from the health facilities authority.

24 Q. All right. You said Ms. Kelly King --

25 A. Yes.

1 Q. -- is that right?

2 And let's start first with Ms. King. How did you
3 know -- when did you see Ms. King at Mr. Rezko's office in the
4 2003-2004 time period?

5 A. I saw her several times there.

6 Q. Okay. When were those several times that you saw her?

7 Were they in 2003 or 2004?

8 A. In both years.

9 Q. Okay. In 2003, when did you see her there?

10 A. Later in the year. I don't recall a specific date.

11 Q. Let me ask you this way: You said that you accepted the
12 position at the IFA in approximately November of 2003?

13 A. Yes.

14 Q. Did you see her there before you had accepted that
15 position?

16 A. Yes.

17 Q. Did you also see her after you had accepted that position?

18 A. Yes.

19 Q. Approximately how many times did you see her there?

20 A. Maybe four or five times.

21 Q. How did you know who Kelly King -- how did you know she
22 was Kelly King?

23 A. Kelly King was a former employee of Mr. Rezko, and I had
24 met her there prior to her taking the position with the state.

25 Q. Did you know what position she had with the state when you

1 saw her at Mr. Rezko's office?

2 A. Yes.

3 Q. How did you know what position she had with the state?

4 A. Mr. Rezko told me.

5 Q. What did Mr. Rezko tell you Ms. King's position was with
6 the state?

7 MR. DUFFY: Your Honor, foundation.

8 THE COURT: Sustained.

9 BY THE WITNESS:

10 A. Can you repeat the question?

11 BY MS. HAMILTON:

12 Q. Sure. You said that you saw her both before and after you
13 took the position at the IFA?

14 A. Yes.

15 Q. Do you recall when in 2003 you first saw her there?

16 A. No, I do not.

17 Q. When you first saw her there, was that when you talked
18 with Mr. Rezko about what she was doing for the state or was
19 it at some later time?

20 A. No, at that time in 2003.

21 Q. And when you talked with Mr. Rezko about what Ms. King was
22 doing for the state, was that a conversation you had with him
23 at his office?

24 A. Yes.

25 Q. And was anyone else there for that conversation?

1 A. Don't think anybody was there for it.

2 Q. What did Mr. Rezko tell you about what Ms. King's position
3 was in the state?

4 MR. DUFFY: I apologize, Judge. I'm still not clear
5 when this conversation took place, what part of the year
6 because we have both -- I think we're on either side of an
7 event.

8 THE COURT: Ms. Hamilton?

9 MS. HAMILTON: I'll make it clear. I think that
10 it's -- it's before he takes the position, but I don't think
11 he's able to be any more clear. But I'll --

12 THE COURT: See if you can pinpoint it any further.

13 MS. HAMILTON: Sure.

14 BY MS. HAMILTON:

15 Q. This conversation that you had with Mr. Rezko where he
16 informed you what Ms. King's position was within the state,
17 was this a conversation that happened before you accepted the
18 position at the --

19 A. Yes.

20 Q. -- IFA?

21 A. Yes.

22 Q. Approximately how long before, if you recall?

23 A. Early in 2000- -- I mean, it -- several months, maybe six
24 months before I took the position with IFA.

25 Q. And what is it that Mr. Rezko told you was Ms. King's

1 position with the state?

2 A. That she was the executive director of the Illinois
3 Housing Development Authority.

4 Q. And did he say anything else about Ms. King's position
5 there at that time?

6 A. Not at that time, no.

7 Q. At a later point, did he say something about Ms. King's
8 position at that department?

9 A. Yes.

10 Q. And it sounds like you remember a specific conversation
11 with Mr. Rezko where he talked about her position with the
12 department; is that right?

13 A. Yes.

14 Q. When was that conversation with Mr. Rezko?

15 A. Later in 2003.

16 Q. Okay. And, again, is it before you take the position at
17 the IFA?

18 A. I believe it was before I took the position with IFA.

19 Q. Do you recall how far -- where in relation to taking the
20 position?

21 A. Maybe a month or so.

22 Q. Was this conversation in person or over the phone?

23 A. In person.

24 Q. Was it at Mr. Rezko's office?

25 A. Yes.

1 Q. Was anyone else present when you had this conversation
2 with Mr. Rezko about Ms. King?

3 A. No.

4 Q. What was said in that conversation?

5 A. As Kelly came out of the -- of Mr. Rezko's office, she
6 seemed disturbed; so as I walked in after her into Mr. Rezko's
7 office, he informed me that -- I said why is Kelly disturbed.
8 He said, well, she was -- I just talked to her about her
9 position.

10 Q. Did he say anything further about her position?

11 A. He said he had delivered the message to her through the
12 chairman of the board of her agency congratulating her on her
13 new assignment.

14 Q. And did he explain what he meant when he said that he had
15 delivered a message to her through the chairman of her board
16 of her agency?

17 A. Yes, that Ms. King had objected to a hiring of an
18 individual for a management company that Mr. Cellini had that
19 was going to do -- that was doing some work for some of the
20 buildings that IHDA was managing.

21 Q. And what was it about that that was relevant to this
22 situation with Ms. King?

23 A. There was no new position for Ms. Kelly King.

24 Q. What do you mean?

25 A. That she would be fired.

1 MR. DUFFY: Your Honor, is this now a conversation
2 we're sharing with us or is this something --

3 THE COURT: Ms. Hamilton?

4 MS. HAMILTON: I asked if Mr. Rezko further explained
5 what he meant about a message being sent through the chairman
6 of her board, and I think this is his explanation of what he
7 told --

8 THE COURT: Is that his understanding?

9 MR. DUFFY: That's what I thought it was, Judge.

10 THE COURT: I thought it was his understanding as
11 opposed to something Mr. Rezko said.

12 MS. HAMILTON: All right. I'll clarify.

13 THE COURT: Okay.

14 MR. DUFFY: Your Honor, would you strike the last
15 answer?

16 THE COURT: Yes, I will strike the witness' last
17 answer; and the jury should disregard it.

18 BY MS. HAMILTON:

19 Q. First, tell me what you remember Mr. Rezko saying to you
20 in the conversation; and then I'll ask you what you understood
21 him to be saying.

22 So what -- as best you can recall, what did Mr. Rezko
23 tell you about Ms. King in that conversation?

24 A. That he had delivered a message through the chairman of
25 the board of her agency congratulating Kelly on her new

1 assignment.

2 Q. And did he say anything further about why he had done
3 this?

4 A. Because she was not acting as a team player and that he
5 needed to deliver that message to her.

6 Q. Did he tell you why -- what he meant when he said she's
7 not acting as a team player?

8 Did he tell you what she had done?

9 A. Not at that conversation; but later on, I learned what it
10 was.

11 Q. All right. Just focusing on that conversation, when
12 Mr. Rezko said that he had delivered a message to her through
13 the chairman of her board, that -- congratulating her on her
14 new position, what was your understanding of what he meant by
15 that?

16 A. That she would be fired.

17 Q. And did you have an understanding as to why Mr. Rezko was
18 saying she would be fired?

19 A. I'm not sure whether I got that understanding in that
20 meeting or sometime after that, but I -- I did learn of the
21 circumstances of that.

22 Q. All right. When did you learn of the circumstances as to
23 why she had -- she was being fired?

24 A. Shortly after that, sometime after that.

25 Q. And from whom did you learn the circumstances of why she

1 was being fired?

2 A. Mr. Cellini informed me that --

3 MR. DUFFY: Your Honor, could we have a foundation?

4 THE COURT: Yes.

5 BY MS. HAMILTON:

6 Q. From Mr. Cellini?

7 A. Yes.

8 Q. Okay. And this conversation with Mr. Cellini, where did
9 it take place?

10 A. In Mr. Rezko's office.

11 Q. And was Mr. Rezko there for this conversation?

12 A. No.

13 Q. Was this one of the times that you and Mr. Cellini were
14 both waiting for Mr. Rezko and had a conversation?

15 A. Yes.

16 MR. DUFFY: Objection to the leading.

17 THE COURT: Sustained.

18 BY MS. HAMILTON:

19 Q. How was it that you came to have a conversation with
20 Mr. Cellini in Mr. Rezko's office if he wasn't there for the
21 conversation?

22 A. We happened to be waiting to see Mr. Rezko.

23 Q. And what is it that Mr. Cellini said to you in this
24 conversation that was your under- -- your further
25 understanding for what Mr. Rezko had previously said to you?

1 MR. DUFFY: I assume it's not being offered for the
2 truth?

3 MS. HAMILTON: No. This particular conversation, I
4 think, just goes to his state of mind.

5 THE COURT: Okay.

6 MR. DUFFY: And I would object on relevancy because
7 it's Mr. Cellini speaking, not Mr. Rezko; so I don't know how
8 it goes to the understanding.

9 THE COURT: Is it conveyed later on at some point
10 or --

11 MS. HAMILTON: Well, it's completing the circle in
12 terms of his understanding of that last conversation. And I
13 think --

14 THE COURT: Overruled.

15 MR. DUFFY: Well, is he going to tie it up with
16 another conversation?

17 THE COURT: That's what I'm understanding her to be
18 saying.

19 MR. DUFFY: That's not what I understood.

20 THE COURT: Do we need to have a sidebar?

21 MS. HAMILTON: Sure.

22 THE COURT: Let's have a sidebar.

23 (Proceedings heard at sidebar:)

24 THE COURT: So he has this conversation with
25 Mr. Cellini. Mr. Cellini tells him what happened to Ms. King.

1 And then what?

2 MS. HAMILTON: And that's -- it confirms for him that
3 Mr. Cellini and Mr. Rezko are, in fact, working together on
4 state matters. And it more fully informs his state of mind in
5 terms of not doing what he is told in relation to his
6 position.

7 THE COURT: Okay. So it's --

8 MR. DUFFY: The question was Mr. Rezko made a comment
9 about this woman --

10 THE COURT: Right.

11 MR. DUFFY: -- in his office. And this was being
12 offered to explain what Mr. Rezko said. And I thought they
13 were going to say there was another conversation with
14 Mr. Rezko which would tie it up. I don't think having Cellini
15 opine whatever he wants to opine is really admissible to tie
16 up what Mr. Rezko meant in a conversation.

17 THE COURT: I would agree with that, but I don't
18 think that's -- I didn't understand Ms. Hamilton just to be
19 saying that. I don't think Mr. Cellini is opining. I think
20 he's telling him --

21 MS. HAMILTON: No, he's telling him.

22 THE COURT: -- what happened to Ms. King, and this
23 informs Mr. Ata's state of mind as to why he does certain
24 things later on, so it's not being offered to tie up what
25 Mr. --

1 MR. DUFFY: No, I understand. I just don't know what
2 the relevance is with Mr. Cellini.

3 THE COURT: The relevance --

4 MR. DUFFY: Because it's not being offered for the
5 truth.

6 THE COURT: Well, the relevance, as Ms. Hamilton has
7 said, is she knew Cellini and Rezko were working together and
8 that they will argue that they could get things done,
9 including get people fired if they didn't do what they wanted
10 them to do. And this is why he later on, in part, did what he
11 did. Is that correct?

12 MS. HAMILTON: Yes.

13 MR. DUFFY: But is there something else with Cellini
14 that ties up Cellini later with his official position? I
15 mean, I understand with Rezko; but on this, Cellini had some
16 involvement in something he's doing. There's no connect.
17 That's the problem.

18 MS. HAMILTON: No, it's -- the fact of the matter is,
19 I think that the relationship between Mr. Rezko and
20 Mr. Cellini in relation to state matters is relevant generally
21 speaking.

22 And beyond that, it's relevant to him because what
23 he's going to say, he's -- Mr. Cellini explains to him what he
24 said before that was struck, which is that somebody Cellini
25 wanted hired wasn't hired; and because of that, Rezko is the

1 one who went to the chairman of the board and had her fired.
2 So it is directly relevant to his state of mind in terms of
3 people working in tandem and Mr. Rezko having the ability to
4 actually have her fired if she doesn't do what he wants.

5 MR. DUFFY: Well, he's already said that, that
6 Mr. Rezko said that he sent a message to the chairman that she
7 be fired, so I don't know what this adds. And I thought they
8 were going to tie it up by saying somewhere down the road when
9 he's in his state position, he has to deal with Cellini and,
10 therefore, he has this mindset of Cellini. But what I'm
11 hearing is, there's no more Cellini contact. Cellini has
12 nothing to do with IFA, and he never deals with Cellini in his
13 official position.

14 MS. HAMILTON: But it also backs up what he said
15 before, which is that he knows that Mr. Cellini -- Mr. Rezko
16 has told him that he and Mr. Cellini are working together on
17 state matters; that Mr. Cellini has advised him on state
18 matters at this time; and that he's actually giving him the
19 state lease assignment to look into at this same time. I
20 mean, it goes to further --

21 THE COURT: And he said Mr. Cellini tells Mr. Ata
22 that Mr. Rezko had her fired, which is directly relevant to
23 his state of mind as to Mr. Rezko's power within the
24 government.

25 MR. DUFFY: Well, this woman was never fired, but

1 that's okay. I understand.

2 THE COURT: You are free to cross on that.

3 MR. DUFFY: No, no, we'll call her. We'll see her
4 next week probably.

5 THE COURT: I will instruct the jury that it's being
6 offered for this witness' state of mind only and not for the
7 truth of what Mr. Cellini said.

8 MR. DUFFY: All right, Judge.

9 THE COURT: Okay.

10 (Proceedings heard in open court:)

11 THE COURT: Ladies and gentlemen, the conversation
12 you're about to hear, Mr. Cellini's statements are not being
13 offered for the truth of what he allegedly said. They are
14 instead being offered to show Mr. Ata's state of mind.

15 You may proceed.

16 MS. HAMILTON: Thank you, your Honor.

17 BY MS. HAMILTON:

18 Q. Mr. Ata, what did Mr. Cellini explain to you about the
19 situation with Ms. King?

20 A. Mr. Cellini stated that he was displeased with Ms. Kelly's
21 position; that she would not hire somebody in his management
22 company. She wouldn't allow a -- a relative of Mr. Rezko to
23 be hired in his management company that would be overseeing
24 the management of one of the buildings that her agency was --
25 that it was under her agency's control.

1 Q. And did those statements by Mr. Cellini go to your further
2 understanding of what had happened in this situation?

3 A. Yes.

4 Q. And were they significant to you when you took the
5 position as the executive director of the IFA?

6 A. Yes.

7 Q. And why was it that these two conversations, the one with
8 Mr. Rezko and the one with Mr. Cellini, were significant to
9 you when you took the position as executive director at the
10 IFA?

11 A. Because it emphasized that you need to continue to be a
12 team player and follow the rules if you're going to be part of
13 the administration.

14 Q. And when you say you need to continue to be a team player
15 and follow the rules, what do you mean?

16 A. To take orders and listen.

17 Q. And what was your understanding of what would happen to
18 you if you didn't take orders and listen?

19 A. Could lose your job.

20 Q. Now, prior to this incident that you just explained, had
21 Mr. Rezko ever said anything to you about what his
22 relationship was to the Illinois Housing Development
23 Authority?

24 A. Yes, that he had recommended --

25 MR. DUFFY: Objection, your Honor, foundation.

1 THE COURT: Sustained.

2 BY MS. HAMILTON:

3 Q. When in relation to this incident had Mr. Rezko said
4 anything to you about what his relationship was to the
5 Illinois Housing Development Authority?

6 A. Around July of 2003.

7 Q. And was this a conversation in person?

8 A. Yes.

9 Q. Was anyone else there?

10 A. Do not remember if anybody was.

11 Q. What, if anything, did Mr. Rezko tell you about his
12 relationship to this agency on behalf of the administration?

13 A. That Mr. Rezko had kept the responsibility for some state
14 agencies to be reporting to him or under his control, IHDA
15 being one of them, employment services being the second and
16 IFA being the third if I take that position.

17 Q. And you said employment services; is that right?

18 A. Yes.

19 Q. Was that another agency as far as you knew?

20 A. Yes.

21 Q. And in your earlier testimony when I asked you about state
22 employees you saw there, you mentioned Ms. King, a Ms. Russell
23 and someone from the Health Facilities Planning Board?

24 A. Yes.

25 Q. Who was Ms. Russell?

1 A. She was the executive director of employment services.

2 Q. When had you seen Ms. Russell at Mr. Rezko's office?

3 A. Sometime in 2003.

4 Q. And you mentioned that you saw someone from the Health
5 Facilities Planning Board at Mr. Rezko's office?

6 A. Yes.

7 Q. Do you recall who that individual was from the Health
8 Facilities Planning Board?

9 A. I believe it was Mr. Beck.

10 Q. And did you actually speak with Mr. Beck?

11 A. Yes.

12 Q. Approximately when did you see and speak with Mr. Beck at
13 Mr. Rezko's office?

14 A. Early 2004.

15 Q. Now, with respect to the Health Facilities Planning Board,
16 did you ever have any conversations with Mr. Rezko about the
17 Health Facilities Planning Board?

18 A. Yes.

19 Q. And was this one conversation or more than one
20 conversation?

21 A. More than one conversation.

22 Q. When did these conversations take place?

23 A. In 2003.

24 Q. Approximately how many conversations would you say you had
25 with him about the Health Facilities Planning Board?

1 A. I'm not sure.

2 Q. Do you remember the conversations individually or
3 collectively?

4 A. Collectively.

5 Q. What did Mr. Rezko say to you about the Health Facilities
6 Planning Board?

7 MR. DUFFY: Your Honor, I object. We only have a
8 year. Can we do any better on the foundation than just a
9 year?

10 THE COURT: Ms. Hamilton, do you want to see if you
11 can narrow it at all.

12 MS. HAMILTON: Sure.

13 BY MS. HAMILTON:

14 Q. Mr. Ata, in relation to 2003, were these conversations
15 before you became the director of the IFA?

16 A. Yes.

17 Q. Were -- where in relation to that time period, November of
18 2003, did you have these conversations with Mr. Rezko?

19 A. In the first half of 2003.

20 Q. All right. And what did Mr. Rezko say to you about the
21 Health Facilities Planning Board?

22 A. That he had some people in mind to appoint and will be
23 appointing some people to the board of health facilities
24 authority.

25 Q. Did he tell you the names of the individuals?

1 A. Yes.

2 Q. What names did he tell you?

3 A. Dr. Almanaseer, Dr. Fortunee and Dr. Malek.

4 Q. Did you know these individuals?

5 A. I had met them.

6 Q. And how had you met these individuals?

7 A. Two of them through Mr. Rezko and a third one, I had met
8 him on my own.

9 Q. I'm sorry. You had met --

10 A. Two of them I met through Mr. Rezko and the third one I
11 met on my own.

12 Q. And who were the two you had met through Mr. Rezko?

13 A. Dr. Fortunee and Dr. Malek.

14 Q. And Dr. Almanaseer you knew on your own?

15 A. Yes.

16 Q. At some point when Mr. Rezko was talking with you about a
17 position for you at the IFA, did he ever talk to you about who
18 was going to be on the IFA board?

19 A. Yes.

20 Q. When -- when did he talk to you about this? Let's use
21 again -- you said that you accepted the position in
22 approximately November of 2003. When in relation to accepting
23 the position did you talk with Mr. Rezko about who was going
24 to serve on the IFA's board?

25 A. Starting July, August of '03.

1 Q. So it sounds like there was more than one conversation?

2 A. Yes.

3 Q. And did the conversations deal with individual board
4 members?

5 A. Yes.

6 Q. When was the -- when was the first conversation you
7 remember having with Mr. Rezko about who was going to serve on
8 IFA's board?

9 A. Around July-August time frame of 2003.

10 Q. Was this a conversation that you had with Mr. Rezko in his
11 office?

12 A. Yes.

13 Q. Was anyone else there?

14 A. I do not remember if anybody was there.

15 Q. What did Mr. Rezko tell you in that conversation about who
16 would serve on IFA's board?

17 A. He mentioned that Mr. David Gustman would serve on the IFA
18 board and will be a chairman of the board.

19 Q. Did Mr. Rezko tell you whether he had any relationship
20 with Mr. Gustman?

21 A. No.

22 Q. Did you know Mr. Gustman?

23 A. Yes.

24 Q. How did you know Mr. Gustman?

25 A. Through Mr. Rezko.

1 Q. After that conversation about Mr. Gustman, when did you
2 have your next conversation with Mr. Rezko about who might
3 serve on the IFA board?

4 A. I happened to walk into Mr. Rezko's office one time, and
5 there was another board member that Mr. Rezko introduced me
6 to; and I believe his name is Mike Getz.

7 Q. Do you remember --

8 MR. DUFFY: No foundation.

9 THE COURT: Go back and lay it, please.

10 MS. HAMILTON: Yes.

11 BY MS. HAMILTON:

12 Q. Do you remember when it was that that particular incident
13 happened in 2003?

14 A. Late summer of 2003.

15 Q. All right. And it sounds like it happened at Mr. Rezko's
16 office?

17 A. Yes.

18 Q. And I think you described that there were other people
19 there. Who else was there?

20 A. Can you repeat your question?

21 Q. Sure. You testified before that you walked into
22 Mr. Rezko's office and there were other people there who he
23 introduced you to; is that correct?

24 A. Yes.

25 Q. Who was it that Mr. Rezko introduced you to?

1 A. Mr. Rezko introduced me to a gentleman who he had just
2 finished a meeting with and informed me that this gentleman
3 will serve on the board of the new agency.

4 Q. And do you remember the gentleman's name?

5 A. I believe it's Mr. Getz, but I'm not sure.

6 Q. Did you know that gentleman before meeting him that day?

7 A. No.

8 Q. I think that there was some trouble hearing. Did you
9 say -- can you repeat the name that you believe it was?

10 A. I believe it's Michael -- Mike Getz, but I'm not sure.

11 Q. Do you know how to spell that?

12 A. G-e-t-z.

13 Q. Okay. All right. So there was a conversation about
14 Mr. Gustman, and then you were introduced to a gentleman who
15 you believe is Michael Getz?

16 A. Yes.

17 Q. Was there another conversation with Mr. Rezko about who
18 would serve on the IFA board?

19 A. Yes. Mr. Rezko informed me that Mr. Othman would also
20 serve --

21 MR. DUFFY: Objection, your Honor. I would like to
22 have some foundation.

23 THE COURT: Sustained.

24 BY MS. HAMILTON:

25 Q. That -- this next conversation, when did that take place

1 in 2003?

2 A. Late summer of 2003.

3 Q. Was this a conversation at Mr. Rezko's office?

4 A. Yes.

5 Q. Was anyone else there?

6 A. I do not recall.

7 Q. What did Mr. Rezko say in that conversation?

8 A. That Mr. Othman would also be serving on the board of
9 directors of IFA.

10 Q. When he said Mr. Othman, do you know who he was referring
11 to?

12 A. Yes.

13 Q. Who is Mr. Othman?

14 A. A mutual friend.

15 Q. What's Mr. Othman's first name?

16 A. Tal, T-a-l; Talat, T-a-l-a-t.

17 Q. And you said that he's a mutual friend?

18 A. Yes.

19 Q. Meaning that you understand him to be a friend of both
20 yours and Mr. Rezko's?

21 A. Yes.

22 Q. Did you have -- with respect to Mr. Othman, at this period
23 of time, so late summer of 2003, did you have an understanding
24 as to whether Mr. Othman served on another state board?

25 A. Yes.

1 Q. And where did that -- where does that understanding come
2 from?

3 A. Mr. Othman told me.

4 Q. Did you have any conversations with Mr. Rezko about
5 Mr. Othman's position on other state boards?

6 A. Yes. Mr. Rezko knew that Mr. Othman was serving on
7 another board.

8 Q. When you say he knew --

9 MR. DUFFY: Pardon me.

10 THE COURT: Lay the foundation. Sustained.

11 BY MS. HAMILTON:

12 Q. You say that Mr. Rezko knew. How do you know Mr. Rezko
13 knew? Did you have a conversation with Mr. Rezko about it?

14 A. Yes.

15 Q. When did you have a conversation with Mr. Rezko about the
16 fact that Mr. Othman was serving on another state board?

17 A. Late summer of 2003.

18 Q. And where did this conversation take place?

19 A. In Mr. Rezko's office.

20 Q. Was anyone else there?

21 A. I do not believe anybody was there.

22 Q. What did Mr. Rezko say about that, Mr. Othman serving on
23 another board?

24 A. He said that Mr. Othman will be serving on IFA board and
25 potentially -- or eventually will move off of the pension

1 board.

2 Q. You said he would eventually move off of the pension
3 board?

4 A. Yes.

5 Q. Did you know what pension board Mr. Rezko was referring
6 to?

7 A. Some education pension board.

8 Q. Now, moving forward from late summer of 2003, did you have
9 any later conversations with Mr. Rezko about Mr. Othman's
10 position on this state pension board?

11 A. Yes.

12 Q. When?

13 A. In 2000- -- I'm sorry. Repeat your question, please.

14 Q. Sure. You just talked about a conversation you had with
15 Mr. Rezko in late summer of 2003 about Mr. Othman serving on
16 IFA and eventually leaving some other state pension board?

17 A. Yes.

18 Q. Was -- did you have any later conversations with Mr. Rezko
19 about Mr. Othman's position on the state pension board?

20 A. Yes.

21 Q. When?

22 A. In around March-April time frame of 2004.

23 Q. Where did this conversation take place?

24 A. This was a phone conversation.

25 Q. And did you call Mr. Rezko or did he call you?

1 A. Mr. Rezko called me.

2 Q. And in this phone conversation, what was said?

3 A. Mr. Rezko asked me to deliver a message to Mr. Othman to
4 support a candidate of Mr. Rezko for the -- to be the chairman
5 of the board of that pension fund.

6 Q. And did you, in fact, relay that message to Mr. Othman?

7 A. Yes.

8 Q. All right. You testified that IFA was officially formed
9 on January 1st, 2004, correct?

10 A. Yes.

11 Q. At some point after the IFA was officially formed, did
12 Mr. Rezko have a conversation with you about his restaurant
13 business in relation to the IFA?

14 A. Yes, he did.

15 Q. Was it one conversation or more than one conversation?

16 A. More than one conversation.

17 Q. All right. When was the first conversation?

18 A. Early in January of 2004.

19 Q. Where did this conversation take place?

20 A. In his office.

21 Q. Now, at this point, had you started to have your weekly or
22 biweekly meetings to report to Mr. Rezko about the IFA?

23 A. Yes.

24 Q. And was this a conversation that happened in the course of
25 one of those meetings?

1 A. Yes.

2 Q. Was anyone else there for that meeting?

3 A. No.

4 Q. What was said in that meeting?

5 A. Mr. Rezko asked me to reach out to a financial adviser by
6 the name of Tom Lanctot. And he described him as -- as a team
7 player and a knowledgeable person in the affairs of IFA and
8 the previous authorities. And he asked me to reach out to him
9 to find a way for IFA to participate in the finance --
10 refinancing of a sale of pizza restaurants.

11 Q. Did Mr. Rezko say how much financing or refinancing he was
12 looking for at that point?

13 A. Yes.

14 Q. And what -- how much?

15 A. It was about 15, \$16 million.

16 Q. Now, prior to that, had you ever met Mr. Tom Lanctot
17 before?

18 A. No.

19 Q. After that conversation with Mr. Rezko, did you reach out
20 to Mr. Lanctot?

21 A. Yes.

22 Q. Did you actually meet with him?

23 A. Yes, I did.

24 Q. Approximately when did you meet with Mr. Lanctot in
25 relation to this conversation with Mr. Rezko?

1 A. In early February of 2004.

2 Q. Did you have one meeting or more than one meeting with
3 Mr. Lanctot?

4 A. I had two meetings with Mr. Lanctot.

5 Q. Where did the meetings take place?

6 A. In my office.

7 Q. Was it just you and Mr. Lanctot there?

8 A. Yes.

9 Q. Do you remember the meetings individually or collectively?

10 A. Collectively.

11 Q. What was said in those two meetings with Mr. Lanctot?

12 MR. DUFFY: Your Honor, nothing offered for the
13 truth? I'm sorry.

14 MS. HAMILTON: No. I'm sorry. Mr. Lanctot's
15 comments -- or statements are not being offered for the truth
16 but state of mind and actions in conformity.

17 THE COURT: Ladies and gentlemen, the conversation
18 you're about to hear or the meetings with Mr. Lanctot, his
19 statements are not being offered for the truth of what he
20 said, but instead are being offered to show this witness'
21 state of mind and actions that this witness took based on
22 those statements.

23 BY MS. HAMILTON:

24 Q. So what happened in those meetings?

25 A. Mr. Lanctot informed me and gave me a written report

1 indicating that IFA had the resources and ability to do the
2 financing; that it had not been done before; but in order for
3 it to take place, it will need a new program to be approved by
4 the board of directors of the IFA.

5 Q. And in the course of this meeting, did Mr. Lanctot provide
6 you with anything?

7 A. Yes.

8 Q. And what did he provide you with?

9 A. He gave me a letter, a one-page summary of his
10 recommend- -- or his thoughts and recommendations.

11 Q. And in that -- what was laid out in that letter?

12 A. That IFA can potentially do this transaction; that it had
13 the resources, but it had not been done before; and, as such,
14 it will need a new program; and the new program needs to be
15 approved by the board of directors of IFA.

16 Q. All right. So there were certain things in there that you
17 needed to do in order for this to happen?

18 A. Yes.

19 Q. After those meetings with Mr. Lanctot, did you have
20 further conversations with Mr. Rezko about this?

21 A. Yes.

22 Q. After those meetings, when in relation to those meetings
23 with Mr. Lanctot did you talk to Mr. Rezko?

24 A. I talked to him on a regular basis between -- probably
25 between the meetings and after the meetings.

1 Q. All right. The dates of the meetings with Mr. Lanctot, do
2 you have memory of the precise dates of the meeting?

3 A. Early February, around the 10th.

4 Q. If I showed you the memo that Mr. Lanctot gave you, might
5 that refresh your recollection as to at least the date of one
6 of the meetings?

7 A. Yes.

8 Q. I'm going to show you what I marked as Government Exhibit
9 Ata Memo and ask you to take a look at that. And let me know
10 if it refreshes your recollection as to the date of at least
11 one of the meetings.

12 A. Yes, it does.

13 Q. And what was the date?

14 A. The 12th of February of '04.

15 Q. Okay. So when in relation to that did you next meet with
16 Mr. Rezko about this issue?

17 A. Within the week.

18 Q. Where was that meeting?

19 A. In Mr. Rezko's office.

20 Q. Was anyone else there?

21 A. No.

22 Q. What happened in that meeting?

23 A. I updated Mr. Rezko on the conversation that I had with
24 Mr. Lanctot and informed him that although we had the ability
25 and -- to do it, that there were several concerns. One of

1 them was the -- the -- that it had not been done before; and
2 it would need to go to the board of directors for approval.
3 Secondly, that the publicity that would be associated with
4 such a transaction would be detrimental to IFA and the
5 governor's office.

6 Q. And why did you believe that the publicity would be
7 detrimental to the IFA and to the governor's office?

8 A. Because of the association of the business with Mr. Rezko.

9 Q. When you explained that to Mr. Rezko in the meeting, did
10 he respond?

11 A. Yes.

12 Q. How did he respond?

13 A. He said as far as the publicity, he will get the
14 governor's office to approve that transaction. And as far as
15 the board, he said we put them there.

16 Q. And when he said "we put them there," what did you take
17 him to mean?

18 A. That those board members would support this transaction.

19 Q. Now, at this point in this meeting with Mr. Rezko, did you
20 believe that the IFA should conduct a transaction with
21 Mr. Rezko's businesses?

22 A. No.

23 Q. Did you tell Mr. Rezko that?

24 A. Not at that meeting, I did not.

25 Q. Why didn't you tell him that at that meeting?

1 A. I just didn't feel I had the power to tell him that.

2 Q. Well, you were the executive director of the IFA. Why did
3 you feel like you didn't have the power to tell Mr. Rezko that
4 this wasn't going to happen?

5 A. I reported to Mr. Rezko.

6 Q. And what did you think would happen if you told him you
7 didn't want to do this?

8 A. I probably will not show up to work the next day.

9 Q. After that meeting with Mr. Rezko, what was the next thing
10 that happened in relation to this issue?

11 A. There was a second meeting sometime with Mr. Lanctot, you
12 know, around that time period of which the same issues were
13 discussed. But later in February, I received a call from
14 Mr. Rezko asking me to type a letter for him.

15 Q. Now, prior to Mr. Rezko asking you to type a letter, had
16 you had any conversations with him in relation to the issues
17 that you had raised in the meeting?

18 A. Yes.

19 Q. And was this a conversation that you had with Mr. Rezko
20 over the phone or in person?

21 A. In person.

22 Q. Was anyone else there?

23 A. I don't remember anybody being there.

24 Q. Was this at Mr. Rezko's office?

25 A. Yes.

1 Q. And what happened in that meeting in relation to the
2 issues that had been raised in your previous meeting with
3 Mr. Rezko you talked about?

4 A. He said that he had gotten the governor's office to
5 approve the transaction.

6 Q. Did you have any response to that?

7 A. No.

8 Q. Now, at that point, did you still not want the IFA to do
9 this?

10 A. I didn't believe IFA should do that transaction.

11 Q. All right. At that point, did you tell that to Mr. Rezko?

12 A. No.

13 Q. All right. So you've indicated that at some point after
14 this, you received a phone call from Mr. Rezko asking you to
15 write a letter?

16 A. Yes.

17 Q. Approximately when did that phone call take place?

18 A. Late in February of '04.

19 Q. And did you call Mr. Rezko or did he call you?

20 A. He called me.

21 Q. Do you remember where you were when he called you?

22 A. I was in my office.

23 Q. And how do you remember that you were in your office?

24 A. Because Mr. Rezko usually did not call me in my office.

25 Q. What happened in that phone call?

1 A. Mr. Rezko asked me to type a letter and bring it to him
2 right away and proceeded to dictate the letter to me.

3 Q. You said he proceeded to dictate the letter to you. What
4 do you mean?

5 A. He asked me to write a letter to a certain individual and
6 dictated the language of the letter.

7 Q. Did he tell you the individual you were supposed to write
8 the letter to?

9 A. Yes.

10 Q. And when you say he dictated the language, do you mean he
11 told you exactly what to write in the letter?

12 A. Yes.

13 Q. What were you doing in the course of this conversation
14 with Mr. Rezko?

15 A. I was handwriting it.

16 Q. What happened after you finished writing?

17 A. I read it back to Mr. Rezko.

18 Q. And then what happened?

19 A. And he asked me to make a couple of changes to it.

20 Q. Do you recall the changes that he asked you to make to it?

21 A. Yes.

22 Q. What changes did he ask you to make?

23 A. I had written the pizza restaurants in Chicago, and he
24 asked me to add "and Milwaukee." And I had written "the
25 application or the transaction will be submitted to the

1 board," and he asked me to change the word "submitted" to
2 "recommended."

3 Q. Did you make those changes?

4 A. Yes.

5 Q. Were those changes you were comfortable making?

6 A. No.

7 Q. Did you tell Mr. Rezko that you weren't comfortable making
8 those changes?

9 A. No.

10 Q. Why not?

11 A. I felt that I needed -- I had to do that letter.

12 Q. Sir, I'm going to show you what's marked -- or it's in
13 evidence as Government Exhibit Ata Letter.

14 MS. HAMILTON: Judge, this is in evidence. May I
15 publish it?

16 THE COURT: You may.

17 (Said exhibit published to the jury.)

18 BY MS. HAMILTON:

19 Q. Sir, do you recognize this document?

20 A. I do.

21 Q. What is this document?

22 A. This is the letter that I typed for Mr. Rezko on the 25th
23 of April of 2004.

24 Q. Okay. And I'm going to focus you first on the top. It
25 says Illinois Finance Authority. You said that you typed this

1 letter yourself?

2 A. Yes.

3 Q. All right. And the addressee -- if we'll blow that up --
4 it's a Mr. Paul Ray; and there's an address. Where did you
5 get that information?

6 A. From Mr. Rezko.

7 Q. And then you said that the date of the letter is February
8 25th of 2004?

9 A. Yes.

10 Q. When -- when did you type this letter in relation to your
11 conversation with Mr. Rezko?

12 A. Immediately.

13 Q. All right. So based upon the date of this letter, your
14 conversation with Mr. Rezko over the phone was February 25,
15 2004?

16 A. Yes.

17 Q. All right. And then the substance of the letter -- if we
18 can blow that up -- it reads: Dear Mr. Ray. Please be
19 informed that your request for financing the acquisition of
20 Papa John's stores in the Chicago and Milwaukee markets will
21 be recommended for approval by the board of directors of the
22 Illinois Finance Authority, in parens IFA, on March 15, 2004.

23 And I believe you testified that there were some
24 changes to that particular paragraph; is that right?

25 A. Yes.

1 Q. How had you originally drafted that paragraph?

2 A. I did not have --

3 MR. DUFFY: Your Honor, I object. It's been asked
4 and answered. She's been through the letter, and he explained
5 how he made the changes when he handwrote the letter.

6 THE COURT: Are you asking something different? If
7 you are, clarify it because he already testified about --

8 MS. HAMILTON: Okay. That's fine. I can move on.

9 THE COURT: Okay.

10 BY MS. HAMILTON:

11 Q. And then -- and, again, the changes that you made to the
12 letter, those were changes Mr. Rezko made?

13 MR. DUFFY: Objection, asked and answered.

14 BY THE WITNESS:

15 A. Yes.

16 THE COURT: Sustained.

17 BY MS. HAMILTON:

18 Q. And then it says, IFA will guarantee 50 percent of the
19 total acquisition cost of \$16 million. Closing can be
20 scheduled three weeks after board approval.

21 Where did you get that language?

22 A. From Mr. Rezko.

23 Q. And then you sign it as the executive director?

24 A. Yes.

25 Q. What did you do with this letter after you wrote it?

1 A. As instructed, I delivered it to Mr. Rezko.

2 Q. And where did you deliver it to Mr. Rezko?

3 A. To his office.

4 Q. When did you deliver it?

5 A. Same day, shortly after I typed it.

6 Q. What happened when you got to Mr. Rezko's office?

7 A. I gave it to Mr. Rezko, and I was to pick up the financial
8 package that the accountant was to have delivered; and the
9 package was not there.

10 Q. How did you learn that the package was not there?

11 A. Mr. Rezko told me that the accountant had not delivered
12 the package as of yet, and it will be there later in the day;
13 and I should check back.

14 Q. Now, prior to coming there, had you and Mr. Rezko had a
15 discussion about the fact that he was supposed to get a
16 financial package to you?

17 A. Yes. He said that the financial package will be there
18 when I deliver the letter.

19 Q. Did you ever get the financial package Mr. Rezko said he
20 would get you in connection with this letter?

21 A. No.

22 Q. After you dropped off the letter at Mr. Rezko's office on
23 February 25, what's the next thing that happened in relation
24 to this letter?

25 A. Within a day or two after this letter, I called the

1 chairman of the board of the Illinois Finance Authority and I
2 called Tom Lanctot, the financial adviser, and asked him if
3 they would join me in a meeting with Mr. Rezko to talk him out
4 of doing this transaction.

5 Q. All right. I should have asked you this, but you
6 testified that Mr. Rezko had said there was going to be a
7 financial package for you; but then when you got there, he
8 said that he didn't have it. What was it that was supposed to
9 be in the financial package?

10 A. All the material needed to -- to go to the board for
11 approval. Just like any other loan, you need to provide the
12 financial package to -- for the board to approve.

13 Q. Okay. So you said that you called the chairman of the
14 board. Is that Mr. Gustman?

15 A. Yes.

16 Q. And you also called Mr. Lanctot?

17 A. Yes.

18 Q. And after you contacted them, what did you do?

19 A. I set up a meeting with Mr. Rezko.

20 Q. When was -- was there actually a meeting then?

21 A. Yes.

22 Q. When was that meeting?

23 A. Again, shortly after the letter, within a couple of days.

24 Q. All right. When you say shortly after, a couple of days,
25 the letter is written and delivered on February 25th. As best

1 you can recall, when in relation to you delivering the letter
2 on February 25th did you meet again with Mr. Rezko about this
3 issue?

4 A. Within a few days after the letter. I don't know exactly
5 how many days.

6 Q. And by a few, do you mean two to three or --

7 A. Yes, two to three.

8 Q. And was the meeting at Mr. Rezko's office?

9 A. Yes.

10 Q. Who was at the meeting?

11 A. Myself, Mr. David Gustman and Mr. Tom Lanctot.

12 Q. Was Mr. Rezko there?

13 A. Yes. I'm sorry.

14 Q. What happened at that meeting?

15 A. I informed Mr. Rezko that we should not proceed with this
16 transaction; that the publicity associated with this
17 transaction would be detrimental to IFA; and I didn't feel
18 comfortable doing it. Mr. Lanctot jumped in and supported my
19 position. And Mr. Rezko said, fine, we will not do it.

20 Q. What, if anything, happened after that part of the
21 meeting?

22 A. As we left, I asked Mr. Rezko for the letter. He said he
23 didn't use it, will not use it and will give it back to me.

24 Q. All right. So why did you ask Mr. Rezko for the letter
25 back?

1 A. I -- I didn't want it to be out there. I was -- I thought
2 it was wrong for it to be written to begin with, and I wanted
3 it back.

4 Q. All right. And you said Mr. Rezko said I didn't use it, I
5 will not use it and I'll get it back to you?

6 A. Yes.

7 Q. And did he, in fact, get the letter back to you?

8 A. No.

9 Q. At that point, did you believe that this issue was
10 finished?

11 A. Yes.

12 Q. Was there ever any sort of package put together for the
13 board?

14 A. No.

15 Q. Did Mr. Rezko ever tell you that he had, in fact, faxed
16 the letter to someone?

17 A. No, he did not.

18 Q. What was the next thing that you heard about this issue?

19 A. Sometime after this, the in-house counsel of IFA stuck his
20 head in my office and said --

21 MR. DUFFY: Objection, your Honor, foundation and
22 also hearsay.

23 THE COURT: Sustained.

24 MS. HAMILTON: It's state of mind, your Honor.

25 BY MS. HAMILTON:

1 Q. When in relation to this --

2 MR. DUFFY: State of mind after the fact? I'll
3 object to that.

4 THE COURT: What's it being offered for? You say
5 state of mind. Did he take actions based on this?

6 MS. HAMILTON: No, he didn't -- I mean, he says
7 something in the course of this conversation that confirms the
8 prior --

9 THE COURT: Okay. Okay.

10 MR. DUFFY: Judge, there's no state of mind issue
11 here. It's not relevant.

12 THE COURT: Ms. Hamilton?

13 MS. HAMILTON: Well, I think --

14 MR. DUFFY: It's a hearsay conversation.

15 MS. HAMILTON: I think what Mr. Ata says can come in.
16 Whatever is said to him goes to the context in his state of
17 mind as to why he says what he says.

18 THE COURT: Let's take our afternoon break and we can
19 address this. 15 minutes.

20 (Jury out.)

21 THE COURT: Mr. Ata, you may step down. Please be
22 back a little bit before 25 after.

23 Ms. Hamilton?

24 MS. HAMILTON: Your Honor, I don't need to go there.
25 I won't elicit this conversation.

1 THE COURT: Okay. All right. We'll -- anything else
2 I need to address?

3 MR. DUFFY: Not from us.

4 THE COURT: We'll pick up at 25 after.

5 (Recess taken.)

6 (Jury in.)

7 MS. HAMILTON: Thank you, your Honor.

8 BY MS. HAMILTON:

9 Q. Mr. Ata, I want to clarify one thing. You testified about
10 a conversation you had with Mr. Rezko about his displeasure
11 with Ms. King, correct?

12 A. Yes.

13 Q. Now, do you know one way or the other if Ms. King was
14 actually fired?

15 A. I do not know.

16 Q. At some point, did you tell Mr. Rezko that you wanted to
17 leave the IFA?

18 A. Yes.

19 Q. When did you first tell Mr. Rezko you wanted to leave the
20 IFA?

21 A. In the middle of 2004.

22 Q. Was this one of your regular meetings with Mr. Rezko?

23 A. Yes.

24 Q. What was Mr. Rezko's response?

25 A. He thought it was too soon; that I should wait a year.

1 Q. What was your response to that?

2 A. I -- we agreed that I will come back to him in a few
3 months and that we start the selection process of the new
4 executive director.

5 Q. Now, why did you talk to Mr. Rezko about wanting to leave
6 the IFA?

7 A. I felt that I had completed the -- the assignment, the
8 consolidation; that IFA was up and running; and I felt that it
9 was time for me to move on.

10 Q. Did the topic come up again?

11 A. Yes.

12 Q. When?

13 A. It came up again maybe a month or two after the first
14 time.

15 Q. At some point, was Mr. Rezko receptive to the idea of you
16 leaving the IFA?

17 A. Yes.

18 Q. When was that?

19 A. In August time frame of 2004.

20 Q. All right. And I think that you testified that you and
21 Mr. Rezko came to some agreement on the timing of when you
22 would leave?

23 A. Yes.

24 Q. And what was the timing that you had agreed upon when you
25 would leave?

1 A. The --

2 MR. DUFFY: Your Honor, I object. Can we have a
3 foundation if we're going to get into a conversation?

4 THE COURT: Ms. Hamilton?

5 MS. HAMILTON: I think he said this conversation was
6 in August of 2004.

7 BY THE WITNESS:

8 A. Yes.

9 BY MS. HAMILTON:

10 Q. Was this one of your regular meetings with Mr. Rezko?

11 A. Yes.

12 Q. Was anyone else there?

13 A. No.

14 Q. And what was the agreement that you and Mr. Rezko reached
15 in terms of how much longer you would stay at the IFA?

16 A. That I would stay until the end of December of 2004.

17 Q. Did you talk to anyone else in the administration about
18 wanting to leave the IFA?

19 A. Yes.

20 Q. Who did you talk to?

21 A. I talked to Lon Monk.

22 Q. When did you talk to Mr. Monk about this?

23 A. Around September of that year.

24 Q. All right. So you talked to Mr. Monk after you had spoken
25 to Mr. Rezko?

1 A. Yes.

2 Q. And why did you talk with Mr. Monk about that?

3 A. Just to inform him.

4 Q. Did you make any suggestions to Mr. Rezko or Mr. Monk
5 about who should take your place?

6 A. Yes.

7 Q. Focusing on -- how many conversations did you have with
8 Mr. Rezko about suggestions on who should take your place?

9 A. A couple of conversations.

10 Q. When did those conversations take place?

11 A. In August.

12 Q. And, again, were these part of your weekly meetings?

13 A. Yes.

14 Q. Now, at some point prior to leaving the IFA, did you learn
15 of a problem with one of the suggested individuals you had put
16 forward?

17 A. Yes.

18 Q. When was it that you learned of a problem with this
19 person?

20 A. Before the end of the year, so it would be in about
21 November, November of 2004.

22 Q. And who informed you that there was a problem with one of
23 the individuals you had suggested to replace you?

24 A. Mr. Rezko.

25 Q. Was this, again, in one of your regular meetings with him?

1 A. Yes.

2 Q. Was anyone else there?

3 A. No.

4 Q. And who was the individual you had suggested Mr. Rezko
5 said there was a problem with?

6 A. Jill Rendleman.

7 Q. And, generally, who was Ms. Rendleman in relation to the
8 IFA at that point?

9 A. She had been a board member. And at that point in time,
10 she was -- she became an employee and was running the --
11 the -- the southern part of IFA -- business of IFA.

12 Q. What did Mr. Rezko tell you was the problem with
13 Ms. Rendleman?

14 A. That there was an issue with that individual. There's
15 a -- a -- that Mr. Chris Kelly had a problem with her, with
16 her appointment.

17 Q. Now, at some point, did you resign from the IFA?

18 A. Yes.

19 Q. When was that?

20 A. March of '05.

21 Q. Prior to leaving the IFA, had anyone arranged for a
22 different position for you?

23 A. Yes.

24 Q. And who had arranged for you to take a different position?

25 A. Mr. Rezko.

1 Q. What was the position Mr. Rezko had arranged for you to
2 take, just very generally?

3 MR. DUFFY: Your Honor, can we have some foundation
4 of when this came about and how this understanding was
5 reached?

6 THE COURT: Yes.

7 BY MS. HAMILTON:

8 Q. You said you resigned in March of 2005?

9 A. Yes.

10 Q. When in relation to that did you first start speaking with
11 Mr. Rezko about this different position?

12 A. Around September of 2004.

13 Q. And did you have a number of different conversations with
14 Mr. Rezko about this position?

15 A. Yes.

16 Q. Do you remember those conversations individually or
17 collectively?

18 A. Collectively.

19 Q. And what was the position that Mr. Rezko had arranged for
20 you to take?

21 MR. DUFFY: Your Honor, we're now in '05, so I object
22 on relevancy.

23 MS. HAMILTON: It's the end of '04 and into '05.

24 MR. DUFFY: It's March of '05.

25 THE COURT: Ms. Hamilton?

1 MS. HAMILTON: I think it is relevant to show the
2 relationship between the two of them, that it continues up
3 until this point.

4 MR. DUFFY: Well, we already have that established.
5 He's now leaving the agency. It's March of '05.

6 THE COURT: Ms. Hamilton?

7 MR. DUFFY: The acts in question are in February of
8 '04. And he's resigned.

9 THE COURT: What about that? It's after the charges,
10 and the acts at issue here were in '04.

11 MS. HAMILTON: Well, I think maybe I can explain -- I
12 should explain at sidebar.

13 THE COURT: Okay. Let's go to sidebar.

14 (Proceedings heard at sidebar:)

15 MS. HAMILTON: Sorry, Judge. We are just conferring
16 about whether we even need to go into this.

17 THE COURT: Okay. Sure. Let me know.

18 (Brief pause.)

19 MS. HAMILTON: Your Honor, in part, this goes to
20 explain -- what happens is he was going to go to a company
21 call IPM, which was the consultant that was going to analyze
22 the state leases, which was back to what Mr. Rezko asked him
23 to do in the summer of 2005. He said he was working on this
24 project with Mr. Cellini to analyze state leases.

25 MR. DUFFY: 2003.

1 MS. HAMILTON: Sorry. 2003.

2 THE COURT: Okay.

3 MS. HAMILTON: So he arranges for him to go to this
4 position along with Mr. Cellini. Mr. Cellini and Mr. Rezko
5 arrange for him to do this. And ultimately Rezko tells him
6 that he can't take the position because he knows that he has
7 leases with the state. And that's relevant to the fact that
8 he and Mr. Rezko have an arrangement on a lease with the state
9 that I was intending to then go into.

10 THE COURT: What's the relevance of that though?
11 We're beyond the charged scheme in the indictment. We're
12 beyond the co-conspirator, what was set forth in the Santiago.
13 And we're beyond the IFA that I let this witness in for.

14 MS. HAMILTON: Understood. And I think that that
15 would -- I was just explaining to you where I was going to go
16 with it.

17 THE COURT: Okay.

18 MS. HAMILTON: So I think that it's --

19 THE COURT: I don't see how you can go there --

20 MS. HAMILTON: Okay.

21 THE COURT: -- given what's been charged and what the
22 Court admitted, unless --

23 MS. HAMILTON: I guess the only -- the issue with the
24 lease is something that I was going to be fronting and so I
25 think that that's --

1 THE COURT: I don't know what the lease issue is. Do
2 you plan on crossing on it?

3 MR. DUFFY: I don't know -- I thought she was going
4 to go into this. The lease issue was an '02, '03 matter, not
5 an '05 matter.

6 MS. HAMILTON: Right. But this just backs up the
7 fact that Mr. Rezko knows about this lease because that's part
8 of the reason he tells him not to take this position. It is
9 attenuated. It's just related to something I was going to
10 front. And so if it's not coming in on cross, I won't even go
11 into the leases at all.

12 MR. DUFFY: We're talking two different things,
13 Judge. We're into '05 when he leaves, talking about another
14 position, which he doesn't take.

15 THE COURT: Ms. Hamilton's point is that that '05
16 conversation links back to the lease. I think it is too
17 attenuated. I'm going to sustain your objection on that.

18 But as long as we are at sidebar, do you plan on
19 going into the '02-'03 lease?

20 MR. DUFFY: I thought she was going into it on
21 direct.

22 THE COURT: I think she's saying she's not going to
23 go into it if you're not going to cross on it; but if you're
24 going to cross on it, she wants to front it.

25 MR. DUFFY: I'm going to go into in.

1 THE COURT: Okay. You may front it.

2 MS. HAMILTON: Okay.

3 MR. DUFFY: But, Judge, the fronting of -- this lease
4 thing is '03. It's not '05.

5 THE COURT: I understand. I sustained your objection
6 on the '05 because I think the link is too attenuated.

7 (Proceedings heard in open court:)

8 THE COURT: The objection is sustained.

9 You may proceed.

10 MS. HAMILTON: Thank you, Judge.

11 BY MS. HAMILTON:

12 Q. Mr. Ata, I want to change topics and talk with you about a
13 piece of property that you owned at 59th and Ashland.

14 A. Yes.

15 Q. When did you first become involved in the ownership of the
16 property at 59th and Ashland?

17 A. 2001.

18 Q. Were you -- did you own that property with anyone else?

19 A. Yes, I had two other partners.

20 Q. And at some point, did you and your partners acquire a
21 lease with the State of Illinois?

22 A. Yes.

23 Q. When was that?

24 A. I believe in May of 2002.

25 Q. Okay. So this was prior to Governor Blagojevich taking

1 office?

2 A. Yes.

3 Q. At that time, was there actually a building on that
4 property? Had you -- the property -- you got a lease. Was
5 there actually a building that was being leased to the state
6 at the time?

7 A. No.

8 Q. So what was the plan in relation to that property and the
9 state lease?

10 A. To build a new building for the state.

11 Q. At some point, was there an issue with this plan?

12 A. Yes.

13 Q. What happened?

14 A. We received a letter from the state telling us that the
15 extension that we had received to finish the -- to complete
16 the building was not valid.

17 Q. Do you remember when you received that letter?

18 A. I believe in May of '03.

19 Q. And I'm going to show you what's marked as Government
20 Exhibit Ata 7. I'm going to show you this letter. And let me
21 know if it refreshes your recollection on when you received
22 the letter from the state.

23 A. May 8th, 2003.

24 Q. And what was it that you were informed of by the state in
25 that letter?

1 A. That the extension we had received to complete the
2 building was not valid and that we were to deliver that
3 building by July.

4 Q. What did you do after you received that letter?

5 A. I talked to Mr. Rezko.

6 Q. Was this a conversation you had in person or over the
7 phone?

8 A. In person.

9 Q. Where did this conversation take place?

10 A. Mr. Rezko's office.

11 Q. Was anyone else there?

12 A. No.

13 Q. What happened in this conversation with Mr. Rezko in
14 relation to the letter you had received from the state?

15 A. The initial conversation, Mr. Rezko said that he will look
16 into it and get back to me.

17 Q. Did you have a conversation with him again after that?

18 A. Yes.

19 Q. And this letter is dated May 8th of 2003. When in
20 relation to that date did you first meet with Mr. Rezko?

21 A. Shortly after that, within days.

22 Q. And then the later meeting with Mr. Rezko, when did that
23 happen in relation to your first meeting with Mr. Rezko?

24 A. Also shortly after that, after the first meeting.

25 Q. And, sir, could you pull the microphone closer to you or

1 speak up.

2 A. Thank you.

3 Q. Thank you.

4 In the second conversation with Mr. Rezko, was that
5 also in person at his office?

6 A. Yes.

7 Q. Was anyone else there?

8 A. No.

9 Q. What happened in that conversation?

10 A. Mr. Rezko said that he will work on it, however, he needed
11 to be a part of the partnership.

12 Q. What was your response?

13 A. I said I'll go back to the partners and talk to them.

14 Q. Was there anything further said in that conversation?

15 A. Yeah. Mr. Rezko and I talked about the distribution of
16 ownership. He asked for 50 percent, and we ended up settling
17 at 25 percent.

18 Q. When you say settling at 25 percent, what do you mean?

19 A. That Mr. Rezko would own 25 percent of the building.

20 Q. What was the next thing that happened in relation to this
21 problem with your lease from the state?

22 A. It was resolved.

23 Q. And how did you learn it was resolved?

24 A. We received a letter.

25 Q. Do you recall when you received the letter?

1 A. I believe in July of 2000- --

2 Q. In 2000 and?

3 A. '3.

4 Q. I'm going to show you what's marked as Government Exhibit
5 Ata 9.

6 And does this refresh your recollection of the date
7 on which you learned from the state?

8 A. Yes.

9 Q. What's the date?

10 A. July 10th, '03.

11 Q. And what is it that you learned from the state in that
12 letter?

13 A. That the lease was still in place and that our extension
14 was valid, and we had time to finish the building.

15 Q. Now, when you say the extension was valid, what do you
16 mean?

17 A. We had received an earlier extension that the earlier
18 letter said it was not valid, and now we had the time to
19 complete the building.

20 Q. Okay. So the first letter you received said that they
21 weren't going to give you an extension?

22 A. Yes.

23 Q. And that's what you went to Mr. Rezko about?

24 A. Yes.

25 Q. And then this second letter was letting you know that the

1 extension was still valid?

2 A. I believe that's what that letter states.

3 Q. Okay. Now, you said that in between those letters, you
4 had two conversations with Mr. Rezko, correct? Or you
5 testified about two conversations --

6 A. Yes.

7 Q. -- with Mr. Rezko?

8 A. Yes.

9 Q. Now, did you also talk with your partners about the
10 conversations that you had with Mr. Rezko?

11 A. Yes.

12 Q. And did you tell your partners who you had gone to talk to
13 about the state lease?

14 A. No.

15 Q. What did you tell them about what you had done in relation
16 to the state lease?

17 A. I told them that I --

18 MR. DUFFY: I apologize, your Honor. This is not
19 being offered for the truth?

20 MS. HAMILTON: No, your Honor. It's action that he
21 takes in conformity in relation to the conversation he had
22 with Mr. Rezko.

23 THE COURT: Ladies and gentlemen, this conversation
24 is not being offered for the truth of the matters asserted,
25 but is instead being offered to show actions that this witness

1 took based on the conversation.

2 BY THE WITNESS:

3 A. I informed my partners that we can have this lease
4 reinstated, providing that we give up 25 percent ownership in
5 the building.

6 BY MS. HAMILTON:

7 Q. And did your partners agree to do that?

8 A. Yes.

9 Q. How is it that you actually structured the ownership then
10 at that point?

11 A. We changed the -- we went from about thirds each. The
12 other partners gave up about 7 percent of their shares, became
13 25 percent each; and then I formed an entity that controlled
14 50 percent for Tony and I.

15 Q. Why did you form an entity that controlled 50 percent for
16 you and Mr. Rezko?

17 A. Because Mr. Rezko didn't want his name showing there.

18 Q. How did you know that Mr. Rezko did not want his name
19 showing up?

20 A. He told me.

21 Q. When did he tell you that?

22 A. Prior to the time that we were discussing this
23 transaction.

24 Q. All right. So in one of the conversations you testified
25 about earlier?

1 A. Yes.

2 Q. In that conversation, what had Mr. Rezko told you about
3 his name showing up in relation to this property?

4 MR. DUFFY: Your Honor, I don't know which
5 conversation we're referring to now, so I object on
6 foundation.

7 THE COURT: Sustained. Clarify.

8 BY MS. HAMILTON:

9 Q. Mr. Ata, you testified about two different conversations,
10 one where you went to Mr. Rezko with the problem and he said
11 he would check it out and a subsequent one. Was it in that
12 subsequent one where you talked to him about his name or was
13 it in a different conversation?

14 A. I believe it was in the second one.

15 Q. All right. So that second one, you said, was -- the first
16 meeting was shortly after you got the May 8th letter; and then
17 the next meeting was shortly after that?

18 A. Yes.

19 Q. In that next meeting shortly after that, what did
20 Mr. Rezko tell you about using his name in connection with the
21 property?

22 A. He said that -- he had stated that he will not be doing
23 business with the state and, as such, could not have his name
24 associated with this lease.

25 Q. All right. You said he had stated he would not be doing

1 business with the state. What did you understand him to
2 say -- to be saying by that?

3 A. That Mr. Rezko would not be doing business -- any business
4 with the State of Illinois and that, as such, his name could
5 not be shown on -- on -- on this -- in this partnership.

6 Q. What was your understanding as to why his name couldn't be
7 shown on this partnership?

8 A. Because that would be in conflict of the statement he
9 made, that he will not be doing work with the state.

10 Q. All right. And when you say the statement he made, what
11 are you referring to?

12 A. I believe he indicated that he made public statements and
13 stated his position --

14 MR. DUFFY: Your Honor, I apologize. I object. If
15 this is a conversation, I'd like to have a foundation for it.

16 THE COURT: Sustained.

17 BY MS. HAMILTON:

18 Q. You've talked a couple of times about the fact that
19 Mr. Rezko made a statement about not doing work with the
20 state. Is this a statement that he had made to you earlier or
21 he had made to someone else earlier?

22 A. No. He informed me that he had made that statement and
23 commitment not to do business with the state.

24 Q. Okay. And was it your understanding -- what was your
25 understanding of who he had made this statement to?

1 A. I'm not sure.

2 Q. Now, at that point, when you agreed to give Mr. Rezko 25
3 percent of the property -- of the valued property, why had you
4 agreed to give him 25 percent ownership in the property?

5 A. To keep the lease in place.

6 Q. And why did you agree not to put his name on any of the
7 documents if he was a 25 percent owner in the property?

8 A. Because he did not want his name on the document.

9 Q. Had you -- did you and Mr. Rezko come to any arrangement
10 as to how it is he would be paid if his name wasn't going to
11 be on any of the documents?

12 A. No.

13 Q. Now, do -- I think I asked you and you said you and your
14 partners actually drew up documents consistent with what you
15 explained about the transfer of ownership?

16 A. Yes.

17 Q. Did you draw up any documents to show the ownership in the
18 entity you formed that held the 50 percent interest for you
19 and Mr. Rezko?

20 A. No.

21 Q. Why not?

22 A. We didn't feel it was needed. Mr. Rezko and I had several
23 transactions going, and we didn't feel it was needed at that
24 point.

25 Q. Now, while you were the executive director of the IFA, did

1 you have to complete a document called an economic interest
2 statement?

3 A. Yes.

4 Q. And what was the purpose of that document?

5 A. To show entities that I owned that were doing business
6 with the State of Illinois.

7 Q. I'm going to show you Government Exhibit Ata 3. And I'd
8 ask you to take a look at that.

9 Do you recognize that?

10 A. Yes, I do.

11 Q. What is that?

12 A. This is the statement of economic interest.

13 Q. Is this the statement that you completed?

14 A. Yes.

15 Q. And I direct your attention to the bottom of the second
16 page. When did you complete that?

17 A. On the 20th of April of '04.

18 Q. All right. Now, sir, when you completed this document,
19 were you truthful about all of the entities that you were
20 involved with that were doing business with the state?

21 A. No.

22 Q. Which entities -- were there entities that you did not
23 include on here?

24 A. Yes.

25 Q. Which entities did you not include that you were doing

1 business with with the state at that time?

2 A. I did not state -- list the 59th and Ashland property.

3 Q. Why didn't you list the 59th and Ashland property?

4 A. I did not want Mr. Rezko's name to be associated or to --
5 to -- to disclose an entity that Mr. Rezko was involved in.

6 Q. And why didn't you want to disclose an entity that
7 Mr. Rezko was involved in?

8 A. Because we -- Mr. Rezko had asked that his name not be
9 brought up in any business associated with the State of
10 Illinois.

11 Q. And so you somehow thought that by listing that property,
12 that you would be --

13 MR. DUFFY: Objection as to leading.

14 THE COURT: Sustained.

15 BY MS. HAMILTON:

16 Q. Well, what did you think would be the potential effect on
17 Mr. Rezko if you listed that entity?

18 A. That if it became public, it would be embarrassing to
19 Mr. Rezko.

20 MS. HAMILTON: Judge, at this point, I was going to
21 go into that particular area.

22 THE COURT: The cash area?

23 MS. HAMILTON: Yes.

24 THE COURT: Ladies and gentlemen, you are about to
25 hear evidence regarding the alleged receipt by Mr. Rezko of

1 certain cash. I am instructing you that Mr. Rezko has not
2 been charged with any wrongdoing in connection with that cash,
3 and there is no suggestion of wrongdoing by the receipt of
4 that cash. You may give this testimony any weight that you
5 feel it deserves.

6 MS. HAMILTON: Thank you, Judge.

7 BY MS. HAMILTON:

8 Q. Sir, at some point after your conversations with Mr. Rezko
9 about the state leases, did Mr. Rezko ask you for cash?

10 A. Yes.

11 Q. And in response, did you provide Mr. Rezko with cash?

12 A. Yes.

13 MR. DUFFY: Objection, your Honor. Can we have some
14 foundation?

15 THE COURT: I think she's getting there. But
16 sustained. Lay your foundation.

17 BY MS. HAMILTON:

18 Q. How many times did you provide Mr. Rezko with cash?

19 A. Four times.

20 Q. Do you remember the precise dates on which you provided
21 Mr. Rezko with cash?

22 A. No.

23 Q. Do you remember a time period in which you provided
24 Mr. Rezko with cash on four occasions?

25 A. Yes.

1 Q. What's the time period in which you provided Mr. Rezko
2 with cash?

3 A. Late '03 to fall of '04.

4 Q. There were -- okay. So there were four times total; is
5 that right?

6 A. Yes.

7 Q. Do you recall how much cash you gave Mr. Rezko on the four
8 times?

9 A. \$125,000.

10 Q. Is that total?

11 A. Yes.

12 Q. All right. So what was the breakdown for the four
13 occasions?

14 A. 25,000, 25,000, 25,000 and 50,000.

15 Q. All right. Is that the order in which you provided the
16 cash?

17 A. Yes.

18 Q. So three \$25,000 cash and then one \$50,000?

19 A. Yes.

20 Q. Where did you get the cash that you provided to Mr. Rezko?

21 A. From a family business --

22 Q. What was the --

23 A. -- food distribution business.

24 Q. What was the name of that business?

25 A. Jenin Distribution.

1 Q. And was this your business?

2 You said it was your family's business?

3 A. My brother-in-law's.

4 Q. Where did you get the cash from this -- your
5 brother-in-law's business?

6 A. I'm sorry. Can you restate the question?

7 Q. Where -- how did you go about getting the cash from your
8 brother-in-law's business?

9 A. I loaned the company money, and I paid for some
10 merchandise; and then I took the money out in cash.

11 Q. When you say you took the money out, physically where --
12 did you get the money from the bank? Did you get the money
13 from somewhere at the business?

14 A. At the business, from the safe at the business.

15 Q. How is it that you were able to get into the business
16 safe?

17 A. I had access to it.

18 Q. And why did you have access to the safe?

19 A. My brother-in-law was in there, and I -- he asked -- he
20 gave me the combination for the safe.

21 Q. Were there times when you were responsible for taking cash
22 deposits to the bank?

23 A. Yes.

24 Q. Did you believe that you had the authority to take the
25 cash from the safe?

1 A. Yes.

2 Q. I want to focus on -- you said that you gave Mr. Rezko
3 \$25,000 in cash on three different occasions?

4 A. Yes.

5 Q. In relation to one of those occasions, did Mr. Rezko tell
6 you why he needed the \$25,000 in cash?

7 A. Yes.

8 Q. And you told us the order and the general time period. Do
9 you remember when it was -- the one where Mr. Rezko told you
10 the purpose why he needed the \$25,000, do you remember when
11 that was?

12 A. In the first quarter of '04.

13 Q. And the conversation that you had with Mr. Rezko in which
14 he explained to you why he needed the cash, where did that
15 take place?

16 A. It took place at a restaurant on Touhy Avenue just west of
17 the Edens.

18 Q. In the conversation about why he needed the cash, was it
19 just you and Mr. Rezko sitting there?

20 A. Yes.

21 Q. What did Mr. Rezko tell you about why he needed the cash
22 on that particular occasion?

23 A. He said that there were contractors there at the
24 restaurants that needed to get paid because they had done work
25 on the governor's house; and that if they don't get paid, they

1 would file a lien; and it would be embarrassing for everybody.

2 Q. And in response to that, did you agree to provide

3 Mr. Rezko with the cash?

4 A. Yes.

5 Q. And did you, in fact, give him cash on that occasion?

6 A. Not that day, but I brought him the cash the next week.

7 Q. Now, the two other times that you provided Mr. Rezko with
8 \$25,000 in cash, again, you've given us a time period. Do you
9 remember when the first one -- when you first -- the first
10 time you gave him \$25,000 in cash?

11 A. I don't remember the sequence, but there were three
12 \$25,000 cash payments.

13 Q. Okay.

14 A. And a 50.

15 Q. So you remember there were three, but you don't
16 necessarily remember the order?

17 A. Yes.

18 Q. And you told us about the one at the restaurant?

19 A. Yes.

20 Q. For the other two, did Mr. Rezko tell you specifically why
21 he needed the cash on those occasions?

22 A. Not specifically why. He just stated that he had a lot of
23 obligations.

24 MR. DUFFY: Objection, your Honor, foundation. We
25 have no idea where the conversation was.

1 THE COURT: Ms. Hamilton?

2 MS. HAMILTON: I'll try to establish where it was.

3 BY MS. HAMILTON:

4 Q. I know you said you don't know exactly when these
5 conversations took place. Do you recall where they were?

6 A. Yes, they were downtown Chicago.

7 Q. And was it just you and Mr. Rezko?

8 A. Yes.

9 Q. And I believe you said that he didn't tell you --

10 MR. DUFFY: Downtown Chicago? Can we do better with
11 the foundation for that, Judge?

12 THE COURT: Sustained. If you can.

13 MS. HAMILTON: Judge, this was -- okay.

14 BY MS. HAMILTON:

15 Q. Were these meetings -- they were in person in downtown
16 Chicago. Were they in a particular location?

17 A. Yes, I picked up Mr. Rezko. I was asked to pick up
18 Mr. Rezko from --

19 THE COURT: Okay. You may continue. Ask your next
20 question.

21 MS. HAMILTON: Thank you, your Honor.

22 BY MS. HAMILTON:

23 Q. On those occasions, those two occasions, I believe -- you
24 said that Mr. Rezko didn't tell you specifically what he
25 needed the cash for; is that right?

1 A. He just said he had a lot of obligations.

2 Q. All right. I want to focus you on -- you said you don't
3 remember the sequence of the 25,000 one?

4 A. Not as I sit here. I just --

5 Q. Okay. You said there was also a 50,000 -- a time when you
6 gave Mr. Rezko \$50,000; is that right?

7 A. Yes.

8 Q. Do you recall when in the sequence of the four times that
9 one was?

10 A. That was the last one.

11 Q. And do you recall when that took place?

12 A. Yes.

13 Q. When did that take place?

14 A. That was in the -- in the fall of 2004. It was a
15 Saturday.

16 Q. Okay.

17 A. Time --

18 Q. And are you describing the day that you actually gave
19 Mr. Rezko the cash?

20 A. Yes.

21 Q. Prior to that Saturday in the fall of 2004 when you
22 actually gave Mr. Rezko the cash, had you had prior
23 conversations with him about this cash?

24 A. Yes.

25 Q. Approximately how many conversations?

- 1 A. Three, four different times.
- 2 Q. Were these conversations in person or over the phone?
- 3 A. In person.
- 4 Q. Where did these conversations take place?
- 5 A. Mr. Rezko's office.
- 6 Q. What had Mr. Rezko told you, in those three or four
7 conversations leading up to the time you delivered it, about
8 the cash?
- 9 A. He needed a hundred thousand dollars; that there -- he was
10 being pushed; and he had a lot of obligations; and he needed a
11 hundred thousand dollars in cash.
- 12 Q. And you testified that on a particular Saturday in the
13 fall that you had \$50,000?
- 14 A. Yes.
- 15 Q. How did you get that \$50,000 to Mr. Rezko?
- 16 A. From the same place.
- 17 Q. Did you bring it to Mr. Rezko or did he come get it from
18 you?
- 19 A. He came to my house.
- 20 Q. And what happened when Mr. Rezko came to your house?
- 21 A. He asked me to get in the car with him.
- 22 Q. And did you?
- 23 A. Yes.
- 24 Q. And did you have the money with you?
- 25 A. Yes.

1 Q. What happened next?

2 A. Mr. Rezko informed me that we're going to go see Mr. Chris
3 Kelly.

4 Q. And did you, in fact, go see Mr. Chris Kelly?

5 A. Yes.

6 Q. And where did you go see Mr. Chris Kelly?

7 A. His house.

8 Q. When you got there, at some point, did you and Mr. Rezko
9 go into Mr. Kelly's house?

10 A. Yes.

11 Q. And at that point, where was the money you had brought to
12 Mr. Rezko?

13 A. Can you restate your question, please?

14 Q. Sure. You said that Mr. Rezko came to pick you up and you
15 had the cash with you?

16 A. Yes.

17 Q. Had you put the cash in the car somewhere?

18 A. Yes.

19 Q. When you got to Mr. Kelly's house, did you take the cash
20 in with you or did you leave it in the car?

21 A. I stayed in the car first. Mr. Rezko went in, and then he
22 came back a few minutes after he went in and asked me to come
23 in.

24 Q. And did you bring the cash with you at that point?

25 A. I didn't personally. I didn't take the cash.

1 Q. Now, at some point, did you leave Mr. Kelly's house?

2 A. Yes.

3 Q. And when you left Mr. Kelly's house, was the cash still in
4 the car?

5 A. No.

6 Q. When you were leaving Mr. Kelly's house with Mr. Rezko,
7 did he say one way or the other whether he had given Mr. Kelly
8 the money?

9 A. Yes.

10 Q. And what did he say?

11 A. He said that there's some people -- somebody from
12 downstate is coming up to pick up the money.

13 Q. Now, did you ever ask Mr. Rezko to pay you back for any of
14 this cash?

15 A. No.

16 Q. Why not?

17 A. Because I -- I had several other deals with Mr. Rezko; and
18 I figured at some point in time, we'll settle.

19 Q. All right. You said you had several other deals. Had --
20 prior to this, had you invested in certain properties with
21 Mr. Rezko?

22 A. Yes.

23 Q. And was one of the projects at Roosevelt and Clark?

24 A. Yes.

25 Q. How much had you invested total in that project?

1 A. About a million dollars.

2 Q. Mr. Ata, I should have asked you: When you went to
3 Mr. Kelly's home, was he there?

4 A. Yes.

5 Q. And did you talk to him?

6 A. Yes.

7 Q. And was there something happening inside Chris Kelly's
8 home that's part of the reason that you're able to remember
9 that it was a Saturday in the fall?

10 A. Yes.

11 Q. What -- what, if anything, was happening?

12 A. A college football game was on.

13 Q. Okay. So you said that you invested total a million
14 dollars in the Roosevelt and Clark project; is that right?

15 A. Yes.

16 Q. Were there any other investments in properties that
17 Mr. Rezko had asked you to make?

18 A. Yes.

19 Q. What other project did you invest in?

20 A. A project -- a residential development project on Irving
21 Park in Chicago on the north side.

22 Q. How much did you invest in that project?

23 A. A million dollars.

24 Q. Sitting here today, do you believe that Mr. Rezko still
25 owes you for those investments?

1 A. Yes.

2 Q. How much do you believe he owes you for those investments?

3 A. Two million dollars.

4 Q. Now, you testified about the fact that the general nature
5 of your phone conversations with Mr. Rezko were about setting
6 up meetings; is that right?

7 A. Yes.

8 Q. But you did testify about some business-related
9 conversations that you had, correct?

10 A. Yes.

11 Q. Did there come a point where Mr. Rezko told you that you
12 should no longer talk to him about things over the phone?

13 A. Yes.

14 Q. When was that?

15 A. Around March of 2004.

16 Q. Was this conversation in person or over the phone?

17 A. In person.

18 Q. Where did this conversation take place?

19 A. At a residence of Mr. Brian Hynes.

20 Q. And who is Brian Hynes?

21 A. He's a close friend and adviser of Mr. Rezko.

22 Q. And this conversation that you had with Mr. Rezko at
23 Mr. Hynes' house, was it just the two of you talking at that
24 point?

25 A. Yes.

1 Q. What did Mr. Rezko say in that conversation?

2 A. He said that we should be careful speaking on the phone;
3 that he was being watched.

4 Q. In addition to that conversation about not talking on the
5 phone, did Mr. Rezko ever tell you about precautions that he
6 had taken at Rezmar?

7 A. Yes.

8 Q. Was this one conversation or more than one conversation?

9 A. More than one conversation.

10 Q. Do you recall how many conversations?

11 A. No.

12 Q. When did the conversations first start?

13 A. Sometime in '03.

14 Q. And did they continue?

15 A. Yes.

16 Q. And as you sit here, do you recall approximately the last
17 time you spoke to Mr. Rezko about this?

18 A. No.

19 Q. What did Mr. Rezko tell you about precautions that he had
20 taken at Rezmar?

21 A. That he had hired this service to come and check his
22 office for bugs, and he also had little electronic boxes that
23 were detectors for bugs.

24 Q. You said the electronic boxes, and you indicated with your
25 fingers about -- did you actually see these boxes?

1 A. Yes.

2 Q. And how is it that you saw the boxes?

3 A. They were sitting on the desk.

4 Q. Did Mr. Rezko explain to you what they were?

5 A. Yes.

6 Q. What did they look like?

7 A. A black box about this big (indicating).

8 Q. When you say "this big," how many inches would you say?

9 A. Two by four.

10 Q. Okay. And approximately how many times would you say that
11 you -- those were pointed out to you by Mr. Rezko?

12 A. Three times approximately.

13 Q. Did he explain to you what the purpose was of those little
14 black boxes?

15 A. Yeah, to detect bugs, electronic bugs.

16 MR. DUFFY: Your Honor, objection, foundation.

17 THE COURT: Sustained.

18 BY MS. HAMILTON:

19 Q. Sir, I think that you testified that you had a number of
20 different conversations with Mr. Rezko about precautions?

21 A. Yes.

22 Q. Just focusing on the little black boxes, do you recall
23 when it was that Mr. Rezko pointed those out to you?

24 A. Sometime in '03, but I don't recall an exact date.

25 Q. Okay. And you used the word "bugs" a couple of times, "to

1 detect for bugs." What do you mean by that?

2 A. Listening and recording devices.

3 Q. Now, sir, I want to focus your attention on late 2005. At
4 some point in late 2005, were you approached by the FBI?

5 A. Yes, I was.

6 Q. And when was that?

7 A. In November of 2005.

8 Q. Were you served with anything when the FBI approached you?

9 A. I was served with a subpoena.

10 Q. Do you recall the date on which you were served with the
11 subpoena?

12 A. I do not.

13 Q. If I showed you the subpoena, might that refresh your
14 recollection?

15 A. Yes.

16 Q. I'm going to show you the second page of Government
17 Exhibit Ata 8.

18 Take a look at that and let me know if that refreshes
19 your recollection.

20 A. Yes, it does.

21 Q. And what was the date you were served with the subpoena?

22 A. On the 15th of November of '05.

23 Q. And did you subsequently sit for an interview with the
24 FBI?

25 A. Yes.

1 Q. Do you recall when?

2 A. December 1, 2005.

3 Q. And did you have a lawyer with you when you were
4 interviewed by the FBI?

5 A. Yes.

6 Q. Were you asked a series of questions by the FBI?

7 A. Yes.

8 Q. Were you truthful in all of your responses that you gave
9 to the FBI?

10 A. No, I was not.

11 Q. What did you lie to the FBI about in that December 1st,
12 2005, interview?

13 A. About Mr. Rezko's involvement in my appointment, about the
14 influence of contribution in getting me that position, and --

15 Q. Were there other things as well?

16 A. There were other things that don't come to mind at this
17 point.

18 Q. Were you asked about whether you had helped anyone get a
19 position in the state?

20 A. Yes.

21 Q. And were you truthful in response to those questions?

22 A. No, I wasn't.

23 Q. Were you also asked questions about Jenin and your role at
24 Jenin?

25 A. Yes.

1 Q. And were you truthful in response to all of those
2 questions?

3 A. No, I was not.

4 Q. Now, you testified before that you've actually pled guilty
5 to lying to the FBI; is that right?

6 A. Yes.

7 Q. And was it in connection with this December 1st, 2005,
8 interview?

9 A. Yes.

10 Q. I had previously asked you and you testified that you were
11 interviewed by the FBI after 9/11; is that right?

12 A. Yes.

13 Q. That interview has nothing to do with your guilty plea
14 whatsoever; is that right?

15 A. That's true.

16 Q. And other than the fact that you retired shortly after
17 from your job, nothing ever came of that interview, right?

18 A. That's true.

19 Q. Sir, why did you lie to the FBI in that December 2005
20 interview about those particular topics?

21 A. Because I had been told that -- to continue to be a team
22 player. I was given messages to support Mr. Rezko, and -- and
23 that things will turn out fine at the end.

24 Q. Now, had you actually spoken with Mr. Rezko at some point
25 prior to being served with the subpoena?

1 A. Yes.

2 Q. And were there particular conversations you had had with
3 Mr. Rezko that were part of the reason why you lied to the FBI
4 in that interview?

5 A. Yes.

6 Q. How many conversations had you had with Mr. Rezko that
7 were part of the reason that you lied to the FBI in that
8 interview?

9 A. Two that I can recall.

10 Q. When was the first conversation with Mr. Rezko that you
11 can recall in this particular -- that impacted how you dealt
12 with the FBI on December 1st?

13 A. Sometime in 2004.

14 Q. Where did that conversation take place?

15 A. Mr. Rezko's office.

16 Q. Was there anyone else there?

17 A. No.

18 Q. And what was said in that conversation with Mr. Rezko that
19 impacted how you dealt with the FBI in December of 2005?

20 A. Mr. Rezko informed me that he had just finished meeting
21 with a Mr. Kjellander; that there will be a change in the U.S.
22 attorney's office come the new administration.

23 Q. Did Mr. Rezko say anything further about how it was there
24 would be a change at the U.S. attorney's office?

25 A. That Mr. Kjellander will talk to Karl Rove and make a

1 change in the U.S. attorney's office.

2 Q. At that time, did you know who Mr. Kjellander was?

3 A. No, Mr. Rezko explained to me who he was.

4 Q. What did Mr. Rezko explain to you?

5 A. That he was a top GOP operative, and he had direct
6 relationship with Karl Rove.

7 Q. And when you say GOP, what does that mean?

8 A. Republican.

9 Q. And at the time, did you know who Karl Rove was?

10 A. Yes.

11 Q. Who was Karl Rove at that time?

12 A. Chief adviser for the president of the U.S.

13 Q. In addition to explaining that to you, did Mr. Rezko say
14 anything else?

15 A. Yes. He also asked for a contribution to Governor Kerry's
16 campaign and said that regardless which party ends up winning
17 the election, there will be a change in the U.S. attorney's
18 office in Chicago.

19 Q. You said that there were two conversations that you
20 remember?

21 A. Yes.

22 Q. When did the second conversation take place?

23 A. Sometime in '05.

24 Q. And do you recall when in '05?

25 A. Approximately the middle of '05.

- 1 Q. Where did that conversation take place?
- 2 A. In my car.
- 3 Q. Where were you when you were in your car?
- 4 A. Close to Mr. Rezko's office.
- 5 Q. Was anyone else in the car?
- 6 A. No.
- 7 Q. What happened at that point?
- 8 A. Mr. Rezko asked me if I had been approached by the FBI.
- 9 Q. Did he actually say the FBI?
- 10 A. No. He mouthed the FBI.
- 11 Q. Did you respond?
- 12 A. I told him, no, I was not.
- 13 Q. And at that point, had you been?
- 14 A. No.
- 15 Q. What else was said in that conversation in your car?
- 16 A. Mr. Rezko said that the FBI was approaching people; that
- 17 people are -- he's got people throwing themselves at the feet
- 18 of the authorities to cooperate; and those who do will be
- 19 dealt with.
- 20 Q. Did he explain what he meant when he said those who did
- 21 would be dealt with?
- 22 A. No.
- 23 Q. Did you have an understanding as to what he meant?
- 24 A. Yes.
- 25 Q. What was your understanding based on?

1 A. Can you restate your question?

2 Q. Sure. You said that he said those who cooperate with the
3 government would be dealt with, and --

4 A. Yes.

5 Q. -- he didn't explain what he meant; but you testified that
6 you had an understanding as to what he meant. And what I need
7 to know from you is where that understanding came from.

8 A. That when the new U.S. attorney gets in office, those who
9 had cooperated previously will be dealt with.

10 Q. Why was that your understanding of what he meant?

11 A. Because I had been told about changes in the U.S.
12 attorney's office before.

13 Q. And when you say you had been told, are you talking about
14 the conversation you just told us about?

15 A. Yes.

16 Q. At any point, did Mr. Rezko talk to you about anyone in
17 particular who he knew was cooperating?

18 A. Yes.

19 Q. When did that conversation take place? Was it in one of
20 these two conversations you mentioned or a different
21 conversation?

22 A. I do not recall. It might have been in one of those
23 conversations.

24 Q. But it might have been another conversation?

25 A. Yes.

1 Q. Where did that conversation take place, as best you can
2 recall?

3 A. Mr. Rezko's office.

4 Q. Was anyone else there?

5 A. No.

6 Q. Do you recall when it was that Mr. Rezko mentioned someone
7 in particular who was cooperating?

8 A. Again, sometime in '05. I do not recall specifically.
9 Probably early '05.

10 Q. What is it that Mr. Rezko said?

11 A. He expressed displeasure with the -- Dr. Almanaseer, who
12 he understood was cooperating with the government.

13 Q. Now, you testified that those conversations with Mr. Rezko
14 had an impact on how you dealt with the FBI in December of
15 2005?

16 A. Yes.

17 Q. When Mr. Rezko told you that he was working with
18 Mr. Kjellander through Mr. Rove to have the U.S. attorney
19 replaced, did you believe him?

20 A. Yes.

21 Q. Did you believe that he actually had the ability to do
22 that?

23 A. Yes.

24 Q. Why did you believe him when he told you that?

25 A. Because I understood at that time that Mr. Rezko was very

1 influential.

2 Q. And in the later conversation in your car when Mr. Rezko
3 said to you that people were throwing themselves at the
4 investigation and that they would be dealt with, did you
5 believe him?

6 A. Yes.

7 Q. And why did you believe him?

8 A. Again, I believed Mr. Rezko had the influence and the
9 power to effect that change.

10 Q. And the fact that he told you that people who were
11 cooperating would be dealt with, was that on your mind when
12 you met with the FBI on December 1st of 2005?

13 A. Yes.

14 Q. And did that influence whether or not you were honest when
15 you were asked certain questions about Mr. Rezko?

16 A. Yes.

17 Q. When was the last time that you spoke with Mr. Rezko?

18 A. In May of 2006.

19 Q. And where -- was this in person?

20 A. Yes.

21 Q. And where were you?

22 A. I was at a wedding.

23 Q. Did you talk with Mr. Rezko at some point alone?

24 A. Yes.

25 Q. And what did Mr. Rezko say to you at that point?

1 A. Mr. Rezko informed me that things will heat up by the end
2 of the year, but everything will turn out fine at the end.

3 Q. And at that point, were you cooperating with the
4 government?

5 A. No.

6 Q. When Mr. Rezko said these things to you, what did you take
7 him to be saying?

8 A. That the plan to change the U.S. attorneys -- U.S.
9 attorney was still in place; and that everything will turn out
10 fine once the new U.S. attorney gets in office.

11 MS. HAMILTON: Nothing further, your Honor.

12 THE COURT: Cross-examination.

13 MR. DUFFY: Thank you, Judge.

14 CROSS-EXAMINATION

15 BY MR. DUFFY:

16 Q. Mr. Ata, did you just say this last meeting took place in
17 '06?

18 A. I believe in '06.

19 Q. The wedding took place in '06?

20 A. Yes.

21 Q. And the plans were still in place to change the U.S.
22 attorney?

23 A. That's -- I was told the plans were still in place.

24 Q. Mr. Fitzgerald is still the U.S. attorney today; is he
25 not, sir?

1 A. Yes.

2 Q. Now, you told the ladies and gentlemen of the jury that
3 you lied to the FBI because of all the things that you're
4 telling us Mr. Rezko told you, right? Is that why you lied to
5 the FBI, Mr. Ata?

6 A. Yes.

7 Q. So you were lying to protect Mr. Rezko?

8 A. And myself.

9 Q. Yeah, and yourself.

10 This company, Jenin, has nothing to do with
11 Mr. Rezko, does it, sir?

12 A. No.

13 Q. You lied about that, didn't you?

14 A. Yes.

15 Q. Now, you reached a plea agreement with the government
16 about a week ago; isn't that right?

17 A. Yes.

18 Q. And at that time, you believed it was in your best
19 interest to plead guilty, didn't you, sir?

20 A. Yes.

21 Q. And you understood that as part of your plea agreement,
22 you had to come to this trial and testify before this jury;
23 isn't that right?

24 A. Yes.

25 Q. You had to reach your plea agreement before this trial

1 ended; isn't that correct, sir?

2 A. I don't believe that was the case.

3 Q. Well, you weren't going to testify here without a plea
4 agreement, were you?

5 A. That's true.

6 Q. So you had to have a plea agreement before this jury was
7 finished with this trial; isn't that right, Mr. Ata?

8 A. That wasn't the reason for coming to an agreement.

9 Q. You are here, sir, because you want to get the benefit of
10 being a witness against Mr. Rezko; isn't that true?

11 A. No, it's not.

12 Q. That's not why you're here?

13 A. No.

14 Q. When the government asked you about a motion to reduce
15 your sentence in exchange for cooperation, isn't it for your
16 testimony here?

17 A. Yes.

18 Q. Well then, that's why you're here, isn't it, sir?

19 A. Yes.

20 Q. So when you told me a minute -- 30 seconds ago that you
21 weren't here for that reason, that wasn't true, was it,
22 Mr. Ata?

23 A. I don't know how to answer you, sir.

24 Q. Truthfully, sir.

25 MS. HAMILTON: Your Honor, I would object.

1 THE COURT: Sustained.

2 BY MR. DUFFY:

3 Q. You pled guilty to lying to the federal government; is
4 that right?

5 A. Yes.

6 Q. And as you sit here today, you are a felon; are you not?

7 A. Yes.

8 Q. And you are a felon because you are a liar; isn't that
9 right?

10 A. Yes.

11 Q. And you lied because you thought it was in your interest
12 to lie; isn't that right?

13 A. I lied to protect Mr. Rezko.

14 Q. Did you lie, sir, because it was in Mr. Ata's interest to
15 lie?

16 A. Yes.

17 Q. So when you said it was only in Mr. Rezko's interest to
18 lie, that wasn't true, was it, Mr. Ata?

19 A. Yes.

20 Q. That wasn't true, was it?

21 A. I lied.

22 MS. HAMILTON: I'm going to object. That's actually
23 not what he said.

24 MR. DUFFY: He can answer the questions, Judge.

25 THE COURT: Overruled. You may answer.

1 BY THE WITNESS:

2 A. I lied to protect both of our interests.

3 BY MR. DUFFY:

4 Q. My question is: Did you lie because you thought it was in
5 your best interest to lie, sir? Yes or no?

6 A. Yes.

7 Q. Now, lying to the FBI, sir, wasn't the only time you lied,
8 was it?

9 A. I'm not sure what you mean.

10 Q. Well, have you lied on other occasions?

11 A. Yes.

12 Q. And are you telling this jury that you lied on your
13 economic interest statement because you wanted to protect
14 Mr. Rezko?

15 A. Mr. Rezko has instructed me not to show my name or his
16 name on anything that had to do with the state.

17 Q. Sir, my question is: Are you telling this jury that you
18 lied on your economic interest statement because you wanted to
19 protect Mr. Rezko? Yes or no?

20 A. Both of us.

21 Q. Well, sir, did you lie on your economic interest statement
22 by not disclosing a lease you had with the State of Illinois
23 on Grand Avenue?

24 A. Yes.

25 Q. Mr. Rezko has nothing to do with Grand Avenue, does he,

1 sir?

2 A. I did not disclose it because I thought that lease was --
3 was -- was gone, that building was gone. I had disclosed it
4 on my application for the position.

5 Q. Mr. Ata, are you telling the jury that you did not -- you
6 did not intentionally leave that lease off your economic
7 interest statement?

8 A. Not intentionally. I thought that lease -- that that
9 building was foreclosed on.

10 Q. Didn't you continue to receive rent payments from that
11 building, sir?

12 A. I thought we -- I had divested myself from that lease.

13 Q. Mr. Ata, when you filled it out in '04, it was for the
14 year of '04 and '03; and you intentionally left off Grand
15 Avenue; did you not, sir? Yes or no?

16 A. Yes.

17 Q. And Mr. Rezko had nothing to do with Grand Avenue, did he,
18 sir?

19 A. No, he did not.

20 Q. So when you lied on that occasion, it was because you
21 wanted to help yourself, right?

22 A. Yes.

23 Q. And you're telling the jury that you left off your
24 economic interest statement on 59th and Ashland because of
25 Mr. Rezko?

1 A. I was instructed not to show anything that had to do with
2 Mr. Rezko and myself.

3 Q. Sir, 59th and Ashland was a partnership -- excuse me, a
4 corporation that had a lease at 59th and Ashland; isn't that
5 right?

6 A. Yes.

7 Q. And who was -- who were the owners of 59th and Ashland?

8 A. My two other partners, myself and Mr. Rezko at the time.

9 Q. And was Mr. Rezko's name on the documents, sir?

10 A. No, he asked not to be put on the documents.

11 Q. I see. So if you had disclosed the lease and somebody
12 asked you about it, how would they know Mr. Rezko was
13 involved?

14 A. He asked that his name and my name not to be put on
15 anything having to do with the state.

16 Q. Sir, when you filed your economic interest statement, you
17 were trying to conceal from the State of Illinois that you had
18 a lease with the state; isn't that true?

19 A. Yes.

20 Q. And you did that in September of '03 because you were
21 hoping to get a job with the state; isn't that why you didn't
22 disclose it, Mr. Ata?

23 A. No.

24 Q. You also had an interest in a piece of property on 84th
25 Street; isn't that right?

1 A. That's true.

2 Q. Right. Mr. Rezko had nothing to do with that, did he?

3 A. That's true.

4 Q. And when you bought into that property, it had a state
5 lease, didn't it?

6 A. Yes.

7 Q. And you moved it into somebody else's name, didn't you?

8 A. Yes.

9 Q. Because you didn't want the State of Illinois to know that
10 you were making money on a state lease; isn't that right?

11 A. That's true.

12 Q. It has nothing to do with Mr. Rezko, does it?

13 A. Yes.

14 Q. You lied about that, didn't you?

15 A. Yes.

16 Q. Now, Mr. Ata, I'm going to show you --

17 MR. DUFFY: Your Honor, may I approach?

18 THE COURT: Yes, you may.

19 MR. DUFFY: This is marked Defense Exhibit Ata 39.

20 BY MR. DUFFY:

21 Q. Mr. Ata, this is a subpoena that was served on you two
22 days ago, sir, with your lawyer.

23 Do you recall getting a subpoena from my office, sir,
24 two days ago?

25 A. Yes.

1 Q. Okay. Let's go to item three. Okay. Item three,
2 Mr. Ata, asks for any and all records and documents reflecting
3 any and all cash that you obtained from Jenin Distributors; is
4 that correct?

5 A. Yes.

6 Q. All right. Tell the jury what records you brought to
7 court today in compliance with this subpoena.

8 A. I didn't bring any records.

9 Q. Tell the jury, sir, what records exist about this
10 so-called cash you took out of Jenin.

11 A. I don't have any records.

12 Q. You don't have anything at all?

13 A. No. I have my checks that show that I put money in Jenin.

14 Q. No, sir. I want the records that show you taking cash
15 out. Where are those records?

16 A. I don't have them.

17 Q. Where are the Jenin records from the company?

18 A. They're not there.

19 Q. They don't exist, do they?

20 A. No.

21 Q. They have been destroyed; isn't that right, Mr. Ata?

22 A. They were never kept.

23 Q. Well, if they were never kept, they were destroyed, right?

24 MS. HAMILTON: Objection.

25 THE COURT: Sustained.

1 BY MR. DUFFY:

2 Q. All right. How about the canceled checks? You run the
3 checking account; were you not?

4 A. Yes.

5 Q. And you wrote the checks, right?

6 A. Yes.

7 Q. And the checks are all missing now, aren't they?

8 A. I'm not sure.

9 Q. They're all destroyed, aren't they, Mr. Ata?

10 A. No, they're not.

11 Q. The checks are not missing?

12 A. I -- I don't know. I haven't been there in a while.

13 Q. Well, tell the jury what records you brought here today to
14 help the jury in deciding whether or not you paid cash to
15 Mr. Rezko. Please give us a record.

16 A. I didn't bring any.

17 MS. HAMILTON: Objection. Records that he brought to
18 help the jury?

19 MR. DUFFY: I'll rephrase.

20 THE COURT: Rephrase.

21 BY MR. DUFFY:

22 Q. In compliance with the subpoena, what records did you
23 bring to court today with you, Mr. Ata?

24 A. I didn't bring any.

25 Q. What records do you know of, sir, in existence that would

1 show you taking cash out of Jenin?

2 A. I don't have any.

3 Q. And, sir, is it your testimony that when you allegedly
4 took this cash out, you were stealing from your
5 brother-in-law?

6 A. No.

7 Q. Now, when you took the cash out of the safe, that cash did
8 not get reported on the tax return, did it, sir?

9 A. It did not need to be reported on the tax return.

10 Q. Did the accountant tell you that?

11 A. No.

12 Q. Sir, your accountant's name is Sam Moussa, isn't it?

13 A. Yes.

14 Q. Sam Moussa is the accountant for Jenin; isn't that right?

15 A. Yes.

16 Q. And what happens is that when he prepares the tax returns,
17 you bring him the bank records and he totals up the bank
18 deposits and reports that as income; isn't that right?

19 A. Yes.

20 Q. So if the money doesn't go into the bank account, it
21 doesn't get reported on the tax return, does it?

22 A. I'm not sure how he does it.

23 Q. Oh, you know how he does it, Mr. Ata. If it doesn't get
24 in the bank, it doesn't get reported; isn't that right?

25 MS. HAMILTON: Objection.

1 THE COURT: Sustained.

2 BY MR. DUFFY:

3 Q. Well, sir, didn't you just say that the accountant
4 prepares the tax returns?

5 A. Yes.

6 Q. Based on the bank deposits?

7 A. Yes.

8 Q. Okay. You're a smart man, aren't you? You have an
9 engineering degree, right?

10 A. Yes.

11 Q. Okay. If you're taking cash out of the business, which
12 you're telling this jury, and it doesn't get put into the
13 bank, it's not getting put on the tax return; isn't that
14 right?

15 A. It's in repayment of loans that were made to the company.

16 Q. Sir, here's my question, please: If you are telling this
17 jury that you're taking cash out of this business, the cash
18 that you remove from the business does not go in the bank
19 account, does it?

20 A. That's true.

21 Q. Okay. And if it doesn't go in this bank account, it
22 doesn't get put on the corporate tax return, does it?

23 A. That's true.

24 Q. So, therefore, what you're doing is you are causing this
25 corporation to file false tax returns every year that you take

1 cash out of the business?

2 MS. HAMILTON: Objection.

3 THE COURT: Overruled. You can answer, if you can.

4 BY MR. DUFFY:

5 Q. Isn't that true, Mr. Ata?

6 A. I don't know, sir.

7 Q. You don't know?

8 A. Yeah.

9 Q. All right. Now, in your plea agreement, sir --

10 A. Yes.

11 Q. -- with the government, have you been charged in
12 connection with any tax fraud with the Jenin distribution
13 company?

14 A. No.

15 Q. Do you have any obligation, sir, in your plea agreement to
16 pay any money on behalf of Jenin to the IRS?

17 A. I don't believe so.

18 Q. Now, your plea agreement, sir, calls for a reduction in
19 your sentence in exchange for your cooperation; isn't that
20 right?

21 A. Yes.

22 Q. And that is why you're here; isn't that correct?

23 A. Yes.

24 Q. And you're hoping that as a result of this testimony,
25 you're going to get a reduced sentence, aren't you?

1 A. Yes.

2 Q. The government, according to your plea agreement, is not
3 going to recommend you go to jail, are they?

4 A. I do not know if that's the case.

5 Q. Have you read your plea agreement?

6 A. Yes.

7 Q. Well, what does your plea agreement say about what the
8 government is going to recommend?

9 A. A free fall from 12 to 18 months in jail.

10 Q. What does that -- what's your understanding of that, sir?

11 A. That a judge would decide what my sentence will be.

12 Q. But isn't it a fact, sir, that your plea agreement says
13 the government will not recommend that you go to jail?

14 A. That's not my full understanding of it.

15 Q. All right. Well, I'll show you your plea agreement later.

16 And you understand that your lawyer is going to be
17 able to stand up before a judge and ask for probation, right?

18 A. Yes.

19 Q. Now, sir, in an effort to induce you to cooperate, did the
20 government offer to assist some of your relatives in criminal
21 matters?

22 A. No.

23 Q. There was never an offer to you to assist some of your
24 relatives who have pending criminal charges?

25 A. That was prior to my agreement.

1 Q. No, no. My question is, sir: Was that offer made to you
2 by the government?

3 A. Yes.

4 Q. And you have a number of relatives who are under
5 indictment in state court; isn't that right?

6 A. I do not know what their situation is. I'm not close to
7 them, and I don't talk to them.

8 Q. Well, do you know Ahmed Ata?

9 A. Yes.

10 Q. Who is that?

11 MS. HAMILTON: Objection. Judge, I want to be heard
12 at sidebar, please.

13 THE COURT: Okay. You can be heard at sidebar. Do
14 you want to move to another topic because we're almost done
15 for the day or do you want to go to sidebar? It's up to you,
16 Mr. Duffy.

17 MR. DUFFY: I think we're going to recess at 4:40?

18 THE COURT: 4:45.

19 MR. DUFFY: We can go to sidebar quickly.

20 (Proceedings heard at sidebar:)

21 THE COURT: Let me ask you first, Mr. Duffy: What's
22 your preference in terms of tomorrow; do you want to go
23 tomorrow or do you want to recess until Monday? If we're
24 going to recess until Monday, I'll let the jury go.

25 MR. DUFFY: I'm trying to figure out what's the best

1 thing to do tomorrow.

2 THE COURT: We can go until about 12:15 tomorrow. I
3 was offering you the extra time if you wanted the extra day,
4 given the late notice of Mr. Ata.

5 MR. DUFFY: I understand, your Honor. Can I consult
6 with counsel for a moment?

7 THE COURT: Sure. Go ahead.

8 (Brief pause.)

9 MR. DUFFY: I think we'll continue tomorrow. I was
10 just trying to figure out if I can get him done tomorrow.

11 THE COURT: Okay. Well, we'll see where we are
12 tomorrow.

13 MR. DUFFY: Okay.

14 MS. HAMILTON: Judge, my objection was that it's my
15 understanding that Mr. Ata -- there was an offer made to him
16 to potentially help with certain --

17 THE COURT: To this Mr. Ata to help Ahmed Ata?

18 MS. HAMILTON: To help relatives. I don't know who.
19 But he said, no, that he wasn't interested; that he didn't
20 need that in exchange for his cooperation. So there's no --
21 this isn't a benefit to him. He specifically turned it down.
22 So I don't know how it's relevant that other relatives of his
23 are under indictment with the state.

24 MR. DUFFY: Well, I'm not privy to all the things the
25 government -- my understanding is that there was an offer made

1 wherein these individuals in state court and it --

2 THE COURT: By whom?

3 MR. DUFFY: By the U.S. attorney.

4 THE COURT: By the FBI or the U.S. attorney?

5 MR. DUFFY: No, the U.S. attorney's office --

6 THE COURT: Okay.

7 MR. DUFFY: -- said that they were aware of his
8 relatives under indictment in state court and that if he would
9 cooperate, there would be some consideration to these
10 relatives. And I think -- I don't think this was rejected out
11 of hand right away, so I think there's some time here. And I
12 think it's -- since an offer was made by an assistant U.S.
13 attorney, I think it's fair cross-examination. If he says he
14 thought about it and rejected it, that's the end of it.

15 MS. HAMILTON: Judge, he said no. I mean, this is --

16 THE COURT: If he said no, what's the relevance of
17 it?

18 MR. DUFFY: Well, the question is when did he say no.
19 The question is if the offer was made and it was something
20 that he contemplated, and his lawyer -- see, I'm not privy to
21 all this, Judge. All I know is that the offer was made.

22 THE COURT: I'll let the jury go. We'll keep Mr. Ata
23 here and you can ask him outside the presence of the jury and
24 we'll see what his answer is, and you can explore that with
25 him.

1 MR. DUFFY: Sure.

2 (Proceedings heard in open court:)

3 THE COURT: Ladies and gentlemen, we are done for the
4 day. We will pick up tomorrow morning at 9:00. Remember
5 tomorrow 9:00. Tomorrow we'll have a half day. You'll be out
6 of here by 12:30 tomorrow for your planning purposes, maybe a
7 little bit earlier.

8 Remember, please do not discuss the case. Do not
9 watch, read or listen to any media coverage regarding the
10 case. Have a good evening. We'll see you tomorrow morning at
11 9:00.

12 (Jury out.)

13 THE COURT: Mr. Ata, you need to stay there for a
14 moment please, sir.

15 You may be seated.

16 Mr. Duffy, go ahead. You may explore this area and
17 I'll make a determination if you can do it in front of the
18 jury tomorrow.

19 VOIR DIRE EXAMINATION

20 BY MR. DUFFY:

21 Q. Mr. Ata, I had asked you earlier if in an effort to induce
22 your cooperation, you had heard from the government -- a
23 representative of the government -- that they were willing to
24 provide some assistance to some relatives of yours who were
25 under indictment in state court. Remember that question?

1 A. Yes.

2 Q. Okay. And you told me that that offer had been made; is
3 that right?

4 A. Yes.

5 Q. When -- in the time sequence, when was that offer made,
6 sir?

7 A. Approximately three months ago, two or three months ago.

8 Q. And specifically what do you recall the offer being?

9 A. That in -- for my cooperation, the -- that the government
10 would take that into consideration in the case of my brother.

11 Q. The -- if you cooperated with the federal government, that
12 would be communicated to the state government; and they --
13 that would take -- the state government would take it into
14 consideration; is that what you're saying?

15 A. Yes.

16 Q. Okay. And who would communicate to the state government?

17 A. I do not know.

18 Q. All right. And was it for one or more of your relatives?

19 A. I do not know.

20 Q. At the time, did you know how many of your relatives were
21 under indictment?

22 A. No.

23 Q. At the time, did you know that your relatives were under
24 indictment in connection with a fraud involving a luxury
25 automobile dealership that you owned?

1 A. That I owned?

2 Q. Yes, sir.

3 A. Absolutely not.

4 Q. Did you not own the land that the dealership was on?

5 A. Yes, but there's no dealership on it.

6 Q. I see. What is on the land?

7 A. It's vacant.

8 Q. Well, the two lots next door are vacant. There's no
9 parking lot, no facility on that property at all, sir, at
10 70-something and Harlem?

11 A. There's nothing. It's vacant property.

12 Q. And you were leasing this property to your nephew?

13 A. Years ago.

14 Q. All right. And so what -- did you consider this offer,
15 sir, for help with your relatives?

16 A. No.

17 Q. All right. So was that communicated back to the
18 government?

19 A. I believe so. I was not involved in that. Again, I
20 haven't talked to these relatives in many years; so I did not
21 consider it.

22 Q. I'm just trying to -- the offer was made to you. How long
23 after the offer being made did you communicate back to someone
24 that you weren't interested in the offer?

25 A. Immediately.

1 Q. When you say immediately, same day? Same week?

2 A. I believe same week, same -- yeah.

3 Q. How did you communicate back to the government?

4 A. Through my attorney.

5 Q. Did that issue ever come up again?

6 A. No.

7 MR. DUFFY: All right. That's all I have on this,
8 Judge.

9 THE COURT: Okay. Thank you, Mr. Ata. You may step
10 down. Please be back here tomorrow morning a little before
11 9:00.

12 Mr. Duffy, do we need --

13 MR. DUFFY: To address this? No.

14 THE COURT: Anything else for the Court this evening
15 on this case?

16 MR. SCHAR: Judge, I'd like a list of witnesses.

17 THE COURT: Yes. Mr. Duffy, have you talked -- do
18 you think you'll finish cross-examination tomorrow?

19 MR. DUFFY: I hope so. What I was going to ask the
20 Court's indulgence, I need to speak to Mr. Rezko. We've been
21 so consumed by Ata that the -- last night I didn't have a
22 chance to go through the final list. I can e-mail it to
23 everyone tonight.

24 THE COURT: Do that. Let me get just a sense of
25 timing from you, Mr. Duffy. You think you may finish Ata

1 tomorrow. Do you think you'll take up the whole time? Will
2 you take up enough time that you won't have to call a witness?
3 Do you think you'll take up at least two hours?

4 MR. DUFFY: Oh, tomorrow?

5 THE COURT: Yes.

6 MR. DUFFY: Yes, we won't need another witness
7 tomorrow.

8 THE COURT: Is this your last witness?

9 MR. NIEWOEHNER: Your Honor, it's at least possible
10 we may call a rehabilitation witness for Mr. Ata. We'll have
11 to sort of see how that goes.

12 THE COURT: Okay. Talk to Mr. Duffy about that
13 tonight. I think he's differently situated than Mr. Levine.
14 Talk to Mr. Duffy about it first. Mr. Levine was obviously
15 cooperating for an extensive amount of time. It's my
16 understanding based on representations made to the Court that
17 this witness has not been, but --

18 MR. NIEWOEHNER: It wouldn't --

19 THE COURT: Which makes --

20 MR. SCHAR: It would be a fact witness.

21 MR. NIEWOEHNER: Yes, a fact witness. It's not a
22 government agent.

23 THE COURT: All right. Talk to Mr. Duffy after court
24 today and let him know who and the nature of it, and I can
25 take it up if there's anything to take up.

1 Other than that potential rehabilitation fact
2 witness, is there anybody else you intend to call?

3 MR. NIEWOEHNER: It's been pointed out to me, I
4 really shouldn't have said a rehabilitation witness. Your
5 Honor, it's really a fact witness dealing with some of the
6 same topics that Mr. Ata discussed.

7 THE COURT: Other than that fact witness?

8 MR. NIEWOEHNER: Other than that fact witness --

9 THE COURT: Is there anybody else you intend to call?

10 MR. NIEWOEHNER: Your Honor, we may put in a few
11 documents, but I don't think we have any other witnesses.

12 MR. SCHAR: The only thing I ask, Judge, is if we're
13 relatively close to the end that we just get the weekend to
14 make sure everything is in order and then we'll rest on
15 Monday.

16 THE COURT: I don't have any problem with that if
17 it's close to 12:00.

18 MR. DUFFY: Can we learn the identity of the next
19 witness?

20 THE COURT: He's going to tell you after court and
21 discuss the general scope of it, and you can let me know if
22 there's an objection. Have that witness ready tomorrow if
23 it's your intention to call him or her.

24 So possibly one other short fact witness, some
25 documents. Nobody else at the moment that you know that you

1 intend to call?

2 MR. NIEWOEHNER: That's right, your Honor.

3 THE COURT: And, again, I don't mind if we're close
4 to noon and you're done and you want to wait and come back on
5 Monday and rest Monday morning. That's fine.

6 Mr. Duffy, is it still your sense that you will
7 finish whatever case you plan on putting in by Thursday of
8 next week?

9 MR. DUFFY: Yes, Judge.

10 THE COURT: Okay. Do you think it will be before
11 Thursday?

12 MR. DUFFY: Possibly.

13 THE COURT: All right. We still have our jury
14 instruction conference on Friday.

15 MR. DUFFY: Right. The debate continues, but I will
16 advise the Court; but the answer is yes, I will not go beyond
17 Thursday.

18 THE COURT: Okay. Even if we end Wednesday, just so
19 you know -- and you can let me know if you think you have a
20 rebuttal case, a short rebuttal case -- I will not have you
21 start closings on Thursday. We'll wait and we'll start them
22 the following Monday. So even if you end on Tuesday at some
23 point, that will likely be the case. I'm not going to have
24 you start them. I know we still have quite a bit of jury
25 instruction work to do. I may move the jury instruction

1 conference earlier since you were going to be here anyway, but
2 I won't have you start closings. I'm telling you that for
3 your planning purposes; that it looks like closings will go
4 the 12th and the 13th.

5 What else?

6 MR. DUFFY: That's it.

7 THE COURT: Please copy me on your e-mail.

8 MR. DUFFY: Absolutely, Judge.

9 THE COURT: Anything else?

10 MR. NIEWOEHNER: Not from us, your Honor. Thank you.

11 THE COURT: Mr. Duffy, anything else?

12 MR. DUFFY: Nothing, Judge.

13 THE COURT: Okay. I'll see you tomorrow morning.

14 Please be here by 8:45 since we start at 9:00 with the jury,
15 and they've been early every day. Thank you.

16 (Trial adjourned until May 2, 2008, at 9:00 a.m.)

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C E R T I F I C A T E

I, Nancy C. LaBella, do hereby certify that the foregoing is a complete, true, and accurate transcript of the proceedings had in the above-entitled case before the Honorable AMY J. ST EVE, Judge of said Court, at Chicago, Illinois, on May 1, 2008.

/s/ Nancy C. LaBella

8/7/08

Official Court Reporter
United States District Court
Northern District of Illinois
Eastern Division

Date

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,) Docket No. 05 CR 691
)
Plaintiff,))
)
vs.)
)
ANTOIN REZKO,) Chicago, Illinois
) May 2, 2008
Defendant.) 9:15 o'clock a.m.

EXCERPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE AMY J. ST. EVE, AND A JURY

APPEARANCES:

For the Plaintiff: HON. PATRICK J. FITZGERALD
BY: MR. CHRISTOPHER NIEWOEHNER
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For the Defendant: STETLER & DUFFY, LTD.
BY: MR. JOSEPH J. DUFFY
MR. WILLIAM P. ZIEGELMUELLER
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Also Present: S/A DANIEL CAIN, FBI
S/A VIKAS ARORA, IRS

Court Reporter: MR. JOSEPH RICKHOFF
Official Court Reporter
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Chicago, Illinois 60604
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* * * * *

PROCEEDINGS RECORDED BY
MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED BY COMPUTER

1 THE CLERK: 05 CR 691, USA v. Antoin Rezko. Jury
2 trial continues.

3 (Jury in.)

4 THE COURT: You may be seated.

5 Good morning, ladies and gentlemen.

6 We're continuing this morning with the
7 cross-examination of Mr. Ata.

8 Mr. Ata, you are still under oath, sir.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Mr. Duffy, you may continue.

11 MR. DUFFY: Thank you, your Honor.

12 ALI ATA, PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

13 CROSS-EXAMINATION (Resumed)

14 BY MR. DUFFY:

15 Q. Mr. Ata, when we broke yesterday, I was asking you about
16 your economic interest statement that you filed with the State
17 of Illinois in your capacity as a state employee.

18 Do you remember those questions, sir?

19 A. Yes.

20 Q. All right.

21 I didn't have an opportunity before we left to
22 actually show you your statement. So, I'm going to hand you
23 what I've now marked as Ata 48.

24 MR. DUFFY: Your Honor, statement of economic
25 interest. I believe it was marked as Government Ata 3 but

1 never offered.

2 THE COURT: Okay.

3 BY MR. DUFFY:

4 Q. Mr. Ata, I will ask you to look at this. There's been
5 some blacking out for privacy, sir, but I think you'll be able
6 to look at it and recognize it.

7 (Document tendered.)

8 BY THE WITNESS:

9 A. Yes.

10 BY MR. DUFFY:

11 Q. Do you recognize that as the economic interest statement
12 you filed, sir, in March of '04?

13 A. I do.

14 MR. DUFFY: Your Honor, I would offer Ata 48.

15 THE COURT: Any objection?

16 MS. HAMILTON: No, your Honor.

17 THE COURT: It is admitted.

18 (Ata Exhibit 48 received in evidence.)

19 MR. DUFFY: Your Honor, I would ask permission to
20 publish.

21 THE COURT: Yes, you may.

22 (Said exhibit published to the jury.)

23 MR. DUFFY: And for the jurors, I think the document
24 is slanted. We can't correct that, so I apologize for that.

25 BY MR. DUFFY:

1 Q. Mr. Ata, it says filed on March 3rd, 2004. Do you see
2 that?

3 A. Yes.

4 Q. I'm on the first page.

5 And, sir, you have the document in front of you; and
6 also there's a screen there for you, as well. Is the screen
7 on?

8 A. No, it's not.

9 Q. All right.

10 A. It's on.

11 Q. All right.

12 And it has your name and has the Illinois Finance
13 Authority; is that correct?

14 A. Yes.

15 Q. And if we go down to the first -- it says general
16 directions. And if we go down to the paragraph No. 1 --

17 MR. DUFFY: Zoom in on that, please.

18 BY MR. DUFFY:

19 Q. It says, List the name and instrument of ownership in any
20 entity doing business in the State of Illinois in which the
21 ownership interest was held by the person at the date of
22 filing in excess of 5,000 fair market value and from which
23 dividends in excess of 1,200 were derived during the preceding
24 calendar year.

25 Do you see that, sir?

1 A. Yes.

2 Q. So, it's filed in '04, but the reference is -- it also
3 includes the preceding year, which would be 2003; is that
4 correct?

5 A. Yes.

6 Q. And that was your understanding --

7 A. Yes.

8 Q. -- is that right?

9 All right.

10 Now, if we turn to the second page and scroll down to
11 where the signature line is, you see where it has
12 verification?

13 A. Yes.

14 Q. All right.

15 And although for privacy, your name has been blocked
16 out, you recognize this as the document that you filed with
17 the state, correct?

18 A. Yes.

19 Q. And you would have signed -- you signed that document when
20 you filed it; did you not?

21 A. I believe I did.

22 Q. All right.

23 And I will summarize this, but the verification
24 basically is like a verification that you make that the
25 statement is true and accurate at the time that you filed;

1 isn't this right?

2 A. That's true.

3 Q. You have to keep your voice up, Mr. Ata.

4 A. Yes.

5 Q. And it basically says, there are penalties under the law
6 for filing a statement under which you make a false statement;

7 isn't that right?

8 A. Yes.

9 Q. All right.

10 And you told us that when you filed this, you knew it
11 was not accurate; is that right?

12 A. Yes.

13 Q. Okay.

14 So, when you filed this on April 20th of '04, you
15 were making a false statement to the State of Illinois --

16 A. Yes.

17 Q. -- correct?

18 All right.

19 Now, if we can go to the last page of the
20 statement --

21 MR. DUFFY: Can we turn that around?

22 BY MR. DUFFY:

23 Q. All right.

24 Now, listed here, sir, are a number of business
25 entities that you -- in 2003 and 2004, you were involved in;

1 is that correct?

2 A. Yes.

3 Q. All right.

4 Now, of the entities that are listed there, do any of
5 the entities listed there have any state leases? Excuse me.

6 Did they have state leases in '03 or '04?

7 A. No.

8 Q. All right.

9 And at the time you filed this, how many entities
10 were you involved in that had state leases?

11 A. I believe two.

12 Q. And what were they, sir?

13 A. State lease on Grand Avenue and 59th and Ashland.

14 Q. All right.

15 And what about -- what about the 84th Street
16 property?

17 A. That might have closed after this, sir.

18 Q. All right.

19 But I think you told us yesterday, on that one, you
20 put that property in somebody else's name?

21 A. Yes.

22 Q. What name did you put it in?

23 A. 84th and Ashland -- 84th and Harlem, L.L.C.

24 Q. I'm sorry, sir. You'll have to speak up.

25 A. 84th and Harlem, L.L.C.

1 Q. Is that a corporation?

2 A. It's an L.L.C., yes.

3 Q. Okay.

4 And who was -- on paper, who was the president of
5 that L.L.C.?

6 A. There's no president on the L.L.C. There's a manager, and
7 that's Katherine Aglikin.

8 Q. Could you spell the name for us, please?

9 A. A-g-l-i-k-i-n.

10 Q. And it's pronounced Aglikin?

11 A. Yes, Aglikin.

12 Q. And who is she, sir? I'm sorry. Who was she in 2003 and
13 2004?

14 A. She's an associate of mine and -- who I've done business
15 with.

16 Q. All right.

17 When you say an associate of yours, is this somebody
18 who you employ?

19 A. No.

20 Q. All right.

21 Is it just a business associate?

22 A. Yes.

23 Q. All right.

24 Is this a person who on occasion you have used to put
25 property --

1 A. Yes.

2 Q. -- in her name?

3 A. Yes.

4 Q. All right.

5 So, when you wanted to conceal your involvement in
6 property, you would put it in Ms. Aglikin's name; is that
7 correct?

8 A. Yes.

9 Q. Now, I was asking you yesterday about the 59th Street and
10 Ashland property, which had a lease from the State of
11 Illinois; is that right?

12 A. Yes.

13 Q. Okay. And we'll come back to that in a second.

14 But the Grand Avenue -- you had leases in an entity
15 on Grand Avenue; is that correct?

16 A. Yes.

17 Q. And what was the name of that entity?

18 A. Area Wide Grand Avenue, I believe.

19 Q. Okay.

20 And that one you didn't disclose on the sheet, did
21 you?

22 A. I did not.

23 Q. I'm sorry. When I say sheet, your economic interest
24 statement. You didn't disclose that; is that correct?

25 A. No.

1 Q. Okay.

2 And that was a lease -- that was a partner -- an
3 L.L.C. that had several leases with the State of Illinois; is
4 that right?

5 A. Yes.

6 Q. How many leases?

7 A. Three.

8 Q. And those leases you and your partners obtained during,
9 what? The George Ryan administration?

10 A. Prior to that.

11 Q. Right.

12 The Blagojevich administration had nothing to do with
13 giving you those leases; isn't that right?

14 A. That's true.

15 Q. All right.

16 And Mr. Rezko had nothing to do with those leases,
17 right?

18 A. That's true.

19 Q. All right.

20 So, your decision to file a false economic interest
21 statement and not disclose Grand Avenue did not have anything
22 to do with Mr. Rezko; did it, sir?

23 A. No. On that particular lease, I misunderstood this; and I
24 thought this applied to all entities. That's why I listed all
25 entities. And as I stated earlier, I thought that Grand

1 Avenue entity had foreclosed. But I -- I misunderstood the
2 statement, saying it's going back a year earlier. I thought
3 list all the entities as of the date you sign this.

4 Q. So, you're saying now that you did not intend to leave
5 Grand Avenue off of that?

6 A. I did not. I thought I -- when I filed this, I listed all
7 entities, even entities that didn't do any work with the
8 state. I mean, Area Wide, 71st and Pulaski, that's a
9 Walgreens. I listed -- I misunderstood what --

10 Q. All right.

11 A. -- was required.

12 Q. All right.

13 So, it was just a mistake on Grand Avenue?

14 A. Yes.

15 Q. All right.

16 So, you didn't do anything in 2003 to move your
17 interest out of Grand Avenue to conceal it; did you, sir?

18 A. I'm not sure. I'm not -- I don't understand your
19 question.

20 Q. Well, my question is: If you were trying to hide your
21 interest in a lease --

22 A. Uh-huh.

23 Q. -- you'd have to do something to move the interest to
24 another entity so somebody couldn't find it; isn't that right?

25 A. I believe I moved my interest in that entity in 2003 to my

1 partners.

2 Q. Right.

3 And you moved it out of there, sir, in August of
4 2003, right before you thought you were going to get a state
5 job; isn't that right?

6 A. That's true.

7 Q. Right.

8 So, you were hiding it, weren't you?

9 A. Yes.

10 Q. So, when you tell the jury a few minutes ago that you
11 didn't intend to exclude it from this, that wasn't true; was
12 it, Mr. Ata?

13 A. Again, I thought this property was foreclosed on before I
14 opened it.

15 Q. Sir, here's my question --

16 A. Yes.

17 Q. -- you just told the jury that you transferred your
18 interest in this entity in August of '03 before you thought
19 you were getting a state job; isn't that right?

20 A. Yes.

21 Q. Because you didn't want, like, the press or somebody to
22 look around in your background and find out that you had state
23 leases; isn't that true?

24 A. Yes.

25 Q. Okay.

1 And if you would have put the Grand Avenue state
2 lease on that statement, then somebody would have found out
3 that you had leases with the State of Illinois; isn't that
4 true?

5 A. Yes.

6 Q. And the same would hold true for the 84th Street property;
7 isn't that true?

8 A. I believe that was bought after the -- this disclosure
9 statement was signed.

10 Q. All right.

11 Now, you have on there an entity called --

12 MR. DUFFY: And, Mariah, if you can zoom in on it.

13 BY MR. DUFFY:

14 Q. O & A Roosevelt -- Roosevelt Road Investors, L.L.C.

15 Do you see that, sir?

16 A. Yes.

17 Q. And that's an investment that you made in a company that
18 Mr. Rezko was involved in; isn't that right?

19 A. That's true.

20 Q. So, your economic interest statement, if somebody wanted
21 to go look at it, the public, they would see that you had an
22 investment with Mr. Rezko; isn't that right?

23 A. Yes.

24 Q. So, you were not trying to conceal that you had
25 investments with Mr. Rezko, were you?

1 A. That's true.

2 Q. Now, let's talk about the 59 and Ashland Avenue, L.L.C.
3 That's another lease; is that right?

4 A. Yes.

5 Q. And that's a lease, sir, of property in the vicinity of
6 59th and Ashland, correct?

7 A. Yes.

8 Q. And it's held by an L.L.C. called 59th and Ashland,
9 L.L.C., correct?

10 A. Yes.

11 Q. All right.

12 And the owners of that L.L.C. are -- was -- was
13 yourself; is that correct?

14 A. Yes.

15 Q. Mr. Faysal Mohamed, correct?

16 A. Yes.

17 Q. And Mr. Sam Jabir?

18 A. Yes.

19 Q. Or Samir Jabir, is that the correct name?

20 A. Sam.

21 Q. Okay.

22 And we'll get into this -- so, you're telling -- you
23 testified that you had a conversation with Mr. Rezko; and he
24 helped you on this lease -- on the lease on that property.
25 And as a result of his help, you created yet another entity;

1 is that right?

2 A. Yes.

3 Q. So, the entity that you created was called 59th Street
4 Property, correct?

5 A. Yes.

6 Q. And it was the 59th Street Property, L.L.- -- was that an
7 L.L.C. also?

8 A. I'm not sure.

9 Q. Okay.

10 And the 59th Street Property, sir, that entity is the
11 entity in which you told the jury that you were holding an
12 interest for Mr. Rezko; is that right?

13 A. Yes.

14 Q. Okay.

15 So, you weren't holding anything for Mr. Rezko in
16 59th and Ashland, were you?

17 A. Can you repeat the question, please?

18 Q. Sure.

19 You and two other partners owned an entity called
20 59th and Ashland?

21 A. Yes.

22 Q. And that entity owned the land and the building that had a
23 state lease, correct?

24 A. That was -- yes.

25 Q. Right.

1 And that lease, by the way, was gotten in the Ryan
2 administration, right?

3 A. Yes.

4 Q. All right.

5 According to you, Mr. Rezko helps you; and in return,
6 you say you're going to give him 25 percent interest, correct?

7 A. That's not what I said.

8 Q. All right.

9 Did you say -- well, tell us what you said.

10 A. I said that he asked for an interest in the property.

11 Q. All right.

12 And the interest that he supposedly asked for was,
13 you decided then to move the -- your interest in 59th and
14 Ashland to a new entity; isn't that right?

15 A. Yes.

16 Q. Okay.

17 So, Mr. Rezko's name never appears on anything, does
18 it?

19 A. Because he asked for that.

20 Q. All right.

21 But please answer my question.

22 A. Yes.

23 Q. Mr. Ata, Mr. Rezko's name does not appear on any document,
24 does it?

25 A. Yes.

1 Q. Okay.

2 And what you're telling us is that you create 59th
3 Street, Inc., right?

4 A. Yes.

5 Q. And you transfer your interest from 59th and Ashland to
6 59th Street, Inc.; is that right?

7 A. Yes.

8 Q. And once you do that, then, the only people listed as the
9 owners of 59th and Ashland are Faysal Mohamed and Sam Jabir,
10 right?

11 A. And 59th Street, Inc.

12 Q. 59th Street, Inc. Okay.

13 And on paper, sir, who owns 59th Street, Inc.?

14 A. I initiated it and then transferred it to Kathy Aglikin.

15 Q. And when you transfer these properties to this woman's
16 name, do you have to pay her something for doing that?

17 A. We haven't -- we haven't -- we haven't discussed that.

18 Q. Okay.

19 Now, sir, you transferred this interest from 59th and
20 Ashland to the 59th Street -- to Ms. Aglikin on September 2nd,
21 2003; isn't that right?

22 A. I'm not sure of the date.

23 Q. Well, I can help you on the date.

24 Well, let me ask you this: You recall making that
25 transfer, sir, shortly before you knew you were getting a

1 state position, didn't you?

2 A. Yes.

3 Q. And put aside this so-called understanding with Mr. Rezko.
4 If you had no understanding with Mr. Rezko, it still was your
5 intention, sir, not to disclose your interest in a state lease
6 at 59th and Ashland; isn't that right?

7 A. I'm not sure.

8 Q. Well, you didn't disclose the other one, did you, sir,
9 Grand Avenue?

10 A. I explained why I did not --

11 Q. I see.

12 A. -- disclose it.

13 Q. So, the Grand Avenue one you transferred to Ms. Aglikin,
14 correct?

15 A. No.

16 Q. I thought you transferred that to an entity with her?

17 A. No.

18 Q. I'm sorry.

19 Where did you transfer Grand Avenue to?

20 A. Again, Grand Avenue was going into foreclosure; and we
21 just transferred it. I tran- -- I gave up my interest in that
22 entity to the L.L.C.

23 MR. DUFFY: May I have just a moment, your Honor?

24 THE COURT: You may.

25 (Brief pause.)

1 BY MR. DUFFY:

2 Q. Mr. Ata, I have before you, sir, a couple of binders. Let
3 me direct your attention, if I can, to a binder -- the big
4 binder. And go to Tab 30, if you will, please.

5 Do you have that, sir?

6 A. Yes.

7 Q. And is that a lease assignment by you dated the 1st of
8 August 2003?

9 A. Yes.

10 Q. All right.

11 And do you recognize your signature?

12 A. Yes.

13 MR. DUFFY: Your Honor, I'll offer Defense Exhibit
14 Ata 30.

15 THE COURT: Any objection?

16 MS. HAMILTON: Can I have just one moment?

17 MR. DUFFY: Oh, I'm sorry, Ms. Hamilton.

18 THE COURT: Yes.

19 MR. DUFFY: I apologize.

20 (Counsel confer off the record.)

21 MS. HAMILTON: No objection.

22 THE COURT: It's admitted.

23 (Defense Exhibit No. 30 received in evidence.)

24 MR. DUFFY: May I use the Elmo on this one, your
25 Honor?

1 THE COURT: Yes, you may.

2 BY MR. DUFFY:

3 Q. Mr. Ata, while we're warming up the Elmo, do you have this
4 document in front of you, sir?

5 A. I do.

6 Q. All right.

7 This a lease assignment by you on the 1st day of
8 August 2003 where you transfer your interests in three
9 different leases to another company; is that right?

10 A. No, it's the same company. I'm transferring it -- my
11 interest -- to the partner in the same company.

12 Q. I see.

13 So, on paper, it looks like you're no longer
14 involved; isn't that right?

15 A. That was the intent. The company was going through
16 foreclosure, and the intent was to give up my interest in it.

17 Q. I see.

18 Well, the company wasn't in foreclosure yet, was it?

19 A. It was in the process of foreclosure.

20 Q. Well, no.

21 What -- sir, you were in the process of getting a job
22 with the State of Illinois, you thought, in September of '03;
23 isn't that right?

24 A. About that time, yes.

25 Q. Right.

1 And this is dated August of '03, where you take an
2 assignment and you take your name out of the entity that has
3 three state leases; isn't that right?

4 A. Yes.

5 Q. So, I have in front of us for the jury -- this is a lease
6 assignment, sir, by you, correct?

7 A. Yes.

8 Q. All right.

9 And is this your signature on the lower left-hand
10 side?

11 A. Yes.

12 Q. And not only, sir, do you assign this, but you make sure
13 that the assignment is sent to the State of Illinois; is that
14 right?

15 A. Yes.

16 Q. There's a stamp, August 26th, 2003, CMS Real Estate.

17 Do you see that?

18 A. Yes.

19 Q. And the reason you had it sent to the State of Illinois is
20 you wanted the state to believe that you were out of those
21 properties; isn't that right, sir?

22 A. Yes.

23 Q. And by this assignment, sir, in August, you assign your
24 interests in a Illinois Department of Employment Security
25 lease that you and your partners have had since 1993; is that

1 correct?

2 A. Yes.

3 Q. So, which -- during which governor's administration did
4 you get that lease?

5 A. Edgar.

6 Q. By the way, you talked about Mr. Cellini. You met
7 Mr. Cellini in the Edgar administration, didn't you?

8 A. Yes.

9 Q. You were a supporter of Governor Edgar; were you not?

10 A. Yes.

11 Q. Do you remember doing fundraisers for Governor Edgar?

12 A. No.

13 Q. Did you raise money for him?

14 A. Do not recall.

15 Q. All right.

16 You contributed to him; did you not?

17 A. I do not recall.

18 Q. Do you recall making a trade mission with Governor Edgar?

19 A. Yes.

20 Q. And with Mr. Cellini; isn't that right?

21 A. Yes.

22 Q. All right.

23 And that was back what year? '95, '96?

24 A. Around that time.

25 Q. All right.

1 And do you recall back at that time talking with
2 Mr. Cellini about your state leases, sir?

3 A. I do not recall talking to him at that time about state
4 leases.

5 Q. All right.

6 Now, you did another lease from the Illinois
7 Department of Corrections in October of '96; isn't that right,
8 sir?

9 A. Yes.

10 Q. And under what governor was that?

11 A. I believe that would be Edgar.

12 Q. Okay.

13 And, then, the last one is the Illinois Department of
14 Human Services in 1998; is that correct?

15 A. Yes.

16 Q. And which governor was that?

17 A. I'm not sure.

18 Q. All right.

19 And, then, the assignment, you have to assign -- you
20 have to sign the document as the -- what they call the
21 assignor because you're transferring your interest on paper to
22 the entity Area Wide Grand, Inc.; is that right?

23 A. Yes.

24 Q. And this gentleman who signs as the president, that's
25 Mr. Faysal Mohamed; is that correct?

1 A. Yes.

2 Q. That's the same gentleman that you have many other
3 interests with; is that correct?

4 A. Yes.

5 Q. So, after seeing this document, sir, dated in August of
6 '03, it was true that you had transferred this property in
7 August so your name would not be associated with three state
8 leases; isn't that right?

9 A. Yes.

10 Q. Now, after August, sir --

11 MR. DUFFY: Withdraw.

12 BY MR. DUFFY:

13 Q. All right.

14 Now, if I can, sir, I want to go back to the 59th
15 Street so I make sure I understand this transaction.

16 So, you transfer your interest into a new entity
17 called 59th Street?

18 A. Yes.

19 Q. Okay.

20 But your name is not associated with it, is it?

21 A. No.

22 Q. So, if somebody of the public wanted to go to the court
23 records and see who owned 59th Street, your name would not
24 appear; is that right?

25 A. That's true.

1 Q. Ms. Kathy Aglikin's name would appear, correct?

2 A. Yes.

3 Q. By the way, sir, as of the summer of '03, how many
4 different pieces of property did you have in entities where
5 Mrs. Aglikin or Ms. Aglikin had her name on the property?

6 A. As of what date?

7 Q. As of 2003.

8 A. I don't believe any.

9 Q. All right.

10 Well, her name was on the 59th Street property in
11 2003, right?

12 A. Okay. I'm sorry. As of what date?

13 Q. Any time in the year 2003.

14 A. That would be 59th and Ashland.

15 Q. Nothing else?

16 A. That's all that comes to mind at this point.

17 Q. All right.

18 So, you told the jury that you did not disclose --
19 the only reason you did not disclose 59th and Ashland is
20 because it would somehow tie back to Mr. Rezko; is that right?

21 A. That's what I said.

22 Q. Okay.

23 And Mr. Rezko's name doesn't appear anywhere, does
24 it?

25 A. No.

1 Q. And, in fact, on 59th Street, you even went out of your
2 way to conceal your name from 59th Street, Inc.; did you not?

3 A. Yes.

4 Q. Sir, when you started talking with the government a few
5 weeks ago and trying to make your deal, did you believe it was
6 in your best interest to blame Mr. Rezko for your criminal
7 conduct?

8 A. No. I was avoiding a threat by Mr. Rezko through one of
9 his friends.

10 Q. Sir --

11 MR. DUFFY: Your Honor, I ask that the last answer be
12 stricken.

13 THE COURT: I will strike the last answer, and the
14 jury should disregard it.

15 BY MR. DUFFY:

16 Q. My question was: When you were talking to the government
17 about your criminal conduct, did you believe it was in your
18 best interest to blame Mr. Rezko for your criminal conduct;
19 "Yes" or "No"?

20 A. No.

21 Q. All right.

22 But you're telling the jury that the only reason you
23 did not disclose an entity that didn't have either your name
24 or Mr. Rezko's name on it was because Mr. Rezko didn't want it
25 disclosed, right?

1 A. Mr. Rezko asked me not to have his name or my name
2 associated with anything that was doing business with the
3 State of Illinois.

4 Q. Mr. Ata, if your -- if the 59th and Ashland partnership or
5 the 59th Street partnership was disclosed on your economic
6 interest statement that we had on the screen, it wouldn't show
7 Mr. Rezko's name, would it?

8 A. No, it will not.

9 Q. And according to you, your partners didn't even know that
10 Mr. Rezko had this so-called secret interest, did they?

11 A. I did not tell them who it was.

12 Q. Now, you told us a lot about activities in 2003 and 2004.
13 And in 2003, sir, you were not an employee of the State of
14 Illinois, were you?

15 A. I was not.

16 Q. But it's fair to say that you put a lot of time and a lot
17 of energy on trying to get a position with the State of
18 Illinois; isn't that right?

19 A. I don't know what you mean by "a lot of energy."

20 Q. Well, I sat in this courtroom and listened to you describe
21 meeting after -- so-called meeting after meeting after meeting
22 with Mr. Rezko in 2003.

23 Don't you recall that testimony?

24 A. Yes, I do.

25 Q. I recall you were doing Internet research in 2002 for

1 state positions; isn't that right?

2 A. Yes.

3 Q. So, is it correct when I say you've told this jury that
4 you spent all this time and energy trying to find a job with
5 the State of Illinois in '02 and '03?

6 A. Yes.

7 Q. It's a correct statement, isn't it?

8 A. I spent a lot of time on many projects in '02 and '03.

9 Q. And, sir, in 2003 and 2004, financially, you didn't need a
10 salary from the State of Illinois; did you, sir?

11 A. I did not need a salary from the State of Illinois.

12 Q. I mean, you didn't need a state job to pay your bills or
13 support your family, did you?

14 A. No.

15 Q. Your state job had nothing to do with money; did it, sir?

16 A. No, it did not.

17 Q. And, in fact, sir, in 2004, you had a net worth of about
18 \$12 million; isn't that right?

19 A. Yes.

20 Q. So, when you tell this jury that you were under so much
21 pressure from Mr. Rezko about -- you were worried about losing
22 your job, you weren't worried about the money, were you?

23 A. No.

24 Q. Would I be correct, sir, in saying that you -- you owned
25 property worth maybe 45 or \$50 million in 2004?

1 A. No.

2 Q. Would you have submitted a financial statement to a bank
3 that said that, sir?

4 A. I don't know what I would have submitted at that point.

5 Q. Well, if you told the bank in 2005 that you owned \$43
6 million of property, would that have been true?

7 A. I don't remember.

8 Q. Why don't you turn to Ata 47 in the binder, please.

9 (Brief pause.)

10 BY MR. DUFFY:

11 Q. Do you have that, sir?

12 If you need some help, I'll try to assist you.

13 A. I have 46 and 48.

14 Q. It's a personal financial statement of you at the
15 Marquette Bank, sir. Take a look at it, see if you recognize
16 it and your signature.

17 THE COURT: He doesn't -- he can't find it.

18 MR. DUFFY: Oh, I apologize.

19 May I approach, your Honor?

20 THE COURT: You may.

21 MR. DUFFY: One second, your Honor.

22 (Brief pause.)

23 MR. DUFFY: Ms. Hamilton, let me just check, and I'll
24 be right with you.

25 BY MR. DUFFY:

1 Q. Mr. Ata, may I bother you for a moment and take the
2 binder?

3 MR. DUFFY: All right. Here it is. I apologize.
4 Every time I think I have this figured out, it's not figured
5 out.

6 (Document tendered.)

7 BY MR. DUFFY:

8 Q. Mr. Ata, I direct your attention to what's been marked as
9 Government Exhibit -- I mean Defense Exhibit Ata 47. And read
10 that to yourself, if you would, sir.

11 A. Okay.

12 MR. DUFFY: I'm sorry.

13 MS. HAMILTON: That's okay.

14 (Counsel confer off the record.)

15 BY MR. DUFFY:

16 Q. Mr. Ata, do you recognize that document, sir?

17 A. Yes, I do.

18 Q. Okay.

19 If you would turn, sir, to the second page of that
20 financial statement, just see if you list all the properties
21 there --

22 A. Okay.

23 Q. -- that you claim that you own and see if you put down a
24 value of the properties.

25 You see a "total" line on the bottom?

1 A. Yes, I do.

2 Q. Okay.

3 And does that refresh your recollection that you had
4 represented that you owned about \$42 million of property?

5 (Brief pause.)

6 MR. DUFFY: Your Honor, may I approach?

7 THE COURT: You may approach.

8 BY MR. DUFFY:

9 Q. Do you see the document, Mr. Ata?

10 A. I see it. I see it.

11 Q. The line here (indicating)?

12 A. Yes.

13 Q. Okay.

14 My question, sir, is: After you look at that
15 document, does that refresh your recollection that you owned
16 property that had a value of over \$40 million?

17 A. That's the total value of all the properties. It's not
18 the net value.

19 Q. I understand that, sir.

20 My question to you earlier was: Did you own property
21 that had a value of over \$40 million?

22 A. Or I was a partner in some of these properties.

23 Q. All right.

24 You can put that aside. Thank you.

25 Now -- you can put that binder aside for a moment,

1 Mr. Ata.

2 You know a gentleman by the name of Richard Mell; do
3 you not?

4 A. I do.

5 Q. Okay.

6 And Mr. Mell is the present Governor's father-in-law;
7 isn't that correct?

8 A. Yes.

9 Q. And you have known Mr. Mell probably since the late '70s,
10 early '80s?

11 A. I don't know how far back, but awhile ago.

12 Q. Okay.

13 It's fair to say a long time?

14 A. Yes.

15 Q. And Mr. Mell is the alderman of the 33rd Ward of Chicago,
16 correct?

17 A. Yes.

18 Q. And he's also what they call the ward committeeman; is
19 that true?

20 A. Yes.

21 Q. And over the years, you have supported Alderman Mell
22 politically; have you not?

23 A. Yes, I have.

24 Q. And you have supported him financially, correct?

25 Not him personally. Politically?

1 A. Yes.

2 Q. Yeah. I mean, you've contributed to his organization,
3 correct?

4 A. Yes.

5 Q. And you've contributed to his campaigns; have you not?

6 A. Yes.

7 Q. And it's fair to say that over these years, that you've
8 had a friendship with him?

9 A. Not a friendship. A relationship. I've had a
10 relationship.

11 Q. Well, you've been to his home, right?

12 A. Yes.

13 Q. You know his wife, correct?

14 A. Yes.

15 Q. You met his daughter Patty when she was in high school;
16 did you not?

17 A. Yes.

18 Q. And that was in 1983; isn't that correct?

19 A. If that's when she was in high school.

20 Q. Okay.

21 And you were around his ward organization enough, as
22 well as his home, to know his family; isn't that fair?

23 A. Yes.

24 Q. And they considered you a friend, didn't they?

25 A. Yes.

1 Q. And you knew his daughter Patty later married Rod
2 Blagojevich in 1990; is that right?

3 A. Yes.

4 Q. And you knew her well before she even met Rod Blagojevich,
5 correct?

6 A. Yes.

7 Q. And hanging or being a part -- excuse me.

8 Associating with the family, you met Rod Blagojevich
9 when he got engaged to his wife, didn't you?

10 A. I do not recall when I first met him.

11 Q. All right.

12 You met him before they were married; did you not?

13 A. I do not recall exactly when.

14 Q. Do you recall going to the wedding?

15 A. No.

16 Q. All right.

17 But you recall them being married in 1990?

18 A. Yes.

19 Q. And how is it you're able to recall that?

20 A. I was told. I just don't recall going to the wedding.

21 Q. Okay.

22 Now, when Rod Blagojevich became part of the Mell
23 family, you would then see him at political functions; would
24 you not?

25 A. Yes.

1 Q. And you would see him on those occasions where he happened
2 to be at the Mell home when you went to the Mell home; isn't
3 that true?

4 A. I might have seen him there. I do not recall a specific
5 occasion.

6 Q. All right.

7 And there came a time, sir, in the 1990s that Rod
8 Blagojevich decided to run for public office, correct?

9 A. Yes.

10 Q. And at that point in time, you had had a relationship with
11 Mr. Mell for some time; is that correct?

12 A. Yes.

13 Q. And Mr. Mell asked you, did he not, to support his
14 son-in-law?

15 A. Yes.

16 Q. And you did; did you not?

17 A. Yes.

18 Q. And that would have been, what, early, mid '90s?

19 A. Sometime there.

20 Q. And you supported Rod Blagojevich's run for State of
21 Illinois offices, correct?

22 A. I believe I did.

23 Q. And you contributed to that campaign; did you not?

24 A. I believe I did.

25 Q. And did you hold fundraisers for him back then?

1 A. I don't think I did.

2 Q. Do you recall having a fundraiser in your home, sir, in
3 the mid '90s for then-candidate Blagojevich?

4 A. I believe he was running for Congress.

5 Q. Okay.

6 Well, we'll get to that in a moment. All right.

7 And so, while you're supporting Rod Blagojevich for
8 state office, you're also continuing to support Alderman Mell
9 in the 33rd Ward; isn't that right?

10 A. Yes.

11 Q. All right.

12 So, you're continuing this relationship with the
13 family and the ward, right?

14 A. Yes.

15 Q. And, then, in about '95 or '96, Rod Blagojevich decides to
16 run for Congress; does he not?

17 A. Yes.

18 Q. All right.

19 And you, again, are asked by both Mr. Mell and the
20 candidate to support them; are you not?

21 A. Yes.

22 Q. And you do, correct?

23 A. Yes.

24 Q. All right.

25 Now, is it -- is it in the congressional races you

1 hold fundraisers for him?

2 A. I believe I did a small fundraiser for him.

3 Q. And do you recall, sir, back in the 1990s, when you were
4 supporting Alderman Mell's son-in-law, he told you that you
5 were a good friend?

6 A. Yes.

7 Q. And he told you you were a good supporter, didn't he?

8 A. Yes.

9 Q. And Rod Blagojevich, when he was running for Congress in
10 the '90s, told you you were a good friend, didn't he?

11 A. Yes.

12 Q. And a good supporter, didn't he?

13 A. Yes.

14 Q. Now, do you recall the amounts of contributions that you
15 gave to Blagojevich when he was running for Congress, sir, in
16 the '90s?

17 A. I do not.

18 Q. Was it a few thousand dollars each year?

19 A. I don't specifically recall what I contributed.

20 Q. Do you recall how much you raised from those fundraisers
21 in the late '90s?

22 A. I do not.

23 Q. And were you raising money for candidate Blagojevich in
24 the Arab community?

25 A. Yes.

1 Q. You were asked, were you not, to provide financial support
2 personally and to try to raise money for Blagojevich in the
3 Arab community; isn't that true?

4 A. Yes.

5 Q. And you did that, didn't you?

6 A. To a limited extent.

7 Q. And, then, sir, in the year 2000, Mr. Mell comes to you
8 and tells you that his son-in-law is exploring the idea of
9 running for governor, doesn't he?

10 A. By that time he did.

11 Q. Okay.

12 And, in fact, the candidate himself sat down with you
13 in 2000, didn't he?

14 A. Around that time he did.

15 Q. Right.

16 And he sat down with you one-on-one; did he not?

17 A. He had an aide with him.

18 Q. Okay.

19 And he wanted to talk with you about -- he said, "I'm
20 exploring the idea of running for governor," correct?

21 A. Yes.

22 Q. And he wanted to get your thoughts, didn't he?

23 A. No.

24 Q. He wanted to get your support, correct?

25 A. Yes.

1 Q. All right.

2 And he asked you back in 2000, he said, "If I decide
3 to run for governor, would you help raise money for me,"
4 didn't he?

5 A. Yes.

6 Q. And -- and would you also -- besides raising money, "Would
7 you also help me and work on my behalf?"

8 Didn't he say that?

9 A. I'm sorry. Can you say --

10 Q. Sure.

11 A. -- that again?

12 Q. Sure.

13 He wanted you to just help with the campaign, help --
14 help do fundraisers and help work on the campaign; is that
15 fair?

16 A. Work fundraiser.

17 Q. Yes. All right.

18 And in 2000 -- and, by the way, you had conversations
19 with your friend Mr. Mell at the same time about this, didn't
20 you?

21 A. I believe I did, yes.

22 Q. And Mr. Mell, in 2000, asked you to be supportive of his
23 son-in-law, didn't he?

24 A. Yes.

25 Q. And in the year 2000, when they set up this exploratory

1 fund before he decided to run, you made financial
2 contributions to it; did you not?

3 A. I don't specifically recall, but I --

4 Q. Well, do you recall a contribution in June of 2000 for
5 \$1,000 to Friends of Blagojevich?

6 A. Okay.

7 Q. And in July of 2000, you contributed another \$4,000 to
8 Friends of Blagojevich?

9 A. Yes.

10 Q. All right.

11 And this was in 2000, correct?

12 A. Yes.

13 Q. Now, he -- Blagojevich did not even announce that he was a
14 candidate for governor until August of 2001; is that right?

15 A. I do not recall when he announced.

16 Q. All right.

17 I'll show you something in a moment, but -- so, you
18 told him that you would support him, correct?

19 A. Yes.

20 Q. And you gave money to the exploratory fund; isn't that
21 right?

22 A. Yes.

23 Q. And through '01 -- 2000, 2001 -- you continued to maintain
24 your contacts with Blagojevich and the Mell family; did you
25 not?

1 A. Yes.

2 Q. And in August of 2001, Congressman Blagojevich announces
3 that he was running for governor. You don't recall the date,
4 but you recall there was an announcement; is that right?

5 A. Yes.

6 Q. And at the time that he publicly announced -- that is, the
7 day that he made the announcement -- you knew ahead of time
8 that announcement was coming, didn't you?

9 A. I don't recall.

10 Q. All right.

11 And at that time, you committed to work on behalf --
12 on his behalf; did you not?

13 A. I do not specifically recall that I committed to work on
14 his behalf. I said that I -- he asked for my support, and I
15 said I would give it to him.

16 Q. Well, when you sat down and had this luncheon meeting with
17 him, you said that you would help raise money for him; isn't
18 that correct?

19 A. Yes.

20 Q. All right.

21 Now, he announces in August of 2001. And in
22 September of 2001, something happens to you; isn't that
23 correct?

24 A. Yes.

25 Q. And in September of 2001, after the 9/11 attacks in New

1 York, the FBI comes to your employer to interview you; is that
2 right?

3 A. Yes.

4 Q. And they came to you because of -- your last name was the
5 same as one of the hijackers; is that right?

6 A. Similar.

7 Q. Similar name. Okay.

8 And, of course, sir, you had nothing to do with that,
9 I understand, correct?

10 A. Come on, Mr. Duffy.

11 Q. I apologize, sir. I'm clarifying the record.

12 A. Let's not go there.

13 Q. I'm not going there, sir.

14 And as a -- and then, sometime after that, you
15 retired from your company; is that right?

16 A. Yes.

17 Q. All right.

18 You thought, did you not, sir, that the company's
19 retirement package was connected to the FBI visiting you?

20 A. That's what I thought.

21 Q. All right.

22 At the time, sir, you were a member of good standing
23 in your community; were you not?

24 A. Yes.

25 Q. Both in and out of the Arab community; isn't that correct?

1 A. What do you mean?

2 Q. In 2001, you were a member of good standing in the
3 community?

4 A. Yes.

5 Q. All right.

6 You said yesterday that you were devastated by it;
7 you used the term "devastated"; did you not?

8 A. Yes.

9 Q. Okay.

10 And as a result of that unfortunate incident, sir,
11 you decided that you wanted to get a position with state
12 government so as -- what you've described as a way to get your
13 life back on track; is that a fair statement?

14 A. No, not to get my life back on track. I felt I needed to
15 maybe prove myself again through a position.

16 Q. All right.

17 Sir, I'm going to direct your attention, if I may, to
18 an FBI interview up here, sir.

19 I'll ask you to read this paragraph to yourself
20 (indicating).

21 MR. DUFFY: Your Honor, it's Defense Exhibit Ata 3,
22 Government Interview 4-2-08.

23 THE COURT: Okay.

24 MR. DUFFY: Ms. Hamilton, it's Page 1, the third
25 paragraph.

1 BY MR. DUFFY:

2 Q. Just read that to yourself, sir, and let me know when
3 you're through reading that, Mr. Ata.

4 (Brief pause.)

5 BY MR. DUFFY:

6 Q. Just that one sentence, sir. Do you see that?

7 A. Yes.

8 Q. Okay.

9 So, does that refresh your recollection, sir, that
10 you were looking for redemption; and one of the ways that you
11 thought you could get redemption is by being associated with a
12 state position; isn't that fair?

13 A. That's fair.

14 Q. Okay.

15 Because you've already told us, your reason for
16 seeking the state position had nothing to do with financial
17 remuneration for you, right?

18 A. That's true.

19 Q. And, in fact, on a personal level, sir, it was a goal of
20 yours to be the highest -- excuse me.

21 You wanted to have the highest position in the
22 Blagojevich administration of anyone in the Muslim community;
23 isn't that right?

24 A. That's not what I said. I said that position was, at that
25 time, the highest position.

1 Q. Okay.

2 So, what you said was that at the time that you were
3 contemplating the executor -- executive director position of
4 IFA, you would have been the highest-ranking Muslim in the
5 Blagojevich administration --

6 A. Yes.

7 Q. -- is that what you said?

8 All right.

9 A. Yes.

10 Q. And that was important to you; was it not, sir?

11 A. Yes.

12 Q. I mean, this was -- Mr. Ata, this was the reason why you
13 were working so hard to get a state position, wasn't it?

14 A. It was one of the reasons.

15 Q. Okay.

16 Now, in 2002, you put together fundraisers for
17 candidate Blagojevich; did you not?

18 A. Yes.

19 Q. And obviously in the course of 2002, you had interaction
20 with the candidate; did you not?

21 A. Yes, I did.

22 Q. And you also had an interaction with his father-in-law,
23 Mr. Mell; did you not?

24 A. Yes.

25 Q. And you discussed, did you not, in 2002 -- you had a

1 discussion with Mr. Mell about fundraising, didn't you?

2 A. Yes.

3 Q. In fact, there were occasions when you worked with
4 Mr. Mell on a fundraising issue, wasn't there?

5 A. Yes.

6 Q. And if I could show you, sir, what I've marked as Ata
7 17 --

8 MR. DUFFY: And, hopefully, this one is accurate.

9 BY MR. DUFFY:

10 Q. It will be in your binder, sir.

11 MS. HAMILTON: Judge, my only objection is this isn't
12 a document of Mr. Ata's; and I'm not sure --

13 THE COURT: I'm not sure what Mr. Duffy is going to
14 do. Are you going to seek to admit this?

15 MR. DUFFY: Judge, it's already -- the data is
16 already admitted under Friends of Blagojevich Database. And
17 that was the database from which Agent Willoughby testified to
18 his charts. So, what we did was just print out these pages of
19 it. I have not done anything with the data other than print
20 it out.

21 MS. HAMILTON: Judge --

22 THE COURT: Was it in this format though or -- who
23 put the chart together? Somebody for you?

24 MR. DUFFY: This is the format it's in on the
25 database.

1 MS. HAMILTON: The database is not in evidence.
2 There are certain summaries from the database that are in
3 evidence.

4 THE COURT: I understand Mr. Duffy to be saying this
5 is in evidence.

6 MR. DUFFY: It's my -- I'll check. My understanding
7 is there is a certificate that was presented to the Court for
8 the database.

9 THE COURT: Okay.

10 MR. DUFFY: And the agent chose to take certain
11 information out of the database for his schedule, but the
12 certificate is for the entire database.

13 THE COURT: What is the government exhibit?

14 MR. DUFFY: It would be the Willoughby charts.

15 Judge, we'd have to retrieve the 902(11) certificate.

16 (Counsel confer off the record.)

17 MR. DUFFY: There's a 902(11) certificate for the
18 database, Judge.

19 THE COURT: Okay.

20 MR. DUFFY: So, the database has never been offered.
21 What I have here is just another printout of the database.

22 THE COURT: Okay.

23 Given the certificate, is there any objection to the
24 admission of this document?

25 MR. DUFFY: And I have a copy of the certificate

1 here, Judge.

2 MS. HAMILTON: That's fine.

3 THE COURT: It is admitted.

4 MR. DUFFY: Thank you, Judge.

5 (Defense Exhibit No. 17 received in evidence.)

6 BY MR. DUFFY:

7 Q. Mr. --

8 MR. DUFFY: Your Honor, may I publish?

9 THE COURT: Yes, you may.

10 MR. DUFFY: Okay.

11 And this would be Defense Exhibit Ata 17, Friends of
12 Blagojevich.

13 (Said exhibit published to the jury.)

14 BY MR. DUFFY:

15 Q. Mr. Ata, do you have that in front of you?

16 A. 17?

17 Q. Yes, sir.

18 It will be on the screen in a moment for you, sir.

19 THE COURT: Mr. Duffy, just so I'm clear, I have
20 before me --

21 MR. DUFFY: You have 17, 1 and 2.

22 THE COURT: Yes. Are you admitting both or just
23 Blagojevich 1?

24 MR. DUFFY: I'm going to admit both. Right now I'm
25 only admitting the one. If you want, your Honor, I can admit

1 both and get it over with.

2 THE COURT: Do you have a certificate for Friends of
3 Blagojevich 2, as well?

4 MR. DUFFY: No, the certificate is for the entire
5 database.

6 THE COURT: Okay. Is there any objection,
7 Ms. Hamilton, to admission of Ata 17, Friends of Blagojevich
8 2?

9 MS. HAMILTON: I'm sorry, Judge.

10 THE COURT: It is a shorter version, it looks like,
11 of the database.

12 Mr. Duffy, do you want to show it to her?

13 MR. DUFFY: Yes.

14 I have to get it out myself.

15 MS. HAMILTON: No, Judge.

16 THE COURT: I will admit both, and you may use
17 whichever one you want.

18 MR. DUFFY: Thank you, Judge.

19 (Defense Exhibit No. 17 received in evidence.)

20 MR. DUFFY: May I publish, Judge, Ata 17?

21 THE COURT: Yes, you may. Just make clear, please,
22 for the record which one you are using.

23 MR. DUFFY: Yes, Judge. This is Ata 17, Friends of
24 Blagojevich 1.

25 (Said exhibit published to the jury.)

1 BY MR. DUFFY:

2 Q. All right.

3 Now, Mr. Ata, do you have the document in front of
4 you, sir?

5 A. Yes, I do.

6 Q. All right.

7 And I realize, sir, that this may not be a document
8 that you're totally familiar with, but it's a listing -- we'll
9 start on the page here. It's a listing of monies that you
10 raised for the Blagojevich campaign in 2002.

11 And if you take a moment and look at it, on the
12 right-hand side -- here, I'll just go through it.

13 Just so I can identify this for the jury, Mr. Ata,
14 this is a document that on the left-hand side --

15 MR. DUFFY: Go over to the left, the column, top
16 column.

17 BY MR. DUFFY:

18 Q. The first column is called "name"; is it not, sir?

19 A. Yes.

20 Q. Okay.

21 So, it's first name, last name and organization.

22 And when you go down the list, it's the name of the
23 individual who is making a contribution to the Blagojevich
24 campaign; is that correct?

25 A. (No response.)

1 Q. Mr. Ata, as you go down the schedule, do you see names you
2 recognize?

3 A. Yes.

4 Q. Okay.

5 These are individuals that you solicited or invited
6 to come to a fundraiser; is that right?

7 (Brief pause.)

8 BY THE WITNESS:

9 A. I recognize a lot of these names. Some of them I'm not
10 familiar with.

11 BY MR. DUFFY:

12 Q. Okay.

13 Well, let's just go -- let's just go through the
14 schedule here.

15 And then if we go across the schedule, it has a name,
16 it has an organization the person's associated with, the
17 address, the city, the state, the Zip Code, a contact number,
18 what the person's occupation is, who their employer is and
19 then it has donation source description.

20 Do you see that column, sir?

21 A. Yes.

22 Q. And do you see these contributions in '02, you see your
23 name up there?

24 A. Yes.

25 Q. And you see Richard Mell's name behind yours?

1 A. Yes.

2 Q. Do you see that?

3 Okay.

4 And, then, it lists a dollar -- a date and a dollar
5 amount of the contribution; is that right?

6 A. Yes.

7 Q. All right.

8 Are you familiar with the term "bundler"?

9 A. No.

10 Q. Okay.

11 Bundler in the sense of somebody who raises -- helps
12 raise money for a campaign. You're not familiar with that
13 term?

14 A. No, I'm not.

15 Q. All right.

16 But I'm going to direct your attention to this first
17 page. And it lists a number of individuals, and you recognize
18 them as individuals who came to a fundraising event in August
19 of '02 that you held for Governor Blagojevich; isn't that
20 right?

21 A. I recognize some of the names.

22 Q. Okay. And we can get to the exact document.

23 But you -- as you sit here now, you remember in
24 August of '02, you put together a fundraiser for the Governor;
25 isn't that right?

1 A. Yes, I did.

2 Q. Okay.

3 And as you sit there now, do you recall how much
4 money you raised for it?

5 A. I believe \$25,000.

6 Q. For the entire fundraiser?

7 A. Yes.

8 Q. Okay.

9 And if we go -- if you look on the schedule and we
10 start at the top and work our way down, it lists all the
11 contributions.

12 Do you see that on the right-hand side?

13 A. Yes.

14 MR. DUFFY: Mariah, slide down, please, same
15 document.

16 BY MR. DUFFY:

17 Q. And there's no total on this, but do -- okay.

18 As you see all those contributions on there, it lists
19 your name and Mr. Mell's name.

20 Do you see that?

21 A. Yes.

22 Q. Okay.

23 Now, when you raised this money from this fundraiser,
24 did you get -- were the checks that you received turned over
25 to Mr. Mell?

1 A. In August?

2 Q. Yes.

3 A. No.

4 Q. Were they turned over to the campaign fund?

5 A. Mr. Chris Kelly was there, along with somebody from the
6 campaign; and they collected the check that night.

7 Q. Okay.

8 Do you know -- if you know, sir, do you know whether
9 or not Mr. Mell had represented to the campaign that you were
10 one of the individuals raising funds under him?

11 A. I do not know that.

12 Q. All right.

13 And as you'll see, sir, the \$25,000 check on
14 September 4, '02.

15 Do you see that, sir?

16 A. Yes.

17 Q. Okay.

18 That's the check that you talked about on your direct
19 examination, if you remember?

20 A. Yes.

21 Q. Okay.

22 And that's listed as under your name, and behind your
23 name is Mr. Mell's name.

24 Do you see that?

25 A. I see that.

1 Q. Okay.

2 Now, if we go to the next page of this sheet --

3 MR. DUFFY: Page 2, Mariah, please.

4 BY MR. DUFFY:

5 Q. And if we just go to the right-hand side, do you
6 recognize, sir, the names of these individuals on this sheet?

7 A. Some.

8 Q. Okay.

9 And are these individuals, sir, that you invited to
10 the fundraiser?

11 A. I invited some of them.

12 MR. DUFFY: And we will just go to the right side, if
13 we can, Mariah, and we'll scroll down here.

14 BY MR. DUFFY:

15 Q. And, again, it lists the person's name, and it lists the
16 amount they gave; and it lists you and then Mr. Mell's name
17 behind your name.

18 Do you see that?

19 A. Yes.

20 Q. All right.

21 Now --

22 MR. DUFFY: Go to the third page, please.

23 BY MR. DUFFY:

24 Q. The third page, Mr. Ata, again, is -- on the top, there is
25 a contribution from the August fundraiser that lists

1 Mr. Mell's name behind it.

2 Do you see that?

3 A. Yes.

4 Q. All right.

5 And, then, the next entry is for a fundraiser in
6 September '02; and that just lists your name as the southwest
7 suburbs.

8 Do you see that, sir?

9 A. Yes.

10 Q. And this sheet -- and, then -- we'll get to it in a
11 moment, but then you held a fundraiser for the Governor in the
12 southwest suburbs in September of '02; isn't that correct?

13 A. No, I did not.

14 Q. Okay.

15 Do you recall having a fundraiser for him at a
16 restaurant called Mama Luigi's?

17 A. No.

18 Q. All right.

19 Did you hold any fundraiser for him in September of
20 '02?

21 A. This fundraiser that you're referencing here, just based
22 on the names, was not held by me.

23 Q. All right.

24 Putting aside the names, didn't you hold a fundraiser
25 for Governor Blagojevich in September of '02?

1 A. No. I held an earlier fundraiser at the Hilton in Oak
2 Lawn for Mr. Blagojevich.

3 Q. Do you recall picking him up at the airport, at Midway
4 Airport, and driving him to the fundraiser?

5 A. To this fundraiser that has my name associated with --

6 Q. No. Forget the sheet for a moment.

7 A. Yes.

8 Q. Do you recall picking him up at the airport, sir, at
9 Midway Airport, and driving him to a fundraiser?

10 A. Yes.

11 Q. Okay.

12 And which fundraiser was that?

13 A. I believe it's this one that you're referencing here.

14 Q. Okay. And by this one, you have to help me. Which -- the
15 southwest suburb one?

16 A. Yes.

17 Q. And where was that located at?

18 A. At a restaurant on Harlem Avenue.

19 Q. Is that --

20 A. It might have been Mama Luigi's.

21 Q. Okay.

22 So that was a fundraiser that you were involved in
23 with the Governor in September of '02?

24 A. No, no, no. I just drove him there.

25 Q. Oh, okay.

1 So, you were his driver for the occasion; is that a
2 fair statement then?

3 A. I drove him to the fundraiser. I did not have anything to
4 do with -- yes.

5 Q. I see.

6 Did you attend the fundraiser?

7 A. I attended the first part of it.

8 Q. Okay.

9 Did -- when he left, did he leave with you?

10 A. No.

11 Q. Okay.

12 And, so, this sheet --

13 MR. DUFFY: If I could, Mariah, just go to the right
14 side.

15 BY MR. DUFFY:

16 Q. -- references your name for a -- a southwest suburbs.

17 Do you see that, sir?

18 A. Yes.

19 Q. And you recognize the names; is that right?

20 A. Some of the names, yes.

21 Q. Okay.

22 So, the names that you recognize, are these people
23 who you solicited contributions from?

24 A. No, no. Again, this -- this fundraiser shouldn't have my
25 name associated with it.

1 Q. All right.

2 Now, sir, do you see anywhere on this sheet

3 Mr. Rezko's name?

4 A. No, I don't.

5 Q. All right. You can put that aside.

6 Now, you did say, sir, that you did some fund- -- you
7 were at fundraisers with Mr. Kelly; is that right?

8 A. Yes.

9 Q. And Mr. Kelly was -- did he have a formal title with the
10 campaign, if you remember?

11 A. No. I thought he was in charge of fundraising.

12 Q. All right.

13 And do you recall, sir, being involved in an event
14 with Mr. -- two events with Mr. Kelly in August of '02?

15 Let me see if I can help you.

16 Turn to Ata 18, please.

17 A. Okay.

18 MR. DUFFY: Ms. Hamilton, Ata 18.

19 BY MR. DUFFY:

20 Q. Do you have that, Mr. Ata?

21 A. I have it.

22 Q. It's a calendar, sir. I just want to -- and on there --
23 it's a calendar from '02 -- it lists certain political events.

24 I just want to -- I will direct your attention to August 4th.

25 Do you see your name on there, sir?

1 A. Yes.

2 Q. And do you know if you were planning to have an event on
3 August 4th, '02, on the south side with Mr. Kelly?

4 A. I think that's a reference to the same fundraiser that we
5 just talked about.

6 Q. Okay.

7 And, then, turn to the next page on August 19th.

8 A. Yes.

9 Q. And do you -- was that -- was that the actual fundraiser
10 then on August 19th?

11 A. I believe that's the one that I held.

12 Q. Okay.

13 Is that the one held in Oak Lawn or the Hilton Hotel?

14 A. Hilton downtown.

15 Q. All right.

16 And it has your name on there and Mr. Kelly's name;
17 is that right?

18 A. Yes.

19 Q. Now, if you go to the next -- keep turning over to
20 September, sir. September 14th. Do you see a reference to
21 you in the southwest suburbs on September 11th?

22 A. Okay.

23 Q. Do you see that, sir?

24 A. September 14th?

25 Q. I'm sorry. Yes, thank you. September 14th.

1 A. Yes.

2 Q. Okay.

3 And does that refresh your recollection that there
4 was an event held on that date?

5 A. No. I'm only familiar with one event.

6 Q. Okay.

7 You can close --

8 A. There is the fundraiser that I held at the Hilton on the
9 19th. There was an earlier one in the south -- southwest
10 suburbs that I was not involved in, but I drove the Governor
11 to it.

12 Q. Okay.

13 And the one at the Hilton, is that the Hilton in Oak
14 Lawn?

15 A. There was an earlier one at the Hilton Oak Lawn -- that
16 was the first one -- and the second one in August of '02.

17 Q. All right.

18 Now, sir, you were shown yesterday a check which was
19 your contribution in August of '02 for \$25,000.

20 Do you remember that, sir?

21 A. I do.

22 Q. And I'll show it to you again.

23 MR. DUFFY: Your Honor, this is Ata Check --
24 Government Exhibit Ata Check August 2002.

25 BY MR. DUFFY:

1 Q. And it's for -- your check.

2 You recognize your signature, right?

3 A. I do.

4 Q. And in the part where it says the note, the note on the
5 check says for the Ali Ata event; is that right?

6 A. Yeah. And that's a mistake.

7 Q. That's a mistake? I see.

8 A. And that's not my handwriting.

9 Q. Okay.

10 So, someone else put that on there?

11 A. Yes.

12 Q. Okay.

13 Now, when you testified on your direct examination
14 and you were asked about fundraising in 2002, you told the
15 jury that you were involved with Mr. Rezko in fundraising in
16 2002; is that right?

17 A. Absolutely.

18 Q. You didn't mention that you were involved with Mr. Mell in
19 fundraising in 2002, were you -- did you?

20 A. I think Mell had very little to do with those.

21 Q. I see.

22 And you didn't mention you were involved in
23 fundraising with Mr. Kelly, did you?

24 A. I'm sorry?

25 Q. You didn't say you were involved in fundraising with

1 Mr. Kelly, did you?

2 A. I was not.

3 Q. Mr. Ata, do you know how many times you were interviewed
4 by the government in April of -- this past month?

5 A. Several times.

6 Q. Okay.

7 And on one of those -- on any of those interviews,
8 sir --

9 A. Yes.

10 Q. Excuse me.

11 Do you know how many interviews you had in April?

12 A. No.

13 Q. May I see that binder for a moment, sir?

14 A. Uh-huh.

15 (Document tendered.)

16 BY MR. DUFFY:

17 Q. Just tell me if I'm right. You were interviewed on April
18 2nd; do you recall that?

19 A. Yes.

20 Q. Okay.

21 Interviewed on April 3rd?

22 A. Okay.

23 Q. You were interviewed on April 4th?

24 A. Okay.

25 Q. April 7th?

1 A. Okay.

2 Q. April 8th; is that right?

3 A. Yes.

4 Q. April 11th?

5 A. Yes.

6 Q. And April 20th.

7 Tell the jury how many times you mentioned Mr. Mell's
8 name in any of those interviews.

9 A. I don't recall.

10 Q. Right.

11 And you were asked about your involvement in the
12 Blagojevich fundraising; were you not?

13 A. His name never came up.

14 Q. Weren't you asked, sir, about how you got involved in
15 fundraising with Governor Blagojevich?

16 A. Yes.

17 Q. And you were asked how and when you first started raising
18 money for the campaign, weren't you?

19 A. Yes.

20 Q. And you attributed it to Mr. Rezko, didn't you?

21 A. No, I -- as we talked earlier, I was approached by the
22 Governor first.

23 Q. Now, you told the jury about some meeting with Mr. Rezko
24 and the Governor in August of 2002 at Mr. Rezko's office?

25 A. Yes.

1 Q. And did you tell the jury that Mr. Rezko called you to
2 come over and meet the Governor?

3 A. Yes.

4 Q. Okay.

5 Is it fair to say, sir, that in August of 2002, you
6 had known the Governor for how long? 12, 15 years?

7 A. Yes.

8 Q. And you didn't have to go to Mr. Rezko's office to meet
9 the Governor to get him a check; did you, sir?

10 A. I was asked to show up with a check.

11 Q. To meet the Governor, right?

12 A. I was told the Governor will be there on that day, to come
13 and bring a check.

14 Q. And you described meeting the Governor in this conference
15 room and having some check slid across the table; is that
16 right?

17 A. I didn't say "slid."

18 Q. Oh. Placed on the table; is that right?

19 A. Yes.

20 Q. And apparently what you're trying to -- what you're
21 suggesting to the jury is that what happened at this meeting
22 was you were asked to come over and give a check so you could
23 get a job with the state, right?

24 A. No, that's not what I suggested.

25 Q. All right.

1 But you're not trying to tell this jury that
2 Mr. Rezko was going to introduce you to the Governor, sir, in
3 '02, was he?

4 A. No.

5 Q. You had your own relationship with the Governor; didn't
6 you, Mr. Ata?

7 A. But at that time, the relationship went through Mr. Rezko.

8 Q. When you picked the Governor up at the airport, was
9 Mr. Rezko there?

10 A. No.

11 Q. When you drove the Governor over to the operations you had
12 where you were stuffing mailings for him, was Mr. Rezko there?

13 A. Mr. Rezko had visited that site.

14 Q. No. On that occasion, was he there, sir?

15 A. No.

16 Q. In fact, sir, in 2002, you never had a meeting at the
17 campaign office with Mr. Rezko, did you?

18 A. Not with Mr. Rezko, no.

19 Q. Correct.

20 And then 2002, you'd come to the campaign office;
21 isn't that right?

22 A. I believe I did.

23 Q. Right.

24 Now, you'd see Mr. Rezko on occasion there, right?

25 A. I'm sorry?

1 Q. You saw Mr. Rezko on occasions at the campaign office;
2 isn't that right?

3 A. I'm not sure I did.

4 Q. Okay.

5 Do you recall the campaign office being in -- excuse
6 me, on Milwaukee Avenue?

7 A. Yes.

8 Q. And, sir, you -- never mind. Excuse me.

9 So, you told the jury about this meeting in
10 Mr. Rezko's office where it's you and Mr. Rezko and candidate
11 Blagojevich in a conference room; isn't that right?

12 A. Yes.

13 Q. And you say you discussed a number of things in that
14 conference room; isn't that right?

15 A. I'm not sure that's what I stated.

16 Q. All right.

17 Do you recall, sir, that you were having a discussion
18 with the Governor about how was the campaign going?

19 A. The Governor talked about the campaign, yes.

20 Q. Right.

21 And he told you at that time, sir, that he was still
22 concerned about Bill Daley running against him.

23 Do you recall that?

24 A. No.

25 Q. All right.

1 Let me direct you, sir, if I may, to one of your
2 302s.

3 I direct your attention to Ata 5, 4-4-08. And I'll
4 ask you, Mr. Ata -- I believe it starts on this Page 3 --

5 MR. DUFFY: Page 2, counsel, 4-4-08, Page 2, talking
6 about the meeting here.

7 BY MR. DUFFY:

8 Q. If you would just read that paragraph (indicating) to
9 yourself.

10 (Brief pause.)

11 BY MR. DUFFY:

12 Q. All right.

13 Does that refresh your recollection, sir?

14 A. It doesn't.

15 Q. It doesn't. Okay.

16 Did you tell the government, sir, that Mr. Rezko
17 invited you to his office, and you and the Governor and
18 Mr. Rezko had a conversation in August of '02 about where the
19 campaign was at?

20 A. Yes.

21 Q. And did you tell the government, sir, that the Governor
22 said he thought it was going well, but he was worried about
23 Bill Daley running against him?

24 A. No.

25 Q. You didn't tell that to the government?

1 A. No. That's not -- what I told the government is not what
2 is reflected here.

3 Q. All right.

4 So, after reading that interview memo, you're saying
5 what you told them -- what's reported there is not accurate;
6 is that --

7 A. That's very true. I told them that he talked about the
8 time when Bill -- when there was talk of Bill Daley running;
9 and that was the time that he was concerned; proceeded to tell
10 a story about Bill Daley. But what's here is not accurate.

11 Q. Because -- the reason it's not accurate, Mr. Ata, is
12 because Bill Daley decided not to run for governor in
13 September of 2001; isn't that right?

14 A. I know that's the case.

15 Q. Okay.

16 And so if you're telling the government that you're
17 having this meeting with Mr. Rezko and the Governor in August
18 of 2002 talking about Bill Daley, you're off on time; are you
19 not?

20 A. That's not what I told -- I'm telling you, that's not what
21 I told the government.

22 Q. All right, sir.

23 Now, Mr. Ata, do you have your calendar for 2002,
24 sir?

25 A. No.

1 Q. Can you give us anything, sir, that would corroborate all
2 these so-called meetings that you had with Mr. Rezko in 2002?

3 A. I was there very frequently.

4 Q. Sir, do you have a calendar that would show a date and a
5 meeting between you and Mr. Rezko in 2002?

6 A. A specific meeting?

7 Q. No. A calendar.

8 A. I don't have it with me.

9 Q. You have it at home?

10 A. I had provided some of those documents before.

11 Q. Well, before testifying here, were you shown a calendar,
12 your calendar, that lists all these meetings that you say you
13 had with Mr. Rezko in 2002?

14 A. Yes.

15 Q. You saw that calendar?

16 A. No, no. I -- state that again, please.

17 Q. Sure.

18 You said you provided a calendar to the government?

19 A. Yes.

20 Q. All right.

21 I'm asking you, before testifying here today, were
22 you shown a calendar that you provided to the government for
23 the year 2002 that reflects meetings that you had with
24 Mr. Rezko at his office?

25 A. I believe my calendar reflected some meetings.

1 Q. In 2002?

2 A. I -- I haven't looked at the calendar lately, but I
3 believe it would have shown some meetings on there.

4 Q. But did you look at it before testifying?

5 A. No.

6 Q. And you testified, sir, that it was --

7 MR. DUFFY: Withdraw that.

8 BY MR. DUFFY:

9 Q. You testified now that, sir, in December of '02 or January
10 of '03, you filled out an application for a state position?

11 A. Yes.

12 Q. But you told the government earlier, sir, that you had
13 filled out the application right after this meeting in August
14 of '02, didn't you?

15 A. I filled out the application sometime after August of '03.

16 Q. Well, didn't you --

17 A. Or '02.

18 Q. -- tell the government that after you made this
19 contribution you claim you made in this conference room with
20 the Governor, right after that is when you made your
21 application for your state job?

22 MS. HAMILTON: Objection.

23 BY THE WITNESS:

24 A. That's not what I said.

25 BY MR. DUFFY:

1 Q. All right.

2 I direct your attention to 4-4-08, sir, Page 3. I
3 ask you to read this paragraph to yourself.

4 MS. HAMILTON: Judge, I'm going to object. I've got
5 it in front of me. That's not what it says.

6 MR. DUFFY: I'm going to rephrase it.

7 THE COURT: Okay. Rephrase. And if there is an
8 objection, raise it.

9 MR. DUFFY: All right.

10 (Brief pause.)

11 BY MR. DUFFY:

12 Q. After you made the \$25,000 contribution in August of
13 '02 --

14 A. Yes.

15 Q. -- you then filled out an application for a state job; is
16 that right?

17 A. Yes.

18 Q. Okay.

19 And did you tell the government when you were being
20 interviewed that you filled it out in December of '02?

21 A. I don't recall specifically a date, but it was after
22 August; and as I know now, it was January.

23 Q. Well, sir, when the government -- by the way, you made
24 this statement to the government when you're in there trying
25 to make a deal with the government; isn't that right?

1 A. I do not recall when.

2 Q. Well, if you look at, sir, it was less than a month ago?

3 A. Okay.

4 Q. Right?

5 A. Yes.

6 Q. And there was these series of interviews between you and
7 the government when the government was evaluating what
8 information you had against Mr. Rezko; isn't that right?

9 MS. HAMILTON: Objection.

10 THE COURT: Sustained.

11 Rephrase.

12 MR. DUFFY: All right.

13 BY MR. DUFFY:

14 Q. You didn't reach a plea agreement with the government
15 until April what? 22nd?

16 A. About that date, yes.

17 Q. Okay.

18 And you had to go through a series of interviews, and
19 you went through seven interviews with the government; isn't
20 that right?

21 A. Yes.

22 Q. And what the government was doing was trying to figure
23 out, Mr. Ata, what information you had available to provide to
24 the government; isn't that true?

25 MS. HAMILTON: Objection.

1 THE COURT: Mr. Duffy?

2 MR. DUFFY: I think it's an appropriate question,
3 Judge. It's cross-examination.

4 MS. HAMILTON: He's asking what the government was
5 doing.

6 THE COURT: Right.

7 MR. DUFFY: All right.

8 THE COURT: Sustained.

9 BY MR. DUFFY:

10 Q. The government was interviewing you, sir; isn't that
11 right?

12 A. Yes.

13 Q. Okay. Let me ask you about your understanding.

14 You understood that you had to sit down with the
15 government, and you had to talk to the government about what
16 you knew about Mr. Rezko; isn't that right?

17 A. No. My understanding was to tell -- that I had to tell
18 them the truth about everything I knew about questions they
19 would ask me.

20 Q. All right.

21 A. It wasn't specific to Mr. Rezko.

22 Q. All right.

23 But in these seven interviews, they asked you a lot
24 of questions about Mr. Rezko; did they not?

25 A. Yes.

1 Q. Okay.

2 And you didn't get a deal from the government until
3 all these interviews were completed; did you, sir?

4 A. I'm not sure if that was the case.

5 Q. Well, do you want me to show you your plea agreement as
6 far as the date of your plea agreement?

7 A. No, I -- I -- I don't need to see it.

8 Q. It's only a week ago or so, two weeks?

9 A. Yes.

10 Q. All right.

11 You pled guilty on August 22nd, right?

12 A. Yes.

13 Q. These interviews -- these seven interviews that you did
14 were all done in April, right?

15 A. Yes.

16 Q. And they were all done before the government said, Okay,
17 Ata, here's your deal; isn't that right?

18 A. Yes.

19 Q. Okay.

20 And you told us before that when you're in talking to
21 the government, you know you're going to be a witness at this
22 trial; isn't that right?

23 A. Yes.

24 Q. Okay.

25 And isn't it fair to say, you wanted to get the best

1 deal you could from the government?

2 A. No.

3 Q. You didn't want a good deal?

4 A. I wanted a fair deal.

5 Q. All right.

6 Did you want to go to jail?

7 A. Nobody wants to go to jail.

8 Q. And, so, in there, you're telling the government about
9 Mr. Rezko and his involvement in a number of things; did you
10 not?

11 A. Yes.

12 Q. And one of the things that we just talked about is this
13 so-called meeting in August of 2002, right?

14 A. It's not a so-called. It's a real meeting that happened.

15 Q. And you told the government that it was after you had
16 given this check or put this check on the table in Mr. Rezko's
17 office, sometime after that --

18 A. I didn't say I put a check on the table.

19 Q. I'm sorry. Let me back up.

20 You said after you had made the \$25,000 contribution,
21 you filled out an application for a state job?

22 A. Yes.

23 Q. All right.

24 You did not tell the government when you were
25 negotiating your deal that it was four or five months later

1 that you fill out an application; did you, sir?

2 A. It said after August, and January is after August.

3 Q. Sir, read the statement. It says after giving -- after
4 making the contribution.

5 Doesn't it say that?

6 A. Yes.

7 Q. It doesn't say after August, does it?

8 A. No.

9 Q. It says, "After I gave the contribution of \$25,000, I
10 filled out an application for a state job."

11 Isn't that what it says?

12 A. Yes.

13 Q. Isn't that what you told the government, then, sir?

14 A. I believe that's what I told them.

15 Q. And now you're telling the jury, it's now December or
16 January of '03; is that right?

17 A. Yes.

18 Q. And is it your testimony to the jury that you gave the
19 \$25,000 contribution in August of '02 in exchange for a state
20 position; "Yes" or "No," sir?

21 A. That's not what I said.

22 Q. Okay.

23 A. And that was not what I testified to.

24 Q. There's no question pending, sir.

25 A. Okay.

1 Q. Now, you told the jury that you met with Mr. Rezko with
2 the same frequency in '02, '03 and '04; isn't that right?

3 A. About the same frequency, yes.

4 Q. So, these -- these are these biweekly meetings?

5 A. You would catch Mr. Rezko whenever you can.

6 Q. Sir, on your direct testimony, you didn't say catch

7 Mr. Rezko when you can, did you?

8 A. It was, as I stated, two, three times a week -- a month.

9 Q. And you do not have any calendars to show that, sir --

10 A. No.

11 Q. -- do you, in 2002?

12 And you told -- it's a fact, sir, is it not, that

13 Mr. Rezko was a very busy person?

14 A. Yes.

15 Q. It was hard to get to see Mr. Rezko, wasn't it?

16 A. Yes.

17 Q. And when you went to see Mr. Rezko, you usually tried to
18 have an appointment; did you not?

19 A. Yes.

20 Q. Because if you didn't have an appointment, chances are you
21 weren't going to see him -- get to see him; is that correct?

22 A. Yeah, but the appointments weren't set weeks in advance.

23 An appointment could be you'd call and he'll say -- his

24 secretary would say he's here and then you show up 10 minutes

25 later.

1 Q. Right.

2 But you had an appointment?

3 A. Yes.

4 Q. Right. I understand.

5 Now, you talked about a bunch of conversations on
6 your direct examination that occurred, I guess, in the Rezmar
7 waiting room.

8 Do you recall that?

9 A. Didn't say waiting room.

10 Q. Reception area?

11 A. Or conference rooms.

12 Q. No. I thought you said that you were waiting -- there was
13 an occasion you were waiting for Mr. Rezko, and Mr. Cellini
14 was there?

15 A. Yes.

16 Q. Was that in the reception area?

17 A. Don't recall specifically where.

18 Q. All right.

19 Were there occasions, sir, when you went to see
20 Mr. Rezko that you had to wait in a reception area before you
21 saw him?

22 A. Yes.

23 Q. And how often would that happen?

24 A. I remember it happening a few times.

25 Q. Just a few times?

1 A. Yes. Typically you go in and there's a conference room.
2 You sit in the conference room until Mr. Rezko's able to see
3 you.

4 Q. I see.

5 So, you would wait in the conference room; is that
6 right?

7 A. Sometimes you wait in the conference room.

8 Q. And I think you, sir -- you said -- you testified you do
9 not know Stuart Levine; is that right?

10 A. I do not know Mr. Stuart Levine.

11 Q. Never met Mr. Levine, did you?

12 A. I don't recall ever meeting him.

13 Q. Never saw Mr. Levine sitting around in the waiting room or
14 the conference room; did you, sir?

15 A. No.

16 Q. Now, the Governor got elected in November of '02 --

17 MR. DUFFY: Your Honor, whenever the Court thinks
18 it's an appropriate time.

19 THE COURT: We can take our morning break. That's
20 fine. We'll pick up in 15 minutes.

21 (Jury out.)

22 THE COURT: Mr. Ata, you may step down, sir. Please
23 be back in about 15 minutes.

24 Counsel, can we have a real quick sidebar, please.

25 (Sealed proceedings had at sidebar:)

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1 (Brief recess.)

2 (Proceedings had in open court:)

3 (Jury in.)

4 THE COURT: You may be seated.

5 BY MR. DUFFY:

6 Q. Mr. Ata, I'm going to go back to August of '02. And I
7 believe you testified, sir, that as early as June of '02, or
8 maybe earlier, you started doing Internet research on possible
9 positions you wanted at the State of Illinois?

10 A. Sometime in '02, yes.

11 Q. Okay.

12 Now, did you do that on your own or did somebody tell
13 you to do that, sir?

14 A. Mr. Rezko asked me to.

15 Q. When did Mr. -- when in 2002 did you have this
16 conversation with Mr. Rezko?

17 A. Sometime in second half of '02. I can't be sure.

18 Q. So, when you say second half, does that mean May, June,
19 July time frame?

20 A. No, second half of '02 is June, July, August.

21 Q. All right.

22 Do you recall testifying on your direct examination
23 about this August of '02 meeting and saying that some -- a few
24 months prior to August, you had already started to do
25 research?

1 A. Yes.

2 Q. Okay.

3 Now, in the summer of '02, Mr. Blagojevich was a
4 candidate for the position of governor; is that right?

5 A. Yes.

6 Q. And if you recall, it was a close election?

7 A. I don't recall.

8 Q. Okay.

9 And the election wasn't until November of '02; is
10 that right?

11 A. I do recall. It was not a close election.

12 Q. All right.

13 The election was in November of '02 --

14 A. Yes.

15 Q. -- is that right?

16 And it's your testimony that people are telling you
17 in June and July of '02 to look for positions?

18 A. There was a feeling that -- the campaign felt they had a
19 good chance at winning that office.

20 Q. And you would agree with me that June or -- June of '02 is
21 five months away from the election?

22 A. Yes.

23 Q. And wasn't it fair to say, sir, that in the entire time of
24 the election, during the election, the entire focus was trying
25 to get the candidate elected?

1 A. True.

2 Q. People were not talking about state jobs, were they,

3 Mr. Ata?

4 A. What do you mean, people weren't?

5 Q. Okay.

6 You would agree with me that in June of '02,
7 candidate Blagojevich didn't know if he was going to be
8 elected in November or not, did he?

9 A. He did not know.

10 Q. And the people that were supporting him didn't know if he
11 was going to be elected, right?

12 A. No, but they felt very good about the possibility.

13 Q. And they were in the midst of a campaign; is that correct?

14 A. Yes.

15 Q. And it's your testimony that as early as June of '02,
16 Mr. Rezko is telling you to look at state agencies for a
17 possible position?

18 A. I did not say June. I said some -- in the second half of
19 that year, sometime in that --

20 Q. All right.

21 Sometime June, July or August, correct?

22 A. Yes.

23 Q. Sometime before anybody knows who is going to win the
24 election; is that right?

25 A. Yes.

1 Q. And, then, you told the jury that in this meeting that
2 supposedly took place in August, you and the Governor and
3 Mr. Rezko are talking about the agencies that you're
4 interested in?

5 A. It's not supposedly took place. It did take place.

6 Q. I see.

7 Now, prior to Governor Blagojevich getting elected,
8 sir, do you know of any involvement at all Mr. Rezko had with
9 the prior administration -- state administration?

10 MR. DUFFY: I'll withdraw the question.

11 BY THE WITNESS:

12 A. Meaning --

13 MR. DUFFY: I'll withdraw the question.

14 BY MR. DUFFY:

15 Q. Was there anyone else, sir, that you were having
16 discussions with in June, July or August of '02 about what
17 jobs you wanted in the administration if they were elected --
18 if they were successful in winning?

19 A. Do not recall having discussions.

20 Q. No one else, right?

21 A. Do not recall having any discussions with anybody other
22 than Mr. Rezko.

23 Q. Now, the Governor is elected in November of '02; is that
24 right?

25 A. Yes.

1 Q. And he was sworn in sometime in January of '03?

2 A. Yes.

3 Q. And you attended the inauguration in Springfield; did you
4 not?

5 A. I did.

6 Q. And did you know back then that the Mell family was
7 responsible for your invitation to the inauguration?

8 A. Did not know that.

9 Q. Did you see the Mell family there?

10 A. Do not recall. I was invited by Mr. Rezko.

11 Q. I see.

12 Was that in writing or orally, sir?

13 A. I do not recall.

14 Q. Mr. Ata, you got a formal invitation in the mail; did you
15 not?

16 A. Yes.

17 Q. And it didn't say Mr. Rezko's name on it, did it?

18 A. Did not.

19 Q. It came from an organization that was sponsoring the
20 inauguration, correct?

21 A. But I was informed about it by Mr. Rezko.

22 Q. And as you sit here today, you don't know who put your
23 name in to the inaugural committee, do you?

24 A. I do not, no.

25 Q. But you just want to attribute everything to Mr. Rezko;

1 isn't that right?

2 A. That's not true.

3 MS. HAMILTON: Objection.

4 THE COURT: Sustained.

5 BY MR. DUFFY:

6 Q. After the election, sir, you started going to the
7 transition office; did you not?

8 A. I went to the transition office at least once.

9 Q. Right.

10 And you went to volunteer your services; did you not?

11 A. I don't believe so.

12 Q. In the entire year of 2003, you were unable to obtain a
13 position with the State of Illinois; isn't that right?

14 A. Can you restate your question?

15 Q. Sure.

16 You obtained the position of executive director at
17 IFA starting in January of '04, correct?

18 A. Yes.

19 Q. My question is: In the year 2003, you did not obtain a
20 position as a state employee, did you?

21 A. That's true.

22 Q. But you tried hard, didn't you?

23 A. I don't know what you mean by that.

24 Q. Okay.

25 Well, you would talk with people on a regular basis

1 in '03 about trying to find a position with the state; did you
2 not?

3 A. I only recall discussions with Mr. Rezko.

4 Q. Okay.

5 Did you ever have a discussion with John Filan any
6 time in '03 about a position with the State of Illinois?

7 A. Yes.

8 Q. Okay.

9 A. And I testified to that -- or I was interviewed on that
10 issue.

11 Q. Well, I just asked you --

12 A. Yes.

13 Q. -- and you said you only had discussions with Mr. Rezko,
14 did you not, a minute ago?

15 A. But it was after Mr. Rezko told me that Mr. Filan would
16 reach out to me.

17 Q. Did you ever talk with Lon Monk, sir, about a position
18 with the State of Illinois in '03?

19 A. I believe I did, yes.

20 Q. Did you ever talk to the Governor, sir, about a position?

21 A. Yeah, we talked.

22 Q. Okay.

23 What about Mr. Mell?

24 A. Yes.

25 Q. So, there were people other than Mr. Rezko, sir, that you

1 had a conversation with about a state position in '03?

2 A. But those conversations weren't, "I needed -- I want a
3 job." Those conversations were more for information.

4 Q. My question, sir -- I'm just asking you, who did you speak
5 to about a state position in 2003. That's all I'm asking, all
6 right?

7 A. Can you restate the question?

8 Q. Sure.

9 And I'm saying to you, sir, in 2003, on at least one
10 occasion, you had a conversation with the Governor himself
11 about possible state employment; did you not?

12 A. Yes.

13 Q. In 2003, on one or more occasion, you had a conversation
14 with Lon Monk, the chief of staff; did you not?

15 A. But those conversations weren't, "I'm looking for a job."
16 Those conversations were, "I understand you're being
17 considered for this."

18 Q. My question, sir, is -- the topic is employment with the
19 State of Illinois. Do you understand that?

20 A. Yes.

21 Q. Did you have a conversation with Mr. Kelly?

22 A. Don't recall.

23 Q. Now, there were occasions, sir, were there not, when you
24 met with Mr. Rezko and discussed matters other than state
25 positions --

1 A. Yes.

2 Q. -- isn't that right?

3 A. Yes.

4 Q. Okay.

5 Was there occasions when you spoke with him about

6 St. Jude?

7 A. Yes.

8 Q. And St. Jude is a charitable organization of which both of

9 you were involved in; is that right?

10 A. Yes.

11 Q. In fact, was it through St. Jude how you first met

12 Mr. Rezko?

13 A. I met him prior to that.

14 Q. All right.

15 But in 2003 and 2004, you were both involved in

16 St. Jude in some capacity?

17 A. Yes.

18 Q. And you would see Mr. Rezko and talk with him about real

19 estate issues, as well, right?

20 A. Yes.

21 Q. Now, in 2003, is it fair to say that you were willing and

22 did volunteer your time to work on State of Illinois matters?

23 A. Yes.

24 Q. Okay.

25 And the reason that you were willing to volunteer

1 your time is that you -- what you wanted to do was eventually
2 get a position with the state; isn't that right?

3 A. That's fair.

4 Q. And you told us your reasons before why you wanted to get
5 a position. But you -- you offered to be a -- and you were a
6 volunteer; were you not?

7 A. I volunteered. I did some volunteer work.

8 Q. Right.

9 And you volunteered -- and by the way, when you
10 started working with Mr. Filan, that was what, in September of
11 '03?

12 A. Late in '03, October -- September, October time frame.

13 Q. All right.

14 And at that time that you were doing the work with
15 Filan, you were not being paid at that time, were you?

16 A. I got -- started getting paid in November and December.

17 Q. And what agency paid you in November/December?

18 A. I got paid by the IFA later in -- in -- for the work that
19 I did in November and December.

20 Q. Right.

21 The IFA sometime in '04 approved payment
22 retroactively; is that right?

23 A. Yes.

24 Q. But when you were doing the work in '03 and '04, you were
25 not being paid?

1 A. That's true.

2 Q. And people had represented to you -- Mr. Filan and others
3 had said they would try to get you compensated, but you
4 understood there was no guarantee that you would be paid for
5 that; is that right?

6 A. That's true.

7 Q. And you were working with Mr. Filan and a gentleman by the
8 name of Mr. Morris; is that right?

9 A. Yes.

10 Q. All right.

11 And you were working with them and doing what you
12 needed to do in anticipation of the IFA being set up in '04;
13 is that correct?

14 A. Yes.

15 Q. And you were willing to work in November and December
16 full-time without compensation, right?

17 A. Can you repeat --

18 Q. Sure.

19 A. -- the question, please?

20 Q. You were will- -- you worked in November and December
21 full-time in trying to get -- trying to work towards
22 establishing IFA, right?

23 A. I don't know if it was full-time, but --

24 Q. A substantial amount of time?

25 A. Yes.

1 Q. All right.

2 And you talked about some project you worked on with
3 leases; and you didn't get paid for that either, did you?

4 A. That's true.

5 Q. Now, you tell the jury, sir, of your belief about how
6 powerful and influential Mr. Rezko was; do you remember that?

7 A. Yes.

8 Q. All right.

9 And this powerful and influential person did not find
10 you a job with the State of Illinois in 2003, did he?

11 A. Yes, he did.

12 Q. Which job was that, sir?

13 A. The IFA.

14 Q. No. You started IFA in January of '04.

15 A. Yeah, but it started earlier.

16 Q. Sir, you became the executive director of IFA, I believe,
17 on January 5th of '04; is that right?

18 A. Yes.

19 Q. Okay.

20 And you even told the jury, IFA wasn't your first
21 choice, was it?

22 A. That's true.

23 Q. And you told the jury that you were in Mr. Rezko's office,
24 and somebody was reaming him out about the Capital Development
25 Board, right?

1 A. True.

2 Q. And you want the jury to believe that he's so powerful in
3 the State of Illinois, somebody's reaming him out on the
4 phone, correct?

5 Isn't that what you told the jury?

6 A. That's what I told the jury.

7 Q. And you filled out your application in January of '03, and
8 you wanted a job immediately; didn't you, sir?

9 A. I didn't say immediately. I wanted a job as soon as
10 possible.

11 Q. As soon as possible. You would have taken a job in
12 February or March of '03?

13 A. Yes.

14 Q. Or April '03, right?

15 A. Yes.

16 Q. Any time in '03, you would have been glad to start a
17 position, correct?

18 A. I would have started in '03.

19 Q. And you weren't able to get a position with the state
20 until January of '04; isn't that right?

21 A. Yes.

22 Q. And this is -- and you believe that Mr. Rezko has this
23 amazing power and influence that he can -- beyond the State of
24 Illinois, he can influence the President of the United States;
25 is that your testimony?

1 A. I didn't say that.

2 Q. Didn't you say that Mr. Rezko -- you were worried about
3 Mr. Rezko -- that he would have the ability to reach out to
4 somebody, to President Bush, and change the U.S. attorney in
5 Illinois?

6 A. I didn't say President Bush.

7 Q. Well, somebody close to President Bush?

8 A. Okay.

9 Q. Well, whoever is close to President Bush has to influence
10 the President, right?

11 A. It's -- I did not say President Bush.

12 Q. Mr. Ata, the U.S. attorney's position is appointed by the
13 President of the United States; isn't that right?

14 A. I understand. Yes.

15 Q. Okay.

16 So, the President is the one who makes the final
17 decision; isn't that correct?

18 MS. HAMILTON: Objection.

19 How would he know how that decision's made, your
20 Honor?

21 THE COURT: Overruled.

22 If he knows, he can answer. If you know.

23 BY THE WITNESS:

24 A. I do.

25 BY MR. DUFFY:

1 Q. Thank you.

2 And you were telling the jury on your direct
3 examination that you had conversations with Mr. Rezko where
4 Mr. Rezko suggested that he had the ability to influence the
5 appointment of a U.S. attorney by the President? Is that your
6 testimony? "Yes" or "No."

7 A. It's -- it's just what I testified, that Mr. Rezko
8 informed me that Kjellander was working with Karl Rove on
9 changing the U.S. attorney in Chicago. Now, whether he had
10 the influence or not, that's -- that's --

11 Q. Well, but you told the jury, sir, you lied and you did
12 things because of Mr. Rezko's tremendous influence, right?

13 A. Yes.

14 Q. I mean, you didn't lie because you wanted to lie; did you,
15 Mr. Ata?

16 A. What I said about the change of U.S. attorney is what took
17 place.

18 Q. Besides the U.S. attorney, sir, I thought you told the
19 jury that one of the reasons you lied to the government is
20 because of Mr. Rezko's influence and power; is that right?

21 A. Yes.

22 Q. And did you think that Mr. Rezko was going to have some
23 power over the FBI that you could go in and lie to him and he
24 could take care of it?

25 A. I don't know how to answer your question.

1 Q. Well, did you think that Mr. Rezko had some kind of
2 influence with the Federal Bureau of Investigation that he was
3 going to be able to protect you when you went in and lied to
4 the FBI?

5 A. Yes.

6 Q. Did he tell you he was close to the director of the FBI?

7 A. No.

8 Q. All right.

9 Now, in 2003, you continued to be a contributor to
10 Governor Blagojevich; did you not?

11 A. Yes.

12 Q. And, in fact, you continued to attend fundraising events,
13 correct?

14 A. Yes.

15 Q. And fundraising meetings, didn't you?

16 A. I don't know about meetings.

17 Q. Did you attend some fundraising meeting at the East Bank
18 Club --

19 A. Yes, I did.

20 Q. -- hosted by Chris Kelly?

21 A. Yes, I did.

22 Q. And when was that?

23 A. Do not recall specific date.

24 Q. All right.

25 And the purpose of that event was for Mr. Kelly to

1 get people together who were supportive of the Governor and go
2 out and work on the Governor's behalf, right?

3 A. Yes.

4 Q. And you were willing to do that; were you not?

5 A. Yes.

6 Q. And, then, even in '04, you went to some retreat in Lake
7 Geneva, did you not, or some -- someplace in Wisconsin?

8 A. Yes.

9 Q. And that retreat was for people who wanted to be
10 supportive and work on behalf of the Governor; isn't that
11 right?

12 A. It wasn't fundraising. It was more of a agenda and a work
13 session rather than fundraising.

14 Q. All right.

15 But it was political; was it not?

16 A. Yes.

17 Q. I mean, it wasn't -- you weren't there doing State of
18 Illinois business in Wisconsin?

19 A. No, it was political.

20 Q. It was people that were gathered to talk about fundraising
21 for the Governor, right?

22 A. Yes.

23 Q. And you wanted to be involved in that, didn't you?

24 A. I'm sorry. It wasn't people that were there to talk
25 about -- it wasn't a fundraising event.

1 Q. I see.

2 A. Or to do fundraising. It was more on how -- is the agenda
3 working, these are the issues. It was more of an update on
4 how things are going.

5 Q. All right.

6 And you were one of the select people that attended
7 that --

8 A. Yes.

9 Q. -- event?

10 Now, in 2004, you told the jury -- let me ask you:
11 How often did you meet with Mr. Rezko in 2004 when you started
12 as executive director?

13 A. Regular basis. Couple of times a month.

14 Q. All right.

15 And these meetings were at Mr. Rezko's office?

16 A. Most of the time.

17 Q. And you'd have appointments to meet him?

18 A. Yes. Or I would call and see if he's available.

19 Q. All right.

20 And would these appointments be in your 2004
21 calendar?

22 A. No.

23 Q. Do you have your 2004 calendar?

24 A. I do not.

25 Q. So, we just have your word, sir, as to the frequency of

1 these meetings; is that right?

2 A. Unless Mr. Rezko kept a calendar.

3 Q. Now, in 2004, when you became the executive director, it's
4 fair to say that you still were not looking for a job -- a
5 salary was not a factor for you in a job; is that right?

6 A. That's true.

7 Q. You still had those other goals in mind that we talked
8 about earlier; is that correct?

9 A. Yes.

10 Q. Now, when the IFA was established, it was established, was
11 it not, as a result of a change in law in Illinois in the
12 summer of '03?

13 A. Yes.

14 Q. And I believe you testified that the law consolidated five
15 boards into one?

16 A. Yes.

17 Q. Okay.

18 And could it have been more than five boards?

19 A. Yeah, it could have -- could have been.

20 Q. Do you recall it being eight boards?

21 A. I recall a number higher, but some of these agencies only
22 existed on paper.

23 Q. Now, you spent a considerable time, did you not, working
24 with Mr. Filan and Mr. Morris in the fall of '03?

25 A. Yes, I did.

1 Q. And Mr. Filan was the budget director; is that right?

2 A. Yes, he was.

3 Q. And how often were you in communication with Filan in the
4 fall of '03?

5 A. Weekly or biweekly.

6 Q. And how about Mr. Morris?

7 A. Sometimes on a daily basis.

8 Q. All right.

9 And I should ask you to tell the jury who Mr. Morris
10 was in the fall of '03.

11 A. Mr. Morris was the financial adviser that Mr. Filan had
12 asked me to work with.

13 Q. And was he a consultant to the state?

14 A. I believe so.

15 Q. And, then, Mr. Filan also hired a law firm that worked
16 with you, as well; did he not?

17 A. Yes.

18 Q. And Mr. Filan, because of his position as -- was he the
19 Budget Director in '03?

20 A. I believe that was his position.

21 Q. All right.

22 And he was the person that you would interface with
23 on the technical aspects of you getting the IFA up and
24 running?

25 A. Yes.

1 Q. And once the IFA was up and running, you had -- you
2 continued to have interaction with Mr. Filan; did you not?

3 A. Limited.

4 Q. And what about Mr. Morris? Was he still around?

5 A. Yes.

6 Q. All right.

7 And how long did Mr. Morris remain a consultant to
8 IFA?

9 A. He was still there when I left in March of '05.

10 Q. Now, do you know a lawyer by the name of Brian Hynes?

11 A. Yes, I do.

12 Q. When did you meet Brian Hynes?

13 A. Sometime in '03.

14 Q. Do you recall that Mr. Hynes was a member of the -- what
15 I'll describe as the predecessor board to IFA?

16 A. I believe he was.

17 Q. And do you recall meetings with him in the fall of '03 for
18 the purpose of acclimating to you -- acclimating you to what
19 these board -- what the board did?

20 A. Yeah, I remember talking to him about that.

21 Q. All right.

22 Do you remember Mr. Rezko setting those meetings up
23 for you?

24 A. Yes.

25 Q. Now, once you started in the position of executive

1 director of IFA, you were told, were you not, about how you
2 would be appointed and the selection process and how the board
3 would vote to approve you as the executive director; isn't
4 that right?

5 A. Yes.

6 Q. And you learned that, sir, did you not, from Mr. Filan and
7 the lawyers at Katten Muchin?

8 A. The lawyers.

9 Q. The lawyers did.

10 That is not something you discussed with Mr. Rezko;
11 was it, sir?

12 A. I don't recall discussing it with Mr. Rezko.

13 Q. And when this new entity, sir, started in existence in
14 January of '04, it did not have any -- in place any policies
15 or procedures, did it?

16 A. That's true.

17 Q. It had no real directive as to how it would operate; isn't
18 that correct?

19 A. That's true.

20 Q. And, in fact, it wasn't until August of '04 that the
21 policies and procedures were finally prepared and adopted by
22 the board?

23 A. I'm not sure when, but it was sometime in '04.

24 Q. Mr. Ata, you have in front of you what's marked Ata 28.
25 If you would look at that for a moment, see if it refreshes

1 your recollection as to when the policies and procedures for
2 the IFA were adopted.

3 (Brief pause.)

4 BY THE WITNESS:

5 A. It shows August of '04.

6 BY MR. DUFFY:

7 Q. Okay.

8 Does that refresh your recollection that there were
9 no procedures adopted for this new board until August of '04?

10 A. Yes.

11 Q. All right.

12 And the board had its first meeting in January of
13 '04; is that right?

14 A. Yes.

15 Q. Now, you told us about a conversation that you had with
16 Mr. Rezko regarding the sale of a pizza business in early
17 January of '04; is that right?

18 A. Yes.

19 Q. And when you had this conversation, you were new to the
20 agency, correct?

21 A. Yes.

22 Q. And the agency had no procedures, correct?

23 A. The agency had no procedures as a combined agency,
24 that's --

25 Q. Right.

1 A. -- true.

2 Q. Right.

3 We just looked at the resolution in August of '04?

4 A. Yes.

5 Q. People -- people worked on formulating the policies and
6 procedures of this board for about eight months before they
7 finalized them; isn't that right?

8 A. That's true.

9 Q. And when Mr. Rezko spoke to you about the pizza business,
10 he said to you he wanted to know if this was something that
11 the IFA could consider; isn't that right?

12 A. Yes.

13 Q. And when the two of you talked about that, there was
14 uncertainty at the time whether this type of transaction is
15 one that the IFA should consider; isn't that fair?

16 A. That's fair.

17 Q. And at that point in time, you didn't have any procedures,
18 did you?

19 A. We had temporary procedures that we were using.

20 Q. All right.

21 Well, it was in this conversation with Mr. Rezko --
22 do you recall discussing with Mr. Rezko the fact that there
23 was uncertainty on your part as to whether this was a
24 transaction that IFA could do?

25 A. Yes.

1 Q. All right.

2 And in the conversation, the name Tom Lanctot came
3 up; isn't that right?

4 A. Yes.

5 Q. And Tom Lanctot, as you later learned, was an individual
6 that worked for a private organization called William Blair?

7 A. Yes.

8 Q. All right.

9 And he was a gentleman -- do you know what he did for
10 a living?

11 A. I thought he was a financial adviser.

12 Q. Okay.

13 And you told the jury that you later met with him on
14 two occasions, right?

15 A. Yes.

16 Q. Did you -- you later came to learn that Mr. Lanctot, in
17 his capacity at William Blair, had had substantial experience
18 with the predecessor board of IFA?

19 A. I testified that Mr. Rezko told me that Tom had experience
20 with the previous authorities and that he was knowledgeable.

21 Q. Right.

22 And maybe that was somebody that you could talk to on
23 this -- about the transaction, right?

24 A. He asked me to talk to him, yes.

25 Q. And my question is: You then met with Mr. Lanctot; did

1 you not?

2 A. Yes.

3 Q. Okay.

4 And I think you said you had, in total, three
5 meetings with him on this matter?

6 A. I think I said two.

7 Q. Two meetings. And you asked him --

8 A. Yes.

9 Q. -- to come to the third --

10 A. You're right.

11 Q. -- is that right?

12 A. You're right.

13 Q. Okay.

14 But in the two meetings that you had with
15 Mr. Lanctot, did you come to the conclusion that Mr. Lanctot
16 was knowledgeable about what the prior board had done, the
17 prior -- the board that was the predecessor to IFA? Did you
18 come to learn that?

19 A. I felt that he knew the agencies.

20 Q. All right.

21 Do you recall in discussion with him that he had told
22 you about any prior experience that he had had with the board?

23 A. Yes.

24 Q. And in your discussions with him, it appeared to you, did
25 it not, that he was a knowledgeable person?

1 A. Yes.

2 Q. Now, in this early '04 transaction -- I'm sorry.

3 In this early January '04 conversation, Mr. Rezko did
4 not call you, sir, and ask you to write a letter in January of
5 '04, did he?

6 A. Not in January of '04, no.

7 Q. He called you and asked you whether IFA could consider
8 this, and then asked you to talk with somebody more
9 knowledgeable; did he not?

10 A. That's what happened in January.

11 Q. And, then, you had a couple of meetings with this
12 gentleman, Mr. Lanctot; is that right?

13 A. Yes.

14 Q. And I believe you testified that Mr. Lanctot had told you
15 that this was something that the IFA could do; but since it
16 was a new agency without new procedures, that procedures would
17 have to be addressed, as well as it would have to have board
18 approval; is that a fair statement?

19 A. Yes.

20 Q. Now, moving ahead, if I may, after the procedures were
21 adopted by the board in August of '04, the board -- the IFA
22 board did, in fact, make a loan to a pizza company; did they
23 not?

24 A. I don't specifically recall, sir.

25 Q. All right.

1 Do you remember the IFA in -- on November 8th --
2 November 9th of '04 made a loan to Doreen's Pizza Company?

3 A. Do you have anything that I can look at?

4 Q. Sure.

5 Would you look at Ata 27, please, which are the
6 minutes of the IFA?

7 A. Yes.

8 Q. And direct your attention, if I can, to November, the
9 November board meeting.

10 A. Yes.

11 Q. And let me know when you're there, and I'll tell you which
12 item number it is.

13 It's item 18, Mr. Ata.

14 (Brief pause.)

15 BY MR. DUFFY:

16 Q. Are you there, sir?

17 A. No, I'm sorry. Item 18, is that Alvair, Inc.?

18 Q. You have to be --

19 MR. DUFFY: May I approach, your Honor?

20 THE COURT: You may.

21 BY MR. DUFFY:

22 Q. There's a Bate number -- what they call a Bate number in
23 the lower right-hand corner. If you go to number 76.

24 Let me help you, sir.

25 (Brief pause.)

1 BY MR. DUFFY:

2 Q. Here you go, sir.

3 A. Thank you.

4 Q. If you want to flip back a page or two, it will give you
5 the date of the board meeting.

6 Do you see that, Mr. Ata, Item 18?

7 A. Yes.

8 Q. Okay.

9 Does that refresh your recollection?

10 A. Yes, it does.

11 Q. Okay. Thank you.

12 In November of '04, the board approved a loan to the
13 Doreen Pizza Company; is that right?

14 A. Yes.

15 Q. Now, you told us about a couple of meetings with
16 Mr. Lanctot, correct?

17 A. Yes.

18 Q. And he had given you some -- he had given you his
19 professional thoughts; did he not?

20 A. Yes.

21 Q. And -- excuse me.

22 And in your discussions with Mr. Lanctot and
23 yourself -- well, it was always understood by you, sir, that
24 any action that the IFA would take had to be presented,
25 reviewed and approved by the board; is that correct?

1 A. Absolutely.

2 Q. And as the executive director of IFA, you had no authority
3 to commit the agency to a transaction, did you?

4 A. That's true.

5 Q. And you personally, as the director, could not enter into
6 a transaction on behalf of the agency without board
7 permission, correct?

8 A. That's true.

9 Q. And you knew that in January and February of '04; did you
10 not?

11 A. Yes.

12 Q. And did you say it was in the second conversation or
13 meeting with Mr. Lanctot where the question of publicity came
14 up?

15 A. I think it came up in both.

16 Q. Okay.

17 And was it Mr. Lanctot that first raised the question
18 or you?

19 A. I'm not sure.

20 Q. Okay.

21 And if I understand your -- your testimony, the issue
22 of publicity was that since Mr. Rezko was a fundraiser for the
23 Governor, that if the IFA would approve something for him,
24 that may create a news story that would be unfavorable to IFA
25 and/or the Governor and/or Mr. Rezko; is that a fair

1 statement?

2 A. That's a fair statement.

3 Q. Okay.

4 And is it a fair statement, sir, that you as the new
5 director of the IFA did not want to have your name mentioned
6 in a news story in an unfavorable way?

7 A. That was not on my mind.

8 Q. You weren't worried about adverse publicity to the agency?

9 MS. HAMILTON: Objection.

10 BY THE WITNESS:

11 A. Yeah, the agency.

12 MS. HAMILTON: That's not what he said.

13 MR. DUFFY: No, I'm rephrasing. It's another
14 question.

15 THE COURT: Overruled.

16 You may answer that question.

17 BY THE WITNESS:

18 A. That was not what was on my mind.

19 BY MR. DUFFY:

20 Q. Okay.

21 So, my question is: Was there any concern in
22 February of '04 by you about any adverse publicity?

23 A. Yes.

24 Q. Okay.

25 And was there any concern by you in February of '04

1 of any adverse publicity involving the agency IFA?

2 A. Yes.

3 Q. And did you personally have any concern about an article
4 that would be negative of the agency of which you were the
5 executive director?

6 A. I don't recall having that concern about myself
7 specifically at that time.

8 Q. Okay.

9 So, you would -- you had a concern for others; is
10 that true?

11 A. I had a concern for the agency and -- and the Governor's
12 office.

13 Q. Okay.

14 Now, after your second meeting with Lanctot, you told
15 the jury that you had a conversation with Mr. Rezko somewhere
16 in late February; is that correct?

17 A. Yes.

18 Q. All right.

19 And I think you said Mr. Rezko initiated the
20 conversation, correct?

21 A. No.

22 Q. He called you, I thought you said.

23 A. Oh, they -- for -- can you be more specific --

24 Q. Sure.

25 A. -- what conversation?

1 Q. I'm now getting to the letter.

2 A. Okay.

3 Q. All right.

4 I believe you testified that Mr. Rezko called you
5 about the letter?

6 A. Yes.

7 Q. Okay.

8 And the letter's in evidence, but the letter is
9 dated, like, February 25th; is that --

10 A. Yes.

11 Q. All right.

12 So, if your first contact with Mr. Rezko about this
13 was, say, early January; is that right?

14 A. Yes, sometimes early --

15 Q. So, is it fair to say that maybe four to six weeks had
16 passed since the first contact until the time when you
17 actually prepared the letter?

18 A. That's fair.

19 Q. Okay.

20 And you said that you had prepared the letter at the
21 time that the phone call -- you had the phone conversation,
22 right?

23 A. Yes.

24 Q. All right.

25 And do you recall Mr. Rezko calling you on this

1 occasion and asking you what the status was from the IFA
2 perspective as to the transaction that he had discussed with
3 you?

4 A. I don't recall saying that.

5 Q. Okay.

6 Do you recall Mr. Rezko saying to you that in a day
7 or so, he had a meeting with somebody at Papa John's?

8 A. I don't recall that.

9 Q. Okay.

10 Do you recall him telling you that he had a meeting
11 with representatives of Papa John's; and that if IFA was
12 interested in this transaction, he needed to take something
13 with him to the meeting?

14 A. I do not recall that, sir.

15 Q. All right.

16 So, you drafted the letter; did you not, sir?

17 A. Yes.

18 I'm sorry. What do you mean by draft the letter?

19 Q. Prepared the letter.

20 A. I typed it.

21 Q. Okay. Typed the letter.

22 And then you said you delivered it to Mr. Rezko's
23 office; is that right?

24 A. Yes.

25 Q. And you understood --

1 MR. DUFFY: Withdraw that.

2 BY MR. DUFFY:

3 Q. You and Mr. Rezko understood that if the IFA would move
4 forward on this proposal, there had to be what we call a
5 financial package put together of information for the board to
6 review?

7 A. True.

8 Q. All right.

9 And you knew that and he knew that; is that right?

10 A. Yes.

11 Q. Now, Mr. Rezko in this phone call did not order you, sir,
12 to do this letter, did he?

13 A. What -- what -- what do you mean by "order"?

14 Q. Did he say, "Mr. Ata, I hereby order you to give me a
15 letter"? Did he say that to you?

16 A. He did not use the word "order."

17 Q. Did he say to you, I would -- did he say to you, "If the
18 IFA is going to -- is interested in this transaction, I would
19 like a letter"? Is that what he said to you?

20 A. No. He said I need a letter from you today and proceeded
21 to dictate the letter.

22 Q. All right.

23 And did he tell you why he -- he told you why he
24 needed the letter, didn't he?

25 A. He had told me earlier what -- he needed the letter.

1 Q. No. But, sir, you hadn't -- the first conversation was
2 early January. We're now, like, in late February?

3 A. Yes.

4 Q. A lot of time has -- we're talking four to six weeks,
5 correct?

6 A. Yes.

7 Q. Okay.

8 So, when he calls you about the letter, doesn't he
9 tell you that he has a meeting the next day and that's why
10 he's asking about the letter?

11 A. I do not recall that, sir.

12 Q. All right.

13 You don't recall, as you sit here now today, him
14 telling you why he needed the letter on the -- the time --
15 time frame you're talking?

16 A. I do not.

17 Q. All right.

18 Now, one of Mr. Lanctot's suggestions to you was that
19 you should consult with the lawyers at Katten about this;
20 isn't that correct?

21 A. I don't know if he was specific about what agency, but he
22 did say to consult with an attorney.

23 Q. By the attorney, he means the attorneys for the agency,
24 correct?

25 A. Yes.

1 Q. All right.

2 And did you do that, sir?

3 A. No.

4 Q. Now, after you gave Mr. Rezko the letter, you then, as you
5 testified, reached out to Mr. Lanctot and Mr. Gustman; is that
6 right?

7 A. Yes.

8 Q. And, then, you asked them to accompany you to a meeting at
9 Mr. Rezko's office; is that correct?

10 A. Yes.

11 Q. And, eventually, when you get to Mr. Rezko's office, the
12 three of you have to wait in a conference room before
13 Mr. Rezko joins you; is that right?

14 A. It was not a conference room. It was a reception area.

15 Q. Okay.

16 Do you recall anyone else joining you at that meeting
17 besides Mr. Rezko?

18 A. No.

19 Q. Do you recall Brian Hynes joining you?

20 A. I don't recall Brian being there.

21 Q. All right.

22 And the discussion with Mr. Gustman and
23 Mr. Lanctot -- let me back up.

24 Did the -- how long did the three of you wait before
25 you met Mr. Rezko?

1 A. Maybe five, 10 minutes. I'm not sure.

2 Q. Okay.

3 And you drove everyone to the meeting, right?

4 A. Yes, I did.

5 Q. And did you explain to Mr. Gustman and Mr. Lanctot on the
6 way over in the car why you wanted them to come to the
7 meeting?

8 A. I explained to them when I called them on the phone why I
9 wanted that meeting.

10 Q. All right.

11 And, by the way, when you arrived -- this was at
12 Rezmar?

13 A. Yes.

14 Q. And when you arrived there, sir, where did you -- did you
15 say you stayed in the reception area or did you go to a
16 conference room? I'm sorry.

17 A. We stood in the reception area.

18 Q. And do you recall who the receptionist was?

19 A. No.

20 Q. Did you recognize the receptionist?

21 A. I knew the receptionist at that point, but I just don't
22 know who it was at that time.

23 Q. All right.

24 Can't recall the name?

25 A. No.

1 Q. And the three of you wait; and while the three of you are
2 waiting, are you discussing this question about adverse
3 publicity?

4 A. Yes.

5 Q. Okay.

6 And, eventually, you meet with Mr. Rezko; isn't that
7 right?

8 A. Yes.

9 Q. And the meeting with Mr. Rezko is very short; isn't that
10 fair?

11 A. It was short.

12 Q. Okay.

13 And when Mr. Rezko comes -- finally meets with you,
14 is it you who speak to Mr. Rezko or is it Mr. Lanctot or
15 Mr. Gustman?

16 A. I believe I initiated the -- the conversation.

17 Q. And the conversation, sir, in this meeting was about
18 possible negative publicity; isn't that right?

19 A. The discussion was we felt that -- yes, because of
20 negative publicity, that IFA should not be involved in this
21 transaction.

22 Q. Right.

23 And, again, the negative publicity was the fact that
24 Mr. Rezko had a fundraising relationship with the Governor; is
25 that right?

1 A. That's true.

2 Q. Okay.

3 And Mr. Rezko immediately said fine, we shouldn't do
4 it, didn't he?

5 A. Yeah. He did not argue.

6 Q. He didn't even try to debate it, did he?

7 A. No, he did not.

8 Q. He said fine, correct?

9 A. Yes.

10 Q. And then shortly after, the meeting ended; did it not?

11 A. True.

12 Q. And IFA never, ever considered this proposal, did it, sir,
13 the IFA board?

14 A. No, it never went to the board.

15 Q. And there was no discussion, sir, was there, between you,
16 Mr. Lanctot, Mr. Gustman and Mr. Hynes, if he was there, and
17 Mr. Rezko about the letter, was there?

18 A. No.

19 Q. And the reason there was no discussion about the letter is
20 because what was bothering you, sir, was the potential
21 publicity; isn't that right?

22 A. The potential publicity associated with doing that
23 transaction, yes.

24 Q. Right.

25 At that time, sir, you were not bothered by the

1 letter, were you?

2 A. I'm not sure --

3 Q. All right.

4 A. -- how to answer your question.

5 Q. All right.

6 Mr. Gustman was the Chairman of the IFA board --

7 A. Yes.

8 Q. -- was he not?

9 And you asked the Chairman to go with you to meet
10 with Mr. Rezko and Mr. Lanctot, right?

11 A. Yes.

12 Q. And you did not have a single conversation with the
13 Chairman about this letter, did you?

14 A. I do not recall whether I did or not.

15 Q. Now, you told the jury about Mr. Rezko's influence, sir,
16 and the effect it had on you.

17 Do you recall that testimony?

18 A. Yes, I do.

19 Q. The IFA -- the agency IFA, of which you were the executive
20 director -- met on a monthly basis; did it not?

21 A. Yes.

22 Q. And it conducted its business on a range of matters
23 involving the State of Illinois; did it not?

24 A. True.

25 Q. And how long did you serve as the executive director?

1 A. About 14, 15 months.

2 Q. All right.

3 And as you sit there today, do you have even a
4 ballpark idea about how many different matters the IFA
5 considered while you were its executive director?

6 A. Yes, hundreds.

7 Q. Okay.

8 And can you tell the jury, sir, one item that the IFA
9 approved due to pressure by Mr. Rezko on you and the board?

10 A. Can you restate that question?

11 Q. Sure.

12 Can you tell -- in this 14-month period, hundreds of
13 items, can you identify for me one item that the IFA board
14 approved based on the pressure that Mr. Rezko put on the board
15 and you?

16 A. No.

17 Q. All right, sir. I'm changing topics here.

18 I want to ask you about this lease transaction you
19 testified about.

20 In 2001, you became involved in a property at 59th
21 and Ashland; is that right?

22 A. Yes.

23 Q. You told us already who your -- the other two partners
24 were Faysal Mohamed and Samir Jabir, right?

25 A. Yes.

1 Q. And in 2002, you and your partners were able to obtain a
2 lease from the State of Illinois; is that right?

3 A. Yes.

4 Q. And do you recall the agency?

5 A. DHS.

6 Q. And how were you -- and that was with the Governor Ryan
7 administration, right?

8 A. Yes.

9 Q. Who of the three of you had the contact with the Ryan
10 administration?

11 A. Mr. Mohamed.

12 Q. All right.

13 And how were you able to obtain a lease from the Ryan
14 administration?

15 A. By bidding it.

16 Q. And as you sit here now, do you recall the length of that
17 lease?

18 A. I do not.

19 Q. Do you recall it being 10 years?

20 A. I think state leases are five years.

21 Q. And the lease required the partner -- the organization
22 that you were a member of to build a building that would
23 eventually house Department of Human Services; is that right?

24 A. Yes.

25 Q. And when the lease was originally drafted, if you recall,

1 your -- the three of you had about 270 days to construct the
2 facility before DHS would become a tenant?

3 A. I believe that's the case.

4 Q. Pardon me?

5 A. I believe that's the case, if that's --

6 Q. All right.

7 And while this building was under construction in
8 2003 is when you claim there was a notice of cancellation
9 received; is that right?

10 A. I don't claim. I showed the letter.

11 Q. Okay.

12 And did the letter say that there was -- they were
13 cancelling the lease?

14 A. No. They said that an extension that had been provided
15 was not valid.

16 Q. By the way, Mr. Ata, do you recall during one of your
17 government interviews, in April -- this past month -- when you
18 talked about the 58 and Ashland lease, that you said you had
19 given up your interest in the property in late 2002?

20 Do you recall saying that?

21 A. I don't recall specifically, but I -- it had -- we talked
22 earlier. I had transferred my interest to an entity.

23 Q. All right.

24 And do you recall saying that you had given up your
25 interest in the property in late 2002 because you were working

1 for the State of Illinois?

2 A. I don't recall specifically making that statement.

3 Q. Okay.

4 And putting aside whether it's 2002 or 2003,
5 that's -- in fact, that's what you did, isn't it, gave up your
6 interest because of the state issues?

7 A. Yes.

8 Q. All right.

9 Now, if you will -- I believe this is the
10 government's exhibit, but if you'll turn to Ata 7 in the
11 binder, sir.

12 MR. DUFFY: It's the CMS letter on May 8th, '03.

13 BY MR. DUFFY:

14 Q. Do you have it, sir?

15 A. Yes.

16 Q. Okay.

17 And of the three partners, yourself and Mr. Mohamed
18 and Mr. Jabir, Mr. Mohamed was the one who had principal
19 responsibility for running this company; did he not?

20 A. Yes.

21 Q. And, in fact, the correspondence with the State of
22 Illinois is between the State of Illinois and Mr. Mohamed, not
23 you; isn't that correct?

24 A. That's true.

25 Q. Was there some term that he had -- in terms of a title

1 that he had in connection with the partnership that made him
2 the contact person?

3 A. Do not recall if he had any specific title.

4 Q. All right.

5 THE COURT REPORTER: I'm sorry?

6 BY THE WITNESS:

7 A. Do not recall him having a specific title, but he was the
8 contact person.

9 BY MR. DUFFY:

10 Q. All right.

11 And what had happened, sir, is that sometime prior to
12 this letter of May 8th -- let me just back up.

13 You understand, do you not, Mr. Ata, based upon your
14 experience in owning state leases, that the agency within the
15 State of Illinois who handles the leasing of real estate is
16 called CMS?

17 A. Yes.

18 Q. All right.

19 Central Management Services, right?

20 A. That's my understanding.

21 Q. They're like the landlord for the state; is that correct?

22 A. Yes.

23 Q. Okay.

24 And the agency that was going to put their office in
25 this building was the Department of Human Services, correct?

1 A. Yes.

2 Q. And when you get a lease from the State of Illinois, you
3 contract with CMS; isn't that correct?

4 A. My understanding back then, that it would -- it was dual
5 responsibility by the agency and CMS --

6 Q. All right.

7 A. -- back then.

8 Q. And what happened was, there was some delays in 2003 in
9 the construction of the building. Do you recall that?

10 A. Yes.

11 Q. And do you recall, sir, that the reason there were delays
12 is because the Department of Human Services was late in
13 getting certain plans to the builders, to the contractors?

14 A. I do not specifically know why they were late.

15 Q. All right.

16 You do recall, do you not, that the delay in having
17 the property ready was not -- was not the fault of you and
18 your partners?

19 A. That's my understanding.

20 Q. Right.

21 So, somewhere along the line, the construction got
22 slowed down; is that right?

23 A. Yes.

24 Q. And if you recall, your partner contacted the agency,
25 Department of Human Services, in March of '03 and advised them

1 of the construction delays?

2 A. I don't specifically recall that, but if that's what
3 happened.

4 Q. Well, do you recall that a representative of the agency,
5 of DHS, said, That's fine, we understand why there's a delay;
6 go ahead and we'll give you additional time?

7 Do you recall that happening?

8 A. It's in the letter, yes.

9 Q. And, then, what happened was CMS, the contracting party,
10 got a little territorial here and said that DHS didn't have
11 the authority to do that.

12 Do you recall that?

13 A. Yes.

14 Q. And, so, what happened in May of '03 was that the
15 corporation got a letter from -- the letter that's in front of
16 you that basically says DHS does not have the authority on
17 behalf of the State of Illinois to change the terms of the
18 lease.

19 Didn't it say that?

20 A. Yes.

21 Q. Okay.

22 It said if you want to change the terms of the lease,
23 you have to deal with CMS; isn't that correct?

24 A. It said -- I don't have it in front of me, but basically
25 said that DHS did not have the authority to give an extension.

1 Q. Correct.

2 And the letter said -- the letter, by the way, came
3 from CMS --

4 A. Yes.

5 Q. -- correct?

6 And the letter says only CMS --

7 A. Yes.

8 Q. -- can make extensions, right?

9 A. Yes, yes.

10 Q. And since you haven't asked CMS for an extension, CMS says
11 the current lease as it now stands is going to be enforced;
12 isn't that right?

13 A. Yes.

14 Q. All right.

15 So, there was no cancellation; they just said, Ata,
16 you're released, right?

17 A. I'm sorry. Can you --

18 Q. Sure.

19 A. -- restate that?

20 Q. CMS did not write you to say your lease is cancelled, did
21 they?

22 A. No.

23 Q. They said we're not going to give you more time to
24 construct the building, correct?

25 A. Yes.

1 Q. And that was the problem, correct?

2 A. Yes.

3 Q. All right.

4 Now, according to you, you went to Mr. Rezko with
5 this problem; is that right?

6 A. Yes.

7 Q. And did you bring him the letter?

8 A. I do not recall if I took him the letter.

9 Q. And the letter is dated May 8th; and the letter is dated
10 to your partner, Mr. Mohamed, correct?

11 A. Yes.

12 Q. So, how long after he received it did you learn of it?

13 A. Shortly.

14 Q. And, then, how long after that did you reach out to
15 Mr. Rezko?

16 A. Also shortly. I don't know how many days, but it was
17 within days.

18 Q. And according to you, he said he would look into it; is
19 that right?

20 A. Yes.

21 Q. And did he ever get back to you?

22 A. Yeah. We -- we discussed it after that. I don't know
23 whether he called me or during one of our meetings, but we did
24 talk about it.

25 Q. All right.

1 And how long after this first contact did it take
2 before the two of you discussed it again?

3 A. Do not recall specific time, but it was -- it wasn't long.

4 Q. And when he got back to you, what did he say?

5 A. He said that somebody was working on it.

6 Q. And did he tell you who?

7 A. He said he had talked to Mr. Rumman.

8 Q. Mr. who?

9 A. Rumman.

10 Q. I see.

11 And who was Mr. Rumman?

12 A. He was the head of CMS.

13 Q. All right.

14 And when is the first time that you told somebody
15 that Mr. Rezko told you he talked to Mr. Rumman about this
16 lease?

17 A. I didn't. You mean my partners? I didn't tell them.

18 Q. No. Did you tell the -- when you were being interviewed
19 by the government, did you tell them -- tell the government?

20 A. I -- I -- I don't know if I did or not.

21 Q. Are you telling this now for the first time?

22 A. Probably.

23 Q. Okay.

24 So, it's just something you just remembered as you're
25 sitting there now?

1 A. Yes.

2 Q. So, you're adding another -- you're adding some new facts;
3 is that right?

4 A. I don't know it's a fact. I'm -- it's -- that's -- I
5 just -- you asked me a question. I'm answering you.

6 Q. I see.

7 And in your seven interviews with the government in
8 April where you spent those considerable days and hours with
9 them, did you tell them that Mr. Rezko told you he talked to
10 Mr. Rumman?

11 A. I don't recall.

12 Q. By the way, how much time did you spend preparing for your
13 testimony here?

14 A. What do you mean?

15 Q. Well, did you meet with the government, sir, in preparing
16 for your testimony for this trial?

17 A. Yes.

18 Q. Okay.

19 And do you have any idea how many days you spent with
20 the government getting ready for your testimony?

21 A. I don't know how many days.

22 Q. Could you tell us how many days?

23 A. Two, three days.

24 Q. Well, you testified yesterday; did you not, sir?

25 A. Yes.

1 Q. And yesterday was Thursday?

2 A. Yes.

3 Q. So, did you meet with the government on Thursday morning
4 before you testified?

5 A. I was in contact with the government throughout. I was
6 with them yesterday morning, all morning.

7 Q. Okay.

8 And how about the day before? How about Wednesday?

9 A. I've been talking to the government every day.

10 Q. For how many days in a row?

11 A. Do not know.

12 Q. A week?

13 A. More than that.

14 Q. Two weeks?

15 A. Yes.

16 Q. Every day for two weeks?

17 A. And the contact hasn't been interviews or meetings. The
18 contact could have been a phone call.

19 Q. No. And I'm not talking about phone calls.

20 I'm talking about time spent going over your
21 testimony with you for this trial.

22 A. I told you two to three days.

23 Q. And how long were those sessions?

24 A. Maybe three, four hours at a time.

25 Q. And, in fact, you have been meeting with the government

1 regularly since the 1st of April; haven't you, sir?

2 A. Yes.

3 Q. Okay.

4 And can you tell the jury from April 2nd until the
5 time you hit the witness stand how many hours you had spent
6 with the government --

7 A. I --

8 Q. -- discussing the topics that you were going to testify
9 about?

10 A. I can't tell you how many hours.

11 Q. How many days?

12 A. As you stated, I had seven interviews; and then I had two
13 to three days of meetings.

14 Q. And are you sure it's only two or three days, sir?

15 What about last weekend? Did you spend last weekend
16 with the government?

17 A. Yes.

18 Q. Both days?

19 A. Three hours each day.

20 Q. All right.

21 How about Monday? Monday night?

22 A. Yes.

23 Q. How about Tuesday?

24 A. Monday night was about 15 minutes.

25 Q. And how about Tuesday during the day?

1 A. Yeah, we had a meeting in the morning.

2 Q. How long?

3 A. Maybe three hours.

4 Q. How about Wednesday?

5 A. Yes.

6 Q. Now, according to your testimony, Mr. Rezko comes back to
7 you; and the two of you reach some kind of understanding in
8 connection with this 59th and Ashland property?

9 A. Yes.

10 Q. And did you say at first there was some negotiation over
11 what Mr. Rezko would receive?

12 A. Yes.

13 Q. And Mr. Rezko told you that he wanted 50 percent of the
14 partnership?

15 A. Yes.

16 Q. And you pushed back; is that right?

17 A. Yes.

18 Q. And you said I'll give you 25 percent; is that right?

19 A. Yes.

20 Q. Now, at that point in time, when is it that you're having
21 this discussion in connection with the letter?

22 A. After the letter was received.

23 Q. Well, how long after the letter?

24 A. Two, three weeks.

25 Q. So, had the problem been resolved in two or three weeks?

1 A. I don't know when the problem was resolved. There was
2 another letter that came sometime after that, I believe around
3 July when the problem was resolved.

4 Q. All right.

5 So, did you reach this so-called understanding with
6 Mr. Rezko before the letter came resolving the problem or
7 after the letter came?

8 A. Before.

9 Q. All right.

10 And, so, you and Mr. Rezko have this negotiation,
11 according to you, and you arrive at -- you agree that he's
12 going to get 25 percent of this partnership, right?

13 A. Yes.

14 Q. And, then, the two of you discuss, according to you, a
15 value to put on it; isn't that right?

16 A. Yes.

17 Q. And you place a -- a value of \$200,000 gets put on this 25
18 percent interest; isn't that right?

19 A. Yes.

20 Q. And how did you arrive at the \$200,000 figure?

21 A. Value of the building minus the loan that was in -- in
22 place.

23 Q. Now --

24 MR. DUFFY: May I have just a moment, your Honor?

25 THE COURT: You may.

1 BY MR. DUFFY:

2 Q. Mr. Ata, you have in front of you, sir, what has been
3 marked as Ata 29, which is the lease for this property.

4 Do you see that, sir?

5 A. Yes.

6 Q. And do you recall, sir, without looking at the lease, but
7 we can look at it, what the length of this lease was with the
8 State of Illinois?

9 A. My understanding of state leases, they're five years.
10 They run them for 10 years, but they have the option to walk
11 away in -- in five years.

12 Q. All right.

13 And if you turn to the back of the exhibit, sir, it's
14 got a Bate number 4741?

15 A. Uh-huh.

16 Q. It's called Exhibit R, Rental Schedule. Do you see that?

17 A. Yes.

18 Q. Now, being an individual who leases property to the State
19 of Illinois, you're familiar with the document that is in
20 front of you, are you not, the lease with the CMS?

21 A. Yes.

22 Q. All right.

23 And if you go to the page I just directed you to, it
24 breaks down, does it not, sir, the amount of rent that the
25 State of Illinois is expected to pay over the life of the

1 lease?

2 A. Yes.

3 Q. Okay.

4 And on this lease, the amount of the rent was \$8.3
5 million, correct?

6 A. Yes.

7 Q. Now, when you're having this negotiation with Mr. Rezko,
8 are you discussing the fact that this is a lease with \$8
9 million in revenue?

10 A. I don't know what specifically we talk about, the rent.

11 Q. Well, did you give Mr. Rezko any documents regarding this
12 company?

13 A. I don't recall giving him any documents.

14 Q. Well, how would he know, then, sir, if the \$200,000 is a
15 fair price?

16 A. Well, I had told him what the rent was and -- and what the
17 cost of the project is and what the value of the building is.

18 Q. And did you tell him that you were going to get \$8.3
19 million in rent?

20 A. He knew what the annual rent will be.

21 Q. How did he know that, sir?

22 A. I told him.

23 Q. I see.

24 And with an annual rent of \$8.3 million, you're
25 saying that --

1 MS. HAMILTON: Objection. That's not the annual
2 rent.

3 MR. DUFFY: Yes. Thank you. You're right.

4 THE COURT: Sustained.

5 Rephrase.

6 MR. DUFFY: My fault.

7 BY MR. DUFFY:

8 Q. With the rent -- the term of the lease provides for \$8.3
9 million in rent; and you're saying that that was discussed,
10 and he agreed that 25 percent value of the building, the
11 partnership, the corporation was only worth 200,000?

12 A. Yes. 8 million is the revenue. It includes taxes, real
13 estate taxes. It includes the cost of the building. And it's
14 not -- you're not --

15 Q. I see.

16 Did you have your accountant prepare something for
17 Mr. Rezko to send to him?

18 A. No, I can prepare that stuff myself.

19 Q. I see.

20 And you recall now preparing something for him?

21 A. No. I'm telling you, the annual rent of this is \$812,000,
22 of which you take out taxes, of which you take out mortgage,
23 of which you take out other costs; and the 200,000 is the real
24 value of that 25 percent interest.

25 Q. I see.

1 MR. DUFFY: Am I at the breaking point?

2 THE COURT: Yes.

3 MR. DUFFY: I am then.

4 THE COURT: Okay.

5 Ladies and gentlemen, we are done for the day. We
6 are done for the week.

7 We will pick back up on Monday morning at 9:15. Have
8 a good weekend.

9 Remember, please do not discuss the case with family
10 members, friends or among yourselves. Do not watch, listen or
11 read any media coverage regarding the case.

12 Have a great weekend. We will see you Monday
13 morning, 9:15, please.

14 (Jury out.)

15 THE COURT: Mr. Ata, you may step down, sir. Please
16 be back here Monday morning a little after 9:00.

17 THE WITNESS: Thanks.

18 THE COURT: One more thing, Mr. Ata.

19 THE WITNESS: Yes, ma'am.

20 THE COURT: You've been passed for cross-examination
21 now. Because you are on cross-examination, you may not
22 discuss your testimony either directly or indirectly through
23 your lawyer with the government, sir.

24 THE WITNESS: Thank you.

25 * * * * *

1 I certify that the foregoing is a correct transcript from the
2 record of proceedings in the above-entitled matter.

3

4

/s/ Joseph Rickhoff
Official Court Reporter

August 21, 2008

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,) Docket No. 05 CR 691
)
Plaintiff,))
)
vs.)
)
ANTOIN REZKO,) Chicago, Illinois
) May 5, 2008
Defendant.) 9:00 o'clock a.m.

EXCERPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE AMY J. ST. EVE, AND A JURY

APPEARANCES:

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S/A VIKAS ARORA, IRS

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* * * * *

PROCEEDINGS RECORDED BY
MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED BY COMPUTER

1 THE CLERK: 05 CR 691, USA v. Antoin Rezko. Jury
2 trial continues.

3 (Jury in.)

4 THE COURT: Good morning, ladies and gentlemen.

5 We are continuing with the cross-examination of
6 Mr. Ata this morning.

7 Mr. Ata, you are still under oath, sir.

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Mr. Duffy, you may continue.

10 MR. DUFFY: Thank you, your Honor.

11 ALI ATA, PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

12 CROSS-EXAMINATION (Resumed)

13 BY MR. DUFFY:

14 Q. Mr. Ata, when we broke on Friday, we were talking about
15 the 59th Street property.

16 Do you recall that?

17 A. Yes.

18 Q. And the entity that had the lease with the State of
19 Illinois was called 59th and Ashland, correct?

20 A. Yes.

21 Q. And the entity to which you transferred your interest to
22 was called 59th Street, Inc.?

23 A. Yes.

24 Q. And you told us on Friday that the -- a person by the name
25 of Kathy Aglikin was a person that you had a business

1 relationship with, correct?

2 A. Yes.

3 Q. In fact, she was -- it would be fair to say, she was your
4 bookkeeper?

5 A. Yes.

6 Q. All right.

7 And when you transferred property to her name, she
8 wasn't the actual owner of the property, was she?

9 A. No, I just transferred it to her name.

10 Q. Right.

11 So, publicly, it would be in the name of your
12 bookkeeper; isn't that right?

13 A. Yes.

14 Q. But in terms of the actual owner of the asset, you always
15 believed that you owned the asset; isn't that right?

16 A. Yes.

17 Q. Now, after you transferred your interests in the 59th and
18 Ashland partnership to the 59th Street -- I'm sorry,
19 corporation, excuse me, the corporation, the 59th Street
20 corporation continued to receive rental income, did it not, in
21 connection with the state lease?

22 A. Yes.

23 Q. And that rental income, the income from the rental was
24 reported on a tax return; was it not?

25 A. Yes.

1 Q. And that tax return listed, again, Mrs. -- Ms. Aglikin as
2 the owner of the company; isn't that right?

3 A. Yes.

4 Q. And, in fact, do you remember in 2004, Ms. -- the company
5 that had Ms. Aglikin's name on it received over a hundred
6 thousand dollars in rental income from 59th and Ashland?

7 A. I don't remember, but that's --

8 Q. All right.

9 Do you think it was approximately a hundred thousand
10 dollars?

11 A. Yes.

12 Q. All right.

13 And this is the entity in which you claim Mr. Rezko
14 had an interest in; is that right?

15 A. Yes.

16 Q. Okay.

17 Of the hundred thousand dollars in rent income that
18 you received in Ms. Aglikin's name, you didn't give any of
19 that income to Mr. Rezko, did you?

20 A. No, I did not.

21 Q. And of that hundred thousand dollars that went to the 59th
22 Street property in your bookkeeper's name, did you report any
23 of that income on your personal tax return?

24 A. No.

25 Q. Now, I was asking you, sir, some questions on Friday about

1 what exactly it was that Mr. Rezko did to help with the state
2 lease.

3 Do you recall those questions I was asking you?

4 A. Yes.

5 Q. All right.

6 And I think you told the jury that you told your
7 partners or your shareholders or partners in the lease
8 property that you were having somebody help you with the
9 problem; isn't that right?

10 A. Yes.

11 Q. But you didn't tell them any name, correct?

12 A. I did not give them any names.

13 Q. Okay.

14 So, since you were taking care of the problem on the
15 lease, there was no need then for your partners to do anything
16 in connection with that lease; is that right?

17 A. Yes.

18 Q. Because you were using Mr. Rezko to solve the problem;
19 isn't that right?

20 A. Yes.

21 Q. Well, isn't it a fact, Mr. Ata, that the fifth -- that
22 your partner, the corporation, hired a law firm to represent
23 them with CMS in connection with the lease dispute?

24 A. I do not recall that.

25 Q. And they hired a law firm and paid the law firm; and the

1 law firm dealt with CMS, and they resolved the lease problem;
2 isn't that how it got resolved?

3 A. No.

4 Q. Do you recall, just as a way of background, this was a
5 lease that your -- you and your partners had had with the
6 State of Illinois; and you had a period of time in which you
7 were going to construct a building, correct?

8 A. True.

9 Q. And, then, once that building was constructed, the
10 Department of Human Services would move in and become the
11 tenant, correct?

12 A. Yes.

13 Q. All right.

14 And we talked on Friday that there was some delay in
15 getting the construction done, correct?

16 A. Yes.

17 Q. And when the corporation that you were a shareholder in --
18 that is, the 59th and Ashland corporation -- when you realized
19 in early '03 that there was going to be a delay, your partner,
20 Mr. Mohamed, contacted the Department of Human Services and
21 said, listen, you've caused a delay here; we want an extension
22 on the lease; isn't that right?

23 A. I do not know what Mr. Mohamed did.

24 Q. Okay.

25 If you would look at the binder, please, Ata Exhibit

1 32.

2 And if you need some help finding it, sir, I will
3 assist you.

4 A. I have it.

5 Q. And if you would look at that letter, sir, just for a
6 moment. Then I need to ask you a few questions.

7 (Brief pause.)

8 BY THE WITNESS:

9 A. Yes, sir.

10 BY MR. DUFFY:

11 Q. Okay.

12 Does that now refresh your recollection, Mr. Ata,
13 that in March of '03, your co-shareholder or co-partner,
14 Faysal Mohamed, wrote a letter to a gentleman at the
15 Department of Human Services and told him that there were some
16 delays on the property; and, therefore, the company, 59th and
17 Ashland, was asking for an extension under the lease for the
18 construction of the property?

19 A. Yeah, that's what the letter states.

20 Q. Okay.

21 Now, do you -- as you sit there now, do you recall in
22 '03 that Mr. Mohamed took upon the responsibility of dealing
23 with the state on this lease?

24 A. Yes.

25 Q. All right.

1 And he sends a letter to the Department of Human
2 Services and apparently received some permission from the
3 Department of Human Services to extend the lease; did he not?

4 A. Yes.

5 Q. All right.

6 And, then, as we discussed on Friday -- and it's in
7 Government Exhibit Ata 7. I don't know if we have that up
8 there. I have to retrieve it. One moment, sir.

9 But while Ms. Hamilton is retrieving it, if you
10 remember, then the letter comes in May --

11 MR. DUFFY: Thank you very much.

12 BY MR. DUFFY:

13 Q. The letter comes in May of 2003 from CMS, the landlord,
14 and basically says -- the CMS letter says -- that CMS is the
15 landlord for the State of Illinois, right, on all real estate?

16 A. That's -- is that what the letter states?

17 Q. No, I apologize.

18 A. Yes.

19 Q. We discussed on Friday that you know as a person who's
20 been involved in several state leases that a department called
21 Central Management Services is like the landlord for the State
22 of Illinois on all state property; isn't that right?

23 A. Yes.

24 Q. Okay.

25 And what happens in May is the corporation, 59th and

1 Ashland, receives a letter from the State of Illinois, from
2 CMS, saying that Department of Human Services doesn't have the
3 authority to extend leases; that you have to deal with our
4 department because -- isn't that what the letter said?

5 A. That's what the letter states.

6 Q. Okay.

7 And the letter said at that time we, the State of
8 Illinois, are going to hold the corporation to the terms of
9 the lease, correct?

10 A. Yes.

11 Q. Now, that was in May.

12 And, by the way, that letter was not sent to you. It
13 was sent to Mr. Faysal Mohamed, correct?

14 A. Yes.

15 Q. Because Mr. Mohamed is the one who had initiated this
16 request for the extension, correct?

17 A. Yes.

18 Q. And, then, when the letter came back, you are aware, are
19 you not, that the company went out and hired a law firm called
20 Holland & Knight to deal with CMS on this extension?

21 Do you recall that?

22 A. I do not recall that specifically.

23 Q. And if you look at Ata Exhibit 33, sir.

24 A. Okay.

25 Q. And if you look at that letter, see if that refreshes your

1 recollection of whether you knew about this law firm being
2 hired.

3 (Brief pause.)

4 BY THE WITNESS:

5 A. Yes, it does.

6 BY MR. DUFFY:

7 Q. Okay.

8 So, as you sit there now, do you remember in June of
9 2003, the company hired a law firm to represent the company in
10 connection with the lease extension dispute?

11 Do you recall that?

12 A. Per this letter, yes.

13 Q. Okay.

14 And, by the way, you know the lawyer Francis
15 Keldermans at Holland & Knight?

16 A. I do.

17 Q. You have used Holland & Knight on other issues; have you
18 not? Other matters?

19 A. Yes.

20 Q. Okay.

21 And do you recall that attorney Keldermans then
22 contacts CMS on behalf of 59th and Ashland, and he apprises
23 them of the problem for the extension?

24 Do you recall that?

25 A. I do not recall that, but I see the letter here.

1 Q. Okay.

2 After you -- once -- once you've looked at the letter
3 and you put the letter aside, does that then refresh your
4 recollection that that was going on in June of '03?

5 A. It does not, but I -- I see the letter here.

6 Q. Okay. All right.

7 Putting aside the letter for a moment, the reason
8 that your company, or the company in which you were a
9 shareholder, the reason there was a delay is because you were
10 building a building for the Department of Human Services,
11 correct?

12 A. Yes.

13 Q. And Human Services had to go through the floor plans and
14 decide what -- how they wanted the space designed; isn't that
15 correct?

16 A. That's my understanding.

17 Q. And -- and the state agency, the Department of Human
18 Services, was late in getting the plans to the -- to your
19 company, right?

20 A. That's my understanding, yes.

21 Q. And since they were late in getting the specs and the
22 plans, your company was late in applying for building permits,
23 right?

24 A. That's my understanding, yes.

25 Q. And once this law firm was hired and this law firm started

1 to deal with CMS and explained to the State of Illinois the
2 problem wasn't 59th and Ashland; the problem was the state
3 agency was -- didn't get the plans to the building soon enough
4 in order to get the building permits, correct?

5 A. Yes.

6 Q. All right.

7 So, you hired a law firm to handle the problem; and a
8 month later, you get a letter back -- not you, but Mr. Mohamed
9 gets a letter back; does he not?

10 A. Yes.

11 Q. And if you want to look at the letter, it's -- I think
12 it's Ata 9.

13 So, after the law firm writes a letter to CMS and
14 explains the delay is due to the state, CMS writes a letter
15 back and says, fine, you get your extension; isn't that right?

16 A. Yes.

17 Q. All right.

18 And I trust that if the company used a law firm to
19 solve the problem, you had to pay the law firm for their
20 services, didn't you?

21 A. I assume we did.

22 Q. So, when you say that your company didn't do anything in
23 connection with resolving the lease other than using
24 Mr. Rezko, that really wasn't accurate, was it?

25 A. I don't recall saying that, Mr. Duffy.

1 Q. All right.

2 And, sir, when you left state government in 2005, you
3 were no longer concerned, were you, about whether your name
4 appeared on a lease?

5 A. No, I was not.

6 Q. Okay.

7 And, in fact, once you left state government in '05,
8 you worked out with your partners, at least on paper, to buy
9 your interests back in 59th and Ashland; did you not?

10 A. Yes.

11 Q. Because now you weren't concerned about your name being on
12 the lease, right?

13 A. That's true.

14 Q. And when you bought the interest back in 2005, Mr. Rezko
15 was not involved in that transaction; was he, sir?

16 A. No, he was not.

17 Q. Now, I want to ask you about this company -- is it called
18 Jenin?

19 A. Yes.

20 Q. All right.

21 Now, Jenin is a -- is it fair to describe it as a
22 small distributor?

23 A. Yes.

24 Q. And this was a company that was formed sometime in the
25 early '90s?

1 A. No. I believe the company was formed in the -- in early
2 2000.

3 Q. Okay.

4 You mean the company Jenin?

5 A. Yes.

6 Q. Did Jenin -- there was a previous company called Jaffa,
7 correct?

8 A. Yes.

9 Q. And Jaffa and Jenin basically do the same things, didn't
10 they?

11 A. Yes.

12 Q. All right.

13 So, it was -- so, when did Jaffa start?

14 A. In the early '90s.

15 Q. All right.

16 And Jaffa was in the same business, distributing
17 candy; is that correct?

18 A. Yeah. Food products, yes.

19 Q. I'm sorry. Food products?

20 A. Yes.

21 Q. And when in 1990 did Jaffa start?

22 A. In the early '90s.

23 Q. And when it started, sir, you were an investor in the
24 company?

25 A. I helped the people that started the business. I loaned

1 them some money.

2 Q. Okay.

3 And who were the people that started the business?

4 A. Three individuals. A gentleman by the name of Faysal
5 Hammoudah and another gentleman by the name of Ike -- I don't
6 recall Ike's last name.

7 Q. All right.

8 Was this gentleman Faysal, the same Faysal that
9 you're --

10 A. No.

11 Q. -- involved in real estate with?

12 A. No.

13 Q. A different gentleman?

14 A. Yes.

15 Q. All right.

16 Were any of these gentlemen relatives of yours?

17 A. No.

18 Q. And did you say you invested some -- you lent them some
19 money?

20 A. Yes.

21 Q. All right.

22 And when the business started, were you an owner of
23 the business?

24 A. No.

25 Q. Were you an officer of the company?

1 A. No.

2 Q. And where was the company located when it started?

3 A. I believe in Justice, Illinois, when it started.

4 Q. All right.

5 And as I understand it, this was a very -- probably
6 what I'd describe as a small distribution company?

7 A. Yes.

8 Q. And the company would buy candy and food products, and
9 then the company had drivers who would take these products and
10 deliver them to certain grocers; is that right?

11 A. Yes.

12 Q. All right.

13 And for the most part, it was a cash business; is
14 that correct?

15 A. Yes.

16 Q. And by cash business, I mean the drivers would go deliver
17 the products to grocery -- little small grocers; the grocers
18 would usually pay cash for the product, right?

19 A. Yes.

20 Q. And the product -- then the cash would come back -- the
21 drivers would bring the cash back to the company, right?

22 A. Yes.

23 Q. And when it was the Jaffa company, were you involved at
24 all in any way in the operation of that company?

25 A. I -- my involvement was very limited. I helped them early

1 on get started.

2 Q. I'm sorry. You did --

3 A. I helped the company get started, loaning -- loaning them
4 money when they started the business.

5 Q. Now, were you actually involved in handling any of the
6 cash of the company in the '90s?

7 A. No.

8 Q. So, you didn't handle the cash deposits?

9 A. No.

10 Q. All right.

11 And at some point in time, did you become an owner of
12 the Jaffa company?

13 A. Do not recall being an owner of the Jaffa Candy.

14 Q. At some point in time, do you recall becoming an officer
15 of the Jaffa company?

16 A. Do not recall being an officer of Jaffa.

17 Q. All right.

18 In the late '90s, like 1999 or 2000, do you know what
19 the company was worth?

20 A. No.

21 Q. The value of the company?

22 A. No, I don't.

23 Q. Now, in 1999, sir, and in 2000, you had a relationship
24 with a bank called Marquette Bank; did you not?

25 A. Yes.

1 Q. And in the late '90s, you had a -- you had, what, a
2 checking account with the bank; is that right?

3 A. I probably did, yes.

4 Q. All right.

5 You had a number of different financial
6 relationships --

7 A. Yes.

8 Q. -- with them; did you not?

9 A. Yes.

10 Q. You had loans from them?

11 A. Yes.

12 Q. Okay.

13 And you recall you had given them a financial
14 statement; is that correct?

15 A. Yes.

16 Q. Do you recall telling the Marquette Bank in 1999 that you
17 were the hundred percent owner of Jaffa Candy Company?

18 A. Yes.

19 Q. So, was the statement you made to the bank, was that not
20 true?

21 A. That's not true.

22 Q. It was false?

23 A. Yes.

24 Q. And when you submitted that financial statement to the
25 bank, did you know it was false at the time?

1 A. Yes.

2 Q. And is your reason for telling the bank that you owned a
3 hundred percent of Jaffa in '99 was to suggest to them that
4 your assets were larger than they were?

5 A. I don't recall the reason at that time.

6 Q. But you do recall submitting a financial statement to the
7 Marquette Bank in 1999 telling them that you were the hundred
8 percent owner of Jaffa, right?

9 A. Yes.

10 Q. And you recall saying it had a value of \$300,000?

11 A. That's about what it was.

12 Q. And at the time you submitted this false statement to the
13 bank, did you know it was a violation of law to submit false
14 information to a bank?

15 A. Yes.

16 Q. And knowing that, you still submitted it?

17 A. Yes.

18 Q. Did you ever tell the IRS, sir, in the 1990s that you were
19 the owner of this company?

20 A. No.

21 Q. Did you ever report any income in the 1990s from Jaffa on
22 any tax return?

23 A. I never received any income.

24 Q. Did you ever take any cash out of the business in the
25 '90s?

1 A. No.

2 Q. Now, at some point in time, the name of the company
3 changes to Jenin; is that right?

4 A. Yes.

5 Q. And when was the change made, do you know?

6 A. I believe in 2002.

7 Q. And I take it, Jenin was a corporation?

8 A. Yes.

9 Q. And when Jenin was incorporated, were you involved in the
10 company at that time?

11 A. Yes.

12 Q. And what was your involvement in Jenin?

13 A. I assisted my brother-in-law, who was having health
14 issues.

15 Q. All right.

16 And what was his name?

17 A. Hammoudah, H-a-m-m-o-u-d-a-h.

18 Q. All right.

19 Well, wasn't there a gentleman by the name of Ray
20 Muslah who was running the company in 2002?

21 A. I don't believe so.

22 Q. Okay.

23 Was he running it in 2001 or 2000?

24 A. Yes.

25 Q. All right.

1 Who was the -- on paper, who was the owner of Jenin?

2 A. My brother-in-law.

3 Q. Okay.

4 And were you an officer or director of the company?

5 A. I believe I was.

6 Q. Okay.

7 And what was your position?

8 A. President.

9 Q. All right.

10 And in the year 2001 and 2002, were you taking cash
11 out of Jenin?

12 A. No.

13 Q. And for what period of time did Mr. -- is it pronounced
14 Muslah?

15 A. Yes.

16 Q. What period of time did he run Jenin?

17 A. He did not run Jenin.

18 Q. All right.

19 Was the lease in his name?

20 A. Do not recall.

21 Q. All right.

22 And in 2002, sir, were your -- was your -- were you
23 on the bank account for Jenin?

24 A. In late 2002, yes.

25 Q. Okay.

1 So, you were writing the checks for Jenin, correct?

2 A. Yes.

3 Q. And in 2002, were you actually working in Jenin handling
4 the cash?

5 A. I handled some cash, yeah.

6 Q. All right.

7 And by handling the cash, I mean, you were in the
8 office when the drivers came in at the end of the day, and
9 they would have cash to give to you; is that right?

10 A. Yes.

11 Q. And you were making the cash deposits for the company;
12 were you not?

13 A. I made some cash deposits, yes, I did.

14 Q. After you left Nalco, how much time were you spending in
15 Jenin?

16 A. Maybe 10 -- 10 hours a week, 15 hours a week.

17 Q. And I think you testified earlier that when you were
18 interviewed by the government in December '05, you denied, did
19 you not, that you were a signator on the bank account?

20 A. Yes.

21 Q. And that wasn't true, was it?

22 A. Yes.

23 Q. Is it fair to say what you were doing is you were trying
24 to hide your involvement in this company; is that correct?

25 A. No, that's not true.

1 Q. You made a false statement to the government about your
2 involvement in Jenin, right?

3 A. As far as being a signer, yes.

4 Q. Okay.

5 Now, are you familiar with a company called Deeb,
6 D-e-e-b, Management?

7 A. Yes.

8 Q. And what is Deeb Management?

9 A. That's the company that ran the Jaffa Candy Company.

10 Q. And does that happen to be -- is Deeb your middle name?

11 A. That's my father's name.

12 Q. Your father's name.

13 Your middle initial is D; is that correct?

14 A. Uh-huh.

15 Q. Does it stand for -- do you have your father's name, Deeb?

16 A. Yes.

17 Q. Okay.

18 So, was Deeb Management your company?

19 A. No.

20 Q. Who owned Deeb Management?

21 A. My nephew.

22 Q. Which nephew?

23 A. Ray Muslah.

24 Q. Okay.

25 And he was the one running Jenin Distributors,

1 correct?

2 A. No, he was running Deeb Management.

3 Q. I see.

4 And was Deeb Management running the candy company?

5 A. Yes.

6 Q. All right.

7 And at some point in time, your nephew left the
8 company, correct?

9 A. Yes.

10 Q. And when he left, the lease for the facilities where the
11 company was located had to be transferred; did it not?

12 A. Yes.

13 Q. And you were involved in transferring that lease over,
14 correct?

15 A. Yes.

16 Q. Who did you transfer it to?

17 A. Probably my name.

18 Q. All right.

19 And you transferred the lease over to -- to Jenin;
20 did you not?

21 A. Do not recall who we transferred it to.

22 Q. All right.

23 And not only did you transfer it over, you also
24 personally guaranteed the lease; did you not?

25 A. Yes.

1 Q. And isn't it a fact that, sir, you are the actual owner of
2 this company; you just had the company in somebody else's
3 name?

4 A. That's not true.

5 Q. Well, if you look at Defendant's Exhibit Ata 20 in the
6 binder, sir.

7 And now -- and does that refresh your recollection,
8 sir, that in October of 1993, you had the lease changed from
9 Deeb Management over to Jenin Distributors?

10 A. Yes.

11 Q. And on paper, who was the owner of Jenin Distributors in
12 2003, Mr. Ata?

13 A. I believe it was my brother-in-law.

14 Q. All right.

15 But your brother-in-law, in 2003, was not operating
16 the company, was he?

17 A. That's true.

18 Q. You were operating the company, weren't you?

19 A. I was there for 10 to 15 hours a week, yes.

20 Q. And when the lease gets transferred over, you sign the
21 lease as the secretary of the Jenin company, correct?

22 A. Yes.

23 Q. The corporate secretary.

24 And, then, you also personally guaranteed the lease;
25 did you not?

1 A. Yes.

2 Q. And by personally guaranteeing the lease, you were at
3 financial risk for the lease of this business, correct?

4 A. Yes.

5 Q. And would I be correct in saying that the largest expense
6 the company had was probably the lease, the rent?

7 A. I'm not sure if it was.

8 Q. All right.

9 And how long -- starting in 2003, how long did you
10 continue, sir, to be the guarantor of the lease for the Jenin
11 distribution company?

12 A. I do not recall how long I stayed on.

13 Q. As you sit here today, does Jenin still operate?

14 A. I believe they are.

15 Q. Are you still involved in the company?

16 A. No.

17 Q. Are you still listed as the guarantor on the lease?

18 A. I'm not sure if I am.

19 Q. Now, you told the jury that in 2003 and 2004, you took
20 cash out of Jenin; is that right?

21 A. Yes.

22 Q. Are those the -- is that -- are those the only two years
23 you took cash out?

24 A. I believe that's the only two years I took cash out.

25 Q. In other words, is it your testimony that the only time in

1 all these years that you took cash out of Jenin is when you
2 gave cash to Mr. Rezko?

3 A. Yes.

4 Q. No other occasion?

5 A. No.

6 Q. And you would agree with me, sir, that Jenin was a
7 business that was barely breaking even; is that a fair
8 statement?

9 A. Yes, it -- yes.

10 Q. All right.

11 It just turned out every year that the receipts just
12 barely equalled the expenses, right?

13 A. I don't know what you mean.

14 Q. Well, if you total up all the income from a company --

15 A. Uh-huh.

16 Q. -- all the receipts and you subtract all the expenses, you
17 end up with something called net income, right?

18 A. Yes.

19 Q. And at Jenin, Jenin's income every year almost equalled
20 its expenses; did it not?

21 A. I do not recall what it -- it showed some profit at some
22 years, but I don't recall what it was.

23 Q. And showed losses other years, right?

24 A. Yes.

25 Q. And as we talked about earlier, what Jenin reported for

1 receipts was only the money that went into the bank account,
2 correct?

3 A. I believe that's the case.

4 Q. Right.

5 So, if all this cash that comes in doesn't get put in
6 the bank account, it doesn't get -- it doesn't go to the
7 accountant and it doesn't get put on the tax return, right?

8 A. If it gets deposited, it shows up as sales.

9 Q. Yes, sir.

10 But if the cash is kept, say, by you and not
11 deposited in the bank, that cash doesn't make it to the tax
12 return, does it?

13 A. Not if the cash is a return of a loan.

14 Q. Well, put aside the loan for a moment. I'm just talking
15 about the accounting for tax purposes.

16 I think you agreed with me that the cash comes in and
17 the cash gets deposited in the bank, right?

18 A. Yes.

19 Q. The bank statements are taken and they're given to the
20 accountant, right?

21 A. Yes.

22 Q. The accountant totals up the deposits, and that's the
23 number that goes on the tax return for Jenin, correct?

24 A. I believe that's the way it's done.

25 Q. Okay.

1 So, if you take the cash out personally and that cash
2 doesn't go into the bank account, then it doesn't go to the
3 accountant and it doesn't go on the tax return, does it?

4 A. But, again, if it's in return of a loan, then it doesn't
5 matter.

6 Q. I'll get to the loan in a second.

7 But you would agree with me, then, sir, that if the
8 cash doesn't go in the bank account, it doesn't get to the tax
9 return, right?

10 A. Again, I answered, if it's a repayment of a loan, then it
11 doesn't matter.

12 Q. And was that your opinion, sir, or did somebody give you
13 that opinion?

14 A. It's what makes sense.

15 Q. All right.

16 Now, you testified on direct examination that there
17 were occasions you had to put money into the business; isn't
18 that right?

19 A. Yes.

20 Q. And the reason you had to put money into the business is
21 because the business didn't have money to pay its suppliers,
22 right?

23 A. Or it needed some cash infusion at times.

24 Q. Right.

25 And when you put that money in, what was it called?

1 A. I just put it in there as a loan.

2 Q. And were there any documents created that showed -- that
3 would evidence this loan between you and the company?

4 A. No.

5 Q. And there were occasions, sir, when you had to repay
6 yourself for the money that you put in; isn't that right?

7 A. Yes.

8 Q. And there were occasions, were there not, sir, that the
9 way you repaid yourself was not in cash, but by taking checks
10 that customers of Jenin had made payable to Jenin; isn't that
11 right?

12 A. That's true.

13 Q. So, not only are you taking cash, but you've got customers
14 who were paying their bills with checks payable to Jenin,
15 right?

16 A. Yes.

17 Q. And you would take those checks, payable to Jenin, not
18 deposit them in the Jenin account, but take them and put them
19 in your own personal account; isn't that right?

20 A. Yes.

21 Q. And the checks that are payable to Jenin, sir, that's
22 income of the Jenin corporation; is it not?

23 A. Again, sir, if it's a repayment of a loan, then it doesn't
24 matter.

25 Q. Well, sir, if you're taking checks that should go to Jenin

1 and they don't get put in the Jenin bank account, they don't
2 get put on the Jenin tax return; do they, sir?

3 A. Sir, my understanding is still the same. Whether it's
4 cash or a check, if it's a repayment of a loan, it's -- it's
5 not a taxable income.

6 Q. Well, sir, would you agree with me that a corporation is a
7 separate taxable entity from an individual?

8 A. Yes.

9 Q. And that there's different tax treatments with -- from
10 corporations than there is from individuals; isn't that right?

11 A. Yes.

12 Q. And that an item may be income to a company, and the
13 company has to reflect that income; isn't that right?

14 A. Yes.

15 Q. And then after it reflects its income, then maybe it has
16 to repay loans or debts; isn't that right?

17 A. Yes.

18 Q. But shouldn't the company recognize the income it receives
19 from the sale of its product?

20 A. Again, I viewed those as repayment of loans, sir. I don't
21 know how to answer your question any other way.

22 Q. Other than yourself, who authorized you to take checks
23 payable to Jenin and put them in your personal bank account?

24 A. Just myself.

25 Q. Did you ask the accountant --

1 MR. DUFFY: Withdraw that.

2 BY MR. DUFFY:

3 Q. Did you tell the accountant, Mr. Moussa, that you were
4 taking the checks of the company and putting them in your
5 personal bank account?

6 A. No.

7 Q. You didn't want to tell him; did you, sir?

8 A. It wasn't an issue. As I stated to you, I was taking that
9 back as a repayment of my loan.

10 Q. Now --

11 MR. DUFFY: May I have just a moment?

12 (Brief pause.)

13 BY MR. DUFFY:

14 Q. Mr. Ata, I will show you -- ask you to look at --

15 MR. DUFFY: I'll withdraw, your Honor. One second.

16 (Brief pause.)

17 BY MR. DUFFY:

18 Q. Do you recall, sir, in June of '04, taking a check that
19 was payable to Jenin from a Jenin customer in the amount of
20 \$125,000?

21 A. Yes, I do.

22 Q. And the customer was Nader Wholesale Grocers, right?

23 A. Yes.

24 Q. And you took that \$125,000 check and did not put it in the
25 company account, but you put it in your personal account;

1 isn't that right?

2 A. Yes.

3 Q. And on the back of the check, you wrote Jenin Distributors
4 for the endorsement, right?

5 A. Yes.

6 Q. Mr. Ata, I'll show you what's been marked as Government
7 Exhibit Ata 21. Would you look at that, please.

8 I'm sorry. I apologize. It's Defense Exhibit Ata
9 21, not Government Exhibit.

10 But you have the check there, the tab, sir?

11 A. I have it.

12 MR. DUFFY: All right. Your Honor, we have a
13 certificate from this -- a 902(11) certificate from Nader
14 Wholesalers.

15 THE COURT: Is there any objection?

16 MS. HAMILTON: No, your Honor.

17 THE COURT: It is admitted.

18 (Defense Exhibit No. 21 received in evidence.)

19 THE COURT: You may publish it if you would like.

20 MR. DUFFY: Thank you, your Honor.

21 THE COURT: Are you admitting this as Government
22 Exhibit Ata 21?

23 MR. DUFFY: I am not. I apologize, Judge.

24 THE COURT: Okay.

25 MR. DUFFY: It is not Government Exhibit 21.

1 THE COURT: Okay.

2 MR. DUFFY: It is Defense Exhibit Ata 21.

3 THE COURT: Thank you.

4 BY MR. DUFFY:

5 Q. Mr. Ata, do you have the check in front of you?

6 A. I do.

7 Q. Now, in 2004, sir, you were familiar with the company --
8 is it pronounced Nader or Nader?

9 A. Nader.

10 Q. Okay.

11 You were familiar with a company called Nader
12 Wholesalers, right?

13 A. Yes.

14 Q. And, then, you knew the owner of the company; did you not?

15 A. Yes.

16 Q. Mr. Mohamed Ali, correct, Mike Ali?

17 A. Yes.

18 Q. And Nader Wholesaler was a customer of Jenin, correct?

19 A. Yes.

20 Q. They bought candy from Jenin; and in '04, they bought
21 cigarettes from Jenin, right?

22 A. Yes.

23 Q. And when Jenin would sell products to them, Jenin would
24 send them an invoice, correct?

25 A. Yes.

1 Q. And in June of '04, this check, although it's hard to see
2 the numbers there, but, Mr. Ata, can you see from the check
3 that you have in front of you, it was for \$125,000?

4 A. Yes.

5 Q. And what's the complete amount? Do you have the complete
6 amount?

7 Is it \$125,057?

8 A. Yes.

9 Q. And, then, if we look at the back of this check, which I
10 have right here, somebody has written Jenin Distribution.

11 Do you see that as an endorsement on the back of the
12 check?

13 A. Yes.

14 Q. Is that your writing, Mr. Ata?

15 A. I believe it is, yes.

16 Q. All right.

17 And this was one of these occasions where you took
18 money out of Jenin Distribution for your own personal use; is
19 that right?

20 A. Repayment of my loans.

21 Q. And where is the evidence of the loan, sir?

22 A. Checks that I've provided.

23 Q. And you have provided checks totalling 125,000 to Jenin?

24 A. No, I provided checks totalling a lot more than that.

25 Q. I see.

1 But this check was never deposited into the books and
2 records of Jenin, was it?

3 A. No, it was not.

4 Q. And in the year 2004, the year that you took this 125,000
5 and put it in your personal account, you did not report any
6 income on your personal tax return from Jenin, did you?

7 A. It was not income.

8 Q. Now, Jenin Distributors, in 2003 to 2004, was using the
9 Fifth Third Bank as their bank account; is that correct?

10 A. Yes.

11 Q. And what was the location, the address, of the Jenin
12 Distributors' office in 2003 and '04?

13 A. I believe in Bedford Park.

14 Q. And what was the street address, do you recall?

15 A. No. On 65th Street.

16 Q. And it was 5235 West 65th Street; was it not, sir?

17 A. Yes.

18 Q. And the first -- Fifth Third Bank had a branch about two
19 blocks away, correct?

20 A. Yes.

21 Q. And you would, on a regular basis, take the cash that you
22 were depositing to the Fifth Third Bank; were you not?

23 A. I've made some deposits for the company, yes.

24 Q. Okay.

25 When you say some, what do you mean by some?

1 A. There were other people that made deposits, but I --

2 Q. Well, other than yourself, sir, who had access to the
3 safe?

4 A. There's another gentleman there, by the name of Noubani,
5 who had access to the safe.

6 Q. Anyone else?

7 A. I believe that's all we had.

8 Q. And when you made these cash deposits, sir, you made them
9 on a regular basis; did you not?

10 A. Yes.

11 Q. And some of these cash deposits were below 10,000; is that
12 right?

13 A. Yes.

14 Q. Some were above 10,000?

15 A. Yes.

16 Q. Did you make any effort to try to make sure that the
17 deposits were below 10,000?

18 A. Absolutely not.

19 Q. Because you knew that if the deposit was for 10,000 or
20 more, then a form would be filled out, sent to the government;
21 is that right?

22 A. I did not -- I didn't know there was a form to be filled
23 out, but that was not an issue.

24 Q. Okay.

25 In 2003 and 2000- -- at any time, sir, did you want

1 the IRS to know of your involvement in the Jenin company?

2 A. It was not an issue.

3 Q. Now, in 2002 -- excuse me, 2003, did you have an ownership
4 interest in Jenin Distributors?

5 A. The business was in my brother's -- brother-in-law's name.
6 It was always looked at as his name -- as his business.

7 Q. All right.

8 And I understand -- and, sir, you would agree with me
9 that through the course of your cross-examination, we have
10 discussed several entities that you own, although you put them
11 in somebody else's name; isn't that right?

12 A. Yes.

13 Q. So, my question is: Although your brother-in-law may be
14 listed as the owner of Jenin in 2003, were you actually the
15 owner in 2003?

16 A. No. I've always looked at it as his business.

17 Q. All right.

18 And when -- when did he buy the business, sir?

19 A. In 2002.

20 Q. And who did he buy it from?

21 A. He took over the Jaffa operation.

22 Q. Well, did he actually pay anybody money for the business?

23 A. No. The business owed a lot of money. He just assumed --
24 we -- we assumed the -- the loans in place.

25 Q. And in 2003 and 2004, did you ever tell anyone that you

1 were the owner of Jenin?

2 A. I don't recall.

3 Q. Did you ever tell employees that you were the owner of the
4 company?

5 A. Do not recall telling anybody specifically that I was the
6 owner.

7 Q. All right.

8 Did you ever have discussions with anybody in 2003
9 and 2004 about selling Jenin?

10 A. Yes.

11 Q. And did you have discussions with somebody about selling
12 the business on more than one occasion?

13 A. Probably, yes.

14 Q. And the people that were interested in buying the company
15 were having the discussions with you; were they not?

16 A. Yes, because my brother-in-law was not available. He was
17 sick.

18 Q. And in these discussions when you were talking about
19 selling the business, did you represent to the prospective
20 buyer that it was your business?

21 A. I probably did, on behalf of my brother-in-law.

22 Q. Well, when you told them it was your business -- when you
23 told the prospective buyer in 2003 or 2004 that it was your
24 business, were you being truthful with that prospective buyer?

25 A. I believe at that time I had the -- I had the authority to

1 negotiate a sale of that business.

2 Q. All right.

3 But I'm -- I'm putting aside your brother-in-law for
4 the purposes now.

5 A. Yes.

6 Q. I'm not suggesting that you're saying that your
7 brother-in-law owns it. I'm asking you, did you represent to
8 people that you, Mr. Ata, was the owner of the company in 2003
9 and 2000- --

10 A. I don't recall what I represented to them, sir.

11 Q. All right.

12 Going back to the Nader distributors.

13 A. Yes.

14 Q. Do you recall having conversations with Mike Ali, the
15 owner of Nader distributors about Nader buying the company,
16 sir?

17 A. Yes, I do.

18 Q. And do you recall having meetings with Mr. Ali and when
19 the two of you negotiated a sales price for the business?

20 A. I remember a meeting where we talked about a sale price,
21 yes.

22 Q. And do you recall the price that you quoted him for the
23 sale of the business?

24 A. I do not.

25 Q. Does the amount \$270,000 sound right?

1 A. Sounds right.

2 Q. Okay.

3 And do you recall in that meeting that you told
4 Mr. Nader that it was your company, you owned it, and you were
5 willing to sell it for \$270,000?

6 A. I do not recall telling him exactly that.

7 Q. Okay.

8 When you say exactly that, you do agree having a
9 conversation with Mr. Nader negotiating the sale of the
10 business, correct?

11 A. I do.

12 Q. All right.

13 And you acknowledge that you may have told Mr. Nader
14 that you owned the business, correct?

15 A. No, I do not recall what I told him as far as the
16 ownership is concerned.

17 Q. Did you ever tell the Internal Revenue Service, sir, that
18 you owned the business?

19 A. Do not recall telling the IRS.

20 Q. All right.

21 Did you ever put any income on your tax return for
22 the IRS from Jenin Distribution?

23 A. No.

24 Q. Now, at Jenin Distribution, you would pay employees; would
25 you not?

1 A. Jenin did pay employees, yes.

2 Q. Yeah, but you specifically, sir, would pay employees on
3 occasion; would you not?

4 A. On occasions, yes, I would.

5 Q. Right.

6 The drivers that Jenin employed had to be paid; did
7 they not?

8 A. Yes.

9 Q. And there were occasions when you were the one who
10 actually gave the money to the drivers; isn't that right?

11 A. I might have had --

12 Q. Pardon me?

13 A. I do not recall specifically paying them.

14 Q. Well, you recall, do you not, that the drivers received
15 some of their pay in cash and some of their pay by check?

16 A. Yes.

17 Q. And the part that they were paid in check ended up on a
18 payroll tax return reported to the IRS, correct?

19 A. I believe that was the case, yes.

20 Q. Right.

21 And the amount that the employees were paid in cash
22 never got put on a payroll tax return and never got reported
23 to the IRS, did it?

24 A. I do not know how it was treated.

25 Q. All right.

1 Well, you do know, sir, that when you pay someone by
2 a check, a check is created; is that correct?

3 A. Yes.

4 Q. And, then, you had a payroll account for Jenin; did you
5 not?

6 A. Yes.

7 Q. Okay.

8 You were signing checks, weren't you?

9 A. Yes.

10 Q. All right.

11 And the checks from the payroll were given to the
12 accountant so he could prepare the payroll tax return, right?

13 A. I believe so, yes.

14 Q. All right.

15 And you would agree with me that if you're paying
16 half the salary in cash, the cash is not -- is not ending up
17 on the payroll tax return; is it, sir?

18 A. I believe that's the case.

19 Q. All right.

20 And the reason that you would play -- pay employees
21 in cash was so the employees wouldn't have to report the cash
22 as income on their personal tax returns; isn't that right?

23 A. Yes.

24 Q. So, by paying these employees in cash, you knew, sir, did
25 you not, that the payroll tax returns being filed on behalf of

1 Jenin were false?

2 A. I do not recall specifically how much was paid in cash and
3 how much was paid in checks.

4 Q. And as far as you recall, each of the drivers were paid
5 some cash and some check; isn't that right?

6 A. Yes.

7 Q. And, then, the drivers who were paid in cash, did you
8 think those drivers were going to take that cash and report it
9 on their individual tax returns?

10 A. That's what I thought.

11 Q. You thought that?

12 A. Yes.

13 Q. All right.

14 Did you issue what's called a 1099 to the drivers?

15 A. I do not recall.

16 Q. And I am correct, Mr. Ata, am I not, that your plea
17 agreement does not contain any charges against you for
18 anything in connection with the Jenin company, does it?

19 A. That's true.

20 Q. And you have no obligation, sir, in your plea agreement to
21 sit down with the IRS and pay any money to the IRS in
22 connection with the Jenin company, do you?

23 A. No.

24 Q. Now, sir, I'm changing the topics here for a moment. You
25 told the jury when you met Mr. Rezko, and I just have a couple

1 of questions here.

2 Is it fair to say, Mr. Ata, that your relationship
3 with Mr. Rezko was a business relationship?

4 A. Yes.

5 Q. Your families did not socialize, did they?

6 A. We did.

7 Q. Has Mrs. Rezko ever been to your home, sir?

8 A. I do not remember.

9 Q. And the only time you were at Mr. Rezko's home was for,
10 like, a political function; isn't that correct?

11 A. Or a social function.

12 Q. And a function of which there was a large gathering of
13 people; isn't that right?

14 A. Yes.

15 Q. You were never invited to Mr. Rezko's home, say, for a
16 family birthday or wedding or something of that nature; were
17 you, sir?

18 A. I was.

19 Q. And what event was that, sir?

20 A. I think it was a birthday party.

21 Q. And what year was that?

22 A. Either '03 or '04.

23 Q. All right.

24 Have you ever been out to dinner with Mr. Rezko?

25 A. Yes.

1 Q. And have you been out to lunch with Mr. Rezko?

2 A. Yes.

3 Q. Tell me where you've been to dinner with him, sir.

4 A. On several occasions. I was with him at dinner at a
5 restaurant at Rosewood -- in Rosewood -- Rosewood restaurant.
6 I was with him at dinner -- at lunch several times around his
7 office and several occasions where we had lunch with --

8 Q. And I'm talking, sir, just a dinner where it was either
9 you and Mr. Rezko at a dinner, not some big political function
10 where you both were at, just a dinner with the two of you.

11 A. Yes. When we worked out the Kimball/Addison deal, we were
12 together at dinner by ourselves.

13 Q. All right.

14 And, sir, where would I find a record of that?

15 A. Why do you need to find a record of that? I'm telling
16 you. You asked me a question. I answered you.

17 Q. I understand.

18 And my question, sir, is: Would you have any record
19 of that dinner?

20 A. I just told you that when we did the deal for Kimball and
21 Addison, it was at Rosewood at dinner.

22 Q. Now, sir, you told the jury that in connection with the
23 \$200,000 and the 59th Street lease, that that was an amount of
24 money that you were giving to Mr. Rezko; is that right?

25 A. I said that was his share of that lease.

1 Q. Right.

2 And you actually never gave him \$200,000 in --

3 A. No.

4 Q. 200 --

5 But you said that he owed you -- he and/or his
6 businesses owed you money, did they not, in 2003?

7 A. Yes.

8 Q. And you said to him, according to your testimony, that he
9 could take the 200,000 and reduce the amount that he owed you;
10 is that right?

11 A. Plus the cash that I gave him.

12 Q. Right.

13 An, then, as far as the cash, you testified that
14 Mr. Rezko and/or his businesses owed you money; and that at
15 some point in time, the two of you would settle up and you'd
16 settle up the cash then, right?

17 A. Yes.

18 Q. Now, in 2007, Mr. Ata, you, in fact, reached a settlement
19 with Mr. Rezko; did you not?

20 A. Yes, I did.

21 Q. And, in fact, this settlement was reached in November
22 2007, correct?

23 A. Yes.

24 Q. And starting sometime in the summer of 2007, you and your
25 lawyer sat down with lawyers on behalf of Mr. Rezko to figure

1 out all the monies that were owed between each other; isn't
2 that correct?

3 A. No.

4 Q. All right.

5 You were represented by a lawyer by the name of
6 Mr. Marty Schwartz; is that right?

7 A. Yes.

8 Q. And do you recall that you and Mr. Schwartz had a meeting
9 at the firm of Freeborn & Peters, the law firm of Freeborn &
10 Peters?

11 A. Yes.

12 Q. And do you recall, sir, that you met with a lawyer by the
13 name of Mr. Smith, Brian Smith?

14 A. Yes.

15 Q. And the purpose of that meeting was to start the process
16 of reaching a settlement between you and Mr. Rezko for all the
17 amounts that were owed; isn't that right?

18 A. No.

19 Q. Okay.

20 A. It was not to start. It was to finish.

21 Q. Okay. Excuse me.

22 But there was a process that took several months
23 before settlement agreements were reached; is that correct?

24 A. No, no.

25 Q. Did there come a point in time, sir, when you actually

1 executed a settlement agreement?

2 A. Yes.

3 Q. And when you executed that settlement agreement, you also,
4 as part of that settlement agreement, gave Mr. Rezko and his
5 companies what's called a release; did you not?

6 A. I believe that was in the agreement, yes.

7 Q. All right.

8 If you want, Mr. Ata, you can look at the -- in the
9 binder, Defense Exhibit Ata 34.

10 A. Yes.

11 Q. And do you recognize the -- well, it's a cover letter; and
12 then the cover letter includes a bunch of documents. But I
13 would ask you to look at the front page, which is a letter to
14 your lawyer. And, then, look at the documents behind there
15 and see if you recognize them as the -- as the documents
16 relating to the settlement agreement that you reached with
17 Mr. Rezko in November of '07.

18 A. I do.

19 MR. DUFFY: Your Honor, I'm going to offer Defense
20 Exhibit Ata 34.

21 THE COURT: Is there any objection?

22 MS. HAMILTON: Judge, I would object on relevance,
23 first of all.

24 THE COURT: Mr. Duffy?

25 MS. HAMILTON: And it's hearsay.

1 MR. DUFFY: All right. I'll -- I'll ask a few more
2 questions, Judge.

3 THE COURT: Okay.

4 BY MR. DUFFY:

5 Q. Mr. Ata, if you would turn to -- if we start with the
6 cover letter and just turn back, sir, about eight pages till
7 you find a letter that's addressed to you.

8 And I think it's actually 12 pages, sir.

9 A. Yes, I see it.

10 Q. Okay.

11 Do you see a letter that's addressed to you?

12 A. Yes.

13 Q. And if you look on the last page of that letter, see if
14 you see your signature.

15 A. I do.

16 Q. All right.

17 Now, as you sit here now, do you recall in November
18 of '07 signing a settlement agreement with Mr. Rezko?

19 A. Yes.

20 Q. And this settlement was negotiated -- you had a lawyer
21 representing you; did you not?

22 A. I had a lawyer with me.

23 Q. Okay.

24 And did the lawyer -- did the lawyer represent you in
25 connection with the settlement process?

1 A. There was no process, Mr. --

2 Q. All right.

3 And in these settlement discussions, you did not
4 speak with Mr. Rezko, did you?

5 A. No, I did not.

6 Q. There was a lawyer representing him, correct?

7 A. Yes.

8 Q. All right.

9 And were you the only one from your side who had
10 conversations with the lawyer or did your lawyer also have
11 conversations with Mr. Smith, Mr. Rezko's lawyer?

12 A. There was no conversation. Mr. Smith said here it is,
13 take it or leave it. We're not here to negotiate. We're not
14 here to make any representation. You've got few days. Take
15 it or leave it. Good-bye.

16 Q. All right.

17 A. That was the whole process.

18 Q. Okay.

19 And you -- and you took it; is that correct? You
20 accepted it?

21 A. I had no choice.

22 Q. I understand.

23 But in the process -- and we'll get there in a
24 moment, sir. In the process of trying to find out what each
25 side -- what was owed, what Mr. Rezko owed you --

1 A. Yes.

2 Q. -- there was -- you and your lawyer provided information
3 to Mr. Rezko's lawyer; did you not?

4 A. I believe we did, yes.

5 Q. Okay.

6 I mean, there had to be a dollar amount that was
7 arrived at at what you claimed you were owed by Mr. Rezko.

8 Do you recall that?

9 A. Yes.

10 Q. And the dollar -- and the way you arrived at it is you
11 calculated all the loans that you had made either to Mr. Rezko
12 or his companies; isn't that right?

13 A. Yes.

14 Q. And, then, somebody did an interest calculation as the
15 amount of interest on the loan that had not yet been paid;
16 isn't that correct?

17 A. Yes.

18 Q. And, then, there were subtractions taken off of that for
19 the interest that you had been paid over the course of the
20 years, correct?

21 A. Yes.

22 Q. And without getting into all the adjustments, there were
23 other adjustments; and you finally arrived at a dollar amount
24 that you claim Mr. Rezko owed you; isn't that right?

25 A. Yes.

1 Q. All right.

2 And pursuant -- and, then, Mr. Rezko's lawyer
3 reviewed the documents that your lawyers sent to him, didn't
4 he?

5 A. I believe he did. I wasn't there, but I believe --

6 Q. And at the end of the day, there was a dollar amount that
7 they arrived at where they agreed Mr. Rezko owed you certain
8 amounts of money, correct?

9 A. Yes.

10 Q. And, then, when the parties reached to a dollar amount,
11 there was a settlement agreement that was reached, correct?

12 A. Yes.

13 Q. All right.

14 And the settlement agreement basically said that the
15 both -- both sides agreed that any and all obligations between
16 each other had been satisfied by the settlement agreement,
17 correct?

18 A. Yes.

19 Q. All right.

20 Now, in this process, Mr. Ata, did you present,
21 through your lawyer to Mr. Rezko's lawyer, this claim that you
22 gave him 125,000 in cash?

23 A. No, I did not.

24 Q. In this settlement process, sir, did you take a
25 subtraction from what Mr. Rezko owed you for the \$200,000 that

1 you claim he received as far as the 59th Street lease?

2 A. I did not.

3 Q. And, Mr. Ata, if I may show you, sir -- go two more pages
4 and I'll ask you if you see the settlement agreement.

5 Do you see the document titled Settlement Agreement
6 and Assignment of Class B Units?

7 Do you see that, sir?

8 A. I see it.

9 Q. And do you see it's a two- -- three-page document, and do
10 you recognize your signature on the back page?

11 A. Yes, I do.

12 Q. All right.

13 And did you, in fact, sir, sign that settlement
14 agreement on or about November 30th, 2007?

15 A. Yes, I did.

16 Q. And that settlement agreement that you signed with
17 Mr. Rezko was the settlement agreement that I have just been
18 discussing with you; is that right?

19 A. Yes.

20 MR. DUFFY: Your Honor, I will offer just the
21 settlement agreement.

22 THE COURT: Any objection?

23 MS. HAMILTON: Judge, it's still hearsay.

24 THE COURT: What about the hearsay argument?

25 MR. DUFFY: Well, your Honor, I will --

1 THE COURT: Do you have a certificate?

2 MR. DUFFY: I don't have a certificate for this. I
3 have a document signed by the def- -- by the witness. I'll
4 ask him a few more questions about it.

5 THE COURT: Okay.

6 MR. DUFFY: All right.

7 BY MR. DUFFY:

8 Q. Mr. Ata, you were involved in a number of business
9 transactions with Mr. Rezko and Mr. Rezko's companies; is that
10 correct?

11 A. Yes.

12 Q. And you're a businessman; are you not?

13 A. Yes.

14 Q. And as part of your dealings as a businessman, in
15 connection with Mr. Rezko, the purpose of the settlement
16 agreement was to try to resolve certain business disputes;
17 isn't that true?

18 A. Yes.

19 Q. Okay.

20 And as part of the resolution of the business
21 dispute, you entered into a settlement agreement; isn't that
22 correct?

23 A. Yes.

24 Q. And at the time you entered into a settlement agreement,
25 you reviewed the settlement agreement document; did you not?

1 A. I'm sure I read it, yes.

2 Q. Okay.

3 You read it and you signed it; did you not?

4 A. Mr. Duffy, I had no choice. I -- I signed -- we weren't
5 given an option. We were saying this is it, take it or leave
6 it. It's not like I had any say about what went in this
7 document.

8 Q. My question, sir, is, did you sign the document?

9 A. I did.

10 Q. Okay.

11 And at the time that you signed it, sir, you signed
12 it on or about November 30th, 2007; did you not?

13 A. Yes. Because we were told to sign it that afternoon.
14 Come Monday, we -- there will be no more units left. Sign it
15 or you'll have nothing.

16 Q. But my question, sir, is that -- you -- it bears the date
17 of November 30th, 2007. I'm asking you, did you sign it on or
18 about that day?

19 A. Yes, I did.

20 Q. Okay.

21 And as a businessman, Mr. Ata, I take it that, sir,
22 you keep records, do you not, in the course of your business?

23 A. I try to, yes.

24 Q. You keep and maintain certain business records, right?

25 A. Yes.

1 Q. And you have kept and maintained a copy of this settlement
2 agreement; have you not?

3 A. Yes, I believe I did.

4 Q. Okay.

5 And you've kept it because it was a resolution of
6 certain business disputes; was it not?

7 A. Yes.

8 MR. DUFFY: Your Honor, I'm going to reoffer the
9 exhibit.

10 THE COURT: Ms. Hamilton?

11 MS. HAMILTON: That's fine. I mean, it's not a copy
12 of Mr. Ata's exhibit, but -- his business record, but --

13 MR. DUFFY: I apologize.

14 THE COURT: No objection?

15 MS. HAMILTON: No.

16 THE COURT: Okay.

17 I will admit Defense Exhibit Ata 34.

18 (Defense Exhibit No. 34 received in evidence.)

19 MR. DUFFY: And, your Honor, I will -- there's only
20 three -- Ata 34 has several documents in it. The only
21 documents that I'm going to offer is titled Settlement
22 Agreement and Assignment of Class B Units, and it's a
23 three-page document.

24 THE COURT: Okay. Do you want to call it 34-A or --

25 MR. DUFFY: 34-A would be fine, Judge.

1 THE COURT: It is admitted.

2 MR. DUFFY: And may I publish?

3 THE COURT: Yes, you may.

4 BY MR. DUFFY:

5 Q. Mr. Ata, you have a copy of the settlement agreement in
6 front of you and now I'm going to put it on the screen for the
7 jury.

8 (Said exhibit published to the jury.)

9 BY MR. DUFFY:

10 Q. This says Settlement Agreement and Assignment of Class B
11 Units.

12 Do you see that, sir?

13 A. I do.

14 Q. Okay.

15 And this assignment is made as of 30th of November
16 2007 by and between you and Mr. Rezko; is that correct?

17 A. Yes.

18 Q. And it says, the next paragraph, Whereas, the --

19 MR. DUFFY: Mariah, could we zoom in on the whereas
20 paragraph.

21 (Brief pause.)

22 BY MR. DUFFY:

23 Q. It says, Whereas, the assignee and Rezko and any other
24 affiliates of Rezko, including but not limited to Daniel
25 Mahru.

1 Mr. Mahru was Mr. Rezko's former partner in Rezmar?

2 A. Yeah. And that was added last minute, by the way.

3 Q. All right.

4 Roosevelt/Clark Development, L.L.C., that was one of
5 the developments, correct?

6 A. Yes.

7 Q. Irving Park Development, that's a separate development
8 that you had an investment in, correct?

9 A. Yes.

10 Q. All right.

11 Rezko, together with Mahru and all other affiliates
12 of Rezko, are referred here collectively as the Rezko parties,
13 have heretofore entered into various business arrangements.
14 All such business arrangements are collectively hereafter
15 referred to as the business transactions.

16 Do you see that, sir?

17 A. Yes.

18 Q. And under the next line, it says, Whereas, certain
19 disputes have heretofore arisen between the Rezko parties and
20 the assignee in respect to business transactions.

21 Do you see that?

22 A. Yes.

23 Q. And, then, it says, Whereas, the parties desire to settle
24 any and all claims of the assignee -- which is you -- against
25 Rezko and the Rezko parties.

1 Do you see that, sir?

2 A. Yes.

3 Q. All right.

4 And, then, if I -- and what you did by this agreement
5 was settle any and all claims; is that correct?

6 A. That was my understanding.

7 Q. All right.

8 And if we go down to the fourth --

9 MR. DUFFY: No. 4 item, Mariah, where it says
10 release.

11 BY MR. DUFFY:

12 Q. And, by the way, by this agreement, Mr. Rezko did not give
13 you money, did he?

14 A. No. I wish he did.

15 Q. All right.

16 He transferred to you, did he not, ownership interest
17 and -- and units in an entity that owned an interest in what's
18 known as the 62 acres; is that correct?

19 A. Yeah, that I have no idea what value it is.

20 Q. I understand.

21 And it says release. Do you see that?

22 And under there, you say, For itself, himself,
23 herself as applicable and any other persons claiming by or
24 through under assignee hereby release, discharge, settle any
25 and all --

1 MR. DUFFY: It goes over to the next page, Mariah. I
2 can't --

3 BY MR. DUFFY:

4 Q. Claims, demands, judgments of any nature whatsoever, both
5 known and unknown, both absolute, contingent that the assignee
6 has ever had or may presently have or hereafter acquire
7 against the Rezko parties and/or any of their affiliates
8 arising from the beginning of time up to and including the
9 date of this assignment, including, without limitation, all
10 matters in any way related to the business transactions and
11 their claims.

12 Do you see that, sir?

13 A. I do.

14 Q. I read that correctly, didn't I?

15 A. Yes, you did.

16 Q. All right.

17 And if we go to the last page for the signature --

18 THE COURT: Mr. Duffy, if you are going to read
19 again, could you slow down a little bit.

20 MR. DUFFY: I -- I -- I'm sorry. I apologize, sir.

21 BY MR. DUFFY:

22 Q. And the third page of the document contains both your
23 signature, right, Mr. Ata?

24 A. Yes, it does.

25 Q. And Mr. Rezko's signature; is that correct?

1 A. Yes.

2 Q. And in this settlement process, you did not -- you did not
3 present for claim the \$125,000 you claim you gave to
4 Mr. Rezko; did you, sir?

5 A. No, I did not.

6 Q. All right.

7 Am I correct, Mr. Ata, that we have no records to
8 corroborate the cash that you say you took out of Jenin; is
9 that correct?

10 A. That is correct.

11 Q. We have no records to corroborate the cash you say you
12 gave to Mr. Rezko; is that correct?

13 A. That's correct.

14 Q. We have no records to corroborate the so-called interests
15 in the lease you gave to Mr. Rezko; is that correct?

16 A. That's true.

17 Q. We have no records to corroborate these meetings that you
18 said you had with Mr. Rezko weekly or biweekly in '04, do we,
19 sir, from you?

20 A. Not from me.

21 Q. And these are all the things that you told the government
22 in April of 2008 when you were negotiating your deal; is that
23 right?

24 A. I told them about these meetings before.

25 Q. And I am correct, sir, that what -- in terms of all these

1 things for which we have no records, what we have is your
2 word; is that right?

3 A. I'm sure there are other evidence, but --

4 Q. All right.

5 But we have -- we have your word; is that right, sir?

6 A. Well, I'm -- my deal is to tell the truth and -- and --

7 Q. My question, sir, is: In terms of these things you're
8 telling us --

9 A. Yes.

10 Q. -- where there's no corroboration, what we have is your
11 word; isn't that right?

12 A. As far as I know.

13 Q. Right.

14 A. I don't know what else you have. I don't know what else
15 the government has.

16 Q. Sir, you are a convicted liar; are you not?

17 A. Yes.

18 Q. Thank you.

19 MR. DUFFY: Nothing further.

20 THE COURT: Redirect.

21 MS. HAMILTON: Your Honor, I need just one moment.

22 THE COURT: Sure.

23 MS. HAMILTON: Thank you.

24 (Brief pause.)

25 REDIRECT EXAMINATION

1 BY MS. HAMILTON:

2 Q. Sir, you were just asked questions about the fact that
3 there are no records of certain transactions with Mr. Rezko,
4 right?

5 A. Yes.

6 Q. Is it fair to say that there are no records of the cash
7 you gave Mr. Rezko so that there would not be any trace?

8 A. Absolutely.

9 Q. And, likewise, with respect to the lease deal with
10 Mr. Rezko, do you consider that an above-board arrangement
11 that you had in getting the lease reinstated?

12 A. No.

13 Q. Is that part of the reason that there are no records
14 showing that Mr. Rezko was involved?

15 A. Absolutely. As you will dig into it, you'll find some
16 records.

17 Q. And I want to show you what I've marked as Ata Group 1.

18 MS. HAMILTON: Your Honor, may I approach?

19 THE COURT: Yes, you may.

20 BY MS. HAMILTON:

21 Q. Sir, I'm going to show you Government Exhibit Ata Group 1.

22 (Document tendered.)

23 BY THE WITNESS:

24 A. Yes.

25 BY MS. HAMILTON:

1 Q. Do you recognize those documents?

2 A. I do.

3 Q. And are those checks that you wrote to Jenin over the
4 years?

5 A. Yes.

6 Q. And are those checks that you produced to both the
7 government and the defense before your testimony?

8 A. Yes, I did.

9 Q. And I'm going to show you Government Exhibit Ata Group 3.

10 (Counsel confer off the record.)

11 (Document tendered.)

12 BY MS. HAMILTON:

13 Q. Sir, do you recognize those documents?

14 A. Yes, I do.

15 Q. And are those additional checks -- copies of checks --
16 that you provided to the defense and to the government before
17 your testimony?

18 A. Yes.

19 Q. And what are those checks for?

20 A. Those are checks that I wrote for Jenin to wholesalers.

21 Q. And, sir, are there additional checks that you wrote to
22 Jenin through the years that you were not able to locate?

23 A. Yes.

24 Q. I'm going to show you Government Exhibit Ata Group 2.

25 (Document tendered.)

1 BY MS. HAMILTON:

2 Q. Could you take a look at those four checks, please.

3 A. Yes.

4 Q. Sir, are those additional checks that you wrote to Jenin
5 over the years?

6 A. Yes.

7 Q. And those checks that I've just shown you, do those
8 comprise part of the money that you have infused to or loaned
9 to Jenin over the years?

10 A. Yes.

11 Q. Now, Mr. Duffy asked you a number of questions about the
12 fact that you came in to cooperate with the government
13 recently; is that right?

14 A. Yes.

15 Q. And he said -- he asked you questions about the fact that
16 you did that was to make sure that you could testify in this
17 trial; is that right?

18 A. That's what he stated.

19 Q. Sir, isn't it a fact that you are going to provide
20 testimony at an additional trial for the government --

21 A. Yes.

22 Q. -- if you're called?

23 A. Yes.

24 Q. And isn't it true that you actually wore a recording
25 device and made recordings when the government asked you to as

1 part of your cooperation?

2 A. For one person who delivered a threat to me.

3 Q. And that is not --

4 MR. DUFFY: Your Honor, I object to that. I ask that
5 be stricken.

6 MS. HAMILTON: Judge --

7 MR. DUFFY: That has nothing to do with the
8 defendant, your Honor.

9 MS. HAMILTON: Can I be heard at sidebar?

10 THE COURT: Yes, you can.

11 (Proceedings had at sidebar:)

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1 (Proceedings had at sidebar:)

2 MS. HAMILTON: Judge, this witness received a message
3 from another individual, not from the defendant.

4 THE COURT: Right. I think that's Mr. -- Mr. Duffy's
5 concern is it sounds like the threat was linked to Mr. Rezko.

6 MS. HAMILTON: Well, in his mind, it was linked to
7 Mr. Rezko. And Mr. Duffy asked questions about the timing of
8 his cooperation and why he came in when he did.

9 THE COURT: Right.

10 MS. HAMILTON: The reason he came in is in part
11 because of those meetings with that individual who he then
12 wired up on. And he -- he believes that that is directly
13 related to Mr. Rezko.

14 THE COURT: But as far as I am aware -- and I am
15 aware of the situation because that was part of the reason I
16 had delayed -- given the government permission to delay
17 turning over certain materials regarding Mr. Ata. As far as I
18 am aware, the government does not have any evidence linking
19 it --

20 MS. HAMILTON: No, that's true.

21 THE COURT: -- to Mr. Rezko.

22 Okay. Because that is the impression -- I understand
23 that is your objection.

24 MR. DUFFY: Right. But what happened was, in fact,
25 Mr. Rezko was incarcerated with no contact with anybody when

1 this occurred. So there's no -- he had no involvement in this
2 and no link to this.

3 The inference --

4 THE COURT: Right.

5 MR. DUFFY: -- to suggest that he did is totally
6 improper.

7 MS. HAMILTON: And, Judge, I'm sorry. And when I say
8 that's true, my point is not an attempt to link that to
9 Mr. Rezko.

10 THE COURT: Right.

11 MS. HAMILTON: It's the point to go back to his
12 motivation for coming in when he did.

13 THE COURT: I understand both of your points. The
14 concern, though -- how do you propose addressing Mr. Duffy's
15 concern that somehow there is an inference linking this to
16 Mr. Rezko?

17 Whether it linked it in his mind or not, I don't
18 think is relevant. And to the extent it is under 403, I would
19 preclude you from going into the fact that it is linked in his
20 mind.

21 How do you propose addressing Mr. Duffy's concern?

22 MS. HAMILTON: Well, I think that if -- if the
23 concern is that you don't want any link to Mr. Rezko --

24 THE COURT: Yes.

25 MS. HAMILTON: I just want it to be clear that he

1 actually has provided cooperation on additional individuals,
2 including wearing, you know, a wire --

3 THE COURT: Absolutely.

4 MS. HAMILTON: -- and recording conversations without
5 eliciting who it was or why he was doing that.

6 THE COURT: And that was Mr. Duffy's point because
7 the last comment that he -- you did not ask and he added was
8 "because I was threatened by that individual." That is what
9 he is asking me to strike.

10 MR. DUFFY: Yes, that's exactly --

11 MR. SCHAR: He didn't say it was linked to the
12 defendant.

13 THE COURT: But that is certainly -- I think the
14 impression along -- the jury certainly could draw an inference
15 along those lines.

16 MR. DUFFY: Yeah.

17 THE COURT: Is that something you plan to or wish to
18 pursue?

19 MS. HAMILTON: No. I think your Honor just said that
20 I should not do that.

21 THE COURT: No, I don't think you should.

22 MR. DUFFY: I would ask that -- I didn't object when
23 they elicited his cooperation or even the wearing the wire. I
24 did not anticipate -- maybe you didn't even anticipate -- what
25 he volunteered just now that he tried to volunteer it on my

1 cross.

2 MS. HAMILTON: No, I mean, obviously --

3 MR. DUFFY: I understand.

4 MS. HAMILTON: -- it wasn't my --

5 MR. DUFFY: I would ask --

6 MS. HAMILTON: -- question.

7 MR. DUFFY: I am asking your Honor to strike the last
8 answer in terms of his volunteering of a threat.

9 The other issue is, because of the issues we raised
10 pre-examination of this witness, I didn't ask a single
11 question about his motivations for coming to the government,
12 for the obvious reason.

13 I asked him about his interview with the government
14 and the information that he said he gave to the government.
15 But I scrupulously avoided all of those areas because of your
16 Honor's rulings about going into those areas.

17 THE COURT: But you directly asked him questions,
18 Mr. Duffy, about the timing --

19 MR. DUFFY: Yes.

20 THE COURT: -- of coming in, which I think --

21 MR. DUFFY: Correct.

22 THE COURT: -- permits them to go into motivation.

23 But --

24 MR. DUFFY: Right. And I didn't object when they
25 just raised these series of questions about this.

1 THE COURT: Right.

2 That line of questioning was proper.

3 MR. SCHAR: Maybe the question that could be asked
4 is: "Did you have motivations beyond the timing of this trial
5 to come in and cooperate?" It doesn't go directly to the
6 threat, but he is not in here clearly just because this trial
7 happened to be ongoing right now; that it doesn't tie it
8 directly to a threat, but it at least reflects the fact that
9 there's some suggestion he ran in the door because -- and this
10 was repeatedly raised on cross -- he ran in the door because
11 he knew he had to testify at this trial.

12 THE COURT: What about that, striking the last
13 portion of the answer as to the threat?

14 MR. DUFFY: That's fine. That's what I thought this
15 whole -- excuse me.

16 THE COURT: And then permitting her to ask -- tell
17 him "Yes" or "No" so he doesn't volunteer something else.

18 MR. DUFFY: That's fine.

19 MS. HAMILTON: So ask a question along those lines.

20 MR. DUFFY: Okay.

21 MS. HAMILTON: As long as we're here, there's one
22 other thing I wanted to ask, and I just want to make sure it's
23 clear that I am not trying to elicit the voicemail message
24 from Mr. Rumman. But what I do want to elicit from the
25 witness -- on Mr. Duffy's cross, he -- he discussed the fact

1 that Mr. Rezko told him he had gone to Mr. Rumman about the
2 state lease issue and --

3 THE COURT: Yes.

4 MS. HAMILTON: -- Mr. Duffy said you never told
5 anyone that before. This is the first time you're hearing
6 this. That is true, but he did provide information about
7 Mr. Rumman and about his knowledge of Mr. Rumman's
8 relationship to Mr. Rezko. So, I want to elicit that basic
9 fact without getting --

10 THE COURT: I think that is fine.

11 MS. HAMILTON: Because I know you told me not to get
12 into the voicemail.

13 THE COURT: I think that is fine. The only problem
14 with this witness is he volunteers a lot. So what I don't
15 want him to say is, Oh, yes, and by the way, I told him
16 about --

17 MS. HAMILTON: Do you want to break now and, I mean,
18 I can tell him that during the break?

19 MR. DUFFY: Well, I would just ask -- I would tell
20 him -- ask him the question leading and say "Yes" or "No."

21 MS. HAMILTON: Okay. I just -- I led on the last
22 question, and that's what we ended up getting, so --

23 MR. DUFFY: But I think you should maybe -- I
24 apologize. Maybe you should just say to him I want you to
25 answer this question "Yes" or "No" and then ask your couple

1 questions that you are sensitive to.

2 THE COURT: You can lead in the Rumman area to avoid
3 that.

4 MS. HAMILTON: And in this last?

5 THE COURT: And in this last, yes.

6 MS. HAMILTON: Okay.

7 THE COURT: However you want to do it and cut him off
8 if he starts to go more.

9 MS. HAMILTON: Okay.

10 THE COURT: Otherwise, I will, but it's probably
11 better if you do. And I will strike the last portion.

12 MR. DUFFY: Okay, Judge.

13 (Proceedings had in open court:)

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1 (Proceedings had in open court:)

2 THE COURT: Ladies and gentlemen, I am striking the
3 last portion of Mr. Ata's answer regarding the threat; and you
4 should entirely disregard it.

5 BY MS. HAMILTON:

6 Q. Mr. Ata?

7 A. Yes.

8 Q. Just a "Yes" or "No," in addition to providing testimony
9 in this case, you agreed to wear a wire and record
10 conversations with another individual as part of your
11 cooperation; is that right?

12 A. Yes.

13 Q. And is it fair to say that you had motivations to come in
14 and cooperate that -- you were not coming in to cooperate when
15 you came in to cooperate to make sure you could testify at
16 this trial?

17 A. Absolutely.

18 Q. Now, Mr. Duffy asked you about what Mr. Rezko had told you
19 he had done to fix the problem with the lease at 59th and
20 Ashland?

21 A. Yes.

22 Q. And on cross-examination, you replied that Mr. Rezko told
23 you he had actually gone to speak with Mr. Rumman.

24 A. Yes.

25 Q. Do you remember that?

1 Now, you had not previously told the government that
2 Mr. Rezko told you he had gone to Mr. Rumman; is that right?

3 A. Yes.

4 Q. But, in fact, in the course of answering questions by the
5 government, you did provide information to the government
6 about your knowledge of Mr. Rumman having a close relationship
7 with Mr. Rezko; is that right?

8 A. Yes.

9 Q. And, in fact, just "Yes" or "No," you actually gave the
10 government detailed information about that relationship; is
11 that right?

12 A. Yes.

13 Q. And, sir, at the time of this lease issue, you knew that
14 Mr. Rumman was the head of the agency that was making the
15 decision on the state lease; is that right?

16 A. Yes.

17 Q. Now, you were asked some questions last week about the
18 fact that you used to -- you knew Rod Blagojevich having
19 nothing to do with Mr. Rezko; is that right?

20 A. Can you restate your question?

21 Q. Sure.

22 Prior to his run for the governor, you knew Rod
23 Blagojevich on your own?

24 A. Yes.

25 Q. And at some point, you needed to go through Mr. Rezko in

1 order to get to Mr. Blagojevich; is that right?

2 A. Yes.

3 Q. And, in fact, sir, isn't it true, just "Yes" or "No," that
4 there were certain individuals who you wanted to get positions
5 within the state, and you didn't go to the Governor; you had
6 to go to Mr. Rezko for that; is that right?

7 A. Yes.

8 Q. Now, Mr. Duffy showed you a document last week, a
9 fundraising document, that showed your money being linked
10 somehow to Mr. Mell; is that right?

11 A. Yes.

12 Q. And you said that nowhere on the document did you see
13 Mr. Rezko getting any sort of credit for your money; is that
14 right?

15 A. Yes.

16 Q. Now, what Mr. Duffy admitted into evidence but didn't show
17 you was Defense Exhibit Ata 17, Friends of Blagojevich 2.

18 MS. HAMILTON: Your Honor, may I publish?

19 THE COURT: Yes, you may.

20 (Said exhibit published to the jury.)

21 BY MS. HAMILTON:

22 Q. On the left we see your name; is that right?

23 A. Yes.

24 Q. And if we follow over all the way to the right, the
25 donations, sort of at the bottom, for the last two, it says,

1 Tony, 2005; and Tony Rezko, July 24th; is that right?

2 A. Yes.

3 Q. Now, you were asked questions about this settlement
4 agreement with Mr. Rezko.

5 Sir, at the time you and Mr. Rezko entered into the
6 settlement agreement, were you both under indictment?

7 A. Yes.

8 Q. And you said that you received some amount of the 62-acre
9 property; is that right?

10 A. Yes.

11 Q. Do you have any idea what the value was at the time you
12 entered into that agreement of that piece of property that you
13 received?

14 A. No.

15 Q. Do you have any idea today what its value is?

16 A. No.

17 Q. Were you given any sort of other alternative for the
18 claims that you had against Mr. Rezko?

19 A. Absolutely not.

20 Q. Is it fair to say, you felt that you had -- this is the
21 best you were ever going to do in terms of the claims that you
22 had?

23 A. It was the only thing.

24 MS. HAMILTON: Nothing further.

25 THE COURT: Recross.

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RE CROSS-EXAMINATION.

BY MR. DUFFY:

Q. Sir, as part of the settlement agreement, there was a dollar amount assigned to the individual units that you received in the 62 acres; isn't that right?

A. Yes, a million and a quarter a unit.

Q. Okay.

And, sir, the 62 acres is 62 acres of land located near downtown Chicago; isn't that correct?

A. Yes.

Q. You're saying that land has no value, sir?

A. It has value.

Q. All right.

A. But what -- what's a unit? I mean --

Q. I understand.

MR. DUFFY: Nothing further, Judge.

THE COURT: Thank you, Mr. Ata. You may step down, sir.

(Whereupon, there were further proceedings which were not ordered transcribed.)

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C E R T I F I C A T E

I, Joseph Rickhoff, do hereby certify that the foregoing is a complete, true, and accurate excerpt of the proceedings had in the above-entitled case before the Honorable AMY J. ST EVE, Judge of said Court, at Chicago, Illinois, on May 5, 2008.

/s/ Joseph Rickhoff

August 21, 2008

Official Court Reporter
United States District Court
Northern District of Illinois
Eastern Division

Date