

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

MISSOURI ROUNDTABLE FOR LIFE,)	
INC., and FREDERIC SAUER,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 08AC-CC00517
)	
SARAH STEELMAN, in her)	
official capacity as Missouri)	
Treasurer, et al.,)	
)	October 23, 2008
Defendants.)	Jefferson City, Missouri

DEPOSITION OF ROBERT MONSEES,
a witness, produced, sworn and examined on the 23rd day of
October, 2008, between the hours of 8:00 a.m. and
6:00 p.m. of that day at the offices of the Missouri
Attorney General, 221 West High Street, 7th Floor, in the
City of Jefferson, County of Cole, State of Missouri,
before

KELLENE K. FEDDERSEN, RPR, CSR, CCR

and Notary Public within and for the State of Missouri,
commissioned in Cole County, Missouri, in the
above-entitled cause, on the part of the Plaintiffs,
pursuant to Notice.

2	4
<p>1 INDEX</p> <p>2 Direct Examination by Mr. Clark 4</p> <p>3</p> <p>4 PLAINTIFFS' EXHIBITS INDEX</p> <p>5 Exhibit No. 1 Affidavit with Attachments 35</p> <p>6 Exhibit No. 2 Table of Contents of Chapter 196,</p> <p>7 Sections re Life Sciences Research</p> <p>8 Board and Life Sciences Research</p> <p>9 Trust Fund 52</p> <p>10 Exhibit No. 3 Printout from MTC Website 63</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 ROBERT MONSEES, being sworn, testified as follows:</p> <p>2 DIRECT EXAMINATION BY MR. CLARK:</p> <p>3 Q. Okay. Please state your name.</p> <p>4 A. Robert Monsees.</p> <p>5 Q. Mr. Monsees, my name is Steve Clark. We</p> <p>6 just met. I represent the Plaintiffs in a case styled</p> <p>7 Missouri Roundtable for Life, et al versus Sarah Steelman,</p> <p>8 et al, and we're here to take your deposition in that</p> <p>9 case. Do you understand that?</p> <p>10 A. Yeah.</p> <p>11 Q. Okay. By whom are you employed?</p> <p>12 A. The Missouri Technology Corporation.</p> <p>13 Q. Are you employed by anyone else or any</p> <p>14 other entity?</p> <p>15 A. The Missouri Department of Economic</p> <p>16 Development.</p> <p>17 Q. Any others?</p> <p>18 A. No.</p> <p>19 Q. How is it that you're an employee of both</p> <p>20 Missouri Technology Corporation and Missouri Department of</p> <p>21 Economic Development?</p> <p>22 A. I am a state employee, so that falls under</p> <p>23 the Department, and the Missouri Technology Corporation is</p> <p>24 a quasi governmental organization that is an offshoot of</p> <p>25 the Department of Economic Development. So there is a</p>
3	5
<p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFFS:</p> <p>3 STEPHEN R. CLARK</p> <p>4 Attorney at Law</p> <p>5 CLARK LAW FIRM, LLC</p> <p>6 231 S. Bemiston Ave., Suite 1200</p> <p>7 St. Louis, MO 63105</p> <p>8 (314)373-4180</p> <p>9 sclark@sclarklaw.com</p> <p>10 FOR THE DEFENDANTS:</p> <p>11 HEIDI DOERHOFF VOLLET</p> <p>12 Assistant Attorney General</p> <p>13 Supreme Court Building</p> <p>14 207 West High Street</p> <p>15 P.O. Box 899</p> <p>16 Jefferson City, MO 65102</p> <p>17 (573)751-1220</p> <p>18 heidi.vollet@ago.mo.gov</p> <p>19 FOR THE DEFENDANT MISSOURI TECHNOLOGY CORPORATION:</p> <p>20 JAMES R. WYRSCH</p> <p>21 Attorney at Law</p> <p>22 BRYAN CAVE, LLP</p> <p>23 One Metropolitan Square</p> <p>24 211 North Broadway, Suite 3600</p> <p>25 St. Louis, MO 63102-2750</p> <p>(314)259-2780</p> <p>james.wyrsh@bryancave.com</p> <p>SIGNATURE INSTRUCTIONS:</p> <p>Presentment waived; signature requested.</p> <p>EXHIBIT INSTRUCTIONS:</p> <p>Retained by Mr. Clark.</p>	<p>1 board that governs MTC, but all my state benefits and</p> <p>2 everything comes through the Department of Economic</p> <p>3 Development.</p> <p>4 Q. Which entity pays your salary, then?</p> <p>5 A. The Department of Economic Development.</p> <p>6 Q. Have you ever had your deposition taken</p> <p>7 before?</p> <p>8 A. Yes.</p> <p>9 Q. How many times?</p> <p>10 A. Once.</p> <p>11 Q. When was that, roughly?</p> <p>12 A. September, October 2006.</p> <p>13 Q. In connection with what was your deposition</p> <p>14 taken?</p> <p>15 A. Sunshine lawsuit with the Missouri Higher</p> <p>16 Education Loan Authority.</p> <p>17 Q. And were you a party to that case?</p> <p>18 A. No.</p> <p>19 Q. I'll go over some ground rules. Let me</p> <p>20 back up. What was the style of that lawsuit? Who were</p> <p>21 the parties suing each other?</p> <p>22 A. I believe it was Attorney General Nixon</p> <p>23 suing the board of directors for MOHELA.</p> <p>24 Q. And were you represented by counsel in that</p> <p>25 deposition?</p>

6	<p>1 A. Yes.</p> <p>2 Q. By whom were you represented?</p> <p>3 A. Jean Paul Bradshaw.</p> <p>4 Q. Of the AG's office?</p> <p>5 A. No.</p> <p>6 Q. Of what firm?</p> <p>7 A. Lathrop & Gage.</p> <p>8 Q. We'll go over a couple of ground rules.</p> <p>9 You know you're under oath just as you would be in a court</p> <p>10 of law. You understand that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And you're doing a good job of it so</p> <p>13 far, but in terms of answering questions yes or no instead</p> <p>14 of with shakes of the head or uh-huh or huh-uh, makes it a</p> <p>15 lot easier for the court reporter. Okay?</p> <p>16 A. Yes.</p> <p>17 Q. All right. And one thing that we need to</p> <p>18 be careful of is not to talk over each other. Otherwise</p> <p>19 it will be difficult for the court reporter to get the</p> <p>20 answers and the questions down. So if you let me finish</p> <p>21 my questions, you finish your answers, it will work a lot</p> <p>22 better today. Okay?</p> <p>23 A. I understand.</p> <p>24 Q. Are you on any drugs or any medications</p> <p>25 that would affect your ability to give your testimony</p>	8
7	<p>1 today?</p> <p>2 A. No.</p> <p>3 Q. Have you ever been convicted of a felony?</p> <p>4 A. No.</p> <p>5 Q. Ever pled guilty to a felony?</p> <p>6 A. No.</p> <p>7 Q. What's your educational background? Do you</p> <p>8 have any advance degrees beyond a bachelor's degree?</p> <p>9 A. No.</p> <p>10 Q. Where did you get your bachelor's degree?</p> <p>11 A. University of Missouri.</p> <p>12 Q. What year did you get it?</p> <p>13 A. 1993.</p> <p>14 Q. And what was your bachelor's in?</p> <p>15 A. Political science.</p> <p>16 Q. Did you have any minors or concentrations?</p> <p>17 A. No.</p> <p>18 Q. And do you have any other post high school</p> <p>19 education?</p> <p>20 A. I'm a trained real estate broker.</p> <p>21 Q. Do you have a realtor's license?</p> <p>22 A. I have a real estate broker's license.</p> <p>23 Q. When did you get that?</p> <p>24 A. 1999.</p> <p>25 Q. You still maintain that license as active</p>	9
6	<p>1 and current?</p> <p>2 A. Yes.</p> <p>3 Q. Ever been suspended or disciplined by the</p> <p>4 Real Estate Board or any other licensing agency?</p> <p>5 A. No.</p> <p>6 Q. You said you work for the Missouri</p> <p>7 Technology Corporation and the Department of Economic</p> <p>8 Development. How long have you worked for both of those</p> <p>9 entities?</p> <p>10 A. Since August of 2006.</p> <p>11 Q. And what's your title?</p> <p>12 A. Executive Director, Missouri Technology</p> <p>13 Corporation.</p> <p>14 Q. What's your title with the Department of</p> <p>15 Economic Development?</p> <p>16 A. I don't really have a title there.</p> <p>17 Q. Within the Department of Economic</p> <p>18 Development, do you have a person to whom you report?</p> <p>19 A. Not really.</p> <p>20 Q. Do you have a group within the Department</p> <p>21 of Economic Development that you're within?</p> <p>22 A. Not formally, but if -- if I was, it would</p> <p>23 be business and community services.</p> <p>24 Q. Who heads that group?</p> <p>25 A. Sally Hemenway.</p>	9

10	<p>1 Development Commission.</p> <p>2 Q. While deputy chief of staff for the</p> <p>3 Governor, did you have any role with the Department of</p> <p>4 Economic Development?</p> <p>5 A. Not a formal liaison role. I worked on</p> <p>6 policy issues related to the Department of Economic</p> <p>7 Development.</p> <p>8 Q. What other duties did you have as deputy</p> <p>9 chief of staff for Governor Blunt?</p> <p>10 A. Numerous, but chiefly it was the policy-</p> <p>11 making role and the liaison roles that I laid out.</p> <p>12 Q. And as a liaison, what does that involve?</p> <p>13 A. Involves meeting the department directors</p> <p>14 and general oversight related to issues that -- that the</p> <p>15 departments had that may or may not require the Governor's</p> <p>16 office or the Governor's attention.</p> <p>17 Q. What do you mean by that last part about</p> <p>18 may or may not require the attention of the Governor's</p> <p>19 office or oversight of the Governor's office?</p> <p>20 A. Some issues need to be acted on by the</p> <p>21 Governor's office or the Governor and some don't.</p> <p>22 Q. You mean from a legal standpoint or the</p> <p>23 Governor has a constitutional or statutory role in</p> <p>24 something, or do you mean from a policy standpoint? I'm</p> <p>25 just trying to get an idea what sort of things you were</p>	12	<p>1 Q. All right. And prior to your role as</p> <p>2 deputy director of transition government, what did you do?</p> <p>3 A. Director of operations.</p> <p>4 Q. For?</p> <p>5 A. Matt Blunt for Governor.</p> <p>6 Q. And how long were you in that role?</p> <p>7 A. September 2003 to November of 2004.</p> <p>8 Q. And to whom did you directly report in that</p> <p>9 role as director of operations for Matt Blunt for</p> <p>10 Governor?</p> <p>11 A. Andy Blunt.</p> <p>12 Q. What was Mr. Blunt's role?</p> <p>13 A. Chair of campaign.</p> <p>14 Q. And what were your responsibilities and</p> <p>15 duties as director of operations?</p> <p>16 A. I oversaw all the day-to-day activity for</p> <p>17 the campaign, the schedule, any interaction with the</p> <p>18 candidate. Oversaw all the major events and activities</p> <p>19 related to those.</p> <p>20 Q. In that role as director of operations</p> <p>21 of -- I assume that's Governor Blunt's campaign, right?</p> <p>22 A. Yes.</p> <p>23 Q. In that role, did you have direct</p> <p>24 interaction with then candidate Blunt?</p> <p>25 A. Yes.</p>
11	<p>1 doing.</p> <p>2 A. Both.</p> <p>3 Q. And prior to being deputy chief of staff</p> <p>4 for Governor Blunt, what did you do?</p> <p>5 A. Direct -- well, deputy director of</p> <p>6 transition in government.</p> <p>7 Q. Back to your days as deputy chief of staff,</p> <p>8 to whom did you directly report as deputy chief of staff?</p> <p>9 A. Ken McClure.</p> <p>10 Q. The entire period you were there?</p> <p>11 A. Yes.</p> <p>12 Q. Is that M-c-c-l-u-r-e?</p> <p>13 A. Yes.</p> <p>14 Q. All right. Thank you. So deputy director</p> <p>15 of transition government. To whom did you report in that</p> <p>16 role?</p> <p>17 A. Ken McClure.</p> <p>18 Q. What period of time did you have that role?</p> <p>19 A. November 2004 to January 2005.</p> <p>20 Q. What were your duties in that role?</p> <p>21 A. Oversaw the day-to-day activities of the</p> <p>22 transition office. Helped to identify, recruit all of the</p> <p>23 department directors, deputy directors.</p> <p>24 Q. Any other duties?</p> <p>25 A. I think that covers it.</p>	13	<p>1 Q. And in your role as deputy director of</p> <p>2 transition government, did you have the -- did you have</p> <p>3 direct interaction with Governor Elect Blunt?</p> <p>4 A. Yes.</p> <p>5 Q. How much interaction? Was it frequent?</p> <p>6 A. Yes.</p> <p>7 Q. Would you characterize it both -- in both</p> <p>8 of those roles?</p> <p>9 A. Yes.</p> <p>10 Q. And then as deputy chief of staff, same</p> <p>11 thing, you'd have direct interaction?</p> <p>12 A. Yes.</p> <p>13 Q. And again, it was frequent?</p> <p>14 A. Yes.</p> <p>15 Q. All right. So prior to becoming director</p> <p>16 of operations for Governor Blunt's campaign, what did you</p> <p>17 do?</p> <p>18 A. Director of policy and communications for</p> <p>19 the Senate Majority Caucus, Missouri State Senate.</p> <p>20 Q. What time period were you in that role?</p> <p>21 A. Roughly July 2001 to September 2003.</p> <p>22 Q. And to whom did you report in that role?</p> <p>23 A. It varied. Jeff Davis, David Barklage,</p> <p>24 Peter Kinder.</p> <p>25 Q. Was Peter Kinder the President Pro Tem of</p>

14

1 the Senate at that time?
 2 A. He was.
 3 Q. During that entire time --
 4 A. He was.
 5 Q. -- that you were in that role? And what
 6 was Jeff Davis' role?
 7 A. Chief of staff to the Pro Tem.
 8 Q. How about David Barklage?
 9 A. Chief of staff to the Pro Tem.
 10 Q. And what were your duties in that role?
 11 A. Helped develop responses to issues in the
 12 communications role, oversaw the development of
 13 legislation policies important to the Majority Caucus and
 14 the Pro Tem.
 15 Q. Any other duties in that role?
 16 A. Not really.
 17 Q. I assume you had direct interaction with
 18 the President Pro Tem at the time?
 19 A. Yes.
 20 Q. Again, frequent?
 21 A. Yes.
 22 Q. All right. So prior to your job as the
 23 director of policy and communications for Senate Majority
 24 Caucus, what did you do?
 25 A. Was real estate broker, salesperson,

15

1 Monsees Realty Company, Sedalia, Missouri.
 2 Q. And how long were you in that job?
 3 A. Two years.
 4 Q. That would have been roughly from July of
 5 '99 to July of '01?
 6 A. Correct.
 7 Q. What kind of real estate were you involved
 8 with?
 9 A. Residential, some commercial.
 10 Q. Primarily residential?
 11 A. Yes.
 12 Q. At the risk of asking the obvious, what
 13 were your duties in that role?
 14 A. Selling real estate.
 15 Q. Any others?
 16 A. No.
 17 Q. Was that your own business?
 18 A. Family business.
 19 Q. And prior to the realty company, where did
 20 you work?
 21 A. Senior legislative assistant for
 22 Congressman Kenny Hulshof, Washington, D.C.
 23 Q. From what period of time were you in that
 24 position?
 25 A. January of 1997 to July of 2001 or '99.

16

1 Pardon me.
 2 Q. To whom did you report in that position?
 3 A. Manning, M-a-n-n-i-n-g, Feraci,
 4 F-e-r-a-c-i.
 5 Q. And did you have direct interaction with
 6 Congressman Hulshof in that role?
 7 A. Yes.
 8 Q. Again, frequent?
 9 A. Yes.
 10 Q. What were your duties?
 11 A. I was the legislative assistant for
 12 appropriations issues, agriculture, energy, economic
 13 development, transportation, foreign policy, defense.
 14 Q. Any others?
 15 A. Not that I can recall.
 16 Q. Was the first one did you say corporations
 17 or appropriations?
 18 A. Appropriations.
 19 Q. And prior to that position, what did you
 20 do?
 21 A. Campaign manager for Phelps for Congress.
 22 Q. What period of time was that?
 23 A. March of '96 to November of the same year.
 24 Q. Was that here in Missouri?
 25 A. Yes.

17

1 Q. And what district?
 2 A. The Fourth Congressional District.
 3 Q. What area of the state does that cover?
 4 A. Jefferson City, Sedalia, eastern Jackson
 5 County, Webster County, up the state line from Nevada to
 6 Kansas City.
 7 Q. Okay. And what was the candidate's first
 8 name?
 9 A. William.
 10 Q. What were your duties in that role?
 11 A. I was the campaign manager for the
 12 campaign. Oversaw all the activities of the campaign,
 13 raising money, working with consultants, overseeing the
 14 schedule, that sort of thing.
 15 Q. To whom did you report?
 16 A. The candidate.
 17 Q. I assume you had frequent interaction with
 18 the candidate?
 19 A. Quite frequent.
 20 Q. I would think. And then prior to being
 21 campaign manager for Mr. Phelps, what did you do?
 22 A. I was a legislative correspondent and
 23 legislative assistant for Senator Kit Bond.
 24 Q. Were you based in Washington, D.C. for
 25 that?

18	<p>1 A. I was.</p> <p>2 Q. What period of time was that?</p> <p>3 A. January '95 through March of '06 -- or '96.</p> <p>4 Pardon me. '95 to '96.</p> <p>5 Q. To whom did you report in that position?</p> <p>6 A. Brian Klippenstein, Tracy Henke, John</p> <p>7 Kunreich.</p> <p>8 Q. Who's that last one?</p> <p>9 A. Kunreich. I can't remember how to spell</p> <p>10 his name.</p> <p>11 Q. Fair enough.</p> <p>12 A. His nickname was Coondog.</p> <p>13 Q. What were your duties in that position?</p> <p>14 A. I was legislative assistant for Post Office</p> <p>15 issues and another equally inane issue area that I can't</p> <p>16 even recall, and legislative correspondent for</p> <p>17 agriculture, energy, environment, defense, foreign</p> <p>18 affairs, issues responding to constituents, handling</p> <p>19 legislative duties as assigned by the legislative</p> <p>20 assistants.</p> <p>21 Q. Would you have interaction with Senator</p> <p>22 Bond in that role?</p> <p>23 A. Yes.</p> <p>24 Q. And would you characterize that as</p> <p>25 frequent?</p>	20
19	<p>1 A. Infrequent.</p> <p>2 Q. Less frequent?</p> <p>3 A. Less frequent.</p> <p>4 Q. All right. Before working for Senator</p> <p>5 Bond, what did you do?</p> <p>6 A. I was the in-state ag person for Senator</p> <p>7 Bond in Jefferson City and staff assistant and caseworker</p> <p>8 from July of '93 to January of '95.</p> <p>9 Q. So you took that job shortly after getting</p> <p>10 out of college?</p> <p>11 A. Correct.</p> <p>12 Q. To whom did you report in that role?</p> <p>13 A. Mary Beth Dobbs.</p> <p>14 Q. What were your job duties?</p> <p>15 A. I was the listening post person traveling</p> <p>16 the state, responding to, meeting with constituents face</p> <p>17 to face. I was the person to attend, interact with all</p> <p>18 the agriculture groups in the state on the Senator's</p> <p>19 behalf. I did case work related to the Corps of</p> <p>20 Engineers, agriculture. That's it for the most part.</p> <p>21 Q. What do you mean by case work?</p> <p>22 A. Summer of 1993 was the great flood, and so</p> <p>23 there were a number of specific issues related to levees</p> <p>24 and reconstruction that Senator Bond's office assisted</p> <p>25 levee districts and farmers and landowners with, so I</p>	21
	<p>1 became heavily engaged in that.</p> <p>2 Q. What ag groups did you interact with for</p> <p>3 the state?</p> <p>4 A. Missouri Farm Bureau, Missouri Soybean</p> <p>5 Association, Missouri Corn Growers, Missouri Cattlemen,</p> <p>6 Missouri Park Producers.</p> <p>7 Q. MFA?</p> <p>8 A. MFA, Missouri Dairy Association, Missouri</p> <p>9 Poultry Association, all of them.</p> <p>10 Q. And did you have interaction with Senator</p> <p>11 Bond in that role?</p> <p>12 A. Yes.</p> <p>13 Q. How would you characterize that?</p> <p>14 A. Less frequent.</p> <p>15 Q. Now, you are also involved in something</p> <p>16 called the Missouri Life Sciences Project?</p> <p>17 A. Are you referring to the website?</p> <p>18 Q. Yes.</p> <p>19 A. Yes.</p> <p>20 Q. What's your involvement in that?</p> <p>21 A. My name is listed as a contact, and there's</p> <p>22 been a grant awarded by Missouri Technology Corporation to</p> <p>23 the group at the University of Missouri that put together</p> <p>24 the website.</p> <p>25 Q. And are you involved then in the group that</p>	
	<p>1 put together the website?</p> <p>2 A. Somewhat.</p> <p>3 Q. Is Missouri Technology Corporation involved</p> <p>4 in the group that put together the website?</p> <p>5 A. Not originally.</p> <p>6 Q. But it is now?</p> <p>7 A. Yes.</p> <p>8 Q. When -- well, when did the group -- well,</p> <p>9 let me back up even further. What is the Missouri Life</p> <p>10 Sciences Project?</p> <p>11 A. A website.</p> <p>12 Q. And that's it?</p> <p>13 A. Yes.</p> <p>14 Q. What is the goal of the website or the</p> <p>15 goals of the website, if you will?</p> <p>16 A. To be a place to display Missouri life</p> <p>17 science assets on the Internet.</p> <p>18 Q. And when did you become involved in it?</p> <p>19 A. Around bio -- bioconference of -- I can't</p> <p>20 remember which bioconference. Would have been 2007, I</p> <p>21 guess.</p> <p>22 Q. When was the website developed?</p> <p>23 A. It was for one of those bioconferences. I</p> <p>24 don't recall. I can't recall which one.</p> <p>25 Q. Were you involved in the original</p>	

22	<p>1 development of it?</p> <p>2 A. No.</p> <p>3 Q. So it would have been -- if you became</p> <p>4 involved first in 2007, it would have been developed at</p> <p>5 some bioconference prior to that, is that what you're</p> <p>6 saying?</p> <p>7 A. I just can't remember exactly which</p> <p>8 conference.</p> <p>9 Q. Okay. When did MTC become involved? When</p> <p>10 I say MTC, Missouri Technology Corporation. When did MTC</p> <p>11 become involved in Missouri Life Sciences Project?</p> <p>12 A. When we received funding from the General</p> <p>13 Assembly for the Emerging Firms Mapping Project.</p> <p>14 Q. And when was that?</p> <p>15 A. The funding was approved during the session</p> <p>16 of 2007, and the money actually came to MTC in November of</p> <p>17 2007.</p> <p>18 Q. And what was the funding specifically for?</p> <p>19 A. Which funding?</p> <p>20 Q. The funding you were just talking about.</p> <p>21 A. The funding was to enhance the capability</p> <p>22 of the website to -- to be able to obtain information on</p> <p>23 SBIR companies.</p> <p>24 Q. And what are SBIR companies?</p> <p>25 A. Companies that receive Small Business</p>	24	<p>1 A. Yes.</p> <p>2 Q. And what is RAM or Research Alliance for</p> <p>3 Missouri?</p> <p>4 A. It is a group of mostly research officers</p> <p>5 for public and private research institutions, higher</p> <p>6 education institutions in the state.</p> <p>7 Q. Does it also include non-educational</p> <p>8 research institutions?</p> <p>9 A. Yes.</p> <p>10 Q. Are there certain criteria to be a member</p> <p>11 of RAM?</p> <p>12 A. There are, but it's not strictly adhered</p> <p>13 to.</p> <p>14 Q. Is RAM a governmental agency?</p> <p>15 A. Not really.</p> <p>16 Q. How would you characterize it, then?</p> <p>17 A. Sort of a loose association of members of</p> <p>18 that group getting together.</p> <p>19 Q. And what is the mission or focus of that</p> <p>20 group?</p> <p>21 A. They were set up before I came to MTC, but</p> <p>22 I believe they are -- they get together and it was meant</p> <p>23 to help the institutions to collaborate on research</p> <p>24 projects.</p> <p>25 Q. And as facilitator, what do you do?</p>
23	<p>1 Innovation Research Grants.</p> <p>2 Q. Are those federal or state grants?</p> <p>3 A. Federal.</p> <p>4 Q. Did you have involvement with SBIR</p> <p>5 companies in any of the job roles we've discussed?</p> <p>6 A. Yes.</p> <p>7 Q. Which ones?</p> <p>8 A. Which companies or which job?</p> <p>9 Q. Which job?</p> <p>10 A. Executive director, deputy chief of staff</p> <p>11 for policy, senior legislative assistant.</p> <p>12 Q. Did you have involvement with any specific</p> <p>13 types of companies that were SBIR companies or just any</p> <p>14 companies that were receiving those federal grants?</p> <p>15 A. Yes.</p> <p>16 Q. Which, specific or any?</p> <p>17 A. More general.</p> <p>18 Q. Are you also involved with something called</p> <p>19 RAM, or Research Alliance for Missouri?</p> <p>20 A. Yes.</p> <p>21 Q. And what's your involvement in Research</p> <p>22 Alliance for Missouri?</p> <p>23 A. Service facilitator.</p> <p>24 Q. And facilitator in your role as the</p> <p>25 Executive Director of the MTC?</p>	25	<p>1 A. Staff the meetings, help call the meetings,</p> <p>2 follow up on things that are of interest to the members.</p> <p>3 Q. And does RAM receive funding from the</p> <p>4 State?</p> <p>5 A. Not now.</p> <p>6 Q. Did it at one point?</p> <p>7 A. Yes.</p> <p>8 Q. Did it receive that funding through MTC?</p> <p>9 A. No. Through -- I don't believe. I don't</p> <p>10 know for sure. Actually, I don't know for sure.</p> <p>11 Q. You don't know for sure whether the funding</p> <p>12 was through MTC?</p> <p>13 A. Correct.</p> <p>14 Q. Do they receive funding through the</p> <p>15 Department of Economic Development?</p> <p>16 A. Possibly.</p> <p>17 Q. Does RAM currently receive any funding</p> <p>18 through MTC?</p> <p>19 A. No.</p> <p>20 Q. When you say collaboration on research</p> <p>21 projects, are there specific types of research projects?</p> <p>22 A. No.</p> <p>23 Q. Any sort of research whatsoever or is it</p> <p>24 scientifically focused or --</p> <p>25 A. Yeah. It would be more scientific</p>

26

1 research.
 2 Q. And within science, are there specific
 3 areas of science that RAM focuses on?
 4 A. Not that I'm aware of.
 5 Q. How long have you been involved in RAM?
 6 A. Two years.
 7 Q. Essentially during your tenure as executive
 8 director of MTC?
 9 A. Correct.
 10 Q. What did you do to prepare for today's
 11 deposition?
 12 A. I met with counsel, reviewed
 13 interrogatories and my affidavit.
 14 Q. What counsel did you meet with?
 15 A. Heidi Vollet, Jim Wyrsh and Mark Leadlove.
 16 Q. Anyone else?
 17 A. No.
 18 Q. How long did you meet with them?
 19 A. Maybe an hour, hour and a half.
 20 Q. When was it that you met with them?
 21 A. Today.
 22 Q. And did you meet with all three together?
 23 A. One was via conference phone.
 24 Q. Mr. Leadlove?
 25 A. Yes.

27

1 Q. And what interrogatory answers did you look
 2 at?
 3 A. Just all of them.
 4 Q. All the ones in this case?
 5 A. Yes. Well, the one for me and one for the
 6 Life Science Research Program.
 7 Q. And then you reviewed your affidavit that
 8 you signed in this case?
 9 A. Correct.
 10 Q. Did you review the exhibits to the
 11 affidavit as well?
 12 A. No.
 13 Q. How long did you spend reviewing
 14 interrogatory answers, again, approximately?
 15 A. 45 minutes.
 16 Q. And was that this morning as well?
 17 A. This afternoon.
 18 Q. And how about your affidavit, how long did
 19 you spend reviewing your affidavit?
 20 A. The balance of it took that long.
 21 Q. I'm a little confused. What do you mean?
 22 A. I reviewed all the them at once, so I don't
 23 know how much I spent on one specific thing versus
 24 another.
 25 Q. So the 45 minutes was the interrogatory

28

1 answers and the affidavit combined?
 2 A. Correct.
 3 Q. I see. Did you look at any other documents
 4 in connection with your deposition?
 5 A. No.
 6 Q. Did you talk with anyone else in connection
 7 with your deposition?
 8 A. Yes.
 9 Q. Who else?
 10 A. Misty Snodgrass, Bill Anderson, Stacy
 11 Hirst.
 12 Q. Anyone else?
 13 A. No.
 14 Q. When did you speak with Ms. Snodgrass?
 15 A. Today.
 16 Q. And for how long did you speak with
 17 Ms. Snodgrass?
 18 A. Very brief.
 19 Q. Less than five minutes?
 20 A. 15.
 21 Q. And what did you discuss with
 22 Ms. Snodgrass?
 23 MR. WYRSCH: Object. Can we conference on
 24 that?
 25 MS. VOLLET: Yes.

29

1 MR. WYRSCH: Take a moment on that.
 2 MR. CLARK: You're going to confer with the
 3 witness while there's a pending question?
 4 MR. WYRSCH: Yes.
 5 MS. VOLLET: Well, I'll object to the
 6 extent you're asking for discussions that were had with an
 7 attorney present, but you may answer as to any other
 8 discussions that you had.
 9 THE WITNESS: Repeat the question, please.
 10 BY MR. CLARK:
 11 Q. I want to know what you discussed with
 12 Ms. Snodgrass. I don't want to know what the attorneys
 13 discussed. I just want to know what you and Ms. Snodgrass
 14 discussed.
 15 MS. VOLLET: And I'll object to any
 16 discussions you had with Ms. Snodgrass, too, in the
 17 presence of attorneys to facilitate your discussions with
 18 your attorneys. But you may answer as to any discussions
 19 you had with Ms. Snodgrass outside of that.
 20 THE WITNESS: Okay.
 21 MR. CLARK: I just want to be clear. Are
 22 you instructing the witness not to answer with respect to
 23 any discussions he had with Ms. Snodgrass in the presence
 24 of attorneys?
 25 MS. VOLLET: In order to facilitate his

30	<p>1 discussion with attorneys and obtaining legal advice. 2 Ms. Snodgrass was present during some of our conference 3 this morning as we were advising Mr. Monsees about 4 deposition. 5 MR. CLARK: Okay. I just want to make sure 6 we're clear on the record, though. 7 MS. VOLLET: Yes. 8 MR. CLARK: So you're saying that if 9 Mr. Monsees had a conversation with Ms. Snodgrass and you 10 were present or Mr. Wyrsh was present, then -- 11 MS. VOLLET: No. Any conversations he had 12 with Ms. Snodgrass in order to facilitate his discussions 13 with us in order to obtain legal advice with us, I'm 14 instructing not to answer with those, but any discussions 15 he had with Ms. Snodgrass outside of that he may answer. 16 MR. CLARK: Could you explain what you mean 17 by facilitate discussions with counsel for legal advice? 18 I'm not sure what that means. I want to make sure the 19 witness understands, too. 20 THE WITNESS: I'm happy to answer the 21 question. I think it will be -- 22 MS. VOLLET: Do you understand what I'm 23 saying? 24 THE WITNESS: Yes. I asked her a specific 25 question about the reporting requirements under the</p>	32	<p>1 Q. So you had multiple short conversations 2 with him, I take it? 3 A. Yeah. 4 Q. And what did you discuss with Mr. Anderson? 5 A. How much I was looking forward to being 6 deposed. 7 Q. Anything else? 8 A. Not really. 9 Q. Well, what else did you discuss with him? 10 A. Nothing. 11 Q. So just how much you were looking forward 12 to being deposed, that's it? 13 A. Correct. 14 Q. No substantive discussions about the case? 15 A. No. 16 Q. No substantive discussions about the 17 underlying issues in the case? 18 A. No. 19 Q. No substantive discussions about grants and 20 grants reporting requirements? 21 A. No. 22 Q. How about Ms. Hirst, when did you speak 23 with her in relation to your deposition? 24 A. Very briefly. I think it was in the 25 presence of counsel.</p>
31	<p>1 contracts for the grants to the grantees. 2 BY MR. CLARK: 3 Q. Is that the only thing you asked 4 Ms. Snodgrass? 5 A. Yes. 6 Q. And what was her response? 7 A. She sent an e-mail to me that had the grant 8 requirements that are part of the contract. 9 Q. So then you had a 15-minute discussion with 10 Ms. Snodgrass about that? 11 A. Yes. 12 Q. And what was your conversation? 13 A. Just to clarify in my mind what the 14 grantees have to do to comply with the reporting 15 requirements of the grant document. 16 Q. Is that reporting to MTC? 17 A. Yes. 18 Q. Did you have any other discussions with 19 Ms. Snodgrass? 20 A. No. 21 Q. How about Bill Anderson, when did you speak 22 with him in connection with your deposition? 23 A. Today. 24 Q. And for how long did you speak with him? 25 A. 5 to 15 minutes, different points in time.</p>	33	<p>1 Q. And when was that? 2 A. This morning. 3 Q. For how long did you have discussion with 4 Ms. Hirst? 5 A. Less than five minutes. 6 Q. And what did you discuss with Ms. Hirst? 7 A. It was in the presence of counsel. 8 Q. I don't want to know what the lawyers said. 9 I'm not asking you for that. I don't want to know what 10 you said to the lawyers. I don't want to know what she 11 said to the lawyers. I want to know what you two talked 12 about. 13 A. It was a clarification of the means by 14 which MTC helps administer or facilitates the payments 15 being made from the State to the grantees. 16 Q. And what was the specific issue that you 17 discussed in that regard? 18 A. I couldn't remember if I had to sign the 19 memo that requested the Department to issue the checks for 20 the grantees. 21 Q. And memo from MTC to the Department of 22 Economic Development? 23 A. Correct. 24 Q. And what was the answer to that? 25 A. That I did sign that.</p>

34

1 Q. Did you have any other conversations with
 2 Ms. Hirst in connection with your deposition?
 3 A. No.
 4 Q. Is there anybody else you spoke with in
 5 connection with your deposition that we haven't discussed?
 6 A. No.
 7 Q. Any other documents you viewed or reviewed
 8 in connection with your deposition that we haven't
 9 discussed?
 10 A. No.
 11 Q. Did you have e-mail communications with
 12 anyone in connection with your deposition?
 13 A. Yes.
 14 Q. With whom?
 15 A. Misty Snodgrass.
 16 Q. And when were those e-mail communications?
 17 A. Today.
 18 Q. And what were your e-mail communications?
 19 A. She sent me an e-mail with the reporting
 20 guidelines from the contracts.
 21 Q. Anything else in those e-mails?
 22 A. No.
 23 Q. Did you have any e-mail communications with
 24 anyone else?
 25 A. No.

35

1 Q. Aside from e-mail communications, did you
 2 have any written communications with anyone in connection
 3 with your deposition?
 4 A. No.
 5 (PLAINTIFFS' EXHIBIT NO. 1 WAS MARKED FOR
 6 IDENTIFICATION BY THE REPORTER.)
 7 BY MR. CLARK:
 8 Q. I'm handing you what's been marked
 9 Exhibit 1, and is that the affidavit you referred to
 10 earlier that you reviewed, or a copy of it rather? Not
 11 suggesting it's the actual one.
 12 A. I believe it is.
 13 Q. All right. If you'd turn to page 12 of
 14 Exhibit 1.
 15 MS. VOLLET: There are some handwritten
 16 notes in the margin of several of the pages that are not
 17 on the original.
 18 MR. CLARK: Can I see that? It appears --
 19 off the record.
 20 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)
 21 BY MR. CLARK:
 22 Q. All right. We have marked Exhibit 1 for
 23 identification in this case, and I will state for the
 24 record that there are some black marks in the margins of
 25 the pages that constitute or appear to constitute your

36

1 affidavit, and I'll state that I placed those there to
 2 cover up some hand markings that were on the copies that
 3 shouldn't have been there. For the record, I'm not asking
 4 you to authenticate those markings in any way. They do
 5 appear on the exhibit that you have, however.
 6 So with that said, does Exhibit 1 appear to
 7 be the affidavit that you signed in this case?
 8 A. Yes.
 9 Q. And I think we were getting to page 12 to
 10 look at the signature on there, and would you verify for
 11 me that that is indeed your signature?
 12 A. Yes.
 13 Q. Okay. Let's go back to then -- oh, back
 14 up. There are a number of attachments to the affidavit,
 15 and I'll state to you that they are the attachments that
 16 were included with the version of this affidavit I
 17 received. Are these -- if you will look at those briefly,
 18 are those the attachments that were attached when you
 19 executed your affidavit and that you referred to in your
 20 affidavit?
 21 A. Yes.
 22 Q. You've had a chance to look through all the
 23 pages of the exhibit?
 24 A. Yes.
 25 Q. Okay. In your job as executive director

37

1 that you referred to here in paragraph 2 of your
 2 affidavit, is there a written job description?
 3 A. Not that I'm aware of.
 4 Q. And are your job duties assigned to you by
 5 the board of directors that you earlier mentioned?
 6 A. Yes.
 7 Q. Are you a member of the board of directors?
 8 A. I believe so. We just had a change in
 9 bylaws, so the timing of that could be affected by the
 10 changes in the bylaws.
 11 Q. When were the changes in bylaws?
 12 A. Within the last few months.
 13 Q. What instigated or necessitated the change
 14 in bylaws?
 15 A. They'd been out of date for some time.
 16 Q. When was MTC formed?
 17 A. I believe in the mid '90s.
 18 Q. And are the bylaws that were changed the
 19 original bylaws or have they been changed since the
 20 corporation was formed?
 21 A. I'm not sure.
 22 Q. What was your role in the changes to the
 23 bylaws?
 24 A. I reviewed them. They were drafted by
 25 counsel.

38

1 Q. And who -- at whose suggestion were the
 2 bylaws changed?
 3 A. The board.
 4 Q. Then in paragraph 4 of your affidavit, you
 5 mention that your -- that the Plaintiffs have sued several
 6 entities and you're familiar with those entities or how
 7 they operate; is that correct?
 8 A. Correct.
 9 Q. And the three entities you mention in
 10 paragraph 4 of your affidavit are the Missouri Life
 11 Sciences Research Trust Fund, the Missouri Life Sciences
 12 Research Board and Missouri Technology Corporation, which
 13 we've been referring to as MTC, correct?
 14 A. Correct.
 15 Q. And let's start with the Missouri Life
 16 Sciences Research Trust Fund. How does that entity
 17 operate?
 18 A. It's really not an entity. I think it was
 19 referred this way because it's referred to sort of as an
 20 entity in the Plaintiffs' documents.
 21 Q. So then what is the Missouri Life Sciences
 22 Research Trust Fund?
 23 A. It's a fund in state government.
 24 Q. As a fund in state government, does that
 25 mean its funds are segregated within the treasurer's

39

1 office or somewhere else?
 2 A. I believe so.
 3 Q. As a fund, does it have any operations?
 4 A. No.
 5 Q. Then you mention in your affidavit the
 6 Missouri Life Sciences Research Board. What is the
 7 Missouri Life Sciences Research Board?
 8 A. It's a Type 3 agency set up in state
 9 statute.
 10 Q. What does a Type 3 agency mean?
 11 A. I believe it just means that it's -- has
 12 its separate organizational structure, but the budget
 13 flows through one of the state departments.
 14 Q. And in this case, what department is that?
 15 A. The Department of Economic Development.
 16 Q. And the classification as Type 3 or
 17 something else, where do those classifications come from?
 18 A. I don't know.
 19 Q. Have any familiarity with those
 20 classifications?
 21 A. Vaguely.
 22 Q. Do you know whether they're statutory or
 23 not?
 24 A. I think it's probably statutory.
 25 Q. What else, to your knowledge, does it mean

40

1 to be a Type 3 agency?
 2 A. Nothing else to my knowledge.
 3 Q. Then how does the Missouri Life Sciences
 4 Research Board operate?
 5 A. They have a seven-person board that directs
 6 the programs laid out in statute.
 7 Q. And when you say you're familiar with how
 8 the Life Sciences Research Board operates, what else are
 9 you referring to in terms of your familiarity with its
 10 operations here in your affidavit?
 11 A. Familiar with the board meetings, how
 12 they're called. Since we are the administrative staff for
 13 the Research Board by contract or by memorandum of
 14 understanding, I'm very familiar with the Research Board
 15 and its activities.
 16 Q. Prior to becoming executive director of
 17 MTC, did you have any interaction with the Research Board?
 18 A. Some.
 19 Q. In what roles?
 20 A. As deputy chief of staff for policy.
 21 Q. Any other roles?
 22 A. No.
 23 Q. What sort of interactions did you have with
 24 the Research Board as deputy chief of staff for policy?
 25 A. Restate the question.

41

1 MR. CLARK: Could you read that back?
 2 THE REPORTER: "Question: What sort of
 3 interactions did you have with the Research Board as
 4 deputy chief of staff for policy?"
 5 THE WITNESS: I may have attended a meeting
 6 or two prior during that time frame.
 7 BY MR. CLARK:
 8 Q. A board meeting?
 9 A. Yes.
 10 Q. Any other interactions you had prior to
 11 becoming executive director of MTC?
 12 A. No.
 13 Q. And what was the purpose of your attending
 14 those board meeting, meeting or meetings in your capacity
 15 as deputy chief of staff for policy?
 16 A. Governor Blunt supported the Life Science
 17 Trust Fund, and I oversaw policy issues related to
 18 economic development.
 19 Q. And so did -- how did that relate to then
 20 going to a board meeting or meetings of the Research
 21 Board?
 22 MS. VOLLET: Could we take just a very
 23 short break after he answers the question?
 24 MR. CLARK: If we could just -- if we could
 25 just get an answer to the question.

42

1 THE WITNESS: I'm sorry. Could you repeat
2 that question?
3 THE REPORTER: "Question: And so did --
4 how did that relate to then going to a board meeting or
5 meetings of the Research Board?"
6 THE WITNESS: The Governor was supportive
7 of the trust fund, so I handled economic development
8 issues, which the Life Science Trust Fund would fall into
9 that category of issues. So in that vein, I attended the
10 meeting to help keep track of where they were.
11 BY MR. CLARK:
12 Q. Are you finished with your answer?
13 A. Yeah.
14 MR. CLARK: We'll wait until Heidi gets
15 back.
16 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)
17 BY MR. CLARK:
18 Q. Mr. Monsees, you understand you're still
19 under oath?
20 A. Yes.
21 Q. I believe your response about going to the
22 board meetings when you were deputy chief of staff of
23 policy, you ended with something, keeping track of where
24 they were. I think you meant by that the board?
25 A. Yes.

43

1 Q. And when you say where they were, what did
2 you mean by that?
3 A. Just following their activities.
4 Q. Status of projects and things they were
5 involved in and the like?
6 A. Yes.
7 Q. And as you sit here today, do you recall
8 what at the time -- what types of projects the board was
9 involved in?
10 A. They didn't really have projects at that
11 time. So they were doing some organizational meetings in
12 relation to preparations for the hope of having some
13 appropriation.
14 Q. Up to that point in time, which would have
15 been sometime in the '05-'06 time period, had there not
16 been any appropriations to the board?
17 A. Correct.
18 Q. And then since you've become executive
19 director of MTC, do you attend the board meetings of the
20 Life Sciences Research Board?
21 A. Yes.
22 Q. What other interactions do you have with
23 the Life Sciences Research Board?
24 A. Just preparation for meetings.
25 Q. Now, we talked about a change in bylaws.

44

1 That was a change in bylaws of the MTC, right?
2 A. Correct.
3 Q. And as such, did you -- let me back up.
4 Are you a member of the board of -- I'm sorry, a member of
5 the Life Sciences Research Board?
6 A. No.
7 Q. Do you have an ex-officio role of some sort
8 on the Life Sciences Research Board?
9 A. No.
10 Q. Your role then is strictly through MTC?
11 Your role in connection with the Life Sciences Research
12 Board I should say is strictly in connection with MTC?
13 A. MTC and the Department of Economic
14 Development.
15 Q. Then in your affidavit you say in paragraph
16 4 that you're familiar with how Missouri Technology
17 Corporation operates, right?
18 A. Intimately.
19 Q. Tell me in broad terms, how does MTC
20 operate?
21 A. We have a 15 person board. We have at
22 least quarterly meetings. We have meetings of the
23 executive committee, some teleconference meetings. We
24 have a deputy director and a senior project manager, and
25 we have some assistance from the Department of Economic

45

1 Development.
2 Q. Are you a member of the executive
3 committee?
4 A. Yes.
5 Q. What does the executive --
6 A. I believe, and it's the same issue with
7 regard to the bylaws. So functionally, I -- I work with
8 the executive committee.
9 Q. Participate in executive committee meetings
10 and the like?
11 A. Yes.
12 Q. What other committees are there of the --
13 of MTC within MTC?
14 A. There's an audit committee, although that's
15 not been formally approved. There is a subcommittee to
16 review innovation centers, and there's been several other
17 committees developed to oversee projects related to the
18 Lewis and Clark Discovery Initiative.
19 Q. For the record, what is the Lewis and Clark
20 Discovery Initiative?
21 A. It was an initiative put forward by
22 Governor Blunt to fund \$335 million in capital
23 expenditures at higher education institutions and
24 \$15 million for the Missouri Technology Corporation.
25 Q. And that initiative occurred while you were

46

1 in the Governor's office, correct?
 2 A. Correct.
 3 Q. And I believe it's referenced that the
 4 Lewis and Clark --
 5 A. It started then.
 6 Q. Started then. Right. And I believe that
 7 the Lewis and Clark Discovery Initiative is referenced in
 8 the MTC annual report which is attached to your affidavit,
 9 right?
 10 A. Yes.
 11 Q. And I understand you were fairly involved
 12 in the Lewis and Clark Discovery Initiative?
 13 A. Correct.
 14 Q. What was your involvement in it?
 15 A. I developed it.
 16 Q. And when you say developed it, what did
 17 that entail?
 18 A. Putting together the initial memo, the
 19 idea, furthering it into more of a specific proposal,
 20 working with the Governor and the Governor's staff,
 21 others, to move the proposal forward.
 22 Q. Did you work with the Legislature as well?
 23 A. Yes.
 24 Q. And the \$15 million for MTC in the Lewis
 25 and Clark Discovery Initiative, has that money been

47

1 appropriated to the MTC?
 2 A. Yes.
 3 Q. And in what session was that appropriated?
 4 A. 2007.
 5 Q. And were there specific limitations or
 6 restrictions on that \$15 million appropriation?
 7 A. There were specific projects.
 8 Q. And of that appropriation, did any of those
 9 projects involve the Life Sciences Research Board?
 10 A. No.
 11 Q. You mentioned there was an audit committee
 12 but it wasn't approved. What did you mean by that?
 13 A. Hasn't formally been populated. So there
 14 haven't been people elected to it.
 15 Q. I see. Are you familiar with the request
 16 for proposal process at MTC, that MTC oversees?
 17 A. Yes.
 18 Q. And that was the request for proposal
 19 process with respect to the grants to be awarded by the
 20 Life Sciences Research Board?
 21 A. And let me just clarify that the request
 22 for proposal is for the Life Science Research Board. It's
 23 not approved by MTC.
 24 Q. Sure. Fair enough. MTC has a role in that
 25 request for proposal process, however?

48

1 A. We do.
 2 Q. I think you mentioned it in your affidavit,
 3 right?
 4 A. Yes.
 5 Q. Who determines the recipients of the RFPs?
 6 A. Who the RFPs go to?
 7 Q. Yes.
 8 A. I guess MTC staff.
 9 Q. So that would be yourself and then Stacy
 10 Hirst and Misty Snodgrass and Bill?
 11 A. It's traditionally just been Misty, Stacy
 12 and myself, although Misty's new to being involved.
 13 Q. Misty's new to being involved in the RFP
 14 process?
 15 A. Yes.
 16 Q. Or is she new to be involved with MTC?
 17 A. Yes.
 18 Q. Both?
 19 A. Yes.
 20 Q. As of when did Misty become involved with
 21 MTC?
 22 A. February.
 23 Q. I'm sorry?
 24 A. February of 2008.
 25 Q. Again, for the court reporter's sake, let

49

1 me finish the question before you answer. I know you know
 2 where I'm going on a question like that, and it's tempting
 3 to do, but it will be much easier for the court reporter
 4 if you just let me finish and then answer. Okay?
 5 A. Okay.
 6 Q. So February of '08 was when Ms. Snodgrass
 7 first had involvement with MTC?
 8 A. Yes.
 9 Q. How about Stacy Hirst, when was her first
 10 involvement with MTC?
 11 A. I'm not sure.
 12 Q. Was Misty Snodgrass in the Department of
 13 Economic Development before she became --
 14 A. No.
 15 Q. -- involved with MTC?
 16 All right. Paragraph 5 of your affidavit,
 17 you mention that the Missouri Life Sciences Research Trust
 18 Fund is funded by a portion of the Tobacco Securitization
 19 Settlement Trust Fund established by statute. What does
 20 that mean?
 21 A. That means that state law, statute sets
 22 aside 25 percent of the tobacco settlement money to go to
 23 the Life Science Trust Fund.
 24 Q. And then for that money to actually be put
 25 into the fund, does it have to be appropriated by the

50	<p>1 Legislature?</p> <p>2 A. That's correct.</p> <p>3 Q. And so if it's not appropriated, it just</p> <p>4 doesn't get into the fund; is that your understanding?</p> <p>5 A. Yes.</p> <p>6 Q. You mentioned in paragraph 6 of your</p> <p>7 affidavit that the what you refer to as the LSRB, the Life</p> <p>8 Sciences Research Board, is a Type 3 board within the</p> <p>9 Department of Economic Development. Are there other types</p> <p>10 of boards within the Department of Economic Development?</p> <p>11 A. Yes.</p> <p>12 Q. What other types of boards?</p> <p>13 A. Type 3 boards.</p> <p>14 Q. Any others you're familiar with?</p> <p>15 A. Not specifically.</p> <p>16 Q. Okay. Fair enough. Then you say that the</p> <p>17 LSRB is vested with the management, governance and control</p> <p>18 of funds appropriated to it by the Legislature from the</p> <p>19 Life Sciences Research Trust Fund. What's the source of</p> <p>20 that management, governance and control of funds</p> <p>21 authority?</p> <p>22 A. State statute.</p> <p>23 Q. And then you refer to a statute there,</p> <p>24 196.1103, correct?</p> <p>25 A. Correct.</p>	52	<p>1 restrictions in those statutes as well, to your</p> <p>2 understanding?</p> <p>3 A. Yes.</p> <p>4 Q. And is it specifically subject to the</p> <p>5 restrictions in Section 196.1127?</p> <p>6 MS. VOLLET: Objection. Calls for a legal</p> <p>7 conclusion.</p> <p>8 BY MR. CLARK:</p> <p>9 Q. Go ahead and answer.</p> <p>10 A. I don't remember the specific statute</p> <p>11 reference, but if it's in the -- it's in that section,</p> <p>12 yes.</p> <p>13 Q. Okay.</p> <p>14 (PLAINTIFFS' EXHIBIT NO. 2 WAS MARKED FOR</p> <p>15 IDENTIFICATION BY THE REPORTER.)</p> <p>16 BY MR. CLARK:</p> <p>17 Q. You've been handed what's been marked</p> <p>18 Exhibit 2. And the first few pages are the table of</p> <p>19 contents of Chapter 196 of the Revised Missouri Statutes</p> <p>20 and the face page of the exhibit is the particular</p> <p>21 sections dealing with the Life Sciences Research Board and</p> <p>22 Life Sciences Research Trust Fund, correct?</p> <p>23 MS. VOLLET: Just for the record, is</p> <p>24 page -- my exhibit begins with page 6 of 6 and then goes</p> <p>25 through 1 through 5, so they're sort of out of order, is</p>
51	<p>1 Q. And is that -- that's again at paragraph 6</p> <p>2 of your affidavit. Is that one of the statutes that is a</p> <p>3 source of authority for the LSRB?</p> <p>4 A. Yes.</p> <p>5 Q. And are you familiar with that particular</p> <p>6 statute?</p> <p>7 A. Yes.</p> <p>8 Q. And there's a series of statutory sections</p> <p>9 that deal with the LSRB, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And are you familiar with that series of</p> <p>12 statutes?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Have you reviewed them, I take it?</p> <p>15 A. In the past.</p> <p>16 Q. In the past. Sure. And you've reviewed</p> <p>17 them in connection with your duties as executive director</p> <p>18 of MTC?</p> <p>19 A. Yes.</p> <p>20 Q. And in connection with the memorandum of</p> <p>21 understanding between MTC and Life Sciences Research</p> <p>22 Board?</p> <p>23 A. Yes.</p> <p>24 Q. And so are those -- the authority that LSRB</p> <p>25 is vested with, as we were just discussing, subject to</p>	53	<p>1 that correct?</p> <p>2 MR. CLARK: That's correct. That's just so</p> <p>3 that the pages of the index to the chapter that deal</p> <p>4 specifically with the Life Sciences Research Trust Fund</p> <p>5 and Life Sciences Research Board are the cover page for</p> <p>6 ease of reference.</p> <p>7 THE WITNESS: I'm sorry. Was there a</p> <p>8 question? Did you have a question?</p> <p>9 BY MR. CLARK:</p> <p>10 Q. I was identifying the exhibit for the</p> <p>11 record.</p> <p>12 A. Okay.</p> <p>13 Q. Now, you refer to some of these statutory</p> <p>14 sections here that we have in Exhibit 2 in several places</p> <p>15 in your affidavit, correct?</p> <p>16 A. Yes.</p> <p>17 Q. In fact, you quote from -- from these --</p> <p>18 some of these section in your affidavit as well?</p> <p>19 A. Yes.</p> <p>20 Q. And I earlier asked a question regarding</p> <p>21 196.1127, and you quote from that in paragraph 13 of your</p> <p>22 affidavit, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And within Exhibit 2, if you would turn to</p> <p>25 the pages that constitute Section 196.1127, please, that's</p>

54

1 towards the back. Have you had a chance to look at that
2 statutory section?
3 A. Yes.
4 Q. And are you familiar, having reviewed this
5 in the past, with the restrictions contained in Chapter
6 196.1127?
7 A. Somewhat.
8 Q. And is it your understanding that, again
9 going back to my question regarding paragraph 6 in your
10 affidavit, that the restrictions in Section 196.1127 apply
11 to the LSRB's authority?
12 A. Yes.
13 Q. Now, is that your understanding as a legal
14 matter or as a more practical or factual matter?
15 A. Practical.
16 Q. And I don't want to know the contents of
17 this, but has MTC obtained a legal opinion on these
18 particular restrictions and whether they apply to the
19 LSRB?
20 A. No, not to my knowledge.
21 Q. Has LSRB obtained a legal opinion as to
22 whether these particular restrictions apply?
23 A. Not to my knowledge.
24 Q. If a legal opinion had been obtained by
25 MTC, is that something that you as executive director

55

1 would know about?
2 A. Probably.
3 Q. Do you have any reason to believe that
4 something, a legal opinion on this issue could have been
5 obtained and you didn't know about it?
6 A. Not in the last two years.
7 Q. And then with respect to LSRB, if LSRB had
8 obtained a legal opinion on the applicability of these
9 restrictions, is that something that you would know about?
10 A. Yes.
11 Q. And again, to your knowledge, no such legal
12 opinion has been obtained?
13 A. To my knowledge.
14 Q. Okay. In paragraph 6 you mention the seven
15 board members, which you discussed earlier. Who are the
16 seven board members of the LSRB?
17 A. Dr. Roger Mitchell, Ed Stevens, Jeanne
18 Daffron, Bob Onder, Kevin Sprouse, Ed Pinegar.
19 Q. Pinegar?
20 A. P-i-n-e-g-a-r. How many is that? Is that
21 six?
22 Q. Yes.
23 A. There's a vacancy.
24 Q. When did that vacancy arise?
25 A. In the spring.

56

1 Q. Of 2008?
2 A. Yes.
3 Q. Who was the board member?
4 A. Jeff Fox.
5 Q. And what happened to Mr. Fox in terms of
6 the board?
7 A. He resigned.
8 Q. So voluntary resignation, I take it?
9 A. Yes.
10 Q. Did he have a letter of resignation?
11 A. Yes.
12 Q. As you sit here today, do you recall any
13 reasons for his resignation?
14 A. Additional work-related duties, I think.
15 Q. Did you have any discussions with Mr. Fox
16 about his resignation?
17 A. No.
18 Q. You mentioned again in paragraph 6 of your
19 affidavit that the LSRB has no staff. Does the MTC
20 effectively function as the staff for the LSRB?
21 A. Yes.
22 Q. All right. Let's turn to paragraph 7 of
23 your affidavit. You mentioned that MTC is a private
24 not-for-profit corporation. What's your understanding of
25 what a private not-for-profit corporation is?

57

1 A. 501(c)(3) under IRS rules, so we operate in
2 that capacity.
3 Q. And who is vested with control of MTC? Is
4 it the board?
5 A. Yes.
6 Q. And who owns MTC, if you will?
7 A. I don't know.
8 Q. I believe you earlier mentioned that it's
9 a -- MTC is a quasi-governmental entity?
10 A. Yes.
11 Q. What does that mean?
12 A. Means that in some sense MTC can act
13 somewhat as a governmental entity, and in some sense it
14 acts as a private entity.
15 Q. And to your understanding, what senses does
16 it act as a governmental entity?
17 A. In its statutory relationship with the
18 Department of Economic Development.
19 Q. How else?
20 A. No other way.
21 Q. Does that also have to do with funding that
22 MTC receives?
23 A. Yes.
24 Q. And that would be appropriations of state
25 funds?

58

1 A. Yes.

2 Q. And so if I understand correctly, state

3 funds are appropriated directly to MTC in some instances?

4 A. In some instances.

5 Q. And in some instances MTC gets funds that

6 are appropriated to other departments or agencies and then

7 that come in to MTC through agreements with those

8 departments or agencies?

9 A. Not really.

10 Q. Well, for example, the funds that are

11 appropriated to Life Sciences Research Trust Fund, some of

12 those funds then make their way to MTC, correct?

13 A. Right, but through the Department of

14 Economic Development. So it's not another department.

15 Q. Okay. I understand what you're saying.

16 Through a department, I guess I should have said, so

17 that's where some of the funds come from?

18 A. Correct.

19 Q. And then are there any other functions that

20 MTC has in its governmental capacity?

21 A. No.

22 Q. Let's turn over to the private capacity

23 that you mentioned. What are MTC's functions in its

24 private capacity?

25 A. It is -- it doesn't have -- it doesn't have

59

1 to follow some of the same procurement rules that other

2 state agencies would have to follow, and it can hire

3 private employees and contract with people outside of sort

4 of the normal procedures of the Office of Administration

5 as set forth in statute.

6 Q. And that's the statute you referred to

7 there in paragraph 7 of your affidavit --

8 A. Yes.

9 Q. -- 348.251?

10 A. That's correct.

11 Q. And there's some other statutory sections

12 within Chapter 348 that govern MTC as well, right?

13 A. Yes.

14 Q. I take it that in your capacity as MTC

15 executive director you're familiar with those statutory

16 sections?

17 A. Yes.

18 Q. And you've reviewed them?

19 A. In the past I have.

20 Q. I'm not asking if you reviewed them

21 yesterday, but just at some time during your tenure --

22 A. Yes.

23 Q. -- in your position, right?

24 Okay. So when you say that MTC then

25 doesn't have to follow some of the state procurement

60

1 procedures, does MTC then not have to go through

2 competitive bidding for certain things?

3 A. We don't have to -- we -- yes, but that

4 doesn't mean we don't go through competitive bidding.

5 Q. You don't have to, but you do anyway at

6 times?

7 A. Yes.

8 Q. You mentioned that MTC could contract with

9 people outside of the normal procedures of the Office of

10 Administration. Explain to me what you mean by that.

11 A. I don't remember the statutes that govern

12 procurement. I don't remember the statute reference.

13 Q. Sure.

14 A. But OA procurement, Office of

15 Administration procurement is very cumbersome, and -- and

16 so in that vein MTC doesn't have to deal with that big

17 bureaucratic procurement system.

18 Q. Be more efficient in its procurement, so to

19 speak?

20 A. Yes.

21 Q. When you say contract with people, I think

22 was the term you used, and I'm not trying to put words in

23 your mouth, but you mean not only with individuals but

24 also with entities, agencies and the like?

25 A. Yes.

61

1 Q. What other private capacity functions does

2 MTC have?

3 A. I think I laid them out.

4 Q. Okay. Here in paragraph 7 of your

5 affidavit, when you're talking about the purposes of MTC,

6 those purposes come out of the statute you referenced

7 there, 348.256 --

8 A. Correct.

9 Q. -- Subsection 1?

10 And then some of these powers you were just

11 talking about come from the next statutory section you

12 reference in paragraph 7, 348.261, right?

13 A. I believe so.

14 Q. In paragraph 8 you mention the members of

15 the -- that MTC has a 15-member board. Who are the

16 members of the MTC Board?

17 A. Now you're really testing me. The

18 president of the University of Missouri or his designee,

19 that person is Mike Nichols. The director of Economic

20 Development or their designee, that person is Bill McCoy.

21 Member of the Senate, Senator John Griesheimer. Member of

22 the House of Representatives, that position is currently

23 vacant. And then 11 people appointed by the Governor. So

24 that would be Frank Stokes, Joe Bannister, Jake Fisher,

25 Dan Devers, Bob Calcaterra, Nick Franano, Donn Rubin, Bill

62	<p>1 McCoy. No, I mentioned Bill. Hold on.</p> <p>2 Q. Are they perhaps listed in one of the</p> <p>3 exhibits to your affidavit here?</p> <p>4 A. They're listed in an exhibit.</p> <p>5 Q. Would they be listed in the, let's see, the</p> <p>6 spending plan? The LSRB members are listed there? I'm</p> <p>7 not sure if the MTC Board members are listed there.</p> <p>8 A. I believe there's been a change today,</p> <p>9 actually, to the board. So Greg Steinhoff is on the board</p> <p>10 now.</p> <p>11 Q. Instead of Bill McCoy?</p> <p>12 A. No. Instead of Randy Ferguson. So how</p> <p>13 many do you have down?</p> <p>14 Q. Eight of the eleven gubernatorial</p> <p>15 appointees, if you're including Mr. Steinhoff as a</p> <p>16 gubernatorial appointee.</p> <p>17 A. He is. Jim Baker. Thank you. Ed Timm,</p> <p>18 Frank Stokes. Does that get 11?</p> <p>19 Q. I think you mentioned --</p> <p>20 A. Dan Mehan. Dan Mehan. Pardon me.</p> <p>21 Q. I think that gets you 11.</p> <p>22 A. Okay.</p> <p>23 Q. And what I handed you, just for the record,</p> <p>24 and I only have one copy, we'll go ahead and mark that, is</p> <p>25 a printout from the MTC website that I printed out</p>	64	<p>1 A. Today.</p> <p>2 Q. And Mr. -- how long was Mr. Rubin chair of</p> <p>3 the board?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Was Mr. Rubin chair of the board when you</p> <p>6 became executive director of MTC?</p> <p>7 A. Yes.</p> <p>8 Q. How was it that Mr. Rubin is no longer the</p> <p>9 chair of the board as of today?</p> <p>10 A. The Governor names the chair.</p> <p>11 Q. Did -- who's now the chair?</p> <p>12 A. Greg Steinhoff.</p> <p>13 Q. Did you have any discussions with the</p> <p>14 Governor about making Mr. Steinhoff chair of the board?</p> <p>15 A. Yes.</p> <p>16 Q. When did you discuss it with the Governor?</p> <p>17 A. Recently.</p> <p>18 Q. How recently?</p> <p>19 A. A week.</p> <p>20 Q. And what were the reasons for making</p> <p>21 Mr. Steinhoff chair of the board?</p> <p>22 A. You would have to ask the Governor.</p> <p>23 Q. What were your discussions with the</p> <p>24 Governor?</p> <p>25 A. He wanted to make Steinhoff the chair of</p>
63	<p>1 yesterday. We'll mark that as Exhibit 3.</p> <p>2 (PLAINTIFFS' EXHIBIT NO. 3 WAS MARKED FOR</p> <p>3 IDENTIFICATION BY THE REPORTER.)</p> <p>4 BY MR. CLARK:</p> <p>5 Q. How did the change from Mr. Ferguson to</p> <p>6 Mr. Steinhoff come about?</p> <p>7 A. The Governor made that appointment.</p> <p>8 Q. Did Mr. Ferguson resign?</p> <p>9 A. No.</p> <p>10 Q. He was just moved off the board, so to</p> <p>11 speak, by the Governor?</p> <p>12 A. He was in an expired term.</p> <p>13 Q. And so then the Governor's appointment was</p> <p>14 effective today, did you say?</p> <p>15 A. I believe so.</p> <p>16 Q. I want to make sure I understand. So Bill</p> <p>17 McCoy then is the designee on the board, the designee of</p> <p>18 the Department of Economic Development?</p> <p>19 A. Correct.</p> <p>20 Q. Then Mr. Rubin is the chair of the board?</p> <p>21 A. No.</p> <p>22 Q. He was at one point?</p> <p>23 A. Yes.</p> <p>24 Q. Up 'til what point was he the chair of the</p> <p>25 board?</p>	65	<p>1 the board.</p> <p>2 Q. And did he ask for your input on that?</p> <p>3 A. Yes.</p> <p>4 Q. And did you provide that?</p> <p>5 A. Yes.</p> <p>6 Q. What input did you provide?</p> <p>7 A. That he would be a very good chair.</p> <p>8 Q. And did you discuss that Mr. Rubin would no</p> <p>9 longer be the chair of the board?</p> <p>10 A. Yes.</p> <p>11 Q. And what were your discussions about</p> <p>12 Mr. Rubin no longer being chair of the board?</p> <p>13 A. We just had a brief discussion about the</p> <p>14 change from Rubin to Steinhoff.</p> <p>15 Q. Did the Governor give you any reasons for</p> <p>16 removing Mr. Rubin as chair of the board?</p> <p>17 A. No.</p> <p>18 Q. Did you express any concern about removing</p> <p>19 Mr. Rubin as chair of the board?</p> <p>20 A. No.</p> <p>21 Q. Did you discuss this with Mr. Rubin?</p> <p>22 A. No.</p> <p>23 Q. Did you discuss it with Mr. Steinhoff?</p> <p>24 A. Yes.</p> <p>25 Q. When did you discuss it with Mr. Steinhoff?</p>

66

1 A. Two days ago.
 2 Q. And what were your discussions with
 3 Mr. Steinhoff?
 4 A. Just to speak with him about the MTC Board
 5 after he'd already spoken with the Governor.
 6 Q. In your discussions with the Governor about
 7 removing Mr. Rubin as the chair or making Mr. Steinhoff
 8 the chair, did this lawsuit at all come up?
 9 A. Not recently.
 10 Q. Has it come up in prior discussions with
 11 the Governor?
 12 A. Yes.
 13 Q. And what were those discussions?
 14 A. Just general discussions about people
 15 viewing Mr. Rubin as a lightning rod.
 16 Q. Meaning what?
 17 A. Controversial figure.
 18 Q. And that would have to do with his
 19 involvement with the Missouri Coalition for Lifesaving
 20 Cures?
 21 A. Yes.
 22 Q. And his involvement with the Sauers
 23 Institute for Medical Research?
 24 A. I don't know about that.
 25 Q. His involvement with the passage of what

67

1 was in 2006 known as Amendment 2?
 2 A. Yes.
 3 Q. Which is now Article 3, Section 38(d) of
 4 the Missouri Constitution, right?
 5 A. Yes.
 6 Q. You refer to that Article 3, Section 38(d)
 7 in your affidavit a few times, correct? Look at
 8 paragraph 14.
 9 A. Yes.
 10 Q. So in the context of the discussions about
 11 Mr. Rubin being a lightning rod because of his involvement
 12 with Missouri Coalition for Lifesaving Cures and Amendment
 13 2, is that what drove his removal as chairman of the
 14 board?
 15 A. It was a combination of things.
 16 Q. What were the other?
 17 A. Traditionally the Governor has not had
 18 people serve as chair for more than a few years when he
 19 names the chair.
 20 Q. Did the Governor name Mr. Rubin as the
 21 chair when he was originally named chair?
 22 A. Yes.
 23 Q. And that was before your time at MTC, I
 24 take it?
 25 A. Yes.

68

1 Q. And so other than that, that kind of tenure
 2 issue and then the lightning rod issue, what were the
 3 other reasons for removing Mr. Rubin as chair?
 4 A. No other issues. I mean, he was appointed.
 5 He was reappointed to his position as a board member.
 6 Q. By the Governor?
 7 A. Yes.
 8 Q. Was that reappointment also effective
 9 today?
 10 A. I believe so.
 11 Q. And so Mr. Rubin then remains on the board,
 12 just simply no longer as chairman of the board?
 13 A. Correct.
 14 Q. So in your discussions then with the
 15 Governor about this lawsuit and Mr. Rubin, did the
 16 Governor express concern to you about Mr. Rubin serving as
 17 chair in connection with the allegations in this lawsuit?
 18 A. No.
 19 Q. Did you express any concern to the Governor
 20 about having Mr. Rubin as chair in light of the
 21 allegations in this lawsuit?
 22 A. We already discussed that.
 23 Q. I don't think we did, or is that -- is your
 24 answer that what you've already said?
 25 A. Yes.

69

1 Q. There were no other discussions with the
 2 Governor in that regard?
 3 A. No.
 4 Q. And that's your testimony?
 5 A. Yes.
 6 Q. Okay. Now, the -- how long then is
 7 Mr. Rubin's current term that's effective today on the
 8 board?
 9 A. I'm not sure.
 10 Q. And how long is Mr. Steinhoff's term as
 11 chairman of the board?
 12 A. Chair is named by the Governor. The term
 13 to which Steinhoff was appointed I believe was a four-year
 14 term.
 15 Q. And is Mr. Steinhoff's appointment separate
 16 from his role as the director of Economic Development?
 17 A. He is not the director of Department of
 18 Economic Development.
 19 Q. As of when?
 20 A. As of a week or two ago.
 21 Q. Other than his role as chairman of the
 22 board of MTC, what does Mr. Steinhoff currently do?
 23 A. He's vice president for Boone County
 24 National Bank.
 25 Q. Did he resign as chairman of the Department

70	<p>1 of Economic Development?</p> <p>2 A. Yes.</p> <p>3 Q. Was he asked to resign?</p> <p>4 A. No.</p> <p>5 Q. Did you have any discussions with</p> <p>6 Mr. Steinhoff about his resignation?</p> <p>7 A. Yes.</p> <p>8 Q. What was the nature of your discussions?</p> <p>9 A. Just congratulations on a new position.</p> <p>10 Q. Were there any other changes to the board</p> <p>11 that are effective today?</p> <p>12 A. Not that I'm aware of.</p> <p>13 Q. What drove the timing of those changes to</p> <p>14 the board?</p> <p>15 A. I don't know.</p> <p>16 Q. Did it have anything to do with the fact</p> <p>17 that MTC is having its annual meeting next week?</p> <p>18 A. You'd have to ask the Governor.</p> <p>19 Q. You didn't have discussions with the</p> <p>20 Governor about that?</p> <p>21 A. About the timing, no.</p> <p>22 Q. Did you make any suggestions to the</p> <p>23 Governor that changes needed to be made in advance of the</p> <p>24 upcoming annual meeting?</p> <p>25 A. Yes.</p>	72	<p>1 A. Dr. Wayne Cooper.</p> <p>2 Q. When did Mr. Cooper's appointment expire?</p> <p>3 A. He resigned from the board in April or May.</p> <p>4 Q. Was that because his term in the House was</p> <p>5 up or coming up?</p> <p>6 A. No.</p> <p>7 Q. What was the reason for his resignation?</p> <p>8 A. He's a practicing physician and had</p> <p>9 difficulty attending meetings of the board, conflicting</p> <p>10 with his practice.</p> <p>11 Q. And then have you had discussions with</p> <p>12 the -- I guess it would be the Speaker Elect of the House?</p> <p>13 A. No.</p> <p>14 Q. And so you suggested changes yesterday.</p> <p>15 You suggested some changes needed to be made to the board.</p> <p>16 You suggested that to the Governor, right?</p> <p>17 A. No.</p> <p>18 Q. I thought that's what you'd said. You had</p> <p>19 a discussion with him yesterday about the changes and then</p> <p>20 previously had discussions with him about changes as well?</p> <p>21 A. I had discussion about the timing of the</p> <p>22 changes.</p> <p>23 Q. Yesterday. That was the discussion?</p> <p>24 A. Correct.</p> <p>25 Q. And what was the substance of that</p>
71	<p>1 Q. And when did you suggest that?</p> <p>2 A. Yesterday.</p> <p>3 Q. Is that the first time you suggested it to</p> <p>4 the Governor?</p> <p>5 A. With regard to the timing, yes.</p> <p>6 Q. And at other times you suggested changes</p> <p>7 need to be made as well?</p> <p>8 A. There was a number of expired terms, and so</p> <p>9 there were discussions about the Governor needing to</p> <p>10 appoint people to the number of positions related to the</p> <p>11 board.</p> <p>12 Q. When were those discussions in terms of</p> <p>13 timing and vacant positions?</p> <p>14 A. They've been ongoing for a while.</p> <p>15 Q. Was someone appointed to fill the House</p> <p>16 position?</p> <p>17 A. That person's appointed by the Speaker.</p> <p>18 Q. And Representative Onder was in that</p> <p>19 position?</p> <p>20 A. No.</p> <p>21 Q. He was not. Who was in that position?</p> <p>22 A. Representative Onder is a member of the</p> <p>23 Life Sciences Research Board.</p> <p>24 Q. Who was in the House position on the MTC</p> <p>25 Board prior to its becoming vacant?</p>	73	<p>1 discussion?</p> <p>2 A. Let me correct. It was discussion with the</p> <p>3 Governor's office about the timing, but not with the</p> <p>4 Governor directly.</p> <p>5 Q. Okay. Fair enough. And what was the</p> <p>6 substance of the discussion?</p> <p>7 A. Just that if it was going to happen, it</p> <p>8 needed to happen short order before this meeting.</p> <p>9 Q. What was your concern with it in connection</p> <p>10 with the meeting?</p> <p>11 A. We don't have another scheduled meeting for</p> <p>12 a while, so if changes were going to take place, it would</p> <p>13 be beneficial to have it at a regularly scheduled meeting.</p> <p>14 Q. So if I understand what you're saying, the</p> <p>15 changes become effective today; is that correct?</p> <p>16 A. I believe so.</p> <p>17 Q. And then the annual meeting is on Monday,</p> <p>18 the 27th --</p> <p>19 A. Correct.</p> <p>20 Q. -- of October?</p> <p>21 Okay. So with whom in the Governor's</p> <p>22 office did you have those discussions about timing?</p> <p>23 A. John Russell, Tom Reese.</p> <p>24 Q. Anyone else?</p> <p>25 A. No.</p>

74

1 Q. And then previous discussions you had with
 2 the Governor about changing the board, changes in the
 3 personnel on the board, were those discussions directly
 4 with the Governor?
 5 A. Some yes, some no.
 6 Q. And so there were -- you would have
 7 discussions with the Governor and then separate
 8 discussions with his staff, I take it?
 9 A. Yes.
 10 Q. I think you said those discussions had
 11 taken place over the course of the two years that you've
 12 been executive director at MTC?
 13 A. Yes.
 14 Q. So were you requesting changes to the
 15 board?
 16 A. I was requesting that expired positions be
 17 reviewed and appointments, you know, sort of permanent
 18 appointments be made. So it was more in relation to just
 19 the management of making sure all of the people were in
 20 full terms and were not just sitting in expired terms.
 21 Q. And did you suggest any specific personnel
 22 on the board need to be changed?
 23 A. Yes.
 24 Q. Who were the people that you suggested
 25 needed to be changed?

75

1 A. Just the ones that were in expired terms.
 2 I didn't suggest that all of them needed to be removed,
 3 but the expired terms needed to be addressed.
 4 Q. And over the course of the time you've been
 5 executive director of MTC, who has had a board seat with
 6 an expired term?
 7 A. Lots of people. Jim Baker, Dan Mehan, I
 8 think, Donn Rubin, Frank Stokes, John Park. I mean, there
 9 were -- there were a bunch of people in expired terms, so
 10 that's what drove those discussions was just the number of
 11 people in expired terms.
 12 Q. And are the terms four-year terms, did you
 13 say?
 14 A. Yes.
 15 Q. And what -- what has been the practice when
 16 someone's term expires? Do they continue serving on the
 17 board 'til there's a new appointment?
 18 A. Yes.
 19 Q. And over the time you've been executive
 20 director, how long has that period been that the --
 21 someone has been in an expired term?
 22 A. Some have been in expired terms since
 23 before I arrived.
 24 Q. Is there anybody on the board currently
 25 that's in an expired term?

76

1 A. Yes.
 2 Q. Who's that?
 3 A. Frank Stokes.
 4 Q. Anyone else?
 5 A. Possibly Donn Rubin, although I don't know
 6 the timing of that specifically. There's a couple of
 7 expired terms that are -- just became expired in the last
 8 few weeks, so -- so it's -- it's kind of hard to keep
 9 track of when, you know, the 11 people are in expired
 10 terms or not. I'm just trying to keep the Governor's
 11 office apprised of, you know, when these slots are open
 12 and maybe we can think about, you know, making
 13 reappointments or appointments, et cetera.
 14 Q. Do you do that by -- when you keep the
 15 Governor's office apprised, do you do that by phone call
 16 or e-mail or other means?
 17 A. Phone call.
 18 Q. And who would you typically call?
 19 A. Tom Reese.
 20 Q. Is he the Governor's chief of staff?
 21 A. No.
 22 Q. What's his role?
 23 A. He's the director of boards and
 24 commissions.
 25 Q. I see. And you mentioned Mr. Rubin you

77

1 thought possibly was in an expired term currently?
 2 A. Yes, although he may have been reappointed
 3 today to his -- to a full term. Well, not necessarily a
 4 full term, but an abbreviated term.
 5 Q. Okay. And is that -- you're just not sure
 6 if that has actually happened?
 7 A. Correct.
 8 Q. And do those -- these appointments have to
 9 be with the advice and consent of the Senate; is that
 10 correct?
 11 A. No.
 12 Q. Not at all? There's no advice and consent?
 13 A. Correct.
 14 Q. So there's just simply the Governor's
 15 appointments and that's who's then on the board?
 16 A. Of the 11 of the 15, yes.
 17 Q. Right. Right. Only speaking of those 11.
 18 Is it possible, then, that Mr. Rubin has not been
 19 reappointed to the board?
 20 A. It's possible he's still in an expired
 21 term.
 22 Q. Okay.
 23 A. And would still be serving as a board
 24 member in that capacity.
 25 Q. So as far as you know, as we speak,

78

1 Mr. Rubin is still a board member?
 2 A. Yes.
 3 Q. And so, then, I want to make sure I
 4 understand what's occurred. He's in an expired term as a
 5 board member, and was his term as chairman also expired?
 6 A. There's no -- there's no expiration
 7 associated with the chair. It is appointed by the
 8 Governor.
 9 Q. But that chair has to be a board member?
 10 A. Correct.
 11 Q. Okay. So while Mr. Rubin was serving as
 12 chair, he was serving as chair at least in part while in
 13 an expired board seat, so to speak?
 14 A. Correct.
 15 Q. Did you have any discussion with the
 16 Governor's office about possibly not reappointing
 17 Mr. Rubin?
 18 A. There was discussion about that.
 19 Q. And when were those discussions?
 20 A. They varied over the last few months.
 21 Q. Since this lawsuit has been filed?
 22 A. It started before that.
 23 Q. Okay. And did you suggest to the Governor
 24 at any time or his staff that Mr. Rubin should be removed
 25 from the board?

79

1 A. There was discussion about that, so -- I'm
 2 not in a position to tell the Governor what to do.
 3 Q. Right. And again, I'm not asking if you
 4 told him what to do. I said did you suggest that?
 5 A. We had discussion about that.
 6 Q. And did you discuss -- did you suggest that
 7 Mr. Rubin should be removed from the board?
 8 A. Yes.
 9 Q. And when did you suggest that?
 10 A. I don't recall.
 11 Q. Was it recently?
 12 A. No.
 13 Q. But since this lawsuit was filed?
 14 A. No.
 15 Q. How many times did you make that
 16 suggestion?
 17 A. I don't recall.
 18 Q. What were the reasons for your making that
 19 suggestion?
 20 A. The issues that MTC deals with in the
 21 General Assembly and input that we received from members
 22 of the General Assembly.
 23 Q. Again, going back to what you referred as
 24 the lightning rod issue, so to speak?
 25 A. Yes.

80

1 Q. Because of Mr. Rubin's involvement with
 2 Amendment 2 and the Missouri Coalition for Lifesaving
 3 Cures?
 4 A. Yes.
 5 Q. Is that concerns over whether -- when you
 6 say concerns or issues from the General Assembly, concerns
 7 that funding to the Life Sciences Research Board or MTC
 8 will be used for embryonic stem cell research?
 9 A. What's the question again?
 10 Q. Well, you mentioned concerns from the
 11 General Assembly, I think was the term used. Concerns
 12 that have been expressed by the members of the General
 13 Assembly? Make it easier. What were those concerns?
 14 A. People that want to support the Life
 15 Science Trust Fund feel that the controversy associated
 16 with Donn Rubin as chair of MTC affects the way that issue
 17 is viewed in the General Assembly.
 18 Q. That issue being?
 19 A. Life Sciences Trust Fund.
 20 Q. Funding for the Life Sciences Trust Fund?
 21 A. And other MTC issues.
 22 Q. What other MTC issues?
 23 A. The angel tax credit, just general MTC
 24 projects.
 25 Q. Is it your position that it would be

81

1 easier, so to speak, to get funding for the Life Sciences
 2 Research Trust Fund and the board if Mr. Rubin were not on
 3 the board of MTC anymore?
 4 A. Yes.
 5 Q. And is that again because of the lightning
 6 rod controversy surrounding him and his involvement with
 7 Missouri Coalition for Lifesaving Cures and Amendment 2?
 8 A. Yes.
 9 Q. And so bringing it back to today, have you
 10 had discussions with the Governor's office about not
 11 reappointing him so that he's no longer a board member for
 12 the annual meeting that's upcoming this next week?
 13 A. No.
 14 Q. And when was the last discussion you had
 15 with the Governor's office about Mr. Rubin?
 16 A. Last night.
 17 Q. And what was that discussion?
 18 A. About when he would be reappointed.
 19 Q. Was there a discussion about whether he
 20 would be reappointed?
 21 A. No.
 22 Q. It was simply when?
 23 A. Yes.
 24 Q. And who initiated the discussion?
 25 A. The Governor's office.

82

1 Q. And who from the Governor's office?
 2 A. Tom Reese.
 3 Q. Mr. Reese. And when you said the
 4 discussion was about when he would be reappointed, was he
 5 asking you when he should or what did Mr. Reese say to
 6 you?
 7 A. It came up in the course of conversation
 8 about when these expired terms were going to be filled.
 9 Q. How many other expired terms did you
 10 discuss with Mr. Reese last night?
 11 A. Two, two others.
 12 Q. Which ones are those?
 13 A. Randy Ferguson and Bob Calcaterra.
 14 Q. And is then Mr. Calcaterra, has he been
 15 reappointed?
 16 A. I don't believe so.
 17 Q. You told me earlier that you knew that
 18 Mr. Steinhoff had been appointed the chair?
 19 A. Yes.
 20 Q. And that was as of today, right?
 21 A. That's correct.
 22 Q. And how did you know that?
 23 A. I got a press release from the Governor's
 24 office on my e-mail.
 25 Q. And that came out today?

83

1 A. Yes.
 2 Q. And I take it you have not seen any or
 3 received any press releases with respect to Mr. Rubin?
 4 A. Now that you say, he might be on that same
 5 release, and it might -- it may -- it may say that he has
 6 been reappointed actually.
 7 Q. You just as you sit here don't recall?
 8 A. Correct.
 9 Q. Okay. Fair enough. Was there anyone else
 10 who's on the MTC Board that you suggested should be
 11 removed because of any controversies regarding funding?
 12 A. No.
 13 Q. Is there anybody else on the MTC Board that
 14 you're aware of that was involved in the promotion or
 15 passage of Amendment 2?
 16 A. I really don't know.
 17 Q. Is there anyone else on the MTC Board who
 18 was involved in the Missouri Coalition for Lifesaving
 19 Cures?
 20 A. If they were, I'm not aware. I don't know.
 21 Q. But Mr. -- so Mr. Rubin then, to your
 22 knowledge, is the only one?
 23 A. To my knowledge.
 24 Q. To your knowledge. Right. You only know
 25 what you know, right?

84

1 A. Correct.
 2 MR. WYRSCH: Good time for a break?
 3 THE WITNESS: I wouldn't mind a break.
 4 MR. CLARK: Couple more questions.
 5 MS. VOLLET: Do you need -- I mean, I could
 6 use a restroom break myself.
 7 MR. CLARK: Why don't we just finish up on
 8 this topic if we could, or if we want to take a break and
 9 we'll resume after, that's fine, too.
 10 THE WITNESS: If you don't mind?
 11 MR. CLARK: Let's take a break. That's
 12 fine.
 13 (A BREAK WAS TAKEN.)
 14 BY MR. CLARK:
 15 Q. Mr. Monsees -- it's Monsees, Monsees?
 16 A. Monsees.
 17 Q. Monsees. I understand 5:30 is your time
 18 limitation today, correct?
 19 A. Yeah.
 20 Q. You have some child care responsibilities,
 21 as I understand?
 22 A. Yes.
 23 Q. All right. I will be respectful of that.
 24 We'll get as far as we can and go from there.
 25 All right. We were talking about

85

1 gubernatorial appointments and the like and funding
 2 issues. You mentioned some concerns that were expressed
 3 by the members of the General Assembly, and I think you
 4 mentioned there was concern over activities of MTC. Is
 5 that how you phrased it?
 6 A. No.
 7 Q. What was the -- what were the concerns as
 8 they were expressed to you?
 9 A. People in the Legislature have come to
 10 equate life sciences with stem cell, and so I would say
 11 that certain groups have been successful in trying to
 12 paint MTC in that same category.
 13 Q. You say stem cell, meaning embryonic stem
 14 cell research?
 15 A. Yes.
 16 Q. Any other type of research?
 17 A. No.
 18 Q. And when you say equate MTC, tell me what
 19 you mean by that.
 20 A. Just that all that stuff is bad, anything
 21 technology related.
 22 Q. Anything related to embryonic stem cell
 23 research?
 24 A. No.
 25 Q. Just any sort of technology?

86	<p>1 A. Life sciences in general.</p> <p>2 Q. Technology as applied to life sciences</p> <p>3 issues?</p> <p>4 A. Yes.</p> <p>5 Q. And these are concerns that have been</p> <p>6 expressed to you directly?</p> <p>7 A. Yes.</p> <p>8 Q. And I take it in your capacity as executive</p> <p>9 director of MTC you -- part of your responsibilities</p> <p>10 include seeking funding for MTC?</p> <p>11 A. I respond to lots of questions from the</p> <p>12 General Assembly in connection with funding of MTC,</p> <p>13 funding, programmatic issues, et cetera.</p> <p>14 Q. And would you also respond to questions</p> <p>15 from the General Assembly regarding funding of the Life</p> <p>16 Sciences Research Trust Fund?</p> <p>17 A. Yes.</p> <p>18 Q. The funds that go in the Life Sciences</p> <p>19 Research Trust Fund, are they administered by -- let me</p> <p>20 back up. MTC has a role in administering those funds?</p> <p>21 A. We have a role as the administrator for the</p> <p>22 Life Sciences Research Board.</p> <p>23 Q. Is there any other entity that has a role</p> <p>24 in administering funds that are appropriated to the Life</p> <p>25 Sciences Research Trust Fund?</p>	88	<p>1 lobbying for funding or in favor of funding?</p> <p>2 A. Not so much lobbying as answering</p> <p>3 questions.</p> <p>4 Q. And certainly you're not up there saying,</p> <p>5 hey, don't fund MTC and don't fund the Life Sciences</p> <p>6 Research Trust Fund?</p> <p>7 A. Correct.</p> <p>8 Q. So you would be there in favor of funding</p> <p>9 MTC and Life Sciences Research Trust Fund, right?</p> <p>10 A. Correct.</p> <p>11 Q. So in addition to testifying before</p> <p>12 committees at hearings, you would meet with --</p> <p>13 A. We get asked to testify.</p> <p>14 Q. Sure. Okay. And asked by a member of a</p> <p>15 committee?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Do the members of the MTC Board then</p> <p>18 direct you to testify or ask you to testify?</p> <p>19 A. Not specifically.</p> <p>20 Q. And so it more comes up as something</p> <p>21 initiated by a legislator or legislator's office?</p> <p>22 A. Yes.</p> <p>23 Q. Has the Governor's office asked you to</p> <p>24 testify before the Legislature on funding issues?</p> <p>25 A. No.</p>
87	<p>1 A. No.</p> <p>2 Q. I guess other than Life Sciences Research</p> <p>3 Board?</p> <p>4 A. Correct.</p> <p>5 Q. I wasn't trying to box you in on that. And</p> <p>6 so are some of the concerns that have been expressed to</p> <p>7 you by legislators that if the Life Sciences Research</p> <p>8 Trust Fund were funded, that some of those funds would be</p> <p>9 used for embryonic stem cell research?</p> <p>10 A. Yes.</p> <p>11 Q. And that's -- there are legislators who</p> <p>12 would object to that use of the funding, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And those objections have been expressed to</p> <p>15 you in your capacity as MTC executive director, right?</p> <p>16 A. Yes.</p> <p>17 Q. And you say you respond to inquiries. Do</p> <p>18 you also advocate to members of the General Assembly for</p> <p>19 funding of the Life Sciences Research Trust Fund?</p> <p>20 A. No. We are more responding to questions</p> <p>21 about how the process works.</p> <p>22 Q. And in that role or capacity have you then</p> <p>23 testified before House and Senate committees?</p> <p>24 A. Yes.</p> <p>25 Q. And have you in that capacity then been</p>	89	<p>1 Q. In paragraph 9 of your affidavit, you</p> <p>2 mention that -- in that second to the last sentence, that</p> <p>3 the DED provides some assistance to MTC. What is that</p> <p>4 assistance by the DED?</p> <p>5 A. Stacy Hirst and to a degree Elizabeth Hobbs</p> <p>6 help with some -- Stacy Hirst is very involved in MTC and</p> <p>7 the Life Science Trust Fund and all of the technology fund</p> <p>8 issues. Elizabeth Hobbs is a staff assistant kind of</p> <p>9 person.</p> <p>10 Q. And is Stacy Hirst an employee of DED?</p> <p>11 A. Yes.</p> <p>12 Q. And is Elizabeth Hobbs an employee of DED?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And is that what you mean there in</p> <p>15 your affidavit by assistance from the DED to MTC?</p> <p>16 A. Yes.</p> <p>17 Q. Is Ms. Snodgrass an employee of MTC?</p> <p>18 A. Yes.</p> <p>19 Q. And is she similar to you in that she's</p> <p>20 also an employee of DED?</p> <p>21 A. No.</p> <p>22 Q. She's solely an employee of MTC?</p> <p>23 A. Correct.</p> <p>24 Q. And how about Bill Anderson, who's he an</p> <p>25 employee of?</p>

94

1 A. Yes.

2 Q. Is it office space within the Truman State

3 Office Building?

4 A. Correct.

5 Q. And is that within -- is the MTC's space

6 within the DED's space?

7 A. Yes.

8 Q. And is there separate space designated for

9 MTC?

10 A. Sort of.

11 Q. In other words, you have an office and

12 Ms. Snodgrass has an office and Mr. Anderson has an office

13 but they may not be in one little contiguous space?

14 A. Yes.

15 Q. And Ms. Hirst as well?

16 A. Yes.

17 Q. When you say that Ms. Hirst does the

18 recordkeeping for the LSRB, if I understand your answer

19 correctly, you're saying that she's doing that in her

20 capacity as an employee of DED?

21 A. Correct.

22 Q. And that's her only capacity, right? I

23 mean, she's not an employee of MTC?

24 A. She is not an employee of MTC.

25 Q. Does Ms. Hirst perform that recordkeeping

95

1 function under your direction?

2 A. Not really.

3 Q. Then under whose direction would she be

4 performing her recordkeeping functions?

5 A. The board.

6 Q. The MTC Board?

7 A. The Life Science Research Board.

8 Q. I see.

9 A. Or the department. She's -- she was

10 designated the custodian by the Research Board.

11 Q. I see. Okay. And then who -- who is

12 designated as the custodian for MTC's records?

13 A. We don't have an official custodian.

14 Q. Where are those records kept?

15 A. At the MTC office.

16 Q. Within the DED?

17 A. Yes.

18 Q. Does MTC have its own file storage space,

19 if you will?

20 A. Sort of.

21 Q. File drawers in your offices and

22 Ms. Snodgrass' office?

23 A. There's a -- yes.

24 Q. You were about to say there's a?

25 A. There's a general area on the sixth floor

96

1 that has a whole bunch of files where the files are kept.

2 Q. Okay. Does the MTC pay rent to DED for its

3 office space?

4 A. No.

5 Q. Does MTC reimburse DED for any of

6 Ms. Hirst's salary expense or personnel expense?

7 A. Sort of. Under the MOU, there's

8 12,000-some dollars allocated to Stacy Hirst for

9 additional responsibilities that she does for the Research

10 Board above and beyond her normal duties at the Department

11 of Economic Development.

12 Q. Okay. And the MOU you're referring to is

13 what's Exhibit 1 to your affidavit?

14 A. Yes.

15 Q. And that's the most current MOU between or

16 among MTC, DED and LSRB?

17 A. Correct.

18 Q. And there was a prior MOU before this?

19 A. Yes.

20 Q. And is there a reason the term of the MOU

21 is one year?

22 A. No specific reason.

23 Q. Who determines that?

24 A. The parties to the agreement.

25 Q. And were you involved in the preparation of

97

1 this particular MOU that's Exhibit 1 to your affidavit?

2 A. I was part of the group that was involved,

3 but I did not draft it.

4 Q. And did you review drafts of it?

5 A. Yes.

6 Q. Was this what you considered -- would

7 consider a negotiated document?

8 A. Not really.

9 Q. This is more of a standard agreement?

10 A. I mean, it's a pretty standard MOU.

11 Q. And when you say pretty standard, did you

12 include in that kind of a category the attachments to the

13 MOU?

14 A. I'm not an expert on MOUs, but --

15 Q. Sure.

16 A. -- it seems pretty standard to me.

17 Q. You've dealt with MOUs in your various

18 capacities in state government?

19 A. Some.

20 Q. Who was responsible for preparation of the

21 attachment to the MOU?

22 A. A combination, mostly involving Stacy

23 Hirst, Powell Carman from Bryan Cave, general counsel for

24 MTC, and Daryl Hylton, counsel for the Department of

25 Economic Development.

98	<p>1 Q. If you would turn to -- it's</p> <p>2 Attachment A to the MOU, which is Exhibit 1 to your</p> <p>3 affidavit, and that attachment.</p> <p>4 A. Okay.</p> <p>5 Q. That sets forth the services provided by</p> <p>6 MTC to the LSRB, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And who determined what services MTC would</p> <p>9 provide to the LSRB?</p> <p>10 A. I don't remember.</p> <p>11 Q. Is that something that you were involved</p> <p>12 in, though?</p> <p>13 A. I didn't draft it, but --</p> <p>14 Q. Go ahead.</p> <p>15 A. It was part of the original MOU.</p> <p>16 Q. The one prior to the one that's here as</p> <p>17 Exhibit 1 to your affidavit?</p> <p>18 A. Yes.</p> <p>19 Q. And that would have been one that was</p> <p>20 entered into in -- or effective as of July 1 of 2007?</p> <p>21 A. I don't remember the specific time for that</p> <p>22 last year.</p> <p>23 Q. Somewhere around that time, though?</p> <p>24 A. Yes.</p> <p>25 Q. And prior to that MOU, the one that was</p>	100
99	<p>1 entered into sometime or effective sometime in 2007, was</p> <p>2 there another MOU amongst these parties?</p> <p>3 A. Not that I'm aware of.</p> <p>4 Q. And the MOUs came about as a result of</p> <p>5 funds being appropriated --</p> <p>6 A. Correct.</p> <p>7 Q. -- through the Life Sciences Research</p> <p>8 Board?</p> <p>9 A. That's correct.</p> <p>10 Q. So again going back to this Attachment A,</p> <p>11 the services, how did it come about that these were the</p> <p>12 services? I mean, who or how was that determined?</p> <p>13 A. I don't know.</p> <p>14 Q. Were you involved in any discussions about</p> <p>15 what services MTC would provide to the LSRB?</p> <p>16 A. Not really.</p> <p>17 Q. When you say not really, you were at some</p> <p>18 level, then?</p> <p>19 A. I reviewed the MOU before it was presented</p> <p>20 to the board. I wasn't involved in creating this list of</p> <p>21 services.</p> <p>22 Q. To your knowledge, who was? The three</p> <p>23 people you mentioned?</p> <p>24 A. At that time, there may have been another</p> <p>25 individual at the Department of Economic Development that</p>	101

102

1 Cave that MTC has engaged?
 2 A. No.
 3 Q. Then when you have technical services here,
 4 what does that encompass?
 5 A. I really -- I really don't know the
 6 definition to that specifically.
 7 Q. Okay. Fair enough. And then staff
 8 services, would that be the provision of Ms. Hirst and
 9 Ms. Snodgrass and the like?
 10 A. Yes.
 11 Q. Personnel services, what does that mean?
 12 A. I'm assuming that just is the provision to
 13 allow us to hire people to -- to provide service to the
 14 board.
 15 MR. CLARK: Okay. Off the record for a
 16 second.
 17 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)
 18 BY MR. CLARK:
 19 Q. Payroll services I assume just means
 20 provision of payroll and processing payroll and the like.
 21 Nothing out of the ordinary there, I take it?
 22 A. Not that I'm aware of.
 23 Q. And then necessary expenses of the LSRB.
 24 What falls into that category?
 25 A. There's a number of expenses that MTC pays

103

1 by means of the agreement. Peer review services is the
 2 largest expense, and we contract with a peer review firm
 3 to review all of the full proposals, applications.
 4 Q. I see. Any other expenses you can think
 5 of?
 6 A. There's meeting expenses, all of those
 7 sorts of things flow through MTC.
 8 Q. All right.
 9 A. We handle it as a matter of just providing
 10 that administrative service for the board.
 11 Q. Right. And I see this last bullet here is
 12 other services agreed to by the DED, MTC and LSRB. What
 13 other services have been agreed to amongst those parties
 14 in connection with this MOU?
 15 A. None that I know of.
 16 Q. And same question with respect to the 2007
 17 MOU.
 18 A. None. Just administrative support.
 19 Q. Back to the legal service for a minute, how
 20 was Bryan Cave selected as MTC's counsel?
 21 A. Through RFP.
 22 Q. When was that?
 23 A. It was about a year ago.
 24 Q. Were you involved in the RFP process?
 25 A. Yes.

104

1 Q. And what was your involvement?
 2 A. I can't remember if I drafted that RFP or
 3 took a version or someone else drafted it, but I was very
 4 involved in it.
 5 Q. When you say very involved, in addition to
 6 drafting or being involved in the drafting, what was your
 7 involvement?
 8 A. Evaluating the responses to the RFP and
 9 providing that analysis to the board for their review to
 10 make a decision.
 11 Q. Ultimately the board's decision, though?
 12 A. Correct.
 13 Q. Would you then have made a recommendation
 14 to the board?
 15 A. Not in that case.
 16 Q. Do you in certain cases make a
 17 recommendation to the board on RFPs?
 18 A. Sometimes to the MTC Board, yes.
 19 Q. Do you make recommendations to the LSRB?
 20 A. With regard to RFPs, no.
 21 Q. Let's go back to your affidavit, the actual
 22 text of your affidavit as opposed to the attachment there.
 23 In paragraph 11 again you're referring to the statutory
 24 authority by which LSRB contracts with MTC, right?
 25 A. Yes.

105

1 Q. And that's again in that same Chapter 196,
 2 sections of which we have there in Exhibit 2?
 3 A. Yeah.
 4 Q. Okay. And then moving on to paragraph 12,
 5 this kind of ties back in to the MOU, and you talk about
 6 how the MOU does not delegate any of LSRB's
 7 decision-making authority over monies appropriated to the
 8 LSRB and the Life Sciences Research Trust Fund to MTC,
 9 right?
 10 A. Correct.
 11 Q. And this goes back into the issue of making
 12 recommendations. With respect to the RFP process on grant
 13 proposals, you mentioned contracting out for peer review,
 14 right?
 15 A. Uh-huh.
 16 Q. And so peer review -- is that a yes?
 17 A. Yes. Sorry.
 18 Q. That's all right. Is it MTC that contracts
 19 with the peer review firm, right?
 20 A. MTC contracts on behalf of the Life Science
 21 Research Board. The decision on which peer review firm
 22 gets hired is a decision of the Research Board. Because
 23 of the MOU, the contract is -- flows through MTC.
 24 Q. So if I understand that correctly, then,
 25 MTC is a party to the contract?

106	<p>1 A. Yes.</p> <p>2 Q. And then administers and oversees the</p> <p>3 contract?</p> <p>4 A. Correct.</p> <p>5 Q. And so then the proposals are sent out to</p> <p>6 this peer review firm?</p> <p>7 A. Correct.</p> <p>8 Q. And then does the peer review firm -- what</p> <p>9 does the peer review firm provide back to MTC?</p> <p>10 A. Well, we haven't got the peer review back</p> <p>11 for this year.</p> <p>12 Q. Okay.</p> <p>13 A. So I don't know exactly what we will get.</p> <p>14 Q. What do you expect to get back?</p> <p>15 A. The way that process works is there's at</p> <p>16 least three reviewers assigned by the peer review firm for</p> <p>17 each proposal, and there will be an analysis of the</p> <p>18 proposals and a bunch of different criteria that are --</p> <p>19 that flow back to the Research Board.</p> <p>20 Q. And then is it -- so the -- I'm sorry. The</p> <p>21 peer review firm is analyzing the proposal against these</p> <p>22 criteria?</p> <p>23 A. Yes.</p> <p>24 Q. And who establishes those criteria?</p> <p>25 A. The board.</p>	108	<p>1 Q. Okay. Now, in paragraph 12, the next</p> <p>2 sentence in your affidavit there on paragraph 12 is that</p> <p>3 all final decision-making authority with respect to grants</p> <p>4 rests with LSRB, and then you go on to discuss Section 8</p> <p>5 of the Attachment E to the MOU. When you say final</p> <p>6 decision-making authority, what do you mean by that?</p> <p>7 A. I mean that the Life Science Research Board</p> <p>8 makes the decision on which projects get funding and which</p> <p>9 don't.</p> <p>10 Q. Well, is there a difference between final</p> <p>11 decision-making authority and decision-making authority?</p> <p>12 A. No.</p> <p>13 Q. Okay. Turning you then to paragraph 13 of</p> <p>14 your affidavit, this is where you're quoting some sections</p> <p>15 from -- or provisions from Section 196.1127, correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Back up a little bit. You were</p> <p>18 talking about somatic cell nuclear transfer in connection</p> <p>19 with the Legislature. You're familiar with what somatic</p> <p>20 cell nuclear transfer is?</p> <p>21 A. At a very high level, yes.</p> <p>22 Q. At some level you have familiarity. And</p> <p>23 it's also referred to as SCNT, correct?</p> <p>24 A. Correct.</p> <p>25 Q. And just your high level understanding</p>
107	<p>1 Q. Which board?</p> <p>2 A. The Life Science Research Board.</p> <p>3 Q. Okay. And then does the peer review firm</p> <p>4 make a recommendation as to which proposal should be</p> <p>5 accepted or funded?</p> <p>6 A. Sometimes.</p> <p>7 Q. And this year, do you expect that to be the</p> <p>8 case?</p> <p>9 A. My recollection is that there will be</p> <p>10 proposals that will be highly recommended, recommended and</p> <p>11 not recommended for funding.</p> <p>12 Q. Okay. And then that result is given from</p> <p>13 the peer review firm to MTC, right?</p> <p>14 A. To MTC staff to be provided to the Life</p> <p>15 Science Research Board.</p> <p>16 Q. Okay. And in that step of the process when</p> <p>17 MTC staff is providing that, those recommendations of the</p> <p>18 peer review firm to the LSRB, does the MTC staff make</p> <p>19 recommendations?</p> <p>20 A. No.</p> <p>21 Q. Is it simply a conduit and passes through?</p> <p>22 A. Correct.</p> <p>23 Q. There's no commentary on the peer review</p> <p>24 firm's work?</p> <p>25 A. No.</p>	109	<p>1 briefly, if you can tell me what that is.</p> <p>2 A. Somatic cell nuclear transfer is, I</p> <p>3 believe, when they transfer -- oh, man. I don't know all</p> <p>4 the scientific terms. I'm sorry. I don't know if I can</p> <p>5 provide a -- it's a form of cloning one embryo and</p> <p>6 dividing it and having two identical embryos, my</p> <p>7 understanding.</p> <p>8 Q. And it's the procedure that has generated</p> <p>9 some controversy in the Legislature that you've been</p> <p>10 involved in?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And so then --</p> <p>13 A. Well, I haven't -- I haven't been involved</p> <p>14 in that. I have responded to questions about that.</p> <p>15 Q. Okay. I'm sorry. That's what I meant when</p> <p>16 I said involved. I wasn't suggesting you were the topic</p> <p>17 of controversy, if you will.</p> <p>18 Okay. So then paragraph 13 of your</p> <p>19 affidavit, you talk about these definitions, three</p> <p>20 definitions that are in 1196 -- I'm sorry. Strike that --</p> <p>21 196.1127, right?</p> <p>22 A. Yes.</p> <p>23 Q. And those definitions specifically are</p> <p>24 abortion services, human cloning and prohibited human</p> <p>25 research, right?</p>

110

1 A. Yes.

2 Q. And I take it you're quoting those here in

3 your affidavit because you are familiar with those

4 particular definitions?

5 A. Roughly.

6 Q. When you say that, are you familiar with

7 them from a legal perspective?

8 A. No.

9 Q. Are you familiar with them from a

10 scientific perspective?

11 A. No.

12 Q. What perspective are you familiar with

13 those definitions?

14 A. A lay perspective.

15 Q. And how have you come to have that lay

16 perspective?

17 A. Just course of general information.

18 Q. In the course of your duties as executive

19 director of MTC?

20 A. Not really.

21 Q. Well, in the course of your duties as

22 executive director of MTC, then, I take it you reviewed

23 these particular statutory sections that you're quoting

24 here in paragraph 13, right?

25 A. I have.

111

1 Q. Because they do have some effect on the

2 LSRB, right?

3 A. Correct.

4 Q. And that's your understanding of them,

5 right?

6 A. Yes.

7 Q. Okay. Now, with these particular -- let's

8 take them one at a time. The definition of abortion

9 services you quote here, does that definition -- would

10 that definition permit somatic cell nuclear transfer?

11 MS. VOLLET: Objection. Calls for a legal

12 conclusion.

13 BY MR. CLARK:

14 Q. To your knowledge?

15 A. What's the question?

16 Q. Is the definition of abortion services here

17 that you quote in paragraph 13 of your affidavit, would

18 that permit somatic cell nuclear transfer to be performed?

19 MS. VOLLET: Again, same objection.

20 THE WITNESS: I don't really know. I

21 wouldn't think so.

22 BY MR. CLARK:

23 Q. And then turning to the definition of human

24 cloning that's quoted in paragraph 13 of your affidavit,

25 would that definition permit somatic cell nuclear

112

1 transfer?

2 MS. VOLLET: Objection. Calls for a legal

3 conclusion.

4 THE WITNESS: I'm not certain.

5 BY MR. CLARK:

6 Q. And then the third definition you quote in

7 paragraph 13 of your affidavit, prohibited human research,

8 would that definition permit somatic cell nuclear

9 transfer?

10 MS. VOLLET: Same objection.

11 THE WITNESS: I'm not certain.

12 BY MR. CLARK:

13 Q. Has MTC ever gotten a legal opinion with

14 respect to these particular definitions that you quote in

15 paragraph 13 of your affidavit?

16 A. No.

17 Q. Do you know whether -- let me back up.

18 Have you reviewed these definitions to determine whether

19 they conflict at all with Article 3, Section 38(d) of the

20 Missouri Constitution?

21 A. No.

22 Q. Has MTC had anyone review these definitions

23 to give a legal opinion, and I'm not asking what the

24 opinion is, but to give a legal opinion on whether these

25 definitions conflict with Missouri Constitution,

113

1 Article 3, Section 38(d)?

2 A. Not to my knowledge.

3 Q. Has the Life Sciences Research Board, to

4 your knowledge, obtained a legal opinion on whether these

5 definitions in 196.1127 conflict with the -- with

6 Article 3, Section 38(d) of the Missouri Constitution?

7 A. Not to my knowledge.

8 Q. Then you do not have an understanding one

9 way or another whether these particular definitions that

10 you quote in paragraph 13 of your affidavit conflict with

11 or are different from anything in Article 3, Section 38(d)

12 of the Missouri Constitution?

13 MS. VOLLET: Same objection.

14 THE WITNESS: That has not come up in the

15 day-to-day workings of the Research Board.

16 BY MR. CLARK:

17 Q. So as such, then, your answer would be no,

18 you don't know one way or the other whether they conflict?

19 A. Correct.

20 Q. And when you say it has not come up in the

21 day-to-day functions, did you say of the Research Board?

22 A. Yes.

23 Q. So you mean the Life Sciences Research

24 Board?

25 A. Correct.

114

1 Q. Has it come up at all in the day-to-day
2 functions of the Missouri Technology Corporation?
3 A. No.
4 Q. Has it come up in connection with any
5 funding issues with respect to Missouri Technology
6 Corporation?
7 A. Just in the, as I mentioned before, that
8 broad sweep that life sciences equals stem cell and MTC's
9 involved in Life Sciences and that whole misperception.
10 Q. When you say misperception, what do you
11 mean?
12 A. I mean that certain groups have tried to
13 equate MTC's activities in the life sciences with funding
14 of embryonic stem cell research.
15 Q. And does MTC have a position on whether
16 these definitions that you quote in paragraph 13 of your
17 affidavit conflict with Article 3, Section 38(d)?
18 A. No.
19 Q. Does the Life Sciences Research Board have
20 a position on whether these definitions that are quoted in
21 paragraph 13 of your affidavit conflict with Article 3,
22 Section 38(d)?
23 A. No.
24 Q. Does the DED's general counsel or counsel
25 office provide any legal services to MTC?

115

1 A. It's limited.
2 Q. Has the DED's legal office provided any
3 services to MTC in connection with any potential conflict
4 between the definitions here quoted in paragraph 13 of
5 your affidavit and Article 3, Section 38(d)?
6 A. No.
7 Q. So if I were to tell you that my clients
8 believe there is a conflict between the definitions in
9 Section 196.1127 that you quote here in your affidavit and
10 Article 3, Section 38(d), would you be able to agree or
11 disagree with that?
12 A. That's their opinion.
13 Q. You wouldn't have an opinion on that one
14 way or the other, then?
15 A. Correct.
16 Q. And if I were to tell you that my client
17 had a belief that that conflict then jeopardizes the
18 funding to, the appropriation to the Life Sciences
19 Research Trust Fund, would you have a position on that one
20 way or the other?
21 MS. VOLLET: Objection, vague.
22 THE WITNESS: I'm not sure I understand the
23 question.
24 BY MR. CLARK:
25 Q. Well, you said you were familiar with the

116

1 statutes that are in Exhibit 2, right, some of the
2 sections of Chapter 196?
3 A. Uh-huh.
4 Q. Okay. If you'd turn to the one that's
5 Chapter -- I'm sorry -- Section 196.1127.
6 A. Okay.
7 Q. And those are -- in that section, those are
8 some of the sections that you quote in paragraph 13 of
9 your affidavit, right?
10 A. Yes.
11 Q. And so what I'm getting at is, would you
12 have an opinion on whether those definitions that you
13 quote and that are in 196.1127 have any impact on the
14 funding to the Life Sciences Research Trust Fund?
15 MS. VOLLET: Objection. Calls for a legal
16 conclusion.
17 THE WITNESS: As -- I don't believe it has
18 any impact on the funds that have been appropriated by the
19 General Assembly.
20 BY MR. CLARK:
21 Q. And what do you base that on?
22 A. Based on the fact that there are
23 limitations put on those funds by the General Assembly.
24 Q. In the appropriations bill?
25 A. Correct.

117

1 Q. And so those -- so why is it that those
2 limitations then form the basis of your opinion? I'm not
3 sure if I understand.
4 A. For example, last year the funds were
5 limited in scope to plant and animal research, and I don't
6 believe that anything reflected in 196.1127 could be
7 affected by -- you know, that the animal and plant
8 research is a subset that in no way intersects with the
9 limitations put forth in that statute.
10 Q. And in that regard, then, is it MTC's
11 position that the restrictions in 196.1127 simply don't
12 apply to the appropriation in House Bill 2007?
13 A. No.
14 MR. WYRSCH: I just want to object on the
15 basis of calling for a legal conclusion.
16 THE WITNESS: MTC doesn't have a position
17 on that.
18 BY MR. CLARK:
19 Q. Okay. And does the Life Sciences Research
20 Board have a position on that?
21 A. The position of the Life Science Research
22 Board is laid out in their resolution accepting the
23 limitation presented by the General Assembly.
24 Q. And that's one of the resolutions that or a
25 couple of resolutions that are attached to your affidavit,

118	<p>1 right?</p> <p>2 A. Correct.</p> <p>3 Q. And those resolutions, though, don't</p> <p>4 mention anything about whether the restrictions in</p> <p>5 Section 196.1127 do or do not apply to the appropriations,</p> <p>6 do they?</p> <p>7 A. Correct.</p> <p>8 Q. And again, that being the case -- if I</p> <p>9 asked you this, I apologize. I think you said the LSRB</p> <p>10 has not obtained a legal opinion on that issue?</p> <p>11 A. On what issue?</p> <p>12 Q. The issue of whether these restrictions in</p> <p>13 196.1127 apply.</p> <p>14 A. To my knowledge, they haven't.</p> <p>15 Q. Have not?</p> <p>16 A. Correct.</p> <p>17 Q. And likewise, MTC has not obtained such a</p> <p>18 legal opinion?</p> <p>19 A. Correct.</p> <p>20 Q. One of the statutory sections referenced in</p> <p>21 paragraph 13 of your affidavit is Section 188.015. Do you</p> <p>22 see that reference? It's on about the fifth or sixth</p> <p>23 line.</p> <p>24 A. Yeah.</p> <p>25 Q. And it talks about how abortions or</p>	120	<p>1 Q. I see. As you sit here, you're not</p> <p>2 recalling a specific discussion about that --</p> <p>3 A. That's correct.</p> <p>4 Q. So the record's clear, about</p> <p>5 Section 188.015?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And then in paragraph 14 of your</p> <p>8 affidavit, you reference Article 3, Section 38(d) of the</p> <p>9 Missouri Constitution, right?</p> <p>10 A. Correct.</p> <p>11 Q. In the context of appropriations to the</p> <p>12 LSRB, right?</p> <p>13 A. Just in reference to the time frame in</p> <p>14 which monies were appropriated to the LSRB.</p> <p>15 Q. Sure. I understood. Paragraph 15 then you</p> <p>16 reference House Bill 7, which was from the 2007 General</p> <p>17 Assembly, right, 2007 session?</p> <p>18 A. Correct.</p> <p>19 Q. And some limitations in there. Then on</p> <p>20 paragraph 16 you mention, to your knowledge, not one</p> <p>21 member of the LSRB board believed that funds appropriated</p> <p>22 by HB 7 could be used for projects that would fall into a</p> <p>23 category delineated in Section 196.1127, i.e. abortion</p> <p>24 services, human cloning or prohibited human research,</p> <p>25 right?</p>
119	<p>1 performing, inducing or assisting abortions are defined.</p> <p>2 Do you know how Section 188.015 defines performing,</p> <p>3 inducing or assisting with abortions?</p> <p>4 A. Not really.</p> <p>5 Q. Have you ever reviewed that particular</p> <p>6 statutory section?</p> <p>7 A. No.</p> <p>8 Q. Have you had a discussion with anyone on</p> <p>9 the MTC Board about that particular section?</p> <p>10 A. No.</p> <p>11 Q. Have you had a discussion with anyone on</p> <p>12 the Life Sciences Research Board about that particular</p> <p>13 section?</p> <p>14 A. No.</p> <p>15 Q. Have you had any discussions about whether</p> <p>16 that particular section in any way restricts or applies to</p> <p>17 appropriations to the Life Sciences Research Trust Fund?</p> <p>18 A. Only in the context of it being a reference</p> <p>19 within this larger, you know, it's -- assuming it's a --</p> <p>20 yeah, it's here, in reference to that whole section.</p> <p>21 Q. Explain that. I'm not sure I understand.</p> <p>22 A. Well, I'm certain that there have been some</p> <p>23 discussions at some point about this Section 196.1127 and</p> <p>24 it's -- and this section you mentioned is referenced in</p> <p>25 that. So only in the context that it's within that.</p>	121	<p>1 A. Yes.</p> <p>2 Q. You earlier told me the names of the LSRB</p> <p>3 board members.</p> <p>4 A. Uh-huh.</p> <p>5 Q. And so have you then had a discussion with</p> <p>6 Roger Mitchell about that specific issue that you</p> <p>7 reference in paragraph 16 about whether he believed that</p> <p>8 funds appropriated by HB 07 could be used for things in</p> <p>9 that category?</p> <p>10 A. No.</p> <p>11 Q. Have you had a discussion with Ed Stevens</p> <p>12 about that issue referenced in paragraph 16 of your</p> <p>13 affidavit?</p> <p>14 A. No.</p> <p>15 Q. Have you had a discussion with -- did you</p> <p>16 say Jeanne Daffron?</p> <p>17 A. No.</p> <p>18 Q. -- about the issue in paragraph 16?</p> <p>19 How about with Representative Onder about</p> <p>20 the issue referenced in paragraph 16 of your affidavit?</p> <p>21 A. I don't think so, but it's possible.</p> <p>22 Q. Did you have any discussions with Kevin</p> <p>23 Sprouse about the issue you reference in paragraph 16 of</p> <p>24 your affidavit?</p> <p>25 A. No.</p>

122

1 Q. Did you have any discussions with Ed -- is
 2 it Pinegar?
 3 A. Pinegar.
 4 Q. Pinegar.
 5 A. No.
 6 Q. About that issue. And at one point --
 7 let's see. Back up.
 8 Mr. Fox would have been on the board at the
 9 time HB 7 was signed into law, correct?
 10 A. Correct.
 11 Q. So did you have any discussions with
 12 Mr. Fox about the issue you reference in paragraph 16 of
 13 your affidavit?
 14 A. No.
 15 Q. Then on what do you base your knowledge
 16 that you state here in paragraph 16 of your affidavit?
 17 A. In my opinion, the limitations put on the
 18 funds appropriated in House Bill 7 fall within the -- that
 19 they are tighter limitations than what's listed there, and
 20 during none of those discussions has there ever been a
 21 single board member that has advocated that somehow any
 22 kind of limitation doesn't apply to the money.
 23 Q. Do you base your statement in paragraph 16
 24 on anything else?
 25 A. No.

123

1 Q. And I want to make sure I understand your
 2 answer. You're saying that you based the statement in
 3 paragraph 16 on your belief that the issue of the
 4 restrictions in 196.1127 has not been expressed by any of
 5 the LSRB board members at any meeting at which you have
 6 been a participant?
 7 A. Can you repeat that. Sorry.
 8 THE REPORTER: "Question: And I want to
 9 make sure I understand your answer. You're saying that
 10 you based the statement in paragraph 16 on your belief
 11 that the issue of the restrictions in 196.1127 has not
 12 been expressed by any of the LSRB board members at any
 13 meeting at which you have been a participant?"
 14 THE WITNESS: Can you restate that?
 15 BY MR. CLARK:
 16 Q. I'm just trying to get to what you said was
 17 your basis for making the statement in paragraph 16, and
 18 if I understand it correctly, you're saying that it is
 19 because no member of the LSRB board has expressed in a
 20 meeting at which you've been in attendance that funds
 21 appropriated by HB 7 could be used for projects that would
 22 fall into a category delineated in 196.1127?
 23 A. Correct.
 24 Q. Is there anything else on which you base
 25 that statement in paragraph 16?

124

1 A. There may be some conversations I had with
 2 Dr. Onder, who is much more in tune with the details of
 3 these particular statutory restrictions and limitations
 4 and with Amendment 2. He never felt like there was an
 5 issue.
 6 Q. He never -- when you say never felt like
 7 it, you mean he never expressed to you that there was such
 8 an issue?
 9 A. Meaning that the limitations put on the
 10 funding in House Bill 7 were never called into question
 11 and were never -- never -- never allowed anything -- that
 12 the limitations were tied amidst, you know, the
 13 limitations set forth in 196.1127. There's no possibility
 14 that funding under those limitations would fall under
 15 these other categories.
 16 Q. Now, are you saying that that's something
 17 that Dr. Onder expressed to you?
 18 A. It was a discussion that occurred a long
 19 time ago.
 20 Q. Approximately how long ago?
 21 A. Over a year ago. Probably year and a half
 22 ago.
 23 Q. Would it have been before or after the
 24 General Assembly passed HB 7 in 2007?
 25 A. I believe it was before.

125

1 Q. And are you saying that, as you sit here
 2 today, you remember having that conversation with
 3 Dr. Onder, or are you saying that you may have had that
 4 conversation with Dr. Onder?
 5 A. I remember having a conversation with
 6 Dr. Onder in his office. I don't remember the specifics
 7 of that conversation.
 8 Q. So as you sit here today, you don't
 9 remember whether specifically Section 196.1127 came up?
 10 A. I don't think we probably quoted the
 11 statute number and verse, but --
 12 Q. Okay.
 13 A. -- the issue of limitations and General
 14 Assembly's ability to do that and that sort of thing.
 15 Q. And so Dr. Onder then would be the only
 16 member of the Life Sciences Research Board with whom
 17 you've had such a conversation?
 18 A. That detailed of a conversation, yes.
 19 Q. When you say that detailed, what do you
 20 mean?
 21 A. Meaning he's really the only member of the
 22 board that would delve into that level of detail to be
 23 cognizant of the specific statute 196.1127.
 24 Q. Did you have any general discussions with
 25 any member of the Life Sciences Research Board about

126	<p>1 restrictions in Chapter 196 as they may relate to</p> <p>2 appropriations to the Life Sciences Research Board?</p> <p>3 A. No.</p> <p>4 Q. Okay. Let's skip ahead for a moment to</p> <p>5 paragraph 20 of your affidavit. In that paragraph you</p> <p>6 mention that, although MTC does not have any</p> <p>7 decision-making authority over the monies appropriated by</p> <p>8 the General Assembly in HB 7, to my knowledge not one</p> <p>9 member of the MTC Board or its staff believe that funds</p> <p>10 appropriated by HB 7 could be used for projects that would</p> <p>11 fall into a category delineated in Section 196.1127, RSMo,</p> <p>12 i.e. abortion services, human cloning or prohibited human</p> <p>13 research, right?</p> <p>14 A. Correct.</p> <p>15 Q. And in that regard, you mentioned -- gave</p> <p>16 me the names of the MTC Board members. Have you had a</p> <p>17 conversation with Mike Nichols about the issue referenced</p> <p>18 in paragraph 20 of your affidavit?</p> <p>19 A. No.</p> <p>20 Q. Was Mike Nichols the designee of the</p> <p>21 president of the University of Missouri at the time HB 7</p> <p>22 was working its way through the Legislature?</p> <p>23 A. No.</p> <p>24 Q. Who was?</p> <p>25 A. I think John Gardner.</p>	128	<p>1 A. I don't recall.</p> <p>2 Q. Same question with respect to the</p> <p>3 Department of Economic Development's designee on the MTC</p> <p>4 Board.</p> <p>5 A. I'm sure we had conversations about how the</p> <p>6 funds were limited.</p> <p>7 Q. Did you have a specific conversation about</p> <p>8 what you mentioned in paragraph 20 about whether the funds</p> <p>9 could be used in such a -- in projects that would fall</p> <p>10 into a category --</p> <p>11 A. Yes.</p> <p>12 Q. I'm sorry. Let me finish my question.</p> <p>13 -- in the category -- strike that. Let me</p> <p>14 back up.</p> <p>15 Did you have a specific conversation with</p> <p>16 the DED designee on the MTC Board about whether the funds</p> <p>17 could be -- funds appropriated by House Bill 7 could be</p> <p>18 used for projects that would fall into a category</p> <p>19 delineated under 196.1127?</p> <p>20 A. Yes.</p> <p>21 Q. With whom did you have that conversation or</p> <p>22 conversations?</p> <p>23 A. Mike Mills.</p> <p>24 Q. When did you have -- well, strike that.</p> <p>25 Did you have more than one conversation</p>
127	<p>1 Q. Let me ask it this way. Did you have a</p> <p>2 conversation about the issue you reference in paragraph 20</p> <p>3 of your affidavit with the University of Missouri</p> <p>4 president's designee on the MTC Board?</p> <p>5 A. Maybe I can answer it this way.</p> <p>6 Q. Okay.</p> <p>7 A. My belief that the limitations provided in</p> <p>8 House Bill 7 are tighter than the limitations listed in</p> <p>9 196.1127, and no one ever questioned the limitations or</p> <p>10 the efficacy of the limitations put on these monies by the</p> <p>11 General Assembly.</p> <p>12 Q. And when you say the limitations put on</p> <p>13 these monies by the General Assembly, you're referring to</p> <p>14 in your answer the limitations in House Bill 7?</p> <p>15 A. Correct.</p> <p>16 Q. As opposed to any limitations in 196.1127?</p> <p>17 A. Correct.</p> <p>18 Q. So then to go back to my question, I take</p> <p>19 it that you did not have a conversation with the designee</p> <p>20 of the president of the University of Missouri board -- or</p> <p>21 president on the MTC Board about the subject of paragraph</p> <p>22 20?</p> <p>23 A. I really don't know.</p> <p>24 Q. As you sit here today, you don't recall</p> <p>25 having one?</p>	129	<p>1 with Mike Mills?</p> <p>2 A. Yes.</p> <p>3 Q. When were those conversations?</p> <p>4 A. Sometime during the 2007 session.</p> <p>5 Q. And what were your conversations?</p> <p>6 A. I don't recall the specifics.</p> <p>7 Q. And what position did Mr. Mills express to</p> <p>8 you on the specific issue that's in paragraph 20 about</p> <p>9 whether these funds could be used for projects that fall</p> <p>10 in a category delineated in 196.1127?</p> <p>11 A. I know that Mr. Mills believes as I do,</p> <p>12 that the limitations provided in House Bill 7 are not in</p> <p>13 question and that that, because of that and the limited</p> <p>14 scope of the projects that are being proposed, that</p> <p>15 there's no way any of those projects would intersect with</p> <p>16 the -- with the limitations delineated in 196.1127.</p> <p>17 Q. And is that a legal position of Mr. Mills</p> <p>18 or is that more of a practical --</p> <p>19 A. I don't know.</p> <p>20 Q. -- or factual position, if you will?</p> <p>21 A. I don't know.</p> <p>22 Q. In your belief that you've expressed to me</p> <p>23 a couple times about that issue about whether the</p> <p>24 restrictions on -- or the funds could be used for projects</p> <p>25 that fall into a category delineated in 196.1127, is that</p>

130

1 a legal position on your part?
 2 A. No.
 3 Q. Is that -- what kind of position is that,
 4 then?
 5 A. I think it's a common sense understanding
 6 that there's no way funding for plant and animal science
 7 is going to intersect with abortion services, human
 8 cloning or prohibited human research.
 9 Q. Do you have a common sense position on
 10 whether Article 3, Section 38(d) of the Missouri
 11 Constitution affects those restrictions in House Bill 7?
 12 A. I don't believe they affect the
 13 restrictions in House Bill 7.
 14 Q. And is that a legal position on your part?
 15 A. No.
 16 Q. Is that a legal position on MTC's part?
 17 A. No.
 18 Q. Is that a legal position on the Life
 19 Science Research Board's part?
 20 A. No.
 21 Q. Are you aware of any legal position on that
 22 issue that MTC has?
 23 A. No.
 24 Q. Are you aware of any legal position on that
 25 issue that the Life Sciences Research Board has?

131

1 A. No.
 2 Q. And as you sit here, can you tell me
 3 whether MTC would be willing to commit in a binding
 4 fashion that the provisions of Article 3, Section 38(d) of
 5 the Constitution do not in any way impact the provisions
 6 of 196.1127?
 7 A. I have no idea.
 8 Q. Do you have any idea whether the Life
 9 Sciences Research Board would be willing to make a binding
 10 commitment to that effect?
 11 A. No.
 12 Q. Now, back to the discussions you've had,
 13 did you discuss with Senator Griesheimer whether the funds
 14 appropriated in HB 7 could be used for projects that would
 15 fall into a category delineated in 196.1127?
 16 A. No.
 17 Q. How about --
 18 A. He may not have been a member of the board
 19 at that time.
 20 Q. If it weren't him, who would it have been
 21 in the Senate seat on the board?
 22 A. Senator Mike Gibbons.
 23 Q. Did you have any conversations to that
 24 effect with Senator Gibbons?
 25 A. No.

132

1 Q. How about with Dr. Wayne Cooper?
 2 A. He was not a member of the board at that
 3 time.
 4 Q. Who was the House of Representatives'
 5 member of the board at that time?
 6 A. It was vacant.
 7 Q. So you didn't have a conversation with the
 8 vacant member, right?
 9 A. No.
 10 Q. All right. Same question with respect to
 11 paragraph 20 in your affidavit, did you have a
 12 conversation to that effect with Mr. Stokes?
 13 A. No.
 14 Q. Did you have a conversation to that effect
 15 with MTC Board member Mr. Bannister?
 16 A. He was not a member at that time.
 17 Q. Okay. Was there someone in his slot at the
 18 time?
 19 A. Yes.
 20 Q. Who was that?
 21 A. I'm not sure.
 22 Q. Whoever that was, do you recall having a
 23 conversation with them to that effect?
 24 A. No.
 25 Q. Okay. Same question with respect to

133

1 paragraph 20 of your affidavit, did you have a
 2 conversation to that effect with Mr. Fisher of the MTC
 3 Board?
 4 A. He was not a member at that time.
 5 Q. Who was in his slot?
 6 A. Dr. Park.
 7 Q. Did you have a conversation to that effect
 8 with Dr. Park?
 9 A. No.
 10 Q. Did you have a conversation to that effect
 11 as referenced in paragraph 20 of your affidavit with board
 12 member, was it Devers?
 13 A. Devers was not a member at that time.
 14 Q. Who was in his slot?
 15 A. I'm not sure.
 16 Q. Did you have a conversation with whoever
 17 that person was?
 18 A. No.
 19 Q. How about with -- same question with
 20 respect to paragraph 20 of your affidavit, did you have a
 21 conversation to that effect with Mr. Calcaterra?
 22 A. No.
 23 Q. And he was a member of the board at that
 24 time?
 25 A. That's correct.

134

1 Q. And then the next board member whose name
 2 you mentioned was Nick --
 3 A. Franano.
 4 Q. -- Franano. Did you have a conversation to
 5 the effect of paragraph 20 of your affidavit with
 6 Mr. Franano?
 7 A. He was not a member at that time.
 8 Q. Who was in his slot?
 9 A. Larry Sexton.
 10 Q. Did you have a conversation with Mr. Sexton
 11 to the effect --
 12 A. No.
 13 Q. I'm sorry. Let me finish my question. Did
 14 you have a conversation with Mr. Sexton to the effect of
 15 what's in paragraph 20 of your affidavit?
 16 A. No.
 17 Q. And then did you have a conversation with
 18 Mr. Rubin to the effect of what's stated in paragraph 20
 19 of your affidavit?
 20 A. I don't believe so.
 21 Q. At any time?
 22 A. We've had conversations about the funds, as
 23 I've said before, the belief that the Legislature has the
 24 ability to -- to delineate in the categories that they
 25 have and that he shares that belief that they do.

135

1 Q. And has Mr. Rubin expressed to you a
 2 position on whether public funds should be used for the
 3 categories delineated in 196.1127?
 4 A. No.
 5 Q. Has Mr. Rubin expressed to you a position
 6 on whether public funds should be used to perform somatic
 7 cell nuclear transfer?
 8 A. No.
 9 Q. Has Mr. Rubin expressed to you a position
 10 on whether public funds should be provided to research
 11 institutions that perform somatic cell nuclear transfer?
 12 A. No.
 13 Q. Have you ever had any discussions with
 14 Mr. Rubin to that effect?
 15 A. We've had discussions about this general
 16 category of the Legislature being able to delineate these
 17 funds.
 18 Q. And discussions, I take it, of a non-legal
 19 nature, more of a practical nature as you mentioned
 20 earlier?
 21 A. Correct.
 22 Q. Have you had discussions with Mr. Steinhoff
 23 to the effect of those items referenced in paragraph 20 of
 24 your affidavit?
 25 A. No.

136

1 Q. I take it because he was only the -- he's
 2 only been named to the board as of today, you haven't --
 3 certainly haven't had that conversation with him in his
 4 capacity as an MTC Board member --
 5 A. No.
 6 Q. -- or MTC chair?
 7 Have you had conversations with
 8 Mr. Steinhoff to that effect prior to his becoming a
 9 member of the -- or chair, I should say, of the MTC Board?
 10 A. No.
 11 Q. Now, paragraph 24 of your affidavit, you
 12 make essentially the same statement that you make in
 13 paragraph 16 of your affidavit except as to funds
 14 appropriated by House Bill 2007; is that correct?
 15 A. Uh-huh.
 16 Q. Is that a yes?
 17 A. Yes.
 18 Q. Perhaps to, in light of the time limitation
 19 of 5:30 and now that it's 5:15, to speed this up a little
 20 bit, have you had a conversation with any LSRB board
 21 member about the subject of paragraph 24 of your
 22 affidavit?
 23 A. Again, the discussions and my rationale for
 24 putting that in my affidavit is that there are limitations
 25 provided in House Bill 2007, that we believe those are

137

1 valid, that the General Assembly can put those in. No one
 2 has ever suggested to me on the board, from the board of
 3 MTC, to the Life Science Research Board, anywhere other
 4 than the Plaintiffs, frankly, that somehow those
 5 limitations are not valid and that this is all some sort
 6 of conspiracy to provide funding for stem cell research.
 7 No one has ever indicated anything otherwise.
 8 Q. So the answer to my question is no, you've
 9 not had any such conversations; is that correct?
 10 A. I've had conversations about the
 11 limitations in House Bill 2007.
 12 Q. Have you had any conversations about the
 13 matter you specifically reference in your -- in paragraph
 14 24 of your affidavit? And we can do it the other way. We
 15 can go through each board member if you want to do it that
 16 way.
 17 A. The only specific conversation that might
 18 remotely touch on that is with Donn Rubin, and it is --
 19 again, it's based on his relating to me and my belief that
 20 the restrictions that have been delineated in House Bill
 21 2007 are tighter than those in 199.1127, and the belief
 22 that those are valid and in place, and that adhering to
 23 those in no way threatens any funding to go to any
 24 category delineated in 196.1127.
 25 Q. Now, you mentioned Mr. Rubin. Is he a

138

1 member of the Life Sciences Research Board?
 2 A. No.
 3 Q. So my question was, have you had a
 4 conversation with any member of the Life Sciences Research
 5 Board about the matter you state here in your affidavit in
 6 paragraph 24?
 7 A. As I've said before, we've had
 8 conversations and there have been resolutions approved
 9 with regard to the delineations in House Bill 2007 related
 10 to those specific categories and that those are tighter
 11 than those listed on 196.1127.
 12 Q. Which members of the Life Sciences Research
 13 Board have you had those conversations with?
 14 A. They were brought up in meetings when there
 15 were the -- the approval, you know, approving those
 16 resolutions.
 17 Q. And did those conversations focus on or
 18 even reference the restrictions in 196.1127?
 19 A. I don't remember.
 20 Q. So as you sit here today, you do not recall
 21 having a specific conversation with a member of the Life
 22 Sciences Research Board about whether funds appropriated
 23 by House Bill 2007 could be used for projects that would
 24 fall under a category delineated in Section 196.1127; is
 25 that correct?

139

1 A. I think there's a good chance that I had a
 2 more detailed discussion with Dr. Onder related to that.
 3 Q. As you referenced earlier?
 4 A. As I referenced earlier.
 5 Q. But other than that, none, correct?
 6 A. Correct.
 7 Q. Then paragraph 27 of your affidavit, you
 8 make a similar statement to the one you do in paragraph 20
 9 of your affidavit, correct?
 10 A. Yes.
 11 Q. And the difference being that in paragraph
 12 27 you were referring to funds appropriated in House Bill
 13 2007, correct?
 14 A. Yes.
 15 Q. And now I'm going to ask you the same
 16 questions. With which board members of MTC have you had
 17 this conversation or a conversation about whether that
 18 board member believes that funds appropriated by HB 2007
 19 could be used for projects that would fall into a category
 20 delineated in 196.1127?
 21 A. And I think I may have brought up, in
 22 answer to the other question, just sort of morphing into
 23 the MTC in 27 versus LSRB in 24, but the only sort of
 24 specific conversation would have been with Donn Rubin, and
 25 it related to the fact that it's our belief, my belief and

140

1 him telling me it's his belief that the limitations put
 2 forth in House Bill 2007 are tighter and would not
 3 intersect with anything represented in 196.1127, and there
 4 would be no threat of monies that would be -- no hint
 5 of -- no possibility of monies funded in those categories
 6 that would get into anything related to abortion services,
 7 human cloning or prohibited human research.
 8 Q. And in that same vein, though, you have not
 9 gotten a legal opinion as to whether the section -- I'm
 10 sorry -- the provisions of Article 3, Section 38(d) of the
 11 Missouri Constitution would in any way trump or supersede
 12 the restrictions contained in, for example, House Bill
 13 2007 or House Bill 7?
 14 A. No legal opinion.
 15 Q. So MTC does not have a legal opinion on
 16 that specific question, correct?
 17 A. No. We just -- as staff, we operate under
 18 the understanding that the limitations provided by the
 19 General Assembly on House Bill 7 and House Bill 2007 are
 20 valid, and that that's the position of the Life Science
 21 Research Board as approved by their resolutions, and that
 22 that in no way intersects with what's listed here as the
 23 delineations in 196.1127.
 24 Q. In that regard, again, that's -- the Life
 25 Sciences Research Board's position as you've just

141

1 communicated to me is not based on a legal opinion as to
 2 whether the restrictions -- or whether the provisions, I'm
 3 sorry, of Article 3, Section 38(d) in any way trump,
 4 affect or modify the provisions of House Bill 2007 or
 5 House Bill 7, right?
 6 A. Correct.
 7 Q. You mentioned the resolutions that were
 8 passed by the Life Sciences Research Board. You mentioned
 9 those in your affidavit several times, correct?
 10 A. Yes.
 11 Q. And those resolutions essentially -- well,
 12 let's look at them. They're attached. Exhibit 4 is one
 13 of those resolutions, right?
 14 A. Yes.
 15 Q. Now, this resolution, how did it come? Did
 16 someone from the Legislature suggest that a resolution
 17 would be beneficial to help get funding?
 18 A. That's correct.
 19 Q. And was that suggestion made because there
 20 was concern over whether funds provided to Life Sciences
 21 Research Trust Fund could or would be used for somatic
 22 cell transfer?
 23 A. There was that misperception in the General
 24 Assembly.
 25 Q. I understand it's your position that it's a

142	<p>1 misperception. It was a concern that was expressed by</p> <p>2 members of the General Assembly, correct?</p> <p>3 A. By some.</p> <p>4 Q. Some members, right. I'm not suggesting it</p> <p>5 was all. And this resolution, do you know what the legal</p> <p>6 effect of this resolution is?</p> <p>7 A. No.</p> <p>8 Q. Do you know whether, for example, a</p> <p>9 taxpayer of Missouri could file suit to enforce this</p> <p>10 resolution?</p> <p>11 MS. VOLLET: Objection. Calls for a legal</p> <p>12 conclusion.</p> <p>13 THE WITNESS: I have no idea.</p> <p>14 BY MR. CLARK:</p> <p>15 Q. And do you know what legal consequences</p> <p>16 would or could flow from a violation of this resolution?</p> <p>17 MS. VOLLET: Objection. Calls for a legal</p> <p>18 conclusion.</p> <p>19 THE WITNESS: I don't know.</p> <p>20 BY MR. CLARK:</p> <p>21 Q. And this resolution does not address or</p> <p>22 mention restrictions in Section 196.1127, does it?</p> <p>23 A. No.</p> <p>24 Q. This resolution does not mention or address</p> <p>25 Article 3, Section 38(d) of the Missouri Constitution,</p>	144	<p>1 position of the board, whether they agreed that the</p> <p>2 General Assembly had the ability to focus these monies and</p> <p>3 limit them into these specific areas, to make sure that</p> <p>4 the board agreed with that, and the board did agree.</p> <p>5 Q. And where does it say in here on</p> <p>6 Exhibit 8 to your affidavit that the Life Sciences</p> <p>7 Research Board agrees that the General Assembly has the</p> <p>8 ability to make such limitations?</p> <p>9 A. The Research Board strongly supports</p> <p>10 another year of funding for the Life Science Research</p> <p>11 Trust Fund, and further specifies that it agrees with the</p> <p>12 recommendation to focus monies appropriated by the General</p> <p>13 Assembly exclusively on those categories.</p> <p>14 Q. But that doesn't say that it agrees that</p> <p>15 the Legislature has the legal authority or power to do</p> <p>16 that, correct, just agreeing with the recommendation?</p> <p>17 A. I think it assumes that they agree that the</p> <p>18 Legislature has the authority to do that.</p> <p>19 Q. Okay. Again, my question is, it doesn't</p> <p>20 say that, does it?</p> <p>21 A. That doesn't say that.</p> <p>22 Q. Exhibit 8 does not say that, correct?</p> <p>23 A. No.</p> <p>24 Q. Okay. Now, whose recommendation is this</p> <p>25 resolution referring to?</p>
143	<p>1 does it?</p> <p>2 A. No.</p> <p>3 Q. Now, if we go to Exhibit 8 to your</p> <p>4 affidavit, that's a similar resolution to the one we just</p> <p>5 looked at, correct? This is what it looks like if that</p> <p>6 helps you locate it (indicating). It's towards the back,</p> <p>7 maybe 10 pages or 12 pages from the back of Exhibit 1</p> <p>8 here.</p> <p>9 A. I'm sorry. What was the question?</p> <p>10 Q. This is a similar -- Exhibit 8 to your</p> <p>11 affidavit is a similar resolution to the one we looked at</p> <p>12 that was Exhibit 4 of your affidavit, right?</p> <p>13 A. Correct.</p> <p>14 Q. Just Exhibit 8 is respect to the 2008</p> <p>15 session of the Legislature --</p> <p>16 A. Yes.</p> <p>17 Q. -- right?</p> <p>18 And did this resolution come up in the same</p> <p>19 way as the resolution we looked at that's Exhibit 4 to</p> <p>20 your affidavit?</p> <p>21 A. Yes.</p> <p>22 Q. Members of the General Assembly expressed</p> <p>23 concern about funds being used for somatic cell nuclear</p> <p>24 transfer?</p> <p>25 A. Yes. The members wanted to clarify the</p>	145	<p>1 A. The General Assembly's.</p> <p>2 Q. Is that the recommendation as set forth in,</p> <p>3 in this particular case, House Bill 2007?</p> <p>4 A. Yes.</p> <p>5 Q. And again, same question with respect to</p> <p>6 Exhibit 8, do you know the legal effect of this particular</p> <p>7 resolution?</p> <p>8 A. No.</p> <p>9 MS. VOLLET: Objection. Calls for a legal</p> <p>10 conclusion.</p> <p>11 BY MR. CLARK:</p> <p>12 Q. Was Mr. Fox on the board at the time this</p> <p>13 resolution was passed?</p> <p>14 A. I'm not sure.</p> <p>15 Q. And this resolution doesn't in any way</p> <p>16 mention the restrictions set forth in Section 196.1127,</p> <p>17 does it?</p> <p>18 A. No.</p> <p>19 Q. And it doesn't in any way mention Article</p> <p>20 3, Section 38(d) of the Missouri Constitution, does it?</p> <p>21 A. No.</p> <p>22 MR. CLARK: By my watch we're coming right</p> <p>23 up on 5:30. I know you need to leave. I want to be</p> <p>24 respectful of that, so we'll adjourn the deposition and</p> <p>25 move forward from here. Thank you for your time today. I</p>

146	<p>1 appreciate it.</p> <p>2 (PRESENTMENT WAIVED; SIGNATURE REQUESTED.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	148	<p>1 SIGNATURE PAGE</p> <p>2 STATE OF MISSOURI)</p> <p>3) ss.</p> <p>4 COUNTY OF COLE)</p> <p>5 I, Robert Monsees, do hereby certify:</p> <p>6 That I have read the foregoing deposition;</p> <p>7 That I have made such changes in form and/or</p> <p>8 substance to the deposition as might be necessary to</p> <p>9 render the same true and correct;</p> <p>10 That having made such changes thereon, I hereby</p> <p>11 subscribe my name to the deposition.</p> <p>12 I declare under penalty of perjury that the</p> <p>13 foregoing is true and correct.</p> <p>14 Executed the ___ day of _____, 2008, at</p> <p>15 _____</p> <p>16</p> <p>17</p> <p>18 ROBERT MONSEES</p> <p>19 Notary Public:</p> <p>20 _____</p> <p>21 My commission expires:</p> <p>22 _____</p> <p>23</p> <p>24 KF/Robert Monsees</p> <p>25 Missouri Roundtable for Life v. Sarah Steelman, et al.</p>
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147	<p>1 CERTIFICATE OF REPORTER</p> <p>2 STATE OF MISSOURI)</p> <p>3) ss.</p> <p>4 COUNTY OF COLE)</p> <p>5</p> <p>6 I, KELLENE K. FEDDERSEN, RPR, CSR, CCR, and</p> <p>7 Notary Public within and for the State of Missouri, do</p> <p>8 hereby certify that the witness whose testimony appears in</p> <p>9 the foregoing deposition was duly sworn by me; that the</p> <p>10 testimony of said witness was taken by me to the best of</p> <p>11 my ability and thereafter reduced to typewriting under my</p> <p>12 direction; that I am neither counsel for, related to, nor</p> <p>13 employed by any of the parties to the action to which this</p> <p>14 deposition was taken, and further that I am not a relative</p> <p>15 or employee of any attorney or counsel employed by the</p> <p>16 parties thereto, nor financially or otherwise interested</p> <p>17 in the outcome of the action.</p> <p>18</p> <p>19 _____</p> <p>20 KELLENE K. FEDDERSEN, RPR, CSR, CCR</p> <p>21 Notary Public, State of Missouri</p> <p>22 (Commissioned in Cole County)</p> <p>23 My commission expires 3/28/09.</p> <p>24</p> <p>25</p>	149	<p>1 ERRATA SHEET</p> <p>2 Witness: Robert Monsees</p> <p>3 In Re: Missouri Roundtable for Life v. Sarah Steelman</p> <p>4</p> <p>5 Upon reading the deposition and before subscribing</p> <p>6 thereto, the deponent indicated the following changes</p> <p>7 should be made:</p> <p>8</p> <p>9 Page Line Should read:</p> <p>10 Reason assigned for change:</p> <p>11 Page Line Should read:</p> <p>12 Reason assigned for change:</p> <p>13 Page Line Should read:</p> <p>14 Reason assigned for change:</p> <p>15 Page Line Should read:</p> <p>16 Reason assigned for change:</p> <p>17 Page Line Should read:</p> <p>18 Reason assigned for change:</p> <p>19 Page Line Should read:</p> <p>20 Reason assigned for change:</p> <p>21 Page Line Should read:</p> <p>22 Reason assigned for change:</p> <p>23 Page Line Should read:</p> <p>24 Reason assigned for change:</p> <p>25 Reporter: Kellene K. Feddersen, RPR, CSR, CCR</p>
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October 24, 2008
Heidi Doerhoff Vollet
Assistant Attorney General
Supreme Court Building
207 West High Street
P.O. Box 899
Jefferson City, MO 65102
heidi.vollet@ago.mo.gov

In Re: Missouri Roundtable for Live v. Steelman, et al.

Dear Ms. Vollet:

Please find enclosed your copy of the deposition of Robert Monsees taken on October 23, 2008, in the above-referenced case. Also enclosed is the original signature page and errata sheet.

Please have the witness read your copy of the transcript, indicate any changes and/or corrections desired on the errata sheet and sign the signature page before a notary public.

Please return the errata sheet and notarized signature page to Mr. Clark for filing prior to trial date.

Thank you for your attention to this matter.
Sincerely,

Kellene K. Feddersen, RPR, CSR, CCR
Enclosure
cc: Stephen Clark
James Wyrsh

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COURT MEMO
IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI
MISSOURI ROUNDTABLE FOR LIFE, et al)
vs.) Case No. 08AC-CC00517
SARAH STEELMAN, et al.)
CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGE
(Rule 57.03(g)(2) & Sec. 492.590 RSMo. 1985.)
Deposition of Robert Monsees
Taken on Behalf of the Plaintiffs
October 23, 2008

Name and address of person or firm having custody of the original transcript: Clark Law Firm
231 S. Bemiston Ave., Suite 1200
St. Louis, MO 63105

TAXED IN FAVOR OF: Clark Law Firm
TOTAL: \$ _____
TAXED IN FAVOR OF: Ms. Heidi Vollet
TOTAL: \$ _____

TAXED IN FAVOR OF: Bryan Cave, LLP
TOTAL: \$ _____

Upon delivery of transcripts, the above charges had not been paid. It is anticipated that all charges will be paid in the normal course of business.

MIDWEST LITIGATION SERVICES
3432 West Truman Boulevard, Suite 207
Jefferson City, Missouri 65101

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this ___ day of _____, 2008.

Notary Public
Commission Expires: