

Deposition of Michael A. Priore, taken September 29, 2010

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

HIDDEN VILLAGE, LLC)
)
Plaintiff,)
vs.)
)
CITY OF LAKEWOOD, OHIO,)
et al.,)
)
Defendants.)
)

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THE DEPOSITION OF MICHAEL A. PRIORE
WEDNESDAY, SEPTEMBER 29, 2010

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The deposition of MICHAEL A. PRIORE, called by the Defendants for examination pursuant to the Federal Rules of Civil Procedure, taken before me, the undersigned, Barbara J. Sedlak, Registered Professional Reporter and Notary Public within and for the State of Ohio, taken at the offices of Mazanec, Raskin, Ryder & Keller, Cleveland, Ohio, commencing at 3:00 p.m., the day and date above set forth.

EXHIBIT A

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1 MICHAEL A. PRIORE
2 of lawful age, called by the Defendants for
3 examination pursuant to the Ohio Rules of Civil
4 Procedure, having been first duly sworn, as
5 hereinafter certified, was examined and testified
6 as follows:

7 EXAMINATION OF MICHAEL A. PRIORE

8 BY MR. CLIMER:

9 Q Could you state your full name for the record,
10 please, sir?

11 A Michael A. Priore. P R I O R E.

12 Q Mr. Priore, I am going to apologize in advance.
13 I've gotten so used to saying Priore. I'm sure
14 I'm going to do it during this deposition.
15 Please forgive me.

16 You have sat through Mr. Lieberman's
17 deposition. I will ask you to follow the same
18 rules. If you don't hear or understand a
19 question that I ask you, please let me know,
20 I'll be happy to rephrase it.

21 You need to answer verbally. We need to
22 try to talk one at a time to keep our court
23 reporter's sanity. If you need a break, let me
24 know. Okay?

25 A Okay.

1 Q Give us your business address, please.

2 A 26100 Brush Avenue, Euclid 44132.

3 Q And in what business are you engaged?

4 A Real estate management.

5 Q And do you do that under a particular name

6 or --

7 A Windsor Realty & Management, Inc.

8 Q And what is the business of Windsor Realty &

9 Management?

10 A Manage apartment buildings.

11 Q How many buildings do you have under

12 management?

13 A Between 30 and 40.

14 Q And in how many do you have an ownership

15 interest?

16 A Between 30 and 40.

17 Q How long have you been in the real estate

18 management business?

19 A Twenty-five years.

20 Q Has that all been with Windsor?

21 A Yes.

22 Q Have you ever worked as a law enforcement

23 officer?

24 A No.

25 Q Have you ever --

1 MR. HABER: Would you like
2 to?

3 THE WITNESS: No.

4 Q Have you ever worked for a law enforcement
5 agency?

6 A No, I have not.

7 Q Have ever worked as a building inspector or
8 other real estate professional for a public
9 entity?

10 A I have not.

11 Q Okay. As I understand it, you and
12 Mr. Lieberman had ownership interests in
13 various entities that controlled in common five
14 different properties in Lakewood at one point
15 in time, correct?

16 A That's correct.

17 Q And as a practical matter, feet on the ground,
18 how did you divide your labor in managing those
19 properties as between yourself and
20 Mr. Lieberman?

21 A I don't know what you mean by how we divided
22 our labor.

23 Q Let's back up with that.

24 Were there any agreements as to any
25 particular areas of responsibility that each of

1 you would handle for the management and
2 operation of those properties?

3 A Well, Windsor Management manages the buildings
4 for a fee, and for that fee, we manage the
5 day-to-day operations.

6 Q All right. And as I understand it, Ms. Watts
7 was the area manager for the Windsor operations
8 where Hidden Village was located, correct?

9 A Marilyn was the Lakewood property manager for
10 all on the properties in Lakewood.

11 Q All right. How long was she in that position?

12 A I would say two years.

13 Q All right. And she recently resigned, correct?

14 A Last week.

15 Q Okay. And do you know of her present
16 whereabouts?

17 A I do.

18 Q Okay. Where is she located?

19 A In Kentucky.

20 Q Do you have an address and all of that?

21 A I do.

22 Q I'm going to ask you to transmit that to
23 Mr. Haber.

24 MR. HABER: We will
25 actually make her available voluntarily. I

1 mean, he can give me the address.

2 A She's agreed to be deposed.

3 Q Fair enough.

4 So she would have been in-office,
5 so-to-speak, basically in the fall of 2008 to
6 the fall of 2010?

7 A No. She was at Hidden Village, I would say, in
8 2006 --

9 Q Okay.

10 A -- 2007, and then I gave her more
11 responsibilities and she became a regional
12 manager. So she was overseeing more than just
13 the Lakewood properties. We sold three of the
14 Lakewood properties, so we gave her more to
15 make up for the lack of work for those three
16 properties that we sold.

17 Q Okay. So 2006-2007 roughly, she was the
18 Lakewood manager for Windsor?

19 A Correct.

20 Q And after that point in time, you sold three of
21 the properties making her time more available
22 for a larger region?

23 A Correct.

24 Q All right. And if you could, please go back
25 through the five properties you had around

1 2006. And it's not a memory test, it's
2 reflective of my lack of memory.

3 A Sheffield, Clifford and Shorehouse, which were
4 sold. And The Drake and Hidden Village.

5 Q In the 2006-2007 area, what were Ms. Watts'
6 duties with respect to the Lakewood properties?

7 A Collect the rents, process the rents, make sure
8 that suites were prepared for rental. The
9 general upkeep of the properties. She was
10 responsible for making sure the maintenance men
11 and the housekeeper were doing their duties.
12 She would give eviction notices and attend
13 court hearings if someone did not pay rent.
14 And then to report to me.

15 Q Did Ms. Watts have any responsibilities for
16 interfacing, so-to-speak, with city officials
17 or workers?

18 A If they were to show up at the properties, yes.

19 Q All right. But if somebody were to initiate,
20 say, a request for a rezoning or a request for
21 an inspection, something like that, that would
22 come from somewhere else, correct?

23 A Correct.

24 Q Where would that come from?

25 A What do you mean?

1 Q Who was responsible for those kinds of
2 functions?

3 A Well, if it was a notice that we received from
4 a city official for an inspection, it would
5 ultimately come to my main office.

6 Q Okay.

7 A And then we would decide whether it was
8 something that she could meet with them and
9 resolve, or it was something that I needed to
10 be involved in, or ultimately if it needed, to
11 go to Gary Lieberman.

12 Q Okay. I think you heard Mr. Lieberman testify
13 that Hidden Village was formed as an LLC
14 approximately 2001?

15 A That's correct.

16 Q And that was for the purpose of purchasing the
17 Hidden Village property?

18 A That's correct.

19 Q And subsequently managing it?

20 A That's correct.

21 Q All right. And if I'm understanding correctly,
22 Hidden Village, LLC owns no property other than
23 the -- or has no assets other than the Hidden
24 Village property and the income flow from it?

25 A That's correct.

1 Q You had mentioned The Drake. That is a
2 separate legal entity, correct?

3 A Yes, it is.

4 Q And The Drake is next door to the west?

5 A Yes.

6 Q What is it that motivated you and Mr. Lieberman
7 to -- and I'm using that term loosely, I
8 understand there may be other ownership
9 interests, but they all come back to you, if I
10 understand it correctly. What motivated the
11 purpose of Hidden Village?

12 A Mostly so that we could maintain the value of
13 The Drake Apartments. At the time that we
14 bought -- made the decision to buy Hidden
15 Village, we were probably getting the highest
16 rent in Lakewood at The Drake Apartments.

17 Q Okay. What were you getting for The Drake?

18 A I don't remember what we were getting in 2001,
19 but today we get 720 for a one-bedroom and 820
20 to 850 for a two-bedroom.

21 Q Okay.

22 A And the tenants that were living at Hidden
23 Village were scaring off my high-dollar
24 tenants. They would stay for one year, if
25 that, and leave because of all the antics that

1 were going on.

2 Q I take it that had been expressed to you by a
3 number of tenants?

4 A Yes.

5 Q All right. What kind of antics were going on
6 at, what was then known as something else, but
7 now known as Hidden Village?

8 A At the time that we did not own Hidden Village,
9 there was a 6- or 8-foot high fence between The
10 Drake and Hidden Village that went all the way
11 down the property line. And the tenants
12 from -- I don't remember the name of it before
13 it was Hidden Village, but they would throw all
14 of their garbage and bottles and cans over on
15 the tenants' cars, whistling at all the women.
16 And the biggest thing was the muscle cars that
17 they owned squealing up and down the driveways.

18 Ultimately the owner of the property at
19 the time had speed bumps put in to try and
20 curtail that.

21 Q Did that help?

22 A No. I think it was more the police presence in
23 front of the building when they left and went
24 to school and when they came home every night
25 that helped.

1 Q Any other conduct that sticks out in you mind
2 as being problematic?

3 A Not that I recall.

4 Q Did your tenants complain of suffering or being
5 the victims of any criminal acts?

6 A Not that I recall.

7 Q Did you, yourself, observe the area to be
8 subject to any unusual high level of criminal
9 activity in 2001 when you took over the
10 property?

11 A What do you mean by "criminal activity?"

12 Q Well, I mean, unusual amounts of criminal
13 offenses?

14 A Well, when we bought the property in 2001, I
15 had to go to the Lakewood Police Department to
16 see what they could help me do with regard to
17 keeping the suites that we were renovating from
18 being broken into and items being stolen. And
19 ultimately they said, "No," but we could hire
20 the off-duty policemen.

21 Q Okay. So you were suffering break-ins as you
22 were attempting to renovate the property?

23 A Correct.

24 Q So do you know who you had this discussion with
25 about getting special police attention to the

1 property?

2 A You know, I do not.

3 Q All right.

4 A I can give you the checks of the officers that
5 we paid because we paid -- we paid each officer
6 individually, and I think we gave them a 1099.

7 Q Okay. So the tenure of the conversation though
8 was, can you give some extra attention to this
9 area? And the answer from the police
10 department was, "No, we can't do that, but we
11 can hire some guys off duty"?

12 A Correct.

13 Q Other than the break-ins that you experienced
14 as you were renovating the property, did you
15 make any other observations about the levels of
16 criminal activity in the area?

17 A No. I mean, the city would call me and say,
18 "Mike, there is a couch on the C building roof,
19 could you get rid of it?" Or, you know, things
20 like that. And the kids were actually sitting
21 up there and drinking and partying. And, you
22 know, they didn't send me written violations,
23 they'd just call me and say, "Can you take care
24 of it?" I mean, obviously they knew we were
25 renovating the building. When we bought it, we

1 went in and had a meeting with the building
2 department.

3 Q So I understand correctly, you did not become
4 aware of any unusual level or high level of
5 criminal activity in the 2001 area when you
6 took over the property?

7 A No.

8 Q All right. And your tenants at The Drake had
9 not voiced to you concerns about being
10 subjected to or being the victims of criminal
11 activity in the area?

12 A Not that I recall.

13 Q All right. Do you recall how much you
14 purchased the property for?

15 A I believe it was 1.2 million.

16 Q And during the course of the purchase, did you
17 become aware of any unusual easements or other
18 restrictions other than normal utility
19 easements?

20 A No.

21 Q You heard Mr. Lieberman testify about the
22 capital improvements that were done at the
23 property. In other words, he listed a set of
24 stuff; windows, electrical, all of that. Do
25 you have any disagreement with his testimony in

1 that regard?

2 A No. I oversaw that project, so I'm very aware
3 of what was done.

4 Q All right. And do you know the capital
5 improvements that were made initially when you
6 took over the property?

7 A Yes.

8 Q The amount?

9 A I don't have a dollar amount. I can tell you
10 it's probably between 800,000 and a million
11 dollars.

12 Q Okay. In taking over the property, and I
13 understand it was in part to protect The Drake,
14 did you have a particular market segment that
15 you were aiming for when you took over Hidden
16 Village, or was it to take it over, renovate it
17 and move the property, or what was the
18 long-term plan?

19 A Well, it was not originally that we were going
20 to renovate it and sell it. We didn't decide
21 to do that until we saw where the market was
22 going. At that time, we decided to sell assets
23 as we could.

24 Q What was -- was there any particular market
25 nature or segment that you were aiming at in

1 terms of marketing the rentals at Hidden
2 Village?

3 A Well, Lakewood is made up of a lot of
4 buildings, most without parking, so we had a
5 parking lot to accommodate every tenant. Most
6 of the building, 84 of the units, are
7 efficiency suites. Most of the efficiency
8 suites in Lakewood are 1920s, 1930s vintage;
9 never been updated, old electrical. So when we
10 did these efficiencies, we made them more
11 upscale than anything in the neighborhood. We
12 had dishwashers. We have microwave ovens.
13 Marble bathrooms. And in order to accommodate
14 that, we had to rewire the whole building,
15 which originally was not part of the plan, but
16 in order to set ourselves apart from the rest of
17 the buildings, I felt it was in our best
18 interest to do it. And I discussed it with
19 Gary and he agreed. And we ultimately, you
20 know, made it a little bit higher end than
21 everything else around us.

22 Q And all four buildings were completely rewired?

23 A All four buildings were completely rewired and
24 if you have been to A building, A building is
25 in the front, a three-story building. Then the

1 B building and the C and then the D. And we
2 renovated them in that order. When we bought
3 the building, I don't have an exact number, but
4 there was probably 50 percent of the units were
5 occupied or more and there were leases for some
6 of them, up to eight or nine months. We had to
7 honor those leases so we moved kids from the A
8 building to the B building and renovated the A
9 building and rented it out and then from the B
10 to the C, if necessary, renovated that building
11 and so on through the end of the property.

12 Q All right. How long did the initial capital
13 improvements take?

14 A Probably two-and-a-half years.

15 Q The original purchase was financed how?

16 A We got a loan from Huntington Bank for the
17 initial purchase and I think they gave us a
18 line of credit for another five, six, seven,
19 \$800,000 to do the renovations. And we put up
20 another property that we owned as additional
21 collateral.

22 Q That was eventually refinanced, correct?

23 A Correct.

24 Q How many times?

25 A I think just once.

1 Q All right. That would have been with
2 FirstMerit?

3 A FirstMerit.

4 Q Okay. As the renovations were occurring, were
5 you able to transition from the older tenant
6 fees to the market that you were aiming at
7 or --

8 A We originally put the efficiencies on the
9 market at 450 and found that it was -- it was
10 too high. And we kind of had to find our way.
11 What was the -- we had rented some suites at
12 450, but we weren't renting them as fast as I
13 thought we could. And these suites all have
14 individual furnaces so it's not a mass boiler.
15 So every suite that was vacant in the winter, I
16 had to put the heat on. So we played with the
17 market until we found what our market niche was
18 and filled the building up.

19 Q Okay. Over what period of time did this play
20 out before you finally settled on the
21 appropriate rent?

22 A We're at, right now for efficiencies, we're
23 between 425 and 450. And the one-bedrooms are
24 between six and 700.

25 Q Okay. I guess what I'm hearing though is when

1 you first bought the building, it took a period
2 of time until you hit the right market, right?

3 A Right. It's a new building. It's -- you know,
4 everybody can see on the street that it was a
5 new building. You know, new windows going in
6 and lot of construction trucks. And it takes
7 time to, you know, get a new building back on
8 the market.

9 Q I guess my question is, over what period of
10 time did it take you to fill up the building
11 after renovations?

12 A Let's see. We bought it in the middle of '01.
13 '02, '03. When Youth Re-Entry moved in, the
14 building was 100 percent occupied.

15 Q With Youth Re-Entry tenants?

16 A Youth Re-Entry tenants filled the building.

17 Q Okay. So whatever units YRP took at the
18 inception of its tenancy were all the vacancies
19 you had at that point in time?

20 A That's correct.

21 Q All right. Has the building remained filled
22 since YRP began as a tenant in the buildings?

23 A Pretty much, yes.

24 Q All right. And I'm assuming that in a building
25 that size there's always one or two apartments

1 vacant with people transitioning or whatever?

2 A That's correct.

3 Q Is it that you have essentially been 100
4 percent occupied since YRP came in?

5 A Give or take, you know, the traditional
6 move-outs or evictions.

7 Q Have you ever had occasion to challenge the tax
8 assessments, real property assessments levied
9 on Hidden Village?

10 A When we originally bought the property, yes.

11 Q Okay. That would be the 2001 or 2002 tax year?

12 A That's correct.

13 Q Okay. You have not since?

14 A No.

15 Q How did Hidden Village and YRP come into
16 contact with one another?

17 A As I said, Marilyn Watts was the property
18 manager. We have a small office there, which
19 is one of the efficiency suites we had
20 advertised.

21 Q Which building is that in?

22 A That is in the B building.

23 Q Okay.

24 A First entranceway. It's always been there.

25 Q Okay.

1 A And I don't know how Marilyn came upon Youth
2 Re-Entry or they found her through the
3 advertisements, that I can't tell you.

4 Q I take it some discussions ensued as to whether
5 and how Youth Re-Entry could become tenants
6 after Ms. Watts brought them up as a potential?

7 A Yes.

8 Q Who participated in those discussions?

9 A I think it was originally just Marilyn, myself,
10 and whoever she was dealing with at Youth
11 Re-Entry.

12 Q Okay. What was your role in this negotiation?
13 Were you having any face-to-face sit-downs with
14 YRP?

15 A Not until they decided that this was the place
16 that they wanted to ultimately move to.

17 Q Okay. Do you know who Marilyn was dealing with
18 at YRP before you became directly involved with
19 them?

20 A I do not know.

21 Q All right. How about after YRP determined that
22 this was the place in which it was interested?
23 Can you tell me about your dealings with them
24 at that point?

25 A I met with Mark Brauer and Kandi Withers and

1 Marilyn Watts. I don't know if there was
2 anyone else there from YRP. And I met them at
3 the site.

4 Q Okay.

5 A We talked about -- I think at the time the rent
6 was like 425. And we offered them the suites
7 at 400. But because they were taking the whole
8 building, we also gave them the water bill.

9 Q All right.

10 A Kind of as a negotiation of dropping the rent a
11 little bit.

12 Q How many suites did they originally take?

13 A You know, I can't tell you exactly how many
14 they originally took.

15 Q The rent rolls would tell us?

16 A Yes.

17 Q All right.

18 A I know it was staged in over, you know, a
19 two- to three-month period.

20 Q And you heard Mr. Lieberman talk about a goal
21 of your company being to sort of stagger the
22 leases that were taken by YRP, correct?

23 A Correct.

24 Q And your recollection is the same?

25 A That's correct.

1 Q And your lease with YRP when we see it would
2 tell us how that was accomplished?

3 A That's correct.

4 Q Do you know how many times that lease has been
5 renewed?

6 A Well, this is 2010. If they moved in in '06,
7 two or three, maybe four.

8 Q One-year terms, generally?

9 A Generally. And again, I'd have to go back and
10 look whether we did six months, six months, six
11 months as they took them to stagger the leases.

12 Q When was that lease most recently renewed?

13 A That I can't tell you.

14 Q What I'd like you to produce is all of the
15 successive leases that have been entered into.
16 I don't know if it was just a memorandum or
17 what.

18 MR. HABER: I've written
19 it down.

20 MR. CLIMER: Okay. Thank
21 you.

22 Q To your recollection, were there any points in
23 time at which the number of units taken up by
24 YRP decreased over the -- decreased below the
25 previous lease?

1 A Can you rephrase that?

2 Q Have there been times at which there has been a
3 decline in the number of units leased by YRP?

4 A From what point?

5 Q From 2006 to the present.

6 A From the --

7 MR. HABER: Year over
8 year.

9 A They originally took 8 or 16 or 24. They were
10 ultimately up to 40 suites at one time.

11 Q Okay. When was that?

12 A We'd have to look at the rent rolls.

13 Q The rent rolls will tell us that again?

14 A Yes.

15 MR. HABER: I have 2008.
16 I can tell you.

17 Q Do you know how many they presently have?

18 A They currently have 24.

19 Q Okay.

20

21 MR. HABER: Jim, if you
22 want to know, because I've got it right here, I
23 don't know when it went to the 40, but as of
24 January '08, they were at 40. They were at 40
25 in January of '09. And they were at 32 as of

1 January 2010.

2 A Right, because I think in October of last year
3 they gave up eight suites.

4 Q All right. Were any reasons given to you for
5 the decline in rentals?

6 A No. That conversation was with Gary and Mark
7 Brauer, but it was ultimately because of their
8 funding.

9 Q Okay. Did anybody at LMM or YRP ascribe any of
10 the declines in the rentals to the problems
11 they had with the City of Lakewood?

12 A Not to me personally, no.

13 Q You come to terms on a lease in 2006. Were
14 there any discussions of the tenant mix in
15 racial terms?

16 A No.

17 Q Were there any discussions of the tenant mix in
18 terms of where the tenants or the clients were
19 coming from?

20 A No.

21 Q Okay. Did you ultimately gain an understanding
22 as to where LMM's clients were coming from in
23 terms of whether it be from foster care and
24 kids being, you know, liberated from foster
25 care, or whether it's the Ohio Department of

1 Youth Services?

2 A I have no idea.

3 Q To this day?

4 A To this day.

5 Q Okay. Do you have any knowledge as to any
6 criminal histories that any YRP clients may
7 have?

8 A No, I do not.

9 Q Okay. And there have been no representations
10 in that regard made to you by YRP?

11 A No.

12 Q From your own observations, can you give us an
13 approximation of the racial makeup of YRP
14 clientele?

15 A I don't know what it is today, but at points in
16 time during their tenancy, it was all
17 African-American.

18 Q And there were times, I'm assuming, when it was
19 not?

20 A It could be, yes.

21 Q Okay. As with Mr. Lieberman, I want to go
22 through some of your interrogatory answers to
23 get your take on them and fill in maybe some
24 places where Mr. Lieberman would feel the need
25 to defer to you or where you may have some

1 greater knowledge than Mr. Lieberman.

2 After the lease was entered, did there
3 come a time that there were some issues between
4 Hidden Village and YRP and the city concerning
5 the appropriateness of the tenancy?

6 A What do you mean by "the appropriateness of the
7 tenancy"?

8 Q Well, whether or not it fit into the area.
9 Let's back up.

10 What was your first contact with the city
11 concerning YRP's tenancy?

12 A I was in the original meeting. Mark Brauer
13 felt a need to go to the city and inform them
14 that he was moving this group into Hidden
15 Village.

16 Q Okay. Do you recall about when that was?

17 A I don't know when the date was.

18 MR. HABER: I don't know
19 if the timeline would give it.

20 Q I mean, if the timelines that are in front of
21 you would be of assistance, go ahead and
22 consult them. I will say on Mr. Lieberman's
23 timeline there is -- the first entry is January
24 2006.

25 A Well, here it says, "2-6 initial meeting with

1 city including Dotty Buckins, Police Sergeant
2 Farve, and others from the police department,
3 Tom Corrigan." I was in that meeting.

4 Q You are looking at a?

5 A I'm looking at the timeline, page 1, done by
6 Marilyn Watts.

7 Q Okay. Do you recall meeting with city
8 officials in January of '06?

9 A I don't know when the date was when we had our
10 first meeting. I'm going off of Marilyn's time
11 card.

12 Q Okay. I believe immediately above the 2-06
13 entry there is an entry about follow-up meeting
14 held at Hidden Village?

15 A That was at Hidden Village.

16 Q Okay. All right. So I'd like to talk to you
17 about the 2-06 meeting. There is a mention of
18 Police Sergeant Farve and then it mentions
19 others from the police department. Do you
20 recall any other members of the police
21 department at that meeting other than Sergeant
22 Farve?

23 A I can tell you that their conference room is
24 twice, maybe three times the size of this, and
25 every seat in the room was taken.

1 Q By police officers?

2 A Well, by many people in the city.

3 Q Okay.

4 A I don't have a list of who was there, but maybe
5 you could provide that to us of who was there.

6 Q All right. And of the people in attendance
7 from the city, you don't recall how many police
8 officers there may have been?

9 A I do not recall how many police officers. I
10 know Charlie Barrett was there because I know
11 him. I know Ed Fitzgerald was there because I
12 know him.

13 Q When you spoke about Fitzgerald, you are
14 speaking of Ed Fitzgerald, the fellow building
15 commissioner as opposed to the present mayor?

16 A That's correct.

17 Q Tell me what happened at that meeting.

18 A Charlie Barrett got out a code book and read
19 from the code book that basically said your use
20 is not permitted in this property. And while
21 there was a little debate, I think within 10 or
22 15 minutes, I cut the meeting off and left with
23 Mark Brauer and Kandi Withers. They brought
24 someone else from their organization. I don't
25 know who it was. The meeting was originally

1 just supposed to be set up with Dotty Buckins
2 just to discuss it. We got there and I was
3 kind of dumbstruck to see there were 15 or 20
4 people.

5 Q Okay. Did you ever come to learn how it is
6 that these other people ended up being at the
7 meeting?

8 A I do not know.

9 Q Okay. You indicated that after some debate
10 about whether or not you had a permitted use,
11 you cut the meeting off and why was that?

12 A Because I saw it was going nowhere. It was
13 clear that they did not want this group.
14 Whether it be in Lakewood or in this building,
15 they didn't want them.

16 Q What was said that led you to that conclusion?

17 A Well, they just kept reading over the code.

18 Q Okay.

19 A Zoning code.

20 Q There is some mention by Ms. Watts that the
21 police officers noted that the area you wanted
22 to move to had a fair amount of crime. Do you
23 recall any of the specific comments made in
24 that regard?

25 A No, I do not.

1 Q There is also a passage indicating that Tom
2 Corrigan suggested that there might be a more
3 suitable property on Madison or Detroit. Do
4 you recall that conversation?

5 A I don't know exactly who said it, but someone
6 at that meeting did say that there may be
7 another place where it would fit into the
8 zoning code.

9 Q All right. And at any point did anybody in the
10 meeting make any mention of the racial makeup
11 of the LMM clients?

12 A Not that I recall.

13 Q Did anybody make any mention of any potential
14 criminal histories of LMM clients?

15 A Not really.

16 Q Anything other than Mr. Barrett apparently
17 referring back to the code that led you to
18 believe that the city did not want YRP there?

19 A Well, you go to a meeting to discuss an
20 organization moving in supposedly with Dotty
21 Buckins. I don't know what her position was or
22 is, and you find 15 or 20 people there to read
23 you a zoning code. Obviously, they knew when
24 these people were moving from East 77th and
25 Clarence what their racial makeup was.

1 Q Do you know who it is that -- do you know who,
2 if anybody, transmitted the former address of
3 that organization to the city?

4 A Youth Re-Entry brought paperwork to pass out to
5 the people about their organization. And they
6 had prior conversations with Dotty Buckins who
7 was the one that arranged the meeting in the
8 first place.

9 Q And those pass-outs were distributed at the
10 meeting as opposed to in advance?

11 A Some of them were. I don't know if they had
12 any in advance as well, but some of them were
13 distributed at the meeting, yes.

14 Q What was your next contact after this meeting?

15 A I believe I had a conference call with Gary and
16 Mark Brauer and Craig Miller to discuss the
17 strategy as to whether they were going to
18 commit to moving into the property or not.

19 Q All right. And Mr. Miller was being consulted
20 as YRP's counsel or your counsel or both?

21 A No, YRP's counsel.

22 Q Okay. What was said in that meeting or
23 conference call? I'm sorry.

24 A I think ultimately, and I don't know if it was
25 that one or two or three conversations, but it

1 was ultimately determined that we were not in
2 violation and they were going to take
3 occupancy.

4 Q Okay. Was that ever communicated to the city,
5 to your knowledge?

6 A That I can't say.

7 Q All right. What occurred then?

8 A Well, they ultimately moved in the property,
9 let's see, in April of '06.

10 Q Okay.

11 A And I met personally with Mark Brauer to sign
12 the first leases.

13 Q And that's an entry of 4-11-06 on Ms. Watts'
14 chronology?

15 A I was looking at Gary's. Let's see. Yes.

16 Q All right.

17 A And again, the lease date was -- we'll give you
18 the exact date that we met for the lease
19 signings.

20 Q Fair enough.

21 What was your next contact with this
22 situation?

23 A What do you mean by "this situation"?

24 Q Well, the YRP move-in and any issues with the
25 city?

1 A I believe once they moved in, I met with Mark,
2 they signed the leases. Most of their -- most
3 of the dealings for YRP were with Marilyn Watts
4 because she was right -- right on site.

5 Q Okay.

6 A All of the suites were inspected by the city
7 prior to them moving in. Because we got a
8 permit to renovate the building, every suite
9 was inspected by a plumbing inspector, an
10 electrical inspector, a fire inspector prior to
11 anyone moving into the entire complex.

12 Q After the move-in, did you have any subsequent
13 discussions with city officials about the
14 property of the zoning for the use being made
15 by YRP?

16 A I don't recall that I did, no.

17 Q Okay. Did you have any discussions with city
18 officials concerning attempts to inspect the
19 property?

20 A No. They had inspected it, like I said, prior
21 to anyone moving in. As I completed eight
22 units, I would call them and say, "I have eight
23 more units done." They would send plumbing,
24 electrical, fire, go through, sign-off, give me
25 my occupancy permit.

1 Q All right. Let's go to Exhibit C which are the
2 interrogatory answers.

3 As I understand it then, particularly the
4 answer to Interrogatory No. 1, you did
5 participate in drafting the answers to these
6 interrogatories, correct?

7 A I did have some input, yes.

8 Q And if you would turn to Interrogatory 14. Did
9 you participate in compiling that list? That
10 would be on page 9.

11 A I did have some input in this, yes.

12 Q All right. The first and second bullet points
13 on page 9 refers to Mr. Barrett taking the
14 position that YRP was an institutional use
15 versus a residential use and it was
16 inappropriate for this area.

17 Did you have any discussions directly
18 with Mr. Barrett other than those in the
19 meetings you've described?

20 A No.

21 Q All right. Did you have any discussions with
22 any other city official other than those
23 described or in that meeting?

24 A No.

25 Q There is an indication that YRP -- or that the

1 city was advised by Hidden Village and YRP that
2 the use was strictly residential and you heard
3 Mr. Lieberman testify that that took the form
4 of, I believe, the appeal that was filed and
5 Mr. Miller's memorandum. Are you aware of any
6 other information transmitted to the city by
7 Hidden Village or YRP that would indicate that
8 the city's position was incorrect?

9 A No, I'm not.

10 Q The first bullet point at the top of page 10
11 there states, "At all meetings between YRP,
12 Hidden Village and the Defendants, the City of
13 Lakewood had police present in an effort to
14 intimidate the YRP from renting the Hidden
15 Village."

16 Did you participate in any meetings other
17 than the one in February of 2006 where police
18 were present?

19 A No, I did not.

20 Q All right. Were you intimidated in any way by
21 the police presence at that meeting?

22 A I was absolutely shocked.

23 Q Okay.

24 A As I told you earlier, I walked into a meeting
25 that was supposed to be with one or two people

1 and found 15 to 20 people at that meeting.

2 Q Some of whom were police officers and some of
3 whom were civilians, correct?

4 A Police officers, firemen, building department.

5 Q The next bullet point on page 10 refers to
6 defendants proposing that YRP move to
7 undesirable sections of the city. We already
8 saw the entry made in February of '06 by Ms.
9 Watts. As I understand it, you have no
10 recollection of that proposal being made?

11 A No. I was in the meeting. At the original
12 meeting someone brought it up that there was
13 another place in the city that they could move
14 to, but I don't recall who said it.

15 Q Did anybody connect that to race?

16 A No.

17 Q Do you recall the reasons given?

18 A There was no reason given.

19 Q All right.

20 A Other than that they said we did not meet the
21 zoning code on Clifton Boulevard.

22 Q Are you aware of any other proposals for YRP to
23 go to some less desirable areas of the city
24 other than made in that meeting in February of
25 '06?

1 A No, I'm not.

2 Q The third bullet point on page 10, paraphrasing
3 it says that defendants and its officials made
4 clear to Hidden Village that the
5 African-American tenants in the YRP program
6 were unwelcome at Hidden Village or other
7 desirable areas of Lakewood.

8 Are you aware of the statements or
9 actions being referred to in that entry?

10 A In regard to what?

11 Q Well, officials making it clear that the
12 African-American tenants in the YRP program
13 weren't welcome at Hidden Village or other
14 desirable areas of the city?

15 A I think it was clear to me the day that I went
16 to the original meeting that they didn't want
17 YRP either in Lakewood or in Hidden Village.

18 Q And that's from the tenor of the discussions
19 and the number of people at that meeting?

20 A That's correct.

21 Q All right. And my question is, other than that
22 meeting, are you aware of any other instances
23 in which city officials made it clear to Hidden
24 Village and YRP that the YRP African-American
25 clients were not welcome?

1 A Not until we filed the lawsuit and we read some
2 of the e-mails and everything going on back and
3 forth between the police department and tenants
4 being pulled over at the bus stop. And I mean,
5 I would have been the one that would have
6 received most of that information before it
7 went to Gary, because I was Marilyn's boss.

8 Q Okay. Fair enough.

9 We've also had a discussion with respect
10 to bullet points four and five on page 10 about
11 Hidden Village being cited because of the
12 disagreement on the appropriateness of the
13 zoning, and that was a letter of May 18, 2006
14 from Mr. Barrett to you, which is Defendants'
15 Exhibit D, correct?

16 A Yes.

17 Q All right. Did you have any discussion with
18 Mr. Barrett concerning that citation?

19 A I don't know if Gary and I did a conference
20 call with him. I don't recall.

21 Q If you did have that call, you don't have any
22 recollection of what may have been said in it,
23 correct?

24 A No, I do not.

25 Q All right. By the way, just to switch gears

1 for half a minute.

2 You were operating at least five
3 buildings in Lakewood prior to the YRP move-in,
4 correct?

5 A Correct.

6 Q Had you had any other zoning disputes with the
7 City of Lakewood concerning any of those other
8 buildings?

9 A Not that I recall, no.

10 Q Had you had any other building code disputes
11 with Lakewood other than Hidden Village?

12 A Other than -- I think we had a fire escape
13 issue at The Drake Apartments 10, 15 years ago,
14 but other than that.

15 Q Do you know if that resulted in any
16 administrative appeals or lawsuits?

17 A No. I think the building department took us
18 to -- the building department took us to court,
19 and the judge ultimately threw it out.

20 Q Okay. Do you have any other fire code disputes
21 with the City of Lakewood other than those
22 relating to Hidden Village?

23 A Not that I recall.

24 Q All right. And we have already discussed the
25 outcome of the building code citation by

1 Mr. Barrett. Ultimately you appealed and were
2 successful, correct?

3 A Correct.

4 Q All right. The sixth bullet point on page 10
5 indicates that, "The defendants'
6 representatives continued to express outrage
7 that Hidden Village permitted YRP tenants to
8 occupy the units without advanced consent even
9 though the defendants knew or should have known
10 that Hidden Village was not required by law to
11 advise the city when they were moving in."

12 Can you tell us what that relates to?

13 A It relates to the letter from the mayor.

14 Q That would be the letter of February 28 of
15 2007, I believe, that has been marked as
16 Exhibit I?

17 A That's correct.

18 Q You received that letter through YRP, correct?

19 A That is correct.

20 Q It was not addressed to you. Did you receive a
21 CC on it?

22 A I did not.

23 Q All right. Did you ever have occasion to
24 discuss that letter with Mayor George?

25 A No. They chose not to communicate with myself

1 as the property manager or my partner. I mean,
2 if you look at the other letters dated May 18,
3 they are all sent to me. Now they go right to
4 my tenants. I never had a city go to my
5 tenants. I find that very odd.

6 Q Did you respond to that letter in any way to
7 Mayor George or otherwise?

8 A Did I personally? No, I did not.

9 Q Okay. Did somebody on your behalf?

10 A I don't recall.

11 Q All right. Did you have occasion to discuss
12 the subjects or discuss Mayor George's letter
13 with any other official of the City of
14 Lakewood?

15 A I did not.

16 Q Did anybody come to you claiming to have any
17 knowledge that Mayor George's letter was
18 motivated by racial concerns?

19 A I don't understand your question.

20 Q Well, did anybody come to you claiming to have
21 some information that Mayor George wrote the
22 February 28 letter to YRP due to the racial
23 makeup of YRP's tenants?

24 A No, I had no one come to me from the city.

25 Q All right. Now, there has been some discussion

1 of a flyer that was distributed in advance of
2 the planning commission hearing of the appeal
3 from the citation issued by Mr. Barrett,
4 correct? It has been previously marked as
5 Exhibit H?

6 A I am familiar with this.

7 Q All right. How did you become familiar with
8 that then?

9 A It was posted on the telephone poles and trees
10 in front of my building prior to the hearing.

11 Q Did you ever come to learn how those became
12 posted?

13 A I have no knowledge of how it was posted, or
14 who posted it.

15 Q Were you ever given any information indicating
16 that any city official was involved in any way
17 in causing those flyers to be posted?

18 A Other than what I personally feel, no, I have
19 no knowledge of anyone from the city being
20 involved in it.

21 Q Either causing it to be drafted or drafting it
22 themselves and causing it to be distributed?

23 A I do suspect and feel somebody from the city
24 did that, yes, I do.

25 Q Do you have any personal knowledge of it?

1 A No.

2 Q What is it that leads you to believe that city
3 officials were involved in it?

4 A Well, the same reasons that my partner,
5 Mr. Lieberman, gave you two hours ago. Most of
6 the details of this, when they publish to the
7 public that they are having a public hearing
8 for a zoning change, it's a two- or three-line
9 meeting. You know, that they are having a
10 meeting at a certain time. When we walked into
11 the auditorium that night, it was completely
12 filled. And there was a lot of people who were
13 outraged because of this. I mean, many, many
14 people -- and I think there was a tape of that
15 night -- got up and spoke on behalf of not only
16 this, but on behalf of what we were trying to
17 do to renovate the building and provide nice
18 housing for people.

19 Q Now, when you attended that meeting, did any
20 city official in any way refer to the racial
21 makeup of the YRP tenants as being a reason for
22 opposing the rezoning?

23 A No.

24 Q In the last three bullet points on page 10 of
25 the interrogatories there is a reference to a

1 meeting set up by a city council person in
2 which two neighbors made reports, one of them
3 being verbally harassed by a teen and the other
4 suspected a YRP teen of making a drug deal.

5 Were you involved in either of those meetings?

6 A I was not involved in those meetings.

7 Q Do you know who the two complainants were?

8 A They were tenants who live on Fry Avenue.

9 Q Okay. Do you have any reason to suspect that
10 they were city officials?

11 A I have no knowledge of that.

12 Q Do you have any reason to believe that they
13 were prompted to come forward and make
14 complaints by any city official?

15 A I have no knowledge of that.

16 Q The first bullet point on page 11 of the
17 interrogatories makes reference to the police
18 claiming that YRP ushered in a crime wave in
19 the area and some various statistics.

20 A That was told to me by Kandi Withers.

21 Q Okay. What did Ms. Withers tell you?

22 A They were having ongoing meetings with, I don't
23 know who it was from the City of Lakewood,
24 whether it was the police or administrative
25 officials, and blamed the increase in crime in

1 the neighborhood on their moving into Hidden
2 Village.

3 Q You were not a party to any of these meetings?

4 A I was not.

5 Q All right. What was the context in which you
6 had this discussion or discussions with Ms.
7 Withers about the crime wave claims being made
8 by the police department?

9 A I had a lot of interaction when they first
10 moved in with Kandi Withers, you know, just to
11 stop by and see how things were going. Again,
12 when they moved into these units, they were the
13 first occupant like moving into a new house. I
14 mean, obviously there were things that we could
15 have missed. You know, we just wanted to make
16 sure that they were comfortable and that we,
17 you know, were responsive to their needs.

18 Q So this was just in the course of interacting
19 with her?

20 A That's correct.

21 Q Was there anything in particular that brought
22 up her rendition of these discussions about the
23 crime wave claims?

24 A No. I think at one point in time or another
25 she -- she told -- they had put a basketball

1 hoop in the backyard and somebody on Fry Avenue
2 had complained.

3 Q Uh-huh.

4 A And they moved it back by the railroad tracks
5 to alleviate anybody on Fry Avenue complaining
6 because the kids were out playing basketball.
7 And I think at the time she told the kids that
8 were living there that, you know, stay away
9 from the neighbors. You know, don't talk to
10 the neighbors so that they did not get accused
11 of harassing them.

12 Q The third and fourth bullet points talk about,
13 I guess, some flaws, for lack of a better word,
14 with the police department statistics. Did you
15 have any reason to review the police department
16 statistics?

17 A Other than other responses that were sent to
18 us, no.

19 Q The fifth bullet point on page 11 makes mention
20 of a city council person recommending that only
21 YRP tenants be placed in a community service
22 project. Do you have any knowledge of that
23 claim?

24 A That was told to me by Kandi Withers.

25 Q Okay. What did she tell you?

1 A I think they were trying to start -- well, the
2 Youth Re-Entry was trying to start some kind of
3 a program in conjunction with the city to show
4 that these kids were good kids. You know, it
5 was their idea to go to the city and say,
6 "Look, you know, let these kids be involved in
7 the city. You know, let them help with some
8 kind of a program that they can get involved
9 in." That's how this came about.

10 Q Okay. So your understanding, at least from
11 what you heard from Ms. Withers is it's like,
12 it's not here, but give these kids some kind of
13 community service program to the exclusion of
14 all others, here's a way of maybe you can
15 improve your image?

16 A No, no. It was her idea to go to them, I
17 believe, so that they can improve their image.

18 Q It was Ms. Withers' idea?

19 A Correct.

20 Q Okay. We've already spoken with Mr. Lieberman
21 about the April 28 letter referenced in the
22 bullet point in the middle of page 11. And he
23 testified that that was in fact the February
24 28, 2007 letter that we just looked at,
25 correct?

1 A Correct.

2 Q Is that consistent with your understanding?

3 A That's correct.

4 Q All right. And it is your understanding that
5 the subsequent two bullet points are taken from
6 that February 28, 2007 letter, correct?

7 A That's correct.

8 Q The fourth bullet point from the bottom on page
9 11 talks about continued attempts of the
10 defendant to harass and intimidate Hidden
11 Village through its police department, fire
12 department and building department, and I
13 understand that there were some interactions on
14 May 22 of 2007 and thereafter with fire and
15 building officials. Setting that aside, can
16 you tell me any other efforts of harassment
17 that were undertaken that may be referred to in
18 that bullet point?

19 A After Gary wrote them the letter and told them
20 to stay off the property, I had an inspection
21 at The Drake. It was a residential inspector
22 inspecting the single-family house just north
23 of The Drake. And while he was inspecting
24 that, there was a fence on our property line or
25 their property line, he was not sure, so he

1 cited both of us. And in doing so, he thought
2 he would walk around The Drake and anything
3 that he could find wrong he cited me for. And
4 then because it was abutting Hidden Village, he
5 did the same thing at Hidden Village. And he
6 gave me a laundry list of things that he wanted
7 done.

8 And a perfect example would be there are
9 exhaust vents on the side of Hidden Village for
10 the fans in the kitchens. And they are
11 louvered vents and they have been in the
12 building for 40 years. And he said, "I want
13 all the ones that are dented replaced." There
14 were a few that were missing. So we went and
15 we -- and then he came back, and I have it in
16 the complaint from them, they had to match the
17 same materials that were in the same other 80
18 on the building.

19 Q Okay.

20 A The bolt in the fence was at Hidden Village.
21 Gary had previously said it was The Drake.
22 Everything was done. He came back. It was a
23 guardrail, you know, it's 20 feet long. The
24 first post didn't have a bolt through it. He
25 threatened to prosecute me because of the bolt.

1 They can't find anything because they
2 inspected this building. Like I said, every
3 single suite was inspected prior to anyone
4 moving in. It's probably the most perfect
5 building in the City of Lakewood.

6 Q Do you have the paperwork from those
7 inspections you just referred to?

8 A I do. I think I forwarded that to Gary. I
9 probably have most of them.

10 Q I'm just going to ask you to produce that to
11 Mr. Haber.

12 MR. HABER: Inspection
13 reports.

14 Q It's a little difficult to identify it in that
15 fashion.

16 MR. HABER: For The Drake,
17 right?

18 A I mean, ultimately they determined that the
19 fence was not ours and they cited the
20 single-family homeowner next door and he fixed
21 it. When I called the city to say, "Why do I
22 have a residential guy on my commercial
23 property?" They said, "Well, because it was
24 abutting property. They didn't know who owned
25 the fence."

1 They cited me to cut a tree down back by
2 the railroad tracks. I mean, things that
3 never, as long as I've been doing business in
4 the City of Lakewood, have they been nitpicking
5 on my property.

6 Q All right. I would like you to gather those
7 things that you consider to be in retaliation
8 of the Hidden Village issues and transmit them
9 to Mr. Haber. I'm going to ask that they be
10 produced, okay?

11 A Fair enough.

12 Q Do you recall the name of the inspector who
13 cited you for the fence bolt and the --

14 A No, but his name is on the inspection report.

15 Q Fair enough. That's not somebody you ran
16 across before?

17 A No. Like I said, he was a residential
18 inspector, which I found it very odd, him
19 inspecting a commercial property.

20 Q The third bullet point from the bottom on page
21 11 indicates, "Unsubstantiated assertions by
22 defendants' police department were behind
23 defendants' efforts to coerce and intimidate
24 young African-American tenants to leave the
25 Hidden Village Apartments."

1 Do you know what assertions are being
2 referred to there?

3 A Well, other than their continually driving
4 through the property. I mean, this is a big
5 long parking lot. You go all the way up one
6 side and down the other side. Like I said,
7 I've been doing business in Lakewood for 20, 25
8 years. I've never had the kind of police or
9 protection at one building that we've had at
10 Hidden Village ever.

11 Q There are times in which the police do drive
12 throughs of other of your properties though,
13 correct?

14 A Never. I have never seen the police drive
15 through any of my other parking lots ever.

16 Q Okay. I guess my question though is, this
17 bullet point seems to talk about assertions or
18 claims that the police department was behind
19 efforts to intimidate young African Americans
20 to leave the property. Are you aware of what
21 statements or claims or things?

22 A Other than them continually driving through.
23 You have to understand the way the building is
24 laid out. You drive through the parking lot.
25 At the end of the parking lot, before you turn

1 left, which is the only way you can go, is the
2 C building. So any car that drives down that
3 driveway has to turn left right in front of the
4 C and D buildings. If the kids are out there
5 hanging out, playing basketball, what do they
6 see drive through all the time? The police. I
7 mean, whether any conversations took place or
8 not, I don't know.

9 Q All right. The last two bullet points on page
10 11 refer to assertions by Mayor George that
11 they supported the police in expressing
12 displeasure that the YRP tenants moved in by
13 stealth. Do you also understand those to have
14 been contained in Mayor George's letter of
15 February 28 of 2007?

16 A Yes.

17 Q Are you aware of any other statements he made
18 to that effect other than in that letter?

19 A I am not.

20 Q I'd like to move to the events of May 22 of
21 2007 where the joint inspection was made, or if
22 you wish, the raid occurred.

23 Did you have any involvement at all in
24 that situation?

25 A I did not.

1 Q Okay. Did you have any discussions with
2 Ms. Watts or Ms. Withers or anybody else who
3 was directly involved?

4 A After the fact.

5 Q Okay. Tell me about that.

6 A Well, again, I've been doing business in the
7 City of Lakewood for 20 or 25 years and many
8 other cities for that time period, and never in
9 those years have I experienced anything of this
10 sort. One, without a notice. And two, with
11 the amount of people that came to the building.
12 It always was a phone call in Lakewood. "Mike,
13 we want to do an inspection." Even on a point
14 of sale inspection, the City of Lakewood does
15 not go suite-to-suite. When you sell a
16 building, they go through 20 or 30 percent.
17 And you pick the suites, the city doesn't pick
18 the suites. They say, "Okay, what do you want
19 to show us?" They came and went through every
20 suite in the C and D buildings after they had
21 already been inspected.

22 Q Who told you that?

23 A Marilyn Watts.

24 Q Okay.

25 A What I find more disturbing than anything is

1 that when we renovated this building and spent
2 hundreds of thousands of dollars making it the
3 best building in the city that they had to
4 approve before somebody could move in, they
5 would come back a year later and think they are
6 going to find something that is wrong.

7 Q Who else did you discuss this with other than
8 Ms. Watts?

9 A My partner, Gary Lieberman.

10 Q All right. Did Mr. Lieberman describe to you
11 his instructions to the city officials to leave
12 the property?

13 A Correct.

14 Q All right. Did you discuss anything else with
15 Mr. Lieberman about that May 22 event?

16 A Other than we both thought that it was racially
17 motivated.

18 Q And upon what do you base that?

19 A For the same reasons that I just told you.

20 Q Okay. Have you ever discussed the events of
21 May 22, 2007 with any official associated with
22 the City of Lakewood?

23 A I have not.

24 Q Other than what may have been told to you by
25 Mr. Lieberman, has anybody else come to you

1 claiming to have knowledge as to the
2 motivations behind the May 22, 2007 inspection?

3 A No.

4 Q Did Ms. Watts describe to you the areas of the
5 development that the city officials requested
6 to inspect on May 22 of 2007?

7 A The C and the D buildings.

8 Q Did she relate to you whether they requested to
9 inspect any other buildings?

10 A They did not. If they were going to inspect
11 the whole building, they would have started in
12 A and then B and then C and then D, not drive
13 back to C and D buildings.

14 Q Bullet point six indicates that there was an
15 incident where the city returned several days
16 later with a state fire official. Did you have
17 any involvement in that at all?

18 A I did not.

19 Q Okay. Did you ever become aware of that?

20 A I did.

21 Q How was that?

22 A I'm not sure if it was through Marilyn or Gary.

23 Q All right. What was described to you?

24 A Another form of retaliation. Again, 20 or 25
25 years of being in the property management

1 business, running residential apartments,
2 having four or 5,000 suites. I never had a
3 state fire marshal on any of my properties
4 ever.

5 Q Did Ms. Watts describe to you anything else
6 that occurred during that visit from the state
7 fire marshal?

8 A I don't know that it -- I don't know if it was
9 during the state fire marshall's visit or
10 whether it was the day of the raid, but someone
11 threatened to arrest her and my maintenance
12 man, Dave Kimmis, if they interfered.

13 Q Okay. Does Mr. Kimmis still work for you?

14 A He does not.

15 Q Do you know where he is?

16 A I do. And I will provide that information to
17 my counsel.

18 Q I'd appreciate that.

19 MR. HABER: Is now a good
20 time for a little break?

21 MR. CLIMER: Sure.

22 (Off the record.)

23 Q I'd like to refer you on to the third bullet
24 point from the bottom on page 12 of the
25 interrogatories. Did you have any involvement

1 with that May 31st attempted inspection by the
2 state fire official?

3 A Is that the first attempt?

4 Q I believe it's the second.

5 MR. HABER: May 31 was the
6 first.

7 Q Was it the first?

8 A I know at one of them Marilyn had called me and
9 I referred her to call Gary. And I don't know
10 whether it was the first visit or the second.

11 Q All right.

12 MR. HABER: That was a
13 follow-up in June of the chronology.

14 Q Did you have any involvement in the June
15 inspection attempt?

16 A I did not, other than what I just said.

17 Q All right. The next to the last bullet point
18 on page 12 makes reference to the Lakewood
19 Police Department continuing to attempt to
20 intimidate YRP Hidden Village residents and it
21 made some mention of police drive throughs,
22 correct?

23 A Correct.

24 Q There is a reference in the last bullet point
25 and the first one on page 13 to an incident in

1 which an African-American tenant dressed in a
2 suit was waiting for a bus and was approached
3 by the police department. Do you have any
4 knowledge of that incident?

5 A I was made aware of that the day that it
6 happened by Marilyn Watts.

7 Q Okay. What did Ms. Watts tell you?

8 A He was standing at the bus stop in front of The
9 Drake going to work, and the police cruiser
10 pulled up in front of the building and they
11 motioned him over to the car, wanted to know
12 where he was from. And when he leaned over, he
13 had a badge on that said he worked for Dennis
14 Kucinich.

15 Q Did Ms. Watts tell you anything else about
16 that?

17 A I don't recall.

18 Q Did she claim that she personally witnessed it
19 or learned of it from someone else?

20 A You'd have to ask her that.

21 Q Okay. There is also a bullet point on page 13
22 indicating that YRP African-American tenants
23 were approached at a nearby bus stop and
24 subjected to continued harassment and
25 intimidation. I think it's the third one from

1 the bottom. Have you had any personnel
2 observations of that conduct taking place?

3 A I did not.

4 Q All right. Has it been related to you by
5 anybody?

6 A It was.

7 Q By whom?

8 A Marilyn Watts.

9 Q Okay. Are you aware of any other continued
10 efforts of harassment of YRP tenants as
11 referred to in the next to the last built point
12 on page 12?

13 A Where are we at, 13 or 12?

14 Q Next to the last bullet point on page 12 talks
15 about continued attempts to harass YRP
16 residents.

17 A Well, other than them, like I said, continually
18 driving through the building parking lots.

19 Q And we talked about that?

20 A Right.

21 Q We talked about the May 23 incident with the
22 young man in the suit. And we talked about the
23 harassment at the bus stop. My question is
24 other than those three, are you aware of any
25 other police harassment attempts of YRP

1 tenants?

2 A I'm not directly aware, no.

3 Q Has anybody reported any other forms of
4 harassment to you?

5 A There may have been, but I don't recall.

6 Q Fair enough.

7 Page 13 we've got the second bullet
8 point. It talks about a citation that you
9 received for having a 3-foot hedge along the
10 sidewalk. Can you tell me what happened there?
11 And I think it's Defendants' Exhibit I, if you
12 want to refresh yourself on that.

13 A What number was it?

14 Q I, I believe. It may not be I.

15 A I is the letter from Jan Roller.

16 Q It's J.

17 A Okay. That was addressed to me for bushes
18 along Fry Avenue. The entrance needed to be
19 maintained. Again, you know, I've been doing
20 this for a long time. I've never had a
21 violation for my shrubbery. I think I have
22 some of the nicest landscaping on Clifton
23 Boulevard. I was so aggregated I just ripped
24 the bushes out.

25 Q Do you know what prompted that citation? I

1 mean, did anybody describe to you --

2 A Harassment.

3 Q Did anybody describe to you at least their
4 point of view as to why they issued that
5 citation?

6 A No. We can ask Michael McCort. He's the one
7 that authored it. I'm sure somebody told him
8 to go and do it.

9 Q Have you had previous dealings with Mr. McCort?

10 A I'm sure I've met him over the years.

11 Q What's been the tone of those dealings with
12 him?

13 A Up until this lawsuit and Youth Re-Entry moving
14 in, I've always had a good relationship with
15 the City of Lakewood.

16 Q Are you aware of any other inappropriate acts
17 directed at you or your YRP tenants as a result
18 of the race of those tenants?

19 A I'll put it this way. I would venture to bet
20 that I've had more violations in the past four
21 years than I had in 20 years put together in
22 Lakewood.

23 MR. CLIMER: Rich, what I
24 propose to do at this point is rather than
25 flopping around on the damages, why don't we go

1 forward with the rest of Mr. Priore's
2 deposition once we've had a chance to review
3 the damage documents?

4 MR. HABER: Okay.

5 MR. CLIMER: Okay.

6 A That's fine.

7 MR. HABER: That's fine.

8 (Deposition adjourned at 4:37 p.m.)

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THE STATE OF OHIO,)
COUNTY OF CUYAHOGA.)

SS:

I, Barbara J. Sedlak, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that MICHAEL A. PRIORE, was first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by him was by me reduced to stenotypy in the presence of said witness, afterwards transcribed on a computer/printer, and that the foregoing is a true and correct transcript of the testimony so given by him as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified. I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio, on this _____ day of October, 2010.

Barbara J. Sedlak, Notary Public
within and for the State of Ohio

My Commission expires August 24, 2015.

