

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF SNOHOMISH

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D/DI

THE STATE OF WASHINGTON, ET AL.,
PLAINTIFFS,

VS.

THE AMERICAN LEAGUE OF PROFESSIONAL
BASEBALL CLUBS, ET AL,
DEFENDANTS.

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) NO. 116 038
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DEPOSITION UPON ORAL EXAMINATION OF JEROLD C. HOFFBERGER
taken July 30, 1973, Baltimore, Maryland at instance
of Plfs.

FILED

APR 19 1974

KAY D. ANDERSON
COUNTY CLERK
SNOHOMISH CO., WASH.

FILED

APR 18 1974

11:30 a.m.

KAY D. ANDERSON
COUNTY CLERK
SNOHOMISH CO., WASH.

TO: CLERK OF SUPERIOR COURT
SNOHOMISH COUNTY COURTHOUSE
EVERETT, WASHINGTON

OPENED - FILED	
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DATE FILED	27 th DAY
January 19 76	
AT THE COUNTY CLERK'S OFFICE	
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FOR	CLERK
By: Linda M. C... DEPUTY	

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1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT SEATTLE

OPENED, FILED
and FILED in 1973
Jan 27

4 THE STATE OF WASHINGTON, a)
5 state of the United States;)
6 the COUNTY OF KING, a county)
7 of the State of Washington;)
8 and the CITY OF SEATTLE, a)
9 municipal corporation,)

10 Plaintiffs,)

11 vs.)

12 THE AMERICAN LEAGUE OF)
13 PROFESSIONAL BASEBALL)
14 CLUBS, et al,)

15 Defendants.)

CIVIL ACTION

NO. 9389

116001

09

16 DEPOSITION UPON ORAL EXAMINATION OF ~~GERALD~~ C. HOFFBERGER

17 BE IT REMEMBERED, that the Deposition Upon Oral
18 Examination of ~~GERALD~~ C. HOFFBERGER was taken at the instance
19 of Plaintiffs on the 30th day of July, 1973, beginning at
20 10:00 a.m. at 225 North Calvert, Baltimore, Maryland, pursuant
21 to due notice, before ORIN E. GRAY, Notary Public;

22 APPEARANCES:

23 WILLIAM L. DWYER, ESQ., and JERRY McNAUL, ESQ.,
24 appearing for and upon behalf of the Plaintiffs the State of
25 Washington, and the County of King;

LAWRENCE K. McDONNELL, Assistant Corporation
Counsel, appearing for and upon behalf of the Plaintiffs, the

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1 City of Seattle;

2 DAVID E. WAGONER, ESQ., JOHN FERGUSON, ESQ., and
3 JAMES P. GARNER, ESQ., appearing for and upon behalf of the
4 American League of Professional Baseball Clubs;

5 JOHN R. TOMLINSON, ESQ., appearing for and upon
6 behalf of Sportservices, Inc;

7 MORTON J. HOLLANDER, ESQ., appearing for and
8 upon behalf of Gerald C. Hoffberger;

9 WHEREUPON, the following proceedings were had
10 and done, to-wit:

11 * * *

12
13 GERALD C. HOFFBERGER, being first duly sworn on oath,
14 appeared and testified as follows:

15

16

DIRECT EXAMINATION

17 BY MR. DWYER:

18 Q State your full name.

19 A *Jerrill OS*
Gerald Charles Hoffberger.

20 Q What is your home address?

21 A Sunset Hill, Ryderwood, Maryland.

22 Q Your occupation?

23 A Corporate executive.

24 Q Do you have a position with the Baltimore baseball club,
25 one of the defendants in this case?

1 A I am Chairman of the Board.
2 Q Are you also a shareholder in that corporation?
3 A Yes.
4 Q Would you tell us what percentage of the shares you hold?
5 A Personally I think I own one hundred shares.
6 Q Who are the other shareholders?
7 A National Brewing Company is a shareholder and there are
8 many other individuals, whose names I can't remember
9 because it is a public corporation.
10 Q Does any one shareholder have voting control of the
11 company?
12 A National Brewing Company.
13 Q And is that a brewing company owned by yourself?
14 A No.
15 Q Do you own stock in it?
16 A Yes.
17 Q About what percentage of that do you own?
18 A I don't know, but it is very little.
19 Q Does the Baltimore baseball club corporation have any
20 business other than the operation of a professional
21 baseball team?
22 A No.
23 Q Does it have a firm of certified public accountants?
24 A Yes.
25 Q What are their names?

1 A Main, Lafrentz & Company.

2 Q Does the Baltimore office handle the preparation of the
3 baseball annual financial statements?

4 A To my knowledge I believe it does.

5 Q Now at the present time the Baltimore baseball club has a
6 lease on the Memorial Stadium here in Baltimore, is that
7 correct?

8 A That is correct.

9 Q And do you have a concession contract with a concessionaire
10 company?

11 A Yes.

12 Q Which one?

13 A Sportservice of Maryland.

14 (Plaintiffs' Exhibit 1 marked
15 for identification.)

16 Q Handing you Exhibit 1 to this deposition, I will ask
17 if you can tell us whether that is the contract between
18 the Baltimore baseball club and Sportservice?

19 A I can't tell whether it is or not. If I read it I couldn't
20 tell. I would have to believe that if it was given to you
21 as a contract that it is.

22 Q Are you familiar with the term, that is the number of
23 years that your contract with Sportservice runs?

24 A It expires in 1973 unless the Baltimore club remains, I
25 believe this is true but I am not absolutely certain, it

1 will say in the contract, unless the Baltimore club
2 remains in the stadium, then I think it continues for
3 another four years automatically.

4 Q Was it a twenty-year contract that started in 1953?

5 A I wasn't connected with the club in 1953 so I don't know.

6 Q Do you not recall assuming a preexisting contract?

7 A Yes, we assumed a preexisting contract. I can't state
8 whether it is a twenty-year contract or not.

9 Q Exhibit 1 provides at page 3: "The term of this agreement
10 shall be for an absolute operating period for twenty
11 years, commencing January 1, 1954 with an option to renew
12 the within agreement for a period of four additional
13 years." Does that refresh your memory?

14 A I think that is essentially the case.

15 Q Is this a contract, as you understand it, that would
16 follow the baseball franchise even if it was moved to
17 another stadium?

18 MR. WAGONER: I object to that, the
19 contract speaks for itself.

20 A I don't know.

21 Q Pages 2 and 3 of Exhibit 1 provide "The exclusive rights
22 and privileges herein granted by owner shall likewise
23 attach to its baseball franchise and follow it and
24 appertain to and be exercised by concessionaire on or
25 about the premises at which owner, its assignee or

1 successor, presently or hereafter, during the term hereof,
2 shall conduct its home baseball operations." Does that
3 refresh your recollection on that?
4 A No.
5 Q Has there been any loan financing by Sportservice to the
6 Baltimore baseball club?
7 A Not since I have been involved with it.
8 Q Was there previously?
9 A I don't recall, I don't know.
10 Q Do you recall ever paying off any loans?
11 A No.
12 Q When did you first become connected with the Baltimore
13 baseball club?
14 A In an official capacity in 1965.
15 Q What was your capacity at that time?
16 A I became Chairman of the Board.
17 Q Did you have some earlier connection with the club?
18 A Only in relation to some few shares of stock which we
19 owned at that time.
20 Q "We" being the National Brewing Company?
21 A I think maybe I might have owned a hundred shares myself.
22 I am not sure when I bought them.
23 Q When did the National Brewing Company first acquire an
24 interest?
25 A I don't remember.

1 Q Was it before you did?

2 A I don't remember.

3 Q Does the ball club share concession revenues on a percen-
4 tage basis with the concessionaire?

5 MR. WAGONER: Once again the contract
6 speaks for itself, whatever the provisions are they
7 are. I object to the question.

8 Q Go ahead.

9 A Somebody give me some instructions.

10 MR. WAGONER: If you have an independent
11 knowledge.

12 A I have no independent knowledge. If it says so in the
13 contract, whatever it is it is.

14 Q As you sit here now you don't know whether or not your
15 ball club shares revenues with the concessionaire?

16 A Of course I know the concession company pays the ball
17 club as stated in there, some 33%, and the ball club
18 pays the city some 10%. I don't know the details.

19 Q The concessionaire gets the rest?

20 A Whatever is rest, I guess he does.

21 Q Have you at any time sought to negotiate a termination
22 of the twenty-year contract with Sportservice?

23 A No.

24 Q Have you at any time tried to find a new concessionaire
25 to take the place of Sportservice?

1 A No.

2 Q Have you tried to negotiate a change in the percentage
3 terms of the allocation between the ball club and Sport-
4 service?

5 A I don't remember the exact details of this but when I
6 came into the picture, I think we were getting something
7 like 29% and I visited with Mr. Lew Jacobs, who was then
8 the operating head of the company and asked him whether
9 the 29% was constant with what Sportservice was paying
10 to other people with whom they did business and he advised
11 me that the rate was 33% and from that point on we would
12 get 33%.

13 Q You obtained a 4% increase?

14 A Yes.

15 Q Did you give anything to Sportservice in return for that?

16 A No.

17 Q It was simply a volunteer concession on their part?

18 A Right.

19 Q Now are you connected Mr. Hoffberger with any other business,
20 other than the Baltimore baseball club?

21 A Yes.

22 Q Would you tell us what those are?

23 A I am the chairman of a company called Divex, which is a
24 wholly-owned subsidiary of the National Brewing Company.

25 Q What business is that in?

1 A It makes household and industrial chemicals and cleaners,
2 bitters, waxes and soaps. It purchases blends, bottles
3 and sells olive oil and one of its subsidiaries makes,
4 produces and sells Italian and Mexican frozen foods.

5 Q Any other business besides that?

6 A Yes, I am director of Motor Freight Express, which is a
7 motor freight carrier as the name implies. I am director
8 of and member of the executive committee of Fairchild
9 Industries, a director of Merchants Terminal Corporation,
10 which is the parent company of Motor Freight Express and
11 which is in the cold storage warehousing business.

12 Q How about the National Brewing Company?

13 A I am a director of the National Brewing Company.

14 Q You are the president?

15 A Yes.

16 Q What brands of beer does that company make?

17 A National Bohemian, National Premium, Colt 45, Ultras,
18 Regal, A-1, Malt Duck, Wales, White Ale, Van Lauder and
19 some other brands which are minor and I can't describe at
20 this moment.

21 Q You have described nine from memory. Can you tell me
22 where the brewery is located that the company owns?

23 A Baltimore, Phoenix, Detroit, Miami.

24 Q You have four breweries then?

25 A Yes.

1 Q Are you acquainted with any of the people who organized
2 Milwaukee Baseball Club, Inc.?
3 A Yes.
4 Q Are you acquainted with any of them who are also in the
5 beer business?
6 A Yes.
7 Q Which one or ones?
8 A Mr. Robert Uihlein.
9 Q What company is he connected with?
10 A Schlitz.
11 Q How long have you known him?
12 A In excess of twenty years.
13 Q Are you a friend of his, would you say?
14 A No.
15 Q Are you a friend of Mr. Selig and/or anybody else connect-
16 ed with the Milwaukee club?
17 A Yes.
18 Q Who else?
19 A Mr. Selig, Mr. Fitzgerald. I don't know who else is
20 connected with the club outside of those three.
21 Q Have you ever encountered Mr. Uihlein at any of the
22 meetings of any trade association in the beer industry?
23 A Yes.
24 Q Which association?
25 A U. S. Brewers Association.

1 Q And on those, I take it you have annual meetings of that
2 association?
3 A Yes.
4 Q Have you discussed the baseball business with him at
5 any of those meetings?
6 A Not that I can recollect.
7 Q Do you have any working agreements of any kind with his
8 beer company?
9 A No.
10 Q Do you have any distributors in common?
11 A Yes.
12 Q Tell us, if you can, who those are.
13 A I wouldn't have the slightest idea.
14 Q How do you know you have them?
15 A I know that we do because I have been told that we did,
16 but I don't know who they are.
17 Q Do you know in what territories they are?
18 A No.
19 Q Are any of the beers made by your company distributed on
20 a national, a nationwide basis?
21 A Yes, Colt 45.
22 Q And the others are all regional, I take it?
23 A Yes.
24 Q Mr. Hoffberger, do you recall that in October of 1967,
25 specifically October 18, the American League passed a

1 resolution awarding an expansion franchise to Seattle and
2 another one to Kansas City?
3 A I don't remember the date but I know that that was done.
4 Q Do you recall how you voted?
5 MR. WAGONER: I object to the form of that
6 question and move the answer be stricken for the
7 reason that it misstates the resolution. The
8 resolution talks in terms of making available two
9 expansion clubs, Kansas City and Seattle, Washington,
10 subject to certain terms and conditions.
11 Q Do you recall how you voted on that resolution, Mr.
12 Hoffberger?
13 A No I don't. The record will show how I voted.
14 Q Were you ordinarily the executive of the Baltimore club
15 who attended the League meetings and voted on the resolu-
16 tions?
17 A Ordinarily I was accompanied by others.
18 Q In your absence, when you were absent who would vote in
19 behalf of the Baltimore club?
20 A Frank Cashen.
21 Q What is his position?
22 A Executive Vice President.
23 (Plaintiffs' Exhibit 2
24 marked for identification.)
25 Q We have marked as Exhibit 2 a copy produced by the League

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1 of the resolution passed in Oakland, 1967. It states in
2 part and I quote: "Further resolved, that the American
3 League hereby adopts an expansion plan under which the
4 League will expand to twelve member clubs as soon as
5 possible but in no event later than the 1971 season,
6 and make available the two expansion clubs to Kansas City,
7 Missouri and Seattle, Washington, subject to the follow-
8 ing terms and conditions: one, that the ownership in said
9 expansion club shall be held by persons who are acceptable
10 to the League for membership and who are prepared to make
11 the necessary financial commitments and plans for the
12 ownership and operation of said expansion club." Can
13 you recall what, if anything, the League did to fulfill
14 the first condition just quoted?

15 A What was the first condition?

16 Q Item number one.

17 MR. WAGONER: I object to the form of the
18 question. It says what the League did to fulfill
19 the condition. That misconstrues the thrust of the
20 resolution.

21 A I can't remember what the League did.

22 Q The first part of it says: "That the ownership in said
23 expansion clubs shall be held by persons who are
24 acceptable to the League for membership." Is it true the
25 League did determine the Sorianos and Mr. Daley were

1 acceptable for membership?

2 A I presume that that was determined that way because they
3 became the owners and operators of that club.

4 Q Did the League do anything to fulfill the second part,
5 that is to say that they were prepared to make the
6 necessary financial commitments?

7 MR. WAGONER: Again I object to the
8 form for the same reason I did the last one. I
9 think that misconstrues what the League is to do
10 or not to do.

11 A I don't know; I don't know who determined that. The
12 League is made up of twelve clubs. The League office
13 does what the twelve clubs request the League office to
14 do.

15 Q Well, did the League office or the twelve clubs ascertain
16 whether or not the Sorianos and Mr. Daley were prepared to
17 make the necessary financial commitments to carry on and
18 operate the club?

19 A Obviously the majority of the League felt that they were.

20 Q And was that based in part upon the involvement of Mr.
21 Daley in the enterprise?

22 A It was.

23 Q Was he known to you to be a man of considerable means
24 at that time?

25 A It was not known to me. I had been told that.

1 Q Did you rely on that in the course of voting for approval?

2 A Yes I did, the record will show that.

3 Q The resolution in the part just quoted recites that the
4 expansion shall be not later than the 1971 season. The
5 League decided in fact to make it 1969, did it not?

6 A I guess if it came in '69 there was a decision to change
7 it. I don't remember those dates.

8 Q And was that decision to expand in 1969 based upon a desire
9 to make sure that the National League didn't obtain these
10 territories?

11 A There were a number of reasons. I really can't give you
12 a specific answer to that.

13 Q Was that one of the reasons?

14 A I don't know whether it was or not.

15 Q The transcript of the American League meeting at Oakland,
16 California of January 26 and 27, 1970 shows the following
17 on page 77: "Mr. Allyn: How they finance it is their
18 business. Mr. Hoffberger: No, that is not true. How
19 the Sorianos finance it should have been our business and
20 was not and that is one of the reasons we are in this
21 position." Now what did you mean when you said how the
22 Sorianos financed it should have been our business and
23 was not?

24 A It has been my feeling that certain guidelines should be
25 laid down for financing baseball clubs, either expansion

1 clubs or newly purchased clubs and I didn't feel that
2 the Sorianos had sufficient funds to carry a very, very
3 difficult load.

4 Q Your feeling has been there should be guidelines to assure
5 the ownership shall weather some losing seasons?

6 A Yes.

7 Q And you felt that that had not been done in the case
8 of the Soriano-Daley ownership?

9 A Yes.

10 Q Do you recall a meeting at Mexico City in December of
11 1967 at which the American League selected Pacific North-
12 west Sports, the Soriano-Daley company, as the franchisee
13 for Seattle?

14 A I recall that meeting but I am not prepared to say. The
15 record will say where they were selected; I am unprepared
16 to say.

17 (Plaintiffs' Exhibit 3
18 marked for identification.)

19 Q To refresh your memory I will hand you Exhibit 3, which
20 was produced by the League as a copy of the resolution
21 passed at Mexico City and that reflects, does it not,
22 the award of a franchise to Pacific Northwest Sports, Inc.
23 for Seattle?

24 A That is what the records show.

25 Q Do you recall how you voted on that resolution?

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1 A I voted reluctantly in favor of that out of consideration
2 for Mr. Daley.

3 Q Do you recall whether it was unanimously passed by the
4 twelve or at that time ten members of the American League?

5 A I don't recall that.

6 Q During the year 1967 were you aware of continuing efforts
7 by Milwaukee Baseball Club, Inc. to get a franchise placed
8 at Milwaukee?

9 A Yes.

10 Q Did you have any conversations with anybody in that group
11 about it?

12 A I can't remember whether I had any conversations in that
13 year but I certainly had conversations with them.

14 Q Do you recall discussing that with them at any time after
15 the October 18, 1967 resolution of the League concerning
16 expansion to Seattle?

17 A I can't pin down the dates but I did have discussions with
18 them from time to time.

19 Q Was it after the Seattle franchise was awarded?

20 A I can't tell you that.

21 Q Who did you have the discussions with?

22 A Mr. Selig and Mr. Fitzgerald primarily.

23 Q Do you remember any particular conversations with either
24 one of them?

25 A How would you describe particular conversations?

1 Q I mean, do you recall a conversation where you were asked
2 a certain place talking to them?

3 A Yes, I was on a holiday in Vermont, Maine or New Hampshire
4 with my wife and they called and said they wanted to see
5 me and I said if you do I will be in trouble with my wife
6 and they insisted, they flew in there and I met them and
7 we had a little cottage and we sat on the back porch and
8 I said fellows, you are nuts, don't go into baseball.

9 Q Were they both there, Selig and Fitzgerald?

10 A Yes.

11 Q Can you give me any idea when this was?

12 A No.

13 Q Any other conversations with anybody representing the
14 Milwaukee group?

15 A I can't remember any other conversations with people
16 representing the Milwaukee group. I have had a friend
17 named Adleman who was a member of that group and I
18 remember telling him at some point that he shouldn't
19 invest in baseball.

20 Q In the latter part of 1967 after the League had awarded a
21 franchise to Seattle, do you recall having --

22 MR. WAGONER: I object to the form of the
23 question, the League doesn't award a franchise to
24 Seattle.

25 Q In the last part of 1967 after the League had placed a

1 franchise in Seattle, do you recall having any concern
2 that the bond issue for the domed stadium might not
3 succeed?

4 A Yes.

(Plaintiffs' Exhibit 4
marked for identification.)

5
6
7 Q Handing you Exhibit 4 Mr. Hoffberger, is that a letter
8 from yourself to Mr. Cronin dated December 18, 1967?

9 A Yes.

10 Q You begin the letter by saying: "Dear Joe, I talked with
11 a very good friend of mine in Seattle this morning who
12 because of various circumstances must remain nameless."
13 Who was the friend?

14 A If he must remain nameless, must we name him?

15 Q For present purposes I think so.

16 A I can't remember. I have a few friends out there but I
17 can't remember who that was at this point.

18 Q The next sentence: "Nevertheless, I am able to tell you
19 that he is a man well respected in the community, success-
20 ful in his business and has had a long-time association
21 with professional sports." Does that refresh your memory?

22 A It could have been a man named Allen Ferguson.

23 Q He is the Rainier Beer man, is he not?

24 A He was.

25 Q He told you that he considered the stadium bond issue to

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1 be iffy as you have reported it here, is that correct?

2 A Yes.

3 Q And he told you that, as he states on page 2, "My
4 friend tells me that to date no strong professional
5 efforts are in evidence except at a community leader
6 level." Did Mr. Ferguson tell you that?

7 A If that is what I said that is what he said.

8 Q Did you get a-hold of him or vice versa about this?

9 A I can't remember what the occasion was.

10 Q Was the conversation in person or by telephone?

11 A I can't remember whether it was in person or by telephone.

12 Q And Mr. Ferguson advised you and you reported to Mr.
13 Cronin if the bond issue failed the public officials
14 would be reluctant to use funds to build the stadium,
15 right?

16 A Yes.

17 Q And you go on to state to Mr. Cronin, "In view of this
18 and in view of other information which has come to me,
19 I again urge you to appoint a committee to develop a
20 series of alternate plans." What were the alternate
21 plans you were referring to?

22 A I can't remember. That is 1967, it is six years ago or
23 five and a half years ago and I can't remember.

24 Q Was it a plan to move from Seattle?

25 A I would doubt it.

1 Q Was it a plan to play baseball somewhere else in Seattle?

2 A I don't know what those plans were.

3 Q Was it a plan --

4 MR. WAGONER: He said he doesn't know
5 what the plan was.

6 Q To refresh your recollection, was it a plan to transfer
7 the franchise to Milwaukee?

8 MR. WAGONER: I object to that. I think
9 you are badgering the witness. It says in view of
10 this and in view of other information which has come
11 to me, I again urge you to appoint a committee to
12 develop a series of alternative plans. The letter
13 indicates that a committee possibly should be
14 appointed to develop plans.

15 MR. TOMLINSON: I further add to the
16 objection there is no indication from the letter
17 that there was any alternate plan. I think the
18 witness has testified that he can't remember any
19 alternate plans. I think he answered the question
20 and consequently I will object.

21 Q When you write to Mr. Cronin, did you have in mind the
22 alternative of transferring the franchise to some other
23 city?

24 A I doubt that seriously but I am not absolutely certain.
25 All I was suggesting here was we had a difficult situation

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1 or potentially one and I wanted to have fallback positions
2 and normal business kind of operation.

3 Q So as far as you recollect then, as of December, '67
4 your own thinking was that if the stadium issue failed
5 that wouldn't necessarily mean leaving Seattle?

6 A I can't respond whether it meant that or not.

7 (Plaintiffs' Exhibit 5
8 marked for identification.)

9 Q Handing you Exhibit 5, is that a letter from yourself
10 to Mr. Cronin dated January 25, 1968?

11 A Yes.

12 Q Were you in London at the time that was dictated?

13 A I think what I did was, I normally when I travel hand
14 write and send things back on a daily basis and my
15 secretary simply signed that.

16 Q The letter begins: "Dear Joe: I have just heard while
17 here in London that my friends in Seattle think the bond
18 issue (stadium) is running about 50/50 between success
19 and failure." Who was it that advised you of that in
20 London?

21 A I don't remember.

22 Q Who were the friends you were referring to?

23 A I do not remember.

24 Q Did you have at this time any business friends in
25 Seattle other than Mr. Ferguson?

1 A Yes. I don't know whether it was Seattle or not. No,
2 I guess not.

3 Q So the phrase, "my friends in Seattle" as used by you,
4 can you explain how that happens to be there?

5 A No, I don't know. I can't say who that was.

6 Q On page two you state, starting at the bottom of page
7 one, "This is being passed on to you for whatever action
8 you think necessary and proper. I hope it is not too
9 late. In December I wrote to you one, suggesting that the
10 American League come up with an alternate plan should
11 Seattle vote against the bond issue. This still should be
12 done." What alternate plan, if any, did you have in mind
13 at the time of this letter?

14 A The same alternate I didn't know about when you asked me
15 the question before. I don't know what those alternate
16 plans were and I don't think that we should just beat
17 that one to death.

18 Q Did you have any conversations during the winter of 1967
19 and '68 with anybody representing the Milwaukee Baseball
20 Club?

21 A I told you before that I had conversations with people
22 representing the Milwaukee Baseball Club from time to
23 time and I cannot pinpoint the dates.

24 Q Can you tell us whether or not a move to Milwaukee, as
25 of the first of '68 was an alternate that you had in mind?

1 MR. TOMLINSON: I object to that.

2 MR. WAGONER: You have gone through that
3 five times.

4 A I told you I don't know.

5 MR. WAGONER: You are badgering the
6 witness. At this point you are repetitive; he
7 answered the question clearly and distinctly as
8 best he can.

9 MR. DWYER: Sometimes we can refresh
10 recollection with details.

11 Q Can you recall now whether there was an alternate you
12 had in mind?

13 A I can't recall what the alternates were. I didn't have
14 any specific alternates, I don't recall that there were
15 any.

16 Q In January and February of 1968 did you become aware
17 of any effort by the American League to secure the
18 passage of the stadium bond issue in Seattle?

19 A With the understanding I am not trying to pinpoint any
20 dates because I don't remember what those dates were, I
21 did not know of any specific efforts by the American
22 League to secure the passage of the bond issue in Seattle.

23 Q Did you know that John F. Kraft Incorporated had rendered
24 a series of reports on public opinion concerning the
25 bond issue?

1 A No, I don't even know who John F. Kraft is. Maybe it
2 happened at that time but as of this moment I wouldn't
3 remember who John F. Kraft is.

4 Q Do you recall being at any meetings of the League in which
5 it was reported that the outcome was doubtful?

6 A I have no recollection of that.

7 Q Do you recall having been aware that Mr. Cronin went to
8 Seattle during the bond issue campaign and spoke in favor
9 of passage of the stadium issue?

10 A A review of the transcript indicates that to me but I
11 don't have that from my own personal knowledge.

12 Q And who authorized Mr. Cronin to do that?

13 A I wouldn't have the slightest idea.

14 Q Mr. Hoffberger, did you have an opportunity to go over any
15 documents connected with this case in advance of today's
16 deposition?

17 A Yes, I read the transcript of the record.

18 Q Which record, can you tell us?

19 A No I can't, a great big file of some kind.

20 Q It had transcripts of meetings in it?

21 A Things that were involved. Just what you have in front
22 of you I imagine.

23 Q Did you have an opportunity to read the verbatim trans-
24 cripts of the League's meetings connected with the Seattle
25 situation?