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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
STATE OF ILLINOIS

GORDON RANDY STEIDL,)	
Plaintiff,)	
vs.)	No. 05-CV-2127
CITY OF PARIS, Present and Former)	
Paris Police Officials Chief Gene)	
Ray and Detective James Parrish;)	
former Illinois State Trooper Jack)	
Eckerty; former Edgar County)	
State's Attorney Michael)	
McFatriidge; EDGAR COUNTY; and)	
Illinois State Police Officials)	
Steven M. Fermon, Diane Carper,)	
Charles E. Brueggemann, Andre)	
Parker and Kenneth Kaupus,)	
Defendants.)	
-----)	
HERBERT WHITLOCK,)	
Plaintiff,)	No 08-CV-2055
vs.)	
CITY OF PARIS, Present and Former)	
Paris Police Officials Chief Gene)	
Ray and Detective James Parrish;)	
former Illinois State Trooper Jack)	
Eckerty; former Edgar County)	
State's Attorney Michael)	
McFatriidge; EDGAR COUNTY; and)	
Illinois State Police Officials)	
Steven M. Fermon, Diane Carper,)	
Charles E. Brueggemann, Andre)	
Parker, Kenneth Kaupus and Jeff)	
Marlow; and Deborah Rienbolt,)	
Defendants.)	

DEPOSITION OF ENO VITALE
September 18th, 2008
2:35 PM

COPY

Amy Prillaman Neubaum: CSR #084-003275
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INDEX

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INDEX, continued:

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EXAMINATION BY:

BY: MR. IAIN JOHNSTON:	5
BY: MR. RON BALSON:	30
BY: MS. JAN SUSLER:	76
BY: MR. MICHAEL RAUB:	82

EXHIBITS:

Group Exhibit 1	10
Exhibit 2	13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
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STIPULATION

IT IS HEREBY EXPRESSLY STIPULATED AND AGREED by and between the parties that the deposition of ENO VITALE may be taken on September 18, 2008, at the offices of Area Wide Reporting, 301 West White, Champaign, Illinois, pursuant to the Rules of the Federal Court and the Rules of Federal Procedure governing said depositions.

IT IS FURTHER STIPULATED that the necessity for calling the Court Reporter for impeachment purposes is waived.

1 (2:35 PM)

2 ENO VITALE,

3 having been first duly sworn, testified as follows:

4 EXAMINATION,

5 BY: MR. IAIN JOHNSTON:

6 Q. Could you state and spell your name for the
7 record.

8 A. My name is Eno Vitale. E N O, V I T A L E.

9 Q. Mr. Vitale, do you also go by the name Joe?

10 A. Yeah, that's what people call me sometimes.

11 Q. Okay. Mr. Vitale, have you been deposed
12 before?

13 A. On this?

14 Q. No, on -- just generally.

15 A. No.

16 Q. Let me go over some basic ground rules as
17 we go through this process. I'm going to ask you
18 some questions. Wait till I finish with my question
19 before you start to answer because the court reporter
20 is taking things down and she can't take it down if
21 we are talking over each other.

22 Wait till I finish with my question before
23 you start to answer, and likewise, I'll try to wait
24 till you are finished with your answer before I jump

1 in with another question. Fair?

2 A. Yes.

3 Q. If I use a term or a word that you don't
4 understand, tell me.

5 A. Okay.

6 Q. Sometimes my questions might be confusing
7 or vague. Just let me know and I'll rephrase it,
8 okay?

9 A. Okay.

10 Q. Now, are you represented by counsel today?

11 A. No.

12 Q. At some point some of the attorneys might
13 object to questions. They're just doing their job.
14 After the objection, you can go ahead and answer
15 unless in the remote possible world that it is a
16 question that relates to some kind of privilege, then
17 we'll try to prevent that, but generally if there is
18 an objection, after the objection is made you can go
19 ahead and answer.

20 A. What do you mean privilege?

21 Q. Privilege would be anything you say to your
22 attorney, if you had an attorney.

23 A. Okay.

24 Q. There is a spousal privilege in Illinois.

1 That kind of thing. Okay? I doubt that we get into
2 those areas.

3 MS. SUSLER: Can I just ask that you keep
4 your voice up because there's some competition with
5 the air over here and I'd like to hear all the
6 questions and answers. Thanks.

7 BY MR. JOHNSTON:

8 Q. Your date of birth, [REDACTED] [REDACTED]?

9 A. Yes.

10 Q. So you are 39 years old now?

11 A. Yes.

12 Q. Mr. Vitale, are you a convicted felon at
13 all?

14 A. No.

15 Q. Where do you currently reside?

16 A. In Paris, Illinois. Would you like the
17 address?

18 Q. Is it [REDACTED]?

19 A. [REDACTED].

20 Q. What's your father's name?

21 A. Joe.

22 Q. Is that Gilseppe Vitale?

23 A. Yes.

24 Q. Can you spell that?

1 A. Gilseppe?

2 Q. Yes.

3 A. No. Sorry.

4 Q. He goes by Joe as well?

5 A. Yes.

6 Q. Now, have we met before today?

7 A. No.

8 Q. But we've spoken a couple times before

9 today, right?

10 A. Yes.

11 Q. Once, twice maybe?

12 A. Twice.

13 Q. And one was to give you directions?

14 A. Uh-huh.

15 Q. And one of my other instructions which I

16 should have given you is all your answers have to be

17 verbal, no uh-huhs.

18 A. Sorry.

19 Q. That's my fault for not telling you. Okay?

20 And I think, correct me if I'm wrong, I

21 think when we have spoken before we talked about a

22 couple of areas, one is related to Joe's -- one area

23 we talked about is Joe's Pizza, right?

24 A. Yes.

1 Q. The location of Joe's Pizza and the
2 ownership of Joe's Pizza, right?

3 A. Yes.

4 Q. We also talked about law enforcement
5 officers who patronize Joe's Pizza, right?

6 A. Yes.

7 MS. SUSLER: I'm going to object to the
8 leading nature of your questions. Why don't you ask
9 the questions.

10 MR. JOHNSTON: Your objection is noted.

11 Q. We talked about your father's citizenship
12 proceedings, right?

13 A. Yes.

14 Q. I think we talked a little bit about Mike
15 Callahan's statements or statements that have been
16 attributed to Michale Callahan; is that right?

17 A. Yes.

18 Q. We also talked about the address of the
19 location here and the address to send the subpoena
20 to, right?

21 A. Yes.

22 Q. Anything else that you think we may have
23 talked about?

24 A. No, that was basically it.

1 (Whereupon Group Exhibit 1 was marked for
2 identification.)

3 Q. Mr. Vitale, you have been handed what's
4 been marked a series of -- what's been marked Group
5 Exhibit No. 1 for identification. Why don't you take
6 a moment to review that group of documents. And
7 after you've had a chance to take a look at them, let
8 me know.

9 A. I have looked over them.

10 Q. The first document appears to be a October
11 19th, 1999 letter?

12 A. Uh-huh.

13 Q. From Rory Steidl; is that right?

14 A. Yes, it is.

15 Q. Have you seen that letter before?

16 A. Yes, I have.

17 Q. Do you have access -- does this appear to
18 be a true and correct copy of a letter?

19 A. Yes. This is a copy of the letter that we
20 have. The original my dad's immigration lawyer has.

21 Q. And would you be one of the people who has
22 possession and control of the copy of this letter?

23 A. Yes. I am the one that provided it.

24 Q. Okay. The second letter, an undated letter

1 from Tom Boren, To Whom It May Concern. You see that
2 there?

3 A. Yes.

4 Q. Is that another document that you have
5 control over?

6 A. Yes.

7 Q. And is it a true and correct copy of that?

8 A. Yes.

9 Q. The third letter is September 9th, 1999
10 letter. Do you see that there?

11 A. Yes.

12 Q. From Sergeant R. L. Sollars?

13 A. Yes.

14 Q. Is that a true and correct copy?

15 A. Yes, it is.

16 Q. And do you have -- one of the people that
17 had possession, custody and control of that letter?

18 A. Yes.

19 Q. The next letter, September 22nd, 1999. Do
20 you see that there?

21 A. Yes.

22 Q. And that's from a Cynthia S. Belt, do you
23 see that there?

24 A. Yes.

1 Q. And who is Cynthia Belt?

2 A. Cynthia Belt was at the time the
3 coordinator at the children's home. Now she works
4 for Union Hospital in Terre Haute.

5 Q. Is this a true and correct copy of the
6 letter?

7 A. This is a copy, right. Yes.

8 Q. Okay. And are you one of the people that
9 has possession, custody and control of the copy?

10 A. Yes, I do.

11 Q. Okay. The next letter is September 10th,
12 1990. It's a two-page letter. Do you see that
13 there?

14 A. Yes, I do.

15 Q. Is that a true and correct copy of that
16 document?

17 A. Yes.

18 Q. Were you one of the people that has
19 possession, custody and control of that document?

20 A. Yes, I do.

21 Q. Who is this letter from?

22 A. This letter is from the prosecutor who
23 prosecuted my dad, Louis Freeh.

24 Q. Is that the same Louis Freeh that

1 eventually became the FBI director?

2 A. Yes, it is.

3 Q. And following Mr. Freeh's letter, there is
4 a photo -- well, what appears to be a copy of a
5 photograph. Why don't you explain what that is.

6 A. They made this -- this for my dad when he
7 became a citizen of the United States and it's got
8 the date that he was sworn in, it's got pictures of
9 him with the judge and some of the people that were
10 there.

11 There was also a picture of -- he works for
12 the state representative and I can't think of who it
13 was, that helped my dad get his citizenship when the
14 INS was dragging their feet and stuff like that. He
15 also wanted to be -- see him get sworn in. So
16 they're in the picture. The Belts, Cynthia Belt is
17 in the picture, along with her mother, my brothers
18 and sisters. And I think my nieces are also in this
19 picture.

20 Q. This is Exhibit 2.

21 (Whereupon Exhibit 2 was marked for
22 identification.)

23 A. It was Tim Johnson, Congressman Tim
24 Johnson.

1 Q. Mr. Vitale, you have been handed a document
2 that's been marked as Exhibit No. 2. Do you
3 recognize what those are?

4 A. Yes, I do.

5 Q. There's two photographs, right?

6 A. Yes.

7 Q. Let's start with the photograph that's on
8 the bottom. What's that a photograph of?

9 A. That was the pizza place that my dad owned,
10 the pizza place that he built.

11 Q. And how long did your dad operate the pizza
12 place that's depicted in the photograph on the bottom
13 of Exhibit 2?

14 A. How long did he own it?

15 Q. Yeah.

16 A. I think we lost it, I want to say it was
17 like 1986. The bank took it away from us.

18 Q. And the photograph on the top, what's that
19 a depiction of?

20 A. That's the pizza place that I own, that
21 I've always owned.

22 Q. And when did you begin ownership of the
23 business that's depicted on the top of Exhibit 2?

24 A. '86, '87.

1 Q. And do you own it today?

2 A. Yes, I do.

3 Q. So you would have owned it throughout
4 calendar years 2000 through 2003?

5 A. Yes.

6 Q. Okay. Does your father have any ownership
7 interest in the business depicted at the top of
8 Exhibit No. 2?

9 A. No, he has no ownership. None at all.

10 Q. The photograph at the bottom, that's a
11 depiction of the restaurant your father owned, right?

12 A. Yes, it is.

13 Q. Where was that located?

14 A. I think the address was 2002 South Main,
15 Paris, Illinois.

16 Q. And the business depicted at the top, Joe's
17 Pizza there that you own, where is that located?

18 A. It's 226 West Court, Paris, Illinois.

19 Q. Has it always been located at that
20 location?

21 A. I don't understand.

22 Q. Has your restaurant, has it always been at
23 226 West Court Street, Paris, Illinois?

24 A. Yes, it has.

1 Q. Has a convicted felon ever owned the Joe's
2 Pizza at 226 West Court Street?

3 A. No.

4 Q. The business, the Joe's Pizza that you own
5 and operate, do you file documents with the Secretary
6 of State's office?

7 A. The documents that I am supposed to file
8 with them, yes, I do. Along with the Illinois
9 Department of Revenue, the IRS.

10 Q. And what -- and in those documents, who, if
11 anybody, is indicated as the owner of Joe's Pizza?

12 A. Originally when -- when we lost the pizza
13 place that's on the bottom of the picture, we had
14 this one and it was me and my sister. I think I was
15 17 to 18 years old when we started this one. My
16 sister is older than me. So we put ourselves both
17 down as partners. So it was me and my sister.

18 Then she got married and I took full
19 ownership, so it's just me on the -- the tax papers,
20 the Illinois Department of Revenue, the IRS, the
21 health department, I'm the one that's on this.

22 Q. I want to ask you some questions about your
23 father. When did he become a naturalized American
24 citizen?

1 A. July 26, 2002.

2 Q. Okay. Have you had -- were you involved in
3 the process of having your father become a
4 naturalized American citizen?

5 A. Yes, I was.

6 Q. Did you have conversations with law
7 enforcement officials relating to your father's
8 naturalization?

9 A. Yes, I did.

10 Q. Did you have conversations with politicians
11 about having your father become a naturalized
12 citizen?

13 A. Yes, I have.

14 Q. Is it correct that your father was
15 convicted in what is commonly known as the Pizza
16 Connection Case?

17 A. Yes, he was convicted of it.

18 Q. Do you know exactly what offense he was
19 convicted of?

20 A. They say he was convicted of drugs.

21 Q. Have you -- did you attend the trial of
22 your father?

23 A. I was there for the sentencing.

24 Q. Did you ever read the transcript relating

1 to your father's trial?

2 A. Yes, I have.

3 Q. How many pages was that transcript?

4 A. I want to say it was like 18,000.

5 Q. Do you recall as you sit here today how
6 many times your father's name was mentioned in that
7 transcript?

8 A. His name was mentioned at the opening
9 arguments when they mentioned everybody's name and
10 his -- his name was mentioned at the end when again
11 they mentioned everybody's name again. Evidence and
12 stuff like that, during the trial, no, I don't recall
13 any of that.

14 Q. Do you know who the prosecutor was of the
15 Pizza Connection Case?

16 A. At the time it was Louis Freeh; Giuliani
17 was one of the head prosecutors or whatever, but it
18 was basically Louis Freeh and I want to say Martin.
19 His last name was Martin.

20 Q. Let's go to the September 10th, 1990 letter
21 that's in Group Exhibit No. 1. Do you know what the
22 purpose of that letter was?

23 A. When my dad got out of prison for serving
24 his five years that they gave him, they wanted to

1 deport him back to Italy because I guess if you're a
2 convicted criminal and you're not an American
3 citizen, they deport you or whatever.

4 So as soon as he got released, INS arrested
5 him and they were going to deport him. So this
6 letter was written on my dad's behalf to say, hey,
7 hold on a second. And you guys can read the letter,
8 if you guys don't believe it. I mean this was the
9 prosecutor that said, you know, what I get out of it,
10 and the thing is -- I know you guys probably don't
11 believe any of this is because we lived it, he didn't
12 do anything. Let's leave him alone now. And that's
13 basically what I get out of this letter. And he
14 wrote this to the judge for the deportation hearing.

15 Q. At any later date did you have -- make any
16 attempts to contact Mr. Freeh about -- relating to
17 your father's citizenship?

18 A. Yes, I did.

19 Q. Do you recall approximately when that was?

20 A. My mom got sick, I want to say it was in
21 1990. No, it was probably '98. And we're Catholic.
22 She wanted to go to see Padre Pio. Padre Pio, they
23 wanted to make him a saint, he was the priest in
24 Italy that had the stigmata in his hands and he

1 performed miracles. She wanted to go see his home
2 town and stuff like that before she left this earth.

3 We were trying to get citizenship because
4 my dad was no longer an Italian and he was no
5 longer -- well, he was not an American yet. We
6 wanted to get citizenship. My dad already passed all
7 of his tests and everything to become a citizen.

8 So I called Louis Freeh, saying what's
9 going on? INS says that you have --

10 Q. Let me stop you for a second. Where did
11 you try to place the call to Louis Freeh?

12 A. In -- I think it was Washington.

13 Q. Okay.

14 A. Because he was the director of the FBI at
15 the time.

16 Q. Where were you when you placed that call?

17 A. At home.

18 Q. Okay. And when you placed the call what
19 happened next?

20 A. I got his secretary and I asked to speak to
21 him and she said you can't speak to him, but can I
22 help you with something? And I told him what was
23 going on with my dad's citizenship or told her, I'm
24 sorry, with his citizenship. And told her that my

1 mom was sick, she wanted to go to Italy and wanted my
2 dad to take her.

3 She said, well, he'll probably contact you.
4 And I was thinking, okay, here's just a go around.
5 20 minutes later, if that, I get a call from an FBI
6 agent out of Chicago, said that he personally spoke
7 to Louis Freeh and he wanted to know what I needed.

8 INS said that they didn't have files on my
9 dad's case. They didn't know where they were at and
10 this was going on for -- for -- since he got -- he
11 got out of prison, to about ninety -- well, it was
12 2002. And I told him about the files and stuff. He
13 said he'd take care of all of that.

14 He called me either a day later or two days
15 later, said that he hand delivered the files of my
16 dad to the INS agent that was handling it in Chicago.
17 He said he personally put them on his desk. INS
18 can't blame the FBI anymore for saying that they
19 didn't have the files because he delivered them.

20 Q. And that occurred after your call to Louis
21 Freeh, the director of the FBI?

22 A. Yes.

23 Q. Take a look at the first three pages of
24 Group Exhibit No. 1.

1 A. The letters?

2 Q. Yes.

3 A. Okay.

4 Q. Do you know what the purpose of those
5 letters was?

6 A. Those were references on what kind of a
7 person my dad really was. Or is. For his -- his --
8 it was used for his deportation hearing and it was
9 also used for his citizenship.

10 Q. The first letter dated October 19th, 1999,
11 To Whom It May Concern, signed by Rory Steidl, do you
12 know who Rory Steidl is?

13 A. Yes, I do.

14 Q. Okay. How many times -- how do you know
15 Rory Steidl?

16 A. He came into the pizza place and he was
17 friends with my dad.

18 Q. Any idea between, let's say, January 1,
19 year 2000, to January 1, 2004, any idea how many
20 times Rory Steidl patroned Joe's Pizza?

21 A. Every time he was in town I think.

22 Q. Okay. More than five, more than ten, can
23 you give us an estimate?

24 A. I'd say more than five.

1 Q. Okay. Did you observe any conversations
2 between Rory Steidl and your father, Gilseppe Vitale?

3 A. Yes, I did.

4 Q. Where did those conversations occur?

5 MS. SUSLER: Object to this whole line of
6 questioning as irrelevant. Go ahead.

7 Q. Go ahead and answer.

8 A. They would occur either when he was getting
9 up to pay or even at the table, along with his
10 family, his wife, and he never -- I don't ever recall
11 him bringing in his kids though. It was either his
12 wife or him or couples.

13 Q. Okay. Do you know what Rory Steidl's
14 employment status is? Do you know where he works?

15 A. Yeah, he is a state trooper, I think.
16 Isn't he still?

17 Q. He's a master sergeant.

18 A. Ever since this came out he no longer comes
19 in.

20 Q. Okay.

21 A. We lost a good customer and my dad lost a
22 friend.

23 Q. When you say this came out, what do you
24 mean?

1 A. Well, this stuff that's going on now where,
2 who was it, Callahan --

3 Q. Michale Callahan?

4 A. Yeah.

5 Q. Can you explain more? I don't know where
6 you're going.

7 A. Well, Callahan said that my dad was in the
8 mob and did all this stuff and things like that. And
9 he used my pizza place as, what do you call it, a
10 meeting place. And I called the state police --
11 actually I called an attorney and I said, you know,
12 what's going on, you guys are using my pizza place in
13 your trial and it's my pizza place. It's not my
14 dad's pizza place.

15 And there was internal affairs came into
16 the pizza place like at 6:00 in the morning, I think,
17 and they wanted this -- these letters and things
18 saying that I own the pizza place and all that stuff.
19 And I guess ever since he seen his letter that he was
20 supposed to help out my dad, he no longer comes in no
21 more.

22 Q. The second letter from Tom Boren, do you
23 see that there?

24 A. Yes.

1 Q. Do you know who Tom Boren is?

2 A. He was the chief of police in Paris.

3 Q. Do you know approximately when he was the
4 chief of police?

5 A. I want to say probably '96 to maybe '98,
6 '99.

7 Q. Do you know if Chief Boren visited your
8 restaurant?

9 A. Yes.

10 Q. Next page is Sergeant Sollars?

11 A. Uh-huh.

12 Q. Do you know who that is?

13 A. Yes, I do.

14 Q. Do you know if he visited your pizza place
15 in 1999 through 2000?

16 A. All the time. Still does.

17 Q. Okay. To this day he still visits?

18 A. Yes, they all do, except for Boren because
19 he no longer lives in Paris.

20 Q. Any other law enforcement officers you know
21 of that visit your restaurant?

22 A. The truth? Everybody from Paris visits
23 mine.

24 Q. Where is the police department located in

1 the city of Paris?

2 A. Right behind our building.

3 Q. And do the police officers from right
4 behind your building patronize your restaurant?

5 A. Yes, they do. They use the back door any
6 time they want. They order their food, instead of
7 going around front, they just go -- walk from their
8 back door to our back door, go inside the pizza
9 place, pick up their food. Even the fire department
10 is behind us. They do the same thing.

11 Q. Do you know a woman named Andrea Trapp?

12 A. Yes, I do.

13 Q. And how do you know her?

14 A. I'm older than her. I want to say we went
15 to school together. I know her that way. She comes
16 into the pizza place all the time. She brings in her
17 daughter. They have -- it's the Tiger Cubs
18 cheerleaders, little girls. My nieces are in it too,
19 they have practice in one of the private dining rooms
20 we have in our pizza place, they have practice, they
21 move the tables, they have their practice in there,
22 she comes in there and eats. She's really friendly.
23 She talks to everybody in the pizza place.

24 Q. Okay. Between 2000 and 2003 do you know if

1 Andrea Trapp came to your pizza restaurant?

2 A. Yes, all the time.

3 Q. From 2003 to the present did she come --
4 did she come?

5 A. Yes.

6 Q. Have you had any -- do you know who Bob
7 Morgan is?

8 A. Yes, I do.

9 Q. And who is Bob Morgan?

10 A. He owns the dog food place. He also owns
11 the bank.

12 Q. Do you have any business dealings with Bob
13 Morgan?

14 A. We -- what do you mean business dealings?

15 Q. Are you -- do you share ownership in any
16 business together?

17 A. No. No. No. The only thing that would be
18 we do banking at Edgar County Bank.

19 Q. And that's the bank Bob Morgan owns?

20 A. Yes.

21 Q. Why is it that you do banking at Edgar
22 County Bank?

23 A. When my mom passed away, it was Donald Belt
24 and his son came to our house and brought us a fruit

1 basket with their condolence and they said, you know,
2 if there is anything we can do for you, please don't
3 hesitate and stuff like that. And ever since then
4 they always came in and they were real friendly.
5 They weren't real friendly because of the bank, they
6 were real friendly I think because we're Catholics
7 and they were also Catholics.

8 We got ready to build a duplex in Paris and
9 our bank never said I'm sorry, never said any of that
10 stuff when my mom passed away. And you know, small
11 communities is -- is -- you think of family and
12 that's exactly what we thought of. You're supposed
13 to be our bank that we have been doing banking with
14 you forever and you can't even say I'm sorry? So,
15 you know, we went to Edgar County and we talked to
16 Donald Belt and he's like, yeah, let's see what we
17 can do. Then we transferred everything from -- it
18 was First Federal at the time, transferred everything
19 from there to Edgar County.

20 Q. In -- you mentioned Michale Callahan
21 previously. In the spring of 2005 were you aware of
22 a trial relating to Michale Callahan at that time?

23 A. I don't know the exact date. The only
24 reason I know about the trial was because the pizza

1 place got mentioned. Other than that, I don't know
2 anything about any of that stuff.

3 Q. Did you follow the trial in the media?

4 A. Yeah, as soon as -- in the Paris newspaper
5 is what I followed it in.

6 Q. Did you see any references to Joe's Pizza
7 that was -- that were attributed to Michale Callahan?

8 A. Yes, I did.

9 Q. Did you see any of those attributions to
10 Michale Callahan that you disagreed with?

11 A. Everything that he says.

12 Q. Anything specifically?

13 A. Well, if -- myself, maybe I'm wrong, but
14 when -- when we sit there and we talk about FBI, we
15 talk about state police or we talk about local
16 police, I thought you guys had computers that you
17 hook up to see who owns what and -- and just the
18 basic information on when you are investigating
19 somebody. Just because somebody walks into
20 somebody's house doesn't mean that that's their
21 house.

22 So I mean I -- I disagree. I mean what
23 investigations does he do? Does he just go on rumors
24 of what people say in Paris? You know, everybody

1 says everything in a small town.

2 Q. So it was the ownership of Joe's Pizza?

3 A. Yeah, the ownership I disagree with. I
4 mean even my dad and Bob Morgan having ties. The
5 only ties that my dad's ever did with Bob Morgan was
6 he signed a petition against him because his dog food
7 place stunk, and I mean it stunk. The south of
8 Paris, which is probably from one mile from both
9 sides, north and south, east and west, just stinks,
10 to the point to where now AC Humco owns it, the city
11 is telling them -- I don't know if it's AC Humco or
12 still Bob Morgan's, is saying this is it, you have to
13 move out. I guess they are moving out of town to
14 make their dog food or whatever it is that stinks so
15 bad.

16 Q. Besides your dad signing a petition to have
17 Bob Morgan's dog food company stink less, any other
18 relationship you know of between your dad and Bob
19 Morgan?

20 A. No, not at all.

21 Q. All right.

22 MR. JOHNSTON: I have no further questions.

23 EXAMINATION:

24 BY: MR. RON BALSON:

1 Q. Mr. Vitale, my name is Ron Balson and I
2 represent Herbie Whitlock. Do you know Herbie
3 Whitlock?

4 A. Through the paper.

5 Q. Okay. You don't know him personally?

6 A. No. You know, he might have come into the
7 pizza place, but at -- it would have been my dad's
8 pizza place back then and I was a kid and you would
9 see so many people come in.

10 Q. Who calls you Joe?

11 A. Customers that don't know me. I mean my
12 friends and stuff know that I'm -- I'm Eno, but like
13 let's say you were to come in and you would come up
14 and say, hey, Joe, they do it to all my cousins. My
15 cousin in Robinson, he don't go by gas per anymore,
16 he goes strictly by Joe because for one thing they
17 don't know -- can't pronounce it and that's all they
18 go by. I mean it's named Joe's Pizza, there's got to
19 be a Joe.

20 Q. Family that knows you, your friends that
21 know you, they know your name's not Joe, right?

22 A. Yeah.

23 Q. They don't call you Joe?

24 A. No.

1 Q. You said that the bank took away the
2 property that's in Exhibit No. 2 on the bottom?

3 A. Yes, they did.

4 Q. What bank was that?

5 A. At the time I think it was Citizen's
6 National Bank, and then we about lost our house too,
7 but my mom -- the bank president said, you know, just
8 pay me something and my mom was paying \$50 a month to
9 keep our house. And that was coming from Public Aid,
10 you know. \$1.6 billion drug deal that my dad
11 supposedly did, yeah, we were on Public Aid. We'd
12 eat Tater Tots and sleep in one room of our house
13 with candles because we couldn't even afford heat.
14 And then you guys sit there and -- sit there, \$1.6
15 billion, he's a drug dealer, he's this. How could
16 anybody say that about my dad? I mean if you
17 honestly know him.

18 Q. What do you mean by you guys?

19 A. Whoever is saying that he's a drug dealer,
20 he is this. Well, apparently he's a drug dealer, he
21 did this wrong. Nobody -- if you would honestly sit
22 there and look and watch, just like the FBI from
23 Danville that supposedly watched him. They said that
24 they seen him -- this is during the -- when he first

1 got arrested, they said that they seen him go from
2 home to the pizza place, the pizza place to pick us
3 up from school, from school to home or to the pizza
4 place, and then back home. That was -- that was two
5 years of them watching my dad for the Pizza
6 Connection trial.

7 Q. Are you done?

8 A. Yes.

9 Q. Okay. The building on the bottom was
10 called Joe's Pizza?

11 A. Yes, it was.

12 Q. The building on the top is called Joe's
13 Pizza?

14 A. Yes.

15 Q. When the building on the bottom was
16 foreclosed and you lost it, you immediately opened
17 the building on the top; is that right?

18 A. I think we were closed maybe two weeks,
19 maybe.

20 Q. Okay.

21 A. From the process of, you know, building it
22 and stuff like that.

23 Q. And this was in '86 you said?

24 A. It was like, I want to say, '86, '87.

1 Q. '87 is when your father went to jail,
2 right?

3 A. Yes.

4 Q. Was it before he went to jail or after he
5 went to jail?

6 A. What do you mean?

7 Q. That you opened up Joe's Pizza II.

8 A. It was before. Because the judge gave him
9 time -- the trial was going on. The judge gave him
10 time to stay at home instead of going to the trial to
11 stay at home to help build the pizza place.

12 Q. So he helped you open it up?

13 A. Yeah, build the walls and the partitions.

14 Q. Does he still help you?

15 A. He worked there. He retired now.

16 Q. When did he work there?

17 A. He got a paycheck. He worked there. One
18 of the requirements when you get out of prison is to
19 have a job.

20 Q. So he worked at your Joe's Pizza?

21 A. Yes.

22 Q. Before he went to prison and he helped you
23 set up the Joe's Pizza, did he teach you how to run
24 it?

1 A. We knew how to run it before.

2 Q. You already knew how to run it?

3 A. We have been in it all of our lives.

4 Q. He helped you get it started, though,
5 right?

6 A. Yes.

7 Q. I think that's what you said, the judge
8 gave him time to --

9 A. To build the building, to do the walls,
10 and -- because it used to be an antique junk dealer.
11 He put carpet down, put the ovens in, things like
12 that, or the oven at the time.

13 Q. Who owns this building?

14 A. We do now. Well, the bank does, but we're
15 paying, borrowed money.

16 Q. When did you buy the building?

17 A. We bought it through the landlord, '86 --
18 yeah, it was '86.

19 Q. When you moved in there?

20 A. Yes.

21 Q. Okay.

22 A. Paying the landlord. It was rent to own.

23 Q. All right. Just one thing before I get off
24 of these pictures. The bottom picture here, what's

1 the building that looks like a tan or gray building
2 behind you?

3 A. That's AC Humco.

4 Q. That was Bob Morgan's building, right, back
5 at the time this was Joe's Pizza?

6 A. I don't know if it was back there or to the
7 side.

8 Q. Did Bob Morgan own this dog food company
9 when you were operating -- when your family was
10 operating Joe's Pizza?

11 MR. JOHNSTON: Object to the form of the
12 question.

13 A. That building there was built later. Bob
14 Morgan owned it to the side. His building --

15 Q. Okay. There is a red truck here.

16 A. Yeah, on that side.

17 Q. The building behind the red truck --

18 A. Bob Morgan built that building, yes.

19 Q. Okay.

20 A. Did Bob Morgan own it when we owned the
21 pizza place? I'm not 100 percent sure. I think they
22 built that after we lost the pizza place.

23 Q. Okay.

24 A. Is what I'm saying.

1 Q. This picture on the bottom, do you know
2 when this was taken?

3 A. It was taken a couple days ago.

4 Q. Okay. What's there now in this building?

5 A. It's Paris Family Restaurant.

6 Q. Okay. When the bank took this building
7 away, was there a judgment against your family?

8 A. What do you mean by judgment?

9 Q. A money judgment.

10 A. Yes.

11 Q. There was also a money judgment?

12 A. We couldn't afford to pay it anymore. So I
13 mean he -- he fell back on -- on the payments. See,
14 we were -- I think he originally borrowed I want to
15 say, this is a guesstimate, \$100,000 to build the
16 building. I think we got it down to \$48,000 and then
17 my dad got arrested and everybody said, oh, yeah,
18 he's a drug dealer, he's this, he's that, and people
19 in Paris stopped coming in because they were, oh, you
20 know, he's no good, he's no good. So we couldn't
21 afford to make payments anymore.

22 So then the bank said, you know, we've been
23 working with you, we're going to have to take the
24 building back and that's how we lost the building.

1 Q. The building on the top, the one --

2 A. Yes.

3 Q. -- the one you're in now?

4 A. Yes.

5 Q. The one you say the bank owns?

6 A. Yes.

7 Q. Right? You borrowed the money from the
8 bank to buy the building?

9 A. No.

10 Q. How does the bank own the building?

11 A. What we did was we borrowed the money -- we
12 paid the landlord, rent to own. As soon as we paid
13 the building off to the landlord, we remodeled it so
14 we went and borrowed money to remodel it because this
15 building does nothing -- I mean you got siding to
16 hide it, it's basically falling down on top of you.
17 So you start remodeling and stuff like that. We had
18 to put in a roof that was, like, I want to say
19 \$65,000. You go to the bank to put the roof in. And
20 that's how I say the bank owns it.

21 Then we recently purchased buildings beside
22 of us, which is where the light pole is, those
23 buildings there, we recently purchased those, and we
24 also borrowed money to -- and we put it all on one

1 building. So it's one loan. Instead of having two
2 different loans and making two different payments,
3 it's just one, so they extended it.

4 Q. Which bank has loaned you the money?

5 A. Edgar County.

6 Q. Bob Morgan's bank, right?

7 A. Yes.

8 Q. Did you take these pictures?

9 A. Yes.

10 Q. Did somebody ask you to take these
11 pictures?

12 A. No, I am the one that said I would take
13 pictures because there are two different buildings.

14 Q. Who did you say that to?

15 A. Huh?

16 Q. Did you say that to Mr. Johnston?

17 A. Yes, I did.

18 Q. When did you talk to Mr. Johnston the first
19 time?

20 A. The first time I talked to him and he
21 wanted to speak to Joe and I said -- I said, "Well,
22 would you like to speak to me, Eno Vitale, or Joe, my
23 dad?" And he's like -- and he went into it and I
24 said, "Well, you need to speak to me" because he was

1 asking about who talked to the state troopers and
2 stuff. I said, "You need to speak to me."

3 He said, "Well, I will get back to you in a
4 couple of days." He said, "I think I'm going to
5 subpoena you", and he goes, "I will give you
6 directions and stuff like that. We usually subpoena
7 on Thursdays and Fridays." He goes "Does one day
8 work better?" I said Thursdays will work better
9 because Friday is crazy at the pizza place.

10 Q. Tell me when this conversation took place.

11 A. Last week I want to say.

12 Q. A week ago?

13 A. Yeah.

14 Q. Before that you had never talked to
15 Mr. Johnston?

16 A. I don't even know who he is.

17 Q. Okay. Then what happened after --

18 A. He called me back and said, "We're going to
19 subpoena you Thursday", and he told me "Does 1:00 or
20 2:00 work better?" 1:00 I can still -- if I would
21 stay -- had to come here at 1:00 it's kind of like
22 into our lunch hour. I said, "2:00 is better so I
23 can help my brother a little bit and then head out."
24 So I said 2:00. And that's the last time that I

1 talked to him until today.

2 Q. Did he tell you why he wanted to subpoena
3 you?

4 A. Yeah, he told me basically to talk about
5 who owns the buildings. That's it.

6 Q. Did he tell you about the information that
7 came out in the Callahan trial?

8 A. Yeah, that's what it was.

9 Q. A little bit ago you said -- actually you
10 said yes, sir, every time Mr. Johnston asked you
11 about the topics of the conversation, said talked
12 about law enforcement officers, talked about Michale
13 Callahan, talked about the reasons for your
14 deposition. These are conversations you had with
15 Mr. Johnston, right?

16 MR. JOHNSTON: Object to the form of the
17 question.

18 A. Hold on. I am not following you.

19 Q. If we went back into the transcript, unless
20 I wrote it down wrong, you testified a little bit ago
21 that you talked to Mr. Johnston about Michale
22 Callahan.

23 A. Right.

24 Q. What did you talk to Mr. Johnston about

1 reference to Michale Callahan?

2 A. Who owned the buildings. That's what we
3 talked about on the phone. And then downstairs we
4 talked about -- downstairs we talked about what they
5 are going to do, what's expected, there's going to be
6 lawyers, don't worry, we don't bite. Just things
7 like that. I'm going to ask you questions, then
8 they're going to have their chance on asking
9 questions and stuff like that. The buildings is the
10 only thing that was in dispute.

11 Q. Okay. When --

12 A. Unless I'm not understanding what you are
13 asking me.

14 Q. No, that's okay. When did you give him
15 this picture?

16 A. Today.

17 Q. And the other documents that we have
18 here --

19 A. I never gave them to him.

20 Q. You never gave him these documents?

21 A. No, I never have. I gave those to Internal
22 Affairs. That's who got those documents, Internal
23 Affairs got those documents. That's it.

24 Q. Okay. So the only documents that you gave

1 to Mr. Johnston were the pictures?

2 A. Those pictures and those right there are
3 the pictures.

4 Q. Gotcha. Now the documents that we have
5 identified as Vitale Group Exhibit No. 1, which are
6 all these letters and the picture of your father's
7 naturalization certificate, these -- you say these
8 are documents that you provided to Internal Affairs?

9 A. Yes.

10 Q. When did you do that?

11 A. While the trial was going on for, what was
12 it, a lawsuit, the lawsuit of, is it Callahan was
13 suing? When he mentioned my dad's name and it came
14 out in the paper that he owned the pizza place, the
15 convicted felon, that Freeman was supposedly going in
16 there to eat. And then that's when I contacted one
17 of the attorneys in the paper, I don't remember who
18 it was, I contacted him and then he called me back
19 and said that somebody else was going to contact me
20 and it was -- starts with a K, I can't pronounce his
21 name, Kapa --

22 Q. Was it Karpawitz (phonetic)?

23 A. Yes.

24 Q. Richard Karpawitz?

1 A. Is it Richard or Rick?

2 Q. Okay. I'll go with Rick.

3 A. Okay. He contacted me.

4 Q. Uh-huh.

5 A. And I told him, you know, what I had and
6 stuff like that and he goes we're going to send
7 somebody down there to pick them up. And I don't
8 think it was -- it was like right away. I think a
9 couple days went by that somebody did contact me and
10 say will you meet me at the pizza place at 6:00 in
11 the morning, I want to say. And I said sure.

12 And I met two gentlemen, one was the guy
13 that I spoke to, which I have no idea who it was. I
14 have a form that he filled out that lists that he
15 took all this stuff. And that was the last time that
16 I heard anything. And then in the paper it come out
17 as -- as Joe Vitale does not own the pizza place,
18 it's his son, and that was the end of our names
19 mentioned in the paper.

20 Q. So as far as you know, the Illinois State
21 Police have had these documents since back in 2005,
22 right?

23 A. When was the trial? I don't remember when
24 the trial was.

1 Q. It was 2005.

2 A. Then yeah. Well, I don't know. Whoever
3 picked up the papers had the papers. I don't know
4 who gets them because it was Internal Affairs is what
5 he told me he was.

6 Q. The documents which we have here that are
7 stapled together, is this all the documents you sent
8 or were there more documents?

9 A. No, there was -- there was more. Who owned
10 the pizza place?

11 Q. Yeah, you said you sent all these to
12 Internal Affairs.

13 A. Yeah, but there's more documents than this.
14 There's who owns the pizza place, which has my name
15 on it, and then it says who owned the pizza place
16 back when my dad owned it, which was the red
17 building, not the first picture, but the bottom
18 picture as you guys have, which has a different phone
19 number. I think the phone number there was [REDACTED]
20 And my phone number is [REDACTED] There was -- there
21 was a telephone bill that says two different numbers.
22 And it's got my health department certification with
23 the address of 226 West Court. I also sent my
24 Illinois retail license, a copy of it, it's got my

1 name on it. And I think that's basically it.

2 Q. Do you own this in your own name, Eno
3 Vitale, or do you own it in a partnership or
4 corporation or anything like that?

5 A. Originally it was me and Josephine Vitale,
6 which Josephine Vitale is my sister. And she got
7 married. As soon as she got married she come off and
8 it's Eno Vitale.

9 Q. She come off of what?

10 A. She come off the license and stuff. Her
11 husband was an EMT and stuff like that.

12 Q. You got a liquor license there?

13 A. No, I don't.

14 Q. But your food service license, she was on
15 that?

16 A. At the time you didn't need to have those.

17 Q. Well, I'm not clear on what she came off
18 of.

19 A. She came off the Illinois Department of
20 Revenue. You know you have to have that special --
21 that says that you pay taxes and you got your
22 federal -- yeah, your federal and your state ID
23 number? She was on that. It was a partnership. It
24 was me and Josephine Vitale.

1 Q. Did you have an attorney set this up for
2 you?

3 A. Our accountant did it.

4 Q. What's your accountant's name?

5 A. Dennis Teal.

6 Q. Still the accountant?

7 A. Yes.

8 Q. He keeps the books and records for the
9 pizza place?

10 A. He keeps everything.

11 Q. Did he keep the books and records for your
12 dad?

13 A. No.

14 Q. Who kept the books and records for your
15 dad?

16 A. Some guy out of Robinson, I want to say
17 it's Hoagland (phonetic) maybe.

18 Q. When you opened up back in '86 or '87,
19 before your father went away, you signed I think you
20 said a lease with an option to buy; is that right?

21 A. That's what it was.

22 Q. Rent to own or whatever you call it?

23 A. Yeah.

24 Q. Who signed that document?

1 A. Me and my sister.

2 Q. Was your dad's name on that document?

3 A. Not that I remember.

4 Q. Where is that document? Does your
5 accountant have it?

6 A. This would have been like the document,
7 with a piece of paper, the landlord would come and
8 write minus \$200, minus \$200, minus \$200, until it
9 was all paid for. And then when it was all paid for
10 it was the end of it. She went to the bank, she paid
11 off hers because she was making payments to the bank,
12 she paid off her thing and --

13 Q. She, that's Josephine?

14 A. No, the landlord.

15 Q. Oh.

16 A. She went to the bank and they released the
17 deed and we got the deed.

18 Q. Who was the landlord?

19 A. Pat Panelle (phonetic).

20 Q. Is she still around?

21 A. As far as I know, yes. I haven't talked to
22 her in --

23 Q. Do you know how she spells her name?

24 A. No. I'm not the world's greatest speller.

1 You guys got a better chance of spelling it right
2 than I do.

3 Q. Say it as clear as you can.

4 A. Panelle.

5 Q. And she went to the bank and paid off her
6 loan when you paid her the rent? That's your
7 testimony?

8 A. Yeah, I guess. We got the deed as soon as
9 it -- I mean within a couple weeks, whatever it was.

10 Q. Where is the deed?

11 A. The bank has it now. We borrowed money
12 against it, remember?

13 Q. And they took the original deed?

14 A. Isn't that how it works? They take the
15 deed when you borrow money on it? And then they keep
16 it on file, at least I think that's the way it works
17 because they've got all the deeds.

18 Q. This is the Edgar County Bank?

19 A. Yeah, they've got it now.

20 Q. Where was Miss Panelle making her payments?

21 A. It was First Federal.

22 Q. And that's where you were banking at the
23 time also?

24 A. Yes. Well, actually at the time it was

1 called Edgar County bank that we were doing our
2 business. Edgar County Bank Savings & Loan is where
3 we were doing business, which is -- if this is --
4 this right here is Court Street, there's a bank right
5 here that was Edgar County Savings and Loan, that's
6 where we did business because it was right there.

7 And we also did business at First Federal,
8 which was if you go down this street, which is a
9 central street, it's down the road a little bit. But
10 Edgar County Savings & Loan is not Edgar County Bank.
11 It was two different -- I think theirs is Bank &
12 Trust and that was Savings & Loan. And then First
13 Federal became First -- First Bank and Trust, First
14 Bank and Trust, and then they bought Edgar County
15 Savings & Loan. And now I'm totally confused on
16 banks.

17 Q. I'm a little confused too. The title
18 today, let's forget about the bank for a moment
19 today, the title today is in Eno Vitale alone?

20 A. No. Okay. The title today is a trust
21 because we deliver and they said if, God forbid,
22 something happens to a delivery guy and he wrecks and
23 hits somebody, you could be sued for everything that
24 you own. But they can't sue a trust is what they

1 told us. So now everything is into a great big
2 trust. So now you do have my dad's name in it
3 because he owns the house, which the house is in the
4 same trust and stuff like that. So now you do have
5 my dad's name on things.

6 Q. Who set up this trust?

7 A. The bank.

8 Q. The bank set up the trust for you?

9 A. They're the ones that did the loans, they
10 are the ones that did it all.

11 Q. And the property's in a land trust, is that
12 your testimony?

13 A. Yes, that's my understanding, it's in a
14 trust.

15 Q. And you didn't have a lawyer working on
16 this for you?

17 A. (Witness shakes head).

18 Q. But your accountant worked on it?

19 A. On what part? The trust?

20 Q. Well, on doing your banking and setting up
21 your trust.

22 A. The trust, the bank did it when we got
23 loans.

24 Q. The bank did it. Okay. And this is the

1 Edgar County Bank?

2 A. Yeah, but it was also First Federal had a
3 trust too. They are the ones that originally did it.
4 They were talking about the lawsuits and stuff like
5 that. And they said it's easier to borrow money on a
6 trust than it is an individual loan because a trust,
7 if like, let's say, you own -- the way I understand
8 it because if you were to ask me how to make a pizza,
9 I can tell you how to make a pizza no problem, but
10 the way I understand it, if your house is worth
11 \$300,000 and you only owe \$100,000 on it and your
12 restaurant is worth \$200,000 and you owe \$200,000,
13 it's easier to put those two together and if you need
14 to borrow money, you can borrow money on the
15 collateral of the house the way I understand it.

16 Q. And this was originally established you say
17 at the First Federal?

18 A. Yes, the trust was originally established
19 there. And then when we moved everything over they
20 put everything into a trust, a land trust or a trust
21 or whatever you want to call it.

22 Q. And all these banking documents, are they
23 in a file somewhere?

24 A. What do you mean? The -- yeah, the bank

1 has --

2 Q. Loans and mortgages.

3 A. Yeah, they have all the papers.

4 Q. The bank does?

5 A. Yeah.

6 Q. Didn't they give you any copies?

7 A. Yeah, I got copies, but if I want something
8 I get it from the bank.

9 Q. Where do you keep your copies?

10 A. Huh? The truth?

11 Q. The truth.

12 A. I have some in the safe. I'm not the
13 world's best bookkeeper, but like I said, when I --
14 if I need something, just like income tax reports,
15 yeah, the accountant gives me my copy, but where is
16 my copy? I call the accountant and say hey, I need a
17 copy and they give it to me.

18 Q. So now in this trust that you are talking
19 about, you have your pizza building?

20 A. Yes.

21 Q. And the buildings next door?

22 A. Yes.

23 Q. And your father's house?

24 A. The house is in the trust.

1 Q. What about your own house?

2 A. I don't have my own house. I am Italian.

3 We don't move out until we get married.

4 Q. So you are living with your father?

5 A. Yeah, I live in the same house that we have

6 lived in since '79. We also have -- my dad's got a

7 farm, well --

8 Q. I thought you said something about building

9 a duplex.

10 A. Yeah, that's also in the trust.

11 Q. Who owns the duplex?

12 A. Me and -- it's under my name, but I mean

13 it's me and my brother, we went in and did it

14 together.

15 Q. Who lives in the duplex?

16 A. Nobody. People. Renters.

17 Q. What's the address of the duplex?

18 MR. JOHNSTON: Object.

19 A. The duplex address? There's [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]. Those are the duplexes.

21 Q. [REDACTED] [REDACTED]

22 A. [REDACTED] [REDACTED] right. By the football field.

23 Q. Any other properties besides the one you

24 just mentioned?

1 A. We have some land out on Preston Road, I
2 think there's 40 acres that my dad has cattle out
3 there.

4 Q. When did you get the land on Preston Road?

5 A. 2001, 2002, somewhere around there.

6 Q. Is that also in the trust?

7 A. As far as I know everything should be in
8 that trust.

9 Q. Any other properties in the trust?

10 A. The house, the --

11 Q. The duplex?

12 A. -- the duplex. We have some rental houses
13 that should be in that trust too.

14 Q. How many rental houses?

15 A. There's two.

16 Q. Where are they?

17 A. They're on LaSalle and Campbell Street.

18 Q. When did you get the rental houses?

19 A. It was in the '90s. I want to say the
20 early '90s.

21 Q. Any other properties in the trust?

22 A. As far as I think that's all of them.

23 Because now you've got me confused this house, that
24 house.

1 Q. Mr. Vitale, who are the members of your
2 immediate family?

3 A. My immediate family?

4 Q. Right.

5 A. There's Josephine Vitale.

6 Q. That's your sister?

7 A. That's my sister.

8 Q. How old is Josephine?

9 A. She's 41.

10 Q. Is she married?

11 A. Not no more.

12 Q. Okay. Who else?

13 A. There's Tony Vitale.

14 Q. This is your brother?

15 A. Yes.

16 Q. How old is he?

17 A. He's, what, 35. There's Pete Vitale. He's
18 31 or 32. I'm not sure.

19 Q. Also a brother?

20 A. Yeah.

21 Q. And your father?

22 A. And my father.

23 Q. How many of these Vitales work at Joe's
24 Pizza?

- 1 A. My brother works there now.
- 2 Q. Which brother?
- 3 A. Tony.
- 4 Q. Okay.
- 5 A. And Josephine helps out.
- 6 Q. Okay. What does Pete do?
- 7 A. He owns Shelbyville Joe's Pizza.
- 8 Q. He owns a Joe's Pizza in Shelbyville?
- 9 A. Uh-huh.
- 10 Q. When did he -- when did he do that, open
11 that up?
- 12 A. Maybe -- I'm guessing, 2000. 1999, 2000.
- 13 Q. Once upon a time did he work in the Joe's
14 Pizza in Paris?
- 15 A. We all did. We grew up there.
- 16 Q. You were born on [REDACTED] [REDACTED]
- 17 A. Yes.
- 18 Q. Where were you born?
- 19 A. I was born [REDACTED] [REDACTED]
- 20 Q. Are you related to Gilseppe Trupiano?
- 21 A. My uncle.
- 22 Q. How about Pietro Alfano?
- 23 A. He's my uncle too.
- 24 Q. And Gaetano Badalamenti?

1 A. He is my mom's uncle. So it would be my
2 second, third uncle.

3 Q. When did your family move to Paris?

4 A. I want to say '70, 1970.

5 Q. When you were one year old, is that what
6 you're saying?

7 A. Maybe it was '72. I don't know. Well, it
8 had to have been -- if he wrote it and he knew my dad
9 since 1971, maybe it was '70s.

10 Q. The letter here says I have known Joe since
11 his late wife and children moved to Paris in
12 approximately '71 and opened Joe's Pizza.

13 A. Then that's probably about what time --
14 time frame.

15 Q. Where did the family live prior to that?

16 A. Inside the pizza place. That building,
17 the --

18 Q. I don't think you understood my question.
19 Before you moved to Paris, Illinois, where did the
20 family live?

21 A. Oh, okay. You know, I want to say -- I'm
22 not sure. I'm not going to say anything. I'm not
23 sure.

24 Q. You don't know what town you moved to Paris

1 from?

2 MR. JOHNSTON: I object. You're harassing
3 him.

4 Q. I don't think that's a harassing question.

5 MR. JOHNSTON: It's got to be reasonably
6 calculated to lead to discovery of admissible
7 evidence. What town he lived in when he was six
8 months to a year old cannot be. That's my objection.

9 MR. BALSON: Okay.

10 A. I know that we lived in Lawrenceville, we
11 lived in Clinton, Indiana. No, not Clinton. Linton,
12 Indiana. We lived in Iowa, we lived in -- not
13 Shelbyville. That was my grandfather. I think those
14 are the towns that I can remember living in. Not
15 remember personally, but knowing that we have lived
16 in.

17 Q. Okay.

18 A. And I know at one point in time my dad
19 wasn't a legal -- he didn't have his green card and
20 they wanted to deport him and my dad says don't
21 deport me, I'll leave on my own free will, and he
22 left on his own free will, went back to Italy. As
23 soon as he got all the papers that he needed, then he
24 came back to the United States with his green card

1 and that might have been the time that we moved to
2 Paris after that.

3 Q. Where did he go to Italy, if you know?

4 MR. JOHNSTON: Objection.

5 A. His mom's house.

6 Q. Where is his mom's house?

7 MR. JOHNSTON: Objection.

8 A. In Italy, in Sicily.

9 Q. When you moved to Paris he opened Joe's
10 Pizza, right?

11 A. Yep. Yes.

12 Q. Do you know where he got the money to open
13 Joe's Pizza?

14 A. He went to the lumber company, which at the
15 time it was -- it's Art Reese still, but his name was
16 Charlie -- it might have been Charlie Reese, and he
17 told Charlie, he goes I need some lumber, this that
18 and the other. He goes I want to build a pizza
19 place. And he goes I have no money, he goes can you
20 help me out? And the owner of the company, the owner
21 of the lumber company says yes. He goes, I'll give
22 you a chance. And he gave him all the lumber and
23 stuff that he needed to open up the -- the pizza
24 place and that's how he got his money to start off

1 his pizza place.

2 Q. You know, Mr. Vitale, that's different from
3 the information that I have.

4 MR. JOHNSTON: I'll object.

5 Q. My information says that he acquired the
6 pizza place from your Uncle Gilseppe Trupiano.

7 A. No.

8 Q. That's not true?

9 A. I have never heard that. He got Paris from
10 my uncle?

11 Q. That's right. That's the information I was
12 given.

13 A. No.

14 Q. That's not true?

15 A. Not that I know of. And I have never heard
16 that ever.

17 Q. Did your uncle -- did your Uncle Pietro
18 Alfano own Joe's Pizza before moving to Oregon?

19 A. No. Never.

20 Q. So he didn't acquire it from your Uncle
21 Alfano either?

22 A. No. He -- I remember the guy coming in and
23 he did rent to own also there and I remember he was a
24 guy that -- that owned a gas stations in Paris and he

1 would come in and he would pay him. I remember him.
2 He'd always wear -- he'd always wear, you know
3 those -- those overalls that you zip up, that's what
4 he would always wear and he'd always have grease all
5 over him. As a kid I can remember, he would come in
6 and my dad would pay him.

7 Q. He'd make payments on the restaurant to
8 him?

9 A. To him, to the building, to him. Then the
10 lumber and stuff that he got he would get from -- he
11 got from Art Reese and he paid Art Reese. And as a
12 matter of fact, I threw -- I threw the son of the
13 lady -- the grandson of Art Reese out and she left me
14 a message saying if it wasn't for my dad you guys
15 would never be here.

16 Q. So your Uncle Pietro never worked in Joe's
17 Pizza in Paris?

18 A. Never.

19 MR. JOHNSTON: Objection, asked and
20 answered.

21 Q. And your Uncle Gilseppe never worked at
22 Joe's Pizza in Paris?

23 MR. JOHNSTON: Same objection.

24 A. No. No. Hold on a second. I think at one

1 point in time my grandpa did have a pizza place in
2 Paris, but I don't think it was called Joe's.

3 Q. Who is your grandpa?

4 A. Antonino Trupiano. That's maybe where you
5 guys are getting that. At one point in time a long
6 time ago, I think that he did have a pizza place in
7 Paris, but it never was where we were at and my
8 uncles have never, ever owned anything to do with
9 where the red building was, or is, but it used to be
10 a white house that my dad converted into a
11 restaurant.

12 Q. When did you start working at Joe's Pizza?

13 A. The truth?

14 Q. Of course.

15 A. Probably about, oh, six years old, seven
16 years old.

17 Q. What were you doing?

18 A. Grind cheese, open mushrooms, just little
19 things that little kids can do.

20 Q. And then later on when you got older?

21 A. You make sauce, make dough, make pizzas,
22 make spaghetti, make tortellini, make everything that
23 there was to do.

24 Q. Do they have tables there, it's a sit-down

1 restaurant?

2 A. Yes.

3 MR. JOHNSTON: Objection, relevance.

4 Q. Did it have a liquor license to serve
5 liquor there?

6 A. Never.

7 Q. Was Joe's Pizza ever used as a way station
8 for heroin?

9 A. No.

10 Q. Was heroin ever delivered from Joe's Pizza?

11 A. No.

12 Q. Did Joe's Pizza ever use Bob Morgan's
13 trucks to ship anything?

14 A. No.

15 Q. Are you familiar with the phrase delivering
16 flour?

17 A. Delivering flour?

18 Q. Uh-huh.

19 A. Yeah, the cheese guy delivers flour. What
20 do you mean?

21 Q. Do you get your deliveries of cheese from
22 trucks from Wisconsin?

23 A. Walnut Cheese. They're from Streator I
24 want to say. It's Wisconsin cheese. I think it's

1 the best cheese that they make.

2 Q. Let's get back to the -- you're saying that
3 to your knowledge during the time that you worked at
4 the old building and at the new building, Joe's Pizza
5 never used Bob Morgan's trucks to ship anything?

6 A. Never. Never. Never. Never.

7 Q. Didn't ship any drugs, didn't -- is that
8 right?

9 A. There was no drugs.

10 Q. Answer my questions, please.

11 A. There was no drugs.

12 Q. All you have to do is answer my questions.
13 Did he ship any cheese?

14 A. Cheese has to be shipped in refrigerated
15 trucks.

16 Q. Just answer the questions.

17 MR. JOHNSTON: Objection to the harassing
18 nature of the question.

19 Q. Didn't ship any Italian marble?

20 A. No.

21 Q. When did Angela Board work at Joe's Pizza?

22 A. Angela Board? She was a waitress. I have
23 no idea. In the '80s.

24 Q. How long did she work there, do you know?

1 A. Maybe a couple of years. Wait. Angela
2 Board?

3 Q. Duke Board's wife.

4 A. No, I don't -- I don't --

5 Q. You may have known her as Angela Winkler.

6 A. Okay.

7 Q. Does that ring a bell?

8 A. Yes. Yes.

9 Q. When did she waitress?

10 A. Like I said, the '80s probably.

11 Q. After your father was indicted, did he
12 continue to work at the pizza parlor?

13 A. Yeah, when he wasn't going -- he would go
14 to New York, I think he would leave Sunday, go to New
15 York -- no. Because when -- when he started trial we
16 were in the other pizza place. So he would go to New
17 York, do the trial thing, come back and -- and help
18 us out at the pizza place and stuff.

19 Q. Okay. He was indicted on April 9th, '84,
20 right?

21 A. Right.

22 Q. Who ran the pizza place then?

23 A. We did.

24 Q. Who is we?

1 A. Me, my mom, my brothers, my sister.

2 Q. You were 15.

3 A. I've -- you know, I would go to football
4 practice, do football practice, right after football
5 practice, go and start making pizza, get done making
6 pizzas and try to do homework at night. It's not
7 just me, that's what my brothers and sisters did.
8 That was our life. So, yeah, it was us. I was 15.
9 I was -- I was six years old, I was seven years old.

10 Q. And the pizza place ran for a couple of
11 years until it was shut down, is that your testimony,
12 after the indictment?

13 A. Yeah, I think it was -- yeah -- yeah, a
14 couple years and then we couldn't make payments
15 anymore.

16 Q. The business went down you say?

17 A. Yeah, the business went down, we couldn't
18 make payments. We couldn't afford it anymore to make
19 the payments.

20 Q. You said that after your father was
21 released from prison he came back and he worked at
22 Joe's Pizza?

23 A. Yes, the one on Court Street.

24 Q. And he got a paycheck?

1 A. Yes.

2 Q. Because he had to, right? He had to be
3 employed.

4 A. Right.

5 Q. And he was released in '90, correct?

6 A. I think so.

7 Q. And did he come to work every day then?

8 A. Yes.

9 Q. And --

10 A. Except for the days that he had -- when my
11 mom got sick, he had to take her to get her chemo or
12 stuff like that. I mean, you know, little things
13 like that. So I mean if you say every day? I'd say,
14 no, it wasn't every day because there's certain
15 situations.

16 Q. I understand. But more or less on a
17 regular basis.

18 A. Every day then.

19 Q. And he continued to work there for how many
20 years?

21 A. He retired this year.

22 Q. 2008?

23 A. Uh-huh.

24 Q. So he worked another 18 years after he came

1 back?

2 A. Yes.

3 Q. Now what's he doing?

4 A. He comes --

5 Q. I'm just curious.

6 A. He comes into the pizza place, he goes to
7 the farm, he feeds his animals, he goes and picks up
8 my nieces, takes them to school. He goes home. He
9 does what he's been doing since my mom's been gone.
10 The honest to God truth, he's just waiting to die.

11 Q. Anybody else have an interest in the Joe's
12 Pizza, the second Joe's Pizza, besides yourself and
13 Josephine?

14 A. What do you mean second Joe's Pizza?

15 Q. Well --

16 A. This Joe's Pizza right here?

17 Q. Yeah, I'm saying it's the second Joe's
18 Pizza.

19 MS. EKL: Did you say have or had?

20 Q. You got me mixed up.

21 MS. EKL: Sorry.

22 Q. Let's go back to '86 when you started it,
23 okay?

24 A. Uh-huh.

1 Q. It was you and your sister, Josephine. Is
2 that your testimony?

3 A. Yes.

4 Q. Okay. Since then has anyone else had an
5 interest in Joe's Pizza, an ownership interest
6 besides this trust I'm talking about.

7 MR. JOHNSTON: Objection, asked and
8 answered.

9 A. The only people that's owned this pizza
10 place has been originally me and my sister. My
11 sister got married and I took ownership of it. Those
12 are the only people that's had anything to do with
13 this Joe's Pizza.

14 Q. Okay.

15 A. Now whether you are saying has anybody
16 worked there? Yes. My whole family's worked there.

17 Q. I am not asking about who worked there.
18 I'm just asking about who had an ownership interest.

19 A. Okay.

20 Q. Do you know Steve Fermon?

21 A. Personally? If you would show me who he
22 is, I couldn't -- if you would say he's Steve Fermon,
23 I would say that's Steve Fermon. If you were to say
24 pick Steve Fermon, no, I don't know who he is. Don't

1 have a clue.

2 Q. Are you acquainted with Jack Fyans?

3 A. Who?

4 Q. Jack Fyans, F Y A N S.

5 A. That name doesn't ring a bell.

6 Q. How about Jack Pico?

7 A. Who is that?

8 Q. Not acquainted with him?

9 A. No, I don't know who that is.

10 Q. John Pico, Jr., not acquainted with him?

11 A. I don't know who that is.

12 Q. Take you back a little bit. In the '80s,
13 before the indictment, or actually before your father
14 left, did you have occasion to have breakfast with
15 him over at the Bon-Ton restaurant?

16 A. Who?

17 Q. Your father.

18 A. My father never went to the Bon-Ton
19 restaurant.

20 Q. He never went to the Bon-Ton restaurant?

21 MR. JOHNSTON: Objection, asked and
22 answered.

23 A. No.

24 Q. Why is that funny?

1 A. Because if you know my dad, the only
2 restaurants he has ever went in in Paris has been in
3 the drive-through of McDonald's when we were kids, he
4 went to Mr. Charlie's for first communion party, he's
5 been to Andrews at the West Brook when my brother got
6 married there and I don't think he's ever been to any
7 other fast food restaurants at the drive-through or
8 anything like that. So when I laugh, that's why I
9 laughed.

10 Q. He wouldn't go to breakfast at Bon-Ton
11 restaurant?

12 MR. JOHNSTON: Objection, asked and
13 answered twice now.

14 A. No, he wouldn't go to restaurant at --
15 Bon-Ton restaurant.

16 Q. Did you know either Karen Rhoads or Dyke
17 Rhoads?

18 A. No, I didn't.

19 Q. Again, calling your attention to before the
20 time your father went to prison, from time to time
21 were there limousines parked in front of Joe's Pizza?

22 A. No. That was the rumor.

23 Q. That was the rumor?

24 A. Yeah.

1 Q. That's not true?

2 A. Well, along with the rumor that we had a
3 landing strip at our house.

4 Q. I don't know about that rumor. I do know
5 about the rumor where there were limousines parked in
6 front of Joe's Pizza from time to time. Is that true
7 or not?

8 A. No, that's not true.

9 Q. Are you acquainted with Jim Lawton?

10 A. Jim Lawton?

11 Q. Uh-huh.

12 A. Is he the one that owns Mr. Lawton's, that
13 machine shop?

14 Q. I don't know what he owns. Was his wife a
15 housekeeper for your family?

16 A. Like I said, I -- I don't know.

17 Q. What's the name of the housekeeper for your
18 family?

19 A. When my mom got sick it was some lady. I
20 don't know who it was. At first it was some lady out
21 of Robinson that helped her straighten out the house.
22 But housekeepers, we never had housekeepers until my
23 mom got sick.

24 Q. Were you ever contacted by Ken Temples from

1 the FBI?

2 A. Who?

3 Q. A guy named Ken Temples.

4 A. I don't recall. I know that I contacted
5 the FBI.

6 Q. When?

7 A. When my dad was in prison.

8 Q. For what purpose?

9 A. Because we were getting harassing phone
10 calls. This was before my dad got sentenced. And I
11 contacted the FBI and they came down to the pizza
12 place and talked to us. I don't know if that's the
13 same person that I talked to.

14 Q. Did you or your dad ever make political
15 contributions?

16 A. No. Never.

17 Q. Not to any local politicians to help them
18 with their campaigns?

19 A. Not that I recall, never.

20 Q. How about to George Ryan?

21 A. Never.

22 Q. Jim Ryan?

23 A. Never.

24 Q. Republican party?

1 A. If anything we would do Democrat because my
2 dad is more of a Democrat than a Republican.

3 Q. Was Joe's Pizza under investigation by any
4 governmental agency in 2003?

5 A. Not that I am aware of, but apparently it
6 is.

7 Q. Were you ever informed that the Organized
8 Crime Drug Enforcement Task Force was investigating
9 Joe's Pizza on trafficking activities in Paris?

10 MR. JOHNSTON: Object to the form of the
11 question.

12 A. I will say no, I was never notified, but
13 they could come to our house and sleep with us if
14 they'd like.

15 Q. Were you ever interviewed by an agent named
16 Nate Williams?

17 A. No, not that I am aware of unless that's
18 the -- excuse me. Unless that's the -- is that the
19 internal investigator that came down to pick up all
20 the documents?

21 Q. No.

22 A. Okay. No.

23 Q. Ever interviewed or questioned by anyone
24 about Bob Morgan?

1 A. Never.

2 MR. BALSON: That's all the questions I
3 have.

4 EXAMINATION:

5 BY: MS. JAN SUSLER:

6 Q. I'm Jan Susler and I'm one of Randy
7 Steidl's lawyers and I have -- I just want to clarify
8 a couple of things. I got kind of confused with the
9 Edgar County Bank versus the Edgar County Bank &
10 Trust. So can you -- which one is it your
11 understanding that's Bob Morgan's bank?

12 A. The one that's Bob Morgan's is Edgar County
13 Bank & Trust.

14 Q. Okay. And is there a savings and loan?

15 A. There was a savings and loan, but that's
16 the one that it used to be First Federal. First
17 Federal changed it to First Bank & Trust and they
18 bought Edgar County Savings & Loan.

19 Q. Okay. So Morgan is Edgar County Bank &
20 Trust?

21 A. Yes.

22 Q. And that's where the loan is that you have
23 for your pizza parlor and the buildings next door?

24 A. Yeah, the trust.

1 Q. Okay.

2 A. I don't know, however you guys want to call
3 it. To me it's just a trust.

4 Q. Okay. That's fine. And I don't remember
5 if Mr. Balson asked you who is on that land trust.
6 Who is reflected as the owners of the land trust?

7 A. As far as I know a trust doesn't have any
8 names.

9 Q. The trustees or the beneficiaries, however
10 it's worded. Somebody is registered as being --

11 A. It would be all of us then.

12 Q. So you, your dad, your brothers and your
13 sister?

14 A. I don't think my sister is in there. I
15 think --

16 Q. Just the guys?

17 A. Yes. Because my sister got married and she
18 carried on a different name than Vitale.

19 Q. So it's you and Tony and your dad and I
20 can't remember your other brothers.

21 A. Pete.

22 Q. Pete. Anybody else?

23 A. Nobody else. Unless at one point in time,
24 my mom, Pia.

1 Q. Okay. Now, do you have a lawyer who you
2 consult for your business or your personal legal
3 needs?

4 A. We use like different -- Craig Smith has
5 been one of them. I've used Piper as one of them.
6 Steve Jones. I think that's all.

7 Q. They're all in Paris?

8 A. And Jim Stanfield used to be one, but he
9 passed away.

10 Q. Are they all in Paris?

11 A. Yes.

12 Q. Okay. And then I just wondered when the
13 agents from the Internal Affairs of the state police
14 came to get documents, did they sit down with you and
15 talk to you?

16 A. Yeah. Yes, they did.

17 Q. Would it be fair to say they interviewed
18 you?

19 A. Well, I don't know what you would call an
20 interview. If they said, okay, what do you have for
21 me and I'd say this is a letter from this person,
22 this is a letter from this and this is a letter from
23 this, and if that's an interview, yes, they
24 interviewed me then.

1 Q. Were they taking any notes?

2 A. Yeah, he was. He was taking notes on the
3 different -- like who this letter was who and stuff
4 like that, yes, they were.

5 Q. Did they show you a report that they wrote
6 about your encounter with them?

7 A. The only thing that they gave me was --
8 when I walked in they showed me their badges and then
9 they gave me a yellow piece of paper saying that they
10 took this letter that belonged to this and they would
11 write like numbers, then this was the license and
12 they'd write numbers beside it. And they had, like,
13 it was a page, they ripped it off and they said this
14 is your copy and that was the end of it. I didn't
15 see anybody else anymore.

16 Q. Can you describe either one of those guys
17 for us?

18 A. One was white and one of them was a dark
19 man, which was built, which I guess runs PTI for the
20 state or did.

21 Q. PTI, the Police Training Institute?

22 A. Yeah. I guess that's what it is. They
23 were really nice. And they said that they -- they're
24 Internal Affairs, they don't pick one party over the

1 other, they make sure that everything is...

2 Q. And what was your understanding that they
3 were investigating, other than who owned your --

4 A. They weren't investigating anything. I'm
5 the one that called them to tell them that hold on a
6 second, this guy has got his facts wrong.

7 Q. Oh, I see.

8 A. I'm the one that called them and said hey,
9 this guy doesn't know what he is talking about.

10 Q. I see.

11 A. My dad doesn't own this place.

12 Q. Okay.

13 A. The way that Callahan, if -- if he was to
14 say, well, there's a convicted felon, well, then all
15 the state troopers are messing up because there's no
16 convicted felons in McDonald's, there is no convicted
17 felons at Hardee's. They go there to eat. If that's
18 the case then let's fire all the state police
19 troopers.

20 Q. Did you give them any information about the
21 land trust?

22 A. No. I didn't think that -- I thought -- he
23 was talking about the pizza place. I thought that,
24 hey, the pizza place doesn't belong to my dad. It

1 belongs to me. They got their information wrong. I
2 thought it was just a slip-up, but apparently it's
3 more than a slip-up.

4 Q. Do you know whatever came of your calling
5 them and giving them this information? Do you know
6 what happened?

7 A. Zero. Oh, they did mention, they did
8 mention in the newspaper, the Paris newspaper that I
9 guess in court somebody said we have to get it
10 straight, Joe Vitale does not own the pizza place,
11 it's his son, he runs it. And that was -- that -- as
12 far as I know that's the only thing that ever
13 happened of it.

14 Q. Did anybody ever get back to you?

15 A. Huh-uh. Nobody.

16 Q. Did you have any more contact with the
17 state police regarding the call that you made and the
18 collection of the documents?

19 A. None. The only -- the only contact was
20 last week.

21 Q. When Mr. Johnston called?

22 A. Yeah.

23 Q. Okay.

24 MS. SUSLER: Thank you.

1 MS. EKL: I have nothing.

2 MR. RAUB: Just a very few.

3 EXAMINATION:

4 BY: MR. MICHAEL RAUB:

5 Q. You were living in Paris at the time of the
6 Rhoads murders?

7 A. Yes.

8 Q. Were you still in school then?

9 A. When did it happen? I graduated '87.

10 Q. You probably would have been about a senior
11 in high school.

12 A. Then, yeah, I was still in school.

13 Q. You don't know who committed the murders,
14 do you?

15 A. No, I don't.

16 Q. Okay. One of the only relevant questions
17 being asked this afternoon of this witness I think.

18 You know Mike McFatrige who was state's
19 attorney in Edgar County?

20 A. Yes, I do.

21 Q. How do you know Mike?

22 A. He was the state's attorney in Paris.

23 Q. Okay.

24 A. And now he comes into the pizza place and

1 eats. His daughters come in and eat. I invite all
2 you guys to come in and eat and you would understand
3 why everybody comes into Joe's and eats.

4 Q. Other than Mike McFatridge being a customer
5 of your business, do you have any other dealings with
6 him?

7 A. No.

8 Q. There have been some -- in this case there
9 has been some rumors or talk that Mike McFatridge at
10 one time was involved in the drug trade in Paris,
11 Illinois. Did you ever hear anything like that?

12 A. No. No.

13 Q. You're a life-long resident of Paris?

14 A. Since one year's old.

15 Q. Pretty much life-long resident. Okay. Do
16 you know Randy Steidl?

17 A. I know him of pictures and stuff like that.
18 But that's it.

19 MR. RAUB: That's all I have. Thank you.

20 MR. JOHNSTON: Vince?

21 MR. MANCINI: I was going to ask about the
22 Kennedy assassination, but I think I'll pass.

23 A. Good because I couldn't help you.

24 MR. JOHNSTON: Thank you.

1 MR. RAUB: You going to tell him about
2 reading and waiving?

3 MR. JOHNSTON: Yeah. You have a choice
4 here, Mr. Vitale. The court reporter has taken
5 everything down. She is going to transcribe it and
6 put it into a transcript. It comes out in question
7 and answer form. You have a choice of getting a
8 copy, reading through it, making any changes or
9 corrections you think needs to be made. You have 30
10 days to do that, you make the corrections, send it
11 back to the court reporter here. She will give you a
12 form to fill out, that kind of thing, envelope, you
13 send it back and you're done. That's one way.

14 Or you can say I trust the court reporter,
15 what she took down is accurate, I'll what we call
16 waive the right to review the transcript. It's your
17 choice.

18 A. I don't -- I don't know what I'm supposed
19 to do to tell you the truth. The only thing I came
20 here to say is my dad owned this building, I own this
21 building.

22 MR. RAUB: It only took you three hours to
23 do it.

24 A. I know.

1 MR. JOHNSTON: All right. It's up to you.

2 A. Give it to me just in case.

3 MR. BALSON: Before we go off the record, I
4 have a question and this is really for Eno. Because
5 these documents today it's my understanding is the
6 first time we have seen them, they have an ISP bates
7 stamp on them and I have never seen these before.
8 Now maybe you've delivered them and for some reason
9 they got by me and I didn't see them. But this also
10 indicated from the testimony here of Mr. Vitale that
11 there were many more documents delivered to the
12 Illinois State Police and we don't have those either.

13 MR. JOHNSTON: Okay. Well, you can go
14 check your STP or FTP or whatever, they should be
15 uploaded on that.

16 MS. HALL: You didn't tell us that you
17 uploaded those things on there. I asked --

18 MR. JOHNSTON: I'm supposed to tell you
19 things are getting uploaded on the system?

20 MS. HALL: Yes.

21 MS. SUSLER: That's a Whitlock system --

22 MR. BALSON: How do you know if someone is
23 producing documents?

24 MS. SUSLER: I have not been provided with

1 those documents.

2 MR. JOHNSTON: Those documents have been
3 provided and uploaded on the system.

4 A. I don't want to hear about it anymore.

5 MR. JOHNSTON: I will check to see if there
6 is any other documents that he has mentioned in his
7 deposition today, if they exist, we'll get them.

8 MR. BALSON: You have uploaded stuff to the
9 system without telling anybody, how are we supposed
10 to know?

11 MR. JOHNSTON: They have also been mailed
12 to you.

13 MS. HALL: We have never seen them by mail.

14 MR. BALSON: They haven't been mailed.

15 MR. JOHNSTON: They have been mailed, don't
16 call me a liar.

17 MR. BALSON: I didn't say you were a liar.
18 If they are mailed, then the mailman screwed up
19 because we didn't get them.

20 (Concluding at 4:00 PM)

21 AND FURTHER THE DEPONENT SAITH NOT

22 (Signature Reserved)

23

24

1 STATE OF ILLINOIS)
)
2 COUNTY OF VERMILION)

3
4 I, Amy Prillaman Neubaum, a Certified Shorthand
5 Reporter, in and for the County of Vermilion, State
6 of Illinois, do hereby certify that ENO VITALE, the
7 deponent herein, was by me first duly sworn to tell
8 the truth, the whole truth and nothing but the truth,
9 in the aforementioned cause of action.

10 That the foregoing deposition was taken on
11 behalf of the Defendant, at the offices of Area Wide
12 Reporting, 301 West White, Champaign, Illinois, on
13 the 18th of September, 2008;

14 That said deposition is a true record of the
15 testimony given by the deponent and was taken down in
16 stenograph notes and afterwards reduced to
17 typewriting under my instruction; and that it was
18 agreed by and between the witness and attorneys that
19 said signature on said deposition would not be
20 waived.

21 I do hereby certify that I am a disinterested
22 person in this cause of action; that I am not a
23 relative of any party or any attorney of record in
24 this cause, or an attorney for any party herein, or
25 otherwise interested in the event of this action, and
26 am not in the employ of the attorneys for either
27 party.

28 IN WITNESS WHEREOF, I have hereunto set my hand
29 this 1st day of October, 2008.

Amy Prillaman Neubaum, CSR

AMY L. PRILLAMAN NEUBAUM, CSR

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
STATE OF ILLINOIS

GORDON RANDY STEIDL,)	
Plaintiff,)	No. 05-CV-2127
vs.)	
CITY OF PARIS, et al.,)	
Defendants.)	
-----)	
HERBERT WHITLOCK,)	
Plaintiff,)	No 08-CV-2055
vs.)	
CITY OF PARIS, et al.,)	
Defendants.)	

This is to certify that I have read the transcript of my deposition taken in the above-entitled cause, and that the foregoing transcript taken on September 18, 2008, accurately states the questions asked and the answers given by me, with the exception of the corrections noted, if any, on the attached errata sheet(s).

ENO VITALE

Subscribed and Sworn before me
this _____ day of
_____, 2008.

Notary Public

RETURN TO:

AREA WIDE REPORTING
301 WEST WHITE ST.
CHAMPAIGN, IL 61820