

EXHIBIT A

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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

* * * * *
 LEMLEM S. KEBEDE, * CIV. 05-4192
 *
 Plaintiff, *
 *
 vs. *
 *
 HAYLEY R. HILTON, *
 *
 Defendant. *
 * * * * *

COPY

D E P O S I T I O N
O F

ERNEST CHRISTIANSEN

December 12, 2007

3 o'clock, p.m.

Taken at:
Offices of Tonner, Tobin & King
404 S. Lincoln Street
Aberdeen, South Dakota

Reporter: Tammy Erickson, RPR

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23 Also present: Hayley Hilton

24

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* * * * *

I N D E X

26	WITNESS:	PAGE NO.
27	ERNEST CHRISTIANSEN	
28	Examination - By Mr. Tonner	4
29	Examination - By Mr. Christenson	33

30

31 EXHIBITS: None.

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STIPULATIONS

1 IT WAS STIPULATED AND AGREED by and between counsel
 2 for the respective parties that notice, time and all other
 3 statutory prerequisites incident to the taking and return of
 4 said deposition, including notice of filing, as well as the
 5 signing of the same by the witness, are hereby waived; that
 6 same may be taken at the time and place set forth, and when
 7 reduced to writing and returned into Court, may be used by
 8 either party upon the trial of said cause. Said deposition
 9 however is subject to all other legal objections, which need
 10 not be reserved at the time of taking the deposition, but may
 11 be urged at the time of trial the same as if the witness were
 12 present, testifying in person.
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1 Q. Brothers and sisters?
 2 A. **Three older sisters and a younger brother.**
 3 Q. Graduate from high school in Midland?
 4 A. **Yep.**
 5 Q. Let me say something here quick before we
 6 proceed. Have you ever had your deposition taken before?
 7 A. **Yes, I have, but not enough that I can recall how**
 8 **it all works --**
 9 Q. All right. Let me explain that.
 10 A. **-- so give me any pointers I need.**
 11 Q. I just did it, I just violated the law I'm going
 12 to tell you about. I'm going ask you some questions today
 13 and then you're going to have to let me finish the question
 14 before you answer the question.
 15 A. **Okay.**
 16 Q. And that way our court reporter will be happy
 17 with us and we have a good transcript.
 18 A. **Okay, I'll try my best.**
 19 Q. I'll try not to step all over your words and if
 20 you can do the same, we'll have a good deposition, okay?
 21 You can't nod your head. You have to say yes or
 22 no to an answer or whatever your answer may be. It simply
 23 can't be a gesture, all right?
 24 A. **All right.**
 25 Q. Okay. I was asking you about did you graduate

1 WHEREUPON,
 2 the following proceedings were had, to wit:
 3 ERNEST CHRISTIANSEN, after being first duly sworn,
 4 testified on his oath as follows:
 5 EXAMINATION
 6 BY MR. TONNER:
 7 Q. State your name, please.
 8 A. **Ernest R. Christiansen.**
 9 Q. And for the purpose of this deposition, can I
 10 call you Ernie?
 11 A. **Yeah, I prefer that.**
 12 Q. All right. Ernie, my name is Tom Tonner. I
 13 represent the defendant in this case, Hayley Hilton, and as
 14 you probably know and understand, she's being sued by your
 15 former wife, Lemlem S., pronounce the last name, Kebede?
 16 A. **Kebede.**
 17 Q. Kebede?
 18 A. **Yeah, I think.**
 19 Q. All right. Let's talk a little bit about you
 20 first, Ernie. You were born and raised where?
 21 A. **In Midland, Michigan.**
 22 Q. And where is Midland, Michigan?
 23 A. **Central lower Michigan.**
 24 Q. And your parents' names?
 25 A. **Robert and Nancy Christiansen.**

1 from Midland High School, you said yes. Did you have any
 2 further education after high school?
 3 A. **Yes.**
 4 Q. And where did you go to school?
 5 A. **Michigan State University.**
 6 Q. And what was your major?
 7 A. **Chemical engineering.**
 8 Q. And did you graduate from Michigan State?
 9 A. **Yes.**
 10 Q. Okay. And did you get the degree in the same
 11 major?
 12 A. **Yes.**
 13 Q. Were you there for a period of four years?
 14 A. **Six.**
 15 Q. Okay. And during that time, that was
 16 approximately from when to when, years?
 17 A. **I think 1999 through -- 1989 through 1995. 1995**
 18 **I graduated.**
 19 Q. And during the time that you were at college, did
 20 you meet an individual by the name of Lemlem, say it again
 21 for me?
 22 A. **Kebede.**
 23 Q. Kebede, while you were there?
 24 A. **Yes.**
 25 Q. And Lemlem was from where?

7

1 A. **Originally she was born in Ethiopia, but lived in**
 2 **Kalamazoo, Michigan most of her life.**
 3 Q. All right. And how did you happen to meet her?
 4 A. **She lived in the same dormitory as I did.**
 5 Q. During that -- would that have been in the latter
 6 part of your time at Michigan State or the former part?
 7 A. **Latter part.**
 8 Q. In your fourth and fifth, sixth year, somewhere
 9 in there?
 10 A. **Yeah, probably around the fifth year I believe.**
 11 Q. As I understand it from taking the deposition of
 12 Ms. Kebede, she was older than you were?
 13 A. **I'm not sure.**
 14 Q. All right. In school ahead of you though?
 15 A. **Yes.**
 16 Q. All right. And in fact, as I recall, she then
 17 graduated before you did?
 18 A. **Yes.**
 19 Q. And did she then go on and leave the Michigan
 20 State area?
 21 A. **Yes.**
 22 Q. And went where?
 23 A. **I believe it was Canton, Michigan.**
 24 Q. While you were at Michigan State, did the two of
 25 you become romantically linked?

9

1 Q. Did Lemlem then make a decision to follow you to
 2 Minneapolis?
 3 A. **Yes.**
 4 Q. Was that a decision that the two of you talked
 5 about?
 6 A. **Yes.**
 7 Q. All right. Prior to that time, had the two of
 8 you ever lived together?
 9 A. **No.**
 10 Q. All right. When she came to Minneapolis,
 11 Minnesota, did she have a job there?
 12 A. **No.**
 13 Q. Did you then live together with Lemlem for a
 14 period of time?
 15 A. **I'm going to be a little verbose. We did not**
 16 **live together initially. We had separate apartments, but**
 17 **then ended up living in the same apartment, then we split up**
 18 **again and lived in separate places.**
 19 Q. All right.
 20 A. **I'm not sure when we started living back together**
 21 **again.**
 22 Q. All right. So during the time period that you're
 23 going back and forth living together, not living together,
 24 did you actually break up then?
 25 A. **No.**

8

1 A. **Yes.**
 2 Q. Okay. Boyfriend/girlfriend?
 3 A. **Yes.**
 4 Q. While you were at Michigan State, did you become
 5 engaged?
 6 A. **No.**
 7 Q. All right. You then graduated and as I
 8 understand it, took a job in the Minneapolis area?
 9 A. **Yes.**
 10 Q. And who did you go with?
 11 A. **Koch Refining.**
 12 Q. Coke in the sense of a C-O-K-E?
 13 A. **No, it's K-O-C-H and it's oil and gas.**
 14 Q. All right. In any event, what was the nature of
 15 your job?
 16 A. **Process engineer.**
 17 Q. What does a process engineer do?
 18 A. **Plant engineer basically assigned to make sure**
 19 **that the oil and gas processing units that are granted you**
 20 **the rights to oversee are functioning properly and at their**
 21 **optimum capacities day to day.**
 22 Q. All right. And when you took that position with
 23 Koch, where at that time was Lemlem working at?
 24 A. **Armstrong International as a sales rep out of**
 25 **Canton, Michigan.**

10

1 Q. Okay. You just made a decision not to live
 2 together?
 3 A. **Yes.**
 4 Q. And then eventually that went on for
 5 approximately how long a period of time?
 6 A. **I'm going to do rough math here, but I graduated**
 7 **in '95, started working for the refinery in 1995 and got**
 8 **married in 1998, so I'm assuming about three years.**
 9 Q. All right. Did there come a time when a decision
 10 had to be made with regard to marriage?
 11 A. **Yes.**
 12 Q. Tell me how that decision arrived.
 13 A. **Lemlem was on a sales call in -- not a sales**
 14 **call, but sales conference in Florida, called me on the**
 15 **phone. I was actually up in Mounds View hiking when we**
 16 **talked about it and she told me that she had been talking to**
 17 **the other sales reps and that she was an idiot to stay with**
 18 **me because I was never going to ask her to marry her and that**
 19 **if I didn't marry her, then we were through to which I**
 20 **responded that they were just saying that to try to hook up**
 21 **with her down at the sales conference, but anyway, she gave**
 22 **me an ultimatum.**
 23 Q. All right. And at that time then did you make
 24 the decision to marry her?
 25 A. **Not right away. At first I was not very happy**

11

1 **about it, but I never dated much and never went any place to**
 2 **find anybody to date and Lemlem was a good friend. I mean we**
 3 **were very -- we hung out all the time and I was content and**
 4 **so I decided this is life, this is what you do, you -- the**
 5 **next step is to get married, so I started saving for a ring.**
 6 Q. All right. And then eventually you proposed?
 7 A. **Yes.**
 8 Q. And obviously the next step is eventually
 9 marriage?
 10 A. **Yes.**
 11 Q. The day you married, did you have some reflection
 12 upon whether or not that was the right decision?
 13 A. **I was scared. The day I got married, I honestly**
 14 **felt I shouldn't be up there getting married.**
 15 Q. Did you feel like you had made a decision that
 16 you had married the wrong person?
 17 A. **I'm going to say no because I didn't know of**
 18 **anybody else. It just didn't feel right to get married. I**
 19 **can't say it was the wrong person. I just didn't feel right.**
 20 **I didn't feel that I loved her.**
 21 Q. Okay. And that was initially from the very
 22 beginning?
 23 A. **Well, at the point of marriage.**
 24 Q. Marriage, yes. All right. In any event, did you
 25 remain then in the Minneapolis area once you became married?

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1 Q. She had made a decision at the time that you got
 2 married not to take your last name, did she not?
 3 A. **Yes.**
 4 Q. Did that bother you?
 5 A. **Yes.**
 6 Q. Did you tell her that that bothered you?
 7 A. **Yes, it was a big deal.**
 8 Q. Did it make any difference to her that it
 9 bothered you?
 10 A. **No.**
 11 Q. In any event, did this type of relationship
 12 continue to fester; meaning the demeaning to you, problems in
 13 the marriage, the lack of love?
 14 A. **It's hard to define what love is. I don't --**
 15 **can't answer to that, but I can answer to the part of whether**
 16 **it got worse as far as the treatment. It got to the point**
 17 **that I did not come home from work anymore. I was treated**
 18 **better at work by my co-workers and on the job than by Lemlem**
 19 **and I say that with a grain of salt because they treated me**
 20 **like I was important, smart, successful, wanted me there and**
 21 **I mattered.**
 22 Q. Okay. And by inference, are you saying that
 23 that's not how you were treated at home?
 24 A. **That's not how I felt that I was treated.**
 25 Q. In any event, how long were you in Eagan before

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1 A. **Yes.**
 2 Q. You set up residency where?
 3 A. **In Eagan, Minnesota.**
 4 Q. Okay. And did you buy a home, a condo, what did
 5 you have?
 6 A. **We bought a condo.**
 7 Q. Okay. Did you subsequently get a different
 8 residence than the Eagan residence?
 9 A. **Can you define what you mean by subsequently?**
 10 Q. Yeah, later on, did you then change from the
 11 Eagan to another location?
 12 A. **Not while I was working in the Minneapolis area.**
 13 Q. So the Eagan was where your home was at?
 14 A. **Yes.**
 15 Q. All right. Did there start to develop to be some
 16 problems in the marriage while you're in Minneapolis?
 17 A. **Yes.**
 18 Q. Was your wife demeaning to you?
 19 A. **Many times, yes.**
 20 Q. Would she be demeaning to you in front of others?
 21 A. **A lot.**
 22 Q. Did she have a problem with affection,
 23 particularly public affection?
 24 A. **Yes, she didn't like to hold hands or give or get**
 25 **hugs at all.**

14

1 you made a decision to go to South Dakota?
 2 A. **It's so long ago I cannot recall. I don't know.**
 3 **Somebody's going to have to refresh my memory of when I**
 4 **started out in --**
 5 Q. You started out in South Dakota, as I recall, in
 6 October of 2001, would that be fair to say?
 7 A. **That would be fair to say.**
 8 Q. Let me go back a second. During the time that
 9 you were in Eagan, were there times that you would leave the
 10 residence and actually stay in a motel?
 11 A. **Yes.**
 12 Q. Would it be fair to say to remain away from the
 13 home that you would sometimes work a hundred to a hundred and
 14 ten hours a week.
 15 A. **Yes.**
 16 Q. In times of intimacy with your wife, were you
 17 ever told that you needed to lose weight?
 18 A. **Yes.**
 19 Q. Did she have a problem sometimes with your
 20 appearance?
 21 A. **All the time.**
 22 Q. Did she have -- let me say it this way. Was she
 23 a controlling person?
 24 A. **I feel so.**
 25 Q. Did she control the pocketbook?

15

- 1 A. Yes.
- 2 Q. Were you basically put on an allowance, and I
3 hate to use that word because it sounds like you're a
4 juvenile, but were you told that you can spend this amount of
5 money?
- 6 A. Again, at the point of being a bit verbose, I'll
7 try to describe it a little bit better. She controlled the
8 pocketbook and again, I felt I could never spend money
9 myself. She would buy whatever she wanted to furnish the
10 home, whatever she -- it didn't matter cost or anything, but
11 if it was something that was important to me, regardless of
12 what it was, again, I felt I could not buy it. I cannot
13 recall whether we had conversations that strictly said you
14 can't. I believe that to be the case, but again, we're
15 talking six, seven years ago.
- 16 Q. Okay. But -- and I realize it's six, seven years
17 ago and I'm asking you about the relationship with your wife,
18 not dates and times, so I'm just talking about the
19 relationship.
- 20 A. Um-huh.
- 21 Q. You have to say yes or no.
- 22 A. Sorry. Yes.
- 23 Q. You do recall the relationship?
- 24 A. Yes, yes.
- 25 Q. All right. Now a time came in 2001, if my

17

- 1 A. Yes.
- 2 Q. Did you ever have discussions with your wife as
3 to whether or not you wanted to live in a city or in a small
4 town?
- 5 A. Yes.
- 6 Q. Explain that to me.
- 7 A. I don't like big cities. I've always wanted to
8 live in a small town. When we moved to Minneapolis
9 originally, I told her that that's fine, that we could live
10 here for a period of time as long as long-term, we could live
11 in a small town, you know, give and take. I'll live here for
12 a few years and then we'll go find some place else and in a
13 small town which would make me happy, so that's basically
14 the --
- 15 Q. What was her position; by her, I mean Lemlem?
- 16 A. Well, originally when we got married, that was --
17 again, I feel that's what we agreed upon.
- 18 Q. Okay. When you wanted that later in the
19 marriage, was she willing to do that?
- 20 A. No. I at one point had asked her to -- she hated
21 her job and she was looking, you know, kind of miserable and
22 I had told her to quit and she could come out here and she
23 said that you have your small town, enjoy it. It was her --
- 24 Q. So she wasn't willing to come out to South
25 Dakota?

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- 1 records are correct, where you went to Aberdeen, South
2 Dakota. Do you recall that?
- 3 A. Yes.
- 4 Q. All right. Was that a job change?
- 5 A. It was a job change only because I was unemployed
6 at the time.
- 7 Q. All right. And so to the extent that you became
8 unemployed, did you look for employment elsewhere?
- 9 A. Not very hard.
- 10 Q. All right. So how was a decision made for you to
11 come to Aberdeen, South Dakota, that's where I'm trying to go
12 here?
- 13 A. It was an opportunity that presented itself and
14 it was a way to get away.
- 15 Q. All right. Explain to me what you mean by get
16 away.
- 17 A. To go out and live my life a little bit more on
18 my own.
- 19 Q. Is that because of the troubles in the marriage?
- 20 A. I would say yes.
- 21 Q. All right. And so you made a decision to look
22 elsewhere for employment other than in Minneapolis?
- 23 A. Yes.
- 24 Q. Okay. And did that other employment then take
25 you to Aberdeen, South Dakota?

18

- 1 A. No.
- 2 Q. All right. So in any event, go back in time a
3 little bit again, in 2001 you make the decision to take some
4 type of employment that results in you ending up in Aberdeen,
5 South Dakota, correct?
- 6 A. Correct.
- 7 Q. As a result of coming here, you didn't -- who did
8 you live with initially when you got out here?
- 9 A. I'm not sure. I believe I lived by myself when I
10 got out here. In fact I know I lived by myself when I got
11 here originally.
- 12 Q. Rented an apartment?
- 13 A. Rented from a co-worker at the state.
- 14 Q. All right. And the nature of your employment
15 when you came out here was what?
- 16 A. Software development.
- 17 Q. All right. And your expertise in software
18 development is what?
- 19 A. I'm a database expert in web enabled
20 applications.
- 21 Q. So was that part of your education that you
22 received in your employment or part of college education?
- 23 A. Employment.
- 24 Q. All right. So you came out here in the software
25 business, became involved in working in the area, correct?

19

- 1 A. Yes.
- 2 Q. The area I mean Aberdeen. Rented an apartment or
3 something to live in to begin with?
- 4 A. Yes.
- 5 Q. What was your social life like to begin with?
- 6 A. **I didn't know anybody here, so I went out to the
7 bars a lot. Went to the Zoo a lot. The Zoo being one of the
8 bars in town here.**
- 9 Q. Zoo being somewhat of a young people's --
- 10 A. **Dance club.**
- 11 Q. -- dance club? Would it be fair to say you were
12 living "the single's life"?
- 13 A. **I would say that would be fair.**
- 14 Q. All right. Using a country western tune, looking
15 for love in all the wrong places a little bit?
- 16 A. **I don't know. I don't know if I'd put it quite
17 that way, but definitely out and enjoying my single life.
18 You know, whether that be maximizing my time hunting and
19 fishing or going to the bars or doing whatever I wanted to
20 do.**
- 21 Q. A little of everything?
- 22 A. **Yeah.**
- 23 Q. Okay. Spreading your wings a little bit?
- 24 A. **Yeah.**
- 25 Q. Okay. Obviously by going to the bars there was

20

- 1 social life attached with that?
- 2 A. **Yeah.**
- 3 Q. Mixing with men and women?
- 4 A. **Yeah.**
- 5 Q. Drinking with men and women?
- 6 A. **Yeah.**
- 7 Q. To a certain extent partying, would that be a
8 good way of saying it?
- 9 A. **I don't consider myself a partier, but definitely
10 not going back to people's houses, but...**
- 11 Q. But out socially?
- 12 A. **Out, yeah.**
- 13 Q. You weren't just sitting in your apartment
14 looking at the walls?
- 15 A. **I have a hard time sitting still, so rarely.
16 Sometimes when I had to catch up on work, yes.**
- 17 Q. By that I'm saying you didn't remain in your
18 house as some wall flower?
- 19 A. **No.**
- 20 Q. In any event, while you're here, was your wife
21 coming out to visit you?
- 22 A. **When I first moved here, no.**
- 23 Q. All right. And you were here approximately how
24 long, the total time you were in Aberdeen?
- 25 A. **Total time? I don't recall when I left. I**

21

- 1 **don't -- I know that I was here around October. I think it
2 was a year and three, two, three months.**
- 3 Q. Your wife testified in a deposition she may have
4 got out here twice during that time period, is that about
5 right?
- 6 A. **That would be pushing it if that's correct.**
- 7 Q. All right. So in all fairness to put it in
8 vernacular, she basically didn't come out here at all?
- 9 A. **No.**
- 10 Q. Did you go back to Minneapolis?
- 11 A. **Yes.**
- 12 Q. Initially did you go back more than towards the
13 end?
- 14 A. **Yes.**
- 15 Q. Initially how often would you go back?
- 16 A. **I'm not sure whether it was every week or every
17 other weekend, but I do believe it was every other to begin
18 with.**
- 19 Q. All right. And then after a period of time, did
20 that change?
- 21 A. **Yes.**
- 22 Q. About how long had you been here before that
23 changed?
- 24 A. **Within the first month.**
- 25 Q. All right. And in all fairness, you got here in

22

- 1 October and you really didn't meet the defendant, Hayley,
2 until March, isn't that fair?
- 3 A. **No, I met Hayley earlier than that.**
- 4 Q. All right. You didn't start in any way having a
5 relationship with her until March, is that fair?
- 6 A. **A relationship of any kind of more than friends
7 relationship, that would be correct.**
- 8 Q. All right. Business acquaintances from October
9 to March, is that a fair statement?
- 10 A. **Yes.**
- 11 Q. You may have known who she was and may have known
12 her by name previous to March?
- 13 A. **I would consider us to be friends previous to
14 that.**
- 15 Q. All right. In any event, within thirty days
16 though back in October of 2001, you basically changed your
17 position on going home?
- 18 A. **Yes.**
- 19 Q. And that, is it fair to say, sir, has nothing to
20 do with obviously Hayley?
- 21 A. **No, I'm not sure where I met -- when I met
22 Hayley, but I don't think I met her even within that first
23 month because she actually worked on the second floor and I
24 didn't even work on any projects that were assigned to her or
25 anything like that, so the initial part I only knew the**

23

1 people basically on the first floor and the people that were
2 directly involved with the project I was working on which was
3 a first report of injury project, so I don't know when I
4 actually met Hayley, but it definitely wouldn't have been
5 within the first month and I'm not sure if it would have been
6 until really after New Year's.

7 Q. All right. Then go back to my question because I
8 think I may have asked --

9 A. **I'm just trying to get -- sorry.**

10 Q. Yeah, that's all right. Obviously the purpose of
11 my question is Hayley had nothing to do with you changing
12 your mind in October of 2001 of when you decided you'd want
13 to come back and see your wife?

14 A. **Correct.**

15 Q. All right. And you at that time made your own
16 decision as to when you wanted to go back and see your wife
17 and it had no other influences other than what you wanted?

18 A. **Correct.**

19 Q. And I forgot to ask this previously, but I had it
20 in my notes. Did you and Lemlem go to church?

21 A. **No.**

22 Q. Did she refuse to go to church?

23 A. **Yes.**

24 Q. Did that bother you?

25 A. **Yes.**

24

1 Q. All right. She made no efforts then to adapt to
2 your religious life?

3 A. **No.**

4 Q. And again, was that a significant factor to you?

5 A. **I'm going to be a bit verbose. Yes, it was, but
6 I can't say that I go to church every weekend. I'm not
7 trying to say that I'm a religious person to the point that I
8 have to go, but it did bother me that she would be unwilling
9 to go with me when I felt that there were times that we
10 should be going to church because we're struggling or
11 whatever.**

12 Q. And she was not religious at all in terms of in
13 the United States?

14 A. **I can't define what her religion is. It's
15 Ethiopian Orthodox which is a very close proximity to
16 Catholicism, so Catholicism recognizes them but they don't
17 recognize Catholicism, so she has churches, but I know the
18 closest one, there is one in the Minneapolis area and there
19 is one in Chicago, but she didn't participate in the church
20 very much.**

21 Q. All right. And my question really relates to was
22 that a problem in your marriage?

23 A. **A bit of one.**

24 Q. All right. We're in the time period of October
25 to New Year's 2001, New Year's being 2002. Obviously after

25

1 that time period, somewhere in there you met the defendant,
2 Hayley, and if my records are right, somewhere around in
3 March, that time period, that relationship changes from
4 totally a business relationship to where you have an interest
5 in her, is that fair to say?

6 A. **That's fair to say.**

7 Q. All right. And I believe there's some type of a
8 document where you sent her either an e-mail or a note or
9 something to the extent where you indicate that she's a
10 beautiful woman?

11 A. **Yes.**

12 Q. Is that correct?

13 A. **That's correct.**

14 Q. And you sent her that note?

15 A. **Yes.**

16 Q. All right. And as a result of that there was a
17 period of time where the two of you continued to see each
18 other more, right?

19 A. **Yes.**

20 Q. And would it be fair to say that that was kind of
21 a partying type scene at that time where there would be some
22 home parties and things like that?

23 A. **Again, I'm going to be verbose.**

24 Q. Okay.

25 A. **Yes, there were some home parties. They weren't**

26

1 home parties one on one, you know, --

2 Q. I'm not saying that.

3 A. **-- with Hayley, but there were also lunches and
4 things like that where there were groups of people and
5 sometimes where there were not.**

6 Q. At that time did you advise, as you got to know
7 Hayley the defendant in this case a little better, did you
8 advise her that you had problems in your marriage?

9 A. **Yes.**

10 Q. You confided in her and told her that the
11 relationship at home was not what you wanted it to be?

12 A. **Yes.**

13 Q. The demeaning on the part of your wife, correct?

14 A. **Yes.**

15 Q. The lack of love and attention?

16 A. **Yes.**

17 Q. The lack of intimacy?

18 A. **Yes.**

19 Q. The problems between you and your wife as it
20 relates to religion?

21 A. **Don't recall it specifically. Possibility.**

22 Q. If she were to testify you told her about that,
23 you wouldn't say she was wrong?

24 A. **No.**

25 Q. All right. In any event, you basically indicated

27

1 that your home life was a mess?
 2 A. **Yes, I vented all my frustrations of my marriage**
 3 **to Hayley.**
 4 Q. All right. You at that time, I believe, sent her
 5 some CDs, cut some CDs for her?
 6 A. **Yes.**
 7 Q. Okay. Would it be fair to say that you're
 8 somewhat of a romantic?
 9 A. **Yes, very much so, hopeless possibly.**
 10 Q. Okay. And to that extent, would it be fair to
 11 say you either became infatuated or felt something for
 12 Hayley?
 13 A. **Yes.**
 14 Q. All right. And to that extent, somewhat pursued
 15 her?
 16 A. **Yes.**
 17 Q. All right. I mean in the sense that you kept
 18 your contact up with her?
 19 A. **Yes.**
 20 Q. And wanted there to be some type of a
 21 relationship with you?
 22 A. **Yes.**
 23 Q. Is that fair?
 24 A. **Yes, that's fair.**
 25 Q. And eventually your wife found out about it,

29

1 Q. And you thought it to be your home, is that fair?
 2 A. **That's fair.**
 3 Q. All right. And eventually like I guess I started
 4 to say, your wife found out about the fact that you were
 5 seeing Hayley, you went back to Minneapolis, it's my
 6 understanding you attempted to do some counseling?
 7 A. **Yes.**
 8 Q. In her deposition; by her again, I mean Lemlem,
 9 she has said that you fabricated things to the counselor,
 10 that you made up problems in the marriage that never existed.
 11 Is that your recollection of what happened or not?
 12 A. **No, that's not my recollection.**
 13 Q. What happened?
 14 A. **I went to the counselor for two purposes; one to**
 15 **either end the relationship with Lemlem, or to try to fix**
 16 **what was broke. Everything that I brought up, and the**
 17 **counselor could see my point, Lemlem would call hocus-pocus**
 18 **and wouldn't do it, didn't want to have anything to do with**
 19 **it, wouldn't believe that those were real feelings and real**
 20 **issues that I had with my treatment at the house, so I**
 21 **stopped going. There was no point.**
 22 Q. Okay. So if she were to testify under oath that
 23 you were fabricating the problems in the marriage, you don't
 24 believe that to be true?
 25 A. **I do not.**

28

1 correct?
 2 A. **Correct.**
 3 Q. You bought a home in Aberdeen, South Dakota,
 4 didn't you?
 5 A. **Yes.**
 6 Q. Did you consider that to be your home?
 7 A. **Yes.**
 8 Q. When I say your home, I'm saying that in the
 9 singular sense meaning yours and nobody else's, is that a
 10 fair statement?
 11 A. **I wouldn't say that.**
 12 Q. All right. Tell me what you considered the
 13 Aberdeen house to be.
 14 A. **It actually might be more along the lines -- I**
 15 **will explain. Basically the house was bought. I was very**
 16 **proud of the house. I gutted it, took it -- rebuilt the**
 17 **whole thing, tried to make it look beautiful and home.**
 18 Q. Okay.
 19 A. **I was excited for hoping Lemlem when she came out**
 20 **that she would see all the hard work that I put into it and**
 21 **when she came out, it was just nothing but negative things to**
 22 **the point I could not wait for her to leave. So in a sense**
 23 **from a property rights or ownership standpoint, no, it was**
 24 **Lemlem's and my house, but I'm the only one that loved it and**
 25 **cared for it.**

30

1 Q. All right. And would it be fair to say, sir,
 2 that there were significant problems in the marriage from the
 3 very beginning?
 4 A. **That's a tough answer to say. Again I believe**
 5 **they were significant problems. They were problems that I**
 6 **was not happy at the house. To what extent that makes it**
 7 **significant, one person might have a different definition**
 8 **than myself, but it was definitely -- I wasn't happy.**
 9 Q. I'm asking if you believe them to be significant
 10 problems?
 11 A. **I do.**
 12 Q. All right. In any event, did there come a time
 13 where you filed for divorce?
 14 A. **Yes.**
 15 Q. Did she countersue for divorce?
 16 A. **I'm not sure what that means.**
 17 Q. All right.
 18 A. **No, she didn't. She didn't. I'm aware of that.**
 19 Q. All right. Did you then ultimately get a
 20 divorce?
 21 A. **Yes.**
 22 Q. All right. Did the getting of that divorce have
 23 anything to do with Hayley?
 24 A. **No.**
 25 Q. And the fact is you subsequently after divorcing

31

1 Lemlem remarried?

2 A. **Yes.**

3 Q. And who did you marry or not -- you're remarried,

4 excuse me. Who did you marry?

5 A. **Lisa Stone.**

6 Q. And was she an individual that you had dated in

7 high school?

8 A. **Yes.**

9 Q. Was she an old sweetheart?

10 A. **Yes.**

11 Q. Is she somebody that you thought about for a long

12 time?

13 A. **Yes, off and on.**

14 Q. All right. And as a result of that, did that

15 take you back to that relationship; in other words, back to

16 high school so to speak?

17 A. **Yes, definitely.**

18 Q. And as a result of that relationship, did you

19 have a child?

20 A. **Yes.**

21 Q. The name of the child is what?

22 A. **Isabelle Rose.**

23 Q. And are you currently in a divorce situation in

24 that marriage?

25 A. **Unfortunately, yes.**

33

1 **divorce my wife.**

2 Q. Right, but I'm asking you the reason you divorced

3 your wife, you had problems in the marriage prior to my

4 client coming into your world?

5 A. **Yes.**

6 Q. You moved -- you left your wife in a sense and

7 moved to South Dakota?

8 A. **Yes.**

9 Q. Created your own home?

10 A. **Yes.**

11 Q. Okay. It's only after all of that and the

12 appearance that you had left your previous life, so to speak,

13 did my client come into your life?

14 A. **Yes, that is correct.**

15 Q. And at that time you've told my client that your

16 life is basically over back there, is that fair to say?

17 A. **Yes, that's fair to say.**

18 MR. TONNER: All right. No further questions.

19 (A break was taken.)

20 EXAMINATION

21 BY MR. CHRISTENSON:

22 Q. Ernie, my name is Bob Christiansen and this is

23 Dan Brendtro, my associate on this case, and we're here

24 representing the Plaintiff, Lemlem, and we haven't met before

25 today, have we?

32

1 Q. Has Lemlem been in contact with your current

2 wife?

3 A. **Yes.**

4 Q. Has she been providing advice to your current

5 wife?

6 A. **Yes.**

7 Q. And if I were to say that she testified under

8 oath that she has not done that, do you find that to be

9 contrary?

10 A. **Yes.**

11 MR. TONNER: Let me take about two minutes and I

12 think I'm about done, okay?

13 (A break was taken.)

14 Q. (BY MR. TONNER) Do you have any belief that my

15 client enticed you away from your marriage?

16 A. **No.**

17 Q. She didn't trick you or anything like that?

18 A. **I don't believe so. I was a grown adult making**

19 **my decisions, whether they were good or bad.**

20 Q. Right, whether they were right or wrong, that's

21 not what you're here to argue?

22 A. **No.**

23 Q. But she had nothing to do with the fact that you

24 divorced your wife; she being my client, Hayley?

25 A. **That's a difficult question to answer since I did**

34

1 A. **No.**

2 Q. I'm just going to ask you some questions, the

3 same rules that we follow and I'll just begin by asking you

4 when were you married to Lemlem?

5 A. **July 18th, 1998.**

6 Q. '98. And when were you divorced?

7 A. **I don't recall the date. It was in November and**

8 **I can get there. If you know the date, I'll agree to it. If**

9 **I can do the math just a second I could get there. 2004, in**

10 **November.**

11 Q. Okay.

12 A. **That would be my best guess.**

13 Q. So is it safe to say you were married for six

14 years?

15 A. **That's legally correct.**

16 Q. Okay. And were you married in a church?

17 A. **Yes.**

18 Q. What church?

19 A. **Catholic church in Kalamazoo, Michigan I think.**

20 **I mean I know it was Catholic.**

21 Q. And a priest performed the service?

22 A. **Yes.**

23 Q. And you took your vows to be married?

24 A. **Yes.**

25 Q. Okay. At the time you were married, was there

35

- 1 any affection between you and Lemlem?
 2 A. Yes.
 3 Q. And did you continue to have affection in your
 4 marriage through the year 1998?
 5 A. I would say yes.
 6 Q. Same question for 1999?
 7 A. Again, at the point of being verbose, I can't say
 8 that at any point there was this lack of affection entirely.
 9 There was obviously good times and bad times. Times where
 10 there wasn't much affection and other times when there was
 11 more or there was. I can't give you a specific date. When a
 12 big turning point in my situation or affection towards her
 13 was when she told me I needed to lose weight during
 14 intercourse. I didn't want to have intercourse with her
 15 anymore.
 16 Q. Do you recall when that was?
 17 A. No.
 18 Q. Let's just talk about some dates then and see if
 19 we can get it.
 20 A. Sure.
 21 Q. If you moved to Aberdeen in October of 2001, if
 22 you can recall, was there any affection between you and
 23 Lemlem at that time?
 24 A. There would be occasional affection. I guess
 25 you'd have to define for me what affection entails.

36

- 1 Q. Well, affection would be that perhaps you would
 2 send her a card?
 3 A. Sure, yes.
 4 Q. Was that going on until October of 2001?
 5 A. Sure, yes.
 6 Q. Were you going out with friends to parties for
 7 instance or dinner?
 8 A. Yes.
 9 Q. Okay. And so at least at the time you moved to
 10 Aberdeen, your testimony is there was at least some affection
 11 between you and Lemlem, isn't that correct?
 12 A. If that's the definition of affection, then I
 13 would say correct.
 14 Q. Okay. And then you moved to Aberdeen because you
 15 took a job, isn't that correct?
 16 A. That's correct.
 17 Q. Okay. Before you left Minneapolis, or let's just
 18 say Minneapolis to Aberdeen, did you tell Lemlem that you
 19 didn't love her?
 20 A. I'm not sure.
 21 Q. Well, what I'm asking is is there's been some
 22 talk that you went to Aberdeen to start a new life. Did you
 23 tell Lemlem you were going to Aberdeen to start a new life?
 24 A. No, I did not.
 25 Q. Okay. Now when you were in Aberdeen, it's my

37

- 1 understanding at least initially you went out to bars, is
 2 that correct?
 3 A. Yes.
 4 Q. And you were, I think the word was living the
 5 single's life, is that correct?
 6 A. I would say that's correct.
 7 Q. But you were a married man, isn't that correct?
 8 A. That is correct.
 9 Q. Did you tell Lemlem, the woman you were married
 10 to, that were living the single's life in Aberdeen after you
 11 got there?
 12 A. Again, I'll expand that a little bit. There had
 13 been times during the previous couple years that I had told
 14 Lemlem that I wanted a divorce. Did I tell Lemlem that I was
 15 living the single life specifically; I cannot recall that
 16 specifically, but if Lemlem were to say that I didn't say
 17 that to her directly, I can't refute that because I do not
 18 recall.
 19 Q. When you were in Aberdeen, did you wear a wedding
 20 ring?
 21 A. Yes, I did.
 22 Q. When you talked to Lemlem about a divorce, did
 23 you ever talk to a divorce lawyer?
 24 A. No, but I downloaded the paperwork.
 25 Q. But you never talked to a divorce lawyer?

38

- 1 A. No.
 2 Q. Okay. Now when you were in Aberdeen, it's my
 3 understanding that the first time you ever laid eyes on
 4 Hayley is after you fell in love with her, is that correct?
 5 A. That is not correct.
 6 Q. Tell me what your thinking is.
 7 A. Again, you need to define for me what love means
 8 because I can't even try to answer that question. I don't
 9 know what you mean by I fell in love with anybody, so help me
 10 out.
 11 Q. Do you know what love is?
 12 A. No.
 13 Q. If I ever read that you said you knew what love
 14 is, would that be a mistake?
 15 A. No, you could say that I did at one time, but the
 16 situation that I am at in my life right now, I don't know if
 17 I even believe in it anymore.
 18 Q. I can certainly understand that, but let's go
 19 back to October of 2001.
 20 A. Okay.
 21 Q. If you can. Do you remember the first time you
 22 saw Hayley?
 23 A. Yes, I do.
 24 Q. Do you remember what you thought the first time
 25 you saw her?

39

- 1 A. I remember what I told somebody right after I saw
2 her.
- 3 Q. And what was that?
- 4 A. I told Jake Koens that that's a girl that I could
5 probably get into trouble with.
- 6 Q. What did you mean by that?
- 7 A. I thought Hayley was beautiful.
- 8 Q. And when did you -- did you ever tell Hayley
9 that?
- 10 A. Yes, I did.
- 11 Q. And when did you do that?
- 12 A. I don't recall when it would be. Again, my
13 recollection would be that it would be in March of 2002, but
14 I'm not sure of the exact date. I know that it would be
15 after New Year's of '99 because I'm fairly certain I didn't
16 even interact with Hayley before that.
- 17 Q. How did you tell Hayley that you thought she was
18 attractive?
- 19 A. I sent her an e-mail.
- 20 Q. And do you recall what that e-mail said?
- 21 A. Yes, I do.
- 22 Q. Can you tell me what it said?
- 23 A. Is it okay for me to swear?
- 24 Q. Well, why don't you just tell us what it said.
- 25 A. Okay. It said -- I don't know the beginning part

40

- 1 of it, but it said I didn't -- this is paraphrasing. I
2 didn't want to say the rest of the joke in front of you or
3 something along those lines because I think you're fucking
4 beautiful.
- 5 Q. And you sent this e-mail to her and you were
6 married to Lemlem?
- 7 A. Yes.
- 8 Q. And did you believe this e-mail would have any
9 consequences in your life?
- 10 A. At the time, I probably didn't think about it.
- 11 Q. What was your relationship with Hayley before you
12 sent this e-mail, before you sent it?
- 13 A. Friends.
- 14 Q. Friends in what sense?
- 15 A. Very casual friends. The only time I ever saw
16 her is when she came in to talk to Robin Fansler (ph.). I
17 didn't know Hayley much at all. She had come in and talked
18 to Robin who I think was a friend of hers at the time about
19 her boy Hunter and the burns he had received from some kind
20 of medical attention and I had worked in the same office and
21 I would just listen in, observe. Over time there was a group
22 of developers that were there. Jason Holmgren came to work
23 with us as well and when Jason was there, then it ended up
24 being that if Robin wasn't there, we would talk to Hayley
25 when she came to look for Robin. I don't know what else --

41

- 1 how much more you want me to try to describe.
- 2 Q. No, that's fine. I'm just wondering, what would
3 motivate a married man to use that language to a co-worker,
4 what was your reason for doing that?
- 5 A. I don't know if I have an answer for what my
6 reason was. I just thought Hayley was beautiful. I can tell
7 you the situation that had occurred. I was telling a joke
8 while Hayley was in the presence of us and I didn't want to
9 offend Hayley and so I stopped at the point that I realized
10 it could be offensive and by stopping, it actually offended
11 Hayley and I felt bad and I told Hayley that I did not
12 mean -- I wrote her an e-mail and said I did not mean to
13 offend you and she responded back saying well, it basically
14 did. To which I responded that do you really want to know
15 why I didn't say it in front of you and she responded yes.
16 And I said do you really want to and I can remember my heart
17 racing and I knew morally it wasn't right, so I'm not trying
18 to justify that I'm right or wrong in what I did, but I
19 responded back because you're fucking beautiful.
- 20 Q. Did you think that language would offend her?
- 21 A. No. I talk like that a lot. I'm a white collar
22 guy with a blue collar personality. I say I'm a blue collar
23 guy with a white collar mind, but that's not uncommon for me
24 to talk that way, so no, I didn't.
- 25 Q. What --

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- 1 A. I didn't take it into consideration.
- 2 Q. What did you expect her reply would be to that
3 e-mail?
- 4 A. I didn't know what it would be. Like I said, my
5 heart was racing. I was scared. It's like one of those
6 things when -- after you sent it, you almost want to reach
7 out and pull it back like you shouldn't have verbalized it.
- 8 Q. Did you know she was married at the time you sent
9 that e-mail?
- 10 A. Yes, I did.
- 11 Q. And you were married?
- 12 A. Yes, I was.
- 13 Q. What was the reply from Hayley then as you
14 recall?
- 15 A. I don't recall getting any reply from her. I
16 don't recall the reply at all. I don't know if she did
17 reply.
- 18 Q. Then when was your next encounter with Hayley
19 then?
- 20 A. We were working on -- well, I mean the encounter
21 as far as that steps over the boundaries or just when we
22 worked together?
- 23 Q. Let's talk about work first.
- 24 A. Okay. I don't recall what the next encounter was
25 like, but I can give you the next that I believe would be

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1 encounter where it crossed the line because I don't remember
2 the -- you remember the highlight film, not the game. We
3 were working together on a project. In my opinion I felt she
4 was being professional. I felt I was being professional at
5 the time. I went to show her something on the computer and
6 reached for the mouse, I was looking at the monitor and her
7 hand was still on the mouse. My hand went over the top of
8 hers inadvertently and I pulled it back and said I was sorry
9 and she asked me to touch her again.

10 Q. Touch her in what way?

11 A. On her hand.

12 Q. And did you?

13 A. I more than likely did. I can't say for sure I
14 did, but I would find it hard to believe that I did not.

15 Q. Then what happened?

16 A. Nothing that day to my recollection.

17 Q. When she said touch me again, what did you
18 interpret that to mean?

19 A. That she enjoyed my physical contact. My heart
20 leapt.

21 Q. Then what happened?

22 A. Again I'm not sure the -- at what pace or rate or
23 whatever again. I do remember Hayley coming over and us
24 having a discussion about what we were looking for in life,
25 that she didn't want this to be a one-night stand or a fling

45

1 A. At some point. I don't know if I told her I was
2 married that night, but I know that I told Hayley I was
3 married.

4 Q. Did she tell you she was married that night?

5 A. I don't recall whether she did or didn't that
6 night. I don't remember the whole conversation. This would
7 have been in 2001, but I knew that she was married.

8 Q. Do you recall what month this might have been?

9 A. No. I would assume again that it would be March,
10 but it could be any time within that, you know, few weeks
11 here or there. I don't recall the exact date.

12 Q. When's Lemlem's birthday?

13 A. March 14th.

14 Q. It's my understanding you went back to, is it
15 Eagan on March 14th, 2002, is that correct?

16 A. That's correct, I would --

17 Q. Do you recall a birthday party that night for
18 Lemlem?

19 A. No, I do not.

20 Q. Do you recall decorating a car for Lemlem?

21 A. No, I do not.

22 Q. Okay. Well, let's move on then. So you went
23 home for Lemlem's birthday?

24 A. Yes.

25 Q. But you remember it was her birthday, is that

44

1 or a -- I don't know the exact words, but didn't want to be
2 used by somebody outside of the city that was just going to
3 use her and leave.

4 Q. So she came over to what, your house, is that --
5 or to your work area or where did she come to?

6 A. I think it was at the house.

7 Q. How did she get to your house?

8 A. Drove.

9 Q. Did you invite her over?

10 A. I can't recall.

11 Q. Did she call you on the phone and say I want to
12 come over and talk with you?

13 A. I can't recall. I remember sitting and having
14 the conversation.

15 Q. Okay. And then what was your reply to her
16 stating that she doesn't want to be, I don't recall your
17 words, but used by someone from out of town?

18 A. Right. I don't know if those were her exact
19 words. That's just a paraphrase again. I think I agreed
20 with it. I mean I don't even say I think I agreed with it.
21 I told her I don't want that either. I don't want -- like I
22 said before, I've never been one to date much and I've never
23 been one to have one-night stands and I didn't want that
24 either.

25 Q. Did you tell her you were married?

46

1 correct?

2 A. March 14th is her birthday, yeah.

3 Q. And you assume you did something on her birthday?

4 A. I'm assuming that I did.

5 Q. Do you think you made love with her on her
6 birthday?

7 A. I can't say that I did or didn't. I wouldn't say
8 I didn't if somebody said that I did, but I don't recall
9 that.

10 Q. Then you went back to Aberdeen, is that correct?

11 A. That's correct.

12 Q. So tell me what's the next encounter or episode
13 or interaction you had with Hayley then.

14 A. I need some clarification. When you're saying
15 encounter or episode, it would help me out a lot if you
16 defined what we're talking about because daily we interacted
17 at the office as co-workers and it wasn't -- it's not
18 anything that I can tell you, you know, this was the next
19 encounter, this was the next encounter. If you want to know
20 major highlights, I can tell you the next major one that I
21 can remember, but that's the best I can do.

22 Q. Let's do it that way.

23 A. Okay. That will make it easier for me.

24 Q. Excuse me. That's the highlight reel.

25 A. Yeah. The next one that I recall is a trip to

1 Portland, Oregon. Hayley had told me that she was going out
 2 there for work, work -- It wasn't Portland, but offhand I
 3 can't remember the city which is sad in a way. But anyways,
 4 it was Oregon and I told all my friends and family that --
 5 and granted I'm not proud of any of this, but I told my
 6 friends and family that I had training out there and it was
 7 for ASP.net and I, for lack of a better word, planned a
 8 tryst. Going out to the Portland, I stayed with Hayley. We
 9 toured a little bit of wine country. We went for walks along
 10 the river. We had a good time.

11 Q. Did you sex with Hayley on this trip?

12 A. I did.

13 Q. Was that the first time you had had sex with
 14 Hayley?

15 A. I do not recall, but I would assume no. I would
 16 assume no. I don't think we would have gone out knowing that
 17 we'd have to be stuffed in a hotel room for I don't know how
 18 many days it was, three or four or five maybe, if I hadn't
 19 had intimacy with Hayley.

20 Q. Did you register -- you stayed in the same room?

21 A. Yeah.

22 Q. Did you register under the same name or different
 23 name?

24 A. I'm not sure if I registered my name or not.

25 Q. Was it your impression that Hayley invited you on

1 If I could, hang out with her on breaks.

2 Q. We're still in 2002, is that correct?

3 A. Yeah.

4 Q. And was there a period of time that you went back
 5 to Minneapolis and took a trip with Lemlem?

6 A. Yeah, yeah. I don't recall the time frame, but
 7 if we're talking -- were we talking about the -- which trip,
 8 Ethiopia or like Christmas or which trip?

9 Q. I think it was Ethiopia.

10 A. Because I think Ethiopia was '99. It was in --
 11 over the New Year's. We were in Ethiopia over the Farengle
 12 New Year which is the foreign New Year for Ethiopians.

13 Q. What I'm referring to is the year 2002. It's my
 14 understanding that you came from Aberdeen to Eagan. You and
 15 Lemlem took a trip and then you went back to Aberdeen, but if
 16 you don't recall that, then --

17 A. I recall going to Ethiopia, but I recall it being
 18 right after I got to Aberdeen. In fact, I recall it being --
 19 if I came out -- what year did I come out to Aberdeen, what
 20 did we agree upon?

21 Q. October 2001.

22 A. October 2001?

23 Q. Yeah.

24 A. Then it would have been in 2001 because I
 25 remember that part of my terms of the taking of the contract

1 this trip?

2 A. I don't know whether she invited me or I invited
 3 myself. I don't recall. I do know that I made plans to be
 4 out there with her, that I bought the ticket for myself and I
 5 think I might have even, but I don't know this, rented the
 6 car so we could go to wine country. I'm really disappointed
 7 that I can't remember the city. Eugene, that's the city and
 8 I don't know if that's where we -- I think that's where we
 9 stayed was Eugene.

10 Q. So Hayley was on work?

11 A. Um-huh.

12 Q. And you weren't?

13 A. I worked for myself primarily at the time, so
 14 work is when I am billing hours so I wasn't -- I mean I could
 15 work there. I can work anywhere as long as I can perform --
 16 I guess it's a lot like a lawyer, as long as you can perform
 17 work that gets you closer to your end goal.

18 Q. So give me the next incident or highlight that
 19 comes to your mind.

20 A. At that point?

21 Q. Yes.

22 A. There are no highlights anymore. I -- that was
 23 the last big event. I know that after that we spent a lot of
 24 time together. I would have liked to have spent more time.
 25 Would like lunches with her, to hang out with her after work

1 with the State of South Dakota was that I had already had
 2 that trip planned and I was still going, but we can look at
 3 airline tickets or something maybe and get that resolved, but
 4 my recollection was that it was that first year.

5 Q. All right. So during the year of 2002, you had a
 6 relationship with Hayley notwithstanding the fact that you
 7 were married and she was married, is that correct?

8 A. That is correct.

9 Q. Now I want to talk a little bit about your
 10 relationship with Hayley. Did you ever tell her you loved
 11 her?

12 A. Yes.

13 Q. Did she ever tell you she loved you?

14 A. Yes.

15 Q. Did you ever tell Hayley that you wanted to at
 16 some point in time marry her?

17 A. Yes.

18 Q. Did Hayley ever tell you that some point in time
 19 she would like to marry you?

20 A. Yes.

21 Q. And when she told you that, did you believe her?

22 A. I did.

23 Q. Did there ever come a time when Hayley filed for
 24 divorce?

25 A. Yes.

1 Q. Were you aware of that?
 2 A. Yes.
 3 Q. How did that make you feel?
 4 A. Happy.
 5 Q. Was there a time when Hayley withdrew that
 6 divorce?
 7 A. **I don't know if she withdrew it, but my**
 8 **recollection is, and this is my perspective, my recollection**
 9 **is that she dragged it out. That's my perspective.**
 10 Q. How did that make you feel?
 11 A. **Frustrated.**
 12 Q. Did you ever feel --
 13 A. **Hurt.**
 14 Q. Go ahead, I'm sorry.
 15 A. **Just frustrated and hurt.**
 16 Q. Did Hayley ever send you cards stating that she
 17 loved you?
 18 A. Yes.
 19 Q. And do you have those cards now?
 20 A. **I do not.**
 21 Q. Did there ever come a time when Hayley told you
 22 that she didn't love you anymore?
 23 A. **I believe so, but I don't know -- I mean I don't**
 24 **know if she told me she didn't love me or that she didn't**
 25 **want to spend time with me or actually she could have said**

1 **she hated me, but there did come a time when we didn't -- we**
 2 **ended it. We didn't see each other and that happened on more**
 3 **than one occasion than just the end, the official end.**
 4 Q. Well, tell me, when was the official end?
 5 A. **I believe that it was in July of 2005.**
 6 Q. How did that come about?
 7 A. **Permission to speak freely?**
 8 Q. Please do.
 9 A. **Her mother had passed away and I was a real**
 10 **dickhead about her still being married and made a stand at a**
 11 **point when I shouldn't have.**
 12 Q. What did the stand consist of?
 13 A. **Basically letting her know that I didn't want to**
 14 **be sitting in the back of the church with her family as if I**
 15 **was a dirty secret.**
 16 Q. Have you ever felt that Hayley strung you along?
 17 A. **Those feelings came on and off a lot, you know,**
 18 **during the time. I mean it was almost five years.**
 19 Q. Were you aware that she had an affair with
 20 somebody by the name of Todd during the time that you two
 21 were professing love for each other?
 22 A. Yes.
 23 Q. How did that make you feel?
 24 A. **I was crushed.**
 25 Q. Did you still love Hayley after you found that

1 out?
 2 A. **Again, I'll answer this, but I want everybody to**
 3 **know that I don't know what love is anymore. I felt strong**
 4 **emotions for Hayley. She was my everything at the time and**
 5 **so it was like getting hit upside the head by a two by four.**
 6 Q. After you broke up with Hayley, did you ever
 7 contact Lemlem asking her if you two could get back together?
 8 A. **No.**
 9 Q. Did you ever call Lemlem after you and Hayley
 10 broke up?
 11 A. **Yes, I did a lot of soul searching and I called**
 12 **Lemlem and apologized for what I did to her, that regardless**
 13 **of what my feelings were for Hayley and regardless of what my**
 14 **feelings were for Lemlem, I had no right to have an affair on**
 15 **her. If I wanted the divorce, I should have just gotten the**
 16 **divorce and that I wanted her to know that I was sorry for**
 17 **hitting her upside the head with a two by four by having an**
 18 **affair knowing full well what it felt like.**
 19 Q. As you sit here today, do you still have feelings
 20 of affection for Hayley?
 21 A. **They're different. They're not strong. They --**
 22 **I'll word this a little differently. There's days where I**
 23 **still miss Lemlem. There's days when I still miss Hayley,**
 24 **but I will say Hayley treated me better than any other woman**
 25 **that I've been with in my life.**

1 MR. CHRISTENSON: Give us five seconds. We'll
 2 just step out.
 3 MR. TONNER: Okay.
 4 (A break was taken.)
 5 MR. CHRISTENSON: I don't have anything else.
 6 Thank you very much for being here. I know it was difficult
 7 for you.
 8 MR. TONNER: I don't have anything further
 9 either. You have the right to read and sign this deposition.
 10 By waiving it, you're simply saying she's going to do a good
 11 job. There was nothing technical in this in my opinion that
 12 you need to review. There's no big words or anything like
 13 that. I recommend you waive it, but you have the right to
 14 read it if you so wanted.
 15 THE WITNESS: I don't have time to read all that,
 16 besides it looks like it's in a foreign language.
 17 MR. TONNER: All right. Thank you.
 18 (This deposition was concluded at 4:20 o'clock,
 19 p.m.)
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 22
 23
 24
 25

1 CERTIFICATE OF COURT REPORTER
2 STATE OF SOUTH DAKOTA
3 COUNTY OF MARSHALL
4 CERTIFICATE OF REPORTER

5 I, Tammy Erickson, Registered Professional Reporter
6 and Notary Public, hereby certify that the deponent
7 aforementioned was duly sworn prior to the taking of this
8 deposition; that as of the time I affix my signature to this
9 transcript, it contains a true and correct record of the
10 proceedings so had; and that the witness did waive the
11 reading and signing of the deposition.

12 I further certify that I am not related by any
13 consanguinity or affinity within the fourth degree to any
14 party, his attorney, or an employee of any of them; that I am
15 not financially interested in this action; and that I am not
16 the attorney or employee of any party.

17 To all of which I have affixed my signature this
18 26th day of December, 2007.

19
20 
21

22 Tammy Erickson, RPR
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24 My Commission Expires: January 16, 2010
25