

# EXHIBIT 19

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF C O O K )

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RETIRED CHICAGO POLICE ASSOCIATION )  
an Illinois Not-for-profit Corp., )  
individually and on behalf of its )  
members and other individuals who )  
are participants in the City of )  
Chicago's Annuitant Healthcare Plan )  
and whose participation began after )  
1987, but prior to August 23, 1987, )

Plaintiff, )

- vs - )

CITY OF CHICAGO, et al., )

Defendants. )

90 C 0407

The deposition of HERB KORDECK, taken in the  
above-entitled cause before CHRISTINE BECHTOLD, C.S.R.,  
Notary Public within and for the County of Cook and State  
of Illinois at 333 W. Wacker, Suite 2600, Chicago,  
Illinois on November 22, 1991, at the hour of 10:30  
o'clock, pursuant to notice.

CORPORATION COUNSEL  
by, MR. STUART FULLERTON,  
On behalf of the Defendant,  
The City of Chicago;

KEVIN M. FORDE

On behalf of the Defendant,  
The Chicago Pension Fund;

BOYLE & HEISS LTD.  
by MR. FREDERICK HEISS,

On behalf of the Defendant,  
The Municipal and Laborers  
pension funds;

JACOBS, BURNS, SUGARMAN & ORLOVE,  
by, MR. DAVID S. ALLEN,

On behalf of the Defendant,  
The Firemens Pension Fund;

KRISZLOV & ASSOCIATES  
by, MS. LISA WAISBREN and  
MR. CLINTON A. KRISLOV,

On behalf of the Plaintiffs;

LAW OFFICES OF JOSEPH V. RODDY,  
by, JOSEPH V. RODDY,

On behalf of the Deponent,  
Mr. Herb Kordeck.

WITNESS:

HERB KORDECK

Examination by Mr. Fullerton	3-58
Examination by Mr. Forde	59-62.
Further Examination by Mr. Fullerton	62-74
Examination by Mr. Heiss	74-81

EXHIBITS:

Deposition Exhibit No. 24	22
Deposition Exhibit No. 25	35

(Witness sworn)

WHEREUPON:

HERB KORDECK

called as a witness herein, having been first duly sworn  
was examined upon oral interrogatories and testified as  
follows:

EXAMINATION

by Mr. Fullerton

Q. Could you state your name?

A. My name is Kordeck, K-o-r-d-e-c-k, Herb,  
H-e-r-b.

Q. Where do you live?

A. I reside at 10510 South Millard,  
M-i-l-l-a-r-d, in Chicago.

Q. Mr. Kordeck, are you represented by a lawyer  
here today?

A. I am, sir.

Q. Who is the lawyer?

A. Mr. Roddy, Joseph Roddy.

Q. I understand from Mr. Roddy that he is not  
going to be asking questions today at the deposition; is  
that correct.

MR. RODDY: That is correct.

MR. FULLERTON: Q. Who do you work for?

1 A. City of Chicago.

2 Q. How long have you worked there?

3 A. Total of about 32 years, 33 years.

4 Q. What is your job for the City?

5 A. Currently?

6 Q. Currently.

7 A. I am a senior legal investigator for the  
8 Investigations Division, Department of Law.

9 Q. You are not employed by the police  
10 department?

11 A. No, I am not.

12 Q. Are you a member of the FOP?

13 A. Yes, I am.

14 Q. How is it you are a member of the Fraternal  
15 Order of Police?

16 A. I chose to join the FOP of my own volition  
17 some 27 or 28 years ago while I was then a just newly,  
18 relatively newly hired police officer.

19 Q. How long have you work for the Law  
20 Department?

21 A. Since July of 1990.

22 Q. Before that, what did you do?

23 A. I was a sworn member of the Chicago Police  
24 Department from February 1962 through June of 1990.

1 Q. What was the highest rank that you achieved  
2 as a police officer?

3 A. Detective.

4 Q. Any particular division or department?

5 A. I had numerous assignments.

6 Q. Going backwards from June of 1990, let's go  
7 through your assignments.

8 A. From June '90 back to April of 1986, I was  
9 employed and assigned as a beat officer, the time split  
10 equally between the 4th South Chicago police district and  
11 the 22nd Morgan Park police district.

12 Q. You were a detective during that assignment?

13 A. I was a police officer in that last four-year  
14 time frame.

15 Q. Prior to April of 1986, what was your job in  
16 the police department?

17 A. From 1986 April going back to approximately  
18 October of 1980 -- I'm sorry 1975, I was assigned to a  
19 unit called Special Activities Section which was then a  
20 section of a division called public and internal  
21 information division, also a part of the bureau of  
22 community services.

23 Q. Were you a detective at that time?

24 A. My official title was assistant supervisor.

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Q. When were you a detective?

A. It would have been in the range of about 1971 or '72 through and including either late 1975 or early 1976.

Q. When you were with the Special Activities Section, you said that you were an assistant supervisor?

A. That was the title I was given.

Q. Is that a promotion from detective?

A. My pay wasn't increased, so I would probably say not.

Q. Was it decreased?

A. No.

Q. Were you demoted from the Special Activities Section in 1986 when you went back -- when you became a beat officer, did that involve a demotion?

A. Yes.

Q. Can you tell us the reasons why you were demoted?

A. Number one, I don't believe, in my opinion, that the word demotion as you state it is exactly correct.

I chose of my own volition in April of 1986 to transfer out of the Special Activities Section, using the benefits of the existing police contract to bid

1 on an assignment which was convenient to me, close to my  
2 home, knowing in advance that if I bid on that position  
3 and was successful, it would be considered -- it would  
4 lose the rank of detective.

5  
6 So when I say I don't know if that is a  
7 demotion per se, it may be a matter of semantics.

8 Q. It may be. I'm trying to get at whether or  
9 not you did that voluntarily, or asked to, or were forced  
10 to transfer, or whether this was something entirely of  
11 your own free will.

12 A. Under the current existing contract between  
13 the City of Chicago and the Fraternal Order of Police,  
14 certain vacancies in the patrol officer ranks, when left  
15 unfilled, become subject to what is called a bid process  
16 whereby individual officers can bid, if they so choose,  
17 within a certain time frame, for particular vacancies in  
18 particular districts or units.

19 In the 1986 April transfer, I  
20 recognized one. There was one, I believe, or two  
21 vacancies in the 22nd District. Because of my seniority,  
22 I bid for that position. I was the ranking senior  
23 member, hence, I did get the transfer, that was my  
24 option.

Q. Who was your supervisor in the Special



1 Activities Section?

2 A. I had several supervisors.

3 Q. Let's start with the most recent one.

4 A. When you say supervisor, do you mean in an  
5 ascending order or descending order, because I have  
6 several supervisors.

7 Q. Let's put it this way: Who was your  
8 immediate superior most recently in the Special  
9 Activities Section of the police department?

10 A. Again, I had three.

11 Q. Who were they?

12 A. The highest ranking member was then Deputy  
13 Superintendent Ira Harris, H-a-r-r-i-s. Next in the  
14 chain of command was my division commander Commander  
15 Andrew Rodriguez, R-o-d-r-i-g-u-e-z. Finally, the  
16 section sergeant, Sergeant Robert Faust, F-a-u-s-t.

17 Q. Which one of these people did you report to,  
18 if any, on a day-to-day basis?

19 A. Because of the uniqueness of the unit wherein  
20 there was only a sergeant and myself assigned to the  
21 section, there would be times I would propose to say that  
22 most often I would report to the Sergeant because he and  
23 I comprised the section. But as a result of the  
24 uniqueness of the section, depending on what our

1 assignments were on off-hour call outs, I would have  
2 duties to respond and notify my commander as well as the  
3 deputy superintendent, depending on what type of incident  
4 it was that we were called out on.

5  
6 Q. You and Sergeant Faust comprised the division  
7 or the section?

8 A. We were it.

9 Q. How long had Faust -- Strike that.

10 Was Faust always in the section with  
11 you?

12 A. No.

13 Q. Was he in the section when you left it in  
14 1986?

15 A. Yes.

16 Q. Prior to Faust, who else was in the section  
17 with you?

18 A. This most recent tenure from 1975, '76,  
19 whatever it was, through '86 it was exclusively Robert  
20 Faust.

21 I had been assigned to that very same  
22 section on another occasion from approximately -- I think  
23 in my affidavit it lists a time frame of approximately a  
24 six- or seven-year period in the '60s through the early  
'70s I had been assigned to that same section on another

1 occasion.

2  
3 Q. Was Faust in the section with you at that  
4 time?

5 A. No.

6 Q. Who was?

7 A. The sergeant was then Sergeant Clarence  
8 Erickson, E-r-i-c-k-s-o-n. We also had one other  
9 additional police officer assigned, Officer Clifton,  
10 C-l-i-f-t-o-n, first name, last name Dorn, D-o-r-n.

11 Q. Were you replaced in 1986 when you left the  
12 Special Activities Section?

13 A. I can only answer that question on hearsay.

14 Q. Fair enough, tell me what you have heard.

15 A. Well, I was told verbally by an employee of  
16 that division that there would be no replacement  
17 forthcoming because of restrictions on allocations of  
18 manpower. But there were -- At least two police officers  
19 were transferred in subsequent to my transfer out.

20 Q. Who were those police officers?

21 A. One is named Thomas Wheeler, W-h-e-e-l-e-r.  
22 The other officer's name is Mark, M-a-r-k, last name is  
23 Mizula. I believe it is spelled M-i-z-u-l-a.

24 Q. Are those two police officers still there?

A. To my knowledge, one has transferred out

1 which would be Mizula. And as recently as perhaps a week  
2 ago, I did have a conversation with Wheeler and he was  
3 still currently assigned there, yes.  
4

5 Q. Can you tell me when Wheeler and Mizula, to  
6 your knowledge, transferred into the Special Activities  
7 Section?

8 A. I don't know.

9 Q. Was it a matter of years after you left?

10 A. No, it was a relatively short time.

11 Q. A matter of weeks?

12 A. Probably.

13 Q. So sometime in 1986?

14 A. I transferred out in April. I would say  
15 probably so.

16 Q. Prior to Commander Andrew Rodriguez, who was  
17 your commander in the Special Activities Section?

18 A. Commander Russel, last name Ditusa,  
19 D-i-t-u-s-a.

20 Q. When did he stop being your commander, that  
21 is Ditusa?

22 A. Ditusa was only the commander for about less  
23 than one-year's time, so I really can't say. He was  
24 there perhaps a matter of months.

Q. Can you tell me what year that was?

1 A. I don't recall.

2 Q. Prior to Commander Ditusa, who was your  
3 commander?

4 A. Then Commander LeRoy Martin, M-a-r-t-i-n.

5 Q. How long was he your commander?

6 A. Just in excess of one year.

7 Q. When was that?

8 A. Approximately in the range of between 1978  
9 and 1980.

10 Q. Prior to LeRoy Martin, who was your  
11 commander?

12 A. A lady was the then called director -- The  
13 ranks at the time, the exempt ranks of director and  
14 commander are parallel in authority and salary in the  
15 police department. What they did at the time was they  
16 specified certain units as directorships, others as  
17 commanders.

18 The commander designation was changed  
19 within the last several years. At the time it was then a  
20 lady by the name of director Tina, T-i-n-a, last name  
21 Vicini, V-i-c-i-n-i.

22 Q. She was a civilian employee of the police  
23 department?

24 A. She was and is. She currently is employed.

1 Q. When was she the director?

2 A. It would have been for several years in the  
3 middle to late 1970s.  
4

5 Q. Was she the director when you began in the  
6 Special Activities Section in 1975?

7 A. For the second transfer in are you saying?

8 Q. Yes.

9 A. Yes.

10 Q. Is Commander Rodriguez still the commander of  
11 the Special Activities Section?

12 A. He retired several years ago.

13 Q. Do you know what year he retired?

14 A. Not precisely, in the '80s.

15 Q. Do you know who the commander of the Special  
16 Activities Section is today?

17 A. I believe the section per se, special  
18 activities, which was in my tenure under the public and  
19 internal information division has been restructured and  
20 is now, and has been for a year or more, under a new  
21 division called neighborhood relations division.

22 Q. Do you know who the commander of that  
23 division is?

24 A. At last contact, it was Commander Thomas  
Ferry, F-e-r-r-y.

1  
2 Q. How long was Commander Rodriguez your  
3 commander?

4 A. Approximately five years.

5 Q. Where is the Special Activities Section  
6 located?

7 A. Currently, it is in the main lobby of the  
8 police headquarters building, 1121 South State. The room  
9 designation used to be 104. I don't know if it still is,  
10 but I do know that's where they are located at currently.

11 It was Room 104 at the time.

12 Q. It is the same room, but you just don't know  
13 if the room number remained the same?

14 A. It is the same location. I don't know if  
15 they altered the room numbers or not.

16 Q. Was it located there the whole time you were  
17 in the Special Activities Section from '75 through '86?

18 A. No.

19 Q. Where was that located prior to that?

20 A. Actually, our section has had three  
21 different -- In my tenure there, they had three different  
22 office allocations within the headquarters building.

23 From approximately 1983 through the  
24 present time it is in what was room 104.

Q. First floor of 11th and State?

1  
2 A. Right. Previous to that which would go back  
3 to 19, I believe '76, it was located in the annex portion  
4 of the headquarters building with address 1111 South  
5 State, Room 308.

6 Finally, the first and initial office  
7 assignment was in Room 301 of 11th and State and, at the  
8 time, it was a newly formed unit. It was assigned a  
9 section of the police personnel division.

10 Q. You stated that when you left the Special  
11 Activities Section, the deputy superintendent was Ira  
12 Harris in charge of that section.

13 A. That's correct.

14 Q. How long had Deputy Superintendent Harris  
15 been responsible for that section prior to your leaving  
16 it?

17 A. I think I can probably be more accurate going  
18 from '75 or '76 forward to '86.

19 Q. Okay.

20 A. In those years, 1962, approximately, through  
21 about 1975 or '76, it was then, all that time, it was a  
22 section of the police personnel division and it was under  
23 the command of a director of personnel. The police  
24 department's director of personnel was the top supervisor  
in command of the section and it was then called special



1 services section.

2  
3 In approximately '75 or '76, the  
4 department created a new bureau called the Bureau of  
5 Community Services and the Special Services Section was  
6 moved in the command structure out of personnel to the  
7 new Bureau of Community Services, retitled Special  
8 Activities Section, relocated in the annex in Room 309  
9 and continued, basically, with the same functions that it  
10 had previous.

11 Now, that would have been '75 or '76,  
12 my first deputy superintendent of the bureau was Samuel  
13 W. Nolan. He in turn was succeeded by then Deputy  
14 Superintendent Harold Thomas, T-h-o-m-a-s.

15 Q. When did he succeed Deputy Superintendent --

16 A. It would have been approximately 19 -- the  
17 late 70s, '79 perhaps, '78, '79. Thomas had a short  
18 tenure, relatively short, approximately a year and a  
19 half, whatever that would carry the time frame to.

20 He was replaced by then incoming Deputy  
21 Superintendent Rollie Mathis, M-a-t-h-i-s. Mr. Mathis  
22 remained the deputy superintendent until approximately  
23 1981 or 1982. From that point, '81 to '82 through '86,  
24 it was Ira Harris.

Q. Is Ira Harris still with the police.

1 department; do you know?

2  
3 A. He retired and I don't know when he retired  
4 specifically, other than he had gone to the CHA, I know,  
5 as their police chief. I would say maybe sometime in  
6 1988 or '89.

7 Q. What about Rollie Mathis?

8 A. He retired also and I have lost contact with  
9 him. I believe he was a deputy commissioner with the  
10 then City of Chicago. I believe he was with the  
11 building, what was called the Building Department.

12 Q. Who is the deputy superintendent in charge of  
13 that section today; do you know?

14 A. I'm honestly not quite positive. I believe  
15 it might be James Whigham, W-h-i-g-h-a-m. I'm pretty  
16 sure Whigham is a deputy superintendent, although I  
17 haven't bothered to verify that.

18 Q. Aside from Sergeant Faust, during the period  
19 1975 to 1986 when you were in the Special Activities  
20 Section, did you work with anyone else in that section?

21 A. In a supervisory capacity?

22 Q. Well, you stated that you and Sergeant Faust  
23 made up the section.

24 A. In essence, it was for many, many years a  
two-person unit. It was expanded.

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Q. When was it expanded?

A. After I transferred out.

Q. So for your whole tenure there in those 11 years it was you and Sergeant Faust?

A. Primarily.

Q. Do you know where Sergeant Faust is currently?

A. He is retired. He has been retired since, I believe, August of approximately '89, and my last notification was that he relocated to somewhere in the area of Burlington, Wisconsin.

Q. Do you still stay in touch with him?

A. No.

Q. Are you retired from the police department?

A. Yes, I am.

Q. Did you retire in July of 1990?

A. June of 1990.

Q. I'm sorry, June of 1990. Tell me why you retired.

A. This, I take it, is lawful, the personal questions? I have nothing to hide, I just thought that it was awful personal that you would ask me that question.

Q. Can you tell me why you retired? Tell me in

1 your own words why you retired.

2  
3 A. I don't believe it would have any impact on  
4 these proceedings from my opinion, but sure, I will tell  
5 you.

6 Because I did have, and currently do  
7 have two adult daughters both simultaneously in college  
8 and I was having a very, as many people I am sure,  
9 difficult time meeting the obligation to support them,  
10 pay their tuition, keep the family going, and I just  
11 decided I was going to pursue other employment.

12 And if I could obtain additional  
13 full-time employment, I would elect to then take an early  
14 retirement, so that I could supplement a lesser pension  
15 with the full-time salary.

16 Q. Are you a participant in the City's Retiree  
17 Health Care Plan?

18 A. I am.

19 Q. How long have you been participating in that  
20 plan?

21 A. Initially, I first had coverage, as did every  
22 other member of the Chicago Police Department, when it  
23 was made a benefit of employment sometime in the 1970s.

24 Q. At that time, you were an active employee of  
the City of Chicago?

1 A. I was an active police officer.

2 Q. What I am trying to get is you have been a  
3 part in the Retiree Health Care Plan since the date of  
4 your retirement; is that right?  
5

6 A. What I did is I came right over from coverage  
7 under the Chicago Police Department employment to the  
8 coverage of Chicago Law Department coverage.

9 Q. So now you are covered under a health care  
10 plan by virtue of your act of employment with the Law  
11 Department; is that right?

12 A. Yes.

13 Q. Do you know what the City's Retiree Health  
14 Care Plan is?

15 A. Could you be more specific about that  
16 question? I'm pretty sure I know what it is, but when  
17 you say -- To be that general, I probably need a little  
18 clarification.

19 Q. What I am trying to understand is, for  
20 example, do you have any amount of money withheld from  
21 your pension check to pay for health insurance?

22 A. No, I do not.

23 Q. The only health insurance coverage you have,  
24 if I understand you correctly, is by virtue of your  
active employment with the Law Department?

1 A. That's correct.

2 Q. Are you contributing now, as a employee of  
3 the Law Department, to any pension?  
4

5 A. I am precluded by law from becoming a member  
6 of the, I believe, it is the municipal employees, based  
7 on the fact that I am an annuitant to the police fund.

8 But we are all mandated, as of  
9 recently, to be in some type of retirement program, if  
10 you will, and I did opt upon employment with the Law  
11 Department to make application for membership with the  
12 deferred compensation program.

13 Q. I have, too. How old are you, Mr. Kordeck?

14 A. Fifty-five.

15 Q. When is your birth date?

16 A. I was born on October 27, 1936.

17 Q. Did you go to college?

18 A. Yes, I did.

19 Q. Did you get a degree?

20 A. Yes, I did.

21 Q. What was your degree in?

22 A. Bachelor's in business and public service.

23 Q. Where did you go?

24 A. I got the associate's degree through city  
colleges, Daley College. I got my bachelor's from

1  
2 Govenor State in Park Forest, Illinois, Park Forest  
3 South.

4 Q. Did you do any post graduate education?

5 A. No.

6 Q. Did you bring any documents with you today?

7 A. No.

8 Q. I want to have this marked as City Exhibit  
9 24.

10 (Deposition Exhibit No. 24 For  
11 Identification was marked)

12 Let me show you City Exhibit 24. Have  
13 you seen that before?

14 A. Yes, I believe I was given a copy of this.

15 Q. That's a copy of the subpoena for this  
16 deposition?

17 A. Yes, sir.

18 Q. Did you review this with your attorney,  
19 Mr. Roddy?

20 A. We went over whatever I was commanded to do  
21 and I'm sure Mr. Roddy did see that, sure.

22 Q. You notice in the subpoena it states you were  
23 also commanded to bring with you the following documents,  
24 there in the middle of the page?

A. Right.

1  
2 Q. It describes documents that you were to bring  
3 with you today.

4 (Witness peruses document)

5 A. What is not apparent in the request here is  
6 that these documents that are requested are in possession  
7 or would be in possession of the Chicago Police  
8 Department.

9 Q. But you don't have possession of any of  
10 those?

11 A. No.

12 Q. Did you review any documents before coming  
13 here today for your deposition?

14 A. What I did review, both yesterday and this  
15 morning, was some current Chicago police directives which  
16 are part of the Law Department's office file.

17 Q. Did you review anything else?

18 A. Three types of directives I perused;  
19 department general orders, special orders, and perhaps  
20 what is called a department notice.

21 Q. Any other documents that you reviewed?

22 A. No.

23 Q. Did you review your affidavit?

24 A. Yes, I did.

Q. Aside from that and the three directives that



1 you just described, did you review any other documents  
2 before coming here today?  
3

4 A. Not that I recall.

5 Q. Did you speak with Mr. Krislov?

6 A. No.

7 Q. I take it you have spoken with Mr. Krislov in  
8 the past; is that right?

9 A. That's correct.

10 Q. When did you most recently speak with him?

11 A. I would think the best I can determine it  
12 would have been in the calendar year 1990, perhaps mid to  
13 late part of calendar year 1990.

14 Q. Did you speak with him before that?

15 A. Yes.

16 Q. When was that?

17 A. Initially, I believe we first spoke in  
18 December of '89 or January of 1990.

19 Q. That was your initial --

20 A. That's correct?

21 Q. -- conversation with him?

22 How many conversations have you had  
23 with Mr. Krislov in total?

24 A. I was in Mr. Krislov's office perhaps three  
times, two or three times subsequent to January, 1990 for

1  
2 purposes of providing the affidavit. We had phone calls  
3 between each other which I wouldn't be able to tell you  
4 how many, other than perhaps four or five.

5 Mostly, I would think that those were  
6 phone calls with Mr. Krislov's secretarial help trying to  
7 arrange a time where both of us could meet here.

8 Q. The contacts over the phone and in his office  
9 stopped in mid to late 1990?

10 A. Sometime in that time frame.

11 Q. Beginning with the first contact you had with  
12 Mr. Krislov, tell me as specifically as you can remember  
13 what you said and what he said.

14 A. I believe the first time I had a conversation  
15 with Mr. Krislov was -- I think it was in a January 1990  
16 meeting, a Sunday afternoon meeting of the Retired  
17 Chicago Police Association which was held in the police  
18 headquarters building on a Sunday afternoon.

19 I was present at that meeting because  
20 of interest in what was then about to be a Frateranl  
21 Order of Police Board of Directors election.

22 The Retired Police Association had  
23 extended to all the presidential candidates an invitation  
24 to address their membership at that meeting if they so  
choose, and I was in attendance to listen and view and

1 observe.

2  
3 Q. Were you a candidate for the FOP Board of  
4 Directors?

5 A. Yes, I was.

6 Q. Are you currently on the FOP Board of  
7 Directors?

8 A. No longer.

9 Q. You were?

10 A. I was.

11 Q. When were you?

12 A. I was a member of the Board of Directors -- I  
13 left the Board -- I was off the Board officially in April  
14 of 1990 and I became a member of the Board going back  
15 sometime either in the late '70s or perhaps beginning of  
16 the '80s, I'm not sure.

17 Q. The campaign during which you appeared at the  
18 January 1990 RCPA meeting was unsuccessful for you?

19 A. I wasn't there campaigning on my own behalf,  
20 I was there in support of a candidate who was in the  
21 running for president. It was only those people were  
22 invited to speak who were candidates for president. I  
23 never opted to try to run for president.

24 I was a trustee, elected trustee in the  
FOP.

1  
2 Q. Why did you step down from the FOP Board of  
3 Directors?

4 A. I lost an election for third vice president  
5 in April 1990.

6 Q. Let's go back to the January 1990 meeting of  
7 the RCPA.

8 Do you recall meeting with Mr. Krislov  
9 at that time?

10 A. I recall having a conversation with him in  
11 the rear of the auditorium, crime lab auditorium.

12 Q. As specifically as you can, relate that  
13 conversation to me.

14 A. A member of the Retired Police Association, I  
15 believe, I'm not positive, I didn't hear it first-hand,  
16 but it may have been Mr. Pierce who knows me or knows of  
17 me, indicated to me that Mr. Krislov represented them and  
18 what they were trying to accomplish and he suggested to  
19 me that I have a conversation with him if I could because  
20 Mr. Pierce was aware of my assignments and activities  
21 dealing with retirees with the Chicago Police Department.

22 Q. Did Mr. Pierce tell you what they were trying  
23 to accomplish?

24 A. No.

Q. Did he speak to you at all about this

1 lawsuit?

2 A. No.

3 Q. What happened next after that?

4 A. I recall Mr. Krislov addressed the membership  
5 at the meeting. I don't recall what the content of his  
6 message was. Later on in the meeting, we had a short  
7 conversation either in the back of the auditorium and/or  
8 perhaps out to the hallway.  
9

10 In essence, what that conversation  
11 involved, was the fact that I mentioned that Mr. Pierce  
12 was aware of my assignments and responsibilities with  
13 police and that perhaps with what I was doing and for how  
14 long I was doing it. Mr. Krislov was seeking to find  
15 persons who could attest to certain things of which I was  
16 not aware of.

17 We just talked briefly and more or less  
18 mutually agreed that we would get back together.

19 Q. Did he tell you what things he wanted someone  
20 to attest to?

21 A. He never suggested that, no.

22 Q. Did he discuss that with you?

23 A. No. I believe I, generally, volunteered the  
24 fact that our unit's responsibilities, among other  
things, was being a conduit for the retirees as an

1 official function with the police department, including  
2 our personal assistance to their families in the Police  
3 Pension Funds, at various city agencies.  
4

5 I also mentioned, I'm sure, that I had  
6 addressed on a regular basis what was then known as a  
7 pre-retirement seminar which was sponsored by the  
8 personnel division of Chicago Police.

9 Q. In January of 1990, were you a member of the  
10 RCPA?

11 A. No, I was not.

12 Q. Are you now?

13 A. Yes, I am.

14 Q. I want to get into all the stuff that you  
15 just talked about in a little bit, but I want to first go  
16 on to the next conversation you had with Mr. Krislov.

17 Can you tell me about that, please?

18 A. I don't recall dates, but we did arrange to  
19 meet at a convenient time here in Mr. Krislov's office on  
20 a week day afternoon. Although I am not positive, we  
21 discussed my chores and activities and duties in a  
22 general basis, in-depth, but then we specifically  
23 narrowed later what, if any, involvement I did have with  
24 the retirees and what those duties and conversations  
comprised of.

1  
2 I suppose as an attorney, I don't know  
3 what you would call it, but he, for a lack of a better  
4 explanation, picked my brain. I, in turn, answered  
5 questions he may have asked me, as what I volunteered, in  
6 a truth full manner.

7 Q. Discussing your role as what you had done as  
8 an officer assigned to the Special Activities Section,  
9 specifically, your involvement with the retirees; is that  
10 right?

11 A. Would you repeat that?

12 Q. Aside from discussing the Special Activities  
13 Section, your role in it, and what your role was with  
14 regard to retirees, can you tell me anything else that  
15 you talked about with Mr. Krislov at that second meeting?

16 A. Well, aside from that, I believe he again  
17 asked me if I were willing, of my own volition, to attest  
18 in summary what I had discussed with him in the form of a  
19 sworn affidavit and I said, yes, I would and I did.

20 Q. At that time, was there a draft of your  
21 affidavit?

22 A. No.

23 Q. When was the next time you had contact with  
24 Mr. Krislov?

A. I don't know, it was a short time later. I'm

1 going by the date that the affidavit is notarized. It  
2 gives me some kind of time frame, February, I believe, of  
3 1990.  
4

5 So the contacts I had with Mr. Krislov  
6 would have transpired from the initial meeting, whatever  
7 the meeting date of the Police Association in January of  
8 '90, through the date of the affidavit, February 7th, I  
9 believe, 1990.

10 In that time frame, perhaps I was here  
11 at least two occasions, maybe three.

12 Q. Were you here on one occasion to sign the  
13 affidavit?

14 A. No, I actually gave the affidavit and, I  
15 believe, I'm not certain, but I think I had a problem  
16 with scheduling. I believe Mr. Krislov was going to  
17 provide me with a draft and that wasn't doable because of  
18 my work schedule.

19 I said I had some time and I believe he  
20 had the affidavit, shown to me for anything in there that  
21 was not what I had stated to him. I don't recall having  
22 to have made any adjustment at all, any amendments.

23 Q. You don't recall making any changes to the  
24 draft affidavit?

A. No. Then I recall waiting around while his



1 secretarial help retyped the final form and I reread it  
2 again. It was consistent with what I had said and what  
3 was on the previous hand written affidavit and I chose to  
4 sign it then.

5 Q. After that, did you have further contact with  
6 Mr. Krislov?

7 A. Definitely, maybe a phone call or two after.

8 Q. When were those?

9 A. The last one -- Well, they were close  
10 together. It would have been, and I don't know the time  
11 frame for sure, I'm guessing it is probably late 1990.  
12 This was early 1990, it would be probably fall or winter  
13 perhaps of 1990.

14 I had occasion to call Mr. Krislov's  
15 office and I don't know what in fact it was, whether it  
16 was an addition to my original affidavit, amendment to  
17 it, a supplement to it, whatever it was, but it was, I  
18 believe, another expanded affidavit to my initial one.

19 I recall telling him that I would not,  
20 under any conditions, sign that second affidavit for the  
21 reasons that I didn't understand it and it didn't appear  
22 to be words that I had generated which appear in my  
23 initial one and I dropped it right there.

24 Q. Your phone call to Mr. Krislov was prompted

1  
2 by receipt in the mail from him of something?

3 A. I believe what happened was a draft was  
4 mailed to my home, if I recall properly.

5 Q. Had you spoken with Mr. Krislov prior to that  
6 about the draft affidavit, supplement affidavit?

7 A. Could have.

8 Q. You don't recall?

9 A. No.

10 Q. The draft supplemental affidavit may have  
11 arrived at your home unsolicited or unbeknownst to you  
12 without prior discussion with Mr. Krislov?

13 A. Likely, we probably had some discussion,  
14 maybe, I don't know. If you could show me -- if I had a  
15 copy of the one that I did not sign, I could refresh my  
16 memory a little better. I don't have mine. I destroyed  
17 my copy of the draft.

18 Q. Tell me, as best as you can recall, what the  
19 draft affidavit stated.

20 A. I have no recall without looking at it  
21 myself, other than it was in language that I felt that I  
22 probably don't speak in.

23 Q. Can you tell me what you mean by that?

24 A. If you look at this copy of this affidavit --

Q. That's your affidavit of February 7, 1990?

1  
2 A. Correct. What is written and typed on that  
3 affidavit -- I can glance at several sentences of that  
4 and say that's the way I speak, whether it is proper or  
5 improper, that's me. But the second one, the draft, it  
6 didn't sound like me, it didn't sound like something I  
7 said.

8 Q. Did you have new concern about the substance  
9 of the supplemental affidavit?

10 A. I don't even recall what the substance was.

11 Q. What did you do with the draft supplemental  
12 affidavit that you received from Mr. Krislov?

13 A. I threw it away.

14 Q. Did you have any contact with Mr. Krislov  
15 after the phone call you just related to us?

16 A. No.

17 Q. Can you tell me what Mr. Krislov said in that  
18 phone call about the draft supplemental affidavit?

19 A. I just stated that I wasn't going to -- I was  
20 not going to comply with that draft, the follow-up draft,  
21 because of the fact that I didn't understand it and I  
22 wasn't going to sign something that I didn't understand,  
23 and he generally said he understood.

24 Q. Did he send you another draft of the  
supplemental affidavit?

1  
2 A. No.

3 MR. FULLERTON: Let's mark this as City  
4 Exhibit 25.

5 (Deposition Exhibit No. 25 For  
6 Identification was marked)

7 Q. Mr. Kordeck, giving you City  
8 Exhibit No. 25, can you tell me what that is?

9 (Witness peruses document)

10 A. This appears to be the copy of the affidavit  
11 that I volunteered to Mr. Krislov and attested to.

12 Q. What is the date of the affidavit?

13 A. February 7, 1990.

14 Q. Am I right this is the only affidavit that  
15 you have signed in connection with this case?

16 A. That's correct.

17 Q. Were you promised anything in return for  
18 signing the affidavit?

19 A. No, I was not.

20 Q. Had you had a chance to review your affidavit  
21 before today?

22 A. I reviewed it as recently -- Let me think --  
23 one day last week in your presence and I believe you also  
24 gave me a copy which I took to my office and maybe  
reviewed it as recently as yesterday evening.

1  
2 Q. Is there anything you want to change in your  
3 affidavit?

4 A. No, sir.

5 MR. FULLERTON: I would like to take a break  
6 for a minute and get some coffee.

7 (Brief recess taken)

8 Q. Mr. Kordeck, do you remember what  
9 the draft affidavit sent to you by Mr. Krislov said?

10 A. No.

11 MR. FULLERTON: Clint, I have asked you for a  
12 copy of the draft affidavit so I can question Mr. Kordeck  
13 about it.

14 MR. KRISLOV: My response to you initially  
15 was that if we have it, and we'll take a look, it would  
16 be covered by work product, obviously, done in the course  
17 of litigation.

18 However, we'll take a look during the  
19 break at lunch and if we have it, we'll also make a  
20 determination as to whether we'll produce it at this time  
21 or whether we'll ask the judge for a ruling on that.

22 MR. FULLERTON: Well, the draft affidavit you  
23 sent to Mr. Kordeck is clearly responsive to numerous  
24 discovery requests we have made upon you. I have asked  
you for it here. The deposition of Mr. Kordeck is not

1 over until I get a copy of it and have an opportunity to  
2 question him about it.

3  
4 If we come back at a later date, we'll  
5 be seeking fees and costs against you for making us come  
6 back.

7 MR. RODDY: So the record is clear on behalf  
8 of my client, he does not mind coming back because he  
9 understands that the subpoena is a continuing subpoena.

10 So we leave the battling up to you  
11 gentlemen here. There is no objection by Mr. Kordeck of  
12 coming back at a later time, for any questions -- not all  
13 the questions today but for what might be evident or is  
14 not evident in the subsequent affidavit. We have no  
15 objection; is that correct?

16 THE WITNESS: A. That's correct.

17 MR. FULLERTON: Q. Mr. Kordeck, tell us what  
18 your duties were in the Special Activities Section of the  
19 Chicago Police Department.

20 A. We had primary responsibility to respond to  
21 all calls and notifications, among others, of police  
22 officers seriously injured and/or killed, on duty, off  
23 duty, for the purpose of representing the superintendent  
24 and granting and assisting family members with immediate  
needs at the time of occurrence, going through matters

1 such as providing guardianship, babysitters if you will,  
2 for any young offspring that needed to be tended to while  
3 spouses were with husbands, et cetera and vice versa.  
4

5 Q. Was that in the event of injury or death,  
6 some kind of crisis --

7 A. No.

8 Q. -- that you would arrange for child care?

9 A. On a need basis. Obviously, if there was a  
10 17- or 18-year-old, barring anything notwithstanding,  
11 that young person could, he or she could tend for  
12 themselves and more likely would be at the scene with us,  
13 usually the hospital.

14 In the event of deaths, we were charged  
15 with the responsibility, for the department, coordinating  
16 all death arrangements with the attendant undertakers,  
17 when applicable, arranging all marietta (Phonetic)  
18 details for honors funerals.

19 The biggest factor being post-death or  
20 post-injury. That's when we also had the responsibility  
21 of researching and preparing applicable local, State, and  
22 Federal claims that paid benefits to officers or their  
23 families.

24 Q. Tell us what your other duties were.

A. We also administered for the entire Chicago

1 Police Department what was then known as the Chicago  
2 Police Red Cross Blood Donor Plan which I understand has  
3 been changed to another name in the last year or two,  
4 although I am not aware exactly what it is.  
5

6 Those responsibilities entailed  
7 scheduling locations for donor sessions through the city,  
8 keeping contact with the representative from Red Cross,  
9 having authority, sole authority, to release blood and  
10 component replacements and preplacements in emergency  
11 situations.

12 We were responsible for arranging and  
13 conducting promotional ceremonies for all ranks. We were  
14 also responsible for conducting and arranging the annual  
15 Police Recognition Ceremony each year at the Arie Crown  
16 Theater at McCormick Place.

17 We regularly conducted in-service  
18 training of the benefits of the department and the City  
19 to all incoming recruit classes of police officers, all  
20 in-service training classes of active police officers,  
21 and pre-retirement seminars for prospective retirees.

22 Q. Are there any other duties that you had in  
23 the Special Activities Section?

24 A. Yes. I need to think about it though. Would  
you prefer that I skip by what might be mundane



1 assignments or not?

2 Q. It's hard for me to tell what is mundane and  
3 what is not.

4 A. We represented the police department at all  
5 Police Pension Fund hearings in which annuitants, either  
6 as a result of on-duty deaths or natural deaths, make  
7 petitions for benefits.

8 We did the same with the Illinois Court  
9 of Claims, Illinois Attorney General's Office for State  
10 compensation on injured police officers. Also on a  
11 Federal level, we did the same with families that were  
12 entitled for Federal benefits under the Public Safety  
13 Officers Benefit Act and Federal Employees Compensation  
14 Act.

15 Q. At those three levels, the local, State and  
16 Federal level, were you representing the police officers  
17 who were applying for benefits?

18 A. We were given the responsibility to research,  
19 prepare and coordinate all applications for benefits,  
20 yes.

21 Q. Let's go to the issue of the pre-retirement  
22 seminars.

23 How much of your time did you spend on  
24 the pre-retirement seminars?

1  
2 A. The seminars, when they were conducted when I  
3 was active, were a day long, basically an 8:00 a.m. to  
4 4:00 p.m. day in which the member attending was given the  
5 work assignment to attend the seminar in order to  
6 anticipate and take advantage of what knowledge would be  
7 presented there.

8 Our presentation of that 8-hour day  
9 entailed one hour. One hour was captioned under Special  
10 Activities Section on Member Retiree Benefits.

11 Q. How many pre-retirement seminars did you go  
12 to in your tenure in this Special Activities Section?

13 A. I believe in my affidavit I had cited the  
14 number 30. After some reflection, I have to be certain  
15 that that number is substantially higher, perhaps maybe  
16 55 to 60.

17 What I didn't take into consideration  
18 when I stated 30 of those such sessions is that I forgot  
19 a time frame when these actually started and we were  
20 going many times, often times, without a formal  
21 notification and invitation from the coordinator which  
22 was the personnel division.

23 So I would estimate only, probably 55  
24 to 60 of these.

Q. Is that throughout the 11 years from '75 to

1 '86?

2  
3 A. I don't know what year exactly that that  
4 pre-retirement seminar program come down. I can't say.

5 Q. You don't remember when that started?

6 A. Other than up through and including when I  
7 transferred out in 1986. I'm not sure when it started.

8 Q. On those approximately 50 to 55 occasions  
9 when you attended pre-retirement seminars, were you there  
10 for the entire day?

11 A. No. Our only obligation was the allotted one  
12 hour because we had various entities, agencies that were  
13 allotted same hour time frames to make their information  
14 known to the people that were at the seminars.

15 Q. So am I right that you would show up at the  
16 time appointed for you to give your presentation?

17 A. The personnel division would notify us in  
18 writing of the date of it, of the classroom number and  
19 our allotted time. Those times fluctuated, sometimes  
20 early in the morning, sometimes late in the afternoon.  
21 There was no pattern that we had a set time.

22 We would arrive in advance of the  
23 scheduled time.

24 Q. How much in advance, a few minutes?

A. I, myself, probably was there on the average

1 to five to ten minutes in advance.

2  
3 Q. After you gave your hour long presentation,  
4 would you leave?

5 A. Yes.

6 Q. Was that your practice throughout the years  
7 that you were involved in the pre-retirement seminars?

8 A. Right, because we had no need to involve  
9 ourselves with other presentations.

10 Q. Tell me what you discussed in your hour at the  
11 pre-retirement seminars.

12 A. We attempted to condense in an hour's time  
13 frame those areas in which a prospective retiree could  
14 anticipate; as a general rule, benefits. We did not of  
15 course, nor could we, get into areas of amounts  
16 annuities. That's strictly up to the function of our  
17 pension fund.

18 We could and did give them  
19 approximations of what percentage they would be entitled,  
20 because that was public knowledge. You can have a scale  
21 issued by the fund showing your age and years of service  
22 and give you a percentage that the individual would be  
23 entitled to.

24 We touched on the things and the areas  
that we ourselves had direct involvement in, such as, we

1 started a program where we called it a mailing list.

2  
3 It was job opportunities. All the  
4 retired police officers wishing to get on a mailing list  
5 merely sent us their name and address no matter where at.

6 We were the conduit. And when requests  
7 for employment for retirement police officers were direct  
8 to our office, we would compile a listing of the who,  
9 what, why, for, place, the type, the salary if  
10 applicable, what the job entailed. We would then  
11 communicate that out to the membership via mail.

12 Q. That was something that you discussed in your  
13 hour at the seminars?

14 A. Yes. We also implemented a program which had  
15 not been done where we got approval from then  
16 Superintendent Rochford to allow us to issue all retirees  
17 leaving in an honorable status what we called a  
18 retirement identification card.

19 It was exactly the same kind of card  
20 data; name, address, social, date of birth, photograph,  
21 laminated, that the active members carried, except we had  
22 it in a different color.

23 Q. You explained this during your hour?

24 A. That's correct.

Q. What other things did you discuss during your

1 hour?

2  
3 A. We discussed options should they seek to  
4 purchase various retirement mementos. We would bring  
5 samples with, tell them who they could contact if they  
6 were interested.

7 Q. What kind of things are those?

8 A. Ranging from retirement stars to plaques,  
9 various plaques, there were all sorts of things. We also  
10 informed them that by virtue of their impending  
11 retirement, that they would no longer have need to donate  
12 blood as a provision of sustaining membership and blood  
13 coverage for themselves and their dependents. That was a  
14 benefit of the department, and hence, the department's  
15 blood donor bank would furnish any of their or their  
16 family's blood needs in a retirement area.

17 We touched on, verbally, what their  
18 cost may be for concern expenditures necessary, including  
19 health care. Health care, as we related to them, was a  
20 benefit which was paid for the retiree by our respective  
21 pension fund, and also that those figures, as they stood  
22 at the time, were interpreted to be a benefit of  
23 retirement.

24 Q. Did you discuss anything else during your  
hour?

1  
2 A. Probably so. But we always attempted to keep  
3 five to ten minutes available at the end of the class and  
4 overrunning, if need be, into a ten minute break between  
5 the next section for questions.

6 Q. How long of this 50 minutes was devoted to  
7 the discussion of health care?

8 A. That would be dependent on what questions  
9 were asked.

10 Q. Aside from whether or not you had questions  
11 at the end that discussed health care, during your  
12 presentation before the questions, how much time did you  
13 devote to the health care issue?

14 A. I couldn't estimate a time on that because it  
15 would be contingent on the class, and it would be  
16 contingent on unsurety on perhaps some members in  
17 attendance of what we had just related to them.

18 MR. RODDY: His question is how much of your  
19 presentation, forgetting the questions, how much of your  
20 presentation was devoted to discussions of health care  
21 issues?

22 THE WITNESS: A. I see. Approximately, on  
23 average of somewhere between five to ten minutes.  
24 Certainly not more than ten, and usually no less than  
five.

1  
2 MR. FULLERTON: Q. That doesn't include any  
3 questions you may have gotten afterwards?

4 A. No.

5 Q. Now, I want you to tell me as specifically as  
6 you can recall what it is that you informed the attendees  
7 at these retirement seminars concerning health care.

8 MR. KRISLOV: Asked and answered.

9 MR. FULLERTON: You can answer the question.

10 THE WITNESS: A. Again? We related that,  
11 first off, it was an option that they had to choose from,  
12 whether they chose to continue their health care  
13 coverage. Some individuals, though not many, choose not  
14 to because of other family members' coverage in other  
15 plans. Most do, or did anyway.

16 We would explain what the current rate  
17 was for individuals, for spouse and retiree and what the  
18 then existing cost was for family coverage and, in  
19 essence, that should they wish to continue with that same  
20 coverage, that that was available to them as a benefit of  
21 their employment.

22 Q. You stated that you informed them what the  
23 current rate was.

24 Had the rates changed during the time  
that you were giving these pre-retirement seminars?



1  
2 A. Some years previous, and I don't recall what  
3 it was. What happened was that the amount being assessed  
4 for the retirees' portion of health care was a figure  
5 that was incorporated into the Illinois Chicago Police  
6 Chapter 108 Pension Statutes.

7 That is, when I say that figure, that's  
8 what I mean. That figure is in the Statutes themselves.  
9 That's what the fee will be for the individual retiree.

10 Q. For that individual retiree's spouse or  
11 children, what did you understand about that?

12 A. That those figures would be consistent and  
13 would not change for them.

14 Q. Did you explain to the retirees that the  
15 rates, the current rates, would never change?

16 A. That's correct.

17 Q. That this was a lifetime deal that these  
18 rates would never change?

19 A. It was a benefit, a fringe benefit of their  
20 years of service with the City.

21 Q. You, just a moment ago, said that at some  
22 point the rates had changed.

23 A. That was previous to when the figure for the  
24 annuitant was incorporated in the Police Pension  
Statutes. I believe the figure I am speaking of was \$55

1 for the retiree.

2  
3 Q. Do you recall how much previous to that  
4 statute?

5 A. No, I don't know when it was incorporated.

6 Q. Tell me, as specifically as you can, what you  
7 explained to the retirees concerning the lifetime nature  
8 of the health care insurance.

9 MR. KRISLOV: Asked and answered.

10 MR. RODDY: Go ahead.

11 THE WITNESS: A. Just a repeat of what I  
12 just stated. In addition to their health care, family  
13 health care, lifetime membership in the blood donor plan  
14 without need for donations.

15 We had a unit that printed an internal  
16 periodical. We would supply that upon request of the  
17 retirees by mail. The programs that became available to  
18 department members through our unit, such as discounts on  
19 various purchases, were also made available to the  
20 retirees, in addition to the retiree job opportunity  
21 list.

22 Q. Perhaps you didn't understand my question.  
23 My question was: Tell me, as specifically as you can,  
24 what words you used in explaining the lifetime nature of  
the health care insurance.

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1           A.     Some years previous, and I don't recall what  
2           it was. What happened was that the amount being assessed  
3           for the retirees' portion of health care was a figure  
4           that was incorporated into the Illinois Chicago Police  
5           Chapter 108 Pension Statutes.  
6

7                     That is, when I say that figure, that's  
8           what I mean. That figure is in the Statutes themselves.  
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11          children, what did you understand about that?

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13          would not change for them.

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15          rates, the current rates, would never change?

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18          rates would never change?

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20          years of service with the City.

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22          point the rates had changed.

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16 retirees by mail. The programs that became available to  
17 department members through our unit, such as discounts on  
18 various purchases, were also made available to the  
19 retirees, in addition to the retiree job opportunity  
20 list.

21 Q. Perhaps you didn't understand my question.  
22 My question was: Tell me, as specifically as you can,  
23 what words you used in explaining the lifetime nature of  
24 the health care insurance.

1  
2 A. Those individuals who have current City  
3 coverage, health care coverage, who select to continue  
4 with that coverage for themselves, spouses, families,  
5 would have as a benefit of their service to the City, the  
6 rates in effect as a benefit of their employment.

7 Q. Anything else?

8 A. That's it.

9 Q. I'm sorry?

10 A. I said I can't think of anything right now.

11 Q. Did you distribute any written material at  
12 the seminars concerning health care?

13 A. No.

14 Q. Now, how did you come to understand the  
15 nature of the health care benefit for retirees?

16 A. This is as a result of our liaison with the  
17 families, the pension funds, the police department,  
18 including escorting spouses personally to our pension  
19 funds to make application for benefits upon the death of  
20 of the spouse, what we call personal family assistance..

21 Q. Do you recall who it was or -- Well, was  
22 there anyone in particular who explained to you the  
23 nature of retiree health care insurance?

24 A. Assorted sources.

Q. From all these different sources that you

1 just mentioned, was there any particular one document or  
2 reference material that you consulted to find out about  
3 it?  
4

5 A. The Sergeant and I had -- We did have handout  
6 material on other matters. On the health care which we  
7 verbalized, he prepared, in conjunction with probably our  
8 commander, a draft or an outline of our retirement  
9 seminar presentation of which they would then get  
10 concurrence from a higher authority, being the deputy  
11 superintendent, saying this material and this outline is  
12 acceptable and adequate for presentation and we would try  
13 then to follow that outline.

14 Q. Do you recall what the outline said about  
15 retiree health care?

16 A. No.

17 Q. Was there only one outline?

18 A. I don't know.

19 Q. Did the outline change is what I am trying to  
20 find out?

21 A. There may have been more, because I use to  
22 keep, as I recall, an outline myself in my briefcase and  
23 I think the Sergeant, when he handled those classes, had  
24 one for himself.

Q. That is Sergeant Faust?

1  
2 A. Yes.

3 Q. Mr. Kordeck, isn't it true that one of the  
4 other participants at these pre-retirements seminars was  
5 the City's benefits office?

6 A. That's true.

7 Q. Do you know what subject they discussed?

8 A. No, only because at the inception of the  
9 pre-retirement seminars, and again, I don't know what  
10 year or what month -- The Benefit Management Program or  
11 presentation portion of it was not initially a part of  
12 the seminar. They came in subsequent to the start of it.  
13 I don't know when afterward, but it was after the program  
14 had been in effect for some time.

15 Q. Do you know who it was --

16 A. No.

17 Q. Let me finish the question. Do you know who  
18 it was on behalf of the City's Benefit Management Office  
19 who appeared at the pre-retirement seminars?

20 A. No.

21 Q. Can you name anyone from that office who did  
22 that?

23 A. I had no reason to know or want to know.

24 Q. Do you know if pre-retirement seminars were  
held for the firemen?



1 A. I don't know that for certain.

2 Q. How about for municipal employees?

3 A. I can't speak for them either.

4 Q. Or employees who were connected with the  
5 laborer's fund?

6 A. No, I have no knowledge.

7 Q. The only thing you know about it is the --

8 A. Police.

9 Q. -- pre-retirement seminars for the police  
10 fund?

11 A. Correct.

12 Q. Aside from what you just related to us about  
13 your discussion of the retiree health care with the  
14 people at the retirement seminars, can you tell us what  
15 else was discussed at the retirement seminars about the  
16 retiree health care issue?

17 A. Aside from what the current or what the then  
18 fees were, they would ask questions such as is there  
19 any -- A popular question we fielded was is there any  
20 type of reduction in any of the coverage benefits to  
21 retirees as opposed to active members and the answer was  
22 no.

23 Q. Let me get to the questions in just a second,  
24 but I want to make sure I understand.

1  
2           Aside from your discussion during your  
3 presentation of the retiree health care benefits, do you  
4 know what else might have been discussed at the  
5 retirement seminars about health care?

6           A.     No.

7           Q.     What kinds of other questions were you asked?

8           A.     In the health care area?

9           Q.     Yes.

10          A.     We were asked frequently -- A concern was I  
11 am going to relocate out of Illinois, is that going to  
12 cause a problem processing bills for payment. Fear was  
13 there that miles cause bureaucratic tie ups and red tape.

14                 We assured them that if they complied  
15 with supplying required data and bills in the fashion  
16 that was prescribed, that they ought not have a problem.

17          Q.     What else, what other kind of questions?

18          A.     I really can't think of anything else. If  
19 you can refresh my memory -- but those were the  
20 particular kinds of questions they asked. What I call  
21 the fear type question. In other words --

22          Q.     -- is my coverage going to go down?

23          A.     As far as what the -- Are the benefits as  
24 applied currently active, is that going to diminish in  
any way in retirement, no.

1  
2 Q. Before you began conducting part of the  
3 pre-retirement seminars, did you -- and you discussed an  
4 outline, but I'm wondering if before you began conducting  
5 the seminars, you sought or were given authorization  
6 concerning what you were going say about the retiree  
7 health care.

8 A. As I stated, the material was prepared, I had  
9 some input to it, it wasn't one person, it was a joint  
10 effort, but it was prepared, exchanged for ideas,  
11 possible omissions and sent through the commander and up  
12 to the deputy superintendent for concurrence.

13 Q. Is this the outline that you are talking  
14 about?

15 A. Right.

16 Q. Is there any other material that went through  
17 the chain of command like this?

18 A. Virtually, most everything had to do that.

19 Q. Anything else on the health care  
20 presentation?

21 A. No. It was a policy of the Bureau that  
22 although we were the conduit to publicize it and make it  
23 available, various offers, we had to first get approval  
24 through the channels to our deputy superintendent.

Q. I don't understand what you are referring to.

1  
2 A. Well, for instance, if the Chicago White Sox,  
3 which they did for many years, wanted to invite 10,000  
4 Chicago police families to be their guests at police  
5 night at White Sox Park which they did on an annual basis  
6 for about 15 years, and myself and the Sergeant got the  
7 call making the offer, we were not empowered to give a  
8 commitment on the phone to say thank you, yes, we'll take  
9 care of it right now. We had to go back through our  
10 supervisory personnel for approval.

11 Q. I understand, but aside from the outline that  
12 you referred to as having been approved up the chain of  
13 command --

14 A. I call it outline, maybe it's the wrong  
15 choice of words, I don't know. If you can give me some  
16 options to an outline. I mean outline, I understand,  
17 sounds quite vague. What it was was -- Let me think of a  
18 proper adjective rather than outline.

19 MR. FORDE: Schedule?

20 MR. KRISLOV: Agenda?

21 MR. RODDY: Synopsis?

22 THE WITNESS: A. Synopsis possibly is closer  
23 to it, but it is not the word I'm looking for.

24 MR. FORDE: Let's go on.

MR. FULLERTON: Q. Aside from that document,

1  
2 was there any other written material that was approved by  
3 your superiors regarding what your presentation was going  
4 to be at the retirement seminars?

5 A. I don't understand. Will you repeat that?

6 MR. FULLERTON: Could you repeat the  
7 question?

8 (Requested question read)

9 A. Any material that was to be passed out at the  
10 seminar, at least initially, had to have approval from  
11 the deputy superintendent.

12 Q. Was there any material other than the outline  
13 synopsis that you referred to?

14 A. Yes...

15 Q. Concerning?

16 A. I can't tell you exactly what.

17 Q. Did any of it concern the health care issue?

18 A. I can't recall.

19 Q. I believe you stated earlier that you had no  
20 handouts concerning health care?

21 A. I don't recall any.

22 Q. Tell me what the outline or synopsis said  
23 about retiree health care.

24 A. It listed the various -- The City is  
self-insured. I understand what you are calling the

1 companies. Whether they are brokers or whatever they  
2 were, we had a listing of the various companies that were  
3 employed by the City to administer health care.  
4

5 The various programs such as perhaps  
6 Bankers Life and Casualty, Blue Cross Blue Shield, et  
7 cetera, et cetera.

8 We also had included the time frame  
9 which the police department designated, and the City,  
10 each year when members eligible, opted to switch coverage  
11 from one company to another. The sources were to obtain  
12 claim forms for the various coverages if needed, in  
13 addition to their addresses. That's all I can remember.

14 Q. Can you remember anything else?

15 A. No.

16 MR. FULLERTON: This might be good time to  
17 break for lunch.

18 MR. FORDE: How much more? Let's go off the  
19 record.

20 (Discussion had off the record)

21 MR. FULLERTON: As we have agreed amongst  
22 ourselves off the record, we are going -- I am going to  
23 see the floor to Mr. Ford and try to collect my thoughts  
24 about any remaining questions I have.

MR. FORDE: Mr. Kordeck, my name is Kevin

1 Forde. I represent the Police Pension Fund in this  
2 lawsuit. I have a few questions about your participation  
3 in these seminars. At those seminars, I am only talking  
4 about the times when you spoke about health benefits, so  
5 we can key it into that area.  
6

7 EXAMINATION

8 by Mr. Forde

9 Q. Who were you speaking for when you spoke at  
10 those seminars?

11 A. We were speaking for the superintendent.

12 Q. You were not speaking for the Police Benefit  
13 Fund?

14 A. No, we were not.

15 Q. Was anybody there speaking for the Police  
16 Benefit Fund while you were there?

17 A. I recall later on, in the seminars that I  
18 recall, seeing some elected members of the fund, who  
19 would have, later on, would have an allotted hour, but  
20 that was not when they first started.

21 Q. Did you ever sit through those portions of  
22 the program?

23 A. No, sir.

24 Q. So is it accurate for me to say that you have  
no idea what they said?

1 A. Exactly.

2 Q. You mentioned that this was a benefit for  
3 life. What was the basis of that statement, that belief  
4 on your part?

5 Do you understand my question? I can ask it  
6 differently.

7 A. Maybe. Would you try, please?

8 Q. I believe you testified that the rate, \$55  
9 and \$21, for example, would not change after their  
10 retirement. What was the basis for that statement?

11 A. That was as a result of, obviously,  
12 concurrence from our top superior.

13 Q. You mentioned that -- Did your superior tell  
14 that you it would never change?

15 A. Yes, he did. Actually, I should say yes they  
16 did. There were several of them.

17 Q. You also referred to the Statute. Was the  
18 fact that the \$55 and \$21 figures were in the Statute,  
19 was that a part of the basis for your conclusion that  
20 this number couldn't change?

21 A. No, it was not.

22 Q. You were familiar with that Statute though, I  
23 think you cited it. Were you familiar with the statute?

24 A. I recall seeing it. I don't have it with me,



1 but I recall. I believe, as I recall, it states a figure  
2 amount in it if I am not mistaken.

3 Q. Were you familiar with the controversy  
4 between the City and certain annuitants and the fund in  
5 late 1987 and early 1988 about the coverage, health care  
6 coverage?

7 A. No, I wasn't.

8 Q. You stopped attending these seminars April of  
9 '86 I think you said.

10 A. I transferred out in April of '86, so it  
11 would have been just before then.

12 Q. In November or December of '87, where were  
13 you?

14 A. I believe I was assigned to the South Chicago  
15 district at the time.

16 Q. Were you familiar with the -- When I say  
17 familiar, did you hear one way or another or read about  
18 the controversy that started when the City said it would  
19 no longer pay for health care benefits for retirees?

20 A. I became aware of it, yes.

21 Q. Did you become aware of it about the time  
22 that was happening, in 1987, early 1988?

23 A. Probably so, yes.

24 Q. Did you talk to any retirees about that

1 situation at that time?

2 A. Not that I recall.

3 Q. When you told the potential retirees that the  
4 figure could not change, you were speaking for the police  
5 department?

6 A. Yes, I was.

7 Q. You were not speaking or did not purport to  
8 speak for the pension fund?

9 A. No, I did not.

10 Q. Did you tell them that the coverage for  
11 individuals could not change either -- Strike that. I  
12 misspoke.

13 Did you tell them that the premiums for  
14 dependents could not change either?

15 A. That's correct.

16 Q. So you told the retirees that the premium for  
17 the police officer would not change and that the amount  
18 of premium for their dependents would not change from the  
19 amount that was in affect at that time?

20 A. That's correct.

21 MR. FORDE: I have nothing else.

22 MR. FULLERTON: I have got some more that I  
23 realized.  
24

FURTHER EXAMINATION

by Mr. Fullerton

Q. Mr. Kordeck, during the time that you were conducting these pre-retirement seminars, did you believe that you had authority to bind the City to a contract?

MR. KRISLOV: Are you asking for his legal knowledge or his belief?

MR. RODDY: Do you understand that question?

THE WITNESS: A. I do know that I had the support --

MR. FORDE: I'm going to state an objection on that for relevance, but you can go ahead and answer the question.

THE WITNESS: A. I made these statements knowing in my mind that I had the commitment of my employer, the police department, not the City of Chicago, although I'm sure they are one in the same, but the Law Department is my employer currently. The City is, but at the time, I am geared police and police only.

Q. As part of your job, did you have authority to bind the police department to contracts?

A. Yes, I did.

Q. What kind of contracts?

A. Our section was budgeted, allotted budget

1 money every year for various expenditures. Purchases  
2 ranged from -- When we were involved, at the early part  
3 of my tenure, we were involved in some social and  
4 athletic programs. We had our police officers competing  
5 in sports programs, softball, basketball, and we actually  
6 ran the entire league in a centralized location.  
7

8 We contracted for and signed agreements  
9 with and paid umpiring staffs, rental fees for fields,  
10 for courts, purchases of balls, jerseys, bats, et cetera.  
11 So if that's a contract, I suppose...

12 Q. You understand that's quite a different thing  
13 from binding the City to pay for retiree health care  
14 insurance for life; correct?

15 MR. KRISLOV: Objection.

16 MR. RODDY: I'm going to have to object on  
17 behalf of my client. I don't think he ever said he  
18 reached that legal conclusion which seems to be the  
19 genesis of your battle. All he is saying is what he did  
20 and he thought he had the support of his bosses at the  
21 police department.

22 MR. FULLERTON: You can answer my question.

23 THE WITNESS: A. Rephrase it.

24 MR. FULLERTON: Q. What I am trying to  
understand, Mr. Kordeck, is as a detective assigned to

1 the Special Activities Section of the police department,  
2 did you have the authority to, as you understand it, to  
3 bind the City to paying for retiree health care benefits?  
4 Strike that.  
5

6 As a detective assigned to the Special  
7 Activities Section of the Chicago Police Department, did  
8 you have the authority to commit the City of Chicago to a  
9 certain deal with retirees of the City regarding their  
10 health care and retirement?

11 MR. FORDE: Objection on the basis of  
12 relevance.

13 MR. KRISLOV: Same.

14 MR. RODDY: If you can answer it, go ahead.

15 THE WITNESS: A. What I am suggesting is  
16 that I had authority and exercised that authority in my  
17 small capacity to make commitments to certain segments of  
18 our membership based on approval from my top superior,  
19 who obviously spoke for our department, not for the City  
20 of Chicago.

21 MR. FULLERTON: Q. Which ones were these top  
22 superiors who gave you that authority?

23 A. Deputy Superintendent Samual Nolan, Deputy  
24 Superintendent Harold Thomas, Deputy Superintendent  
Rollie Mathis, Deputy Superintendent Ira Harris, Director

1 Richard Sheehee, Director Tina Vicini, Director Russel  
2 Detusa, Commander Andrew Rodriguez.

3 Q. That sounded like the entire list of your  
4 superiors through your 11 years.

5 A. That's correct.

6 Q. Now, are you telling me that you went to each  
7 one of them and got authority to say to retirees that  
8 their health care coverage in retirement would be at a  
9 fix rate for life?

10 A. I didn't say that the way you stated it.

11 Q. Did you get authority to commit the City, or  
12 the Chicago Police Department for the matter, to  
13 providing health care coverage in retirement at an  
14 unchanged rate forever?

15 MR. RODDY: I am going to object. I think  
16 what he had said -- You are indicating that he is  
17 committing. I think his testimony is that he felt on the  
18 basis of his experience, and the knowledge, and the  
19 superintendents, that it had already been committed by  
20 the City and he is, therefore, just communicating it. I  
21 think that has been his testimony.

22 MR. FULLERTON: You can answer my question.

23 THE WITNESS: A. That's exactly what I  
24 meant.

1  
2 MR.FULLERTON: Q. Your lawyer's testimony,  
3 you are adopting?

4 A. If need be, because at least I understood his  
5 explanation.

6 Q. Let me ask you again, because what I am  
7 asking is somewhat different from what your lawyer said.  
8 I am asking: Did you specifically go to any of your  
9 superiors --

10 A. Yes.

11 Q. -- and request authority to commit the City  
12 to providing health care insurance for retirees at an  
13 unchanged rate forever?

14 A. I believe I answered that earlier in a  
15 question in which I stated in substance that through each  
16 chain of command, on all levels, we always were required  
17 to put through to the top level any of our information  
18 and offers for concurrences before we were authorized by  
19 them to convey that to others.

20 I am almost certain that in those  
21 various tenures, because of revisions, improvements in  
22 benefits, changes, that these had to be a regular fact.  
23 We had to keep updating them to be consistent and current  
24 with the times.

So, yes, my answer to that would be

1 yes.

2  
3 Q. Tell me who you got this specific authority  
4 from.

5 A. You want their names?

6 Q. Yes.

7 A. Again?

8 Q. Is this the whole list of your superiors?

9 A. Yes. Right.

10 Q. Did you write memos to them requesting that  
11 authority?

12 A. Our policy was to, when unavailable to --  
13 Specifically, with the deputy superintendents, the  
14 commanders were always -- We were a cubical away.

15 The deputy superintendent level, it was  
16 a policy to put any change amendment, improvement over a  
17 cover letter on an interoffice memorandum, addressed to  
18 him, through the commander for concurrences.

19 We always get the come back copy  
20 approved or disapproved.

21 Q. Do you know if any memoranda exists  
22 concerning the subject of retiree health care?

23 A. I have no idea.

24 Q. Do you recall writing any specifically  
requesting authority on the ability to commit the



1 department or the City to providing lifetime health care?

2 A. Not a particular specific one; several, yes.

3 Q. You recall writing --

4 A. Several were, I recall, documented in one of  
5 these interoffice communications.

6 Q. Several on requesting the authority or  
7 several on the changes in the benefits?

8 A. This is when there was modifications in a  
9 certain plan's coverage. For instance, if a deductible  
10 was raised or something of that nature, we had to  
11 communicate that. We were required to.

12 Q. In answer to one of Mr. Forde's questions,  
13 you stated that one of your top superiors told you that  
14 the rate would not change for retirees after they  
15 retired; is that correct?

16 A. That's correct.

17 Q. Who is that top superior that told you that?

18 A. Virtually, every deputy superintendent I  
19 served under.

20 Q. You testified earlier that the rates did  
21 change at one point, however.

22 A. I'm talking about after the implementation of  
23 the existing rate. That was implemented into a pension  
24 statute from that point forward.

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1  
2 Q. You are telling me that virtually every  
3 superior that you had -- That would be Deputy  
4 Superintendent Ira Harris, he told that you specifically?

5 A. Sure.

6 Q. The people who filled the commander's  
7 position told that you specifically?

8 A. Yes. I might add, if you look at those  
9 individuals whom I served under, both at the command and  
10 the deputy superintendent level, I think you can see that  
11 everyone, basically, is and has been retired for quite  
12 some time. I think it is not unusual for a person who is  
13 about to be retired themselves to verbalize it by such  
14 benefits that they believe we have coming.

15 Q. Did they tell you the basis for their belief  
16 that the rates wouldn't change?

17 A. No.

18 Q. Did you ask?

19 A. No.

20 Q. Did you have any independent basis for  
21 believing that the rates would not change?

22 A. No.

23 Q. Approximately, how many people did you  
24 address at the retirement seminars in the 50 to 55 times  
that you conducted your portion of them?

1 A. Just strictly with the retirement seminars?

2 Q. Yes.

3 A. Not including in-service or recruit  
4 orientation?

5 Q. Yes.

6 A. Just retirement?

7 Q. Yes.

8 A. There was generally a limit on the class size  
9 of, I believe it was 40 individuals, 40 to 42  
10 individuals, something like that. So whatever that  
11 number is multiplied by the 55 or 60 would be your  
12 answer.

13 Q. The authority that you were given to speak  
14 about the Health Care Retirement Seminars, did that ever  
15 take a written form?

16 A. I don't understand the question.

17 Q. Do you know -- What don't you understand  
18 about it?

19 A. Maybe you can rephrase it.

20 Q. Did you ever receive written authority for  
21 what you would be discussing at the retirement seminars  
22 about retiree health care?

23 A. I believe I have answered that several times.

24 Q. Specifically, concerning what you testified

1 about it being a lifetime unchangeable deal?

2 A. I believe I have answered that question quite  
3 a few times.

4 Q. Answer it again.

5 MR. KRISLOV: Objection, it's asked and  
6 answered. But if he wants to do it or decline, I  
7 certainly don't care.

8 MR. RODDY: Go ahead for about the fifth  
9 time.

10 THE WITNESS: A. We had a policy whereby --

11 MR. FULLERTON: Q. I am not asking you what  
12 the policy is. I am asking you if you received that  
13 written authorization.

14 A. As you asked that question. The answer is  
15 yes.

16 Q. Now, do you know where I would find copies of  
17 that if they are still in existence?

18 A. Should they still be in existence, they would  
19 likely be in one of two locations. The current filing  
20 cabinets of which I believe there are two or three, in  
21 the Special Activities Section in police headquarters --

22 Q. I'm sorry, in the filing cabinets of the --

23 A. -- Special Activities Section in police  
24 headquarters. And more probably if they have not, those

1 documents have not surpassed the time of retention, then  
2 they were all boxed, labeled and sent down to the  
3 subbasement in compliance with the department provision  
4 to retain our documents for a concern specific amount of  
5 time, the retention period.  
6

7 Q. What is that retention period?

8 A. I don't have the vaguest clue any more.  
9 There are different retention periods for different  
10 documents and I haven't looked at one of those for years.

11 MR. KRISLOV: Stuart, I presume that you will  
12 advise someone in the police department to go look for  
13 those and not to throw them away until the case is over  
14 and you will provide them to us, because I believe those  
15 were called for in our production request to you.

16 MR. FULLERTON: Q. Mr. Kordeck, do you know  
17 what the retention policy on this type of document is?

18 A. No, I don't.

19 Q. Do you remember what it was?

20 A. No, I don't.

21 MR. FULLERTON: Mr. Kordeck, subject to what  
22 other people are going to ask you today and subject to  
23 getting a copy of the draft affidavit from Mr. Krislov,  
24 also subject to getting a full production of documents  
from Mr. Krislov which is going to be the subject of a

1 motion to compel discovery from him, I don't have any  
2 more questions.  
3

4 MR. KRISLOV: Could you start over this  
5 whatever you are making, this speech now? It is  
6 something about me perhaps.

7 MR. FULLERTON: I'm just saying that at this  
8 point, I don't have any more questions. There are some  
9 conditions under which you may be back here answering  
10 more questions.

11 MR. RODDY: For the record, as I said before,  
12 he will be back at any time convenient to all the  
13 parties, convenient to himself and myself. He  
14 understands he is still under the subpoena and will fully  
15 recognize the subpoena.

16 MR. HEISS: I have a couple questions.

17 E X A M I N A T I O N

18 by Mr. Heiss

19 Q. In the deposition, when you are referring to  
20 superiors, are all of those individuals police department  
21 personnel?

22 A. Yes, they are.

23 Q. With regard to your knowledge of the issue  
24 that we are here about, the health care as to what you  
told at the seminars, did you ever have any meeting with

1  
2 any person other than police personnel where you formed  
3 your knowledge or opinions from?

4 Do you understand the question? You  
5 look perplexed.

6 A. Not really.

7 Q. Let me rephrase it. After three hours, I  
8 think I know when you are perplexed.

9 Other than you gave a knowledge at the  
10 seminar and told these people about health care, and you  
11 learned that from, you told us, from your supervisors and  
12 from other factors, from police personnel people; is that  
13 correct?

14 A. Mostly, yes. Right.

15 Q. The part that I want, is the part that  
16 doesn't cover all of it. Did you learn that information  
17 from any city personnel other than police officers?

18 A. Indirectly. When I say indirectly, I mean as  
19 serving as liaison. For instance, for the families to  
20 the Police Pension Fund, I'm dealing with civilian  
21 employees of the pension fund and obviously, we have to  
22 have discussions on the individual's application.

23 If that's what you mean an example of,  
24 then okay.

Q. I'll tell you what I really mean. Did you

1  
2 ever meet with anybody from the benefits office of the  
3 City of Chicago that told you that this is the way it is  
4 with regard to health care costs?

5 MR. RODDY: Do you understand that? What he  
6 is asking is: Did you meet with anyone other than the  
7 Chicago Police Department to confirm what your  
8 understanding was, whether that is right, wrong or  
9 indifferent, your understanding isn't the basis of the  
10 lawsuit, but was there anyone other than members of the  
11 police department that confirmed what you thought was  
12 your understanding.

13 MR. HEISS: Q. In other words, you told me  
14 about the pension fund for a moment. Okay? Do you  
15 understand the question as it was put by your Counsel?

16 A. What was Benefits Management known as prior  
17 to now being named Benefits Management?

18 Q. I don't have any idea, anything similar to  
19 that. As he indicated, where you learned your  
20 information other than police department personnel.

21 Is there any other source -- and the  
22 pension fund, because you told us about that. Other than  
23 those two sources, did you learn your information from  
24 any other sources?

A. I am positive over the years interceding on



1 claims for retirees from out of town, specifically, on a  
2 problem with payment of bills, I had numerous  
3 conversations with the various health care coverages  
4 interceding to Blue Cross, Bankers, et cetera, trying to  
5 rectify and find out what the problem was. And, yes,  
6 there would have likely have been occasions when this was  
7 discussed in general terms on an unofficial basis.  
8

9 Q. This meaning the cost --

10 A. Yes.

11 Q. -- of individuals?

12 A. Yes, sir.

13 Q. Can you remember what department or what  
14 individuals, if any, that you had this discussion with?

15 A. No. We used to, sir, we used to have  
16 specific contacts with the various carriers that would  
17 handle police claims, and there was change overs in  
18 those, obviously, so I can't recall the names.

19 Q. Other than the carriers, I am referring to  
20 City personnel. Was there any discussion with City  
21 personnel?

22 A. No, not the way you asked that question.

23 Q. Were you aware that the City circulated a  
24 letter in 1984 that the rates would increase in 1985?

A. I was not aware of that.

1 Q. As a member of this department that you dealt  
2 with with regard to the health care, during that period,  
3 were you ever aware that the City circulated a letter to  
4 raise the premiums for health care coverage?  
5

6 A. I was not.

7 Q. With regard to your conversation with --  
8 Let's me withdraw that a moment.

9 When you referred to pension funds for  
10 your purposes, are you only referring to police pension  
11 funds?

12 A. Yes, I am.

13 Q. So I can rule out all the other pension  
14 funds?

15 A. Exactly.

16 Q. In that discussion with the Police Pension  
17 Fund personnel, during the course of your duties, you had  
18 discussions with regards to premium rates?

19 A. Yes, we would have discussions on rates.

20 Q. Can you tell me the name of any individuals  
21 who you had the discussions with?

22 A. There were so many, sir, there were so many  
23 families that we represented down there over the course  
24 of 17 years, it would be like a litany --

MR. FORDE: Excuse me. The question was the

1 premiums, the funds, not the families.

2  
3 MR. HEISS: Q. Number one, not the families  
4 and nothing about collecting death benefits. The  
5 question, when you would go in that premiums would come  
6 up?

7 A. Correct.

8 Q. Am I correct in assuming when you would go  
9 there and your duties with regard to your department, you  
10 would go there for the purpose of obtaining coverage -- I  
11 mean obtaining benefits; is that correct?

12 A. That's correct.

13 Q. Am I also correct you didn't go there at any  
14 time to discuss rates of charges for health care; is that  
15 correct?

16 A. Where the rates discussions would come into  
17 the conversations, as a general rule, would be if I had a  
18 spouse here applying for her own separate annuity as the  
19 result of the death of her husband and then the questions  
20 regularly would come up with the clerk at the Police  
21 Pension Fund that this is the rate it would cost to cover  
22 yourself, this is the rate that it would cost to cover  
23 your family plan, et cetera, et cetera.

24 Many times, almost each and every  
family I had there, that had to have been discussed, that

1 was part of the application procedure.

2  
3 MR. RODDY: I think his question is, he is  
4 taking it one step further. Was there any discussions,  
5 Herb, beyond that, by the widow, by you, by anybody that  
6 will these rates stay the same? I think that's what he  
7 is asking you.

8 THE WITNESS: A. Yes, virtually every family  
9 that I picked up personally, and transported down to the  
10 fund, and took back home, I would try, in the time we  
11 were traveling, to explain to them what they were going  
12 to be doing, the approximate time it would take, the  
13 whos, whats, whys, fors, including, invariably, they  
14 would usually ask me the rates of continuation for the  
15 insurance. Most of them asked me rather than me having  
16 to solicit them.

17 MR. RODDY: One more time. I'm still trying  
18 to help. When they got down there, you and the widow,  
19 was there ever a discussion by anybody from the pension  
20 division confirming your understanding and confirming  
21 what you had told the widow that the rates --

22 THE WITNESS: A. Yes, sir, there was, but I  
23 can't give you names. There has been such a change over  
24 in employees over the years.

MR. HEISS: Q. I hope I only have one more.

1 In this period, I think you were in this department now,  
2 the last period from '76 to '86?

3 A. Okay.

4 Q. Is that right?

5 A. That was the last assignment to that unit,  
6 yes.

7 Q. During that period of time, other than maybe  
8 giving pre-retirement seminars, were your duties similar  
9 with regard to taking people down to the fund for the  
10 purposes of obtaining benefits that they had coming?

11 A. Yes. In other words, that was just a  
12 continuation of all these services into a group. It  
13 wasn't just one assignment and not the other, it was all  
14 part of it.

15 Q. I know I am repeating, I just want to make  
16 sure that these duties were for -- it's a ten-year  
17 period. You did these duties, virtually, for a ten-year  
18 period with regard to assisting people, right, at the  
19 pension fund?

20 Q. As a matter of fact, our secretary used to  
21 keep a handwritten log by year and day and month of all  
22 inquiries and requests for personal family assistance and  
23 she would document in there who the family was, day of  
24 death, what our disposition was, whether we had personal

1 service involved, et cetera, et cetera, et cetera.

2 MR. HISS: Thank you. I am finished.

3 MR. FULLERTON: Why don't we put on the  
4 record that we agreed to continue the deposition?  
5

6 MR. FORDE: To a date convenient to  
7 Mr. Roddy.

8 (Witness temporarily excused)  
9  
10  
11  
12  
13  
14  
15  
16  
17  
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20  
21  
22  
23  
24

1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF C O O K )  
4

5 The within and foregoing deposition of  
6 the witness, HERB KORDECK, was taken before CHRISTINE  
7 BECHTOLD, C.S.R., Notary Public, in the City of Chicago,  
8 County of Cook and State of Illinois and there were  
9 present at the taking of said deposition counsel as  
10 previously set forth.

11 The said witness was first duly sworn  
12 and was then examined upon oral interrogatories. The  
13 questions and answers were taken down in shorthand by the  
14 undersigned and computer-transcribed under my personal  
15 direction.

16 The foregoing is a true, accurate and  
17 complete record of the questions asked of and answers  
18 made by the said witness at the time and place  
19 hereinabove referred to.

20 The signature of the witness was  
21 reserved to be determined at the conclusion of the  
22 deposition.

23 The undersigned is not interested in  
24 the within case, nor of kin or counsel to any of the  
parties.

1  
2                   Witness my official signature and seal  
3 as Notary Public, in and for Will County, Illinois, on  
4 this 4th, day of December, A.D., 1991.  
5  
6  
7  
8

9                   Christine Bechtold  
10                   CHRISTINE BECHTOLD, S.E.  
11                   " OFFICIAL SEAL  
12                   CHRISTINE BECHTOLD  
13                   NOTARY PUBLIC, STATE OF ILLINOIS  
14                   MY COMMISSION EXPIRES 5/30/95  
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COPY

STATE OF ILLINOIS )  
 ) ss:  
COUNTY OF C O O K )

IN THE UNITED STATES DISTRICT OF  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RETIRED CHICAGO POLICE ASSOCIATION, )  
an Illinois Not-for-profit Corp., )  
individually and on behalf of its )  
members and other individuals who )  
are participants in the City of )  
Chicago's Annuitant Healthcare Plan )  
and whose participation began after )  
1987 but prior to August 23, 1987 )

Plaintiff, )

vs. )

90 C 0407

CITY OF CHICAGO, et al., )

Defendants. )

Continued discovery deposition of HERBERT  
KORDECK, taken before PATRICIA A. BLAIR, C.S.R.,  
Notary Public, pursuant to the Illinois Code of  
Civil Procedure and the Rules of the Supreme Court  
thereof, pertaining to the taking of depositions for  
the purpose of discovery, at 333 West Wacker Drive,  
Suite 2600, in the City of Chicago, Cook County,  
Illinois, commencing at 11:30 o'clock a.m. on  
December 16, 1991.

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Patricia Blair court reporters p.c.

There were present during the taking of  
this deposition the following counsel:

KRISLOV & ASSOCIATES, by  
MR. CLINTON A. KRISLOV and  
MS. LISA WAISBREN,

On behalf of the Plaintiffs;

CORPORATION COUNSEL, by  
MS. CHERYL COLSTON and  
MR. STAN BERMAN,

On behalf of Certain Defendant;

BOYLE & HEISS, by  
MR. FREDERICK HEISS,

On behalf of Certain Defendant;

JACOBS BURNS, SUGARMAN & ORLOVE, by  
MR. MARTIN J. BURNS,

On behalf of Certain Defendant,

MR. JOSEPH V. RODDY,

On behalf of the Deponent,  
Herb Kordeck,

MR. KEVIN M. FORDE, by  
MS. AVA BORRASSO,

On behalf of Certain Defendant.

I N D E X

WITNESS:

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CERTIFIED QUESTIONS:

None

1

(witness sworn)

MR. KRISLOV: For the record, you'll want to show this as the continuation of Mr. Herbert Kordeck's deposition called by the City and, as well, we had pending a notice of deposition for Mr. Kordeck.

At the point that we were at, I believe, the City had completed its questioning, Mr. Ford's office had completed -- their questions for the Police Fund.

MR. HEISS: I think I've completed mine, also.

MR. KRISLOV: The Municipal and Laborers and we're up to the Fireman's Fund and the plaintiffs.

HERBERT KORDECK,  
called as a witness herein, having been first duly sworn, was examined upon oral interrogatories and testified as follows:

EXAMINATION

By Mr. Burns:

Q Mr. Kordeck, I believe you mentioned that you were with special activities from 1975 until 1986, is that --

1

1 A That's correct.

2

2 Q -- correct?

3

3 And that you participated in numerous  
4 seminars that were put on for police officers who  
5 were contemplating retirement, is that correct?

6

6 A That's correct.

7

7 Q Now, can you tell me the period of time  
8 covered by those seminars?

9

9 A Per class?

10

10 Q No, the period of time. I mean, did they  
11 start in 1975, did they start sometime later?

12

12 A I don't recall.

13

13 Q It wasn't clear.

14

14 A I don't recall the exact starting date but --  
15 perhaps it may have been in a time frame of about  
16 1979 or '80.

17

17 Q Okay. So that when you testified before that  
18 you had participated in approximately 55 or 60 of  
19 them, you would be then talking about a time frame  
20 from 1979 until 1986, when you left that section?

21

21 A With the -- perspective retirees, yes.

22

22 Q We're talking now only about the  
23 pre-retirement seminars.

24

24 A Right, that's correct.

1

1 Q So that would be about eight a year or so?  
2 How many would they have a year, if you recall?  
3 Would it have changed throughout that period, as far  
4 as frequency goes?

5 A That was all prepared and administered by the  
6 personnel division, so I have no idea.

7 Q You participated in it, Mr. Kordeck. How many  
8 did you participate in? Did you participate in  
9 every one that was held?

10 A Virtually every one.

11 Q Who would determine whether you would not have  
12 participated in a particular one?

13 A My supervisor.

14 Q Okay, so you were assigned on each time you  
15 went, you -- this was a result of a specific  
16 assignment, is that what happened, as against a  
17 continuing participation?

18 A Pardon me?

19 MR. HEISS: Nothing.

20 THE WITNESS: A It was -- as I stated earlier, it  
21 was my supervisor and myself. Initially he and I  
22 both went and attended to -- if you would, read off  
23 of each other, take some notes off of each other, as  
24 far as presentation is concerned.

1                   Once he became comfortable but what  
2 the -- data being discussed was, his other  
3 responsibilities and duties precluded him from  
4 attending, hence I was virtually always the one.

5           MR. BURNS: Q So that was another question I was  
6 going to ask you, whether you shared responsibility  
7 with anybody else or whether you would participate  
8 by yourself in these matters, these pre-retirement  
9 seminars, so you've told us about that.

10                   Then am I correct in understanding that  
11 these pre-retirement seminars did begin prior to the  
12 1983?

13           A As I recall, they did.

14           Q All right. And I believe you've testified at  
15 your prior hearing on the deposition, or deposition  
16 hearing, that up until the time of the passage of  
17 the legislation, that a -- that caused the pension  
18 fund to contribute towards the health care costs of  
19 retirees, that prior to that time, that there had  
20 been increases charged to the retirees for their own  
21 coverage and for the coverage of their spouses and  
22 families.

23                   Is that a fair statement of -- what you  
24 had testified before?



1

1 A Would you see if you can rephrase it?

2 Q Let me ask it to you fresh.

3 Is it not a fact that prior to 1983 that  
4 the premiums charged to retirees increased, that is,  
5 let's say between 1979 and 1983, that there were, in  
6 fact, annual increases in the charge to retirees.

7 MR. KRISLOV: You're asking him if he  
8 knows that.

9 MR. BURNS: Q Do you know that?

10 THE WITNESS: A I don't know that for certain.

11 Q You participated in seminars between 1979 and  
12 1983. Is it your present recollection that you do  
13 not recall the time when there were increases for  
14 retirees?

15 A That's my answer. I wouldn't recall that.

16 Q Well, I believe you testified -- well, let me  
17 ask it to you this way, Mr. Kordeck:

18 Is it not a fact that the \$55 figure that  
19 was in effect in 1983 for under age, or let me  
20 put -- let me strike that. I'm sorry.

21 Is it not a fact that the \$55 charge  
22 that was in effect beginning in -- that was in  
23 effect in 1983 for non-Medicare covered police  
24 officers, that that rate was put into effect in

2

1 1982?

2 A Again, as to when it was implemented, I don't  
3 know. I can't recall.

4 Q Well, is it your belief today, sir, that the  
5 \$55 charge for non-Medicare police officers was in  
6 effect from 1979 on?

7 A I don't remember what the figures were back in  
8 those days.

9 Q Well, I'm not asking for the exact figures,  
10 sir. I'm asking whether the figure was other than  
11 \$55 for non-Medicare police officers who were  
12 retired.

13 A Again, I don't know what the -- then rates  
14 were, so I can't comment.

15 Q Well, did you think there was any change that  
16 occurred with respect to the payment of the costs  
17 for health care coverage for retirees when the  
18 legislature acted to have the pension funds pay some  
19 or all of the charge to the retired city employees?

20 MR. KRISLOV: Objection. Relevance. You  
21 can answer.

22 THE WITNESS: A Can I have that back again,  
23 please?

24 (previous question read)

1 THE WITNESS: A I recall when the legislature  
2 passed that law but as far as what the rates were  
3 previous, I -- I don't know. I can't recall.

4 MR. BURNS: Q Mr. Kordeck, I would hand you a  
5 transcript of your testimony, specifically page 69,  
6 with respect to charges for retirees and changes  
7 with respect to the City's premium for the retirees,  
8 and I would ask you to read that, sir, and then I'd  
9 ask you if that helps refresh your recollection.

10 MR. RODDY: Just the one page?

11 MR. BURNS: He can read anything he needs  
12 but that's the ...

13 THE WITNESS: A Which area are you wanting me ...

14 MR. BURNS: Q I'm interested, sir, in this answer  
15 here, about after the implementation of existing  
16 rate, that was implemented into a pension statute  
17 from that product.

18 A Okay. If I read this correctly, if I  
19 understand it correctly, I ...

20 Q Will you tell us what you meant by it or  
21 what -- if it has any effect upon your recollection  
22 of my question with respect to pre-1983 increases in  
23 the premium charged retirees.

24 A What I was alluding to in that area was the

1 fact that I was aware of the \$55 per annuitant rate  
2 due to the fact that it was so stated in the  
3 legislation.

4 That had nothing to do with existing or  
5 previous rates or subsequent rates. That was -- my  
6 answer to that was -- was I -- I thought you may  
7 have asked, was I aware of what the rate was when it  
8 was implemented and incorporated into a state  
9 statute.

10 Q I'm asking about changes in the rates, sir,  
11 not the rates. Understand that.

12 Let the record show the witness was  
13 referring to page 69 of his transcript when he was  
14 giving an explanation of what he understood or  
15 intended by that statement.

16 Is it your recollection, Mr. Kordeck,  
17 that in the retirement seminars, the pre-retirement  
18 seminars that you participated in, that at the time  
19 you participated, that you were unaware of the  
20 charges for the coverage which was to be paid by the  
21 retirees for themselves and their spouses?

22 A I was at the time aware of what the rates  
23 were, existing rates, but when you asked me to  
24 specify a dollar amount, I can't recall.

1 Q Well, do you recall, though, that between 1979  
2 and 1982 that there were changes in those rates?

3 A Likely, yes.

4 Q All right. So that if you -- well, let me ask  
5 this: Did your superiors ever tell you between 1979  
6 and 1982 that the rates would not change?

7 MR. RODDY: I didn't -- I'm sorry, could  
8 I have that one read back.

9 (previous question read)

10 MR. RODDY: Thank you.

11 THE WITNESS: A Probably not.

12 MR. BURNS: Q So that then -- I believe you  
13 testified previously that they did tell you that the  
14 rates were not going to change in the future. Is  
15 that a fair statement of your testimony?

16 Were you ever told by superiors to tell  
17 pre-retirement seminar participants that the health  
18 care rates were never going to change?

19 A That was, as I think the record will show, at  
20 the time, whatever year it was, that the rate for  
21 the annuitant was set at \$55 per state statute.  
22 From that point on, I was told that the rates would  
23 stay unchanged.

24 Q Okay. Who told you that, sir?

2

3

1 A The supervisors.

2 Q Who was the supervisor in 1983?

3 A Immediate supervisor was Sergeant Robert  
4 Faust, F-A-U-S-T.

5 Q Would he have been the one who so told you?

6 A Yes.

7 Q How about anybody else?

8 A There would have been also, through him, it  
9 would have come down through director ...

10 Q Well, I mean -- excuse me, Mr. Kordeck, but  
11 unless you have personal knowledge of the form in  
12 which it took or how it was -- I mean, I don't know  
13 that it adds anything. I mean, do you know that  
14 somebody else told him something?

15 A Um-hum. Yes, I do.

16 Q Okay. Will you tell us, then, who told him,  
17 then?

18 A Director Amil, A-M-I-L, Calzeretta,  
19 C-A-L-Z-A-R-E-T-T-A.

20 Q And would that have taken oral form or written  
21 form?

22 A Oral.

23 Q And would you recall the approximate time that  
24 that directive for advice was given to Sergeant

1 Faust?

2 A Only that it was in the proximity to when the  
3 state law was changed to state the health care  
4 premium for the annuitant. Whatever year that was,  
5 I don't recall.

6 Q Did you or Sergeant Faust, to your knowledge,  
7 ever read the statute?

8 A I recall reading it.

9 Q You recall reading in the statute that says  
10 that if -- any premium charged in excess of \$55  
11 would be paid by the annuitant?

12 A I don't recall reading that, no. I'm not  
13 saying it doesn't exist but I don't recall reading  
14 that.

15 Q But you recall the statute providing that the  
16 City would pay up to \$55 for non-Medicare covered  
17 annuitants and up to \$21 for Medicare covered  
18 annuitants?

19 MR. KRISLOV: Objection. You are asking  
20 if he recalls that the statute said the City  
21 would pay that amount?

22 MR. BURNS: If he recalls  
23 reading that the statute says that.

24 MR. KRISLOV: If that's what the statute

1           says, maybe you'd better refer to what the  
2           statute actually says. He may ...

3           MR. BURNS: Q You can answer the question, Mr.  
4           Kordeck.

5           THE WITNESS: A Not the way I understand it, no..

6           Q But do you recall discussing the statute at  
7           any time with your superiors? I mean the contents  
8           of the statute.

9           A Only the part of the provision that indicated  
10          that the \$55 fixed rate was included in it. That's  
11          the extent of it.

12          Q What was that discussion and with whom did you  
13          have it, and when?

14          A You are asking me when? Again ...

15          Q Approximately. Do you recall when the  
16          statute ...

17          A Sometime in the '80s.

18          Q Well, do you recall that the -- that the  
19          premium increase for health care participation for  
20          non-Medicare personnel was set at \$55 a month in  
21          1982?

22          A I don't know when -- what year.

23          Q Do you recall that it was set some months  
24          before the legislation was passed?



1 A I don't understand the question.

2 Q Well, what don't you understand about it, Mr.  
3 Kordeck?

4 MR. RODDY: Let's not get into that. Why  
5 don't we just rephrase the question or so.  
6 I think he's asking you -- I think we'd be  
7 better off if we all assume for the purpose,  
8 and I don't think anything about the  
9 lawsuit, as to when the statute was passed  
10 and then go from there.

11 MR. BURNS: Q If the statute was passed in 1983  
12 would the increase to \$55 have occurred prior to the  
13 passage of the legislation, to your recollection?

14 MR. KRISLOV: Assumes a fact not  
15 necessarily in evidence.

16 MR. RODDY: Go ahead, you can answer.

17 MR. BURNS: Q I'm not trying to trap you Mr.  
18 Kordeck, I'm just trying to get the time frame here.

19 THE WITNESS: A Please bear with me. I'm not a  
20 Rhodes scholar and when I hear these legalese  
21 questions, I get very confused.

22 Q You are not only one here who is not a Rhodes  
23 scholar, and I'm just asking you for your  
24 recollection.

1 I'm not asking you to interpret the statute,  
2 and I'm saying assuming the statute was passed in  
3 1983, do you have any recollection as to whether the  
4 \$55 increase for non-Medicare covered annuitants  
5 went into effect sometime prior to the passage of  
6 that statute?

7 A I wouldn't remember that.

8 Q Well, do you remember putting on seminars  
9 between 1982 and 1983 at which time you told  
10 annuitants that the charge would be \$55 if they were  
11 not covered by Medicare?

12 A From the point that the statute was made law  
13 is when we talked about the \$55 figure. Obviously  
14 we never talked about the \$55 figure prior to it  
15 becoming a state law.

16 Q I don't know that that's so obvious, Mr.  
17 Kordeck.

18 If the City increased the premium rate  
19 for retirees in 1982 to \$55 and seminars were  
20 conducted for pre-retirement -- for policemen about  
21 to retire in 1982, would you have told them at that  
22 time what the premium was?

23 A If that were the year, probably so.

24 Q Okay. But in 1983 or whenever the legislation

3  
1 was passed, you recall discussing with Sergeant  
2 Faust the fact that the rates were not going to  
3 change in the future, is that a fair statement of  
4 your testimony?

4  
5 A Again, I don't understand the question.

6 Q Well; I understood you to testify, sir, that  
7 in 19 -- whenever the legislation was -- let me back  
8 up so we understand it and we are speaking about the  
9 same thing.

10 I understood you to testify that prior  
11 to the passage of the legislation --

12 A Um-hum.

13 Q -- you did not tell attendees at the  
14 pre-retirement seminars that their health care costs  
15 would never increase, is that a fair statement?

16 A What we were instructing the pre-retirees  
17 prior to the increase of -- to the \$55 figure was  
18 what we were instructed to do and that is to tell  
19 them that whatever the current rate was at that  
20 point was a benefit of their employment.

21 Q But you did not -- I understood you, sir, and  
22 correct me if I'm wrong because I'm trying to get  
23 your recollection -- that prior to the passage of  
24 the statute, because rates had increased, you did

1 not tell the attendees that the rates would be fixed  
2 forever.

3 MR. KRISLOV: That is your testimony, Mr.  
4 Burns.

5 MR. BURNS: I'm asking the witness.

6 MR. KRISLOV: This whole business about  
7 assuming increases is something which you  
8 are placing in his mouth. Whether he  
9 recalls or not seems to be irrelevant. If  
10 you could talk about setting the rates I'd  
11 appreciate it, rather than trying to cram  
12 this increase concept down the witness'  
13 throat.

14 MR. RODDY: The only objection I have on  
15 behalf of Mr. Kordeck, who is my client, is  
16 I think he said -- he can correct me if I am  
17 wrong -- that no matter what the rates were  
18 at the time the retiree retired, forgetting  
19 the legislation of the 55, they told them,  
20 whether it was pre-'83 or post '83, that the  
21 rate that was in existence at that time was  
22 the rate that they would have the rest of  
23 their retirement. Is that ...

24 THE WITNESS: Q That is correct. In

1 other words, our instructions were to inform them  
2 that whatever the existing rate was on the date of  
3 their official retirement is the rate that they  
4 would have in perpetuity.

5 MR. BURNS: Q So that you were telling them --  
6 different people would have different rates in  
7 perpetuity, then, is that what you are saying Mr.  
8 Kordeck, that if somebody retired in 1979 at one  
9 rate and somebody else retired in 1981 at a  
10 different rate then prevailing, that you would tell  
11 both of them that they'd have it in perpetuity, even  
12 though the rates were different.

13 A Whatever the rate was -- that was supposed to  
14 be on -- effective their pension date is the rate  
15 that they were promised that they would get.

16 Q I understand what you are saying.

17 A I'm sure that means the same thing.

18 Q I understand what you are saying now. I'm  
19 sorry, I misunderstood you before.

20 So you told -- if the rate was \$20 a  
21 month in 1979, you told the 1979 attendees that  
22 their rate would be \$20 for the rest of their life,  
23 and that in -- is that correct?

24 A I need to backtrack one thing. Again, we have

1 never established -- if someone can, I'd appreciate  
2 it -- I think we should establish when the seminars  
3 started officially.

4 Q You said 1979, about 1979.

5 A Well, as I also stated previously, we were  
6 giving the same presentation not only to  
7 pre-retirees but also to in-service people who we  
8 also addressed on a regular basis.

9 Q That may be but I'm only interested right now,  
10 in the pre-retirement seminar attendees and  
11 whether -- I believe you testified that you would  
12 tell them at the year in which it occurred that  
13 that -- the rate then -- then prevailing would apply  
14 throughout their retired life.

15 A That was -- we were told to instruct them it  
16 was benefit of their employment.

17 Q Now, were you aware, because you put on these  
18 pre-retirement seminars, of any increases charged to  
19 retirees between the time when the seminars --  
20 pre-retirement seminars began in 1983?

21 A Probably not.

22 Q So you have no present recollection as to  
23 whether you told people that -- different rates  
24 would be -- were in effect, in effect and therefore

4

1 they would be -- some retirees would have X charge  
2 and other retirees would have X plus charge?

3 A We wouldn't have had -- we wouldn't have had  
4 to find out what the existing rates would have been  
5 at the time.

6 Q You didn't tell them what the specific rate  
7 was, then, you told them that they would have the  
8 existing rate forever.

9 A That's correct.

10 Q Did you ever have any complaints from  
11 pre-retirement seminar participants that the City  
12 would had increased their rates subsequent to their  
13 retirement prior -- prior to -- well, did you ever  
14 have any complaints?

15 A No one ever lodged a complaint to me or  
16 through my supervisors.

17 Q Now, in 1983, when you had, or whenever you  
18 had the meeting about the legislation, if -- with  
19 Sergeant Faust, I believe you said you met with him  
20 and you had a discussion with him about the  
21 legislation. Is that a fair statement?

22 A I don't recall I've ever said we had a meeting  
23 about it, per se.

24 Q Well, how did the information -- how was the

5

1 information communicated to you?

2 A Any new development dealing with benefits  
3 applying to our members, whenever it became  
4 official, whatever the day or time, we always  
5 exchanged that between ourselves, when one or the  
6 other became aware it was a possibility or a  
7 probability.

8 Q Did you become aware of the legislation  
9 personally or did Sergeant Faust make you aware of  
10 it?

11 A I became aware that it was going to be made in  
12 the form of legislation through my activities in the  
13 FOP.

14 Q And when did you become aware of that effort?

15 A Again, I don't recall.

16 Q How long preceding the actual passage of the  
17 statute, if you can recall?

18 A I don't recall.

19 Q Okay. Well, after the passage of the  
20 legislation, I believe you said you may have looked  
21 at the -- at the statute.

22 Now I'm asking you, though, whether -- I  
23 understood you -- let me back up.

24 I understood you to say that Sergeant



1 Faust told you that the rates would not change  
2 thereafter, that those -- let's say -- take the \$55  
3 non-Medicare rate, that that rate would be locked in  
4 forever, it would be paid for by the pension fund.

5 Is that a fair statement of your  
6 recollection?

7 A Again, one more time. If you could repeat  
8 that.

9 Q Well ...

10 A Because you keep saying, sir, Sergeant Faust,  
11 Sergeant Faust. It wasn't -- we worked for other  
12 superiors besides Sergeant Faust.

13 Q But I'd asked you, sir, who told you about the  
14 \$55 and the rates and I -- I understood you to say  
15 Sergeant Faust.

16 Now, if it wasn't Sergeant Faust --

17 A No, I said --

18 Q -- I apologize.

19 A I said I became aware of it myself. He may  
20 have known but I became aware of it myself as a  
21 result of my legislative activity with the FOP.

22 Q You became aware of the existence of the  
23 proposal. I'm interested now in how that would  
24 affect what you presented at a pre-retirement

1 seminar.

2 A It wasn't presented at the a pre-retirement  
3 seminar until the law was enacted.

4 Q And that's what I'm asking about. How did you  
5 become aware of the fact that it was enacted and it  
6 would affect your presentation at the seminars?

7 A As a member of the legislative committee, it  
8 would have been one of my responsibilities to know  
9 of any planned or pending legislation in  
10 Springfield.

11 Q Would it have been part of your  
12 responsibilities to read that legislation, sir --  
13 Mr. Kordeck?

14 A Depends who prepared the legislation.

15 Q We're talking about this legislation, which  
16 was going to affect what was presented at a  
17 pre-retirement seminar. Would it be your  
18 responsibilities to read the legislation?

19 A I believe I answered that I did -- I do recall  
20 reading.

21 Q Okay.

22 A -- the statute.

23 Q And I believe you said that Sergeant Faust  
24 told you that those rates would not change. Now

1 if -- I just want to find out in 19 -- if you have a  
2 recollection of discussing with anybody from the  
3 police department, subsequent to the passage of the  
4 legislation which set the pension fund contribution  
5 of \$55, about what you would say to the attendees at  
6 the pre-retirement seminars.

7 A Are you -- are you asking me, sir, if I  
8 discussed the -- that figure with prospective  
9 retirees before the law was implemented?

10 Q No, I'm -- now I'm asking you if you had a  
11 discussion with anybody who told you about informing  
12 pre-retirement attendees about the legislation.

13 A No.

14 Q Well, did you begin telling the attendees that  
15 the pension fund would pay \$55 for non-Medicare  
16 participants --

17 A After --

18 Q -- non-Medicare annuitants, I'm sorry.

19 A After the law was passed, yes.

20 Q Yes, okay. How did you become aware that you  
21 should do that?

22 A I was told by my superiors.

23 Q And who were your superiors at that time?

24 A Sergeant Robert Faust, Director Amil

5  
1 Calzaretta, and it would have been one of two deputy  
2 superintendents because they had short tenures. One  
3 would have been Deputy Superintendent Harold Thomas,  
4 T-H-O-M-A-S, and Deputy Superintendent Raleigh  
5 Mathis, M-A-T-H-I-S.

6 Q Did you have discussions with each of these  
7 individuals about that?

8 A At one time or other, yes.

9 Q Okay. Did any of those -- did you have any  
10 written documents from any of those gentlemen with  
11 respect to this issue?

12 A No, I did not.

13 Q How frequently would these pre-retirement  
14 seminars have been held? How many times a year, do  
15 you have any recollection?

16 A I don't recall that.

17 Q Was there any consistency with respect to  
18 scheduling them, that is, every three months, every  
19 six months, every ...

20 A That, you'd have to get from the personnel  
21 division.

22 Q I'm asking if you have a recollection, Mr.  
23 Kordeck.

24 A No, I don't.

1 Q Now, I believe you testified during your  
2 deposition that you would tell the participants that  
3 their coverage would be the same. Is that a fair  
4 statement of what you would tell them?

5 MR. KRISLOV: Why don't you show him

6 where you're referring to in his deposition?

7 MR. BURNS: Q Do you have a recollection of what  
8 you told participants in the pre-retirement seminar  
9 as to the coverage? Not the charge for it but what  
10 the -- but the coverage.

11 THE WITNESS: A You mean by the benefit coverage?

12 Q Yes.

13 A That's correct.

14 Q What's correct, sir. We -- I asked a question  
15 and Mr. Krislov made comments and then I -- I asked  
16 a -- another question.

17 Did you have conversations with them  
18 about what they would -- what their coverage would  
19 be?

20 A Your -- generally the statement was your  
21 existing policy, coverage as is, stays as is.

22 Q Did you mention at any time that the  
23 participants -- or other let me put it this way --  
24 that the prospective annuitants would move from an

1 active employee's plan to a retired employee's plan?

2 A I knew that was -- that was the procedure,  
3 although, I was not aware of what, if any,  
4 difference in coverages there were between the  
5 plans.

6 Q I'm not certain I understand that, Mr. Kordeck  
7 and I'm not trying to be difficult.

8 You say you were not aware of any  
9 differences. Was it your understanding that the  
10 coverage was the same?

11 A Yes.

12 Q Okay. Had you ever compared the plans --

13 A No.

14 Q -- for coverage?

15 Had anybody ever told you that the  
16 coverage was the same?

17 A I was told that by several individuals; yes.

18 Q The same individuals who told you that there  
19 would never be an increase? Is that a fair  
20 statement?

21 A That's fair.

22 Q Now, did you or anybody else tell you to make  
23 distinctions between non-Medicare covered annuitants  
24 and Medicare covered annuitants?

1 A Only in the respect of the differences of age  
2 and premium.

3 Q Well, will you tell us what you told the  
4 participants with respect to Medicare, if there was  
5 a general presentation.

6 A The only area on Medicare was we were informed  
7 to let them know that their Medicare coverage at the  
8 time, they would have to do two things: Reach the  
9 required age, and at the time, I believe, the  
10 existing premium was 21 or \$22.

11 Q Did you tell them anything about the coverage  
12 that would be --

13 A No.

14 Q -- afforded them --

15 A No.

16 Q -- by the City plan, now we're talking about.

17 The annuitant health care plan for -- of  
18 the City and for people who were on Medicare, what  
19 their benefits would be from the City, if they were  
20 covered by Medicare.

21 A Other than -- as I stated, other than age  
22 requirement and premium at the time. Medicare was  
23 not really discussed.

24 Q Well, I believe you testified that you -- that

1 employees of the fire department would not attend  
2 the police department pre-retirement seminars, as  
3 far as you're aware, is that a fair statement?

4 A Yes, it is.

5 Q Did you have any communication with  
6 representatives of the fire department or more -- or  
7 the -- the Fireman's Annuity and Benefit Fund with  
8 respect to health care coverage for retired city  
9 employees?

10 A No, I did not.

11 Q Did you have any discussions with  
12 representatives of the City or the other pension  
13 funds with regard to that matter?

14 A No.

15 Q Now, you -- you testified during your  
16 deposition, if I -- if I understood it correctly,  
17 Mr. Kordeck, that you would tell prospective  
18 retirees the time frame when members could switch  
19 coverage from one company to another. Do you  
20 remember saying that?

21 A No ...

22 Q I mean, I direct your attention to page 58 of  
23 your deposition.

24 A I believe it's -- I recall the statement but I



1 believe it might have been in a different context  
2 than what you just stated.

3 I said -- I know that the -- at the time  
4 the active members were afforded an opportunity to  
5 switch from the various companies once each calendar  
6 year in what they called a re-enrollment period.

7 Q No, I understand ...

8 A But I never -- I don't recall ever stating  
9 that I told retirees that they could do that, the  
10 active members could. If that differs here, I don't  
11 know.

12 Q That's why I asked you about it, sir. I mean,  
13 if you can explain it ...

14 MR. RODDY: What page, 58?

15 MR. BURNS: 58 towards the top part  
16 there.

17 The questions were directed to  
18 pre-retirement seminars.

19 THE WITNESS: A But again, sir ...

20 Q I'm not saying -- I wasn't here.

21 A I know.

22 Q I don't know what the ...

23 A I know. What I'm saying is ...

24 Q I'm asking you now to explain it, if you can.

1       A     The attendees at the pre-retirement seminar  
2       were all active members of the Chicago Police  
3       Department. They were not retirees. I think that's  
4       where the distinction has to come in.

5       Q     All right. Well, that's fine. That's why I  
6       asked you about it.

7                You're saying that when you told them  
8       about switching coverage that you were talking about  
9       switching coverage for active personnel only.

10      A     That's correct.

11      Q     All right. Now, do you recall a time when  
12      retirees participated in different -- insurance  
13      company programs?

14      A     No, I don't.

15      Q     Do you recall a time when the City took over  
16      the health care coverage for annuitants and provided  
17      the benefits directly -- do you recall that, a time  
18      when the City took over?

19      A     I recall it but I wouldn't be able to tell you  
20      when it was or what the provisions of it were.

21      Q     Do you remember -- was it your understanding  
22      that Blue Cross and Blue Shield and Banker's would  
23      continue to administer claims for annuitants after  
24      the City took over the program?

7

1 A Until such time as a person was Medicare  
2 eligible.

3 Q What would happen when they became Medicare  
4 eligible?

5 A Again, as I stated previously ...

6 Q No, as far as administration goes. I was  
7 asking before about administration of the -- the  
8 City benefits provided an annuitant health care  
9 plan. I think we've established that, and I believe  
10 you agreed at a certain point in time the City took  
11 over the plan but that the administration of that  
12 plan was through Blue Cross and Blue Shield, and I  
13 understood you to say until such time as Medicare  
14 took over.

15 So you explain -- if you are -- you  
16 appear puzzled. I mean, I'm not ...

17 A I am puzzled because all I really knew or know  
18 for a fact is that premiums, and probably coverage,  
19 are different from members up to the time they reach  
20 age 65. Then it would be -- after 65.

21 Q Well, 65 provided -- well, let me ask it to  
22 you: Is age 65 alone sufficient for that  
23 distinction or does one have to be also eligible for  
24 Medicare --

1 A Both.

2 Q -- and age 65?

3 A Both.

4 Q Both. Okay. And I understood you to say that  
5 administratively that the City had their plan  
6 administered through Blue Cross and Blue Shield --

7 A And Banker's.

8 Q -- and Banker's.

9 And then I understood you to say until  
10 such time that Medicare took over, and I was just  
11 asking you to explain what you meant by that with  
12 regard to administration of the health care program.

13 A Assuming the person had the necessary  
14 qualifications at age 65, all I know is, is that  
15 they were put in under Medicare coverage at a lesser  
16 premium.

17 Q Who would administer the health care for those  
18 people? That's what I'm asking.

19 A I don't know.

20 MR. BURNS: Okay. I don't have anything  
21 further.

22 MR. KRISLOV: My turn.  
23  
24

EXAMINATION

by Mr. Krislov:

Q Mr. Kordeck, I understood you to say in response to Mr. Burns' questioning today that you had a -- in addition to pre-retirement seminars, were there some programs that were given to regular in-service people not facing near term retirement?

A Yes, there was.

Q And was that a regular --

A Yes, it was.

Q -- program, as well?

And can you tell us roughly the period that that -- that you -- you conducted those, I take it, in the same way as the pre-retirement seminars?

A That's correct.

Q And the approximate period over which those were done?

A Those were continuous from 1976 through 1985.

Q When you say continuous, I presume not every hour, 24 hours a day but -- ballpark --

A What it was --

Q -- regularity.

A -- the police department had a program where they brought in a class full of active police

7

1 officers, different class, once each week, for what  
2 they call in-service training, and that was ongoing  
3 and we had allotted one hour to address the  
4 in-service retirees each week about benefits.

5 We also had the responsibility doing the  
6 same thing each and every time there was a new  
7 class -- new classes of police recruits brought into  
8 the training academy.

9 Q And you would tell the recruits at the  
10 training academy about their benefits?

11 A We would generally explain what their benefits  
12 were.

13 Q Okay. Similar to the benefits that you were  
14 describing for the pre-retirement seminars.

15 A Most -- yes.

16 Q Somebody is going to ask it. If you can  
17 recall how your -- your explanation of those to  
18 the -- recruits regarding the retirement benefits.  
19 Would it differ -- strike that.

20 One of us, I'm sure, is going to ask  
21 you this so let me ask you.

22 Do you recall if your description of the  
23 retirement benefits differed when you were talking  
24 to new recruits, police active employees or

1 employees at the pre-retirement seminars?

2 A They would have had to differ.

3 Q In any particular respect?

4 A In one -- in one area, obviously, recruits  
5 themselves are on probation for one year and until  
6 they satisfy that one year's probation, they -- they  
7 are not eligible for the benefits of a police  
8 officer who has passed probation.

9 With respect to health care coverage,  
10 we were told to inform them that should they make a  
11 career of the department, Chicago Police Department,  
12 and leave with the minimum qualifications of years  
13 of service, coupled with age, that also their  
14 membership and their eligibility for health care in  
15 retirement would also apply.

16 Q Let me shift for a moment to the files you --  
17 you testified the last time that your files -- you  
18 said you had, I believe, a couple of file cabinets  
19 over at police headquarters?

20 A Yes, sir.

21 Q Do you recall when the last time you saw those  
22 files was?

23 A It would have been as far back as 1986.

24 Q Okay. And you don't know -- do you know where

1 those files are now?

2 A No, I do not.

3 Q And the -- when you last saw them were they at  
4 police headquarters --

5 A Yes, sir, they were.

6 Q -- in your office?

7 Do you have a knowledge about the  
8 police department's usual record retention policy,  
9 or if there is one?

10 A There is one and it's very voluminous and  
11 different -- different reports, different items have  
12 different retention periods and I wouldn't be able  
13 to tell you exactly what it is.

14 Q Would you have any knowledge of what the  
15 applicability of that policy to those files would  
16 be?

17 A Not for certain.

18 Q The -- you recall when you made the first  
19 affidavit -- I believe in February of 1990, February  
20 7th. I forget which exhibit is but it's -- referred  
21 to as City Exhibit 25.

22 Do you recall making the February 7, 1990  
23 affidavit?

24 A Yes, sir, I do.



1 Q And then you stated that in the fall we spoke  
2 again and you reviewed a draft or two of, or -- or a  
3 draft of an affidavit which you declined to pursue  
4 further, is that correct?

5 A That's correct.

6 Q Between the time of the first affidavit and  
7 the second affidavit you have retired and then been  
8 rehired by the City's law department, is that right?

9 A That's correct.

10 Q And prior to giving the -- after receiving the  
11 draft of the affidavit, the second affidavit, am I  
12 correct that you felt the need to discuss that with  
13 your supervisor?

14 MS. COLSTON: Objection. Leading.

15 MR. BURNS: Q Did you discuss the second  
16 affidavit with your supervisor?

17 THE WITNESS: A I did.

18 Q And what -- what was your supervisor's name?

19 A Director Lawrence Nitsche, N-I-T-S-C-H-E.

20 Q And it was after -- was it before or after  
21 your discussion with him that you decided not to  
22 give a second affidavit?

23 A I believe what I did is, I discussed it with  
24 him and told him I was not going to respond to the

1 second affidavit because I saw a few -- an issue or  
2 a statement in there that wasn't factual.

3 Q Okay. There -- there were -- there was an  
4 inaccuracy?

5 A An inaccuracy; correct.

6 Q Were you concerned -- weren't you concerned,  
7 at least in part, as to whether giving a second  
8 affidavit might adversely affect your employment  
9 with the City?

10 MS. COLSTON: Objection. Leading.

11 MR. BURNS: I'll also object on grounds  
12 of relevancy.

13 You can still answer.

14 THE WITNESS: A What Mr. Nitsche advised me is  
15 to, whatever I did do, from that point on, he said  
16 to be very cautious, not to put my name or affix my  
17 signature to something that wasn't exactly 100  
18 percent correct so that I wouldn't perjure myself.

19 MR. KRISLOV: Q You are -- let me move along. I  
20 think we're right about done. I have one other  
21 question.

22 As I listened to your testimony the  
23 last time, you are not a member of the annuitant  
24 health care plan at all now, right?

8

1 A That's correct.

2 Q Your health care comes from the City as an  
3 active employee.

4 A Yes, it does.

5 Q Okay, I don't think I have any further  
6 questions.

7 MR. HEISS: I do.

8 EXAMINATION

9 by Mr. Heiss:

10 Q Mr. Kordeck, as a member of FOP's legislative  
11 committee what were your duties with regard to the  
12 health care legislation that became effective  
13 January 1, 1983?

14 A We collectively, the committee, specifically  
15 the chairman, was responsible for, obviously, trying  
16 to obtain and keep a pulse on what was developing in  
17 Springfield, reporting back to us and the  
18 membership.

19 Q When you refer to the committee, you were a  
20 member of that committee, is that right?

21 A Correct.

22 Q How many individuals were on the committee?

23 A I don't recall. Perhaps four, maybe five.

24 Q How long were you on the legislative

1 committee?

2 A I'm still on it. So ...

3 Q When did you -- when did you become a member  
4 of the legislative committee?

5 A Oh, probably sometime in the late '70s to  
6 early '80s.

7 Q What did you personally have to do with regard  
8 to that piece of legislation that dealt with the  
9 health care?

10 A What did I personally? Anything that  
11 developed, which it did, we were responsible for  
12 conveying this to the members within our own units  
13 of assignment.

14 MR. RODDY: I think his question -- and  
15 correct me if I'm wrong -- is what  
16 personally did you do, I guess down in  
17 Springfield, to see what could be passed.  
18 Is that more or less ...

19 MR. HEISS: I'll accept that one but I  
20 have more to it, but he can answer that  
21 one. I'm curious to know the answer to that  
22 one.

23 THE WITNESS: A Only the -- only the chairman and  
24 president would actually do the actual lobbying on

1 any legislation, but it was -- as I recall, that was  
2 a City bill, was it not? It wasn't an FOP bill. So  
3 there wouldn't have been any direct lobbying. It  
4 wasn't the union's bill.

5 Q I understand and I'm aware of that. But in --  
6 in answer to some of the questions that Mr. Burns  
7 asked you, you said that you were familiar with the  
8 rate of \$55 that was in that portion of the pension  
9 code that dealt with the police fund, is that  
10 correct?

11 A Yes, I was.

12 Q And since you were familiar with the  
13 legislation, I want to know what your knowledge was  
14 other than the fact that it was in there, because  
15 you indicated that you were on the legislative  
16 committee, is that correct?

17 A I was on the committee; yes.

18 Q Now, as a member of the committee, did you --  
19 did you -- what did you do with regard to that bill,  
20 if anything?

21 A The -- responsibility for information on that  
22 bill rested with the chairman. I was only a  
23 committee member.

24 Q So, did you get information about that bill

9  
1 from the chairman, that you can recall?

2 A He gave us periodic -- meaning the members of  
3 the committee -- periodic updates as to what the  
4 vote factor looked like.

5 Q About the time that this legislation was  
6 pending in Springfield, how often did your committee  
7 meet?

8 A We would discuss this at the monthly board  
9 meetings, FOP board meetings.

10 Q In a separate meeting from the committee or --  
11 I'm sorry, from the board?

12 A Both.

13 Q Minutes taken of all -- of both of meetings,  
14 the meeting of the legislative committee and the  
15 board meeting?

16 A We only have minutes taking of the board  
17 meeting.

18 Q Did you -- was there any information that you  
19 learned with regard to that particular facet dealing  
20 with the health care would have been different than  
21 you learned from your knowledge of what you were  
22 telling people at the retirement seminars?

23 A No.

24 Q Prior to the passage of the bill did the

1 committee as a body ever review that piece of  
2 legislation that dealt with health care?

3 A The chairman had a draft of the bill. We all  
4 observed the draft of the bill, but as far as --  
5 what the bill was and what happened, we didn't do  
6 anything until -- other than he lobbied -- until  
7 such time as it was officially enacted.

8 Q But it's -- then -- it's your understanding  
9 that you reviewed the bill before it was passed, is  
10 that correct?

11 A A draft of it.

12 Q A draft of the bill. Is it your understanding  
13 that the draft of the bill that your committee  
14 reviewed was the piece of legislation that was  
15 finally signed into -- signed in by the governor?

16 A As we were informed, it was -- I believe the  
17 chairman indicated that that was merely language,  
18 suggestive language, and that ultimately it would be  
19 incorporated in a so-called shell bill.

20 Q I'm not talking about any other facets about  
21 overall legislation that was submitted to the  
22 General Assembly in on our discussion now other than  
23 that little provision that dealt with the health  
24 care.

1                   You understand that, isn't that correct?

2           A     Yes.

3           Q     And with regard to the draft that your  
4 committee reviewed, was there any changes in that  
5 draft, to your knowledge, prior to the time that the  
6 legislation was passed and signed in the law by the  
7 governor?

8           A     I wouldn't know.

9           Q     But to your knowledge, you don't know of any  
10 changes.

11          A     I don't.

12          Q     And in your review of the draft, would it be  
13 fair -- fair to say that you read the draft?

14          A     It was -- as I recall, it was a synopsis. Who  
15 prepared the synopsis, I don't know.

16          Q     So, is it your best recollection that you did  
17 not review the draft of the bill before it was  
18 passed by the General Assembly?

19          A     We looked at a synopsis.

20          Q     So the answer to my question is, you did not  
21 review the draft of the legislation other than  
22 looking at a synopsis.

23          A     Personally; correct.

24          Q     After it was passed did you ever review the



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1 actual statute that was passed by the General  
2 Assembly relating to health care that provided a \$55  
3 payment for -- with regard to police officers?

4 A Yes, sir.

5 MR. HEISS: I have no further questions.

6 MR. RODDY: Signature is waived.

7 MR. BURNS: Do you have any questions?

8 MS. COLSTON: I think I do have a couple  
9 of questions just clarifying questions.

10 MR. RODDY: Because I don't want you to  
11 be repetitive because the City had him here for two  
12 hours the last time we were here.

13 EXAMINATION

14 by Ms. Colston:

15 MS. COLSTON: Mr. Kordeck, if I understand your  
16 testimony in answering questions that Mr. Burns  
17 posed, the seminars began somewhere around 1979,  
18 correct?

19 A That, again, ma'am, I don't know the exact  
20 date.

21 Q But before 1982, sometime before 1982?

22 A Again, I don't know the exact date.

23 Q I'm not asking you for the exact date. What I  
24 am asking you is, the seminars did begin -- the

1 pre-retirement seminars, sometime before 1982.

2 MR. KRISLOV: He can answer it, but it's  
3 been asked -- I'm not his lawyer.

4 THE WITNESS: A I said if that time frame, you're  
5 going to have to get that from the police personnel  
6 division. They administer the program, I don't  
7 know.

8 MS. COLSTON: Q So you don't know if any seminars  
9 began prior to 1982?

10 A I don't remember the time frame.

11 Q If I understood your testimony today in  
12 response to Mr. Burns' questioning, I believe you  
13 stated that there were some seminars, pre-retirement  
14 seminars that started before 1982 that you were  
15 involved in.

16 A I believe that's the case.

17 Q Okay. All right. And if I remember  
18 correctly, you also stated that you told the  
19 attendees that whatever the rate was at that time,  
20 that that was the rate that they would have until  
21 they died, basically, for health care coverage.

22 A That's generally correct.

23 Q Now, in 1982, the rates were increased for all  
24 of the annuitants, weren't they?

1 MR. KRISLOV: She's -- you're asking if  
2 he knows and this has been asked and  
3 answered, a few times.

4 THE WITNESS: A I don't know. I don't recall at  
5 all. I don't know. I don't recall what the exact  
6 time of the year it was that they were changed.

7 MS. COLSTON: Q What I am asking you is, when the  
8 increase went into effect it was for all the  
9 annuitants.

10 MR. KRISLOV: Objection. It presumes an  
11 increase took place in that year and there  
12 is nothing in the record to indicate that  
13 the increase took place that year. He's  
14 already also testified that he doesn't  
15 recall. I'm not his lawyer.

16 MS. COLSTON: Q What I'm asking you, Mr. Kordeck,  
17 is, as a result of the legislation, there was an  
18 increase in the annuitant's rate for health care  
19 coverage, right?

20 MR. BURNS: Objection.

21 MR. KRISLOV: Objection again.

22 MR. BURNS: I object to the form of that  
23 question.

24 MR. RODDY: I don't think that is what he

1 said. He said when he gives the seminars it  
2 was his position that whenever the annuitant  
3 retired, whatever that rate was, that that  
4 would stick with that annuitant for the rest  
5 of his life, and that is why I have to  
6 object to your question because you're  
7 saying that he said that even prior  
8 annuitants that had retired prior to the  
9 legislation would be affected and I don't  
10 think that's what he said.

11 You can answer.

12 THE WITNESS: A That's correct. I believe I  
13 explained that, or I tried to earlier.

14 MS. COLSTON: I don't have any more  
15 questions.

16 MR. BURNS: I have one question, then.

17 FURTHER EXAMINATION

18 by Mr. Burns:

19 Q Was it your understanding, then, Mr. Kordeck,  
20 that after the legislation was passed that the  
21 premium rates that had been in effect for people  
22 prior to 1982, that those rates continued in effect  
23 and that the pension funds paid only the amount of  
24 the money charged by -- by the City at the time the

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1 people retired?

2 Do you understand that?

3 MR. KRISLOV: I hope he did. I didn't.

4 MR. BURNS: We don't expect that, Clint.

5 MR. RODDY: I don't understand it but I'm  
6 not in the case.

7 MR. BURNS: Q I believe you testified, Mr.  
8 Kordeck, that you do not recall whether there were  
9 premium increases between 1979 and 1983. There  
10 might have been, though.

11 THE WITNESS: A Might have been.

12 Q You have no knowledge of that.

13 A I have no knowledge.

14 Q Do you have any knowledge, then, as to whether  
15 or not the statute affected the charge -- charge by  
16 the City for those who retired prior to 1983?

17 A Our understanding was that the statute that  
18 was passed was to include those people from that  
19 day, effective day, forward.

20 Q I'm talking about those before, Mr. Kordeck.

21 A We already had told them, sir, that prior to  
22 the statute, that whatever the rates were, was their  
23 benefit of employment.

24 Q All right, and I'm asking you whether your

1 understanding that the statute which provided for  
2 the City to pay up to \$55, that in fact the City was  
3 paying less than \$55 for some people if those people  
4 had been told at the time of their retirement that  
5 their premium charge would be -- whatever the amount  
6 was, but something less than \$55.

7 MR. RODDY: I think he answered that he  
8 thought the statute was prospective, that it  
9 applied only to those people who would  
10 retire after the date of the statute, is  
11 that correct?

12 THE WITNESS: That's correct.

13 MR. BURNS: Q Is it your understanding, sir,  
14 that those who retired prior to 1983 did not benefit  
15 from that statute?

16 THE WITNESS: A Only that -- we were instructed  
17 only in that those ...

18 Q I'm -- excuse me, I am asking your  
19 understanding, not your instructions. Let's first  
20 get your understanding.

21 MR. RODDY: They could be similar.

22 MR. BURNS: Q They could be the same, absolutely,  
23 but I'm saying -- I'm asking your understanding  
24 based upon the colloquy --

1 MR. RODDY: Okay.

2 MR. BURNS: Q -- based upon the colloquy we just  
3 had, about it being prospective only.

4 Was it your understanding that pre-1983  
5 retirees did not benefit from the statute?

6 THE WITNESS: A We were told that they did.

7 Q Well, can you explain to me, sir, how, if they  
8 were benefiting from the statute, how then it could  
9 be prospective only with respect to the rates?

10 I mean, obviously the payments did not go  
11 retroactive to the date of their retirement and the  
12 pension funds would begin paying as of the date set  
13 by the statute, but I'm talking now about the rates.

14 Was it your understanding that those  
15 people, if -- let's take the -- let me give you a  
16 hypothetical. Let me give you a ...

17 MR. KRISLOV: Have we got a question  
18 started yet?

19 MR. BURNS: Q Let me give you a hypothetical.

20 Take a pre-65, non-Medicare annuitant,  
21 who retired in 1981. If that person's premium  
22 charge for his own coverage was \$40 a month, what  
23 effect, if any, did you think that the statute would  
24 have upon that \$40 charge?

1 THE WITNESS: A None.

2 Q That the individual would continue paying the  
3 \$40?

4 A Correct.

5 Q And that the statute -- the \$55 took effect  
6 only for those who retired on or after the effective  
7 date of the statute?

8 A Yes, sir.

9 Q All right. Do you recall ever seeing that in  
10 any communication from your supervisors?

11 A Recall seeing what, sir?

12 MR. RODDY: Your last answer.

13 MR. BURNS: Q The fact that it would be  
14 prospective only and not retroactive.

15 THE WITNESS: A It was in a communication.

16 Q And -- in writing rather than oral?

17 A It was in writing.

18 MR. BURNS: Okay.

19 MR. KRISLOV: Is that it for you?

20 MR. BURNS: I have no further questions.

21 FURTHER EXAMINATION

22 by Mr. Krislov:

23 Q Mr. Kordeck, if we were able to find your  
24 files back at police headquarters, might we be able



1 to get -- if there were any inaccuracies, might we  
2 be able to get more information from those, if we  
3 could find them, or firm up the information which  
4 you have, or fill in any gaps in your recall? Would  
5 it help?

6 A It certainly wouldn't hinder. I'd just have  
7 to question what may be available, however, because  
8 of drastic changes that have been made since I left  
9 in 1985.

10 Q When you say drastic changes, what do you  
11 mean?

12 A Well, the section was -- moved from one floor  
13 to another, and it's -- its command personnel were  
14 detached and the amount of individuals that have  
15 been brought in and have subsequently transferred  
16 out since my departure, I couldn't begin to tell you  
17 what, if anything, was kept, if these folks would  
18 know where it was at or what to look under, what  
19 their filing systems are.

20 Q I understand that. I'm not asking you about  
21 that. I'm just saying that if -- if there are any  
22 gaps in your recall, which admittedly we all have,  
23 if we could find those records, if you believe that  
24 those would help us to close the gaps?

1 MR. BURNS: Objection on speculation.

2 THE WITNESS: A Yes, definitely.

3 MR. KRISLOV: Q We have asked the City, Mr.  
4 Fullerton, rather, and Ms. Colston for those, and  
5 Mr. Kordeck, while I don't relish the thought of  
6 calling you back, Ms. Colston, would you make  
7 another effort to see if those files can be found?  
8 They are certainly responsive to our discovery  
9 that's out to the City. We have not received those.

10 Mr. Fullerton had indicated that there  
11 are no such files in the possession of the City at  
12 this point, so will you make another effort to  
13 determine if they can be located?

14 MS. COLSTON: We have been doing  
15 everything we can and the people at the police  
16 department say that those files don't exist.

17 FURTHER EXAMINATION

18 by Ms. Colston:

19 Q Mr. Kordeck, are these your personal files  
20 that you had at the time you were working?

21 A No, ma'am, they were unit files, section files.

22 Q For what units?

23 A Special activities section.

24 Q And is that -- is that a unit that is still at

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1 the police department?

2 A Yes, it is, ma'am.

3 Q And that's at 1121 South State?

4 A Yes, ma'am.

5 MR. KRISLOV: Subject to his being  
6 recalled with the files, we're done. Are you done?

7 MS. COLSTON: Yes.

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1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 The within and foregoing deposition of  
5 the witness, HERBERT KORDECK, was taken before  
6 PATRICIA A. BLAIR, C.S.R., Notary Public, at Suite  
7 2600, 333 West Wacker Drive, in the City of Chicago,  
8 Cook County, Illinois, commencing at 11:30 o'clock  
9 p.m. on December 16, 1991.

10 There were present during the taking of  
11 this deposition the following counsel:

12 MR. CLINT KRISLOV, representing  
13 The Plaintiffs,

14 MS. CHERYL COLSTON and  
15 MR. STANLEY BERMAN, representing  
16 Certain Defendant;

17 MR. FREDERICK HEISS, representing  
18 Certain Defendant;

19 MS. AVA BORRASSO, representing  
20 Certain Defendant;

21 MR. JOSEPH RODDY, representing  
22 Certain Defendant;

23 MR. MARTIN J. BURNS, representing  
24 Certain Defendant.

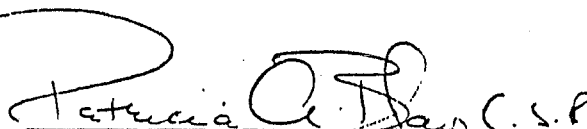
25 The said witness was first duly sworn and  
26 was then examined upon oral interrogatories; the  
27 questions and answers were taken down in shorthand  
28 by the undersigned, acting as stenographer and

1 Notary Public; and the within and foregoing is a  
2 true, accurate and complete record of all the  
3 questions asked of and answers made by the  
4 aforementioned witness at the time and place  
5 hereinabove referred to.

6 The signature of the witness was waived  
7 by agreement of counsel.

8 The undersigned is not interested in the  
9 within case, nor of kin of counsel to any of the  
10 parties.

11 Witness my official signature and seal as  
12 Notary Public in and for Cook County, Illinois, on  
13 this 26<sup>th</sup> day of December, A.D.,  
14 1991.

15  
16 

PATRICIA A. BLAIR, C.S.R.  
Notary Public  
105 West Madison Street  
Suite 1802  
Chicago, Illinois 60602  
312-782-8376

17  
18  
19  
20 License No. 837



# EXHIBIT 19A

STATE OF ILLINOIS     )  
                              )     SS  
COUNTY OF COOK        )

AFFIDAVIT OF HERBERT C. KORDECK

Herbert C. Kordeck being first duly sworn deposes and states the following:

1. My name is Herbert C. Kordeck. I reside at 10510 South Millard, Chicago, Illinois 60655.

2. I understand that this affidavit is being given in connection with litigation over annuitant healthcare coverage in the lawsuit entitled City v. Korshak, 87 CH 0134 and Ill. App. 1-89-3451, or Retired Police v. City of Chicago, U.S. Dist. Ct. N.D., Ill.Ed. No. 90 C 407.

3. In the course of my work for the Chicago Police Department I was assigned to the Special Activities Section of the Public and Internal Information Division ("PIID"), during the periods May 1965 through June 1972 and October 1976 through April of 1986.

4. In the course of my assignment to that division, one of my primary responsibilities was to speak for the Police Department at pre-retirement seminar programs regularly given to employees who were nearing an age at which they could elect retirement or early retirement. I personally conducted or spoke at over 30 such programs over the period ending with my reassignment in April 1986.

5. Based upon the directions I was given, and routinely heard and discussed with other officers having similar responsibility, I confirm that we routinely told prospective retirees after 1982 that their healthcare premium was paid by the Policemen's Annuity and Benefit Fund as one of the permanent benefits of their service to the City of Chicago, (i.e., that their own post-retirement healthcare coverage would be a lifetime benefit) and that they would have to pay only for spousal and dependent coverage, at the monthly rate of \$21.00 for Medicare-qualified individuals, \$55.00 for non-Medicare, \$150.00 for family (dependent) coverage. The individuals were told that this was their permanent package. There was never any suggestion that these rates might fluctuate in the future.

Further affiant sayeth not.

Dated: February 7, 1990

Herbert C. Kordeck

SUBSCRIBED AND SWORN TO  
before me this 7th day  
of February, 1990.

Debra L. Daloz

