

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

In re: WATTS COORDINATED
PRETRIAL PROCEEDINGS)
) Master Document No. 19-cv-01717
)
) Judge Andrea R. Wood
)
) Magistrate Sheila M. Finnegan
)

EXHIBIT A

Excerpt One

MR. BAZAREK: Okay. What's the most serious felony you've ever been convicted of?

PHILLIP THOMAS: When I was 14 years old. Let me refer to --

PHILLIP THOMAS: Can I answer that? Can I bring up an old, old case? Or how -- Can I talk to you?

MR. RAUSCHER: Can you give us a second to confer?

MR. BAZAREK: Take a break?

MR. RAUSCHER: Just -- I want to make sure --

MR. BAZAREK: Yeah. I think he answered it, but go ahead. And then --

MR. RAUSCHER: Yeah. I think he answered it, too.

MR. BAZAREK: Yeah. You can take a break. Go ahead. You can take a break.

PHILLIP THOMAS: I didn't answer it completely, but --

MR. RAUSCHER: Okay.

THE VIDEOGRAPHER: We are now going off the record at 10:32 a.m.

P. Thomas Dep. 30:1 – 30:17

Excerpt Two

MR. BAZAREK: So, Mr. Thomas, what was this arrest from when you were 14 years old?

PHILLIP THOMAS: I was arrested for robbery and rape.

MR. BAZAREK: And you were convicted of that, sir?

PHILLIP THOMAS: Yes, sir.

MR. BAZAREK: And what was the victim's name?

PHILLIP THOMAS: I have no idea.

MR. BAZAREK: Was there a trial? Or you pled guilty?

PHILLIP THOMAS: I pled guilty.

MR. BAZAREK: What was your sentence, sir?

PHILLIP THOMAS: Four years in a juvenile facility.

MR. BAZAREK: Were you -- Was it at the Audy Home? Or where were you housed?

PHILLIP THOMAS: They first put me in a County jail, and then they transferred me back when they found out I was only 14. And from the Audy Home, that's when the guilty plea was entered. And from there, they sent me down to Joliet Youth Center to do the sentence.

MR. BAZAREK: How much time did you actually serve?

PHILLIP THOMAS: Two years.

MR. BAZAREK: Were you arrested with anyone else?

PHILLIP THOMAS: No.

MR. BAZAREK: Do you know whatever became of the victim?

PHILLIP THOMAS: No.

P. Thomas Dep. 30:23 – 30:24, 31:1 – 31:22

Excerpt Three

MR. BAZAREK: So that was a serious felony conviction. Have you also been arrested for bank robbery?

PHILLIP THOMAS: Yes.

MR. BAZAREK: And when was that?

PHILLIP THOMAS: 1993.

MR. BAZAREK: And --

PHILLIP THOMAS: I think. I'm not exactly sure. But I think it was 1993.

MR. BAZAREK: Okay. '93, '94, somewhere in that area?

PHILLIP THOMAS: That's right.

MR. BAZAREK: Okay. And what bank was it?

PHILLIP THOMAS: I believe it was the First National Bank in downtown Chicago.

MR. BAZAREK: Okay. And who were you arrested by for that offense?

PHILLIP THOMAS: By the FBI. Or was it the City of Chicago and then they took me to the FBI? I think they were together, and it was first the Chicago Police.

MR. BAZAREK: Were you with anyone for that bank robbery?

PHILLIP THOMAS: No.

MR. BAZAREK: And generally, can you describe the circumstances of that bank robbery?

PHILLIP THOMAS: Went in, and I gave the teller a note. And the teller put some money in the bag. And I left out the bank. And I noticed that I was being followed, so I turned myself in.

MR. BAZAREK: Same day?

PHILLIP THOMAS: Same day.

MR. BAZAREK: Okay. I mean, was it moments after --

PHILLIP THOMAS: Moments after.

MR. BAZAREK: -- you committed the bank robbery?

PHILLIP THOMAS: I think I actually ran about a block and a half.

MR. BAZAREK: Did the money explode or anything --

PHILLIP THOMAS: No.

MR. BAZAREK: -- red dye all over the place?

PHILLIP THOMAS: No.

MR. BAZAREK: Were you armed when you committed the bank robbery?

PHILLIP THOMAS: No.

MR. BAZAREK: What did you -- Did you tell the teller that you were armed?

PHILLIP THOMAS: On the note, I don't think I said I was armed. I didn't.

MR. BAZAREK: Okay.

PHILLIP THOMAS: I just told her this was a -- this was a holdup.

MR. BAZAREK: And then how much -- Do you know how much money the teller gave you?

PHILLIP THOMAS: I think it turned out to be right around \$2,000.

MR. BAZAREK: Were you wearing a mask or anything?

PHILLIP THOMAS: No.

MR. BAZAREK: Any other federal -- You were prosecuted federally? Do I have that right?

PHILLIP THOMAS: That's right.

MR. BAZAREK: Okay. And then for the bank robbery -- I didn't ask you this -- what was the sentence?

PHILLIP THOMAS: For the bank robbery, the sentence -- I did three and a half years. I think they gave me 50 months or 60 months.

MR. BAZAREK: And where were you incarcerated for that?

PHILLIP THOMAS: At Pekin.

MR. BAZAREK: Okay. Is it, like, same place as the --

PHILLIP THOMAS: Same place.

MR. BAZAREK: Okay. Any other federal crimes to which you've been convicted?

P. Thomas Dep. 31:23 – 31:24; 32:1 – 32:24; 33:1 – 33:24; 34:1 – 34:6; 35:12 – 35:22

Excerpt Four

MR. BAZAREK: All right. Let's jump ahead a little bit to this 2019 case you had up in Wisconsin.

PHILLIP THOMAS: Yeah.

MR. BAZAREK: And in that case, you were charged with possession of cocaine among other charges, the crack that the officers found. Do you remember that?

PHILLIP THOMAS: Yeah.

MR. BAZAREK: Okay. And the charge against you involved what they call a second and subsequent offense. You were charged, weren't you, with a second cocaine offense based on -- in part, on that 2002 case we just talked about?

PHILLIP THOMAS: That's right.

MR. BAZAREK: Okay. And you pleaded guilty to the Wisconsin charge, correct?

PHILLIP THOMAS: I did.

MR. BAZAREK: You admitted to a judge, "Judge, it's all true"?

PHILLIP THOMAS: That I had possession of crack cocaine?

MR. BAZAREK: In 2019.

PHILLIP THOMAS: That's true.

MR. BAZAREK: And it is also true that in 2002, you had been convicted of this other possession of cocaine case?

PHILLIP THOMAS: That's right.

MR. BAZAREK: All right. And you didn't -- Well, strike that. In any event, you've told us today that your use of cocaine or crack cocaine over the years was kind of up and down in terms of the quantity and number of times you would use it?

PHILLIP THOMAS: I did.

P. Thomas Dep. 318:17 – 318:24; 319:1 – 319:23

Excerpt Five

MR. BAZAREK:

Okay. Who was Big Shorty?

PHILLIP THOMAS:

He was a drug dealer over there. That was a known fact just from word of mouth, not because I actually saw him.

MR. BAZAREK:

Okay. And then was there a particular building that Big Shorty was involved in or buildings?

PHILLIP THOMAS:

574 and 540. No, no. That was the -- Yeah. 574, 574, 57- -- 574, 575, and 540. Those are the buildings Big Shorty frequented.

MR. BAZAREK:

Okay. And then what about the other buildings? Do you know any of the higher level drug dealers?

PHILLIP THOMAS:

Yeah. I knew --
So I actually -- I think these are not appropriate questions. He's already said he didn't personally see it. And I think if we're going to start getting into whether he knew who drug dealers were and you're going to ask him to be identifying specific people, I think that's an issue we're going to have to ask Judge -- the Court to resolve.

MR. BAZAREK:

Well, I think I'm entitled to know about what his knowledge is of the narcotics activity at these buildings.

MR. RAUSCHER:

Why? What would it possibly be relevant for? I mean, I think we're going to have a dispute. If you want to resolve it by us calling the Court, we can do that. Or we're in court on Tuesday, I think. We can put it in the status conference and put our positions out and do it that way in a more -- I assume this will come up more than today.

MR. BAZAREK:

So are you going to instruct him not to answer? Or we're just tabling these questions and we're going to reconvene on another day?

MR. RAUSCHER:

Well, for now, I'm instructing him not to answer. I will agree if the Court says yes, to answer, of course, we'll bring him back to answer those questions.

P. Thomas Dep. 109:8 – 109:24; 110:1 – 110:3;

Excerpt Six

MR. BAZAREK: Do you know someone named Ben Baker?
PHILLIP THOMAS: I do.
MR. BAZAREK: Who is he?
PHILLIP THOMAS: Ben Baker, he's the guy that lives in 527 with his wife and kids.
MR. BAZAREK: Is he --
PHILLIP THOMAS: Or used to. They don't live there no more.
MR. BAZAREK: Did you know him to be a drug dealer?
MR. RAUSCHER: Objection. It's the same -- We've already discussed this. I think if you want -- If you want to address it with the Court, we can call the Court now. I'm fine with that. I'm also comfortable presenting it in our status report or moving for a protective order.
MR. BAZAREK: Well, let's call the Court.
MR. RAUSCHER: Okay

P. Thomas Dep. 117:9 – 117:24

Excerpt Seven

MR. KOSOKO: Which buildings did you buy your crack cocaine from?

MR. RAUSCHER: I'm going to object to that. It seems to me to be the same thing as asking him to identify drug dealers.

MR. KOSOKO: We'll reserve that questions. We'll deal with that questions.

P. Thomas Dep. 384:21-385: 3.

Excerpt Eight

MR. RAVITZ: Did you tell your -- Did you tell court personnel in the Wisconsin case that, in fact, you expect to be a millionaire as a result of this lawsuit?

PHILLIP THOMAS: No, I didn't. I said I could possibly be a millionaire.

MR. RAVITZ: And is that your expectation?

PHILLIP THOMAS: Yeah. From the cases that I've seen that's similar to mine, it's very likely.

P. Thomas Dep. 325:5 – 325:12