

1 commercial development be 208 feet from Indian Acres.

2 MR. GOLDSMITH: Let me just
3 object. Same objection, Tom, relevance, and it involves,
4 settlement negotiations in a prior litigation.

5 But you can go ahead and answer his question.

6 A. Once again, there was never a settlement discussed.
7 Any time that I ever looked at anything with Mr. Whitman, he
8 was showing us something that he thought would be good for
9 that particular parcel. I didn't say it was going to fly. I
10 didn't say it wasn't going to fly. All I said is it has to
11 be looked at by the entire Board, and I've said several times
12 that I am one person on a seven member Board.

13 MR. HANSON: Phil, would you
14 agree that your objection, given your client's testimony that
15 there was no settlement discussions, that your objection
16 should be withdrawn?

17 MR. GOLDSMITH: No. I won't
18 agree to that.

19 MR. HANSON: There was either
20 settlement discussions or there weren't settlement
21 discussions. I don't think you can on the one hand say that
22 there was settlement discussions and say it's not relevant,
23 but on the other hand, say that there were no settlement
24 discussions, unless the allegation has been true.

25 MR. GOLDSMITH: You allege in

1 your complaint that there were settlement discussions. I've
2 heard one witness's interpretation of what transpired. So
3 no, I won't withdraw the objection.

4 MR. HANSON: We may have to just
5 take it up with the Judge at some point.

6 MR. GOLDSMITH: We might.

7 BY MR. HANSON:

8 Q. Let me just understand your testimony on this
9 point, Mr. Wilburn. Is your belief that there is something
10 untrue in paragraph 28 is that it presumes that there was
11 some sort of settlement discussions?

12 A. Yes.

13 Q. This, Mr. Wilburn, was marked as Exhibit 2 to Mr.
14 Jenkins' deposition. It is a letter from the Monroe County
15 Road Commission dated July 27, 2006, to Mr. Jeff Myers of
16 Mannik & Smith. Do you see that?

17 A. Yes.

18 Q. Why don't you take a moment to review this letter
19 and let me know when you've completed your review.

20 A. Okay.

21 Q. Do you recall ever having seen this letter before?

22 A. I'm sure I probably did.

23 Q. You'll notice it is copied to the Township Planning
24 Department, do you see that, correct?

25 A. Yes.