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COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: EUGENE J. MONAHAN

Tuesday, February 12, 2008

Washington, D.C.

The interview in the above matter was held at 2247
Rayburn House Office Building, commencing at 2:10 p.m.

Appearances:

For COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM:

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Mr. Cohen. This is a transcribed interview of Mr. Gene Monahan conducted by the House Committee on Oversight and Government Reform as part of its investigation into the use of steroids by Major League Baseball players. My name is Brian Cohen and I'm with the majority staff of the committee. Along with me is my colleague Jennifer Safavian of the Republican staff of the committee.

Mr. Monahan, can you please state your name for us for the record?

Mr. Monahan. Yeah. My formal name is Eugene J. Monahan.

Mr. Cohen. Thank you very much. And my understanding is that you have counsel along with you as well?

Mr. Monahan. That is correct, sir.

Mr. Cohen. And if counsel present in the room can introduce themselves, please.

Mr. Grand. Paul Grand and Jeremy Temkin of the law firm of Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer for Gene Monahan.

Mr. Ross. And then you've got Akin Gump, Steve Ross and Jorge Lopez on behalf of the New York Yankees.

Mr. Duffy. Chris Duffy from Boies, Schiller & Flexner for the New York Yankees.

Mr. Cohen. Jorge, is Lopez with an s or z?

Mr. Lopez. With a z, yes.

Mr. Cohen. Okay. Thank you. Just go over a few basic instructions, the way this will work, I will begin by asking a set of questions. I will ask questions for up to one hour, although I don't think it will take that long. When I'm finished, Jennifer will run through a set of her questions and we'll alternate back and forth between the two of us until the interview is completed. Mr. Monahan, you understand that you are required to provide truthful testimony today?

Mr. Monahan. Yes, I do.

Mr. Cohen. And that not doing so could result in potential criminal penalties?

Mr. Monahan. Yes, sir.

Mr. Cohen. Is there any reason you are unable to provide truthful testimony today?

Mr. Monahan. No. There's no reason.

Mr. Cohen. Thank you very much.

EXAMINATION

BY MR. COHEN:

Q Just to begin with the interview, I think primarily what I want to talk about is basic medical procedures on the Yankees. I am particularly interested in Mr. Clemens' first and second tenures with the team. My understanding, Mr. Monahan, is that you were the head trainer of the team

during Mr. Clemens -- both of Mr. Clemens' tenures with the Yankees. Is that correct?

A Yes, sir. I'm the head athletic trainer.

Q And for how long have you been the Yankees athletic trainer?

A I have been the Major League head athletic trainer for 36 years.

Q Okay. And prior to that?

A Prior to that, I was a Minor League athletic trainer in the New York Yankees organization for 10 years. I received my medical and preparatory work at the United States Army Medical Corps in Indiana University.

Q Okay, great. And the degree you hold is in --

A I have a Bachelor of Science Degree in physical education with an emphasis on sports medicine.

Q Okay. All right. One of the things I wanted to talk about was the hierarchy of medical officials on the team. Can you very quickly run us through the hierarchy, beginning with the head doctor, the trainer, the assistant trainer and others who are part of the medical team? And just very briefly describe their responsibilities?

A Yes, sir. The team physician is in charge of the medical service for our Major League teams. And he's -- basically oversees all of our work. You have a team physician, you have -- who's an orthopedic surgeon. You

also have associate physicians in various specialties that assist him off campus generally and we do have on most occasions an internal medicine doctor also accompanying the head team physician on games being played both in spring training and in New York. And you have the head athletic trainer, which is myself. I have one full-time assistant head athletic trainer, and we also have a full-time strength and conditioning coordinator that works with the players on a physical basis in that facility. That's basically our team.

Q Okay. So the strength and conditioning coordinator is considered part of the medical staff or the coaching staff?

A It's more -- more semantics. Coaching staff.

Q Okay. That's good. Thank you. And specifically with regard to medications, I assume the head physician is -- who of those walking through physicians, trainers, strength and conditioning coach, which of those individuals are authorized to provide medications to players?

A The team physician authorizes the dispensing of all medications. As head athletic trainer I am permitted to dispense his medications as per his initials or his needs or his wants. And I am responsible also for the procurement of these medications and they are kept under heavy guarded double lock and key. I have access to them for as what our

team physician prescribes or wants us to do on a daily basis as well as my assistant athletic trainer.

Q Okay.

A So it's the head team physician's attending internist who may be there that evening or day covering a game, myself and my assistant.

Q Okay. And with regard to record keeping, specifically medications that are provided to players, are records -- does the team have a general record keeping process to track injuries and treatment?

A Yes, we do, sir.

Q Okay. And to the extent that the player -- that a player does receive medication, will that be -- will a record be made of that -- of the provision of that medication?

A Generally, generally, yes.

Q Okay. Can you provide us some examples perhaps where a record would not have been kept?

Mr. Ross. And by examples, you don't mean examples with respect to specific players?

Mr. Cohen. No.

Mr. Ross. You are not looking for a specific --

Mr. Cohen. No, no, no.

BY MR. COHEN:

Q Are there certain medications for which -- that you

would give out, for example, without keeping a record?

A Yes, sir. That would generally -- speaking in general terms, that would be -- especially for a medication that would not be a prescriptive medication or a general medication that we use for something that -- like a head cold or a minor problem with some aches and pains that doesn't require dispensing.

Q Okay. So no record for an over-the-counter medication?

A No, sir.

Q But for all prescription medications, would there be records retained?

A Generally medications that are prescriptive in nature are always, always listed and recorded. Yes, sir.

Q Okay. And would that be true of all injectable medications?

A That is correct.

Q Okay. And specifically would that be true of B12 shots?

A No.

Q No record is kept --

A Not specifically. In general terms, to the best of my recollection, they are and can be noted, but by and large not at all times, not every time, no.

Q Okay. So B12 shots are not always -- to the extent

a B12 shot is given, they're not -- that would not necessarily be noted in the record?

A That is correct, sir.

Q Okay. Now are both -- the head and the assistant athletic trainer, are they both authorized to provide B12 injections?

A When authorized by the physician, yes, sir.

Q Okay. What about the strength and conditioning coach?

A No, sir.

Q Okay.

A To the best of my knowledge, no.

Q All right. Specifically with regard to Mr. Clemens, can you -- have you ever provided injectable medications to Mr. Clemens?

A In understanding the question, is the question, have I ever provided him with injectable medication?

Q Yes.

A Does that mean that I've given it to him for his use?

Q No. I'm sorry. Let me rephrase that. Have you ever injected him with any medication?

A Yes. I do believe I have.

Q Okay. And can you tell us about approximately how many times?

A Once.

Q One time?

A To the best of my acknowledgement, one time.

Q Okay. And can you tell us what that medication was?

A That medication was a light dose of Toradol medication, pregame with when he had some injury symptoms.

Q Okay. Have you ever injected him with a B12 shot?

A To my recollection and knowledge, no, sir.

Q Okay. And do you have any knowledge of whether the team physician or whether the assistant trainer or any other individuals associated with the Yankees have provided him with B12 shots?

A That's a -- you --

Mr. Ross. You've put a lot of people in that mix. Is it a general question, if he's aware of any of the Yankee medical personnel giving him a B12 shot?

Mr. Cohen. I think that's accurately stated.

BY MR. COHEN:

Q Are you familiar with any other New York Yankees medical personnel giving Mr. Clemens a B12 shot?

A A B12 shot, no, sir. I do not have no knowledge of that.

Q To the extent B12 shots are given, would they be more likely to be given by the team doctor, would they be more likely to be given by the assistant trainer? Would --

A Is this to Mr. Clemens or generally?

Q In general.

A In general it would be a combination of the team physician and the head athletic trainer generally.

Q Okay. So the -- you wouldn't expect the assistant athletic trainer to provide many medications?

A Not, not an injection like that, no. Not that often. It has occurred but not that often.

Q Okay. We've been told of a specific event in which a player walked by the trainer's room --

A Sorry. We missed the beginning of that.

Q Sorry. We've been told of a specific event in which a player walked by the trainer's room and observed what was described as a row of -- of B12 shots, loaded syringes ready to provide to players after a game. I don't have the -- the exact words in front of me. But essentially they were described as lined up and ready to go. Can you describe if the way you -- could that -- could that have occurred? Is that the way you prepare medications?

A I have no knowledge of that, and I can't conceive that that could have occurred. And I have just no recollection of that ever being the case with me and with our ball club. And that's all speculative in my -- my -- of what the medication was. I don't -- I have no knowledge of that.

Q Okay. You said you can't conceive that it could have occurred. Why not?

A Because I'm in charge of keeping this medication locked up. And when it has to be done, and I prepare it, along for and with the team physician, and I am never -- I can't remember ever doing business that way.

Q Okay.

Mr. Ross. And Brian, your question of had a specific event with a player walking by the trainer's room is -- you're saying the Yankee trainer's room?

Mr. Cohen. Yes. Yes.

Mr. Monahan. And you referred to B12, too?

BY MR. COHEN:

Q Yep. Could it have occurred with any other injectable medications, this type of scenario in which several -- a number of syringes were lined up ready to go?

A Syringes? No, sir.

Q Okay. Okay. I'm going to turn it over to Jennifer. I'm sorry. Hang on a second.

Ms. Safavian. Can you hear me okay?

Mr. Monahan. Yes.

EXAMINATION

BY MS. SAFAVIAN:

Q Okay, great. Just quickly, you mentioned just a few minutes ago that -- you said that a record is kept of all

injections, although that's not always the case with regard to B12. Is that correct?

A To my recollection, yes. That's pretty accurate.

Q And why is that? Since we're talking about injectable B12, why the distinction?

A Well, sometimes the doctor keeps the record and that's records that are private medical records that he keeps in his office. And at times when there are cases where there are an influx or a lot of upper respiratory infections or other kinds of illnesses, they go through the team and it's relatively routine to help those players feel better. That would occur and sometimes that would not be noted because it was such policy.

Q And so is it pretty common that if a player were to ask for a B12 injection that they would receive it?

A Pretty common is a possible way of terming that. Generally we discuss that as a team, and I discuss it with the doctor. But generally they usually get an affirmative on that. Sometimes it is not permissive, and sometimes we do not do that.

Q And can you give me in general an example of when it would not be permissive?

A It wouldn't be permissive if the doctor felt it wasn't in the player's best interest; i.e., fever, et cetera.

Q Oh, I see. Okay. And since it doesn't sound like necessarily that there would be records kept of the injections of B12, at least perhaps at the ready for you all, is there any other way of keeping track of how often an individual player might receive an injection of B12?

Are you still there?

Mr. Cohen. Are you guys still there?

Mr. Monahan. Did we miss a question?

Mr. Cohen. I think you did, yeah.

BY MS. SAFAVIAN:

Q The question I had asked was -- since it doesn't sound like you necessarily have -- at least at the ready perhaps documentation of individual players' B12 injections, is there a way that you'd keep track of how often a player would receive one?

A I'm not sure I understand the question.

Q Well, I'm just -- I'm wondering if you like -- if we're talking -- just an individual player, if they can only get, like, say a B12 injection, you know, once a month, once every 2 months, is there any type of time period that you would insist upon before they receive say another B12 shot?

Mr. Ross. I don't think he testified in that way. I think he testified that there were times when the doctor would not offer them B12 because, for example, if a player had a fever. But I don't think he said there was a time

limit of once a month or once every 6 weeks or once every 2 weeks. I just don't think we've heard that.

Ms. Safavian. You're right. You have not heard that. That's why I'm asking the question.

Mr. Ross. Okay. What was the question?

BY MS. SAFAVIAN:

Q I'm trying to understand, since it doesn't sound like there is necessarily a record kept of every time a B12 shot is given, I'm trying to understand if there's some type of policy in place as to how often an individual player could receive such an injection. Is it once a month? Is it once every 6 months? Is it, you know, as many times as they ask for? That's the question I'm trying to get to.

A The answer to that question is it is always the doctor's call.

Mr. Ross. And I just would want to point out that in our discussions with regard to the scope of the interview, we were told that the interview would relate to treatment and medications given to Roger Clemens. And in our hurrying up to prepare our witness at such short notice to be interviewed, I'm not sure we should go too far afield or we'd be prepared to go too far afield for our general policies for other players about various medications or various treatments.

Ms. Safavian. Well, I wasn't asking about any specific

player. I was trying to get a general sense of when the physician -- if there is any type of policy as to how often B12 shots are given. It seems to us that different clubhouses have different beliefs and understandings about the usefulness of B12. So I'm trying to get an understanding as to how the Yankees clubhouse feels about it.

Mr. Ross. Well, I think the witness has sort of answered the questions that he can and in the way that he can. You know, the description of what we were being asked to have somebody testify to was not to have somebody prepared to answer questions about, you know, what the club policy is on specific medications.

Mr. Cohen. Steve, this is -- I think it's an issue that's important to us with regard to how it relates -- the general issue is important with regards to how it relates to the specific treatment given to Mr. Clemens. So I think that's our -- that's why we ask this question.

Mr. Ross. Right. Again, if you wanted to have us prepare somebody to talk about general policies with regard to specific medications -- I'm not saying that that's objectionable. But that's not something we're prepared to do right now. You know, if there are -- I don't know how many other medications you would have on the list and how long it would take us to be prepared to answer that. But

you and I had some fairly specific conversations about what the topic of this interview was going to be. And I'm just worried that we're getting further afield from what was described and what one might have anticipated. That is not being fair to the witness in terms of being able to consult with his lawyers to be able to prepare for an interview.

Mr. Cohen. This is a voluntary interview so of course we can't force you to answer a question. Maybe Jennifer can try rephrasing it in a way you will be able to answer. Want to give it a shot, Jennifer?

Ms. Safavian. Well, I will ask it specifically of Mr. Clemens.

Mr. Grand. Jennifer, you might when you are trying to do this clarify what it is you are asking. You talked about both team policy and you've talked with -- it seems to me -- about what his view or others' views might be of the efficacy of B12. Those are very different questions. You can have a view and not have a policy. You can have a policy and not have a view. I don't know what it is you are trying to find out. If you are trying to find out whether he personally believes that B12 will cure a common cold or cancer, you can ask him that.

Ms. Safavian. Okay. Well then let's start that way.

BY MS. SAFAVIAN:

Q Mr. Monahan, what is your belief that is the purpose

or the benefits of injectable B12?

A Many years ago the education that I received indicated to myself that this was a medication -- which was a good medication for people that were suffering from an illness known as pernicious anemia. But a lot of physicians along the line and through the road -- and through the Army Medical Corps as well -- explained to me that when people are ill, people are under the weather and they are weak, that sometimes this particular type of medication prescribed correctly in whatever doses they would recommend would help those people feel better either empirically or psychologically. And players, as you know, have families with each team. And there's a lot of movement. And a lot of players bring a lot of different theories and ideas with them. And some players actually do believe that this does help. Whether I believe it helps or not, I can give you my opinion. But if it certainly is something that the -- that helps, it seems to help and is a positive influence. And it is approved and it's getting us somewhere with the players who are worn out and dead beat from playing 162 games in 6 months, then yes, I think it helps.

Q So do you know whether or not the doctor would approve B12 injections for an individual once every week?

A I can't say that. I'm not a physician. I don't have that degree. I don't believe so, no.

Q I'm asking if you know that that's happened. It sounds like you keep this medication under lock and key and you're the one that, you know, gets it ready. So have you ever been in a situation where you have memory, recollection of a player receiving a B12 shot say every week?

A No, ma'am.

Q Once a month?

A It's possible. On occasion.

Q I also -- I wasn't involved in the discussion over the parameters of this interview. But I did have a couple questions for you about Brian McNamee.

A Yes.

Mr. Ross. Well, it depends on what the questions are going to be.

Ms. Safavian. Well, why don't I ask them?

Mr. Ross. We don't -- well, ask the questions and we'll say what we may. But we may have to go offline and discuss the range of the questions.

Mr. Cohen. Just give me a second --

Mr. Ross. That was not something that was discussed before this interview, and what waiver issues we have or other issues. You may ask your question, but that may require further consultation before we're able to go forward. Go ahead.

Mr. Cohen. Hang on one second, Steve.

Ms. Safavian. All right.

BY MS. SAFAVIAN:

Q Mr. Monahan, let me just ask you, are you aware of who Brian McNamee is?

A Yes, ma'am. I am.

Q And did he used to work for the Yankees?

A Yes, he did.

Q And do you recall what time period and what position he held?

A I don't know the time period offhand, but he was an assistant strength and conditioning coordinator for the New York Yankees.

Q And was there also -- did he have just one -- I'll kind of phrase it as tour of duty with the Yankees or was there more than one?

A I don't remember. I think it was one.

Q Do you recall if he was a bullpen catcher back in 1993-94?

A I do remember him catching in the bullpen. Whether he was called a bullpen catcher or not, I don't know the nature of his title but, yes, I did see him catch bullpen.

Q Do you recall that was as far back as 1993?

A I can't recollect that. I really can't be specific.

Mr. Ross. Jennifer, with all due respect, we have -- and I appreciate that you were not part of those

conversations. I wasn't choosing who from the committee would be on the phone, those who recall the committee placed to us. We had a fairly specific understanding as to what the topics would be. And this is really a line of questions outside that -- that range. And if people want to talk about -- and ask questions about this, it really should have been talked about when we were undertaking those conversations.

Mr. Cohen. And Steve, I will -- I will say I am probably the responsible party here because I was the one from our end, from the committee's side, setting this up. So I apologize for any misunderstanding.

Ms. Safavian. Well, my questions are pretty general in nature.

Mr. Ross. Right. But I mean asking about a bullpen catcher is -- you know, is neither -- doesn't fit or even you know doesn't fit within any of the subject matters that we were told to prepare somebody to be interviewed on.

Ms. Safavian. Mr. Monahan, do you have a problem answering some general questions about Brian McNamee?

Mr. Duffy. Hold on a second. This is Chris Duffy from Boies Schiller. Mr. Monahan has had less than a day's notice for this interview. And we have done everything in our power to make this happen within the scope of what was represented to us by the committee. And we're here ready

and Mr. Monahan is here ready to answer those questions. And continues to be ready to answer those questions. And to go outside the scope of that is frankly, given this incredibly expedited time frame, very unfair.

Mr. Ross. And I would just also add, Jennifer, you know, to come back and try to pose that question in light of our discussion is not the way an interview like this should be conducted.

Ms. Safavian. Well, let me just say that I only had a couple of questions. They were very general in nature. They were going to ask Mr. Monahan if he recalls Brian McNamee, what he did for the Yankees as the assistant strength coach, whether he was permitted to inject players with anything. They were very general questions. I only had about three.

Mr. Ross. Jennifer, stop. Stop. You haven't asked those questions.

Ms. Safavian. You're right. You haven't let me.

Mr. Ross. What I'm trying to do, if you let me step out of my characteristic role and be a peacemaker, let me suggest that you ask him questions about the medical treatment authority that McNamee had. And he'll be happy to answer. That's what it seems to be you want asked.

Mr. Cohen. Well, let me suggest this, there is an understanding here that you were not told in advance you

would be asked questions about Mr. McNamee.

Mr. Ross. That's not our problem. We are not trying to make this more difficult than need be. If Jennifer, why don't -- if you would describe the questions without posing them as questions, describe what you want asked, I think when you got to wanting to ask about McNamee's role as part of the training staff, that's within what we're -- understood this interview to be about and we're prepared to go forward.

Mr. Cohen. Listen, Steve -- guys, can I get a word in here, please? There is an understanding on our part that you were not told that Mr. McNamee would be part of the topic of this conversation. I understand that. And to be perfectly honest, I'm the party responsible for that. We understand that you are on this call voluntarily. We understand you have not been prepared to answer questions about Mr. McNamee. May I suggest that to the extent that Jennifer asks a question and you don't know the answer because you are not prepared or do not recall, then you can simply tell us that you are not prepared or do not recall the answer to that question or perhaps that you don't have a view on it. If you from personal knowledge can answer the question, then I would request that you answer it. But if you're not comfortable answering without records in front of you, if you have no personal knowledge, if you are simply

unprepared, then we can't ask you to answer the question.

Mr. Ross. Brian, again, I think that is not necessarily a proper procedure. But I think we may be making a mountain out of a mole hill. We are prepared to have Mr. Monahan answer questions about the medical and training staff. And in terms of his role as a strength and conditioning coach, you know he can try to do that. And that's -- you are getting a little far afield when Jennifer was asking about, you know, people's roles in the bullpen or something else. I think we can quickly get to where this doesn't have to be all that difficult.

Mr. Cohen. Why don't we try this set of questions again? And if you are not prepared or can't answer, then you don't have to answer. This is a voluntary interview, Steve. And we appreciate you making Mr. Monahan available voluntarily.

Ms. Safavian. I was trying to get to Brian McNamee's role as a trainer. So I only raised the bullpen catcher -- because I was aware that's what he did with the Yankees. If Mr. Monahan doesn't recall that, that's fine.

Mr. Monahan, as Brian McNamee as an assistant strength coach, can you explain to me what that meant, what were his responsibilities and duties?

A Those responsibilities and duties revolve around the physical conditioning of the team itself and the staff as

well, working with and underneath the head strength and conditioning coordinator at the time. And that's what he did. He was responsible specifically for conditioning the players, strength and conditioning.

Q And were you responsible for hiring him?

A No, I was not.

Q And as the assistant strength coach, did he have any -- did he have any authority to prescribe medications or even hand any type of medication to players?

A The authority? No, he did not. And to the best of my knowledge and recollection, no, absolutely not. And he had no accessibility to any of those items as well.

Q So to your knowledge, he never injected a player with any type of substance?

A That's right.

Mr. Cohen. I'm sorry. Could you repeat that, Steve?

Mr. Monahan. The question is with respect to Mr. McNamee's service as the Yankee assistant strength and conditioning coach.

Mr. Cohen. Can you -- I apologize. After we -- we had the line break up here. Right after Mr. Monahan answered.

Mr. Monahan. The question was phrased, did he ever do X, Y, or Z?

Mr. Ross. No. No. The question was did he know of McNamee ever --

Mr. Cohen. My understanding, what you are trying to say is to the extent Mr. Monahan just answered Jennifer's questions, he was referring to Mr. McNamee's tenure as strength and conditioning coach?

Mr. Monahan. Right.

Mr. Cohen. Good.

Mr. Ross. You can ask it more broadly than that. We don't want to beat around the bush here. What he is essentially saying here is he has no knowledge of McNamee giving any medications, injectables or otherwise, to Mr. Clemens. Is that a fair summary of what you were trying to say?

Mr. Monahan. That's exactly what I was trying to say.

BY MR. COHEN:

Q Okay. Good I just have one cleanup question. I may have asked this already. If I have, I apologize. Just to clarify, Mr. Monahan, you indicated first that you have never given Mr. Clemens a B12 shot?

A That is correct, sir.

Q And that you have only given him one injection?

A To my recollection, I don't remember ever giving him a B12 shot. What was the second part, sir?

Q That you have only -- the only injection you have provided him was one injection of Toradol?

A That's -- to my recollection, that's all I know of,

yes.

Q Okay. And has there ever been any times when Mr. Clemens approached you and asked for an injection, beyond that one time where you gave him the Toradol injection?

A Asked of me?

Q Yes.

A Not of me, no.

Q Okay. Just to clarify, you discussed in the beginning that you were authorized to provide players B12 shots?

A Yes, sir.

Q Okay. And can you tell us approximately how frequently you'd provide them to players?

A It's not on a -- it's not scheduled. Not on a regular basis. It's generally discussed between the player and the physician and myself more likely when a player has been ill and is recuperating.

Q I'm sorry. Let me put that a different way. Over the course of your career, would you say -- you know, have you given hundreds of B12 shots, thousands of B12 shots, dozens of B12 shots?

A In 36 years I would have to say with -- I'd have to go with a dozen.

Q Dozens?

A A dozen.

Q So a couple B12 shots a year. Again I'm not holding you a specific but just to get a general sense, you'd give a couple B12 shots a year?

A I don't know. But some years I would say none. Some years a couple, some years more than that. It just doesn't run a regular basis. But it's certainly not hundreds or thousands by any stretch of the imagination.

Q Okay. I don't have anything else. I think we're done.

Mr. Ross. Okay. And this is Steve. I appreciate everybody's bearing with me. Doing these over the phone can be more difficult than in person. And we're not trying to limit the committee's questioning, you know, in any way beyond the discussions that we had had before.

Mr. Grand. We're not going to hold it against you. From our point of view, it wasn't so bad after all.

Mr. Cohen. All right. Why don't we go off the record now.

[Whereupon, at 2:55 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

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March 18, 2008

Brian Cohen
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Dear Brian:

I am writing to supply a short list of apparent transcription errors in the preliminary transcript of the Committee's February 12, 2008, transcribed interview of Eugene Monahan. These are the transcription errors I noted in my earlier emails.

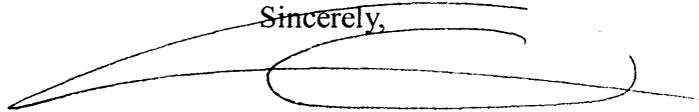
1. Page 11—line 3—the transcript has the witness answering, “To the best of my acknowledgement”—we believe the witnesses said “To the best of my knowledge.”
2. Page 11—lines 21-22—the transcript has the witness answering “A B12 shot, no, sir. I do not have no knowledge of that—we believe the witness said “A B12 shot, no sir. I do not have knowledge of that.”
3. Page 13—line 8—the transcript has the witness saying “Did we miss a question?” That remark should have been attributed to me.
4. Page 14—lines 12-13—the transcript has the witness concluding a lengthy answer with the sentence: “That would occur and sometimes that would not be noted because it was such policy.” We do not believe the last phrase (“because it was such policy”) is an accurate transcription of the witness's answer.
5. Page 23—lines 16 and 19—the transcript attributes two attorney comments to me, they were comments of Paul Grand.
6. Page 26—lines 17 and 22—the transcript attributes two comments, regarding the phrasing of a question, to the witness. They were my statements.
7. Page 27—line 7—the transcript attributes one attorney statement to me, again it should be attributed to Paul Grand.

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8. Pages 28, line 24 and page 29, line 1 in response to your question asking the witness to categorize something over his career as having occurred “hundreds,” “thousands,” or “dozens” of times his answers should read “dozens” and not “dozen.”

Given the nature of this transcribed interview, with multiple attorneys participating from multiple locations and the witness not being in the room with the transcriber the small number of misapplied or mistranscribed statements is a testament to the skill of the reporter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Ross", written over a horizontal line.

Steve Ross
Counsel for the New York Yankees