

6 Q. What did you do that day?
 7 A. Worked.
 8 Q. What day of the week was that? Do you recall?
 9 A. I believe it was a Friday. I'm not positive.
 0 I believe it was a Friday.
 1 Q. And where did you work then?
 2 A. Boy, where did I work then? I think I worked
 3 for Kay Weatherford.
 4 Q. Do you recall what you would have been doing
 5 working for Kay Weatherford?
 6 A. Secretarial duties.
 7 Q. Is that here at Spence's office?
 8 A. No.
 9 Q. What do you do now for work?
 0 A. I'm working for David Tibbitts, Jackson Hole
 1 Attraction Menu, doing some advertising or helping him
 2 with advertising.
 3 Q. Do you recall going to the party that night?
 4 A. Uh-huh.
 5 Q. And that was at the Mangy Moose?

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A. Yes, sir.
 Q. Do you recall what time you went to the party?
 A. Not exactly. I don't remember exactly what
 time it was. I could guess.
 Q. Okay. Why don't you tell me what you recall
 about going to the party and how long you stayed there.
 A. I would think it would have begun around seven
 o'clock in the evening and ended around nine or nine-
thirty.
 Q. Tell us what you can recall about what you did
 at the party, what you had to drink, who was there.
 A. Everybody that worked for Yearsley --
 MR. BOMMER: I am going to object to the
 form of the question as being compound. Why don't you
 ask her one at a time. It's very confusing for a
 witness to try and answer three questions in one. You
 may go ahead and answer.
 Q. (BY MR. WOLF) who do you recall seeing at the
 party?
 A. Well, everybody that works for Yearsley would
 have been there unless they were unable to attend.
 Darrell, of course, and Heidi. Darrel Erbe and his
 wife, Judith. My mother, Lori Witten, whose husband,
 which is my stepfather, Mike Witten, worked for them at
 the time. They were there. David's uncle Bill and his

5 describe the nature of the party?
 6 A. It was a Christmas party, a dinner party.
 7 Q. Well, I say that because blood tests have
 8 revealed that Mr. Yearsley was intoxicated at the time
 9 of the accident. With that in mind, do you recall how
 10 much Mr. Yearsley, David Yearsley, had to drink that
 11 night?
 12 MR. BOMMER: Object to the form of the
 13 question. It's argumentative and it's a misstatement of
 14 the facts. Go ahead and answer.
 15 A. Thank you. No, I don't recall how much he had
 16 to drink that night.
 17 Q. (BY MR. WOLF) Did you see him drinking that
 18 night?
 19 A. Uh-huh.
 20 Q. Tell me what you observed about his drinking.
 21 A. That it was very moderate.
 22 Q. What would you mean by moderate?
 23 A. It was moderate because we had had a
 24 discussion previously to keep it moderate.
 25 Q. Tell me about that discussion.

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1 A. Due to the road conditions that night, nobody
 2 wanted to be excessive drinking until we got to town and
 3 taxis were available and we were closer to town.
 4 Q. What time of the evening did this discussion
 5 happen?
 6 A. Probably on the way to the party.
 7 Q. I assume there came a time when you decided
 8 you would leave the party.
 9 A. (Nodded head.)
 10 Q. Tell me what you can recall about who left and
 11 when.
 12 A. The party broke up after dinner was over and
 13 we did gifts, which was a traditional event at Yearsley
 14 Construction Christmas parties. They did gifts after
 15 dinner. And people made a few speeches, whatnot, so
 16 forth. And then everybody just kind of split up. I
 17 remember that my mother and father, stepfather, were
 18 coming with us to town and we were going to go uptown.
 19 Q. Okay. You ended up in the vehicle with David
 20 Yearsley driving; is that correct?
 21 A. Yes, sir.
 22 Q. Who else was in the vehicle?
 23 A. Darrell and Heidi.
 24 Q. Was there any discussion about who would drive
 25 that you can recall?

Deposition Wendy Yearsley Phelps