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(1) deposition, which was originally scheduled for
(2) September 27th and now results in today's date.

(3) Could you just take a look at Exhibit 3 and let
(4) me know when you are finished. I'm going to ask you a
(5) few questions about it.

(6) Are you still reading it?

(7) A. Yeah.

(8) Q. You do recall receiving Exhibit 3 in the mail;
(9) is that correct?

(10) A. Yes.

(11) Q. Have you had a chance to review it before
(12) today's date?

(13) A. Yes.

(14) Q. So can I go ahead and proceed? It is the same
(15) document that you received in the mail.

(16) A. Okay. Yes.

(17) Q. Thank you. Let's turn to -- strike that.

(18) This is the subpoena for your attendance at
(19) today's deposition. I would like to ask you some
(20) questions about Exhibit A to that subpoena. Refer to
(21) Exhibit A to deposition subpoena to Jason Cobb, aka
(22) Jason E. Cobb. And I've requested that you provide
(23) today certain documents. The beginning part of that
(24) exhibit reads, "I request that you produce legible
(25) copies of all of the following documents within your

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(1) possession, custody and/or control relating to the Menlo
(2) Park Congregation of Jehovah's Witnesses, Inc.,
(3) California Corporation Number C0983980."

(4) So I want to go through and ask you questions
(5) about each one of these categories, and you can tell me
(6) whether you have brought with you today documents
(7) responsive to each of these requests.

(8) So Category Number One requested that you --
(9) strike that.

(10) When I refer to the corporation, I'm going to
(11) be referring to the Menlo Park Congregation of Jehovah's
(12) Witnesses, Inc. for the purposes of our deposition.
(13) Okay? Is that agreed?

(14) A. That's the right name.

(15) Q. Okay. But I'm just going to use an abbreviated
(16) term, say, corporation. So I want -- so we have an
(17) understanding, I'm referring to that corporation. Okay?

(18) A. Yes.

(19) Q. Number 1, have you provided today a copy of all
(20) correspondence signed by you sent to any law enforcement
(21) or governmental investigative, including e-mails during
(22) the period February 1, 2010 up to and including the date
(23) of the deposition relating to the Menlo Park
(24) Congregation of Jehovah's Witnesses, Inc., a California
(25) Corporation Number C0983980.

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(1) Do you have any documents responsive to that
(2) request?

(3) A. I do have one document that I think you already
(4) have in your possession or I believe was included in
(5) previous interrogatory exchanges, if that is the right
(6) expression. So that was a letter to the IRS. That was
(7) dated April 6, 2011. So I don't know what value added
(8) is gained by re-presenting it, but I do have it.

(9) Q. Why don't you provide me a copy of that.

(10) A. Do we have the means of making a copy?

(11) Q. Well, what we could do is during the course of
(12) our lunch --

(13) A. Okay.

(14) Q. I don't think they have a Xerox machine here.

(15) A. Okay.

(16) Q. Usually, we will have the court reporter, who
(17) is also an officer of the court, someone from their
(18) company that will come and make copies of exhibits that
(19) we may need to use later.

(20) A. Okay.

(21) Q. Do you have any other documents that you have
(22) sent to a law enforcement or government agency other
(23) than the one you produced today?

(24) A. I don't.

(25) Q. Okay. I'm going to -- that's a two-page letter

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(1) dated April 6th, 2011, correct?

(2) A. Yes.

(3) Q. Okay. Category Number 2, all correspondence
(4) between you and each plaintiff including e-mails during
(5) the period from February 1st, 2010 up to and including
(6) the date of the deposition relating to the Menlo Park
(7) Congregation of Jehovah's Witnesses, Inc., California
(8) Corporation Number C0983980.

(9) Any documents responsive to that request?

(10) A. No. I never exchanged e-mails with either.

(11) Q. And that says all correspondence, including
(12) e-mails. Did you ever exchange any correspondence with
(13) either your father or Arlen St. Clair relating to the
(14) corporation during the period of February 1st, 2010 and
(15) today's date?

(16) A. No.

(17) Q. Okay. Number 3, all amendments to the bylaws.
(18) Again, we are talking about the corporation.

(19) A. There are no amendments for the simple fact
(20) that there are no bylaws for the Menlo Park Corporation.

(21) Q. Number 4, all former and current bylaws.

(22) A. Same answer. There are no bylaws. And that
(23) technically is privileged. But in view of my other
(24) state action, but -- I have already established -- and I
(25) think you have a copy of that complaint where the

49	<p>(1) statement is made there are no bylaws. That's why I am</p> <p>(2) answering.</p> <p>(3) Q. Number 5, all meetings of minutes of the</p> <p>(4) corporation particularly for the period from</p> <p>(5) February 1st, 2010 up to and including the date of the</p> <p>(6) deposition.</p> <p>(7) A. That's privileged.</p> <p>(8) Q. On what basis do you claim that the minutes of</p> <p>(9) the corporation board are privileged?</p> <p>(10) A. Trial preparation material.</p> <p>(11) Q. You understand you are here as a witness in</p> <p>(12) this case which your father and Mr. St. Clair have</p> <p>(13) alleged a number of claims relating to the corporation?</p> <p>(14) You understand that?</p> <p>(15) A. (Witness nods head.)</p> <p>(16) Q. That is a --</p> <p>(17) A. I do understand that. There may be a basis for</p> <p>(18) that to be included henceforth; however, in preparation</p> <p>(19) for the state trial, that qualifies under the letter of</p> <p>(20) law as privileged as trial preparation materials.</p> <p>(21) Q. Well, I respectfully disagree with you. I can</p> <p>(22) see this is another matter that we will have to call the</p> <p>(23) judge's clerk on. So why don't I just complete the</p> <p>(24) list, and you can let me know what you claim to be</p> <p>(25) privileged and then we can just make one call back to</p>	51	<p>(1) Q. You are referring to page --</p> <p>(2) A. Rule 45.</p> <p>(3) Q. Page 3, Rule 45?</p> <p>(4) A. Yep.</p> <p>(5) Q. What section again?</p> <p>(6) A. I don't know how to read it properly. I don't</p> <p>(7) know if it is 45(2)(A) claiming privilege or protection.</p> <p>(8) Right there.</p> <p>(9) Q. Oh, okay. I see. That would be 45.</p> <p>(10) A. A person withholding subpoenaed information</p> <p>(11) under a claim that it is privileged or subject to</p> <p>(12) protection as trial-preparation material. So there is a</p> <p>(13) process to articulate that, and I'm happy to do that.</p> <p>(14) Q. There are two basis then. You are claiming it</p> <p>(15) is privileged for some reason. Are you also claiming it</p> <p>(16) is subject -- it is privileged because it is</p> <p>(17) trial-preparation material? I'm not too clear.</p> <p>(18) A. Yeah, trial-preparation material.</p> <p>(19) Q. And that's relating to your state court action;</p> <p>(20) is that correct?</p> <p>(21) A. Yes.</p> <p>(22) Q. Okay. Number 7.</p> <p>(23) A. I think that will repeat.</p> <p>(24) Q. It is necessary that we go through each one.</p> <p>(25) A. That's fine. When I keep saying it, we don't</p>
50	<p>(1) the judge.</p> <p>(2) So you are claiming privilege as to all minutes</p> <p>(3) of the meetings of the corporation; is that correct?</p> <p>(4) A. Yes.</p> <p>(5) Q. Number 6, you were requested to produce all</p> <p>(6) minutes of the meetings of the board of directors of the</p> <p>(7) corporation particularly for the period from</p> <p>(8) February 1st, 2010 up to and including the date of the</p> <p>(9) deposition.</p> <p>(10) Have you brought any documents responsive to</p> <p>(11) that request?</p> <p>(12) A. Privileged. Although, I believe you have that</p> <p>(13) in your possession already.</p> <p>(14) Q. So there were meetings of the board of</p> <p>(15) directors; is that correct?</p> <p>(16) A. (Witness nods head.)</p> <p>(17) Q. How many meetings of the board of directors</p> <p>(18) were there during February 1st, 2010 and today's date?</p> <p>(19) A. Privileged.</p> <p>(20) Q. Privilege to the number of meetings of the</p> <p>(21) board? You are claiming that is a privilege?</p> <p>(22) A. (Witness nods head.)</p> <p>(23) Q. And the basis of your privilege again is what?</p> <p>(24) A. It is this point here -- information withheld,</p> <p>(25) claiming privilege or protection.</p>	52	<p>(1) have to go through that rendition each time.</p> <p>(2) Q. You were requested to bring all proposed</p> <p>(3) resolutions by the corporation directors particularly</p> <p>(4) for the period from February 1st, 2010 up to and</p> <p>(5) including the date of the deposition.</p> <p>(6) Have you brought any documents responsive to</p> <p>(7) that request?</p> <p>(8) A. That will be privileged, FRCP 45(2)(A).</p> <p>(9) Q. Number 8. You were requested to bring all</p> <p>(10) minutes of the meetings of the corporation directors</p> <p>(11) particularly for the period from March 2010 up to and</p> <p>(12) including the date of the deposition. Have you brought</p> <p>(13) any documents responsive to that request?</p> <p>(14) A. Privileged, FRCP 45(2)(A).</p> <p>(15) Q. Number 9, a copy of all directors resolutions</p> <p>(16) enacted by the board of directors particularly for the</p> <p>(17) period from March 2010 to up to and including the date</p> <p>(18) of the deposition.</p> <p>(19) A. Privileged, FRCP 45(2)(A). Although, I think</p> <p>(20) you have that as well already.</p> <p>(21) Q. There were resolutions enacted during this</p> <p>(22) period?</p> <p>(23) A. (Witness nods head.) I believe you have</p> <p>(24) documents that would answer that question.</p> <p>(25) Q. So that is, yes, there were directors</p>

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(1) resolutions?
 (2) A. It is a statement of privilege and an
 (3) encouragement for you to review your standing documents.
 (4) Q. Okay. That answer was not responsive to my
 (5) question.
 (6) A. I'm sorry.
 (7) Q. I'm going to move forward.
 (8) Number 10, all statements signed by you and/or
 (9) sent with your authorization that you provided to any
 (10) law enforcement agency particularly for the period from
 (11) March 2010 up to and including the date of the
 (12) deposition.
 (13) A. I do have statements provided to law
 (14) enforcement.
 (15) Q. Okay.
 (16) A. I believe you have them already based on
 (17) previous depositions that have occurred; however...
 (18) Q. Specifically, these are statements signed by
 (19) you and/or sent with your authorization that you
 (20) provided to law enforcement -- to a law enforcement
 (21) agency?
 (22) A. Okay.
 (23) Q. Okay. If the record could reflect Mr. Cobb has
 (24) provided me a document called "Formal Statement of
 (25) Facts," dated Thursday, April 28, 2011. I think this

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(1) is -- is this a two-page document?
 (2) A. I believe so, yes.
 (3) Q. If I could just back up. I don't know if I
 (4) described the first document Mr. Cobb produced. That
 (5) was an April 6th, 2011 document, a two-page document,
 (6) that appears to have been carbon copied to the IRS, the
 (7) FBI, the U.S. Attorney for the Northern District of
 (8) California, the California Attorney General, the
 (9) District Attorney of San Mateo, and the City Attorney of
 (10) Menlo Park.
 (11) Any other documents responsive to Category
 (12) Number 10?
 (13) A. No. I don't have any other documents. I
 (14) sent -- I can't reproduce a communication to the
 (15) Attorney General because it was through their website,
 (16) so I don't have any tangible reference for that.
 (17) Q. So you communicated with the Attorney General?
 (18) A. Correct.
 (19) Q. Do you recall when that was?
 (20) A. It was in April 2011. I can't give you the
 (21) exact date. Let's say between April 10th and 15th.
 (22) Q. Did you ever receive a response from the
 (23) Attorney General's office?
 (24) A. Yes.
 (25) Q. Do you have a copy of that response with you?

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(1) A. Yes.
 (2) Q. Let the record reflect that I'm referring to a
 (3) letter provided by Mr. Cobb from Kamala Harris' office,
 (4) the Attorney General, dated April 18, 2010. Let me take
 (5) a look at this.
 (6) It's just a one-page letter, correct?
 (7) A. Yes, that was the response.
 (8) Q. Okay. Number 11, you were requested to produce
 (9) all statements signed by you and/or sent with your
 (10) authorization that you provided to the Internal Revenue
 (11) Service particularly for the period March 2010 up to and
 (12) including the date of the deposition.
 (13) Are there any other documents other than what
 (14) you have produced already that are responsive to that
 (15) request?
 (16) A. No.
 (17) Q. Okay. And Number 12, you were requested to
 (18) bring all statements signed by you and/or sent with your
 (19) authorization that you provided to the California
 (20) Franchise Tax Board particularly for the period from
 (21) March 2010 up to and including the date of the
 (22) deposition. Do you have any documents responsive to
 (23) Category Number 12 --
 (24) A. No.
 (25) Q. -- other than what you have already produced?

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(1) A. No.
 (2) Q. Did you ever file or have any communication
 (3) with the State Franchise Tax Board about this matter?
 (4) A. No.
 (5) Q. Number 13, all statements signed by you and/or
 (6) sent with your authorization that you have provided to
 (7) the California State Board of Equalization particularly
 (8) for the period from March 2010 up to and including the
 (9) date of the deposition. Any documents responsive to
 (10) that request?
 (11) A. No.
 (12) Q. Did you ever file any complaint or
 (13) communication with the California State Board of
 (14) Equalization?
 (15) A. No. They are kind of a step down after the
 (16) FBI.
 (17) Q. Number 14, copies of all e-mail correspondence
 (18) between you and Jonathan Cobb particularly for the
 (19) period from March 2010 up to and including the date of
 (20) the deposition. Any documents responsive to Category
 (21) Number 14?
 (22) A. No.
 (23) Q. It's my understanding your father doesn't use
 (24) e-mail; is that correct?
 (25) A. No. And I think there was a point -- I think

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(1) there have been two or three different occasions where
 (2) I've created an e-mail address for him in the hope he
 (3) would begin using it, and he never has.

(4) Q. Okay. What were those e-mail addresses?

(5) A. I can't tell you. I don't know.

(6) Q. Would it have been something that happened
 (7) within the past year or two?

(8) A. I don't know. It was never used.

(9) Q. Okay. All right. Number 15, all e-mail
 (10) correspondence between you and Arlen St. Clair
 (11) particularly for the period from March 2010 up to and
 (12) including the date of the deposition?

(13) A. There definitely are no communications in that
 (14) time frame. And to my best recollection, I have never
 (15) sent an e-mail to Arlen.

(16) Q. Okay.

(17) A. To my best recollection.

(18) Q. Okay. Good. Number 16, all e-mail
 (19) correspondence between you and George Stock particularly
 (20) for the period of March 2010 up to and including the
 (21) date of the deposition.

(22) A. Again, I don't believe there were any
 (23) communications with George Stock during that specific
 (24) window of time. I'm fairly sure of that. There have
 (25) been previous communications sporadically throughout the

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(1) years. I would call that privileged at this point, FRCP
 (2) 45(2)(A).

(3) Q. Just so I am clear, you are claiming that there
 (4) were correspondence between you and George Stock during
 (5) a period of time that you claim or deem to be
 (6) privileged; is that correct?

(7) A. I think so. There is really not a whole lot
 (8) there any way. A lot of it was more so
 (9) theocratic-centric. I know for a fact that there
 (10) weren't any communications during your specified window.

(11) Q. Okay. Just so I'm clear, could you give me the
 (12) time frame of the period of time where you may have had
 (13) communications that you would deem to be privileged with
 (14) Mr. Stock?

(15) A. That would be general. I think the year 2010
 (16) or maybe -- in fact, let me retract. I don't know if I
 (17) sent any e-mails to George Stock. I don't believe that
 (18) I did during your specified window, which basically is
 (19) Q1 calendar 2010. I don't believe I did.

(20) There certainly weren't any relevant to these
 (21) matters. I kind of need to reserve the right to double
 (22) check that, but I don't think I did.

(23) Q. Okay.

(24) A. And I apologize for the rambling response.

(25) Q. No, you are answering the questions. So we

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(1) have another dispute that we need to call the court on
 (2) according to the judge's standing order, and that
 (3) relates to your claim of privilege for certain documents
 (4) that are set forth in the subpoena. So I'm going to see
 (5) if I can remember how to do this phone thing, and then
 (6) we will do the same procedure here.

(7) (Mr. Smith calls the Judge's Clerk.)

(8) **MR. SMITH: Let me hang up. I'm getting her**
 (9) **voice mail.**

(10) (Mr. Smith's call to the Judge's Clerk begins.)

(11) **MS. TOLBERT: Good morning. U.S. District**
 (12) **Court. This is Brenda Tolbert. How can I help you?**

(13) **MR. SMITH: Hi, Ms. Tolbert. Anthony Smith**
 (14) **calling again.**

(15) **MS. TOLBERT: Yes.**

(16) **MR. SMITH: Sorry to be a pest.**

(17) **MS. TOLBERT: Okay.**

(18) **MR. SMITH: We are still in the middle of Jason**
 (19) **Cobb's deposition and we are on the record with the**
 (20) **court reporter. We have another dispute with respect to**
 (21) **items that Mr. Cobb was requested to bring today. He is**
 (22) **claiming privilege on several categories of items. So I**
 (23) **think it would be -- I think we are at a point where we**
 (24) **need to have the judge or the judge's law clerk kind of**
 (25) **weigh in.**

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(1) **MS. TOLBERT: Okay. Why is he stating**
 (2) **privilege?**

(3) **MR. SMITH: I will let him explain his**
 (4) **position. He is right here. Mr. Cobb, why don't you**
 (5) **explain your position?**

(6) **THE WITNESS: Yeah, this is pursuant to the**
 (7) **basis to claim privilege or protection in the specific**
 (8) **point here. I don't know if I have this section**
 (9) **correct, FRCP 45D and then 2A. Maybe it is 2A. Anyway,**
 (10) **information withheld. Person withholding subpoenaed**
 (11) **information under a claim that it is privileged or**
 (12) **subject to protection as trial-preparation material.**

(13) **MS. TOLBERT: Claimed it as such. Did the**
 (14) **judge agree to that?**

(15) **THE WITNESS: No, it hasn't been presented in**
 (16) **writing as of yet, but it certainly can be. And by**
 (17) **rights, maybe it should have been prior to the**
 (18) **discussion today, but that is the basis of the statement**
 (19) **of privilege today. I'm happy to present that to Judge**
 (20) **James at some point in the future.**

(21) **MR. SMITH: If I could -- were you finished,**
 (22) **Mr. Cobb?**

(23) **THE WITNESS: Yes.**

(24) **MR. SMITH: So as I understand his claim, he is**
 (25) **claiming privilege for corporation documents, including**

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(1) minutes of the meetings of the corporation from the
(2) period of February and/or March of 2010.
(3) **MS. TOLBERT:** Minutes aren't privileged
(4) information. That is public.
(5) **MR. SMITH:** Well, he is taking a position they
(6) are privileged -- minutes of the meetings of the
(7) corporation, minutes of the meeting of the board of
(8) directors of the corporation, proposed resolutions of
(9) the corporation, minutes of the meetings of the
(10) corporation directors, and the directors resolutions all
(11) during this period of February or March 2010 up until
(12) today's date. So he is claiming all these matters are
(13) privileged citing FRCP 45(2)(A) as contained on the
(14) second or third page of the subpoena. That's why we
(15) need to perhaps speak to the judge.
(16) **MS. TOLBERT:** All right. Hold on, please.
(17) **MR. SMITH:** Thank you.
(18) **MR. NATHAN:** Hi. This is Chris.
(19) **MR. SMITH:** Hi, Mr. Nathan. Anthony Smith
(20) calling.
(21) **MR. NATHAN:** Hi.
(22) **MR. SMITH:** Sorry to bug you again. We are
(23) still in the midst of Jason Cobb's deposition. We are
(24) on the record with the court reporter. We have another
(25) dispute that has arisen relating to Mr. Cobb's refusal

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(1) to produce or -- strike that -- his claim of privilege
(2) for certain documents that he was requested to bring
(3) pursuant to the subpoena issued to him.
(4) Specifically he is claiming that the following
(5) documents are privileged -- meetings of the minutes of
(6) the corporation. Again, we are talking about the Menlo
(7) Park Congregation of Jehovah's Witnesses, Inc.,
(8) California Corporation Number C0983980.
(9) So the meeting of the minutes of the
(10) corporation, the minutes of the meetings of the board of
(11) directors, proposed resolution by corporation directors,
(12) minutes of the meetings of the corporation directors,
(13) and any directors resolutions particularly for the
(14) period between February and/or March 2010 and today's
(15) date.
(16) He is claiming that these are privileged based
(17) upon the Federal Rule of Civil Procedure 45(2)(A) that
(18) he is referring to from the second page of the -- the
(19) third page of the subpoena.
(20) Have I summed that up correctly, Mr. Cobb?
(21) **THE WITNESS:** Yes.
(22) **MR. NATHAN:** Okay. Are the documents there?
(23) **MR. SMITH:** He is claiming privilege. I don't
(24) know if the documents are here. He hasn't told me one
(25) way or the other.

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(1) **THE WITNESS:** In their entirety, no.
(2) **MR. SMITH:** Apparently, they are not.
(3) **MR. NATHAN:** So the deposition should continue
(4) and then the parties are going to have to file a joint
(5) letter --
(6) **MR. SMITH:** Okay.
(7) **MR. NATHAN:** -- on that. That issue would be
(8) reserved that if for some reason the deposition needed
(9) additional time based on those records, if they are
(10) produced, that would be considered as well.
(11) **MR. SMITH:** Okay. Of course, my concern is
(12) that discovery is terminated in this action as of
(13) October 6th.
(14) **MR. NATHAN:** Right. This issue is reserved
(15) because you have raised it during the deposition. So if
(16) it turns out that the documents should have been
(17) produced it is possible that Mr. Cobb will have to
(18) appear for a deposition --
(19) **MR. SMITH:** Okay.
(20) **MR. NATHAN:** -- if needed on those documents.
(21) **MR. SMITH:** Okay. Mr. Cobb, anything else?
(22) **THE WITNESS:** No, that's totally reasonable.
(23) **MR. NATHAN:** Okay.
(24) **MR. SMITH:** Okay. Thank you. Wait. Wait a
(25) minute. We got a finger that went up. A wave, not a

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(1) finger.
(2) **THE WITNESS:** Mr. Smith may very well be able
(3) to answer this, but when you say parties filed joint
(4) letter for consideration --
(5) **MR. NATHAN:** Judge James for a discovery
(6) dispute has the parties meet and confer in person and --
(7) **THE WITNESS:** No, I got that part of it.
(8) **MR. NATHAN:** Each side presents their position
(9) on the issue in a five-page letter, so each side gets
(10) basically two and a half pages.
(11) **MR. SMITH:** I think what his question is is
(12) that he is a witness in this case and so -- the
(13) plaintiffs have chosen not to be here today. They have
(14) been aware of the deposition. So if I am asking your
(15) question correctly --
(16) **MR. NATHAN:** Mr. Cobb is a third party?
(17) **MR. SMITH:** Yes.
(18) **MR. NATHAN:** Jason Cobb would present his
(19) position in the letter.
(20) **MR. SMITH:** Essentially, you present your
(21) position in -- we would have a joint letter.
(22) **THE WITNESS:** Okay.
(23) **MR. SMITH:** I would draft it on behalf of the
(24) defendants and you would draft it on behalf of yourself
(25) as a witness. That's the direction on this, correct,

(1) Mr. Nathan?
 (2) MR. NATHAN: Yes.
 (3) MR. SMITH: Okay. We will try to do that in a
 (4) short time frame because we have a settlement conference
 (5) next week and a lot of activity.
 (6) Hopefully, that will be it for us bugging you
 (7) today. I know you are probably going to be going to
 (8) lunch at some point.
 (9) MR. NATHAN: Okay. Thank you.
 (10) MR. SMITH: Is that it, Jason?
 (11) THE WITNESS: Yes.
 (12) MR. SMITH: Okay. Thank you.
 (13) MR. NATHAN: Bye.
 (14) MR. SMITH: I don't know if that's good or bad.
 (15) (Mr. Smith's call to the Judge's Clerk ends.)
 (16) MR. SMITH: Q. Okay. Let's deal with some
 (17) housekeeping matters so we can kind of get a feel for
 (18) our schedule today.
 (19) Right now it is 11:35. We can do one of two
 (20) things. We can take -- I know that I will be at least
 (21) three or four hours to continue.
 (22) If you want to take a brief break for lunch
 (23) now, we can do that or continue going forward and cover
 (24) as much ground as we can. Do you want to take like
 (25) 35 -- 30 minutes or an hour now or just keep going?

(1) A. Why don't we see what we can cover in the next
 (2) maybe 30 minutes or whatever, and then that 30- to
 (3) 60-minute window sounds good.
 (4) MR. SMITH: Okay. Good. I'm going to go take
 (5) a break to go to the restroom.
 (6) (Break in proceedings.)
 (7) MR. SMITH: Q. Can you first tell me when you
 (8) were baptized as one of Jehovah's Witnesses?
 (9) A. Objection; relevance.
 (10) Q. The relevance is you contend you were or you
 (11) still are the CEO of a corporation that underlies some
 (12) of the allegations of your father's complaint; is that
 (13) correct?
 (14) A. That is correct.
 (15) Q. And so in order to be in a position to be a
 (16) director of that corporation, is it my understanding you
 (17) would need to be a baptized Jehovah's Witnesses, is that
 (18) correct, as part of the minimum qualifications for that
 (19) position?
 (20) A. No comment.
 (21) Q. I'm requesting that you answer.
 (22) A. I'm declining.
 (23) Q. So you are refusing to answer the question that
 (24) to be an officer or director of a corporation, you are
 (25) required to be a baptized Jehovah's Witness; is that

(1) correct?
 (2) A. Um-hum.
 (3) Q. So you are refusing to state when you were
 (4) baptized?
 (5) A. (Witness nods head.)
 (6) Q. Are you going to answer any questions about
 (7) your position in the congregation during this
 (8) deposition?
 (9) A. Well, I will evaluate each question as
 (10) presented.
 (11) Q. Okay.
 (12) A. And I will make the best effort I can.
 (13) Q. So are you currently one of Jehovah's
 (14) Witnesses?
 (15) A. Yes.
 (16) Q. Which congregation of Jehovah's Witnesses are
 (17) you currently associated?
 (18) A. Menlo Park Congregation of Jehovah's Witnesses.
 (19) Q. How long have you been associated with the
 (20) Menlo Park Congregation of Jehovah's Witnesses?
 (21) A. My entire life.
 (22) Q. Speaking of that, what is your date of birth or
 (23) how old are you? I don't need your date of birth. How
 (24) old are you?
 (25) A. 40.

(1) Q. So this is the only congregation with which you
 (2) have been associated with?
 (3) A. Essentially. I did spend six months in a
 (4) congregation in the East Bay prior to getting married.
 (5) So that would have been 1994/1995.
 (6) Q. What was the name of that congregation?
 (7) A. I do not recall. It might have been -- it was
 (8) in the Hayward area.
 (9) Q. You said that was in '94 to '95?
 (10) A. Yeah, in and around those years. You know, I
 (11) got married in '95, so it would have been six months,
 (12) you know, probably Q1 or Q2 '95.
 (13) Q. Is it correct that you have always lived in
 (14) Menlo Park or Palo Alto or somewhere in that area?
 (15) A. Yep.
 (16) Q. You were born and raised where? Palo Alto or
 (17) Menlo Park?
 (18) A. I was born in Redwood City and raised in Menlo
 (19) Park, the peninsula. I have answered three questions in
 (20) a row. I want a prize.
 (21) Q. Could you tell me -- I want to talk about your
 (22) education. You graduated from high school, correct?
 (23) A. Yes.
 (24) Q. Which high school did you graduate from?
 (25) A. Woodside High School.

(1) Q. And what year was that?

(2) A. '85, '86. I attended one year of high school

(3) and I took the California proficiency test and graduated

(4) early, not to be confused with the GED. I was attending

(5) junior college when I would have been a sophomore in

(6) high school.

(7) Q. So about '85, '86 you got your -- you passed

(8) the proficiency test?

(9) A. (Witness nods head.)

(10) Q. Did you get a certificate or --

(11) A. (Witness nods head.)

(12) Q. You got a certificate?

(13) A. Yes.

(14) Q. And after high school, you said you attended

(15) junior college somewhere?

(16) A. Yes.

(17) Q. Where did you go to junior college?

(18) A. Foothill College and also took classes at

(19) Canada College.

(20) Q. Did you have any particular course of study at

(21) Foothill College?

(22) A. General study in both. Canada I took

(23) psychology.

(24) Q. Did you receive a degree from either Foothill

(25) or Canada College?

(1) A. No.

(2) Q. Did you receive any sort of certificates while

(3) at either of those schools?

(4) A. No.

(5) Q. Did you undertake any other post-secondary

(6) training other than Foothill College or Canada College?

(7) A. No.

(8) Q. Had you ever participated in or received any

(9) certificates from any seminars with respect to any sort

(10) of training for a trade or profession?

(11) A. Well, yes. Being employed in Silicon Valley,

(12) you will take training courses in a variety of

(13) disciplines and typically there is a certificate upon

(14) completion.

(15) Q. Had you participated in any sort of training in

(16) any sort of disciplines while working in Silicon Valley?

(17) A. Business analysis.

(18) Q. Was that with a particular employer or a

(19) particular agency which you took a seminar or something?

(20) A. Relevance? I'd rather not answer.

(21) Q. Just background. I'm trying to find out -- so

(22) you have --

(23) A. Silicon Valley pretty much narrows it. It's

(24) all the same game in Silicon Valley.

(25) Q. So no other formal education other than what

(1) you have already testified to?

(2) A. Correct.

(3) Q. So you said you have been associated with the

(4) Menlo Park Congregation of Jehovah's Witnesses for most

(5) of your life other than the six months, correct?

(6) A. Yes.

(7) Q. During the course of your association -- I will

(8) just refer to that as the congregation, so I don't have

(9) to keep saying the Menlo Park Congregation of Jehovah's

(10) Witnesses. Agreed?

(11) A. Well, that could be an oversimplification.

(12) Q. Okay. How is that?

(13) A. The context of the question, the timing to

(14) which it pertains.

(15) Q. Just clarify it. If there is something that we

(16) need to have clarified, please let me know and we can

(17) clarify.

(18) A. Certainly as a five-year old or a ten-year old

(19) it might be appropriate to refer to it as the

(20) congregation; but in my adult life, particularly with

(21) regard to my duties, it might be more pertinent to use

(22) its legal designation.

(23) Q. We are talking about the congregation right

(24) now. We are not talking about the corporation.

(25) A. Um-hum.

(1) Q. So I do want to ask you some questions about

(2) your association with the congregation. At some point,

(3) were you appointed as an elder in the Menlo Park

(4) Congregation of Jehovah's Witnesses?

(5) A. Can you expand on the basis of rationale for the

(6) question?

(7) Q. Same basis that I mentioned before. You

(8) contend you currently are the CEO of the corporation,

(9) which is separate from the congregation. And based upon

(10) that, there are certain qualifications to be on that

(11) board -- perhaps there are qualifications to be on that

(12) board. So I just want to find out what your role was in

(13) the congregation --

(14) A. Objection; leading the witness.

(15) Q. Let's have one clear record. I promise not to

(16) interrupt you. You promise not to interrupt me.

(17) A. Sure.

(18) Q. So the court reporter can take down everything

(19) that is clear. Fair enough?

(20) A. Absolutely. I'm sorry.

(21) Q. That was not a leading question. I was trying

(22) to explain the basis for my question. So --

(23) A. It was a presumptive question.

(24) Q. Were you ever appointed as an elder in the

(25) Menlo Park Congregation of Jehovah's Witnesses?

(1) A. Yes.

(2) Q. When were you appointed elder?

(3) A. 2003.

(4) Q. And you served as an elder there for what

(5) period of time?

(6) A. 2003 through 2010.

(7) Q. During the time that you served as an elder in

(8) the Menlo Park Congregation of Jehovah's Witnesses, what

(9) positions within the congregations had you held?

(10) A. No comment.

(11) Q. Were you ever the secretary of the

(12) congregation?

(13) A. No comment.

(14) Q. So we are clear what you mean by "no comment,"

(15) you are refusing to answer the question, is that

(16) correct?

(17) A. I am declining a response.

(18) Q. You are refusing to answer the question?

(19) A. Declining to respond.

(20) Q. Were you ever the secretary in the

(21) congregation?

(22) A. I will decline.

(23) Q. Were you ever what was termed presiding

(24) overseer of the Menlo park Congregation of Jehovah's

(25) Witnesses?

(1) A. I'll decline.

(2) Q. Were you ever the service overseer of the Menlo

(3) Park Congregation of Jehovah's Witnesses?

(4) A. I will decline.

(5) Q. Were you ever the theocratic ministry school

(6) overseer for the Menlo Park Congregation of Jehovah's

(7) Witnesses?

(8) A. I will decline.

(9) Q. And, again, just so I'm clear, what is the

(10) legal basis of your refusal to answer the question?

(11) A. Relevance. I believe these questions align

(12) with statements that you made previously as far there

(13) are established criteria of qualifications for

(14) individuals to serve in the capacity for the

(15) corporation, which is a leap, which is a presumptive

(16) statement.

(17) So there might be a perspective that you have

(18) in that respect. But since we are talking about the

(19) Menlo Park Congregation of Jehovah's Witnesses,

(20) Incorporated, the point of relevance is what was in

(21) effect for that legal entity. So there were no bylaws.

(22) There are articles of incorporation, and that's it.

(23) Q. Okay. Would you agree that the congregation

(24) and the corporation are separate entities?

(25) A. Yes. I believe that is well chronicled and

(1) established in certainly the State Law, California Law.

(2) **MR. SMITH: Why don't we mark the next one in**

(3) **order.**

(4) **(Whereupon Exhibit 4 was marked for**

(5) **identification.)**

(6) **MR. SMITH: Q. I would like for you to take a**

(7) **look at what has been stamped "confidential" as**

(8) **Exhibit 4. I will represent to you it is a true and**

(9) **correct copy of a letter of December 31, 2005, from the**

(10) **Christian Congregation of Jehovah's Witnesses to all**

(11) **bodies of elders in the United States, re Kingdom Hall**

(12) **inspections by regional building committees.**

(13) **Why don't you take a minute to review this**

(14) **letter.**

(15) A. I'm familiar with it.

(16) Q. Have you ever seen Exhibit 4 before?

(17) A. I am sure that I have. I have read letters

(18) similar. I believe I have seen this letter. But if

(19) not, I have seen letters with similar content.

(20) Q. And this would have been during the period of

(21) time that you served as an elder at the Menlo Park

(22) Congregation; is that correct?

(23) A. Yes.

(24) Q. What is your understanding -- strike that.

(25) So why don't you take a minute to review the

(1) letter because I want to ask you some questions about

(2) it.

(3) A. Go ahead and ask.

(4) Q. You are familiar with the letter, correct?

(5) A. We will find out.

(6) Q. Well, that's the whole point of having you read

(7) it first, so we don't get into --

(8) A. No, it's okay. Go ahead.

(9) Q. Okay. This letter refers to the Regional

(10) Building Committee. What is the Regional Building

(11) Committee of the Christian Congregation of Jehovah's

(12) Witnesses?

(13) A. As I understand, the Regional Building

(14) Committee of Jehovah's Witnesses, Incorporated, is a

(15) corporation which is used as an aggregation point for

(16) the provisions of remodeling and construction

(17) acquisition while executing those types of projects.

(18) Q. Let me have my question read back because I

(19) asked about the Regional Building Committee, not the

(20) Regional Building Committee, Inc.

(21) So I'm referring to what is in Paragraph 1. It

(22) talks about a representative of the Regional Building

(23) Committee.

(24) A. Um-hum.

(25) Q. So is that your answer then? Does your answer

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(1) change? You referred to a corporation. I didn't refer
(2) to a corporation in my question.
(3) A. I was providing a high-level response. The
(4) Regional Building Committee of Jehovah's Witnesses,
(5) Incorporated, is a legal corporation that is used as an
(6) aggregation point for Regional Building committees
(7) dispersed throughout the United States.
(8) Q. Would you agree the Regional Building Committee
(9) falls under the oversight of the United States Branch of
(10) Jehovah's Witnesses?
(11) A. I honestly don't know the chain of command.
(12) Q. Okay. Let's talk about the chain of command in
(13) the Christian Congregation of Jehovah's Witnesses for a
(14) minute.
(15) A. Why?
(16) **MR. SMITH: Can you go back and read my last**
(17) **question.**
(18) **(Record read.)**
(19) **MR. SMITH: So let's talk about the chain of**
(20) **command.**
(21) Q. Who is the governing body of Jehovah's
(22) Witnesses?
(23) A. That seems to be an interesting follow up to
(24) the question about the Regional Building Committee. I
(25) will decline.

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(1) Q. So you have been one of Jehovah's Witnesses for
(2) how many years?
(3) A. Essentially my entire life.
(4) Q. How old were you when you got baptized?
(5) A. I will decline.
(6) Q. Teen-ager?
(7) A. I will decline.
(8) Q. Have you ever heard the term governing body?
(9) A. (Witness nods head.)
(10) Q. Can I have an audible response, please?
(11) A. I have heard the term.
(12) Q. Do you understand what the term means?
(13) A. I will decline.
(14) Q. Have you ever heard the term United States
(15) Branch of Jehovah's Witnesses?
(16) A. Yes.
(17) Q. What is your understanding of the United States
(18) Branch of Jehovah's Witnesses?
(19) A. I decline.
(20) Q. And, again, could we just get the basis of your
(21) refusal to respond to these questions?
(22) A. Measuring each question for content.
(23) Q. Okay.
(24) A. I'm evaluating relevance as I see it.
(25) Q. Does the United States Branch of Jehovah's

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(1) Witnesses direct the -- strike that.
(2) Does the governing body of Jehovah's Witnesses
(3) direct the activities of the congregations of Jehovah's
(4) Witnesses worldwide?
(5) A. I believe they would say that Jesus Christ
(6) directs the activities.
(7) Q. So Jesus Christ directs the activity. Does
(8) Jesus Christ receive direction from anyone in directing
(9) the activities of the Christian Congregation of
(10) Jehovah's Witnesses?
(11) A. I will decline.
(12) Q. So Jesus Christ directs the activities. Do you
(13) agree with your statement that the governing body would
(14) say that Jesus Christ directs the activities of
(15) Jehovah's Witnesses?
(16) A. I will decline.
(17) Q. Do you agree with statements that the governing
(18) body takes direction from Jesus Christ in directing the
(19) activities of Jehovah's Witnesses?
(20) A. I will decline.
(21) Q. What is a circuit overseer?
(22) A. I will decline.
(23) Q. And, again, just so we are clear, I think --
(24) obviously we have another dispute that we will have to
(25) address in this deposition about your refusal to answer

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(1) these questions.
(2) So I think for your protection and to make sure
(3) we have a clear record, if you could just explain the
(4) basis of your refusal to answer these questions. It
(5) would probably make for a clean record when we deal with
(6) it subsequently.
(7) A. Sure.
(8) Q. So the basis of your refusal is what?
(9) A. I reflect on a line of reasoning that was used
(10) in your 12B motion to dismiss. I don't recall the date
(11) of the motion. But when that motion was made, the
(12) arguments presented very much endeavor to create a point
(13) of insulation for the defendants pursuant to the
(14) perceived provision of the free exercise clause. And I
(15) feel this line of questioning is the latest effort to
(16) resurrect that type of effort, which I believe runs
(17) contrary to the central nature of the action.
(18) Q. And you recognize you are a witness in this
(19) action? We are not talking about your lawsuit in the
(20) State Court. We are on the same page?
(21) A. I am clear on that.
(22) Q. Okay.
(23) A. I'm sensitive to any perceived effort to
(24) encapsulate these considerations under religion when it
(25) is more secular.

(1) Q. Okay. Finished?

(2) A. Yes.

(3) Q. What is a district overseer?

(4) A. I decline.

(5) Q. What is the service department of the Christian

(6) Congregation of Jehovah's Witnesses?

(7) A. I will decline.

(8) Q. Let me just ask a different question regarding

(9) your father's lawsuit and that of Mr. St. Clair's. Are

(10) you aware of their goal in this lawsuit?

(11) A. Subjective. I believe their stated goal is to

(12) establish the truth as they worded it. They're

(13) endeavoring to expose the framework of a fraudulent

(14) scheme that falls along the lines of the land grab

(15) defamation, racketeering, bank fraud.

(16) So as in any complex scheme of that the nature,

(17) there will be any number of elements. I believe they

(18) have identified mail fraud, wire fraud, religious fraud,

(19) and now bank fraud with the progression of the case.

(20) So I believe the objective is to expose the

(21) scheme and establish a basis of accountability for the

(22) perpetrators. But ultimately they can speak for

(23) themselves.

(24) Q. So if your father and Mr. St. Clair were to

(25) prevail in this action, what is the -- what would be the

(1) result?

(2) A. Difficult to say because what constitutes

(3) prevailing. If this case allowed for there to be an

(4) exposure of a scheme to establish criminal activity on

(5) the part of the defendants, that would help to

(6) further -- I won't say establish -- I think it would

(7) exemplify points of law that already exist. I think

(8) about the Department of Administration vs. Smith, a

(9) Supreme Court case which amplified the standing point

(10) that freedom to believe is absolute, but freedom to act

(11) is not. And the point that was being made by the court

(12) in that instance is that a person is free to have their

(13) religious convictions, but they do not have carte

(14) blanche so to speak to do whatever they want pursuant to

(15) those convictions. And that is an established point of

(16) law, so I don't believe this case would establish that.

(17) I do feel it would amplify it, and I think there is some

(18) need for that in view of what has taken place here.

(19) There is a possibility that the -- that the

(20) discussed exception to the doctrine of abstention could

(21) be invoked in this case, which I think is interesting.

(22) So in Watson, the point was established that courts

(23) would not interfere in church business or church

(24) discipline. And then in Gonzalez vs. Arch Bishop there

(25) was a criteria that was established to create a

(1) qualifier for that stance in the absence of fraud,

(2) collusion or arbitrariness, the court will essentially

(3) accept any and all decisions by the highest

(4) ecclesiastical authority that has heard the dispute.

(5) And then in the Serbian case of '76, they

(6) struck arbitrariness as a consideration but left the

(7) door open for consideration to fraud and collusion.

(8) So the significance here is there was a scheme,

(9) a criminal scheme, a fraudulent scheme, that was already

(10) in places prior to the removal of the plaintiffs, and it

(11) was necessary for the plaintiffs and their colleagues to

(12) be removed to establish the basis for that scheme to be

(13) executed thereafter.

(14) Now, that is interesting because the definition

(15) of Serbian fraud and Serbian collusion, pursuant to the

(16) Serbian case of '76, is when a church tribunal is

(17) conceived and performed with bad faith and there are

(18) acts of fraud or collusion with a view to a secular

(19) purpose.

(20) So it seems as if the defendants and

(21) perpetrators in this case have studied the Serbian case

(22) and used that essentially as a blueprint for their

(23) scheme in these matters presuming a form of diplomatic

(24) immunity, if you will, pursuant to the provisions of the

(25) free exercise clause.

(1) So it is interesting that -- you know, I don't

(2) know what to call it. I don't know if it is right to

(3) call it a provision because it has never really been

(4) used, but the exception to Watson as initiated by

(5) Gonzalez vs. Archbishop and redefined by Serbian has

(6) been referenced many, many times.

(7) What I find interesting is that every single

(8) requisite element to invoke that for the first time in

(9) United States' law history exists in this action.

(10) So you asked a question what would be

(11) accomplished and I think the immediate response is you

(12) expose the scheme and you establish a basis of

(13) accountability for the perpetrators of the scheme, get

(14) the bad guys, make them pay; but also maybe establish a

(15) new legal precedent that could prove useful for others

(16) who come under a similar oppressive act.

(17) Q. Okay. So you seem to be pretty familiar with

(18) the lawsuit for which you are a witness today?

(19) A. In some respects, yeah, fire-side reading.

(20) Q. Have you assisted either your father or Arlen

(21) with the drafting of the complaint in this matter?

(22) A. No, no. There were conversations that occurred

(23) obviously, a lot of conversations where I was trying to

(24) have my father reevaluate things, but no, I didn't write

(25) it. There were topics that we discussed because we have

(1) gone through the different experiences together. So
 (2) obviously there is going to be a discussion of that, and
 (3) there have been discussions of that prior to the filing
 (4) of the action -- well, prior repeatedly.
 (5) Q. Obviously, this is your father.
 (6) A. Yeah.
 (7) Q. So it's kind of reasonable that you will talk
 (8) about things when you are both involved.
 (9) A. Yeah.
 (10) Q. It seems like a natural occurrence.
 (11) A. I think it is to a given extent.
 (12) Q. Just so we are clear, you didn't assist with
 (13) the drafting of the lawsuit?
 (14) A. No, I did not.
 (15) Q. And, I'm sorry, did I cut you off?
 (16) A. No, go ahead.
 (17) Q. But you did have a discussion about these
 (18) topics before the filing of the lawsuit, correct?
 (19) A. Well before. I think, you know, when the
 (20) letter was received in May 2011 advising of the decision
 (21) it had been made relative to the elders, the
 (22) congregation that would take effect July 1, 2010,
 (23) certainly between May and July there were a lot of
 (24) discussion.
 (25) Q. You said 2011. You meant 2010?

(1) A. Yeah, I did. 2010.
 (2) Q. So when you met with your father, was Arlen
 (3) also present?
 (4) A. Well, I wouldn't think -- I wouldn't view it as
 (5) a meeting of any kind. If you see your mom and give her
 (6) a kiss and get some cookies, I'm not sure that is a
 (7) meeting. And then, hey, dad, how you doing? What is
 (8) going on? You know, so no formal structured meetings or
 (9) tactical discussions, if you will. I think more than
 (10) anything, especially during that time, was a matter of
 (11) trying to reconcile and understand what had taken place
 (12) more than anything on an emotional level.
 (13) Q. Yeah, I can imagine -- you had served obviously
 (14) as an elder since 2003, correct?
 (15) A. That's correct.
 (16) Q. And I would imagine that was not an easy
 (17) decision to be removed as an elder, was it?
 (18) A. Not under those circumstances. You know, any
 (19) assignment that you have it is finite. There's a
 (20) purpose to serve. You serve it and then things
 (21) potentially can change. So not serving in that capacity
 (22) is not really the issue speaking for myself. I think
 (23) the issue is everything else going on prior to that and
 (24) maybe more importantly after that occurred --
 (25) Q. Okay.

(1) A. -- speaking for myself.
 (2) Q. Now, prior to the filing of the lawsuit, did
 (3) you have any discussions with George Stock about filing
 (4) the lawsuit or taking legal action?
 (5) A. No. I think George Stock might have made a
 (6) statement in jest at one point, but no, there was never
 (7) again a tactical or objective discussion or
 (8) consideration of legal action.
 (9) Q. What type of statement in jest did he say?
 (10) A. I think we were having a conversation and, you
 (11) know, just kind of discussing the call by the refs, if
 (12) you will.
 (13) Q. You are referring to the deletion letter?
 (14) A. Yeah, just the circumstances. And I think at
 (15) one point he said, "Well, I'm not going to sue anybody
 (16) over it." I think was the statement he made. It was
 (17) just as simple as that.
 (18) I'm probably being too technically accurate in
 (19) responding. I could have just said no, but I'm trying
 (20) to...
 (21) Q. It helps to kind of give us -- you know, a
 (22) deposition is no secret device. I'm here. I'm not a
 (23) part of the Menlo Park Congregation. I am learning over
 (24) the course of this year about the things that have taken
 (25) place from both sides. So the purpose of the deposition

(1) is just basically for you to be asked questions about
 (2) what you knew about the circumstances. Just like the
 (3) deposition of your father and Mr. St. Clair, they kind
 (4) of gave us their story. There is no secrets to all
 (5) this.
 (6) A. Sure.
 (7) Q. That's why I have you here to answer the
 (8) questions. It helps not only us, but the judge and
 (9) whoever will be involved in the settlement conference
 (10) next week to kind of take a look at the whole picture.
 (11) So there was no discussions with George Stock.
 (12) Have you had any discussions with George Stock regarding
 (13) this lawsuit, you personally?
 (14) A. Yes.
 (15) Q. Okay. What was your -- how many discussions
 (16) have you had with George about the lawsuit?
 (17) A. Not many. I can't give an exact number. I
 (18) think as things have gone along and, you know, a legal
 (19) action can take on a life of its own.
 (20) So as it is moving along, there is different
 (21) instances to maybe react to what has taken place. So,
 (22) you know, there haven't been many discussions with
 (23) George Stock at all.
 (24) Q. One thing I forgot to mention is that I may ask
 (25) you questions that call for a numerical response, so I'm

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(1) entitled to your best estimate. And this is one of
(2) those questions: Would you estimate you have had more
(3) than five conversations with George Stock concerning the
(4) lawsuit?
(5) A. I wouldn't.
(6) Q. So perhaps less than five?
(7) A. (Witness nods head.)
(8) Q. Do you recall your most recent conversation
(9) with George Stock when that would have been?
(10) A. The most recent conversation I had, I believe,
(11) was one week ago.
(12) Q. Okay.
(13) A. Or I would say seven to ten days ago.
(14) Q. Okay.
(15) A. It was after his deposition with you.
(16) Q. Okay.
(17) A. I asked how it went, and he said it was fine.
(18) He said "Anthony is a real nice person," and he said,
(19) "It was pretty straightforward."
(20) Q. Okay. Did I cut you off?
(21) A. No.
(22) Q. Okay. Did he discuss the substance of his
(23) testimony with you at that time?
(24) A. He didn't, you know, but George Stock is a
(25) minimalist in every aspect of his life -- his

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(1) possessions, everything. And that certainly extends to
(2) his conversation. He is not given to expounding on much
(3) of anything by nature. So no. And I wouldn't be
(4) especially motivated to attempt to extract a statement
(5) from him because it would all be the same -- vanilla,
(6) vanilla, vanilla.
(7) Q. And so how long would you estimate that
(8) conversation took place?
(9) A. Oh, boy. I wouldn't call it a conversation. I
(10) think it was a check -- one statement within an overall
(11) discussion that was more so over other things.
(12) Q. Okay.
(13) A. So to answer your question how long did that
(14) conversation take about his deposition, 30 seconds.
(15) Q. Okay. Was this conversation at the Kingdom
(16) Hall or was it somewhere else?
(17) A. Somewhere else.
(18) Q. Was it at his house?
(19) A. No.
(20) Q. Had you all met to discuss his deposition or --
(21) A. No, we hadn't.
(22) Q. Where was the conversation at?
(23) A. The conversation was in the ministry.
(24) Q. Oh, in the ministry. You all were working out
(25) in service together?

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(1) A. Yes.
(2) Q. Were you doing door-to-door witnesses that day?
(3) Do you recall?
(4) A. We were just engaging in the ministry.
(5) Q. Okay. Let me just take a look. Right now it
(6) is about a quarter after. Maybe this is a good time to
(7) take a little break --
(8) A. Yeah.
(9) Q. -- or something, to get something to eat and
(10) give her fingers a rest. Why don't we reconvene. Do
(11) you want an hour? How much time do you want, 45 minutes
(12) to an hour?
(13) A. I would say at least 45 minutes.
(14) Q. Why don't we just say an hour then.
(15) A. Okay.
(16) Q. So 1:15. And then I'm not sure how long we
(17) will be based upon the fact you are taking the position
(18) on privilege. So we may end up not being as long as I
(19) thought and maybe then we could use the time to put
(20) together our draft -- our letter that we will have to
(21) draft to submit to the judge. Let's see how it goes.
(22) A. Sure.
(23) Q. We will see how it goes?
(24) A. I might be too worn out to think to do a
(25) letter, but we'll see.

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(1) Q. Well, we don't have to do it today.
(2) A. I will be open.
(3) Q. I'm not saying we have to do it today. I'm
(4) just saying that we should probably get that letter out
(5) at some point within the next day and what we will need
(6) to do is compare our drafts. What I will do -- and just
(7) kind of keep it real simple.
(8) A. I can't imagine it needs to be real long.
(9) Q. These are the questions that were asked and
(10) these were the documents that are requested. This is
(11) his position. This is my view. This is Mr. Cobb's
(12) view. Send a letter out.
(13) So what we could do is maybe I will initiate
(14) the draft in a Word document, and I can e-mail that to
(15) you. You add your section, and then maybe the best way
(16) to do it is you can scan -- we have to come up with some
(17) final version. We can figure out how to do that. And
(18) then the final version you could scan once we agree on
(19) it, sign it, and then I will sign the scanned final
(20) version and that is the one that we will submit to
(21) Mr. Nathan, if that makes sense.
(22) A. It doesn't, but I know that we will work it
(23) out.
(24) Q. Yeah, we will figure it out. So the one thing
(25) just so we are clear then, we need to make copies of

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(1) these.

(2) A. I can send you PDFs of that.

(3) Q. Yeah, if you could. The only one I don't have

(4) is the one from the Department of Justice.

(5) A. Yeah, I will scan them in and e-mail them to

(6) you.

(7) Q. I think some of these --

(8) A. I think you do have them.

(9) Q. -- were filed in some discovery. There has

(10) been so much filed in this, it's been kind of hard to

(11) keep track.

(12) A. Well, you decide. I'm happy -- I think it is

(13) easier just to PDF it and e-mail it to you.

(14) Q. Okay. Why don't we --

(15) A. Or I can stick it in the mail or whatever.

(16) Q. Yeah, or we can -- I think she has a thermal

(17) copier here that I can use just to take -- because the

(18) court reporter will need a copy because these exhibits

(19) will all be part of the record here.

(20) A. I'm not aware of any Fed Ex copy shop around

(21) here.

(22) Q. I think she might have a little thermal copier

(23) we can use here at this office.

(24) A. Sure.

(25) Q. And that way we can give you your originals

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(1) back to you before you go to lunch.

(2) A. Okay.

(3) Q. Let me just check on that right now. And then

(4) after we take care of these copies -- because it is not

(5) that many -- we can take a break for lunch.

(6) (Break in proceedings.)

(7) **MR. SMITH: Let's go back on the record.**

(8) Q. So what we are going to do is mark the copies

(9) of the exhibits in the order that you gave them to us.

(10) I believe you gave us the April 6th letter first; is

(11) that right? That's the first one you produced?

(12) A. I believe so.

(13) Q. And then you produced the two-page formal

(14) statement of facts second?

(15) A. I believe so.

(16) Q. And then you produced the copy of the AG. So

(17) why don't we have these marked next in order in that

(18) order.

(19) A. Yeah.

(20) (Whereupon Exhibits 5, 6 and 7 were marked for

(21) identification.)

(22) (Lunch Recess taken at 12:20 p.m. - 1:26 p.m.)

(23) **MR. SMITH: We are back on the record.**

(24) Q. I want to reiterate the fact that you are still

(25) under oath as we resume your deposition.

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(1) Could you read back the last question.

(2) (Record read.)

(3) **MR. SMITH: Q. So have you had any**

(4) **conversations with John Steel concerning this case?**

(5) A. Yes. How many, oh, God, no.

(6) Q. When I say this case, you know I'm talking

(7) about the federal case which you are being deposed?

(8) A. Correct.

(9) Q. When is the last time you had a conversation

(10) with John Steel?

(11) A. Yesterday.

(12) Q. And what was the nature of your conversation?

(13) A. General prep for the deposition.

(14) Q. Okay. And when you say the general prep, did

(15) you discuss the nature of a deposition? What did it

(16) entail?

(17) A. I was told you don't have to answer every

(18) question. You know, I was told you can take a break.

(19) You know, that's part of the reason why I'm taking notes

(20) because I will be doing other depositions in the future

(21) so this is a good experience besides being grilled by

(22) you.

(23) Q. Well, you know I'm not grilling you, and you

(24) know the record does not reflect I am grilling you.

(25) A. I concur, sir.

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(1) Q. Okay.

(2) A. No, in all seriousness, it is a general

(3) discussion. You talk to lawyers, and I think I even

(4) asked you a question --

(5) Q. Yeah.

(6) A. -- when we were here last week --

(7) Q. Probably.

(8) A. -- about doing something. So I'm always just

(9) trying to get input from people.

(10) Q. I noticed you said your address is 1101 Menlo

(11) Oaks Drive?

(12) A. Yep.

(13) Q. Menlo Park, California, correct?

(14) A. Yes.

(15) Q. Is that the same address that John Steel uses?

(16) A. No.

(17) Q. I thought I saw an address for him using

(18) 1101 Menlo Oaks Avenue?

(19) A. It shouldn't be 1101.

(20) Q. Is it 1100?

(21) A. I would expect whatever he has logged with the

(22) court.

(23) Q. Yeah. I thought it was 1101 the one he logged

(24) with the court?

(25) A. No. I can vouch for who is in 1101.