12 (Pages 45 to 48)

			12 (Pages 45 to 46)
	45		47
(1)	deposition, which was originally scheduled for	(1)	Do you have any documents responsive to that
(2)	September 27th and now results in today's date.	(2)	request?
(3)	Could you just take a look at Exhibit 3 and let	(3)	A. I do have one document that I think you already
(4)	me know when you are finished. I'm going to ask you a	(4)	have in your possession or I believe was included in
(5)	few questions about it.	(5)	previous interrogatory exchanges, if that is the right
(6)	Are you still reading it?	(6)	expression. So that was a letter to the IRS. That was
(7)	A. Yeah.	(7)	dated April 6, 2011. So I don't know what value added
(8)	Q. You do recall receiving Exhibit 3 in the mail;	(8)	is gained by re-presenting it, but I do have it.
(9)	is that correct?	(9)	Q. Why don't you provide me a copy of that.
(10)	A. Yes.	(10)	A. Do we have the means of making a copy?
(11)	Q. Have you had a chance to review it before	(11)	Q. Well, what we could do is during the course of
(12)	today's date?	(12)	our lunch
(13)	A. Yes.	(13)	A. Okay.
(14)	Q. So can I go ahead and proceed? It is the same	(14)	Q. I don't think they have a Xerox machine here.
(15)	document that you received in the mail.	(15)	A. Okay.
(16)	A. Okay. Yes.	(16)	Q. Usually, we will have the court reporter, who
(17)	Q. Thank you. Let's turn to strike that.	(17)	is also an officer of the court, someone from their
(18)	This is the subpoena for your attendance at	(18)	company that will come and make copies of exhibits that
(19)	today's deposition. I would like to ask you some	(19)	we may need to use later.
(20)	questions about Exhibit A to that subpoena. Refer to	(20)	A. Okay.
(21)	Exhibit A to deposition subpoena to Jason Cobb, aka	(21)	Q. Do you have any other documents that you have
(22)	Jason E. Cobb. And I've requested that you provide	(22)	sent to a law enforcement or government agency other
(23)	today certain documents. The beginning part of that	(23)	than the one you produced today?
(24)	exhibit reads, "I request that you produce legible	(24)	A. I don't.
(25)	copies of all of the following documents within your	(25)	Q. Okay. I'm going to that's a two-page letter
	46		48
(1)	possession, custody and/or control relating to the Menlo	(1)	dated April 6th, 2011, correct?
(2)	Park Congregation of Jehovah's Witnesses, Inc.,	(2)	A. Yes.
(3)	California Corporation Number C0983980."	(3)	Q. Okay. Category Number 2, all correspondence
(4)	So I want to go through and ask you questions	(4)	between you and each plaintiff including e-mails during
(5)	about each one of these categories, and you can tell me	(5)	the period from February 1st, 2010 up to and including
(6)	whether you have brought with you today documents	(6)	the date of the deposition relating to the Menlo Park
(7)	responsive to each of these requests.	(7)	Congregation of Jehovah's Witnesses, Inc., California
(8)	So Category Number One requested that you	(8)	Corporation Number C0983980.
(9)	strike that.	(9)	Any documents responsive to that request?
(10)	When I refer to the corporation, I'm going to	(10)	A. No. I never exchanged e-mails with either.
(11)	be referring to the Menlo Park Congregation of Jehovah's	(11)	Q. And that says all correspondence, including
(12)	Witnesses, Inc. for the purposes of our deposition.	(12)	e-mails. Did you ever exchange any correspondence with
(13)	Okay? Is that agreed?	(13)	either your father or Arlen St. Clair relating to the
(14)	A. That's the right name.	(14)	corporation during the period of February 1st, 2010 and
(15)	Q. Okay. But I'm just going to use an abbreviated	(15)	today's date?
(16)	term, say, corporation. So I want so we have an	(16)	A. No.
(17)	understanding, I'm referring to that corporation. Okay?	(17)	Q. Okay. Number 3, all amendments to the bylaws.
(18)	A. Yes.	(18)	Again, we are talking about the corporation.
(19)	Q. Number 1, have you provided today a copy of all	(19)	A. There are no amendments for the simple fact
(20)	correspondence signed by you sent to any law enforcement	(20)	that there are no bylaws for the Menlo Park Corporation.
(21)	or governmental investigative, including e-mails during	(21)	Q. Number 4, all former and current bylaws.
(22)	the period February 1, 2010 up to and including the date of the deposition relating to the Menlo Park	(22) (23)	A. Same answer. There are no bylaws. And that technically is privileged. But in view of my other
(24)	Congregation of Jehovah's Witnesses, Inc., a California	(24)	state action, but I have already established and I
(25)	Corporation Number C0983980.	(25)	think you have a copy of that complaint where the
(23)	Corporation Humber Cosossos.	(23)	unink you have a copy of that complaint where the

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10/11/11

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13 (Pages 49 to 52)

49 statement is made there are no bylaws. That's why I am (1)Q. You are referring to page --(1)A. Rule 45. (2) answering. (2)(3)(3)

- Q. Number 5, all meetings of minutes of the corporation particularly for the period from February 1st, 2010 up to and including the date of the deposition.
 - That's privileged.
- (8) Q. On what basis do you claim that the minutes of (9) the corporation board are privileged?
 - A. Trial preparation material.
- (11)Q. You understand you are here as a witness in this case which your father and Mr. St. Clair have (12)(13)alleged a number of claims relating to the corporation? (14)You understand that?
 - A. (Witness nods head.)
- (16)Q. That is a --
 - A. I do understand that. There may be a basis for that to be included henceforth; however, in preparation for the state trial, that qualifies under the letter of law as privileged as trial preparation materials.
 - Q. Well, I respectfully disagree with you. I can see this is another matter that we will have to call the judge's clerk on. So why don't I just complete the list, and you can let me know what you claim to be
- privileged and then we can just make one call back to (25)

(1)the judge.

> So you are claiming privilege as to all minutes of the meetings of the corporation; is that correct?

A. Yes.

Q. Number 6, you were requested to produce all minutes of the meetings of the board of directors of the corporation particularly for the period from February 1st, 2010 up to and including the date of the deposition.

Have you brought any documents responsive to that request?

- (12)A. Privileged. Although, I believe you have that (13)in your possession already.
- (14)Q. So there were meetings of the board of (15)directors; is that correct?
 - A. (Witness nods head.)
 - Q. How many meetings of the board of directors were there during February 1st, 2010 and today's date?
 - A. Privileged.
- (20)Q. Privilege to the number of meetings of the (21)board? You are claiming that is a privilege?
 - A. (Witness nods head.)
 - Q. And the basis of your privilege again is what?
- (24)It is this point here -- information withheld,
- (25)claiming privilege or protection.

- Q. Page 3, Rule 45?
- (4)A. Yep.

(5)

(8)

(10)

(21)

(24)

(6)

(7)

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(9)

(14)

(21)

(22)

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- Q. What section again?
- (6)A. I don't know how to read it properly. I don't (7)know if it is 45(2)(A) claiming privilege or protection.
 - Right there.
- (9)Q. Oh, okay. I see. That would be 45.
- A. A person withholding subpoenaed information (11)under a claim that it is privileged or subject to (12)protection as trial-preparation material. So there is a (13)process to articulate that, and I'm happy to do that.
- (14)Q. There are two basis then. You are claiming it (15)is privileged for some reason. Are you also claiming it (16)is subject -- it is privileged because it is
- (17)trial-preparation material? I'm not too clear.
- A. Yeah, trial-preparation material. (18)
- Q. And that's relating to your state court action; (19)(20)is that correct?
 - A. Yes.
- (22)O. Okay, Number 7.
- (23) I think that will repeat.
 - Q. It is necessary that we go through each one.
- (25)A. That's fine. When I keep saying it, we don't

(1)have to go through that rendition each time.

(2)You were requested to bring all proposed (3)resolutions by the corporation directors particularly (4) for the period from February 1st, 2010 up to and (5) including the date of the deposition.

> Have you brought any documents responsive to that request?

- A. That will be privileged, FRCP 45(2)(A).
- Q. Number 8. You were requested to bring all (10)minutes of the meetings of the corporation directors particularly for the period from March 2010 up to and (11)(12)including the date of the deposition. Have you brought (13)any documents responsive to that request?
 - A. Privileged, FRCP 45(2)(A).
- (15)Q. Number 9, a copy of all directors resolutions enacted by the board of directors particularly for the (16)(17)period from March 2010 to up to and including the date (18)of the deposition.
- (19)A. Privileged, FRCP 45(2)(A). Although, I think (20)you have that as well already.
 - Q. There were resolutions enacted during this period?
- (23) A. (Witness nods head.) I believe you have (24)documents that would answer that question. (25)

Q. So that is, yes, there were directors

14 (Pages 53 to 56)

10/11/11

(20) provided to law enforcement — to a law enforcement agency? (21) A. Okay. (22) A. Okay. (23) Q. Okay. If the record could reflect Mr. Cobb has provided me a document called "Formal Statement of (25) Facts," dated Thursday, April 28, 2011. I think this (26) Facts," dated Thursday, April 28, 2011. I think this (27) Facts," dated Thursday, April 28, 2011. I think this (28) Gategory Number 12 — A. No. (29) A. I believe so, yes. (20) Q. If I could just back up. I don't know if I described the first document Mr. Cobb produced. That was an April 6th, 2011 document, a two-page document, that appears to have been carbon copied to the IRS, the (37) FBI, the U.S. Attorney for the Northern District of (38) California, the California Attorney General, the (39) District Attorney of San Mateo, and the City Attorney of (40) Menlo Park. (11) A. No. I don't have any other documents. I sent — I can't reproduce a communication to the Attorney General because it was through their website, so I don't have any tangible reference for that. (17) Q. So you communicated with the Attorney General? (18) A. Correct. (19) A. No. They are kind of a step down after the PBI. (19) Q. Do you recall when that was? (20) A. It was in April 2011. I can't give you the exact date. Let's say between April 10th and 15th. (21) Q. Did you ever receive a response from the (20) A. Yes. (20) If I could just back up. I don't know if I described the first documents responsive to Category with the Attorney General? (21) A. No. (22) Did you ever file or have any communication with the State Franchise Tax Board about this matter? (22) A. No. (33) Q. Did you ever file or have any communication with the State Franchise Tax Board about this matter? (4) described the first document and the IRS, the Galifornia State Board of Equalization particularly for the period from March 2010 up to and including the date of the deposition. Any documents responsive to Category Number 12. (21) A ton't ave any tangible reference for that. (22) Q. Do you recall when that was? (23)				14 (Pages 53 to 56)
2. A. It is a statement of privilege and an encoragement for you to review your standing documents. 4. Q. Okay. That answer was not responsive to my question. 5. Q. I'm going to move forward. 6. A. I'm sorry. 7. Q. I'm going to move forward. 7. (a) Is with your authorization that you provided to any law march 2010 up to and including the date of the enforcement agency particularly for the period from (11) March 2010 up to and including the date of the (12) deposition. 7. A. I do have statements provided to law enforcement. 7. (a) Q. Okay. March 2010 up to and including the date of the (15) Q. Okay. 7. (b) Q. Okay. 8. (a) A. I do have statements provided to law enforcement. 8. (b) Q. Okay. 8. (c) Okay. 9. (c) Okay. 9. (a) A. I believe you have them already based on provided to law enforcement—to a law enforcement agency? 10. (a) Q. Specifically, these are statements signed by you and/or sent with your authorization that you authorization that you are provided to law enforcement—to a law enforcement agency? 10. (a) Q. Okay. If the record could reflect Mr. Cobb has provided me a document called "Formal Statement of (22) A. Okay. 10. (a) Q. Fil could just back up. I don't know if I described the first document Mr. Cobb produced. That was an April 6th, 2011 document, a two-page document, and the city Attorney of San Mateo, and th		53		55
2. A. It is a statement of privilege and an encoragement for you to review your standing documents. 4. Q. Okay. That answer was not responsive to my question. 5. Q. I'm going to move forward. 6. A. I'm sorry. 7. Q. I'm going to move forward. 7. (a) Is with your authorization that you provided to any law march 2010 up to and including the date of the enforcement agency particularly for the period from (11) March 2010 up to and including the date of the (12) deposition. 7. A. I do have statements provided to law enforcement. 7. (a) Q. Okay. March 2010 up to and including the date of the (15) Q. Okay. 7. (b) Q. Okay. 8. (a) A. I do have statements provided to law enforcement. 8. (b) Q. Okay. 8. (c) Okay. 9. (c) Okay. 9. (a) A. I believe you have them already based on provided to law enforcement—to a law enforcement agency? 10. (a) Q. Specifically, these are statements signed by you and/or sent with your authorization that you authorization that you are provided to law enforcement—to a law enforcement agency? 10. (a) Q. Okay. If the record could reflect Mr. Cobb has provided me a document called "Formal Statement of (22) A. Okay. 10. (a) Q. Fil could just back up. I don't know if I described the first document Mr. Cobb produced. That was an April 6th, 2011 document, a two-page document, and the city Attorney of San Mateo, and th	(1)	resolutions?	(1)	A. Yes.
Second procuragement for you to review your standing documents. Cally Question. Capture		A. It is a statement of privilege and an		Q. Let the record reflect that I'm referring to a
(4) Q. Okay. That answer was not responsive to my question. (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 sent with your authorization that you provided to any look deposition. (10) law enforcement agency particularly for the period from (11) March 2010 up to and including the date of the deposition. (12) deposition. (13) A. I do have statements provided to law (14) enforcement. (14) enforcement. (15) Q. Okay. (16) A. I believe you have them already based on provided to the west of the deposition of the deposition. (18) Q. Specifically, these are statements signed by you and/or sent with your authorization that you provided to the deposition. (19) you and/or sent with your authorization that you provided to the deposition. (19) you and/or sent with your authorization that you provided to the deposition. (19) you and/or sent with your authorization that you provided to the california particularly for the period March 2010 up to and including the date of the deposition. (17) Q. Okay. (18) A. I believe you have them already based on provided may be deposition that you and/or sent with your authorization that you provided to the California statement of 20. Provided me a document called "Formal Statement of 21. Spency," and the City of the period from March 2010 up to and including the date of the deposition. (19) You and/or sent with your authorization that you provided to the California State Board about this matter? (19) Expect the first document of the California State Board about this matter? (19) Expect the first document of the California State Board of Equipation with the California State Board of Equipation with the California State Board of Equipation of the period from March 2010 up to and including the date of the deposition. (19) Provided the search of the California State Board of Equipation of the Stat			,	
(5) a look at this. (6) A. I'm sorry. (7) Q. I'm going to move forward. (8) Number 10, all statements signed by you and/or sent with your authorization that you provided to any authorization that you provided to law enforcement agency particularly for the period from (12) deposition. (13) A. I do have statements provided to law enforcement. (14) enforcement. (15) Q. Okay. (16) A. Debieve you have them already based on previous depositions that have occurred; however (17) previous depositions that have occurred; however (18) Q. Specifically, these are statements signed by you and/or sent with your authorization that you provided to the California agency? (17) Q. Koky. (18) Q. Specifically, these are statements signed by you and/or sent with your authorization that you provided to law enforcement — to a law enforcement agency? (19) you and/or sent with your authorization that you provided to law enforcement — to a law enforcement agency? (19) you and/or sent with your authorization that you provided to law enforcement — to a law enforcement agency? (20) Q. Koky. If the record could reflect Mr. Cobb has provided to law enforcement — to a law enforcement of Facts," dated Thursday, April 28, 2011. I think this (21) Si — is this a two-page document? (22) Q. Lif I could just back up. I don't know if I described the first document Mr. Cobb produced. That was an April 64t, 2011 document, a two-page document, that appears to have been carbon copied to the IRS, the FBI, the U.S. Attorney of San Mateo, and the City Attorney of Menlo Park. (19) District Attorney of San Mateo, and the City Attorney of Menlo Park. (19) A. No. I don't have any other documents. I sent 10? (19) Q. Do you recall when that was? (20) A. It is was in April 2011. I can't give you the each of the deposition in An your authorization with the California State Board of Equalization? (21) Q. Do you recall when that was? (22) A. Do you ever receive a response from the each of the deposition in An your and Jorespondence between your loth and 15th. Q.		Q. Okay. That answer was not responsive to my		
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(22) A. Okay. (23) Q. Okay. If the record could reflect Mr. Cobb has provided me a document called "Formal Statement of category Number 12 (24) (25) Facts," dated Thursday, April 28, 2011. I think this (25) Facts," dated Thursday, April 28, 2011. I think this (26) Facts," dated Thursday, April 28, 2011. I think this (27) Facts," dated Thursday, April 28, 2011. I think this (28) Facts," dated Thursday, April 28, 2011. I think this (29) A. I believe so, yes. Q. If I could just back up. I don't know if I (40) described the first document Mr. Cobb produced. That described the first document Mr. Cobb produced. That (40) (51) was an April 6th, 2011 document, a two-page document, (51) was an April 6th, 2011 document, a two-page document, (52) (62) Was an April 6th, 2011 document, a two-page document, (53) (63) Was an April 6th, 2011 document, a two-page document, (54) (64) California, the California Attorney of the Northern District of (57) (65) Eacts," dated Thursday, April 28, 2011. I think this (29) (75) A. No. Q. Did you ever file or have any communication with the State Franchise Tax Board about this matter? (76) A. No. Q. Number 13, all statements signed by you and/or sent with your authorization that you have provided to (70) the California State Board of Equalization particularly for the period from March 2010 up to and including the date of the deposition. Any documents responsive to that request? A. No. (77) FBI, the U.S. Attorney of San Mateo, and the city Attorney of Menlo Park. (78) District Attorney of San Mateo, and the city Attorney of Menlo Park. (79) District Attorney of San Mateo, and the city Attorney of the California State Board of Equalization Park. (79) A. No. I don't have any other documents. I (8) for the period from March 2010 up to and including the date of the deposition. Any documents responsive to the California State Board of Equalization? (80) A. No. They are kind of a step down after the FBI. Q. Do you recall when that was? A. No. Other than what you have al	(21)	agency?		
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15 (Pages 57 to 60)

			15 (Pages 57 to 60)
	57		59
(1)	there have been two or three different occasions where	(1)	have another dispute that we need to call the court on
(2)	I've created an e-mail address for him in the hope he	(2)	according to the judge's standing order, and that
(3)	would begin using it, and he never has.	(3)	relates to your claim of privilege for certain documents
(4)	Q. Okay. What were those e-mail addresses?	(4)	that are set forth in the subpoena. So I'm going to see
(5)	A. I can't tell you. I don't know.	(5)	if I can remember how to do this phone thing, and then
(6)	Q. Would it have been something that happened	(6)	we will do the same procedure here.
(7)	within the past year or two?	(7)	(Mr. Smith calls the Judge's Clerk.)
(8)	A. I don't know. It was never used.	(8)	MR. SMITH: Let me hang up. I'm getting her
(9)	Q. Okay. All right. Number 15, all e-mail	(9)	voice mail.
(10)	correspondence between you and Arlen St. Clair	(10)	(Mr. Smith's call to the Judge's Clerk begins.)
(11)	particularly for the period from March 2010 up to and	(11)	MS. TOLBERT: Good morning. U.S. District
(12)	including the date of the deposition?	(12)	Court. This is Brenda Tolbert. How can I help you?
(13)	A. There definitely are no communications in that	(13)	MR. SMITH: Hi, Ms. Tolbert. Anthony Smith
(14)	time frame. And to my best recollection, I have never	(14)	calling again.
(15)	sent an e-mail to Arlen.	(15)	MS. TOLBERT: Yes.
		(16)	MR. SMITH: Sorry to be a pest.
(16)	Q. Okay. A. To my best recollection.	(17)	MS. TOLBERT: Okay.
(17)	Q. Okay. Good. Number 16, all e-mail	(18)	MR. SMITH: We are still in the middle of Jason
(18)	- ,	(19)	Cobb's deposition and we are on the record with the
(19)	correspondence between you and George Stock particularly	(20)	court reporter. We have another dispute with respect to
(20)	for the period of March 2010 up to and including the	(21)	items that Mr. Cobb was requested to bring today. He is
(21)	date of the deposition.	(22)	claiming privilege on several categories of items. So I
(22)	A. Again, I don't believe there were any	(23)	think it would be I think we are at a point where we
(23)	communications with George Stock during that specific		-
(24)	window of time. I'm fairly sure of that. There have	(24)	need to have the judge or the judge's law clerk kind of weigh in.
(25)	been previous communications sporadically throughout the	(23)	Company of the Compan
	58		60
(1)	years. I would call that privileged at this point, FRCP	(1)	MS. TOLBERT: Okay. Why is he stating
(2)	45(2)(A).	(2)	privilege?
(3)	Q. Just so I am clear, you are claiming that there	(3)	MR. SMITH: I will let him explain his
(4)	were correspondence between you and George Stock during	(4)	position. He is right here. Mr. Cobb, why don't you
(5)	a period of time that you claim or deem to be	(5)	explain your position?
(6)	privileged; is that correct?	(6)	THE WITNESS: Yeah, this is pursuant to the
(7)	A. I think so. There is really not a whole lot	(7)	basis to claim privilege or protection in the specific
(8)	there any way. A lot of it was more so	(8)	point here. I don't know if I have this section
(9)	theocratic-centric. I know for a fact that there	(9)	correct, FRCP 45D and then 2A. Maybe it is 2A. Anyway,
(10)	weren't any communications during your specified window.	(10)	information withheld. Person withholding subpoenaed
(11)	Q. Okay. Just so I'm clear, could you give me the	(11)	information under a claim that it is privileged or
(12)	time frame of the period of time where you may have had	(12)	subject to protection as trial-preparation material.
(13)	communications that you would deem to be privileged with	(13)	MS. TOLBERT: Claimed it as such. Did the
(14)	Mr. Stock?	(14)	judge agree to that?
(15)	A. That would be general. I think the year 2010	(15)	THE WITNESS: No, it hasn't been presented in
(16)	or maybe in fact, let me retract. I don't know if I	(16)	writing as of yet, but it certainly can be. And by
(17)	sent any e-mails to George Stock. I don't believe that	(17)	rights, maybe it should have been prior to the
(18)	I did during your specified window, which basically is	(18)	discussion today, but that is the basis of the statement
(19)	Q1 calendar 2010. I don't believe I did.	(19)	of privilege today. I'm happy to present that to Judge
(20)	There certainly weren't any relevant to these	(20)	James at some point in the future.
(21)	matters. I kind of need to reserve the right to double	(21)	MR. SMITH: If I could were you finished,
(22)	check that, but I don't think I did.	(22)	Mr. Cobb?
(23)	Q. Okay.	(23)	THE WITNESS: Yes.
(24)	A. And I apologize for the rambling response.	(24)	MR. SMITH: So as I understand his claim, he is
(25)	Q. No, you are answering the questions. So we	(25)	claiming privilege for corporation documents, including
(20)	q. 110/ for the districting the questions. 50 fre	(_0)	a principality

16 (Pages 61 to 64)

	61		63
(1)	minutes of the meetings of the corporation from the	(1)	THE WITNESS: In their entirety, no.
(2)	period of February and/or March of 2010.	(2)	MR. SMITH: Apparently, they are not.
(3)	MS. TOLBERT: Minutes aren't privileged	(3)	MR. NATHAN: So the deposition should continue
(4)	information. That is public.	(4)	and then the parties are going to have to file a joint
(5)	MR. SMITH: Well, he is taking a position they	(5)	letter
(6)	are privileged minutes of the meetings of the	(6)	MR. SMITH: Okay.
(7)	corporation, minutes of the meeting of the board of	(7)	MR. NATHAN: on that. That issue would be
(8)	directors of the corporation, proposed resolutions of	(8)	reserved that if for some reason the deposition needed
(9)	the corporation, minutes of the meetings of the	(9)	additional time based on those records, if they are
(10)	corporation directors, and the directors resolutions all	(10)	produced, that would be considered as well.
(11)	during this period of February or March 2010 up until	(11)	MR. SMITH: Okay. Of course, my concern is
(12)	today's date. So he is claiming all these matters are	(12)	that discovery is terminated in this action as of
(13)	privileged citing FRCP 45(2)(A) as contained on the	(13)	October 6th.
(14)	second or third page of the subpoena. That's why we	(14)	MR. NATHAN: Right. This issue is reserved
(15)	need to perhaps speak to the judge.	(15)	because you have raised it during the deposition. So if
(16)	MS. TOLBERT: All right. Hold on, please.	(16)	it turns out that the documents should have been
(17)	MR. SMITH: Thank you.	(17)	produced it is possible that Mr. Cobb will have to
(18)	MR. NATHAN: Hi. This is Chris.	(18)	appear for a deposition
(19)	MR. SMITH: Hi, Mr. Nathan. Anthony Smith	(19)	MR. SMITH: Okay.
(20)	calling. MR. NATHAN: Hi.	(20)	MR. NATHAN: if needed on those documents.
(21)	MR. SMITH: Sorry to bug you again. We are	(21)	MR. SMITH: Okay. Mr. Cobb, anything else?
(23)	still in the midst of Jason Cobb's deposition. We are	(22)	THE WITNESS: No, that's totally reasonable. MR. NATHAN: Okay.
(24)	on the record with the court reporter. We have another	(23) (24)	MR. SMITH: Okay. Thank you. Wait. Wait a
(25)	dispute that has arisen relating to Mr. Cobb's refusal	(25)	minute. We got a finger that went up. A wave, not a
(23)	N. P. S. Mar. Speciment Control of Control o	(23)	The state of the state of the second state of the state o
	62		64
(1)	to produce or strike that his claim of privilege	(1)	finger.
(2)	for certain documents that he was requested to bring	(2)	THE WITNESS: Mr. Smith may very well be able
(3)	pursuant to the subpoena issued to him.	(3)	to answer this, but when you say parties filed joint
(4)	Specifically he is claiming that the following	(4)	letter for consideration
(5)	documents are privileged meetings of the minutes of	(5)	MR. NATHAN: Judge James for a discovery
(6)	the corporation. Again, we are talking about the Menlo	(6)	dispute has the parties meet and confer in person and
(7)	Park Congregation of Jehovah's Witnesses, Inc.,	(7)	THE WITNESS: No, I got that part of it.
(8)	California Corporation Number C0983980.	(8)	MR. NATHAN: Each side presents their position
(9)	So the meeting of the minutes of the	(9)	on the issue in a five-page letter, so each side gets
(10)	corporation, the minutes of the meetings of the board of	(10)	basically two and a half pages.
(11)	directors, proposed resolution by corporation directors,	(11)	MR. SMITH: I think what his question is is
(12)	minutes of the meetings of the corporation directors,	(12)	that he is a witness in this case and so the
(13)	and any directors resolutions particularly for the	(13)	plaintiffs have chosen not to be here today. They have
(14)	period between February and/or March 2010 and today's	(14)	been aware of the deposition. So if I am asking your
(15)	date.	(15)	question correctly
(16)	He is claiming that these are privileged based	(16)	MR. NATHAN: Mr. Cobb is a third party?
(17)	upon the Federal Rule of Civil Procedure 45(2)(A) that	(17)	MR. SMITH: Yes.
(18)	he is referring to from the second page of the the	(18)	MR. NATHAN: Jason Cobb would present his
(19)	third page of the subpoena.	(19)	position in the letter.
(20)	Have I summed that up correctly, Mr. Cobb?	(20)	MR. SMITH: Essentially, you present your
(21)	THE WITNESS: Yes.	(21)	position in we would have a joint letter.
(22)	MR. NATHAN: Okay. Are the documents there?	(22)	THE WITNESS: Okay.
(22)		(22)	MD CMTTU, Typesold death is an include of the
(22) (23) (24)	MR. SMITH: He is claiming privilege. I don't know if the documents are here. He hasn't told me one	(23) (24)	MR. SMITH: I would draft it on behalf of the defendants and you would draft it on behalf of yourself

17 (Pages 65 to 68)

			1/ (Pages 65 to 68)
	65		67
(1)	Mr. Nathan?	(1)	correct?
(2)	MR. NATHAN: Yes.	(2)	A. Um-hum.
(3)	MR. SMITH: Okay. We will try to do that in a	(3)	Q. So you are refusing to state when you were
(4)	short time frame because we have a settlement conference	(4)	baptized?
(5)	next week and a lot of activity.	(5)	A. (Witness nods head.)
(6)	Hopefully, that will be it for us bugging you	(6)	Q. Are you going to answer any questions about
(7)	today. I know you are probably going to be going to	(7)	your position in the congregation during this
(8)	lunch at some point.	(8)	deposition?
(9)	MR. NATHAN: Okay. Thank you.	(9)	A. Well, I will evaluate each question as
(10)	MR. SMITH: Is that it, Jason?	(10)	presented.
(11)	THE WITNESS: Yes.	(11)	Q. Okay.
(12)	MR. SMITH: Okay. Thank you.	(12)	A. And I will make the best effort I can.
(13)	MR. NATHAN: Bye.	(13)	Q. So are you currently one of Jehovah's
(14)	MR. SMITH: I don't know if that's good or bad.	(14)	Witnesses?
(15)	(Mr. Smith's call to the Judge's Clerk ends.)	(15)	A. Yes.
(16)	MR. SMITH: Q. Okay. Let's deal with some	(16)	Q. Which congregation of Jehovah's Witnesses are
(17)	housekeeping matters so we can kind of get a feel for	(17)	you currently associated?
(18)	our schedule today.	(18)	A. Menlo Park Congregation of Jehovah's Witnesses.
(19)	Right now it is 11:35. We can do one of two	(19)	Q. How long have you been associated with the
(20)	things. We can take I know that I will be at least	(20)	Menlo Park Congregation of Jehovah's Witnesses?
(21)	three or four hours to continue.	(21)	A. My entire life.
(22)	If you want to take a brief break for lunch	(22)	 Q. Speaking of that, what is your date of birth or
(23)	now, we can do that or continue going forward and cover	(23)	how old are you? I don't need your date of birth. How
(24)	as much ground as we can. Do you want to take like	(24)	old are you?
(25)	35 30 minutes or an hour now or just keep going?	(25)	A. 40.
1	66		68
(1)	A. Why don't we see what we can cover in the next	(1)	Q. So this is the only congregation with which you
(2)	maybe 30 minutes or whatever, and then that 30- to	(2)	have been associated with?
(3)	60-minute window sounds good.	(3)	A. Essentially. I did spend six months in a
(4)	MR. SMITH: Okay. Good. I'm going to go take	(4)	congregation in the East Bay prior to getting married.
(5)	a break to go to the restroom.	(5)	So that would have been 1994/1995.
(6)	(Break in proceedings.)	(6)	Q. What was the name of that congregation?
(7)	MR. SMITH: Q. Can you first tell me when you	(7)	A. I do not recall. It might have been it was
(8)	were baptized as one of Jehovah's Witnesses?	(8)	in the Hayward area.
(9)	Objection; relevance.	(9)	Q. You said that was in '94 to '95?
(10)	Q. The relevance is you contend you were or you	(10)	A. Yeah, in and around those years. You know, I
(11)	still are the CEO of a corporation that underlies some	(11)	got married in '95, so it would have been six months,
(12)	of the allegations of your father's complaint; is that	(12)	you know, probably Q1 or Q2 '95.
(13)	correct?	(13)	 Q. Is it correct that you have always lived in
(14)	A. That is correct.	(14)	Menlo Park or Palo Alto or somewhere in that area?
(15)	Q. And so in order to be in a position to be a	(15)	A. Yep.
(16)	director of that corporation, is it my understanding you	(16)	Q. You were born and raised where? Palo Alto or
(17)	would need to be a baptized Jehovah's Witnesses, is that	(17)	Menlo Park?
(18)	correct, as part of the minimum qualifications for that	(18)	A. I was born in Redwood City and raised in Menlo
(19)	position?	(19)	Park, the peninsula. I have answered three questions in
(20)	A. No comment.	(20)	a row. I want a prize.
(21)	Q. I'm requesting that you answer.	(21)	Q. Could you tell me I want to talk about your
(22)	A. I'm declining.	(22)	education. You graduated from high school, correct?
(23)	Q. So you are refusing to answer the question that	(23)	A. Yes.
(24)	to be an officer or director of a corporation, you are	(24)	Q. Which high school did you graduate from?
(25)	required to be a baptized Jehovah's Witness; is that	(25)	A. Woodside High School.

18 (Pages 69 to 72)

			18 (Pages 69 to 72)
	69		71
(1)	Q. And what year was that?	(1)	you have already testified to?
(2)	A. '85, '86. I attended one year of high school	(2)	A. Correct.
(3)	and I took the California proficiency test and graduated	(3)	Q. So you said you have been associated with the
(4)	early, not to be confused with the GED. I was attending	(4)	Menlo Park Congregation of Jehovah's Witnesses for most
(5)	junior college when I would have been a sophomore in	(5)	of your life other than the six months, correct?
(6)	high school.	(6)	A. Yes.
(7)	Q. So about '85, '86 you got your you passed	(7)	Q. During the course of your association I will
(8)	the proficiency test?	(8)	just refer to that as the congregation, so I don't have
(9)	A. (Witness nods head.)	(9)	to keep saying the Menlo Park Congregation of Jehovah's
(10)	Q. Did you get a certificate or	(10)	Witnesses. Agreed?
(11)	A. (Witness nods head.)	(11)	A. Well, that could be an oversimplification.
(12)	Q. You got a certificate?	(12)	Q. Okay. How is that?
(13)	A. Yes.	(13)	A. The context of the question, the timing to
(14)	Q. And after high school, you said you attended	(14)	which it pertains.
(15)	junior college somewhere?	(15)	Q. Just clarify it. If there is something that we
(16)	A. Yes.	(16)	need to have clarified, please let me know and we can
(17)	Q. Where did you go to junior college?	(17)	clarify.
(18)	A. Foothill College and also took classes at	(18)	A. Certainly as a five-year old or a ten-year old
(19)	Canada College.	(19)	it might beef appropriate to refer to it as the
(20)	Q. Did you have any particular course of study at	(20)	congregation; but in my adult life, particularly with
(21)	Foothill College?	(21)	regard to my duties, it might be more pertinent to use
	A. General study in both. Canada I took	(22)	its legal designation.
(22)	•	(23)	Q. We are talking about the congregation right
(23)	psychology.	(24)	now. We are talking about the corporation.
(24)	Q. Did you receive a degree from either Foothill or Canada College?	(25)	A. Um-hum.
(25)	70	(23)	72
(4)		(4)	
(1)	A. No.	(1)	Q. So I do want to ask you some questions about
(2)	Q. Did you receive any sort of certificates while	. (2)	your association with the congregation. At some point,
(3)	at either of those schools?	(3)	were you appointed as an elder in the Menlo Park
(4)	A. No.	(4)	Congregation of Jehovah's Witnesses?
(5)	Q. Did you undertake any other post-secondary	(5)	 A. Can you expand on the basis of rational for the
(6)	training other than Foothill College or Canada College?	(6)	question?
(7)	A. No.	(7)	Q. Same basis that I mentioned before. You
(8)	 Q. Had you ever participated in or received any 	(8)	contend you currently are the CEO of the corporation,
(9)	certificates from any seminars with respect to any sort	(9)	which is separate from the congregation. And based upon
(10)	of training for a trade or profession?	(10)	that, there are certain qualifications to be on that
(11)	 A. Well, yes. Being employed in Silicon Valley, 	(11)	board perhaps there are qualifications to be on that
(12)	you will take training courses in a variety of	(12)	board. So I just want to find out what your role was in
(13)	disciplines and typically there is a certificate upon	(13)	the congregation
(14)	completion.	(14)	 A. Objection; leading the witness.
(15)	 Q. Had you participated in any sort of training in 	(15)	Q. Let's have one clear record. I promise not to
(16)	any sort of disciplines while working in Silicon Valley?	(16)	interrupt you. You promise not to interrupt me.
(17)	 A. Business analysis. 	(17)	A. Sure.
(18)	Q. Was that with a particular employer or a	(18)	Q. So the court reporter can take down everything
(19)	particular agency which you took a seminar or something?	(19)	that is clear. Fair enough?
(20)	A. Relevance? I'd rather not answer.	(20)	A. Absolutely. I'm sorry.
(21)	Q. Just background. I'm trying to find out so	(21)	Q. That was not a leading question. I was trying
(22)	you have	(22)	to explain the basis for my question. So
(23)	A. Silicon Valley pretty much narrows it. It's	(23)	 A. It was a presumptive question.
(24)	all the same game in Silicon Valley.	(24)	Q. Were you ever appointed as an elder in the
(25)	Q. So no other formal education other than what	(25)	Menlo Park Congregation of Jehovah's Witnesses?

10/11/11

19 (Pages 73 to 76)

75 73 established in certainly the State Law, California Law. (1)(1) A. Yes. (2)MR. SMITH: Why don't we mark the next one in Q. When were you appointed elder? (2) (3) order. (3) (4) (Whereupon Exhibit 4 was marked for Q. And you served as an elder there for what (4)(5) identification.) period of time? (5) A. 2003 through 2010. (6)MR. SMITH: Q. I would like for you to take a (6)(7)look at what has been stamped "confidential" as (7)Q. During the time that you served as an elder in (8) the Menlo Park Congregation of Jehovah's Witnesses, what (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 positions within the congregations had you held? (9)A. No comment. (10)Christian Congregation of Jehovah's Witnesses to all (10)bodies of elders in the United States, re Kingdom Hall Q. Were you ever the secretary of the (11)(11)(12)congregation? (12)inspections by regional building committees. Why don't you take a minute to review this (13)(13) No comment. (14)(14)Q. So we are clear what you mean by "no comment," letter. (15)A. I'm familiar with it. you are refusing to answer the question, is that (15)Q. Have you ever seen Exhibit 4 before? (16)correct? (16)A. I am sure that I have. I have read letters (17) I am declining a response. (17)(18)similar. I believe I have seen this letter. But if (18)Q. You are refusing to answer the question? (19) Declining to respond. (19)not, I have seen letters with similar content. Q. And this would have been during the period of Q. Were you ever the secretary in the (20)(20)time that you served as an elder at the Menlo Park (21)congregation? (21)(22)Congregation; is that correct? (22)A. I will decline. (23)A. Yes. (23)Q. Were you ever what was termed presiding Q. What is your understanding -- strike that. (24)overseer of the Menlo park Congregation of Jehovah's (24)(25)Witnesses? (25)So why don't you take a minute to review the 74 76 (1) I'll decline. (1)letter because I want to ask you some questions about (2) Q. Were you ever the service overseer of the Menlo (2)(3) Park Congregation of Jehovah's Witnesses? (3) Go ahead and ask. Q. You are familiar with the letter, correct? (4) I will decline. (4)A. We will find out. (5) Q. Were you ever the theocratic ministry school (5)overseer for the Menlo Park Congregation of Jehovah's (6) Q. Well, that's the whole point of having you read (6) Witnesses? (7)it first, so we don't get into --(7)(8)A. No, it's okay. Go ahead. (8) I will decline. (9)Q. Okay. This letter refers to the Regional (9)Q. And, again, just so I'm clear, what is the legal basis of your refusal to answer the question? Building Committee. What is the Regional Building (10)(10)A. Relevance. I believe these questions align (11)Committee of the Christian Congregation of Jehovah's (11)(12)with statements that you made previously as far there (12)Witnesses? (13)are established criteria of qualifications for (13)A. As I understand, the Regional Building Committee of Jehovah's Witnesses, Incorporated, is a (14)individuals to serve in the capacity for the (14)corporation which is used as an aggregation point for (15)corporation, which is a leap, which is a presumptive (15)(16)the provisions of remodeling and construction (16)statement. (17)So there might be a perspective that you have (17)acquisition while executing those types of projects. (18)in that respect. But since we are talking about the (18)Q. Let me have my question read back because I Menlo Park Congregation of Jehovah's Witnesses, (19)asked about the Regional Building Committee, not the (19)(20)Incorporated, the point of relevance is what was in (20)Regional Building Committee, Inc. So I'm referring to what is in Paragraph 1. It effect for that legal entity. So there were no bylaws. (21)(21)(22)There are articles of incorporation, and that's it. (22)talks about a representative of the Regional Building Committee. (23)Q. Okay. Would you agree that the congregation (23)(24)and the corporation are separate entities? (24)A. Um-hum. (25)A. Yes. I believe that is well chronicled and (25)Q. So is that your answer then? Does your answer

20 (Pages 77 to 80)

10/11/11

			20 (Pages 77 to 80)
	77		79
(1)	change? You referred to a corporation. I didn't refer	(1)	Witnesses direct the strike that.
(2)	to a corporation in my question.	(2)	Does the governing body of Jehovah's Witnesses
(3)	A. I was providing a high-level response. The	(3)	direct the activities of the congregations of Jehovah's
(4)	Regional Building Committee of Jehovah's Witnesses,	(4)	Witnesses worldwide?
(5)	Incorporated, is a legal corporation that is used as an	(5)	A. I believe they would say that Jesus Christ
(6)	aggregation point for Regional Building committees	(6)	directs the activities.
(7)	dispersed throughout the United States.	(7)	Q. So Jesus Christ directs the activity. Does
(8)	Q. Would you agree the Regional Building Committee	(8)	Jesus Christ receive direction from anyone in directing
(9)	falls under the oversight of the United States Branch of	(9)	the activities of the Christian Congregation of
(10)	Jehovah's Witnesses?	(10)	Jehovah's Witnesses?
(11)	 I honestly don't know the chain of command. 	(11)	A. I will decline.
(12)	Q. Okay. Let's talk about the chain of command in	(12)	Q. So Jesus Christ directs the activities. Do you
(13)	the Christian Congregation of Jehovah's Witnesses for a	(13)	agree with your statement that the governing body would
(14)	minute.	(14)	say that Jesus Christ directs the activities of
(15)	A. Why?	(15)	Jehovah's Witnesses?
(16)	MR. SMITH: Can you go back and read my last	(16)	A. I will decline.
(17)	question.	(17)	Q. Do you agree with statements that the governing
(18)	(Record read.)	(18)	body takes direction from Jesus Christ in directing the
(19)	MR. SMITH: So let's talk about the chain of	(19)	activities of Jehovah's Witnesses?
(20)	command.	(20)	A. I will decline.
(21)	Q. Who is the governing body of Jehovah's	(21)	Q. What is a circuit overseer?
(22)	Witnesses?	(22)	A. I will decline.
(23)	 A. That seems to be an interesting follow up to 	(23)	Q. And, again, just so we are clear, I think
(24)	the question about the Regional Building Committee. I	(24)	obviously we have another dispute that we will have to
(25)	will decline,	(25)	address in this deposition about your refusal to answer
	78		80
(1)	Q. So you have been one of Jehovah's Witnesses for	(1)	these questions.
(2)	how many years?	(2)	So I think for your protection and to make sure
(3)	A. Essentially my entire life.	(3)	we have a clear record, if you could just explain the
(4)	Q. How old were you when you got baptized?	(4)	basis of your refusal to answer these questions. It
(5)	A. I will decline.	(5)	would probably make for a clean record when we deal with
(6)	Q. Teen-ager?	(6)	it subsequently.
(7)	A. I will decline.	(7)	A. Sure.
(8)	Q. Have you ever heard the term governing body?	(8)	Q. So the basis of your refusal is what?
(9)	A. (Witness nods head.)	(9)	 I reflect on a line of reasoning that was used
(10)	Q. Can I have an audible response, please?	(10)	in your 12B motion to dismiss. I don't recall the date
(11)	A. I have heard the term.	(11)	of the motion. But when that motion was made, the
(12)	Q. Do you understand what the term means?	(12)	arguments presented very much endeavor to create a point
(13)	A. I will decline.	(13)	of insulation for the defendants pursuant to the
(14)	Q. Have you ever heard the term United States	(14)	perceived provision of the free exercise clause. And I
(15)	Branch of Jehovah's Witnesses?	(15)	feel this line of questioning is the latest effort to
(16)	A. Yes.	(16)	resurrect that type of effort, which I believe runs
(17)	Q. What is your understanding of the United States	(17)	contrary to the central nature of the action.
(18)	Branch of Jehovah's Witnesses?	(18)	Q. And you recognize you are a witness in this
(19)	A. I decline.	(19)	action? We are not talking about your lawsuit in the
(20)	Q. And, again, could we just get the basis of your	(20)	State Court. We are on the same page?
(21)	refusal to respond to these questions?	(21)	A. I am clear on that.
(22)	Measuring each question for content.	(22)	Q. Okay.
(23)	Q. Okay.	(23)	A. I'm sensitive to any perceived effort to
(24)	A. I'm evaluating relevance as I see it.	(24)	encapsulate these considerations under religion when it
(25)	Q. Does the United States Branch of Jehovah's	(25)	is more secular.

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82

21 (Pages 81 to 84)

10/11/11

Q. Okay. Finished? (1)

A. Yes. (2)

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- O. What is a district overseer? (3)
- (4) I decline.
 - O. What is the service department of the Christian Congregation of Jehovah's Witnesses?
 - A. I will decline.
 - Q. Let me just ask a different question regarding your father's lawsuit and that of Mr. St. Clair's. Are you aware of their goal in this lawsuit?
 - A. Subjective. I believe their stated goal is to establish the truth as they worded it. They're endeavoring to expose the framework of a fraudulent scheme that falls along the lines of the land grab defamation, racketeering, bank fraud.

So as in any complex scheme of that the nature, there will be any number of elements. I believe they have identified mail fraud, wire fraud, religious fraud, and now bank fraud with the progression of the case.

So I believe the objective is to expose the scheme and establish a basis of accountability for the perpetrators. But ultimately they can speak for themselves.

Q. So if your father and Mr. St. Clair were to prevail in this action, what is the -- what would be the qualifier for that stance in the absence of fraud, collusion or arbitrariness, the court will essentially accept any and all decisions by the highest ecclesiastical authority that has heard the dispute.

And then in the Serbian case of '76, they struck arbitrariness as a consideration but left the door open for consideration to fraud and collusion.

So the significance here is there was a scheme, a criminal scheme, a fraudulent scheme, that was already in places prior to the removal of the plaintiffs, and it was necessary for the plaintiffs and their colleagues to be removed to establish the basis for that scheme to be executed thereafter.

Now, that is interesting because the definition of Serbian fraud and Serbian collusion, pursuant to the Serbian case of '76, is when a church tribunal is conceived and performed with bad faith and there are acts of fraud or collusion with a view to a secular purpose.

So it seems as if the defendants and perpetrators in this case have studied the Serbian case and used that essentially as a blueprint for their scheme in these matters presuming a form of diplomatic immunity, if you will, pursuant to the provisions of the free exercise clause.

result?

A. Difficult to say because what constitutes (3) prevailing. If this case allowed for there to be an exposure of a scheme to establish criminal activity on the part of the defendants, that would help to further -- I won't say establish -- I think it would exemplify points of law that already exist. I think about the Department of Administration vs. Smith, a Supreme Court case which amplified the standing point 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 religious convictions, but they do not have carte blanche so to speak to do whatever they want pursuant to those convictions. And that is an established point of law, so I don't believe this case would establish that. I do feel it would amplify it, and I think there is some need for that in view of what has taken place here.

There is a possibility that the -- that the discussed exception to the doctrine of abstention could be invoked in this case, which I think is interesting. So in Watson, the point was established that courts would not interfere in church business or church discipline. And then in Gonzalez vs. Arch Bishop there was a criteria that was established to create a

So it is interesting that -- you know, I don't know what to call it. I don't know if it is right to call it a provision because it has never really been used, but the exception to Watson as initiated by Gonzalez vs. Archbishop and redefined by Serbian has been referenced many, many times.

What I find interesting is that every single requisite element to invoke that for the first time in United States' law history exists in this action.

So you asked a question what would be accomplished and I think the immediate response is you expose the scheme and you establish a basis of accountability for the perpetrators of the scheme, get the bad guys, make them pay; but also maybe establish a new legal precedent that could prove useful for others who come under a similar oppressive act.

- Q. Okay. So you seem to be pretty familiar with the lawsuit for which you are a witness today?
 - A. In some respects, yeah, fire-side reading.
- Q. Have you assisted either your father or Arlen with the drafting of the complaint in this matter?

A. No, no. There were conversations that occurred obviously, a lot of conversations where I was trying to have my father reevaluate things, but no, I didn't write it. There were topics that we discussed because we have

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De Souza & Associates

Q. Now, prior to the filing of the lawsuit, did

A. -- speaking for myself.

87

22 (Pages 85 to 88)

85 gone through the different experiences together. So (1) (1)(2) obviously there is going to be a discussion of that, and (2) (3)there have been discussions of that prior to the filing (3) (4) (4) of the action -- well, prior repeatedly. Q. Obviously, this is your father. (5) (5) (6) (6) A. Yeah. (7)Q. So it's kind of reasonable that you will talk (7) (8)about things when you are both involved. (8) (9)(9) A. Yeah. (10)(10)Q. It seems like a natural occurrence. A. I think it is to a given extent. (11)(11)Q. Just so we are clear, you didn't assist with (12)(12)(13)the drafting of the lawsuit? (13)A. No, I did not. (14)(14)Q. And, I'm sorry, did I cut you off? (15)(15)(16)A. No, go ahead. (16)Q. But you did have a discussion about these (17)(17)(18)topics before the filing of the lawsuit, correct? (18)A. Well before. I think, you know, when the (19)(19)(20)letter was received in May 2011 advising of the decision (20)(21)it had been made relative to the elders, the (21)(22)(22)congregation that would take effect July 1, 2010, (23)certainly between May and July there were a lot of (23)(24)(24)discussion. (25)(25)Q. You said 2011. You meant 2010? 86 (1) A. Yeah, I did. 2010. (1) (2) Q. So when you met with your father, was Arlen (2) (3) also present? (3)(4) A. Well, I wouldn't think -- I wouldn't view it as (4) (5) a meeting of any kind. If you see your mom and give her (5) (6) a kiss and get some cookies, I'm not sure that is a (6) meeting. And then, hey, dad, how you doing? What is (7) (7)(8) (8) going on? You know, so no formal structured meetings or (9)tactical discussions, if you will. I think more than (9)(10)anything, especially during that time, was a matter of (10)(11)trying to reconcile and understand what had taken place (11)(12)more than anything on an emotional level. (12)

you have any discussions with George Stock about filing the lawsuit or taking legal action? A. No. I think George Stock might have made a statement in jest at one point, but no, there was never again a tactical or objective discussion or consideration of legal action. Q. What type of statement in jest did he say? A. I think we were having a conversation and, you know, just kind of discussing the call by the refs, if you will. Q. You are referring to the deletion letter? A. Yeah, just the circumstances. And I think at one point he said, "Well, I'm not going to sue anybody over it." I think was the statement he made. It was just as simple as that. I'm probably being too technically accurate in responding. I could have just said no, but I'm trying Q. It helps to kind of give us -- you know, a deposition is no secret device. I'm here. I'm not a part of the Menlo Park Congregation. I am learning over the course of this year about the things that have taken place from both sides. So the purpose of the deposition is just basically for you to be asked questions about what you knew about the circumstances. Just like the deposition of your father and Mr. St. Clair, they kind of gave us their story. There is no secrets to all this. A. Sure. Q. That's why I have you here to answer the questions. It helps not only us, but the judge and whoever will be involved in the settlement conference next week to kind of take a look at the whole picture. So there was no discussions with George Stock. Have you had any discussions with George Stock regarding this lawsuit, you personally? (13)Q. Okay. What was your -- how many discussions have you had with George about the lawsuit? (16)

> A. Not many. I can't give an exact number. I think as things have gone along and, you know, a legal

> > So as it is moving along, there is different

instances to maybe react to what has taken place. So,

Q. One thing I forgot to mention is that I may ask

you know, there haven't been many discussions with

you questions that call for a numerical response, so I'm

action can take on a life of its own.

George Stock at all.

That's correct.

as an elder since 2003, correct?

- Q. And I would imagine that was not an easy decision to be removed as an elder, was it?
- A. Not under those circumstances. You know, any assignment that you have it is finite. There's a purpose to serve. You serve it and then things potentially can change. So not serving in that capacity is not really the issue speaking for myself. I think the issue is everything else going on prior to that and maybe more importantly after that occurred --

Q. Yeah, I can imagine -- you had served obviously

Q. Okay. De Souza & Associates

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23 (Pages 89 to 92)

89 91 (1) A. Yes. entitled to your best estimate. And this is one of (1)(2) O. Were you doing door-to-door witnesses that day? those questions: Would you estimate you have had more (2) than five conversations with George Stock concerning the (3) Do you recall? (3) We were just engaging in the ministry. (4) (4) lawsuit? (5) Q. Okay. Let me just take a look. Right now it A. I wouldn't. (5) is about a quarter after. Maybe this is a good time to (6) Q. So perhaps less than five? (6) take a little break --(7) (7) A. (Witness nods head.) (8) A. Yeah. Q. Do you recall your most recent conversation (8) (9) Q. -- or something, to get something to eat and (9) with George Stock when that would have been? give her fingers a rest. Why don't we reconvene. Do The most recent conversation I had, I believe, (10)(10)you want an hour? How much time do you want, 45 minutes (11)was one week ago. (11)(12)to an hour? (12)Q. Okay. (13)A. I would say at least 45 minutes. A. Or I would say seven to ten days ago. (13)(14)Q. Why don't we just say an hour then. (14)Q. Okay. (15)(15)A. It was after his deposition with you. (16)Q. So 1:15. And then I'm not sure how long we (16)Q. Okay. will be based upon the fact you are taking the position (17)(17)A. I asked how it went, and he said it was fine. on privilege. So we may end up not being as long as I (18)He said "Anthony is a real nice person," and he said, (18)thought and maybe then we could use the time to put "It was pretty straightforward." (19)(19)together our draft -- our letter that we will have to (20)(20)Q. Okay. Did I cut you off? (21)draft to submit to the judge. Let's see how it goes. A. No. (21)A. Sure. (22)(22)O. Okay. Did he discuss the substance of his (23)Q. We will see how it goes? testimony with you at that time? (23)(24)A. I might be too worn out to think to do a A. He didn't, you know, but George Stock is a (24)minimalist in every aspect of his life -- his (25)letter, but we'll see. (25)92 90 (1) Q. Well, we don't have to do it today. (1)possessions, everything. And that certainly extends to his conversation. He is not given to expounding on much (2)A. I will be open. (2)Q. I'm not saying we have to do it today. I'm (3) of anything by nature. So no. And I wouldn't be (3)(4) just saying that we should probably get that letter out (4) especially motivated to attempt to extract a statement at some point within the next day and what we will need from him because it would all be the same -- vanilla, (5) (5)to do is compare our drafts. What I will do -- and just (6) vanilla, vanilla. (6) Q. And so how long would you estimate that (7)kind of keep it real simple. (7) I can't imagine it needs to be real long. (8) conversation took place? (8)(9) Q. These are the questions that were asked and (9)A. Oh, boy. I wouldn't call it a conversation. I these were the documents that are requested. This is (10)think it was a check -- one statement within an overall (10)his position. This is my view. This is Mr. Cobb's (11)(11)discussion that was more so over other things. (12)view. Send a letter out. (12)Q. Okay. So what we could do is maybe I will initiate (13)(13)A. So to answer your question how long did that conversation take about his deposition, 30 seconds. (14)the draft in a Word document, and I can e-mail that to (14)you. You add your section, and then maybe the best way Q. Okay. Was this conversation at the Kingdom (15)(15)Hall or was it somewhere else? (16)to do it is you can scan -- we have to come up with some (16)A. Somewhere else. (17)final version. We can figure out how to do that. And (17)Q. Was it at his house? then the final version you could scan once we agree on (18)(18)(19)it, sign it, and then I will sign the scanned final (19)A. No. (20)version and that is the one that we will submit to (20)Q. Had you all met to discuss his deposition or --A. No, we hadn't. (21)Mr. Nathan, if that makes sense. (21)(22)Q. Where was the conversation at? (22) It doesn't, but I know that we will work it A. The conversation was in the ministry. (23)out. (23)Q. Oh, in the ministry. You all were working out (24)Yeah, we will figure it out. So the one thing (24)

in service together?

(25)

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just so we are clear then, we need to make copies of

10/11/11

24 (Pages 93 to 96)

(1) these. (2) A. I can send you PDFs of that. (3) Q. Yeah, if you could. The only one I don't have is the one from the Department of Justice. (5) A. Yeah, I will scan them in and e-mail them to one from the Department of Justice. (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 been so much filed in this, it's been kind of hard to been so much filed in this, it's been kind of hard to lease is so much filed in this, it's been kind of hard to lease is so much filed in this, it's been kind of hard to lease is so much filed in this, it's been kind of hard to lease is so much filed in this, it's been kind of hard to lease is so much filed in this, it's been kind of hard to lease is so much filed in this, it's been kind of hard to lease is so much filed in this, it's break kind of hard t				
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20	(1)	these.	(1)	Could you read back the last question.
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 (7) Q. I think some of these — (8) A. I think you do have them. (8) Q were filed in some discovery. There has (9) Q were filed in some discovery. There has (9) Q were 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 (12) A. Well, you decide. I'm happy — I think it is (13) easier just to PDF it and e-mail it to you. (13) Q. Okay. Why don't we - (14) Q. Okay. Why don't we - (14) Q. Okay. Why don't we - (15) Q. Yeah, or we can - I think she has a thermal copier here that I can use just to take — because the (16) Q. Yeah, or we can - I think she has a thermal copier here that I can use just to take — because the (17) here. (18) Q. Welh is the last time you had a conversation with John Steel? A. Correct. Q. And what was the nature of your conversation? A. General prep for the deposition. (11) A. General prep for the deposition? What did it entire to court reporter will need a copy because these exhibits (16) Q. Yeah, or we can a leve these exhibits (18) (18	1			
(4) is the one from the Department of Justice. (5) A. Yesh, 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 (9) Deen 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 stock 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 (18) will all be part of the record here. (19) A. I'm not aware of any Fed Ex copy shop around (20) here. (21) Q. I think she might have a little thermal copier (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 (26) A. Sure. (27) A. Sure. (28) Q. And that way we can give you your originals (29) Q. Let me just check on that right now. And then after we take care of these copies — because it is not that many — we can take a break for lunch. (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 so. (11) Let's go back on the record. (12) A. I believe so. (13) Q. Let me just check on open duced? (14) A. I believe so. (15) A. I believe so. (16) Q. And then you produced the two-page formal tastement of facts second? (17) A. I we are back on the record. (18) Q. And then you produced the copy of the AG. So (19) why don't we have these marked next in order in that (19) order (19) A. I believe so. (19) Q. And then you produced the copy of the AG. So (19) why don't we have these marked next in order in that (19) order (19) A. I believe so. (19) Q. And then you produced the copy of the AG. So (19) why don't we have these marked next in order in that (19) order (19) Q. And then you gook gook gook gook gook gook				,
(5) A. Yeah, I will scan them in and e-mail them to (6) you. (6) you. (7) Q. I think some of these (8) A. I think you do have them. (8) Q were filled in some discovery. There has (10) been so much filed in this, it's been kind of hard to (12) 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. (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) copier here that I can use just to take because the (19) will all be part of the record here. (20) A. I mot aware of any Fed Ex copy shop around (12) here. (21) we can use here at this office. (22) we can use here at this office. (23) we can use here at this office. (24) A. Sure. (25) Q. I think she might have a little thermal copier (27) why don't we have take a break for lunch. (30) A. Or I can stick it in the mail or whatever. (41) A. I was to you don't have to answer every (17) while the proporties will need a copy because these exhibits (18) (19) will all be part of the record here. (8) Q. I think she might have a little thermal copier (27) why don't we have take a break for lunch. (8) Q. Let me just check on that right now. And then after we take care of these copies because it is not that many we can take a break for lunch. (8) Q. So what we are going to do is mark the copies of the exhibits in the order that you gave them to us. I believe so. (10) A. I believe so. (11) A. Delieve so. (12) A. I believe so. (13) Q. Ard then you produced the two-page formal interpretation order. (14) A. Yesterday. (15) A. Sure. (16) Q. Okay. A. Sure. (17) MR. SMITH: Let's go back on the record. (18) Q. Well, you know I'm not grilling you, and you a question (19) Q. Okay. A. No, in all seriousness, it is a general discussion. You talk to lawyers, and I think I even asked you a question (19) Q. Vealy. (20) Q.			4	T
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