

(1) Q. Okay. In other words, he is not your roommate?
 (2) A. No.
 (3) Q. Okay. And is he advising you in your state
 (4) court case?
 (5) A. No.
 (6) I was deciding whether or not to respond
 (7) because I don't want to cover the state court case here.
 (8) Q. Well, I'm going to ask you some general
 (9) questions and, of course, it is your prerogative whether
 (10) you are going to answer them or not and assert whatever
 (11) response you want to assert.
 (12) Okay. I've noticed you have been utilizing a
 (13) book here today as part of your deposition. And, of
 (14) course, it is a legitimate question for me to ask what
 (15) are you referring to? I think that is, what, a Nolo
 (16) Press Guide?
 (17) A. Yeah.
 (18) Q. What is it? A Nolo's Deposition Handbook.
 (19) Okay. Have you reviewed any other material prior to
 (20) today's deposition other than the Nolo Deposition
 (21) Handbook?
 (22) A. No, not of this nature.
 (23) Q. Okay.
 (24) A. Have I read the newspaper, yes.
 (25) Q. Well, just in preparation for the deposition,

(1) did you review any documents before you came today?
 (2) A. Documents?
 (3) Q. Yeah. Did you review any document before you
 (4) came for today's deposition?
 (5) A. Can you be more specific?
 (6) Q. Any documents relating to the corporation or
 (7) relating to the lawsuit?
 (8) A. In bringing along the documentation that I gave
 (9) you today, I would have looked at what I have --
 (10) Q. Okay.
 (11) A. -- so I made sure that I had those items.
 (12) Q. Okay.
 (13) A. I knew I would be claiming privilege to a
 (14) number of things, but I wanted to legitimately provide
 (15) whatever I could in view of the request presented or the
 (16) order presented.
 (17) Q. Okay.
 (18) A. So yeah, I think toward that end I might have
 (19) looked at some documentation, but was I scanning and
 (20) evaluating? It wasn't an in depth examination if that's
 (21) what you mean.
 (22) Q. Okay.
 (23) A. Cursory.
 (24) Q. Just reviewing Exhibit 5, which you produced
 (25) today, which is your to-whomever-it-may-concern letter

(1) of April 6, 2011, other than the response that you
 (2) produced today from the California Attorney General, did
 (3) you ever receive a written response from the IRS to your
 (4) letter which is Exhibit 5?
 (5) A. I believe I received an acknowledgment, a
 (6) generic acknowledgment.
 (7) Q. Do you have a copy of that today?
 (8) A. I don't, but I would be happy to provide it.
 (9) Q. Could you do that, please?
 (10) A. I will make sure I can get my hands on it. It
 (11) struck me as kind of a -- what do you call it -- flimsy,
 (12) inconsequential response. So if I have it, I will be
 (13) happy to share it with you.
 (14) Q. Do you know if the response from the IRS had
 (15) what appeared to be any reference number or a case
 (16) number that would have been associated with the IRS?
 (17) A. I don't recall. I don't believe -- I was more
 (18) concerned with the verbiage.
 (19) Q. Okay.
 (20) A. And the verbiage was basically your typical
 (21) thanks for submitting it, you know, you're in queue or
 (22) whatever.
 (23) Q. Is this something that you can perhaps look for
 (24) and scan and get it to me by the end of the week, if
 (25) possible?

(1) A. I will look for it. Keep in mind, I am going
 (2) to be very judicious as far as deadlines. I have other
 (3) deadlines I have to meet.
 (4) Q. Yeah.
 (5) A. I will very much look for it. I will be happy
 (6) to do it. If I can find it very easily and it's not an
 (7) issue, I will be happy to provide it.
 (8) Q. Okay.
 (9) A. But I'm really not wanting you to dominate my
 (10) week because I have another legal deadline that can't be
 (11) missed.
 (12) Q. The only reason I ask for the end of the week
 (13) is because you are aware we have a settlement conference
 (14) next week in this case?
 (15) A. Yeah. I don't think that note will tip any
 (16) scale either way, but I will be happy to look for it
 (17) like I said.
 (18) Q. Okay.
 (19) A. And if I can, you know, get it to you, I will
 (20) be happy -- would it be all right if I scanned it to PDF
 (21) and e-mailed it to you?
 (22) Q. Yes, that would be fine.
 (23) A. Okay.
 (24) Q. Also the same question about a response from
 (25) the FBI San Francisco office, did you ever receive a

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- (1) response from the FBI from this letter, Exhibit 5?
 (2) A. I did not receive a letter response.
 (3) Q. Did you receive a phone call from the FBI?
 (4) A. I will decline.
 (5) Q. And the basis of your refusal to answer the
 (6) question is what?
 (7) A. No. Actually, no, I did not receive a phone
 (8) call.
 (9) Q. Did you receive an e-mail from the FBI?
 (10) A. Definitely not.
 (11) Q. Did you receive a fax from the FBI?
 (12) A. No, I did not receive a fax.
 (13) Q. Did you receive some form of communication from
 (14) the FBI in response to Exhibit 5?
 (15) A. No.
 (16) Q. Did someone visit you from the FBI
 (17) concerning -- strike that.
 (18) Did you ever speak to someone from the FBI
 (19) concerning the lawsuit filed by your father?
 (20) A. Yes.
 (21) Q. Okay. Who did you speak to?
 (22) A. I don't know, duty agent number?
 (23) Q. And how did you speak to that person?
 (24) A. In person.
 (25) Q. And did you present yourself to the FBI office?

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- (1) A. Present myself?
 (2) Q. Did you go to the FBI office to speak to
 (3) someone concerning the federal lawsuit filed by your
 (4) father?
 (5) A. Yes.
 (6) Q. And where was that office located?
 (7) A. San Francisco.
 (8) Q. Do you recall the address?
 (9) A. It's -- you know, it's off 455, isn't it?
 (10) Q. I don't know. That's why I'm asking.
 (11) A. It is all that building, 455 Golden Gate
 (12) Center.
 (13) Q. Is it in the same building where the court is
 (14) located?
 (15) A. I believe it is on a different floor, yeah.
 (16) Q. You have been in the -- you know where the
 (17) court is?
 (18) A. The same building.
 (19) Q. That is 450 Golden Gate Avenue?
 (20) A. Yeah, maybe it is the 14th or the 16th floor.
 (21) I'm not sure.
 (22) Q. When did you go to the FBI office concerning
 (23) your father's lawsuit?
 (24) A. In and around the communication.
 (25) Q. Pardon me?

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- (1) A. In and around the date of the letter.
 (2) Q. Sometime around April 6, 2011?
 (3) A. Yeah. I have been there a few time, not always
 (4) for this particular matter. So that's my best guess.
 (5) That's my under-oath response to the best of my
 (6) recollection.
 (7) Q. Okay. The duty agent that you spoke to, do you
 (8) recall his or her name?
 (9) A. They don't give their name.
 (10) Q. Did they provide you a badge number or some
 (11) other form of identification?
 (12) A. No.
 (13) Q. Do you recall if it was a male or female that
 (14) you spoke to?
 (15) A. I believe a male.
 (16) Q. How long were you at the FBI office?
 (17) A. Almost an hour.
 (18) Q. Were you interviewed by the FBI officer
 (19) concerning the federal lawsuit?
 (20) A. Peripherally. So you're phrasing that question
 (21) in a certain manner. I think the lawsuit is a
 (22) peripheral topic in consideration. What prompted my
 (23) communications were for my immediate points of concern
 (24) as so stated in the letter.
 (25) Q. Okay. So you met with someone at the FBI,

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- (1) correct?
 (2) A. Um-hum.
 (3) Q. And you had a conversation with what you
 (4) referred to as a duty agent at the FBI?
 (5) A. Yes.
 (6) Q. Were you in the office when you had the
 (7) conversation?
 (8) A. Um-hum.
 (9) Q. Were you in a conference room?
 (10) A. What equates as such. San Francisco doesn't
 (11) have a conference as other federal offices do for some
 (12) strange reason. I don't know why. At least, you know,
 (13) they have their lobby. So if they deem that your matter
 (14) is important enough, maybe you get back to a conference
 (15) room, but I did not.
 (16) Q. I see. Someone came out and met you in the
 (17) foyer or lobby of the office?
 (18) A. (Witness nods head.)
 (19) Q. And that's where you had the discussion with
 (20) this male FBI officer?
 (21) A. (Witness nods head.)
 (22) Q. And it was for an hour?
 (23) A. That's right.
 (24) Q. Did you see the officer take down any notes?
 (25) A. No.

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(1) Q. You don't recall seeing any notes being taken?
 (2) A. No.
 (3) Q. Do you know if your conversation was
 (4) tape-recorded?
 (5) A. I hope not.
 (6) Q. Or recorded in any fashion?
 (7) A. I don't -- I don't know. It is the FBI. So I
 (8) don't think so. I was not advised of such.
 (9) Q. Okay. And you didn't see any visible recording
 (10) devices that you would have known to be a recording
 (11) device?
 (12) A. No, I did not.
 (13) Q. Okay. Did you ever have a second contact with
 (14) the FBI office or officer after your initial visit?
 (15) A. No.
 (16) Q. And you have never received anything in writing
 (17) from the FBI concerning the points mentioned in
 (18) Exhibit 5, your letter of April 6, 2011; is that
 (19) correct?
 (20) A. Correct.
 (21) Q. And I have the same series of questions for the
 (22) U.S. Attorney, Northern District of California. Did
 (23) they ever respond to your letter of April 6, 2011?
 (24) A. Actually, I spoke to the duty lawyer. It might
 (25) have been on the same day or in and around that same

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(1) time.
 (2) Q. Okay.
 (3) A. And it was directed to the FBI.
 (4) Q. Sorry?
 (5) A. Yeah.
 (6) Q. So you first spoke to the U.S. Attorney --
 (7) A. Yeah.
 (8) Q. -- or someone in that office?
 (9) A. Yeah, the duty lawyer or just like the duty
 (10) agent, the equivalent to the duty lawyer.
 (11) Q. Do you remember that lawyer's name?
 (12) A. They don't give their name.
 (13) Q. Where was that office located?
 (14) A. 455 Golden Gate, San Francisco. Same building.
 (15) Q. Same building where the court is? Is the more
 (16) correct address 450 Golden Gate?
 (17) A. Maybe. I will defer to your knowledge.
 (18) Q. You said this is on or around the same time you
 (19) made the visit to the FBI office?
 (20) A. I believe it was.
 (21) Q. The same day?
 (22) A. It may have been. Keep in mind, I frequent
 (23) those stations for other matters.
 (24) Q. Okay.
 (25) A. So I'm responding to you as best I can without

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(1) having --
 (2) Q. I just want your best recollection.
 (3) A. -- without having written down dates. It may
 (4) have been the same day. It might have been the same
 (5) week, but it was in and around the same time.
 (6) Q. These other matters you said you have been --
 (7) that you frequent these offices for, are those any
 (8) matters relating to the congregation or the corporation
 (9) or are you referring to matters other than that?
 (10) A. I am referring to matters other than that.
 (11) Q. And the U.S. Attorney, the duty attorney you
 (12) met with, how long did you -- was it a male or female?
 (13) A. Male.
 (14) Q. And how long did you meet with him?
 (15) A. 35 minutes, 40 minutes maybe.
 (16) Q. And were you in a conference room where you
 (17) met?
 (18) A. We were in the foyer, you know, the lobby,
 (19) albeit with better seats.
 (20) Q. Did you notice if the duty attorney was taking
 (21) any notes of your conversation?
 (22) A. No notes that I can see.
 (23) Q. Could you describe the attorney?
 (24) A. African-American male, late 30s, early 40s,
 (25) maybe six, three. I don't know.

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(1) Q. Did he have any facial hair?
 (2) A. I don't think so. Maybe a mustache. You would
 (3) have to give me a line up.
 (4) Q. Pardon me?
 (5) A. You would have to give me a line up.
 (6) Q. Do you recall whether he had hair or was he
 (7) balding? Do you know?
 (8) A. That is close. It was either bald or very low
 (9) cut. I will say low cut.
 (10) Q. And so it was this African-American duty
 (11) attorney that you met with first, and then he suggested
 (12) that you go to the FBI and follow up; is that right?
 (13) A. Right. He articulated the process.
 (14) Q. Okay.
 (15) A. He acknowledged the significance of what was
 (16) stated, but he helped us to appreciate that the protocol
 (17) is to communicate first with the FBI. And one of the
 (18) points that came out of that discussion -- and you know,
 (19) we might have even done that first.
 (20) But anyway, one of the things that came out of
 (21) the discussion with the FBI was the identification of
 (22) the role of the district attorney. So the FBI agent
 (23) acknowledged the framework of the scheme as described,
 (24) acknowledged the potential implications.
 (25) Q. So now we are talking about the FBI agent, not

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- (1) the U.S. Attorney?
 (2) A. Yeah.
 (3) Q. Okay.
 (4) A. So the agent encouraged me to refer the matter
 (5) to the District Attorney and follow up.
 (6) Q. Okay. Let's go back about the FBI agent.
 (7) Could you describe that male officer?
 (8) A. I don't know.
 (9) Q. Was he black? Was he white?
 (10) A. He might have been both. He was fair
 (11) complexion. I believe he was biracial.
 (12) Q. And about how tall was he?
 (13) A. Maybe five, eight.
 (14) Q. Do you have an estimate of his weight?
 (15) A. I don't. I mean it would really be a crap
 (16) shoot. He wasn't obese.
 (17) Q. Okay. Did he have any facial hair?
 (18) A. I don't think so.
 (19) Q. What about the hair on his head? Did he have
 (20) hair on his head?
 (21) A. Yes.
 (22) Q. Full set of hair on his head?
 (23) A. Medium. More than you.
 (24) Q. Okay. I don't know if I should take that as a
 (25) compliment or what.

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- (1) A. Privileged.
 (2) Q. Could you estimate his age?
 (3) A. Fifty.
 (4) Q. Okay. Now, let's go back to the conversation
 (5) we were having -- strike that.
 (6) When you went to the U.S. Attorney's Office,
 (7) were you by yourself or with someone else?
 (8) A. My father was with me.
 (9) Q. Was anyone else with you?
 (10) A. No.
 (11) Q. When you went to the FBI office, were you by
 (12) yourself?
 (13) A. Yes.
 (14) Q. And you may have answered this already, but is
 (15) it correct that you never received any written
 (16) correspondence from the U.S. Attorney's Office?
 (17) A. I never received any written correspondence
 (18) from the attorney's office.
 (19) Q. From the U.S. Attorney's Office?
 (20) A. U.S. Attorney's Office.
 (21) Q. Did you ever receive a phone call from the U.S.
 (22) Attorney's Office following up on your initial visit?
 (23) A. No. That was very much a finite interaction.
 (24) Q. Okay.
 (25) A. Because, again, the direction was to go to the

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- (1) FBI.
 (2) Q. So you just had the one conversation at the
 (3) U.S. Attorney's Office, correct?
 (4) A. That is correct.
 (5) Q. And then how many conversations total did you
 (6) have at the FBI's office?
 (7) A. That gets more difficult because, again, I'm
 (8) having conversations on a variety of topics. As far as
 (9) this is concerned, maybe three. I don't know. That's
 (10) challenging because when you get into that building and
 (11) you finally get someone to talk to, you kind of try to
 (12) maximize your opportunity. One day it might have been
 (13) more of an emphasis on a different topic. How many
 (14) times was it an exclusive topic to this action, it's
 (15) kind of hard to answer that. I would say around three.
 (16) Q. Okay. Is it a correct statement that you never
 (17) had any written correspondence either by letter, e-mail,
 (18) fax or otherwise from the FBI office relating to your
 (19) discussions with them about the federal case filed by
 (20) your father?
 (21) A. It is correct. That is fair to say.
 (22) Q. Now, did you have any oral discussions with the
 (23) FBI agent relating to your father's case?
 (24) A. No, not related to my father's case.
 (25) Q. Any oral discussions relating to the

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- (1) corporation?
 (2) A. I believe that was asked and answered.
 (3) Q. We can find out your previous answer. You can
 (4) answer it again, if not, I can have her --
 (5) A. If you are communicating with the duty agent,
 (6) that is an oral communication.
 (7) Q. Okay.
 (8) A. Yeah, that's the impetus.
 (9) Q. So that was it. How many conversations total?
 (10) You said about three with the FBI?
 (11) A. Yeah, that's my best recollection.
 (12) Q. In your last conversation with the FBI, did
 (13) they give you any direction?
 (14) A. Yeah, I think the point that I mentioned
 (15) constitutes the primary direction. They deal with
 (16) things based on volume of money. So based on the known
 (17) volume of money at the time, the encouragement was
 (18) consult with the local district attorney.
 (19) Q. Did you tell the FBI what you felt the known
 (20) volume of money was at the time you met with them?
 (21) A. No comment.
 (22) Q. You are refusing to answer that question?
 (23) A. I am declining to.
 (24) Q. What is your basis to refuse to answer that
 (25) question?

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(1) A. Because you are not a prosecutor. So we are
 (2) talking about elements specific to the case. And now
 (3) you are crossing the line into what potentially could be
 (4) an investigation. I would ask you what is your basis
 (5) for asking that question?

(6) Q. We are here to take your deposition as a
 (7) witness concerning the complaint filed by your father
 (8) and Mr. St. Clair.

(9) A. Great, but now you are talking about things --

(10) Q. I will let you finish. Let me know when you
 (11) are finished and I will speak.

(12) A. Now, you are talking about things I've done.
 (13) So I don't see that is related to the action for my
 (14) father or Mr. St. Clair.

(15) Q. Are you finished?

(16) A. Yes.

(17) **MR. SMITH: Let me have the question read back**
 (18) **concerning the volume of money that I asked.**
 (19) **(Record read.)**

(20) **MR. SMITH: Q. To clarify, I'm talking about**
 (21) **the known volume of money relating to the federal case**
 (22) **filed by your father and Mr. St. Clair. I'm going to**
 (23) **ask you to answer that question again.**

(24) A. Well, that question doesn't help you much
 (25) because I didn't articulate a sum of money specific to

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(1) the lawsuit. The lawsuit was not the basis of my
 (2) efforts to communicate with the FBI.

(3) Q. Okay. Was the basis of your efforts to
 (4) communicate with the FBI involving the corporation?

(5) A. It was involving criminal activity.

(6) Q. Was it involving purported criminal activity
 (7) relating to the corporation?

(8) A. Affiliated. You know.

(9) Q. So we are talking about the corporation,
 (10) correct, when you were speaking to the FBI on these
 (11) three occasions, correct?

(12) A. For example, Mr. Smith, let's take laundering.
 (13) Okay. So if you are having a conversation with law
 (14) enforcement agents as regards to money laundry schemes
 (15) in the general sense and they are helping you to
 (16) appreciate how said schemes typically are conceived,
 (17) constructed and executed, I don't view that as a
 (18) conversation specific per se to a corporation. I view
 (19) that as a discussion of how that type of scheme works.

(20) What prompted my communication with the FBI
 (21) were concerns of a scheme of that nature being performed
 (22) in proximity to events and circumstances that are under
 (23) consideration in this action, and that is the definitive
 (24) statement to make.

(25) Q. So when you went to the FBI on these three

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(1) occasions, you were not speaking about the corporation;
 (2) is that correct? And again, we have defined the
 (3) corporation as being the Menlo Park Congregation of
 (4) Jehovah's Witnesses, Inc.

(5) A. Sure. First and foremost I was addressing
 (6) criminal activity and asking questions and getting
 (7) input, and they were helpful.

(8) Q. Was it relating to specifically to the
 (9) corporation and/or the congregation when you met with
 (10) them?

(11) A. It was relating to the structure of money
 (12) laundering schemes.

(13) Q. So you went to speak to the FBI for general
 (14) information; is that the way I should understand your
 (15) response?

(16) A. Yeah, being presented with a range of facts, it
 (17) was important for me to understand what typically
 (18) occurs, what are -- what would the likelihood be for my
 (19) suspicions to be reality.

(20) So a lot of the discussion dealt with, you
 (21) know, how the game works and the role that any nonprofit
 (22) corporation can and often will play in said schemes. So
 (23) that was the bulk of the discussion, helping me to
 (24) really become educated about an aspect of life that
 (25) fortunately I'm not familiar with.

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(1) Q. Okay. During your conversations, your
 (2) estimated three conversations with the FBI, did you ever
 (3) mention any specific names during those discussions?

(4) A. Well, the FBI was given a copy of the letter
 (5) that you have. And so there are specific names
 (6) mentioned.

(7) Q. Were there any names mentioned during your
 (8) conversations with the FBI other than those contained in
 (9) Exhibit 5?

(10) A. No, I don't think so. I think those were the
 (11) bulk of the names. Again, my discussions were trying to
 (12) describe the events, the framework of what had been
 (13) observed and getting their assistance in assessing the
 (14) viability as to whether or not that projected to known
 (15) schemes.

(16) So they got a copy of the letter, obviously.
 (17) You can see the names that are mentioned. But they
 (18) don't care about names initially when you are trying to
 (19) establish what your complaint or what your issues or
 (20) concern is about. That really is where a lot of that
 (21) dialogue occurred at that level and in that context.

(22) Q. Okay. Let me ask you the same series of
 (23) questions with respect to communications from the
 (24) San Mateo County District Attorney's Office.

(25) A. Um-hum.

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(1) Q. Did you have any written correspondence between
(2) you and the San Mateo County D.A. concerning your
(3) father's federal court lawsuit?
(4) A. I approached the D.A. pursuant to the
(5) discussions with the FBI and informed from the D.A.'s
(6) office to submit a complaint.
(7) Q. Did you complete the form from the San Mateo
(8) County D.A.'s Office?
(9) A. Yes. I believe -- yes.
(10) Q. Did you submit that form to the San Mateo
(11) County D.A.?
(12) A. No. No. It was submitted to a person in the
(13) office. I don't believe the D.A. actually ever, you
(14) know, got it.
(15) Q. I didn't mean the D.A. personally, but to the
(16) office.
(17) A. Oh, okay.
(18) Q. You submitted the document, right?
(19) A. Um-hum.
(20) Q. Did you keep a copy for yourself?
(21) A. I believe so.
(22) Q. Is there a reason you didn't produce that
(23) during today's deposition?
(24) A. No. There isn't because I don't believe they
(25) are actively engaged.

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(1) Q. Okay. Do you have a copy of it with you today?
(2) A. I don't.
(3) Q. Okay. Because the subpoena would have covered
(4) any law enforcement agencies. And the District
(5) Attorney's Office, as you well know, is part of law
(6) enforcement. So I am a little curious why you didn't
(7) bring that one.
(8) A. We are dealing -- I have three cases right now.
(9) Q. Okay.
(10) A. So...
(11) Q. When you say three cases, what cases are you
(12) referring to?
(13) A. I have other legal matters, so I am one guy and
(14) I probably just missed it.
(15) Q. Okay.
(16) A. On the record, I am happy to provide it. I
(17) believe I have a copy. I know I submitted a copy. In
(18) fact, I submitted it to -- what is her name --
(19) Christine. Yeah, I can verify that.
(20) Q. Was this an office worker or do you know if it
(21) was an attorney who is on the District Attorney's staff?
(22) A. Not an attorney. I think she was an
(23) investigator.
(24) Q. Okay. Do you remember her last name?
(25) A. Well, actually, wait a minute. I will show

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(1) you that I do have some level of organization. Let's
(2) see. Yes. There you go.
(3) Q. Okay. Let's just take a minute and see if we
(4) can make a copy of this.
(5) A. Okay.
(6) Q. Well, actually, let's stay on the record. I'm
(7) going to ask you the same question about the City
(8) Attorney for the City of Menlo Park. Do you have any
(9) other written communication with you today?
(10) A. No, there is definitely nothing from them.
(11) (Break in proceedings.)
(12) **MR. SMITH: Now, we are back on the record. We**
(13) **are going to mark this next in order, a letter from the**
(14) **San Mateo County District Attorney's Office to Jason**
(15) **Cobb of July 27, 2011.**
(16) **(Whereupon Exhibit 8 was marked for**
(17) **identification.)**
(18) **MR. SMITH: Q. I want to hand you your**
(19) **original back, Mr. Cobb.**
(20) A. Yep.
(21) Q. I just need to take a minute to make a couple
(22) phone calls that I need to deal with right now. It
(23) should take no more than five minutes. Let's take a
(24) little break.
(25) A. Sure.

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(1) (Break in proceedings.)
(2) **MR. SMITH: Q. So now just going back to**
(3) **Exhibit 8, that is a letter from the San Mateo County**
(4) **Attorney's Office, John Warren, Chief Inspector.**
(5) **Would you take a look at that? That's a letter**
(6) **that you received from the D.A. after you filed your**
(7) **complaint form; is that correct?**
(8) A. Um-hum.
(9) Q. Do you know if there is any other investigation
(10) that is pending concerning the Congregation or the
(11) corporation with the D.A.'s Office?
(12) A. I don't think so.
(13) Q. Okay. Let me just take a minute to look at all
(14) the exhibits and see where I am at.
(15) Just to double check, are you just taking notes
(16) or are you referring to anything relating to something
(17) on your computer?
(18) A. What if I was?
(19) Q. It would be objectionable because I have the
(20) right to test your best recollection.
(21) Your notes? I don't have my glasses on.
(22) A. I'm not very good at that. I mean my notes as
(23) of Exhibit 3, and we are on Exhibit 5. I think you will
(24) be okay.
(25) Q. All right. Let's go back to Exhibit 4. It's

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- (1) in that stack if you could pull that out, Jason.
 (2) A. Okay.
 (3) Q. That's the letter of December 31, 2005, to all
 (4) bodies of elders in the United States from the Christian
 (5) Congregation of Jehovah's Witnesses. You said you were
 (6) familiar with this letter, correct?
 (7) A. Yeah, generally speaking.
 (8) Q. What was the purpose of this letter?
 (9) A. Well, it says, "Inspections by Regional
 (10) Building Committees." So Regional Building Committees
 (11) in varying locals visiting periodically Kingdom Hall
 (12) religious facilities and inspecting the premises.
 (13) Q. Okay. Could you read Paragraph Number 1?
 (14) Could you read the third sentence that begins with, "By
 (15) means of" and read that out loud, please?
 (16) A. Why?
 (17) Q. Well, because I'm going to ask you some
 (18) questions on it. So could you please read it out loud
 (19) so we have a clear record of what I am asking about.
 (20) A. Am I obligated to read it out loud?
 (21) Q. Yes, you are.
 (22) A. Why?
 (23) Q. Jason, just read the sentence.
 (24) A. No, no. I want to understand.
 (25) Q. I'm not going to get into a debate.

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- (1) A. Is there a rule?
 (2) Q. Just read the sentence and let me know when
 (3) you're finished.
 (4) A. What is the basis of you asking that question?
 (5) Q. You don't have to read it out loud if you don't
 (6) want to.
 (7) A. Okay.
 (8) Q. Just read the sentence. When you are finished
 (9) reading the sentence, let me know when you are done.
 (10) A. All right.
 (11) Q. Actually, let me have you read the entire
 (12) paragraph. Let me know when you have completed reading
 (13) the entire paragraph.
 (14) A. That's my punishment.
 (15) Q. It begins with, "Our letter" all the way to,
 (16) "be destroyed," Paragraph 1.
 (17) A. Okay.
 (18) Q. In that paragraph, there is a sentence that
 (19) says, "By means of this letter, we are now providing
 (20) updated direction on the matter of Kingdom Hall
 (21) inspections, expanding them to include a review of the
 (22) congregation's ownership and property documents,"
 (23) period.
 (24) A. Um-hum.
 (25) Q. What is your understanding of that sentence?

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- (1) A. What it says. Ownership documents and property
 (2) documents obviously have to be maintained, and they are
 (3) typically maintained by the arrangement for ownership on
 (4) a local level. There are some Kingdom Halls that are
 (5) owned by corporations used by the organization known as
 (6) Jehovah's Witnesses, and there are some Kingdom Halls
 (7) that are not owned by said corporations.
 (8) So in case of -- in either case whether it is
 (9) independently owned at a local level, typically by a
 (10) corporation, or if it is owned by one or more Watchtower
 (11) corporations, there are to be records specific to that.
 (12) And so this is the statement calling for review of said
 (13) records.
 (14) Q. There in that sentence that I just read, it
 (15) says, "Providing updated direction."
 (16) With respect to that phrase, "providing updated
 (17) direction," is it a correct statement that the ownership
 (18) of Kingdom Halls the bodies of elders -- strike that.
 (19) Is it a correct statement that bodies of elders
 (20) in the United States are given direction from the
 (21) Christian Congregation of Jehovah's Witnesses with
 (22) respect to the ownership of Kingdom Halls?
 (23) A. I decline.
 (24) Q. Pardon me?
 (25) A. I decline.

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- (1) Q. You are refusing to answer the question?
 (2) A. (Witness nods head.)
 (3) Q. What is the legal basis for your refusal to
 (4) answer the question?
 (5) A. Relevance. It is a leap of logic from your
 (6) question, the initial question, and the material before
 (7) us to what you just presented. It is a leading question
 (8) as well.
 (9) Your question originally is, what is the
 (10) Regional Building Committee, and I answered that. Then
 (11) you asked to verify my understanding of references to
 (12) ownership and property documents. And then you moved
 (13) forward to that question. I don't see a continuous line
 (14) of reason from the initial question to that question.
 (15) Q. So -- I'm sorry. Were you finished?
 (16) A. Yeah, I feel it is a leading question. It is a
 (17) question of relevance, and I believe it is a question
 (18) that is intended to by extension assert that there is a
 (19) basis of ownership pursuant to some hierarchy.
 (20) Q. So, again, the legal basis for your objection
 (21) is that the question is leading. Was there another
 (22) legal basis for your objection?
 (23) A. Relevancy.
 (24) Q. Relevance. So do you disagree that the
 (25) Christian Congregation of Jehovah's Witnesses gives

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(1) direction to bodies of elders concerning the ownership
(2) of Kingdom Halls?
(3) A. I will decline.
(4) Q. Okay. Based upon the same basis?
(5) A. Based upon the basis that I feel that this is
(6) again a question taking us back to assert the first --
(7) free exercise clause. I don't see it as being relevant
(8) when you talk about issues of property ownership.
(9) The properties are either owned at a local
(10) level by the corporations or they're owned by
(11) corporations in use by the religious organization known
(12) as Jehovah's Witnesses. It is either or.
(13) And whether or not there are points of
(14) direction that are or aren't given, that in no way,
(15) shape or form establishes a context of assessing
(16) ownership and control. So we are talking about a very
(17) disparate set of subject matter at this point.
(18) Q. On December 31, 2005, you were serving as an
(19) elder in the congregation; is that correct?
(20) A. At that time.
(21) Q. And at that time, were you also serving as a
(22) director on the board of directors of the corporation?
(23) A. Privileged.
(24) Q. I'm sorry?
(25) A. Privilege.

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(1) Q. You are refusing to answer the question based
(2) upon some privilege?
(3) A. The same basis that was previously stated.
(4) These are questions in and around the subject matter
(5) that is reserved for consideration in the state action
(6) that has been referenced from the very beginning.
(7) Q. Are you finished?
(8) A. Yes.
(9) Q. Well, again, I'd like to reiterate the fact
(10) that these are relevant questions based upon the
(11) allegations of your father and Mr. St. Clair's complaint
(12) of purported schemes and fraud and that sort of thing
(13) relating to, and among other things, the corporation.
(14) So again this will be another subject for which we will
(15) need to do a meet and confer. We can include all these
(16) things in the same letter to get direction from the
(17) judge.
(18) So let me just pause here because I don't want
(19) to waste my time asking questions that you refuse to
(20) answer, and I don't want to waste your time --
(21) A. Are you recording that? Do you have an
(22) itemization of the questions that purport to that meet
(23) and confer you just mentioned?
(24) Q. We will have the transcript. You are aware of
(25) what we called the court about today, correct?

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(1) A. Um-hum.
(2) Q. Right now we have a dispute with regard to your
(3) refusal to answer questions about Exhibit 4.
(4) A. What would your next question be?
(5) Q. Let me finish. Which is a letter from the
(6) Christian Congregation of Jehovah's Witnesses to all
(7) bodies of elders during a time that you served as an
(8) elder in the congregation. So that would be another
(9) item on that list.
(10) But what my thought was, to save us both time,
(11) do you intend to answer any questions with respect to
(12) Exhibit No. 4 that you have in front of you?
(13) A. I will know when the questions are presented.
(14) Q. Okay. Did you have -- strike that.
(15) So let's move on. Could you take the time to
(16) read Paragraph 2 and let me know when you have completed
(17) reading it.
(18) A. Okay. Okay.
(19) Q. So I would like to direct your attention to the
(20) third sentence in Paragraph 2 and continuing to the end
(21) of that paragraph where it reads, "The congregation
(22) holding title should arrange for a review of the
(23) ownership and property documents by means of the,"
(24) italicized, "Annual Congregation Property Documents
(25) Review Worksheet (TO-33). Copies of both completed

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(1) forms should be shared promptly with the bodies of
(2) elders of each congregation using the Kingdom Hall,"
(3) period.
(4) Now, during the time that you served as a
(5) corporate officer for the corporation, while you were
(6) serving as an elder on or about December 31st, 2005, for
(7) instance, did you follow this direction?
(8) A. Did I file this?
(9) Q. Follow this direction.
(10) A. Follow this direction?
(11) Q. In other words, Menlo Park Congregation had the
(12) corporation that held title, correct?
(13) A. Um-hum.
(14) Q. And so according to this Paragraph 2, the
(15) elders were instructed to have the Annual Congregation
(16) Property Documents Review Worksheet completed, correct,
(17) that's what it says in the paragraph?
(18) A. Correct.
(19) Q. Now, did you in your role as a corporation
(20) member and elder of the congregation ensure or take
(21) steps to make sure that that TO-33 was completed?
(22) A. Yeah, in my capacity of spiritual oversight,
(23) which is the relevant consideration here. And I will
(24) reiterate in my capacity as spiritual oversight, yes, I
(25) read the letter. Yes, I followed the direction.

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(1) But I'm going to take you back to the point
(2) that was established earlier is the ongoing barometer
(3) for this line of questioning. The congregation as a
(4) religious association and the corporation are two
(5) separate and distinct entities. So that's why you get
(6) the qualified response to this question.

(7) In my spiritual capacity, did I read the
(8) letter, yes. In my spiritual capacity, did I follow the
(9) directives in the letter, yes. But that doesn't purport
(10) to establish any line of ownership relative to the
(11) property.

(12) Q. I'm just asking you a simple question whether
(13) you followed the direction contained in Paragraph 2
(14) regarding --

(15) A. Sure.

(16) Q. You did?

(17) A. Yeah, you follow that direction. And a big
(18) part of the reason for doing that is any scenario where
(19) you have property ownership, there are issues of
(20) liability and you need to account for that.

(21) Now, there is no liability for the religious
(22) organization known as Jehovah's Witnesses relative to
(23) 811 Bay Road because the organization doesn't own that
(24) building. That building is owned by the local
(25) corporation. And so there would be a potential

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(1) liability for the corporation. And it is prudent to
(2) preemptively assess and address issues as far as safety.

(3) Aside from the legal reasoning behind that,
(4) there is a practicality as well. Here we are inviting
(5) the public to a meeting facility for a spiritual
(6) instruction and as a practical consideration we want to
(7) make sure that there aren't any potential hazards.

(8) Q. So do I understand your testimony then that
(9) while you were serving as an elder with the congregation
(10) and as an officer of the corporation --

(11) A. Not -- not -- not --

(12) Q. Let me finish my question.

(13) A. You can't finish that question. That question
(14) is inoperative.

(15) Q. Jason --

(16) A. Not in my capacity as an officer or director of
(17) the corporation. You were doing fine for the first part
(18) of the question. This has nothing to do with my office
(19) in that sentence.

(20) Q. Jason, I thought we had an understanding that
(21) you would let me complete my sentence and --

(22) A. And we do --

(23) Q. -- I will let you -- excuse me --

(24) A. We do.

(25) Q. -- finish, so we have a clear record.

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(1) I made the point to refrain from interrupting
(2) you and I would request that you do the same thing for
(3) me. And then if there is a difficulty with the
(4) question --

(5) A. But thought we had already established the
(6) basis for context for that question and here again you
(7) are trying to meld these elements in that same line of
(8) reasoning.

(9) Q. Mr. Cobb, if you want to continue to interrupt
(10) me, then it's going to come across clear on the record
(11) that you are not allowing me to finish the question, and
(12) we will be here for several days. I don't want to be
(13) here for several days. I am trying to get through a lot
(14) of material that we still have to go through.

(15) So my question is: You were serving as an
(16) elder on December 31, 2005, in the congregation,
(17) correct?

(18) A. Yes.

(19) Q. Did you as an elder follow the direction from
(20) the Christian Congregation of Jehovah's Witnesses with
(21) respect to this letter, Exhibit 4, Paragraph 2, about
(22) arranging for the review of the ownership and property
(23) documents?

(24) A. That question is slightly varied from the
(25) previous two. Did I read the letter, yes. Did I follow

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(1) the letter? So in view of this point here, there is a
(2) safety inspection worksheet. Did the safety inspection
(3) occur, yes. Was the safety inspection worksheet
(4) discussed and shared? Generally speaking, yes.

(5) Q. Okay. I have read -- let's be specific.

(6) A. Um-hum.

(7) Q. The sentence that I'm referring to is the one
(8) that I just read. "The congregation holding title
(9) should arrange for a review of the ownership and
(10) property documents by means of the Annual Congregation
(11) Property Documents Review Worksheet (TO-33)."

(12) Did you as an elder serving on December 31,
(13) 2005, follow this direction?

(14) A. I think generally speaking, yeah. You have the
(15) documents. They are discussed. They were joint
(16) meetings where a review of these occurred -- operation
(17) meetings, operations committee.

(18) Q. So let's talk about the property documents.
(19) Did you prepare the worksheet as referenced in
(20) Paragraph 2 or have someone prepare that on behalf of
(21) the corporation -- excuse me -- on behalf of the
(22) congregation, the TO-33?

(23) A. Yeah, the Annual Property Documents Review
(24) Worksheet TO-33.

(25) Q. You recall making sure that that was done in

(1) 2005; is that right?
 (2) A. Generally speaking. I would have to look at
 (3) it. I think I know where you might be going with this.
 (4) Q. I just want you to -- don't speculate about my
 (5) questions or else we will be here all day.
 (6) A. Yeah.
 (7) Q. Let's just go through the questions. You give
 (8) me an answer or if you want to refuse to answer or claim
 (9) a privilege, you have the opportunity to do that. Let's
 (10) keep it going here.
 (11) Let's go back to 2006. Would you have ensured
 (12) that the Annual Congregation Property Documents Review
 (13) Worksheet was completed in 2006?
 (14) A. As a general rule of thumb, yes, I would.
 (15) Q. Same question.
 (16) A. And so --
 (17) Q. I'm sorry.
 (18) A. But you are asking that question for an obvious
 (19) reason. Was there a year where I put on there, yes, we
 (20) have bylaws. I believe that's a possibility because at
 (21) the time I didn't have the basis to differentiate
 (22) between bylaws and articles of incorporation. So there
 (23) might be a sheet that we did have bylaws.
 (24) And so you're probing that now in an effort to
 (25) potentially create a basis of questioning as to did you

(1) those years in the congregation files?
 (2) A. I will verify that.
 (3) Q. Do you have copies of any congregation files
 (4) relating to the ownership of the property at 811 Bay
 (5) Road?
 (6) A. Well, you know the answer to that question. I
 (7) believe you provided copies of contents of the ownership
 (8) binder to the plaintiffs. So by extension, yes.
 (9) **MR. SMITH: Okay. Let's have my question read**
 (10) **back because I want to make sure I understood his**
 (11) **answer.**
 (12) **(Record read.)**
 (13) **MR. SMITH: Q. That calls for a yes or no**
 (14) **response.**
 (15) A. Yes.
 (16) Q. So it is yes?
 (17) A. Um-hum.
 (18) Q. What is the source of your copies of those
 (19) records?
 (20) A. The course?
 (21) Q. Yes. Where did you get them from?
 (22) A. As we have always maintained them.
 (23) Q. Who is "we"?
 (24) A. Individuals operating in that capacity. The
 (25) directors and/or officers.

(1) have bylaws or didn't you.
 (2) So in anticipation of that, I will say, no, we
 (3) have never had bylaws having this new responsibility,
 (4) not being well versed in corporate law and procedure at
 (5) that point in time, coming into the position as new,
 (6) yeah, I think I may have marked it at one point that we
 (7) did. But consistently, I think the records will bear
 (8) out that that wasn't the case. And, in reality, it is
 (9) not the case. We have articles of incorporation. We
 (10) don't have bylaws.
 (11) Q. Same questions for the year 2007, did you as
 (12) you were serving as an elder at that time, December 31,
 (13) did you take steps to ensure that the Annual
 (14) Congregation Property Documents Review Worksheet was
 (15) completed?
 (16) A. Yep.
 (17) Q. Same question for 2008. Did you ensure that
 (18) the Annual Congregation Property Documents Review
 (19) Worksheet was completed?
 (20) A. Um-hum.
 (21) Q. Can I have an audible response, please?
 (22) A. Yes.
 (23) Q. And for the year 2009, the same question.
 (24) A. Yeah, that was done.
 (25) Q. Did you retain a copy of that TO-33 for each of

(1) Q. Just so I'm clear, is it my understanding that
 (2) you have copies of the TO-33 for the years 2005 to 2009
 (3) in your possession, custody, or control?
 (4) A. No. Let me clarify the last response. I have
 (5) the articles of incorporation. That's what I have in my
 (6) possession.
 (7) Q. Do you have any other corporate document other
 (8) than the articles of incorporation?
 (9) A. I have the statements. You know, I have all of
 (10) that information and that's part of what -- that's where
 (11) we started our day -- privilege, privilege, privilege.
 (12) These are elements that are factoring into points of
 (13) consideration for the state action and here you are
 (14) again trying to work that again into this line of
 (15) inquiry.
 (16) Q. I'm trying to ask you questions about
 (17) Exhibit 4.
 (18) A. We started with Exhibit 4.
 (19) Q. Let's not mix --
 (20) A. But Exhibit 4 constitutes the segue.
 (21) Q. Let me know when you are finishing and I will
 (22) continue.
 (23) A. I will. Exhibit 4 constitutes the segue for
 (24) doing exactly what I just told you. So those elements
 (25) for the corporate documents are privileged. It relates