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(1) to a separate action. You continually assert that you
 (2) have not been retained for that action. You don't know
 (3) anything about the action even though you quoted the
 (4) case number yourself earlier readily.

(5) So either you are on that or you are not. At
 (6) this point, you are not so cease and desist. Asking me
 (7) points about a letter is one thing and stretching it
 (8) over to create a segue for that subject matter is
 (9) something else.

(10) Q. Are you finished, Mr. Cobb.

(11) A. I am finished.

(12) Q. I would request that you maintain a level of
 (13) respect in these proceedings. I consider your reference
 (14) to me to cease and desist as completely unwarranted and
 (15) showing a lack of respect.

(16) I'm asking questions about a document. The
 (17) lawsuit that you filed is a public document, and this is
 (18) why we keep everything on the record.

(19) Let's clarify what we discussed about your
 (20) San Mateo lawsuit. The point was that you asked me have
 (21) I been retained to represent the defendants, and I told
 (22) you that that matter will be resolved at some point in
 (23) the near future. I have not stepped in as the attorney
 (24) of record for the defendants in that case.

(25) A. Correct.

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(1) Q. That's what I mentioned. Isn't that correct?

(2) A. Correct.

(3) Q. I want to make sure we have a clear
 (4) understanding of what I said.

(5) A. That's right.

(6) Q. And then the other step that we took with
 (7) respect to your action in the San Mateo Court is that we
 (8) looked on the website -- I looked on the website while
 (9) you were present, and I made certain notations about the
 (10) activity in that case that I read from the court's
 (11) website, correct? Would you agree that's what I did?

(12) A. In part, I would agree. And the point of
 (13) clarification to what I just said a moment ago, you knew
 (14) the case number. You went to it.

(15) Q. I knew the case number by looking at a copy of
 (16) the complaint that I have here.

(17) A. That's right.

(18) Q. So this is a public document. I don't
 (19) understand the problem. Let's not waste any more time.

(20) A. It's a public document. You are representing
 (21) those defendants in this federal action who have also
 (22) been named in that state action and you have reviewed
 (23) it, and you created a basis of inquiry when you deposed
 (24) Jonathan Cobb along the same matter, essentially
 (25) executing the same strategy, bending this provision

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(1) preemptively to get into subject matter specific to that
 (2) state case, and I am saying cease and desist.

(3) Q. Okay. Let's move on to the last sentence in
 (4) Paragraph 2 of Exhibit 4. It says, "Copies of both
 (5) completed forms should be shared promptly with the
 (6) bodies of elders of each congregation using the Kingdom
 (7) Hall." So my question is with respect to that sentence
 (8) that I just quoted.

(9) During the period when you served as an elder
 (10) in the congregation, specifically the period of
 (11) December 2005 through December 2009, did you provide a
 (12) copy of the TO-33 to the other bodies of elders of
 (13) congregations using the Menlo Park -- strike that -- the
 (14) 811 Bay Road Kingdom Hall?

(15) A. I did not do that on an annual basis formally
 (16) through a meeting. We had different discussions that
 (17) were informal, often cases with Glen Watson, and the
 (18) contents so stated were shared with him.

(19) But did we call a meeting and distribute it to
 (20) every person every single year, no, and that would be an
 (21) oversight on my part.

(22) Q. Do you recall ever providing a copy of the
 (23) TO-33 to the bodies of elders of the other congregations
 (24) using the 811 Bay Road Kingdom Hall?

(25) A. I believe I answered that. Yeah, I have done

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(1) that. I don't believe it was always a formal discussion
 (2) on an annual basis where it was copied and distributed
 (3) to each attendee.

(4) Q. Okay.

(5) A. But has the information been shared and has it
 (6) been readily available, I would say yes to that.

(7) Q. With respect to Exhibit 4, the third paragraph,
 (8) could you read that paragraph and let me know when you
 (9) have completed it?

(10) A. Okay.

(11) Q. About a little past midway down in that
 (12) paragraph, do you see the sentence that it says, "A
 (13) review of the ownership and property documents,
 (14) including the deeds, up to date corporation or
 (15) trusteeship filings, meetings of minutes, and current
 (16) tax exemption filings where appropriate, will assure
 (17) that we are doing everything possible to comply with
 (18) Caesar's laws."

(19) During the period that you served as an elder
 (20) from December 2005 up to December 2009, had you complied
 (21) with this provision?

(22) A. Yes.

(23) Q. So it says there that the up to date
 (24) corporation filings, meetings of minutes, and
 (25) property -- excuse me -- ownership and property

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(1) documents.
 (2) A. Yeah, did we file a tax statement, I believe
 (3) that we were not required to do so.
 (4) Q. Okay.
 (5) A. So I don't think -- I may not have done that.
 (6) Q. Okay.
 (7) A. I think that is okay because of the amount of
 (8) revenue falling below a certain threshold there is that
 (9) certain form and to date we haven't had to fill it out,
 (10) but I think they revised the law and going forward you
 (11) have to. That would be the only exception. Were the
 (12) other items done, yes.
 (13) Q. Okay. Do you know if you are required to
 (14) complete a form that states that the corporation has
 (15) existing bylaws?
 (16) A. Do I know if I am required to do that?
 (17) Q. During the time that you served as an elder
 (18) during December 2005 through December 2009, were you
 (19) aware that there was a provision that required you for
 (20) the corporate status to complete a form where you
 (21) confirmed that the corporation has bylaws?
 (22) A. From whom?
 (23) **MR. SMITH: Let's have it read back, and I will**
 (24) **clarify if I need to.**
 (25) **(Record read.)**

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(1) **MR. SMITH: Q. Let me add to that question,**
 (2) **because I will ask it for several different agencies,**
 (3) **from the State of California, for instance?**
 (4) A. So you are saying that there was a requirement
 (5) to have bylaws?
 (6) Q. I'm just testing your knowledge of what you
 (7) knew during this period of time of the need to have
 (8) bylaws for the corporation?
 (9) A. Yeah, basically my understanding at that point,
 (10) and that was the infancy of my knowledge relative to
 (11) these matters, my understanding from talking with
 (12) lawyers -- California practicing lawyers -- is that
 (13) bylaws were optional. I was told that by corporate
 (14) lawyers. It was not a requirement. In fact, I think I
 (15) even spoke with a lawyer affiliated with Jehovah's
 (16) Witnesses who said the same thing.
 (17) So if there is a form that required that, I
 (18) would love to read it and I will be happy to be edified.
 (19) But at the time, my belief and understanding is that
 (20) bylaws were not required.
 (21) Q. What was the name of the lawyer associated with
 (22) Jehovah's Witnesses that you spoke to about the fact
 (23) that there was no requirements to have bylaws?
 (24) A. I couldn't tell you. I spoke to local lawyers
 (25) in and around other subject matters. And then I did

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(1) call the legal desk on a different matter actually, an
 (2) entirely different matter, but in the midst of that
 (3) conversation and throughout the question, he said it was
 (4) good to have bylaws, but it is not required.
 (5) Q. Do you know what year that conversation would
 (6) have taken place?
 (7) A. Oh, I would say probably between 2003 and 2005.
 (8) Q. Do you know if during the period of 2003 to
 (9) 2005 the Christian Congregation of Jehovah's Witnesses
 (10) issued any letters or direction to bodies of elders
 (11) concerning the need for bylaws?
 (12) A. I can't quote a specific date to you. I
 (13) believe that there have been recurring communications
 (14) outlining general points of consideration, general rules
 (15) of thumb, general directives, or general suggestions
 (16) that it is good to have bylaws.
 (17) There are many corporations affiliated with
 (18) Jehovah's Witnesses who don't have bylaws. I know that.
 (19) There are many who may not have what could be viewed as
 (20) recommended bylaws. That's part of the function of
 (21) Regional Building Committee is to assess the condition
 (22) of the bylaws and perhaps encourage revision in line
 (23) with a preferred format or template.
 (24) However, no, that was my understanding and
 (25) belief at the time. And upon my due diligence to get

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(1) information from legal professionals, bylaws are good.
 (2) They are recommended. It is a good practice. It is a
 (3) best practice. But am I aware it was as a law and
 (4) requirement, no, I wasn't.
 (5) Q. So my last question had to do with direction
 (6) from the Christian Congregation of Jehovah's Witnesses.
 (7) A. Yeah, I believe I answered that question
 (8) because I told you I don't know the date of said
 (9) communications, but I recognize that there have been
 (10) periodic statements as far as best practices. You know,
 (11) similar to the letter -- what is it, January 1980 --
 (12) talking about corporations in general. These are things
 (13) you want to do to maintain compliance not with
 (14) directives from the Christian Congregation of Jehovah's
 (15) Witnesses, but to maintain compliance with the laws of
 (16) the land as articulated by the sovereign state of
 (17) California in this particular case or whatever state the
 (18) corporation resides. I think that is an important
 (19) qualifier for your question.
 (20) The compliance is not exclusively with any
 (21) encouraging directives or recommendations in the
 (22) Christian Congregation of Jehovah's Witnesses. It was
 (23) complying with the law. And if the law says you need to
 (24) have bylaws and that's the rule, then that's what it
 (25) says. I wasn't aware of it at the time. I don't feel

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(1) that that is a requirement today, and there is even a
 (2) left-handed acknowledgment of such when you read any
 (3) number of statutes in the California Corporation Code.
 (4) It says in the absence of bylaws, these would be the
 (5) preferred action or actions and so forth. So if it was
 (6) a law to have bylaws, why would the statutes even make
 (7) that stipulation?
 (8) And, I'm sorry, that was a little faster.
 (9) Q. Could you read the fourth paragraph in Exhibit
 (10) No. 4 on page 1? Let me know when you are finished.
 (11) A. Okay.
 (12) Q. I would like to direct your attention to the
 (13) sentence in Paragraph 4 that begins with, "Likewise."
 (14) It reads, "Likewise, after the Annual Review of
 (15) Ownership and Property Documents is completed in
 (16) September, a copy of the Annual Congregation Property
 (17) Documents Review Worksheet should be sent to your local
 (18) Regional Building Committee by the secretary of the
 (19) congregation holding title."
 (20) So with respect to that phrase that I just
 (21) quoted from Exhibit 4, the fourth paragraph, during the
 (22) period of time that you served as an elder from
 (23) December 2005 up to and including December 2009, do you
 (24) know if this direction was followed?
 (25) A. At best, I believe I may have done it twice. I

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(1) seem to recall doing it one time. Was it done every
 (2) year, probably not.
 (3) Q. Okay. Who was the congregation secretary in
 (4) 2005?
 (5) A. I would have to look that up.
 (6) Q. You don't know off the top of your head?
 (7) A. (Witness shakes head.)
 (8) Q. Do you know who the congregation secretary was
 (9) in 2006?
 (10) A. I will have to look it up.
 (11) Q. What about 2007?
 (12) A. It may have been George. I will have to look
 (13) it up. I will be happy to answer once I can refer to
 (14) notes.
 (15) Q. When you say look it up, what are you going to
 (16) look at to refresh your memory?
 (17) A. I am going to refer to documents.
 (18) Q. What type of document?
 (19) A. Documents that contain the information asked
 (20) and answered.
 (21) Q. Specifically what documents -- this is not an
 (22) asked and answered question because this is a new
 (23) subject matter.
 (24) Specifically what document will you use to
 (25) refresh your memory who the corporate secretary was in

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(1) 2005?
 (2) A. I will know when I find it.
 (3) Q. So same question for 2006?
 (4) A. Same answer.
 (5) Q. So you are refusing to describe the documents
 (6) that you will review, is that correct, Mr. Cobb?
 (7) A. Judge for yourself. Asked and answered.
 (8) Q. So you are refusing to describe the document
 (9) that you are going to review?
 (10) A. Asked and answered.
 (11) Q. What about for the year 2008, do you know who
 (12) the corporation secretary was -- excuse me --
 (13) congregation secretary?
 (14) A. Very good recovery. I will say privilege on
 (15) that because once again we are getting back into the
 (16) same area. If you want to ask me a question about the
 (17) letter specific to the content, I'm happy to respond.
 (18) As far as the structure and construct of the
 (19) corporation, it goes back to the cease and desist
 (20) statement.
 (21) Q. I asked you a question about the congregation.
 (22) My question was in 2008, who was the secretary of the
 (23) congregation?
 (24) A. And I will decline because that is religious.
 (25) How relevant is that?

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(1) Q. What is the legal basis for your objection?
 (2) A. Relevance. Objection; relevance. Objection;
 (3) relevance. Objection; relevance.
 (4) **MR. SMITH: Let's mark the next in order.**
 (5) **(Whereupon Exhibit 9 was marked for**
 (6) **identification.)**
 (7) **MR. SMITH: Q. Take a minute to review that**
 (8) **document.**
 (9) A. I'm good. What do you got?
 (10) Q. I have handed you what has been marked as
 (11) Exhibit 9, the document entitled, "Information Regarding
 (12) Ownership of Kingdom Halls," dated September 1, 2005.
 (13) Have you ever seen this document before?
 (14) A. I have.
 (15) Q. You have read it, I would assume?
 (16) A. I have.
 (17) Q. On September 1st, 2005, you were serving as an
 (18) elder in the congregation; is that correct?
 (19) A. Yes.
 (20) Q. On September 1st, 2005, were you also an
 (21) officer of the corporation?
 (22) A. I believe so. I believe so. I have to verify.
 (23) Q. I would like for you to read Paragraph 1 and
 (24) then when you are done, I will ask you a couple
 (25) questions.

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(1) A. Paragraph 1. Okay.
 (2) Okay.
 (3) Q. There it begins, "The Kingdom Hall of Jehovah's
 (4) Witnesses is a place of unity and a center of true
 (5) worship locally."
 (6) Do you agree with that statement?
 (7) A. Yes.
 (8) Q. Moving on the next sentence reads, "Therefore,
 (9) all in the congregation should take an interest in the
 (10) Kingdom Hall recognizing it belongs to Jehovah."
 (11) Do you agree with that sentence?
 (12) A. Decline.
 (13) Q. You are refusing to answer the question; is
 (14) that correct?
 (15) A. Decline.
 (16) Q. And what is the legal basis for your refusal to
 (17) answer the question?
 (18) A. Relevance.
 (19) Q. Is there any other legal basis for your refusal
 (20) to answer the question?
 (21) A. Only those that are automatically maintained by
 (22) law.
 (23) Q. I would like you to turn to page 2 of Exhibit 9
 (24) under the heading, "Articles of Incorporation."
 (25) Take a minute to read Paragraph 18, and let me

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(1) know when you are done. Actually, while you are doing
 (2) that, I am going to step out for a second.
 (3) (Break in proceedings.)
 (4) **MR. SMITH: Q. I should have asked you too if**
 (5) **you could also read Paragraphs 15 and 16.**
 (6) A. Okay.
 (7) Q. With respect to Paragraph 18, that sentence
 (8) that begins, "The property of this corporation is
 (9) irrevocably dedicated to religious purposes and no part
 (10) of the net earnings or assets of this corporation shall
 (11) inure to the benefit of a director, officer, or member
 (12) of the corporation or any private individual."
 (13) Do you agree with that sentence?
 (14) A. Yes.
 (15) Q. Moving on to the second paragraph of that
 (16) section. It reads --
 (17) A. Well, actually -- sorry. No, I need to --
 (18) Q. You want to change your answer that you just
 (19) testified to?
 (20) A. Yeah. Upon further reflection, I'm looking at
 (21) the wording. The property of this corporation is
 (22) irrevocably dedicated to religious purposes."
 (23) Q. Do you disagree with that phrase?
 (24) A. I'm probably being too technical. But if the
 (25) property -- I think the qualifier would be to the extent

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(1) that the property remains in ownership of said nonprofit
 (2) religious corporation, obviously, if you sell the
 (3) property and it is turned into a bowling alley, then it
 (4) is revocable. Does that make sense?
 (5) Q. I don't know. I'm not going to respond to
 (6) that. What I will do is perhaps your response to the
 (7) next question I was going to ask you will help
 (8) illuminate light on the whole thing.
 (9) A. Okay.
 (10) Q. Can I continue? Is that okay?
 (11) A. Yes.
 (12) Q. Where it says there, the second paragraph,
 (13) "Upon the winding up and dissolution of this corporation
 (14) after paying or adequately providing for debts and
 (15) obligations of the corporation, the remaining assets
 (16) shall be distributed to Watchtower Bible & Tract Society
 (17) of New York, Inc."
 (18) Do you agree with that sentence?
 (19) A. I acknowledge that sentence. I think it is
 (20) typical for articles of incorporation to articulate that
 (21) upon the winding up or dissolution that the proceeds
 (22) shall be granted or extended to some charity.
 (23) So here in this case, there is a clear
 (24) statement as to which charity will be chosen on that
 (25) basis. So I don't have any philosophical disagreement

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(1) on that.
 (2) Q. So you agree with that? Can I understand that
 (3) to mean you agree with that sentence?
 (4) A. What do you mean when you say, "Do I agree with
 (5) that sentence"?
 (6) Q. Just in the normal language, do you agree with
 (7) what is said there, that upon the winding up -- we can
 (8) quote it or I can have her read the sentence back.
 (9) A. No, that's okay. I am talking about you
 (10) because you are asking the question. You are asking a
 (11) question relative to what is written here. When you
 (12) asked me do I agree with it, what are you asking me?
 (13) Q. Do you agree with what is stated here? And I
 (14) think you said -- we can have the court reporter read
 (15) back -- why don't we have the answer read back.
 (16) A. Which statement are we talking about? Upon the
 (17) winding up?
 (18) Q. Yes.
 (19) A. I'm trying to find it in here.
 (20) Q. Paragraph 18 on page 2, the indented second
 (21) paragraph. It begins with "upon the winding up."
 (22) A. Okay. Thank you. Okay.
 (23) So here again I'm going to be technical. I
 (24) agree with that statement or any statement to the extent
 (25) that it is presented openly and fully discussed with the

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(1) members and that they agree with it in line with
 (2) corporate law. So if the members agree to that, then
 (3) obviously that is the correct thing.
 (4) Do I feel that in principal that is -- do I
 (5) feel that the Watchtower Bible & Tract Society is a good
 (6) charity? To use that verbiage loosely, yes, I do.
 (7) Q. Okay. Let's move on in that same paragraph. I
 (8) think it is the third sentence beginning, "If Watchtower
 (9) Bible & Tract Society of New York, Inc., is not then in
 (10) existence and exempt under Section 501(C)(3) of the
 (11) Internal Revenue Code of 1986 (or the corresponding
 (12) provision of any future United States Tax Code), then
 (13) said assets shall be distributed to any organization
 (14) designated by the ecclesiastical governing body of
 (15) Jehovah's Witnesses that is organized and operated for
 (16) religious purposes and is a corporation exempt from
 (17) Federal Income Tax under Section 501(C)(3) of the
 (18) Internal Revenue Code of 1986 (or the corresponding
 (19) section of any future tax code)."
 (20) Do you agree with that sentence?
 (21) A. Give me a moment to digest that.
 (22) Q. Okay.
 (23) A. I do not in principal disagree. Again, that is
 (24) a qualified response in view of not only the letter --
 (25) the clearly written word, but there is a recognition

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(1) there should be open discussion of any decisions in
 (2) these regards and that should be clearly understood,
 (3) conveyed to the members who will be voting on that. So
 (4) that's the context of my response.
 (5) I make that statement because there has been a
 (6) recurring theme here of decisions being made without
 (7) communication with the members. And when I say
 (8) decisions being made, I mean decisions relative and
 (9) specific to the corporation and specific -- and subject
 (10) to corporate law.
 (11) So that has been part of the problem with this
 (12) current group of individuals masquerading as the
 (13) directors and officers is in many respects they have
 (14) failed to do that. They are dictating matters that are
 (15) reserved for discussion and consensus. So that is part
 (16) of the reason why I am painstakingly responding to these
 (17) queries, not because I have an inherent disagreement in
 (18) principal with the printed words, but I'm providing a
 (19) response within the overall context of -- in reality of
 (20) this present situation.
 (21) Q. You done?
 (22) A. (Witness nods head.)
 (23) Q. Can you read Paragraph 19. Let me know when
 (24) you have completed reading that.
 (25) A. Yes. I read that earlier.

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(1) Q. When were you first made aware there were no
 (2) bylaws for the corporation?
 (3) A. There wasn't any one day. I think what
 (4) happened is when I was received a responsibility to
 (5) review and organize the property ownership documents,
 (6) they were in complete disarray prior to my arrival in
 (7) that station. So I reviewed everything, got it
 (8) organized, and like I mentioned earlier, tried to get
 (9) answers of question about terminology that I was not
 (10) familiar with and spoke to lawyers about bylaws. I
 (11) didn't know what bylaws were. I think that was even
 (12) before 2003. I didn't know what bylaws were.
 (13) Q. Okay.
 (14) A. So I would ask questions. What are bylaws? Do
 (15) I have to have them? Are we missing something
 (16) basically?
 (17) The consistent response has been it is not a
 (18) mandate or law, but it is encouraged. It is a best
 (19) practice. It is good, but it is not legally required.
 (20) Q. And so that would have been, you said, maybe
 (21) even before 2003?
 (22) A. I think so, yeah. Give or take.
 (23) Q. Do you know if your conversation with
 (24) someone --
 (25) A. My conversation to qualify the terms and

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(1) determine did we need to have bylaws, that occurred
 (2) later. But my initial review of everything, my job was
 (3) to organize the documents and get them in a more
 (4) intelligent format.
 (5) Q. Do you remember what year that would have been
 (6) that you were given that responsibility?
 (7) A. I have to think about that. I know it was
 (8) before 2003. In fact, I know it was. So whether it was
 (9) 2001 or -- I don't know. I will have to think about
 (10) that.
 (11) Q. Do you know if you were serving as a
 (12) ministerial servant at the time you got that
 (13) responsibility?
 (14) A. I think I may have been. Although, I got a lot
 (15) of responsibilities before that.
 (16) Q. Even before that?
 (17) A. Yeah. I really have to think about that.
 (18) Q. Okay.
 (19) A. But I know it was before '03.
 (20) Q. Okay. So Paragraph 19 the first sentence
 (21) reads, "If the above two paragraphs," that's again
 (22) referring to Paragraph 18, "are not included in your
 (23) present articles of incorporation, please file an
 (24) amendment to your articles of incorporation to include
 (25) them."

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(1) Now, in September of 2005 when you received
 (2) this document and you were serving as an elder, did you
 (3) take any steps to see if that provision was added to the
 (4) articles.

(5) A. No.

(6) Q. What was the reason you didn't do that?

(7) A. I think the reasons I have stated. Number 1,
 (8) what is it saying? Here I am far more versed then I was
 (9) then and even now I had to reread it. You have
 (10) certainly took your time in reading it.

(11) What does that mean? What do I need to do? I
 (12) thought I was asking the right questions. Did I ask the
 (13) right questions? I think in general just a learning
 (14) curve for me to recognize what was called for.

(15) I think the immediate concern at that time, to
 (16) be honest with you, as a baseline, do we have what we
 (17) need to be legally viable. And the answer to that
 (18) question was and is yes.

(19) So here you are exploring an added
 (20) consideration beyond the legal requirements of
 (21) California and determining the degree of compliance with
 (22) the additional layer of directives as provided through
 (23) the Christian Congregation of Jehovah's Witnesses which
 (24) should not be confused with the legal requirements, and
 (25) I want that to be clear for the record.

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(1) Q. So let me ask the question then. You were
 (2) serving as an elder in the Christian Congregation,
 (3) correct --

(4) A. (Witness nods head.)

(5) Q. -- in September of 2005?

(6) A. (Witness nods head.)

(7) Q. And in fact, from 2003 to 2005, you were an
 (8) elder, correct?

(9) A. Yeah.

(10) Q. So while serving as an elder, had you received
 (11) direction on matters in addition to Kingdom Halls and
 (12) other matters from the Christian Congregation of
 (13) Jehovah's Witnesses?

(14) A. There are spiritual direction that were
 (15) provided for certainty. I think the question that I am
 (16) not hearing from you that I need to invoke myself
 (17) rhetorically is are those directives followed, how
 (18) frequently or how many reminders are needed before they
 (19) were followed.

(20) I get your line of questioning here and where
 (21) it projects. And in speaking to that, there are any
 (22) number of individuals with responsibilities who don't
 (23) fulfill every letter on every page of every directive.
 (24) So that is a known thing. That applies to people in New
 (25) York, let alone anywhere else.

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(1) Does that create a basis for what took place
 (2) here? Not based on my understanding of how matters are
 (3) handled and addressed.

(4) If there is an effort to try to build a basis
 (5) to assert that, that will be a very interesting
 (6) conversation. But my shortcomings in these
 (7) administrative areas or capacities do not project
 (8) forward to the removal of the entire body of elders.
 (9) Whether it be out of a concern for spiritual missteps or
 (10) corporate missteps.

(11) I will look forward to being questioned by you
 (12) on that topic in the future.

(13) Q. I'm just trying to get through the deposition.
 (14) And so --

(15) A. No, but I want there to be clarity on that
 (16) point because I'm not going to be singled out. If I did
 (17) something, I did it. If I didn't do it, I didn't. And
 (18) did I do every single thing along the way, no, I didn't.
 (19) And I don't think that is the expectation.

(20) I would hate for there to be a misconstruing of
 (21) some of these responses to suggest there was a
 (22) legitimate basis for what took place July 1st, 2010,
 (23) legally or otherwise, when in actuality there wasn't.

(24) Q. So let me just get back to the question I had.
 (25) So when you realized there were no bylaws, you reached

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(1) the conclusion that there was no -- in your view, no
 (2) need to have bylaws for the corporation, correct?

(3) I just want to make sure I clarified your
 (4) point. Is that right?

(5) A. No, I think it was a general path of discovery.
 (6) And, again, I'm glad you asked that question because I
 (7) do not want to sound perhaps as I am sounding to you
 (8) that there was an act of defiance or an act of -- you
 (9) know, I don't want to say blowing off, but that's what I
 (10) am trying to say.

(11) Part of it is understanding where I was at that
 (12) point in time. I was in many ways the most capable
 (13) person to do any number of things, and I was overloaded.
 (14) Before I had any formal positions of responsibility in
 (15) the congregation, the older brothers that I served with
 (16) put things on me to do. So I think that is an important
 (17) consideration with this line of questioning because my
 (18) main concern reading reminders and reading directives is
 (19) do we have a legal basis to maintain ownership of this
 (20) building or have we somehow missed something that then
 (21) creates the threat of the dissolution of the corporation
 (22) under the scrutiny of the State of California.

(23) So that was my immediate concern particularly
 (24) when I saw how disorganized the records were at that
 (25) point in time. And did I become embroiled in becoming a

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- (1) father and managing things with my family and taking
 (2) care of my different activities in addition to my
 (3) secular pursuits and maybe I wasn't fixated on this
 (4) particular point, that's very possible. It is very
 (5) possible. But again, that doesn't build a transition
 (6) point to what happened July 1st, 2010, spiritually or
 (7) certainly legally, and I want that to be clear.
 (8) Q. So when you recognized or received the advice
 (9) that there was no requirements for bylaws -- and let's
 (10) take the period after September 1, 2005, when the TO-36,
 (11) Exhibit No. 9, was sent out to all bodies of elders --
 (12) did the elders discuss this point about the need for
 (13) bylaws or the lack of need for bylaws or did the
 (14) corporate officers ever have a meeting to discuss this?
 (15) Did you bring it to the attention of the corporate
 (16) officers?
 (17) A. I think there were moments of informal
 (18) discussion, and I think -- and let me qualify what that
 (19) means. Are we in danger of being dissolved as a
 (20) corporation, was the first question presented to me.
 (21) Q. Who presented that question to you?
 (22) A. Just randomly. At this moment, you are talking
 (23) about 2005. Okay. I'm actually projecting back prior
 (24) to that.
 (25) Q. Let's take it back --

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- (1) A. No, no, no. There is no need to go over all of
 (2) it, but that's where I was coming from. That was the
 (3) first question presented to me. Are we in danger of
 (4) losing ownership or viability of the corporation?
 (5) Q. This is when you first got the responsibility?
 (6) A. Exactly.
 (7) Q. You get all this paperwork. You have to get it
 (8) organized?
 (9) A. Yes.
 (10) Q. That's one of the first questions they asked
 (11) you basically where are we at?
 (12) A. Yeah, basically the individuals who, you know,
 (13) might have had the responsibility to address that prior
 (14) to my arrival presented that question to me.
 (15) Q. Okay.
 (16) A. And then, you know, we proceeded to get it
 (17) addressed. Thereafter -- now, I think we were busy. I
 (18) think we recognized that the letter of the law relative
 (19) to California had been satisfied.
 (20) Q. Okay.
 (21) A. And that is in harmony with any number of
 (22) religiously motivated directives on that subject. So we
 (23) took care of job one. And then I think there was a
 (24) feeling of allowing me to handle that or drive that. So
 (25) it wasn't as much of a priority in view of everything

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- (1) else that was going on.
 (2) Q. Okay. At any of the annual corporation
 (3) meetings during the time of 2003 to 2009, had any board
 (4) of directors placed on the agenda the issue of whether
 (5) we need to have bylaws for discussion to the members of
 (6) the corporation?
 (7) A. No.
 (8) Q. Is there a reason that was never placed on an
 (9) agenda?
 (10) A. Here we are getting into the state action.
 (11) Q. Okay.
 (12) A. So I think what I need to say to you in order
 (13) for you to get the point is we are done with this
 (14) document. What else --
 (15) Q. I'm not done.
 (16) A. You are done if I say we are.
 (17) Q. That's not how it works.
 (18) A. That's exactly the way it works in my shop,
 (19) buddy.
 (20) Q. Okay.
 (21) A. You are not respecting what I have said three
 (22) or four times. I have told you to stop doing that, and
 (23) you are trying to build your case for legitimate
 (24) disqualification relative to corporate law when you guys
 (25) haven't even got to first base in that respect with this

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- (1) sham you have in place.
 (2) Q. Okay. I'm going to ask you again, Mr. Cobb, to
 (3) be respectful --
 (4) A. Do you have other questions that you want to
 (5) present to me besides this document?
 (6) Q. Let me know when you are finished so I can
 (7) complete my question.
 (8) A. Your answer to that question will help me. Do
 (9) you have other questions that you want to present beyond
 (10) this document?
 (11) Q. Mr. Cobb, I have asked you to show me respect.
 (12) A. You are not respecting me.
 (13) Q. Are you interrupting me as I try --
 (14) A. You are not respecting me. How many times have
 (15) I said cease and desist. Do we need to review the
 (16) record?
 (17) Q. Mr. Cobb, I have asked you to show
 (18) consideration and respect to me during the course of
 (19) this deposition by not interrupting my questions. I
 (20) have tried my best not to interrupt your answers. Where
 (21) I felt perhaps I have done so, I have asked you, "I'm
 (22) sorry. Were you finished?"
 (23) So I'm asking that we maintain that same level
 (24) of decorum through the balance of the deposition.
 (25) A. I appreciate the decorum.

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(1) Q. I'm still speaking. I'm still speaking. I
(2) will give you an opportunity to respond when I'm done.

(3) I am not complete with asking you -- completed
(4) with my questioning of Exhibit 9. Now, if you are
(5) refusing to answer any further questions, then we need
(6) to invoke the same procedure that we did earlier this
(7) morning, and I will apply Judge James' standing order
(8) and we can contact the clerk --

(9) A. No.

(10) Q. -- and see if we have can have an audience with
(11) the --

(12) A. Can we look back at her standing order?

(13) Q. I'm not finished speaking, please.

(14) We will have a discussion with the judge's
(15) clerk and perhaps the judge about your refusal to answer
(16) deposition questions that are clearly relevant to the
(17) federal action. And so that is what I intend to do --

(18) A. That's fine.

(19) Q. -- if you refuse to answer any questions
(20) further on Exhibit 9. Is that your position?

(21) A. Can we refer back to -- no, because you haven't
(22) answered my question.

(23) Q. I am here to ask the questions.

(24) A. Protective Order, Exhibit 2. Remind me,
(25) please, of the section that articulates Judge James'

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(1) order in the event of disputes, the process. Do I need
(2) to give this to you?

(3) Q. In the event of a dispute --

(4) A. Where are you.

(5) Q. I'm referring to the home page of the United
(6) States District Court. I'm referring to Judge James'
(7) standing order for discovery disputes. That is from
(8) where I quoted earlier today. That's where I am going
(9) to quote again.

(10) For lack of having to read -- well, I will read
(11) the section again for your benefit.

(12) A. Didn't you refer to verbiage in this document?

(13) Q. I referred to verbiage in the judge's standing
(14) order.

(15) A. Isn't that in this?

(16) Q. That is the protective order.

(17) A. Okay. So it is something different you are
(18) saying? The reason why I am asking is I would like to
(19) clarify the end step in the process so that is clear for
(20) me to understand. The end step in the process making
(21) the phone call and being routed and so forth is not to
(22) get to the clerk who is going to paraphrase commentary
(23) from the judge as occurred earlier. The end step in the
(24) process is to arrive at some communication and
(25) interaction -- direct communications and interaction

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(1) with Judge James; is that correct?

(2) Q. According to Judge James' standing order
(3) regarding discovery and dispute procedures, this is what
(4) it says. Paragraph 1, "This standing order informs all
(5) parties of the procedures for cases assigned to
(6) Magistrate Judge Maria Elena James for trial or referred
(7) for purposes of discovery. All parties and counsel are
(8) required to follow these procedures."

(9) And then I read Item No. 4 as it relates to
(10) disputes during the course of a deposition.

(11) A. Um-hum.

(12) Q. This is what it says. I will read it again,
(13) page 2. It is on the court's website. It is available
(14) to the public. "In the event that the parties are
(15) participating in a deposition or a site inspection and a
(16) dispute arises, the parties may contact the courtroom
(17) deputy, Brenda Tolbert, to inquire whether Magistrate
(18) Judge James is available to address the dispute
(19) telephonically. In the event that Judge James is
(20) unavailable or the parties are unable to contact her
(21) courtroom deputy, the parties shall follow the
(22) procedures for requesting a telephonic conference as set
(23) forth in Paragraph 3 above. In such a case, the
(24) deposition or site inspection shall proceed with
(25) objections noted for the record."

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(1) Paragraph 3 refers to the point brought out by
(2) Mr. Nathan, Judge James' law clerk, that we would have
(3) to sit down and prepare a joint letter if we are unable
(4) to resolve it and submit that to her after we make the
(5) call to the court. It is up to the judge to decide if
(6) she is going to get on the phone or not. It is not up
(7) to me. It is not up to you. It is not up to her clerk.

(8) A. That's fine. The point of the previous
(9) question is to establish that, you know, this sequence
(10) of phone calls getting to her clerk isn't the extent of
(11) the process, and clearly the answer is yes.

(12) So you decide what else occurs from this point
(13) on. You are not going to use this as a jump start for
(14) the state case and you have already done that. So you
(15) decide.

(16) Q. No, it is actually your decision, Mr. Cobb,
(17) whether you will continue with the deposition as ordered
(18) by Judge James. You are here under an order to appear
(19) for your deposition --

(20) A. And I'm here.

(21) Q. -- and answer the questions. And if you refuse
(22) to answer what are clearly relevant questions relating
(23) to the corporation that is in part a subject of the
(24) lawsuit filed by your father and Mr. St. Clair, then we
(25) have to invoke these procedures --

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(1) A. That's fine.
 (2) Q. -- so we both preserve our right to --
 (3) A. I don't have a problem with questions --
 (4) Q. Excuse me. I'm still speaking.
 (5) A. -- specific to the corporation.
 (6) Q. You are still continuing to interrupt --
 (7) A. I don't have a problem --
 (8) **THE COURT REPORTER: I can only take one person**
 (9) **at a time.**
 (10) **MR. SMITH: I will stop.**
 (11) **THE WITNESS: Why don't you pause actually.**
 (12) **THE COURT REPORTER: I cannot pause unless both**
 (13) **parties agree.**
 (14) **MR. SMITH: You keep writing this down.**
 (15) **THE WITNESS: I don't have a problem with**
 (16) **questions regarding corporate matters, but what you are**
 (17) **doing is encompassing more than that and you know it.**
 (18) **And I understand why. I do.**
 (19) **(Mr. Smith calls the Judge's Clerk.)**
 (20) **PHONE RECORDED MESSAGE: You have reached**
 (21) **Brenda Tolbert, Courtroom Deputy to Chief Magistrate**
 (22) **Judge Maria Elena James. If you would like to bypass**
 (23) **this message, please press pound.**
 (24) **Law and motions is held on Thursdays at 10:00**
 (25) **a.m. Settlement conferences are held Tuesday,**

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(1) **Wednesday, and Fridays at 10:00 a.m. If you would like**
 (2) **to leave --**
 (3) **MR. SMITH: Hello, Ms. Tolbert. This is**
 (4) **Anthony Smith calling again in the matter of Cobb vs.**
 (5) **Brede. We are still in the midst of Jason Cobb's**
 (6) **deposition. We are on the record with the court**
 (7) **reporter. We have run into another dispute in which**
 (8) **Mr. Cobb refuses to answer questions relating to a**
 (9) **document, which is Exhibit 9, that I have marked**
 (10) **entitled, "Information regarding Ownership of Kingdom**
 (11) **Halls, September 1, 2005."**
 (12) **And so as to preserve our rights, I'm invoking**
 (13) **the provision set forth in Judge James' standing order**
 (14) **with regard to disputes that arise during a deposition.**
 (15) **It is my clear position that the questions I am asking**
 (16) **are directly relevant to the claims brought by**
 (17) **Mr. Cobb's father, Jonathan Cobb, and Mr. St. Clair; but**
 (18) **Mr. Jason Cobb refuses to undertake any further**
 (19) **questioning on one of these documents. I will let him**
 (20) **state his position. But before we finish, we are at**
 (21) **Circle Video. The number here is 650-340-8455.**
 (22) **Mr. Cobb?**
 (23) **THE WITNESS: I think these are --**
 (24) **PHONE RECORDED MESSAGE: To send this message**
 (25) **with normal priority, press one. To send this message**

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(1) **with urgent priority press --**
 (2) **MR. SMITH: Do you want to say something or**
 (3) **not?**
 (4) **THE WITNESS: No, it is okay.**
 (5) **MR. SMITH: Are you refusing to --**
 (6) **THE WITNESS: Not every declination is a**
 (7) **refusal.**
 (8) **MR. SMITH: Well, just to clarify, that is a**
 (9) **refusal in the eyes of the law and the way I'm**
 (10) **interpreting your response.**
 (11) **(Mr. Smith ends call to Judge's Clerk.)**
 (12) **MR. SMITH: Q. So, you know, let's continue.**
 (13) A. So seven hours is your allotment. Where are
 (14) we?
 (15) Q. If you can recall, let's refer back to -- why
 (16) don't you take a look at Exhibit 3.
 (17) A. Are you going to tell me where we are with our
 (18) time?
 (19) Q. Exhibit 3 is the subpoena that you acknowledge
 (20) that you received by mail in this matter. And if you
 (21) turn to the fourth page that states the notice of
 (22) deposition -- and I'm going to read this into the
 (23) record. It says, "You are hereby notified that the
 (24) deposition of Jason E. Cobb will be taken at Circle
 (25) Video conference rooms, 350 old Bayshore Highway, Suite

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(1) 60, Burlingame, California 94010, commencing at 9:30 on
 (2) Tuesday, September 27th and continuing from day to day
 (3) thereafter."
 (4) Of course, we know that this deposition had to
 (5) be continued and you're under a court order compelling
 (6) your attendance. So this deposition will continue from
 (7) day to day until we are completed.
 (8) A. No. No.
 (9) Q. I'm sorry. What were you saying, Mr. Cobb?
 (10) A. Whatever there is to say about that, my
 (11) original question was seven hours per day however many
 (12) days there ended up being, and where are we with our
 (13) time?
 (14) Q. So I believe we were scheduled to commence at
 (15) 9:30. You arrived a little late. So we waited for you
 (16) to commence the deposition. So my suggestion is that we
 (17) kind of keep moving here and cover as much ground as we
 (18) want. And if you want to refuse to answer questions,
 (19) that's your prerogative or take whatever position you
 (20) want.
 (21) A. We will take a recess. I will.
 (22) Q. Would you like ten minutes? Is that
 (23) sufficient?
 (24) A. Five minutes is good.
 (25) Q. Okay.

(1) A. I would like an answer to my question without
(2) all the rhetoric. Seven hours per day is my
(3) understanding as far as for a deposition to occur, and I
(4) think we are very much in that neighborhood at this
(5) juncture. So...
(6) Q. We can discuss that when you return from your
(7) five-minute break.
(8) A. Great. I call that progress.
(9) (Break in proceedings.)
(10) **THE WITNESS: I want to revisit the verbiage of**
(11) **continuously.**
(12) **MR. SMITH: Q. The verbiage of what?**
(13) A. We will have to look at the verbiage that is
(14) contained in the subpoena as far as this continuous
(15) statement.
(16) Q. You mean in the notice of deposition that we
(17) just read, "Completed from day to day until completed"?
(18) Is that what you are referring to?
(19) A. Yeah.
(20) Q. It is on the next page.
(21) A. So where are we with the time?
(22) Q. If we can take a moment and give her a minute
(23) to get her to calculate how much time we have been here,
(24) we can do that.
(25) A. Okay.

(1) (Discussion off the record.)
(2) **THE WITNESS: We will need to pick a stop time**
(3) **because I'm getting tired.**
(4) **MR. SMITH: Q. Well, let's pick a reconvene**
(5) **time before we pick a start time. Let's discuss that.**
(6) **Are you available tomorrow for your deposition?**
(7) A. No. No, I'm not available any other time this
(8) week.
(9) Q. I'm under order to complete your deposition by
(10) Thursday.
(11) A. Well, I believe that the gentleman said -- what
(12) was that phrase he used earlier? I even wrote it down.
(13) As long as you initiate it within the window of time --
(14) what did he say? You know what the word is. It starts
(15) with "P" or pending or it continues. Help me out,
(16) please.
(17) Q. You are not available tomorrow to complete your
(18) deposition; is that correct?
(19) A. No. I have other things to do.
(20) Q. And --
(21) A. I'm not available any other time this week
(22) especially for this. So we can pick a time to
(23) reconvene, but it is not -- I have other pressing legal
(24) matters.
(25) Q. Why don't we finish up what we need to finish

(1) up. You said you have another hour you are willing to
(2) give us.
(3) A. One hour.
(4) Q. And I am still questioning on Exhibit Number 9.
(5) A. Okay.
(6) **MR. SMITH: Could you read back my last**
(7) **question, if there was one.**
(8) **(Break in proceedings.)**
(9) **MR. SMITH: We are back on the record.**
(10) Q. Mr. Cobb, I would like for you to look at
(11) Exhibit 9, which is the document entitled, "Information
(12) Regarding Ownership of Kingdom Halls." I would like for
(13) you to read paragraphs 32 and 33 under the heading,
(14) "Relationship Between Congregation and Titleholder."
(15) Let me know when you are done.
(16) A. Um-hum.
(17) Q. You completed it?
(18) A. Um-hum.
(19) Q. That's a yes?
(20) A. (Witness nods head.)
(21) Q. Remember we need to have audible response.
(22) A. Yes.
(23) Q. Thank you. Paragraph 32 reads, "The entity
(24) holding title for the congregation by either a
(25) corporation or trustee arrangement is the same as any

(1) other instrument, equipment, or property used to carry
(2) out the work of the congregation. All such instruments
(3) or tools are used to serve the congregation in harmony
(4) with the theocratic arrangement."
(5) Do you agree with Paragraph 32?
(6) A. I decline.
(7) Q. You are refusing to respond to the question; is
(8) that correct?
(9) A. Yes.
(10) Q. And what is the legal basis of your refusal to
(11) respond to the question?
(12) A. Privilege.
(13) Q. Privilege of what sort?
(14) A. Privilege. The same that we have been using
(15) all day.
(16) Q. Let me turn your attention to Paragraph 33. I
(17) will read that paragraph or a part of it. "The mere
(18) fact that the corporation has authorized the formation
(19) of a legal corporation or a trustee arrangement does not
(20) mean that a separate organization has been formed that
(21) can function separately and apart from the congregation
(22) and be used to guide and direct its policies."
(23) Do you agree with that sentence?
(24) A. I will decline on the basis of relevance.
(25) Q. Again, we discussed the fact and you have made

(1) mention of the fact that the corporation ownership of
(2) the Kingdom Hall is an issue that is put in place in
(3) your father's lawsuit and that of Mr. St. Clair. So
(4) clearly this is relevant.
(5) Do you have any other legal basis for your
(6) refusal to answer the question?
(7) A. I will go with what I have said.
(8) Q. Continuing in Paragraph 33, the next sentence
(9) reads, "The titleholder is merely a special servant of
(10) the congregation by whom legal title to the Kingdom Hall
(11) is held."
(12) Do you agree with that sentence?
(13) A. I decline.
(14) Q. And the basis of your refusal to answer the
(15) question is what?
(16) A. The basis of refusal to answer the question
(17) this way, is that what you said?
(18) Q. What is the basis for your refusal to answer
(19) the question?
(20) A. Relevance.
(21) Q. Is there any other legal basis for your refusal
(22) to answer the question?
(23) A. And privilege because again it is getting into
(24) the same subject matter that is going to be addressed in
(25) the state court action.

(1) statement filings, certificate of appointment of
(2) trustees, certificate of appointment of substitute
(3) trustees, declaration of trust for trustees, declaration
(4) of trust for substitute trustees, promissory note,
(5) Annual Congregation Property Documents Review Worksheet
(6) (TO-33), and so forth."
(7) Do you agree with that sentence?
(8) A. I will object. Privilege, 45(2)(A).
(9) Q. So you are refusing to answer the question; is
(10) that correct?
(11) A. I'm objecting.
(12) Q. And the legal basis of your refusal to answer
(13) the question is what?
(14) A. FRCP 45(2)(A).
(15) Is your Bluetooth on? Your Bluetooth, is that
(16) on?
(17) Q. Probably. It's not active. Let's mark next in
(18) order.
(19) (Whereupon Exhibit 10 was marked for
(20) identification.)
(21) **MR. SMITH: Q. I would like you to take a look**
(22) **at what has been marked as Exhibit 10. I will represent**
(23) **to you that these were documents that were contained in**
(24) **the congregation's corporate file. Please note that on**
(25) **the bottom of Exhibit 10, which is a three-page**

(1) Q. I would like for you to turn to page 5 of
(2) Exhibit 9 under the heading, "Permanent File." Could
(3) you read Paragraph 49 and let me know when you are done?
(4) A. Um-hum.
(5) Q. That's a yes you are complete?
(6) A. Yes.
(7) Q. Paragraph 49 begins, "All legal documents
(8) pertaining to the ownership of the Kingdom Hall property
(9) are to be kept in a permanent file in a secure location
(10) known to the elders meeting in the Kingdom Hall."
(11) Do you agree with that statement?
(12) A. Objection; privilege. It is state action
(13) specific.
(14) Q. You are refusing to answer the question; is
(15) that correct?
(16) A. I am objecting to the posed question.
(17) Q. The legal basis for your refusal to answer the
(18) question is what?
(19) A. It ventures into areas privilege relative to
(20) the state action FRCP 45(2)(A), trial preparation.
(21) Q. Continuing in Paragraph 49, the next sentence
(22) reads, "This would include the property deed, policy of
(23) title insurance, attorney's title opinion, charter or
(24) articles of incorporation, bylaws, minutes of
(25) corporation annual meetings, copies of annual corporate

(1) **document, you will see the Numbers D10061 through**
(2) **D10063.**
(3) A. Yes.
(4) Q. These were numbers that I added because when I
(5) received the documents they were not labeled in a way
(6) that they could be readily identified. So with the
(7) exception of those additions, these were documents -- in
(8) this case, a partial document that was contained in the
(9) congregation's corporation records. Just take a look at
(10) it. I want to ask you a couple questions.
(11) Does it look familiar to you?
(12) A. It does.
(13) Q. What is this document?
(14) A. It appears to be a sample of bylaws.
(15) Q. And from where would these sample of bylaws
(16) come from?
(17) A. I don't know.
(18) Q. Is it true that during the time that you served
(19) as an elder and a corporation board member that there
(20) were sample bylaws that were provided by the Christian
(21) Congregation of Jehovah's Witnesses?
(22) A. Okay. So where did they come from, the source?
(23) Correct.
(24) Q. Okay. Do you recall during the period of the
(25) time that you served as an elder in the congregation,

(1) these sample bylaws being provided to the body of
 (2) elders?
 (3) A. I can more so speak to the fact that their
 (4) existence attest to them being provided. Do I remember
 (5) the day or hour or circumstances, no, I don't.
 (6) Q. So it is fair to say they were likely provided
 (7) to the congregation from the -- I want to make sure I
 (8) understand your response.
 (9) A. Well, that's pretty much the response. I
 (10) didn't provide them. It doesn't appear as if, you know,
 (11) anyone else locally did. So I think that projects to
 (12) answer your question.
 (13) Q. You note on the bottom of page 1 it says,
 (14) "Bylaws (12/99)." Is it a fair statement this would
 (15) have been a document that would have been provided to
 (16) the congregation sometime after December of 1999?
 (17) A. Yeah.
 (18) Q. And I will represent to you that in reviewing
 (19) the corporation file from the congregation documents,
 (20) this only had three pages to it. It obviously appears
 (21) there were other pages. Do you know if there was a
 (22) reason why the complete set of proposed bylaws were not
 (23) included or does this go back to that thing that you
 (24) discussed about things being in a state of disrepair?
 (25) A. It could. Basically, I object to that as

(1) relevance.
 (2) Q. Do you ever recall seeing a complete copy of
 (3) these proposed bylaws while you served either as a
 (4) servant or an elder in the congregation?
 (5) A. While I will provide the same objection of
 (6) privilege. Again, this continues to relate to items
 (7) that are addressed within the state action.
 (8) Q. So you are refusing to answer the question
 (9) based upon the ground of privilege; is that correct?
 (10) A. That is correct. Actually, I have a question
 (11) which I realize must be rhetorical. Do you have any
 (12) questions about Rico? R-I-C-O. Do you have any
 (13) questions about embezzlement? Do you have any questions
 (14) about corporate fraud?
 (15) The reason why I'm asking these rhetorical
 (16) questions to you, Mr. Smith, is these are equally viable
 (17) points of consideration pursuant to the complaint and
 (18) documentation for said case why we are here.
 (19) So the constant exploration along this path,
 (20) which again occupies an area that I have identified from
 (21) the very beginning as privileged pursuit to the state
 (22) action of which you are not officially retained,
 (23) however, project to be retained as you're representing
 (24) the same defendants and have the complaint in your
 (25) possession right before me on this table.

(1) Again, we keep coming back to the same point.
 (2) Racketeering, fraud, bank fraud, money laundering. Are
 (3) we to be presented with any questions along this line
 (4) today?
 (5) Q. Let me know when you are finished, and I will
 (6) continue. Are you finished?
 (7) A. I don't know. Are you finished?
 (8) **MR. SMITH: So could you read my question back,**
 (9) **my last one, please.**
 (10) **(Record read as follows:**
 (11) **"QUESTION: Do you ever recall seeing a**
 (12) **complete copy of these proposed bylaws while you served**
 (13) **either as a servant or an elder in the congregation?")**
 (14) **MR. SMITH: And it was that that he objected,**
 (15) **correct?**
 (16) **THE WITNESS: Yes, or I can again.**
 (17) **MR. SMITH: No need to.**
 (18) Q. To respond partially to your statement, I
 (19) believe that your claim of privilege and your objections
 (20) and your refusal to answer questions in this case where
 (21) you are subpoenaed as a witness are baseless and without
 (22) any substantial legal foundation. So that is the reason
 (23) I'm asking these questions. They are clearly relevant
 (24) to the claim set forth in your father's and Mr. St.
 (25) Clair's complaint. I will continue to ask these

(1) questions.
 (2) And, obviously, we will have to have Judge
 (3) James weigh in on your refusal to testify and the
 (4) propriety of my questions.
 (5) A. That will be good because I don't see these as
 (6) relevant to the claims presented within the action.
 (7) Whether or not I can recollect the actuality of how many
 (8) pages were available in a binder. No.
 (9) So the implication then appears to be that this
 (10) is the duration of what you have, this line of
 (11) questioning. Am I correct? Is there anything else that
 (12) you would like to present today in our remaining time?
 (13) Mr. Smith?
 (14) Q. I get to ask the questions today. I will
 (15) conduct the examination -- your examination accordingly.
 (16) A. The reason why I ask the question is prompted
 (17) not so much by legality but more so by practicality. If
 (18) there are other items that you want to inquire about, it
 (19) would make sense to progress forward to those items.
 (20) **MR. SMITH: Why don't you mark the next one in**
 (21) **order.**
 (22) **(Whereupon Exhibit 11 was marked for**
 (23) **identification.)**
 (24) **MR. SMITH: Q. I would like for you to review**
 (25) **what has been marked as Exhibit 11, which I will**

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- (1) represent to you that this is a copy of a document from
- (2) the corporation filed entitled, "Minutes of Annual
- (3) Meetings." It has the designation that I placed there
- (4) for identification purposes D 10002. Could you take a
- (5) look at this and review it. Let me know when you are
- (6) complete.
- (7) A. I'm complete.
- (8) Q. Have you ever seen this document before?
- (9) A. Yes.
- (10) Q. When did you see the Minutes of the Annual
- (11) Meetings of September -- Thursday -- 16, 2010?
- (12) A. Late 2010, maybe early 2011. I don't know the
- (13) exact date.
- (14) Q. So sometime around December 2010 or January of
- (15) this year, correct?
- (16) A. Give or take. In and around that time.
- (17) Q. Now, had you during the course of serving as a
- (18) congregation elder and a corporate officer ever had
- (19) occasion to participate in an annual meeting of the
- (20) corporation?
- (21) A. Yes.
- (22) Q. And in the course of participating in such a
- (23) meeting, were you required to prepare minutes of the
- (24) annual meeting?
- (25) A. Minutes were prepared.

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- (1) Q. Now, the format here of the annual meetings --
- (2) A. The minutes -- adding to the previous response.
- (3) Minutes were prepared not always by myself, but minutes
- (4) were prepared as part of that arrangement.
- (5) Q. Okay. And so just looking at the format of
- (6) Exhibit 11, does this format look familiar?
- (7) A. Not to me, but I get the idea of what is being
- (8) stated.
- (9) Q. What is the idea of what is being stated?
- (10) A. Well, I stated minutes of annual meeting,
- (11) statement of who called the meeting to order. I think
- (12) that is fairly self-explanatory.
- (13) Q. Okay. So I'm representing to you this is a
- (14) corporate document that came out of the congregation
- (15) file -- the corporation file. Do you have reason to
- (16) dispute the fact that an annual meeting of the members
- (17) of the Menlo Park Corporation took place on Thursday,
- (18) September 16, 2010?
- (19) A. My understanding is that there was -- my
- (20) understanding from this point is that the documentation
- (21) that was produced at this time was not legally viable as
- (22) it made reference to a non-existent corporate entity.
- (23) And so I think that's part of the reason why
- (24) this doesn't mean much of anything and why the date of
- (25) or the meeting that occurred in December is a topic for

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- (1) consideration certainly in my state action.
- (2) Q. So you are saying in your state action the
- (3) December -- there was a corporation meeting in December
- (4) of 2010, correct, and that's a topic for discussion in
- (5) your state action, right?
- (6) A. That's the extent of my statement on it. I
- (7) think it was acknowledged by any number of people that
- (8) this attempt at a corporate meeting was not legally
- (9) viable in and around the time as stated on this form.
- (10) Q. Just so I am clear about your testimony, is it
- (11) your testimony that there was no corporate meeting on
- (12) September 16, 2010, of the corporation?
- (13) A. No, I won't answer that. I'm going to stand by
- (14) what I have said already and leave it at that.
- (15) Q. So the basis of your refusal to answer the
- (16) question is what?
- (17) A. I'm just declining to answer -- general
- (18) relevance and also pertains to privileged information,
- (19) preparation for state trial.
- (20) Q. How can you claim that this matter is
- (21) irrelevant if it goes to the heart of the corporation
- (22) issue that you referred to that involves your father's
- (23) lawsuit?
- (24) A. I can stand on any objections that I am
- (25) entitled to by law as enumerated. In addition to those,

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- (1) I will make reference to the primary objection of
- (2) FRCP 45(2)(A). These elements are also central to the
- (3) subject matter for consideration in the state action.
- (4) And so on that basis, I object.
- (5) Q. If I told you that there was a corporate
- (6) meeting held on September 16, 2010, and that prior to
- (7) that consistent with the direction from the Christian
- (8) Congregation of Jehovah's Witnesses notice of that
- (9) meeting was provided and that there was a quorum in
- (10) attendance at the meeting on September 16th, 2010, would
- (11) that change your viewpoint concerning the validity of
- (12) that election?
- (13) A. The only metric to establish the validity of a
- (14) legal proceeding is the law. And I believe that the
- (15) California Corporation's Code is rather specific and
- (16) explicit in stating what constitutes a legally viable
- (17) meeting and voting session.
- (18) **MR. SMITH: Can I have my question read back,**
- (19) **please.**
- (20) **(Record read.)**
- (21) **MR. SMITH: Q. So am I to understand your**
- (22) **answer that despite the fact that there was a quorum,**
- (23) **there was adequate notice, and there was a proper**
- (24) **election, you do not take the position that the election**
- (25) **on September 16th, 2010, was valid, just so I am clear;**

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(1) **is that correct?**

(2) A. I will stand by the answer given. I don't have
(3) the corporate code in front of me. I believe it is in
(4) the 9400 section. It makes the statement that -- well,
(5) we can -- well, no, I won't take your document.

(6) But a special meeting of shareholders or an
(7) annual meeting is to be called and noticed by the board
(8) of directors. So the fundamental question is who were
(9) the board of directors on that date and did they notice
(10) and call the meeting.

(11) And the other point of consideration from a
(12) California Corporation Code Section 9400, maybe 9411, is
(13) was that meeting called for a lawful purpose.

(14) So your question is an oversimplification.
(15) There are other considerations that must be evaluated to
(16) determine the viability of said preceding or any other
(17) legal proceeding.

(18) Q. So let's pause here because I want to know
(19) where we are at time wise. So I think we still have
(20) 30 minutes, is that correct, that you are allowing to
(21) give us another 30 minutes?

(22) A. I would like to go. I'm not feeling good.

(23) Q. Okay.

(24) A. I would like to leave. I would like to leave.

(25) Q. You want to leave now? Is that what you are

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(1) saying?

(2) A. I would like to leave pretty much now.

(3) Q. You know I'm not finished and several minutes
(4) ago -- earlier today you said we would be entitled to
(5) seven hours and then you agreed to stay another hour and
(6) now --

(7) A. What would you recommend on the face of my
(8) failing health?

(9) Q. What is the problem with your health right now?

(10) A. Are you a doctor?

(11) Q. I'm just asking you to describe it on the
(12) record.

(13) A. I'm not feeling well.

(14) Q. Are you experiencing nausea? Are you dizzy?
(15) What is the nature of your illness?

(16) A. I don't need to qualify the nature of my
(17) illness.

(18) Q. I really think you do.

(19) A. No, I don't.

(20) Q. You need to explain it for the judge because
(21) you are here under an order.

(22) A. I'm happy to do that for the benefit of the
(23) judge.

(24) Q. Why don't you explain that on the record now
(25) what the nature of your illness is such that you need to

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(1) stop the deposition right now.

(2) A. I am tired. I am feeling fatigued. You saw me
(3) earlier take two Advil.

(4) Q. I didn't see what you took. I saw you --

(5) A. You saw that I took something. Do you recall
(6) what you said to me when I took those pills?

(7) Q. No, I don't.

(8) A. You said, "Are you okay?"

(9) Q. I probably did say that. That is something I
(10) would have asked. That's correct.

(11) A. Meaning that there is already a point of
(12) recognition that I am potentially not okay.

(13) Q. That's not --

(14) A. I took two Advil earlier. I will leave it to
(15) you to deduce what that might indicate as to my physical
(16) state. Now I need to take more and now I'm concerned
(17) about driving in traffic at less than optimum endurance.
(18) I have any number of doctors from UCSF and Stanford who
(19) can edify to you, the judge, or anyone else as to the
(20) reality of the basis of my statements, and they will be
(21) happy to do it. So we are done today.

(22) Q. Okay. Well, before you leave, there is a few
(23) housekeeping matters we need to address because now you
(24) are indicating that you have come down with an illness.

(25) A. No, I'm not indicating that I have come down

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(1) with an illness.

(2) Q. Well, that you are not feeling well.

(3) A. I have indicated that I'm not feeling well. I
(4) have indicated that there are issues that I have to
(5) account for in my physical wellbeing that center on
(6) endurance particularly executive function.

(7) And so that is not something that you evaluate
(8) objectively particularly if you are not a doctor. So
(9) the deference will be to me, in terms of how I am
(10) feeling in these matters by law and otherwise.

(11) Q. Okay. Just a couple housekeeping matters then.
(12) Are you available for your deposition tomorrow? I
(13) believe you said you are not available, correct?

(14) A. I will not be available for a deposition at any
(15) point. I have a legal deadline that is binding.

(16) Q. What legal deadline is it that is bidding that
(17) you can't come back to complete your deposition this
(18) week?

(19) A. I have a legal deadline that is binding and I
(20) will be happy to elaborate on that --

(21) Q. Well, this is the time to elaborate on it.

(22) A. -- in the proper form. I have other legal
(23) matters that I am involved with. And have a legal
(24) deadline that I no longer have the basis to request an
(25) extension. It is binding.

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(1) Q. It is not relating to this lawsuit or your
 (2) San Mateo lawsuit, is it?
 (3) A. No. I think that was answered earlier, not
 (4) that that is particularly relevant. The point is I have
 (5) things to do. I have given you a pretty good day. I do
 (6) feel that this has not occurred in good faith. I feel
 (7) this has been a consent insidious effort to leverage
 (8) this forum with a view to an entirely different case at
 (9) the state level. I have endeavored to accommodate as
 (10) best I can. I'm not feeling well and I need to go home
 (11) while I'm still in good enough shape to navigate
 (12) traffic.
 (13) Q. Let me just make one further statement on the
 (14) record -- two statements. I will draft my portion of
 (15) the meet and confer letter with respect to the matters
 (16) we discussed earlier. Also, I feel that your refusal to
 (17) continue the deposition this afternoon is also in bad
 (18) faith. Although, if you are sick, I'm not a doctor. I
 (19) can't testify as to whether you are legitimately sick or
 (20) not. That is up to you to determine.
 (21) So I will draft that letter, and I will contact
 (22) the court and let them know what happened this
 (23) afternoon.
 (24) The second matter -- housekeeping matter is
 (25) that I received a telephone message from Arlen St. Clair

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(1) on Saturday evening at 7:37 p.m. And in that message,
 (2) he indicated that Mr. Steel and yourself have, quote,
 (3) changed your mind and you plan to attend the settlement
 (4) conference in this action, being the Federal Court
 (5) action. I'm formally giving you notice that I object to
 (6) your attendance at the settlement conference because you
 (7) are a witness in this case and also because I have not
 (8) completed your deposition.
 (9) With respect to Mr. Steel, the judge will have
 (10) to make the determination whether he can be involved. I
 (11) have mentioned, as you know, he is not a licensed
 (12) lawyer. Although Judge James has allowed him to be the
 (13) legal liaison for the receipt of legal documents in this
 (14) case.
 (15) I'm giving you notice that I am formally
 (16) objecting, and I will be filing a written objection to
 (17) your attendance at the settlement conference.
 (18) A. Dually noticed.
 (19) Q. We need to make sure we have all of the
 (20) originals back from the court reporter.
 (21) A. In response to that, though, I will further
 (22) amplify the statement made as to with regards to my
 (23) health and wellbeing.
 (24) Statement sick could imply I was making
 (25) reference to a convenient case of the sniffles or the

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(1) flu or things of that nature, and that is not what I am
 (2) referring to. The reference to the doctors at Stanford
 (3) would be a key consideration and further validation of
 (4) the import of that statement. I have reached my
 (5) physical limit for today.
 (6) Q. Okay. We will be in touch then and/or the
 (7) court.
 (8) A. No problem on either count.
 (9) **MR. SMITH: Off the record.**
 (10) **(Whereupon, the deposition was adjourned at 4:25 p.m.)**
 (11) **--oOo--**
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(1) **DECLARATION**
 (2)
 (3) I hereby declare I am the deponent in the
 (4) within matter; that I have read the foregoing deposition
 (5) and know the contents thereof, and I declare that the
 (6) same is true of my knowledge except as to the matters
 (7) which are therein stated upon my information or belief,
 (8) and as to those matters, I believe it to be true.
 (9) I declare under the penalties of perjury of the
 (10) State of California that the foregoing is true and
 (11) correct.
 (12) Executed this _____ day of _____,
 (13) 2011, at _____, California.
 (14)
 (15)
 (16) _____
 (17) **JASON COBB**
 (18)
 (19)
 (20)
 (21)
 (22)
 (23)
 (24)
 (25)

(1) I, NIKI MAKELA, CSR NO. 11024, a Certified
(2) Shorthand Reporter, do hereby certify:
(3) That JASON COBB, the witness in the foregoing
(4) deposition, was duly sworn to testify the truth, the
(5) whole truth, and nothing but the truth in the
(6) within-entitled cause;
(7) That said deposition was reported by me at the
(8) time and place therein stated and was thereafter
(9) transcribed as herein set forth;
(10) That, if signed, the deposition was read by or
(11) to said witness, corrected in every particular desired
(12) way, and was subscribed by said witness;
(13) That, if unsigned, the deposition was retained
(14) by me at the offices of DE SOUZA & ASSOCIATES and was
(15) available for reading, correcting and signing by said
(16) witness.
(17) I further certify that I am not interested in
(18) the outcome of said action, nor connected with, nor
(19) related to any of the parties in said action or to their
(20) respective counsel.
(21) IN WITNESS WHEREOF I have hereunto set by hand
(22) this 20th day of October, 2011.

(23) _____
(24) Certified Shorthand Reporter
(25)