

original

1 IN THE UNITED STATES COURT
 2 FOR THE EASTERN DISTRICT OF VIRGINIA
 3 ALEXANDRIA DIVISION
 4 RELIGIOUS TECHNOLOGY CENTER,
 5 a California non-profit
 6 Plaintiff,
 7 vs. No. 95-1107-A
 8 ARNALDO PAGLIARINI LERMA, an
 9 individual; DIGITAL GATEWAY
 10 SYSTEMS; a Virginia corporation;
 11 THE WASHINGTON POST, a Washington
 12 D.C. corporation; MARC FISHER,
 13 an individual; RICHARD LIEBY,
 14 Defendants.
 15
 16 Phoenix, Arizona
 17 October 20, 1995
 18 10:00 a.m.
 19 DEPOSITION OF JEFFREY JACOBSEN
 20 (Copy)
 21 REPORTED BY: HOLIDAY & ASSOCIATES
 22 LINDA K. BLACKMON, RPR, RMR Professional Court Reporters
 23 2600 North Central, Suite 725
 24 PREPARED FOR: Phoenix, Arizona 85004
 25 Telephone (602) 265-6688

1 DEPOSITION OF JEFFREY JACOBSEN,
 2 taken at 10:00 a.m. on October 20, 1995, at the law
 3 offices of Osborn Maledon, P.A., 2929 North Central
 4 Avenue, Suite 2100, Phoenix, Arizona, before LINDA K.
 5 BLACKMON, a Notary Public in and for the State of
 6 Arizona.
 7 The plaintiff was represented by its
 8 attorneys, Moxon & Bartilson, by Mr. Kendrick L. Moxon.
 9 The Defendant Arnaldo Lerma was
 10 represented by his attorneys, Faegre & Benson, by
 11 Mr. Duane W. Krohnke.
 12 Also present were Messrs. Jim Lippard and
 13 Lynn Farry.
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1 Phoenix, Arizona
 2 October 20, 1995
 3 10:00 a.m.
 4
 5
 6
 7 JEFFREY JACOBSEN,
 8 called as a witness herein, having been first duly
 9 sworn, was examined and testified as follows:
 10
 11 MR. MOXON: For the record, who are you?
 12 MR. LIPPARD: Jim Lippard.
 13 THE WITNESS: A friend of mine.
 14 MR. MOXON: Do you have some electronic
 15 equipment there?
 16 MR. LIPPARD: I have a tape recorder.
 17 MR. MOXON: You can't tape this, but you can
 18 get a transcript from the court reporter.
 19
 20 EXAMINATION
 21 BY MR. MOXON:
 22 Q. Mr. Jacobsen, have you ever been deposed
 23 before?
 24 A. No.
 25 Q. Have you ever testified in any proceeding?

Exhibit A

HOLIDAY & ASSOCIATES

original

1 A. One criminal case.
2 Q. You consulted with an attorney before you
3 came here today, correct?
4 A. Somewhat, yes. I was seeking legal
5 counsel. The first person left on Tuesday, had to leave
6 out of town, so then I tried to find other counsel and
7 was unsuccessful. Since I only had four days from the
8 time I was subpoenaed, I didn't have much time to
9 prepare for this.
10 Q. You spoke to several attorneys, though?
11 A. Three, I believe.
12 Q. Did they refuse to represent you?
13 A. No.
14 As I said, one told me he would represent
15 me, but then he had to leave town.
16 Q. Okay.
17 A. Previous business or something, I don't
18 know.
19 Q. Let me explain the procedure to you a
20 little bit, just to make sure that it's all clear, all
21 right?
22 A. Uh-huh.
23 Q. First is everything that everyone says in
24 the room will be taken down verbatim by the court
25 reporter to your right.

1 A. Yes.
2 Q. What does that mean to you?
3 A. It means I should tell the truth, and
4 which I am prepared to do and will do.
5 Q. You understand that there are potential
6 criminal penalties if you do not do so?
7 A. I assume there are.
8 Q. And also potentially state penalties?
9 A. I assume so.
10 Q. Are you a Director of FACTNET?
11 A. No.
12 Q. You are a staff member of FACTNET, aren't
13 you?
14 A. Volunteer.
15 Q. Volunteer staff member?
16 A. I wouldn't even know if they consider me a
17 staff member. I am a volunteer. I do volunteer work.
18 Q. So you do work for FACTNET?
19 A. As I said, I do volunteer work for
20 FACTNET.
21 Q. What work do you do for FACTNET?
22 A. I have - my phone number is listed on
23 Larry's answering machine. If he can't answer questions,
24 then people call my phone number.
25 Q. Larry Wollersheim?

1 A. Uh-huh.
2 Q. Therefore, the record that's ultimately
3 made of this will require that we all speak clearly and
4 that we speak in words that you can understand. You
5 have said "uh-huh" a few times, for example. On a
6 deposition transcript nobody knows what that means.
7 A. Okay.
8 Q. If there are any questions that I ask you
9 that you don't fully understand, ask me to clarify it
10 and I will be happy to do that, all right?
11 A. All right.
12 Q. Is there any reason why you can't give
13 your best testimony today, any physical reason?
14 A. Other than the shortness of time I had to
15 prepare, no.
16 Q. Are you under the influence of any
17 medication, drugs, alcohol?
18 A. No.
19 Q. You understand that you have sworn to tell
20 the truth?
21 A. Yes.
22 Q. It's under the penalty of perjury?
23 A. Yes.
24 Q. This is a federal case, so that's under
25 the penalty of perjury of potentially federal law.

1 A. Yes.
2 Q. When you say "Larry's answering machine,"
3 that's FACTNET's answering machine, correct, that's the
4 number used by FACTNET?
5 A. That I am not sure of.
6 It's Larry's voice, and I don't remember
7 if he says "FACTNET" on that or not.
8 Q. At any rate, that's the number people call
9 if they communicate with FACTNET?
10 A. I believe so.
11 Q. So you are kind of the second person
12 responsible for handling business of FACTNET behind
13 Larry Wollersheim?
14 MR. KROHNKE: Objection as to form.
15 MR. MOXON: Let me explain who this is. He
16 represents one of the other parties in the case, and he
17 will, from time to time, make comments like that.
18 He does that, he can put on the record
19 whatever reason he is doing it, also, but he makes those
20 comments for the purpose of the record, makes
21 objections.
22 MR. KROHNKE: And for the record, I would
23 state that I represent the defendant, Mr. Larma. As you
24 can see, there is no judicial official present and
25 presiding in this room, so there is no one to rule on

1 objections, but I do make objections from time to time
2 if I think it appropriate for the purposes of the
3 record.

4 THE WITNESS: Fine.

5 What was the question?

6 MR. MOXON: I don't remember what it was.

7 (Question read as follows:)

8 Q. So you are kind of the second person
9 responsible for handling business of
10 FACTNET behind Larry Wollersheim?

11 A. BY THE WITNESS: What I do is specifically
12 what I said, which is that if phone messages are
13 forwarded to me, I respond to them. That's basically
14 all I have been doing.

15 Q. BY MR. MOXON: Under the direction of
16 Mr. Wollersheim?

17 A. At the request of Mr. Wollersheim.

18 Q. Mr. Wollersheim tells you how to respond
19 to phone messages, doesn't he?

20 A. No.

21 Q. Well, how do you know what to say in
22 response to inquires?

23 A. I assume that Larry Wollersheim asks me to
24 do that because he trusts that I will give good answers
25 to people.

1 materials?

2 A. No.

3 Q. Have you ever been asked to do that?

4 A. No. I wouldn't even know how.

5 Q. You have also worked with Bob Penney then,
6 too; is that correct?

7 A. I guess you could say that.

8 Q. How many times have you been to FACTNET's
9 facilities in Colorado?

10 A. Once.

11 Q. Did you ever represent yourself as someone
12 speaking on behalf of FACTNET?

13 A. I don't believe so.

14 Q. Have you ever received any calls via Larry
15 Wollersheim's answering machine?

16 A. Yes.

17 Q. How many?

18 A. I could only guess. I don't know. 15.

19 Q. During what time period?

20 A. Within the past, again a guess, six
21 months.

22 Q. Is that your best estimate?

23 A. Yes.

24 Q. How did these calls come to you?

25 A. People call my phone number.

1 Q. You have a pretty good working knowledge
2 of FACTNET?

3 A. I believe he put my phone number there
4 because I have a good working knowledge of cults.

5 Q. Do you have a good working knowledge of
6 FACTNET?

7 A. Reasonably good knowledge.

8 Q. Have you been to Colorado?

9 A. Yes.

10 Q. Have you been to FACTNET's facilities in
11 Colorado?

12 A. I have been to Bob Penney's home where the
13 computer system was set up.

14 Q. Have you observed the computer system at
15 work?

16 A. Yes.

17 Q. Have you worked on the computer system?

18 A. I have up-loaded material for them
19 relating to cults and cults in general.

20 Q. Have you down-loaded material?

21 A. Yes.

22 Q. Have you deleted any materials from
23 FACTNET's computers?

24 A. Deleted?

25 Q. Taken any information out, deleted

1 Q. So as I understand it, and correct me if I
2 am wrong, someone calls into FACTNET's phone, Larry
3 Wollersheim's phone?

4 A. Uh-huh.

5 Q. And if he is not there, your number is
6 given and the person calls you?

7 A. There are two other phone numbers to call.
8 I believe what Larry says is you can leave a message
9 here or you can call one of these two numbers.

10 Q. Has anyone called seeking information
11 about being a subscriber to FACTNET, called you?

12 MR. KROHNKE: The record should reflect my
13 objection to this question and to this entire line of
14 questioning on the ground it is not relevant to any
15 issue of fact contested in the Lerma litigation.
16 FACTNET is not a defendant in that litigation.

17 THE WITNESS: Would you repeat the question?

18 MR. MOXON: When there is an objection or
19 interruption, can you retype the question in the record
20 again before it's answered?

21 MR. KROHNKE: The reporter needs to type the
22 question only if you repeat it for the witness. The
23 record should not be confusing.

24 (Question read as follows:)

25 Q. Has anyone called seeking information

1 about being a subscriber to FACTNET,
2 called you?
3 A. BY THE WITNESS: If you mean -- what do
4 you mean by subscriber?
5 Q. BY MR. MOXON: Do you know what a
6 subscriber is to a bulletin board service?
7 A. Okay, I believe I understand.
8 Q. Let's just make sure we are clear on that.
9 Are you a subscriber to FACTNET?
10 A. I haven't been on FACTNET's bulletin board
11 probably in the past nine months. I was on it, yes.
12 Q. Did you pay for that --
13 A. No.
14 Q. -- service?
15 That was given to you gratis by Larry
16 Wollersheim --
17 A. Yes.
18 Q. -- in exchange for your work?
19 A. Volunteer work, yes, I assume.
20 Q. But FACTNET has other subscribers,
21 correct?
22 A. Yes, as far as I know. They did at that
23 time.
24 Q. Did anyone contact you via FACTNET's phone
25 line for information concerning subscribership?

1 A. Probably, but I don't recall.
2 And by the way, I have to leave at 3:00
3 p.m. for work.
4 Q. We will cross that bridge when we come to
5 it.
6 A. I just wanted to let you know.
7 Q. Okay.
8 Have you ever received any materials from
9 FACTNET, either hard copy or soft copy?
10 A. Yes, I have down-loaded materials, and some
11 has been posted, I assume -- well, messages by FACTNET
12 have been posted to the Internet, which I have looked
13 at. I have CD ROMs from FACTNET.
14 Q. Any hard copy, paper copies?
15 A. Just I have general information about
16 FACTNET, their general handouts.
17 Q. You say you have down-loaded material for
18 FACTNET. What material have you down-loaded?
19 A. I believe an article by Margaret Singer.
20 I don't recall what else.
21 Q. How did you do that?
22 A. By connecting with my modem to the system.
23 Q. Did you down-load anything else from the
24 FACTNET system other than Margaret Singer's article?
25 MR. KROHNKE: Objection; repetitive.

1 A. BY THE WITNESS: I did already answer
2 that. I don't remember what else. I am sure I did.
3 Q. BY MR. MOXON: What is your best
4 recollection of what the other material was that you
5 down-loaded?
6 A. I don't remember.
7 Q. What did it concern?
8 A. Cults, I assume.
9 Q. Concern Scientology?
10 A. It could have.
11 Q. You used the term "cults." I am giving my
12 view now in that it's essentially a derogatory word
13 comparable to calling a black a "nigger."
14 Do you use the word "cult" in that fashion
15 to refer to religious groups in some fashion that you
16 intend to be highly derogatory?
17 MR. KROHNKE: I object to that question. It's
18 highly argumentative, improper in form, totally uncalled
19 for.
20 THE WITNESS: A cult is a dangerous group.
21 Q. BY MR. MOXON: Yes.
22 A. That's why I call it a cult.
23 Q. There are thousands of cults, aren't
24 there?
25 A. I believe so.

1 Q. In fact, they are everywhere all over the
2 place, aren't they?
3 MR. KROHNKE: Objection; not relevant.
4 A. BY THE WITNESS: They are not everywhere.
5 Q. BY MR. MOXON: Are you afraid of cults?
6 A. No.
7 Q. Do you consider it your goal in life to
8 destroy cults?
9 A. No.
10 MR. KROHNKE: Objection; not relevant.
11 A. BY THE WITNESS: I do wonder where these
12 questions are going. You have a limited amount of time.
13 It seems to me you should get on to the case. But if
14 you could repeat the question?
15 Q. BY MR. MOXON: Do you consider it your
16 goal in life to destroy cults?
17 A. No. It's my goal in life to educate
18 people about cults.
19 Q. So that they can be wiped out?
20 A. So that people are informed and can make
21 informed decisions about religious -- their religious
22 choices.
23 Q. Well, your purpose is to eliminate which
24 you deem to be cults from our society, correct?
25 A. They will never be eliminated.

1 I think we are having a religious
2 discussion here instead of questions about the trial
3 here.
4 Q. Part of your purpose is, in fact, though,
5 to eliminate what you deem to be destructive cults from
6 society; isn't that correct?
7 A. I don't believe they can be eliminated.
8 Q. Why is that?
9 A. There have been cults since the beginning
10 of time.
11 Q. You are the head of the local Cult
12 Awareness Network affiliate, aren't you?
13 A. No, there is no affiliate of Cult
14 Awareness here.
15 Q. Are you the local contact person for --
16 A. Yes.
17 Q. -- Cult Awareness Network or CAN?
18 A. Yes.
19 Q. Were you formally designated the contact
20 person by the CAN national office, as far as you know?
21 A. Yes.
22 Q. How long have you held that position?
23 MR. KROHNKE: Objection; not relevant.
24 A. BY THE WITNESS: I don't recall. At least
25 probably five years.

1 Q. BY MR. MOXON: Who appointed you?
2 MR. KROHNKE: Not relevant; objection.
3 A. BY THE WITNESS: I don't recall his name
4 right off. Sorry.
5 Q. BY MR. MOXON: Cynthia Kissar?
6 A. No.
7 MR. KROHNKE: The record should reflect a
8 continuing objection to this line of interrogation.
9 MR. MOXON: I will stipulate your continuing
10 objection.
11 MR. KROHNKE: I will make my objections if and
12 when I feel necessary and appropriate.
13 MR. MOXON: Then why are you telling me you
14 have a continuing objection? Do you want to have a
15 continuing objection?
16 MR. KROHNKE: I don't want to stipulate with
17 you.
18 MR. MOXON: So you don't want a continuing
19 objection?
20 MR. KROHNKE: I will not stipulate.
21 MR. MOXON: Just make your objections when and
22 where you think they are appropriate.
23 MR. KROHNKE: I will do so.
24 Q. BY MR. MOXON: Do you receive donations on
25 behalf of the Cult Awareness Center?

1 MR. KROHNKE: Objection; not relevant, and is
2 unlikely to lead to the discovery of admissible evidence
3 in the case now pending.
4 A. BY THE WITNESS: No.
5 Q. BY MR. MOXON: Never received any
6 donations in those five years?
7 MR. KROHNKE: Same objection.
8 A. BY THE WITNESS: No. Not that I can
9 recall.
10 Q. BY MR. MOXON: Have you ever relayed any
11 money to the Cult Awareness Center?
12 MR. KROHNKE: Same objection.
13 A. BY THE WITNESS: I donate to CAN.
14 Q. You donate money personally to CAN?
15 A. Yes.
16 MR. KROHNKE: Same objection.
17 Q. BY MR. MOXON: Do you forward any money
18 from anyone else to CAN?
19 MR. KROHNKE: Same objection.
20 A. BY THE WITNESS: I may, but I don't
21 believe that's relevant.
22 Q. BY MR. MOXON: Who is your donor with
23 respect to money that you have forwarded to CAN?
24 A. I don't believe that's relevant, and I am
25 not going to answer that.

1 MR. KROHNKE: Same objection.
2 Q. BY MR. MOXON: Do you refuse?
3 A. Yes.
4 Q. But you have acted in the capacity of
5 forwarding money to CAN --
6 MR. KROHNKE: Same objection.
7 Q. BY MR. MOXON: -- is that correct?
8 MR. MOXON: Why don't you wait and make your
9 objection after I am done asking the question. If you
10 want to make any objection, you are perfectly welcome to
11 do so. If you intend to obstruct the deposition by
12 making an objection after every question, that's
13 improper.
14 I would be happy to give you the
15 continuing objection you initially said you wanted and
16 then refused to take. The witness has said he has got a
17 very limited time. If you want to take up half the
18 lines in the deposition making objections, then we are
19 going to come back here again. We will certainly make a
20 motion and you can fly back down here again. It's
21 easier for me to come from California, I know you came
22 from Minnesota, but obviously you intend to waste all of
23 our time.
24 I understand you have a continuing
25 objection, I am perfectly willing to stipulate to that.

1 Your refusal to stipulate indicates you solely want to
2 waste the time we have got in the deposition.
3 MR. KROHNKE: Move to strike the comments of
4 counsel.
5 THE WITNESS: Since I don't have counsel, I
6 have to decide myself what to answer and what not to
7 answer here, so I believe that's beyond the scope of
8 what you are here to ask me about.
9 Q. BY MR. MOXON: Who told you what the scope
10 of what you are here to talk about is?
11 A. The case is Religious Technology Center
12 vs. Arnaldo Lerma.
13 Q. Who told you what the scope is?
14 A. I have read it right here.
15 Q. Did you talk to Larry Wollersheim about
16 this deposition?
17 A. I spoke to him, I believe, yes, I did.
18 Q. When did you talk to him?
19 A. Pardon?
20 Q. When?
21 A. I don't recall when. It was before I was
22 served, I believe.
23 Q. Wollersheim told you you were going to be
24 served?
25 A. I don't recall how that worked out.

1 conversation with Wollersheim?
2 A. Not enough to describe, no.
3 Q. Tell me what you do recall.
4 A. We discussed very briefly about process
5 servers, but that's all I recall.
6 Q. About how to avoid them?
7 A. No.
8 Q. Did Wollersheim tell you what kinds of
9 questions you would be asked?
10 A. No.
11 Q. Did you talk to Lerma about the
12 deposition?
13 A. No.
14 Q. Did you talk to Bob Penney about it?
15 A. No.
16 Q. Did you talk to anyone other than
17 Wollersheim about the deposition?
18 A. Other people on the planet?
19 Q. Right.
20 A. Yes.
21 Q. Who?
22 A. My family members.
23 Q. Anyone else?
24 A. Possibly.
25 Q. Who?

1 Q. Is that why we had such difficulty serving
2 you?
3 A. You didn't have difficulty serving me.
4 Eugene Ingram knows my place of work, Eugene Ingram
5 knows my home address. How could I hide from process
6 servers? I would have to not go to work and stay away
7 from home. I did neither of those. I resent the notion
8 that I was hiding from service.
9 Q. Did you know the process servers came to
10 your house five times looking for you?
11 A. No, I have no idea that that happened.
12 Q. You don't deny that happened, though, do
13 you?
14 A. I have no way of knowing that. I did not
15 know that. The first I saw of the process server was
16 6:10 p.m. Sunday, the 15th.
17 Q. So when did you talk to Wollersheim about
18 this deposition?
19 A. I don't recall.
20 Q. Last three weeks?
21 A. Could be.
22 Q. What did Wollersheim tell you?
23 A. I don't recall exactly the conversation.
24 I don't recall.
25 Q. You don't recall anything about the

1 A. Could have been other friends on -- I
2 believe I talked on the internet on our chat channel to
3 some friends.
4 Q. Anyone give you advice how to handle the
5 deposition?
6 A. One person.
7 Q. Who?
8 A. I don't know who it is. He used a
9 nickname.
10 Q. You don't know who he was?
11 A. No, I don't know this person.
12 Q. What did he tell you?
13 A. To speak slowly so the court reporter can
14 catch everything, not -- to make sure that what I say
15 she understands, that I could have questions repeated
16 back to me if I didn't understand them.
17 Q. What messages were acquired from you, and
18 I assume out of the internet, that you believe
19 originated from FACTNET, posted messages?
20 A. Say that again.
21 Q. You indicated that you down-loaded some
22 posted messages that originated from FACTNET?
23 A. Yes, they were announcements, generally,
24 I think Bob Penney posted those, announcements about the
25 raid, I assume announcements about things happening with

1 FACTNET.

2 Q. Do you have your own computer files here?

3 You have got a computer?

4 A. Yes.

5 Q. Do you store any FACTNET materials in your
6 computer here?

7 A. I assume things that I have down-loaded
8 from them are still there. I don't remember the names
9 of those files, though.

10 Q. You are familiar with the Fishman
11 Declaration?

12 A. Yes.

13 Q. What is your understanding of the Fishman
14 Declaration, just so we have agreement on it?

15 A. It was a trial where the Church of
16 Scientology sued Steven Fishman. Steven Fishman placed
17 the Advanced Technology documents as an exhibit into the
18 case and the church dropped the case.

19 Q. What is your understanding of Advanced
20 Technology documents?

21 A. It's called OT materials, Operating
22 Thetan. Presently published right now are OT 1
23 through 8. OT 9 is supposed to be published in the near
24 future.

25 Q. Have you ever seen those materials, OT 1

1 A. No.

2 Q. Did you scan the Fishman Declaration into
3 the FACTNET files?

4 A. No.

5 Q. Did you ever do any scanning work for
6 FACTNET?

7 A. I have no scanning capabilities --

8 Q. Have you ever done --

9 A. -- or --

10 Q. Have you done any scanning work at
11 FACTNET's location?

12 A. No.

13 Q. Did you do any up-loading of the Fishman
14 Declaration or Advanced materials into the FACTNET
15 computer?

16 A. No.

17 Q. Do you know who did?

18 A. No. I don't know if it's there.

19 Q. Did you down-load the Fishman Declaration
20 or Advanced materials from the FACTNET computer?

21 A. No. I have no knowledge of the Fishman
22 material being anywhere near FACTNET.

23 Q. You know Arnie Lerma, correct?

24 A. Only by typing back and forth on the
25 computer.

1 through 8?

2 A. Yes.

3 Q. You have seen the Fishman Declaration?

4 A. Yes.

5 Q. Where did you see them?

6 A. On the Internet, they were posted
7 beginning December 24th, 1994.

8 Q. Lerma's postings?

9 A. No. Anonymous postings.

10 Q. Did you ever see those materials in the
11 FACTNET files?

12 A. No.

13 Q. Did you ever see the Fishman Declaration
14 in the FACTNET files?

15 A. There is lots of documents, there is lots
16 of declarations that come from the Fishman case.

17 Q. I am referring to the Fishman Declaration.
18 Unless we change our definition of the Fishman
19 Declaration, I am referring to the one that attaches the
20 Advanced materials.

21 A. No, I have never seen that on the FACTNET.

22 Q. Do you know if it's in the FACTNET files?

23 A. No.

24 Q. Do you know if it ever was in the FACTNET
25 files?

1 Q. You have communicated with him on the
2 Internet?

3 A. Yes.

4 Q. By E-mail or by modem?

5 A. By E-mail.

6 Q. Did you communicate with him in his role
7 as a Director of FACTNET?

8 A. No, I didn't know he was a Director of
9 FACTNET.

10 Q. Did you give Arnie Lerma the Fishman
11 Declaration?

12 A. No.

13 Q. Did you E-mail to Arnie Lerma the Fishman
14 Declaration?

15 A. No, I don't believe so.

16 Q. Did you give Arnie Lerma the OT levels?

17 A. No.

18 Q. Did you E-mail Arnie Lerma the OT levels?

19 A. No, I don't believe so.

20 Q. In any fashion did you cause the Fishman
21 Declaration, the OT levels or the Advanced materials to
22 be transmitted to Arnie Lerma?

23 A. No.

24 Q. Did you mail to Arnie Lerma the OT levels,
25 Fishman Declaration or Advanced materials?

1 A. No.
 2 Q. Did you know that Larry Wollersheim swore
 3 that you did?
 4 A. No.
 5 MR. KROHNKE: Objection insofar as it purports
 6 to characterize Mr. Wollersheim's testimony.
 7 Q. BY MR. MOXON: So if Larry Wollersheim
 8 said that you provided the OT materials or Advanced
 9 materials to Arnie Lerma, he is lying?
 10 A. I don't recall ever sending Arnie Lerma
 11 the OT materials.
 12 Q. You are positive that never happened,
 13 right?
 14 A. As best my memory serves me, yes, I am
 15 positive.
 16 Q. Well, did you ever possess the OT
 17 materials in a form that you could send them to Arnie
 18 Lerma?
 19 A. Yes.
 20 Q. Did you understand that the OT materials
 21 were considered to be a trade secret of the Church of
 22 Scientology?
 23 A. Yes.
 24 Q. Is it your practice to transmit trade
 25 secret material over the Internet?

1 Q. Yes.
 2 A. Yes.
 3 Q. Are you aware that FACTNET has such image
 4 files?
 5 A. Yes.
 6 Q. Do you know if the OT materials are stored
 7 in FACTNET's image files?
 8 A. No.
 9 Q. Have you down-loaded any materials from
 10 FACTNET's image files?
 11 A. I don't believe so.
 12 Q. Now, you indicated that at the beginning
 13 of the deposition one of the reasons why referrals are
 14 made to you by Wollersheim is because of your interest
 15 in what you denominated as cults, correct?
 16 A. Yes.
 17 Q. One of FACTNET's purposes, as you
 18 understand it, is to disseminate derogatory information
 19 about cults, correct?
 20 A. No. It's to educate the public about
 21 cults. It's to provide information. It's not to be
 22 derogatory.
 23 Q. FACTNET doesn't provide favorable
 24 information about cults; isn't that right?
 25 A. No, that's the role of the cult.

1 A. No.
 2 Q. Have you ever done so?
 3 A. No, I don't believe so.
 4 Q. Did you know that the OT materials are
 5 also copyrighted?
 6 A. Yes.
 7 Q. Is it your practice to transmit
 8 copyrighted materials over the Internet?
 9 A. Seldom.
 10 Q. At any rate, you didn't do it in this
 11 case?
 12 A. No.
 13 Q. You have been through the optical files of
 14 FACTNET, haven't you?
 15 A. Optical files, could you explain what that
 16 is?
 17 Q. Well, the term has been variously defined
 18 by different people. Do you have an understanding of
 19 what FACTNET optical files are?
 20 A. No. Not the word "optical."
 21 Q. Are you familiar with some image files
 22 either by ASCII or another term that escapes me at the
 23 moment wherein image documents are made and stored in a
 24 computer file?
 25 A. Okay. Yes. Images of documents?

1 FACTNET is not a proponent of any
 2 religion. FACTNET is an information provider about
 3 dangerous religious groups.
 4 Q. So again, correct me if I am wrong, as I
 5 understand it, then, in the view of FACTNET the, quote,
 6 "cults," have the ability to disseminate favorable
 7 information about themselves, and therefore FACTNET
 8 doesn't involve itself in disseminating favorable
 9 information about groups, but rather disseminates
 10 information which it considers to be educational, which
 11 is therefore unfavorable?
 12 A. Okay. FACTNET has, at least the last time
 13 I was on it, has areas about a particular religious
 14 group, and then it provides in a separate area for that
 15 religious group to place information as well. So in a
 16 way FACTNET does allow that religious group itself to
 17 disseminate information through FACTNET.
 18 Q. But FACTNET's files, the files that it
 19 collects are primarily derogatory information about
 20 religious groups, that's its purpose is to disseminate
 21 the derogatory information, correct?
 22 MR. KROHNKE: Objection; argumentative and
 23 repetitive.
 24 A. BY THE WITNESS: Well, I object to the
 25 term "derogatory." It's to provide another side of the

1 religious group.

2 Q. BY MR. MOXON: What do you mean, another
3 side?

4 A. A religious group that has legal problems,
5 criminal problems in their background does not want that
6 disseminated to the public, prefers to hide it, so
7 FACTNET provides information like that so people can
8 make more informed choices about groups.

9 Q. Do you consider that to be favorable
10 information?

11 MR. KROHNKE: Objection; repetitive and
12 argumentative.

13 A. BY THE WITNESS: I think we already
14 discussed the word "favorable." FACTNET's goal is not
15 to promote a religious group.

16 Q. BY MR. MOXON: You know Larry Wollersheim,
17 for example, hates scientology, correct?

18 MR. KROHNKE: Objection.

19 A. BY THE WITNESS: Could well be.

20 Q. BY MR. MOXON: Well, you know that to be a
21 fact, don't you?

22 A. I don't know if the word "hate" fits Larry
23 Wollersheim or not.

24 Q. Well, what word would you use to describe
25 Larry Wollersheim's view -

1 of scientology has had criminal convictions of their top
2 leaders in the past, and I provide that information,
3 it's not being derogatory, it's being factual.

4 Q. Just for the purposes of this deposition,
5 let's say you have this gentleman at the end of the
6 table, you know there is information about him which is
7 favorable, and he is a good father, he makes a good
8 living, he is tall, whatever, he is good-looking.

9 You could also say, well, he also has bad
10 breath, he doesn't make objections well, he is a poor
11 lawyer, whatever, so you could make comments about him
12 that are favorable or you could make comments about him
13 that are derogatory. Do you understand?

14 A. Yes. Uh-huh.

15 MR. KROHNKE: Objection.

16 Q. BY MR. MOXON: So a person could pick or
17 choose what kind of comments they would want to make
18 where you have a large universe of potential
19 information.

20 A. Yes.

21 Q. So when I say "derogatory," I am referring
22 to information that would be unfavorable and intended to
23 cause a viewpoint which is unfavorable in the receipt of
24 that information. All right?

25 A. Unfavorable information is closer to what

1 MR. KROHNKE: Objection to the question.

2 MR. MOXON: If you interrupt me, you will
3 never get the question.

4 MR. KROHNKE: Well, the witness was starting
5 to answer as if you had finished the question.

6 MR. MOXON: You are wrong.

7 MR. KROHNKE: Everyone should wait until each
8 other has finished before he speaks. I agree.

9 Q. BY MR. MOXON: How would you describe
10 Wollersheim's view of scientology?

11 A. He understands the dangers of scientology.

12 Q. He makes that well known, right?

13 A. Yes.

14 Q. You have the same view, don't you?

15 A. Yes.

16 Q. In fact, your personal view is that only
17 unfavorable or derogatory information about scientology
18 should be disseminated to educate the public, correct?

19 MR. KROHNKE: Objection; repetitive and
20 argumentative, objection to form.

21 A. BY THE WITNESS: I still object to the
22 word "derogatory."

23 Q. BY MR. MOXON: What is the problem with
24 the word "derogatory"?

25 A. We are dealing in facts. If the religion

1 I might agree with you on.

2 Q. So it's unfavorable information that you
3 seek to disseminate about scientology, correct?

4 A. It's factual information I seek to
5 disseminate about scientology.

6 Q. And Larry Wollersheim understands that,
7 and that's why, one of the reasons why he refers
8 questions to you, correct?

9 MR. KROHNKE: Objection; calls for
10 speculation.

11 A. BY THE WITNESS: Larry seems to believe
12 that I have a good working knowledge of cults, and he
13 accepts that well enough to refer people to me.

14 Q. BY MR. MOXON: You have never done any
15 scanning of any FACTNET documents, right?

16 A. No.

17 MR. KROHNKE: Double negative.

18 MR. MOXON: Are you moving to strike?

19 MR. KROHNKE: No.

20 MR. MOXON: Just commenting.

21 Q. BY MR. MOXON: What other work have you
22 done for FACTNET?

23 A. I have said before I have up-loaded
24 material about different groups.

25 Q. What material have you up-loaded?

1 Q. What did you understand was on those files
2 on those CDs?
3 A. It was a backup of their system, so I
4 assume it was their files.
5 Q. Their whole bulletin board, their whole
6 file?
7 A. That's what I assume, yes, the files.
8 Q. Including OT materials?
9 A. I have no idea what is on those disks. I
10 don't believe FACTNET had the OT materials on their
11 system.
12 Q. You didn't look?
13 A. No, I couldn't look.
14 Q. Well, you could look because you had a
15 friend's computer, right?
16 A. I was not at that person's house.
17 Q. He did it for you?
18 A. Yes.
19 Q. Did he check all five CDs?
20 A. Yes.
21 Q. Who did you make arrangements with to keep
22 these CDs?
23 A. That I am not going to answer.
24 Q. Why?
25 A. It's beyond the point of what you are

1 Q. Who did you arrange to buy the CDs from?
2 A. I believe Bob Penney.
3 Q. Who did you arrange with to get the CDs?
4 A. Bob Penney.
5 Q. Who did you arrange with to keep the CDs
6 as a backup for FACTNET?
7 A. That's beyond -- I am not going to answer
8 that.
9 Q. Did somebody else tell you to buy the CDs
10 from Bob Penney?
11 A. No.
12 Q. Did you have any communications with
13 either Wollersheim or Lerma concerning the CDs?
14 A. In the purchase of them, yes.
15 Q. Who?
16 A. Both.
17 Q. Both Wollersheim and Lerma?
18 A. Correct.
19 Q. What were your conversations with Lerma
20 concerning purchase of the CDs?
21 A. Oh, excuse me, I thought you said Larry
22 Wollersheim.
23 Q. Wollersheim and Lerma?
24 A. Not Lerma, no.
25 Q. Just Wollersheim?

1 trying to get me to produce here.
2 Q. It's directly on the point of what we are
3 trying to do.
4 Lerma is a Director of FACTNET, they have
5 all testified the information came from FACTNET. It's
6 directly relevant. If you refuse, I can tell you I will
7 seek to compel that question. It's absolutely relevant.
8 THE WITNESS: Could you please repeat the
9 question?
10 MR. KROHNKE: I object to the question as
11 improper in form and insofar as it purports to
12 characterize and summarize testimony in the Lerma
13 litigation or otherwise.
14 Q. BY MR. MOKON: Who did you make
15 arrangements with to keep CDs?
16 A. I won't answer that.
17 Q. Bob Payne?
18 A. That's a question I am not going to
19 answer.
20 Q. Bob Payne is one of the other Directors of
21 FACTNET, right?
22 A. Yes.
23 Q. What is the basis, for the record, of your
24 refusal to tell me who you arranged to buy the CDs from?
25 A. You never asked that question.

1 A. Yes.
2 Q. What were your conversations with
3 Wollersheim concerning purchase of the CDs?
4 A. That they wanted backups of the system in
5 other areas in case they lost their information.
6 Q. So you were acting essentially as a remote
7 site for FACTNET?
8 A. A repository for the information, yes.
9 Q. Did you send the CDs to anyone else?
10 A. No.
11 Q. Did you just get one set of the CDs?
12 A. Yes.
13 Q. Do you know who else received them?
14 A. No.
15 Q. Did you talk to Wollersheim about who else
16 was getting copies of the CDs?
17 A. No.
18 Q. Is it your understanding that the entire
19 FACTNET files is on the CDs as of the date they were
20 created?
21 A. I believe so.
22 Q. What was the date they were created, do
23 you know?
24 A. No idea.
25 Q. Who told you what OT 1, 2, 3, 4, 5 were?

1 MR. KROHNKE: Objection; assumes facts not in
2 evidence. It's improper in form.

3 A. BY THE WITNESS: Probably 1986 was the
4 first time I had seen anything about that. I don't
5 recall where.

6 Q. BY MR. MOXON: Did you know Wollersheim
7 back then?

8 A. No.

9 Q. Did Wollersheim tell you that it would
10 really aggravate the Church if the OT materials were
11 disseminated on the Internet?

12 A. No.

13 Q. Did Lerma?

14 A. No.

15 Q. Did you ever talk to Lerma about
16 dissemination of OT materials?

17 A. In one E-mail, I believe.

18 Q. What was the context? Do you have a copy
19 of it?

20 A. No. I don't keep my E-mail.

21 I believe that I heard he was thinking of
22 posting the OT material, and I asked him why. And I
23 don't recall his response.

24 Q. Before he did it, before Lerma posted the
25 OT material, he indicated to you he was going to do it,

1 A. It answered my question, apparently.

2 Q. Did it satisfy you that it was a good
3 reason?

4 A. I don't know. I just blew it off, I
5 guess.

6 Q. You knew at that time that the OT
7 materials were considered to be secrets?

8 A. Trade secrets, yes.

9 Q. In your communication with Lerma over the
10 E-mail, is it your understanding that he would have
11 recognized that also?

12 A. I don't know.

13 Q. Is there any inference that OT materials
14 were secret in your E-mail communication with Lerma?

15 A. No.

16 Q. Well, that's why you communicated with
17 Lerma, right, because you knew their OT materials were
18 secret?

19 A. The OT materials were posted on December
20 24th, 1994, and continually ever since up to today on
21 the Internet they are accessible. Why anyone would need
22 to post them again, I didn't understand.

23 Q. Is that the gist of your question to
24 Lerma?

25 A. I believe so.

1 correct?

2 A. That I don't know. I heard somewhere that
3 he was thinking of doing that.

4 Q. So you contacted him via E-mail?

5 A. Yes, I E-mailed him and asked why he
6 wanted to do that.

7 Q. What is your best recollection of why he
8 was going to do that?

9 A. I have no idea. I don't remember.

10 Q. Did he indicate that the Church would
11 really be angry if he did it?

12 A. I don't recall what he said.

13 Q. Did he indicate that he wanted to make
14 sure these secrets got out to the public?

15 A. I don't recall what he said.

16 Q. Do you remember anything about what he
17 said?

18 A. No.

19 Q. Did Lerma tell you that the Church would
20 be pissed off or something like that if he disseminated
21 OT materials?

22 A. I really don't recall. I don't know.

23 Q. Did you respond?

24 A. No. I don't think I did.

25 Q. Did his answer satisfy you?

1 Q. Does that refresh your recollection of how
2 he responded?

3 A. No.

4 Q. When was that communication with Lerma?

5 A. I don't know. I don't recall the date or
6 anything.

7 Q. Did you also hear about dissemination of
8 the OT materials from Wollersheim?

9 A. No.

10 Q. Any communication with Wollersheim about
11 dissemination of OT materials by Lerma or FACTNET?

12 A. No.

13 Q. Did you have any communications with Bob
14 Penney about dissemination of OT materials?

15 A. No.

16 Q. Did you have any communications with Kim
17 Baker concerning the dissemination of OT materials?

18 A. No.

19 Q. Did you have any communications with
20 Vaughn or Stacy Young regarding the dissemination of OT
21 materials on the Internet?

22 A. No.

23 Q. Do you know Graham Berry?

24 A. Yes.

25 Q. Do you talk to him?

1 A. No.
2 Q. Have you communicated with him?
3 A. No.
4 Q. Do you know him?
5 A. I have met him once.
6 Q. Where did you meet him?
7 A. At a meeting that Larry held in
8 California.
9 Q. When was that?
10 A. Maybe two years ago. I don't recall.
11 Q. Where was it?
12 A. In Los Angeles.
13 Q. Berry's office?
14 A. I believe so, yes.
15 Q. What was the purpose of the meeting?
16 A. It was about FACTNET, trying to get more
17 people involved with FACTNET.
18 Q. Who was at the meeting besides yourself,
19 Larry, and Graham Berry?
20 MR. KROHNKE: Objection; not relevant.
21 A. BY THE WITNESS: Yes, I think we are going
22 beyond the scope here. I don't want to answer that.
23 Q. BY MR. MOXON: We are within the scope,
24 it's definitely relevant.
25 Who else was at the meeting?

1 Q. BY MR. MOXON: Arnie Lerma is the Director
2 of FACTNET. The testimony in the case has been,
3 background information for you, the testimony in the
4 case has been that Lerma disseminated the information at
5 issue in the case on behalf of FACTNET.
6 You indicated you were at a meeting of
7 FACTNET which included the owner and operator of
8 FACTNET, Larry Wollersheim, and other persons related to
9 FACTNET.
10 I am certainly entitled to know who was
11 present at that meeting and what went on at that
12 meeting.
13 My question is other than yourself,
14 Wollersheim, and Graham Berry, who was present at the
15 meeting in Graham Berry's office about two years ago
16 concerning FACTNET?
17 MR. KROHNKE: Objection to the form of the
18 question. It's argumentative, as the witness has
19 indicated, and has just been commented upon by
20 plaintiff's attorney. The meeting the witness is
21 referring to is, his best recollection was two years
22 ago, and we are talking with respect to the issues in
23 this case about certain events occurring in July or
24 August of 1995.
25 THE WITNESS: I'm sorry, I don't know the

1 MR. KROHNKE: Same objection.
2 A. BY THE WITNESS: I don't think that's
3 relevant right now.
4 MR. MOXON: Mr. Jacobsen, relevance is not a
5 valid objection in a federal deposition, I can tell you
6 that, that a witness cannot refuse to answer on the
7 basis of relevance. The attorney down at the end of the
8 table hopefully will confirm that for you. But he may
9 not choose to.
10 THE WITNESS: Okay, I may not use the right
11 legal phrasing, but again --
12 MR. KROHNKE: Just one moment. The lawyer who
13 is asking you the question misstated and overstated what
14 the law is. You do not have counsel present. Your
15 counsel, when you choose to select one, can provide you
16 advice on that matter.
17 THE WITNESS: My objection is, which I have to
18 decide since I am without counsel, is does this go
19 towards a fishing expedition on the part of the Church
20 of Scientology or is it relevant to the case, and the
21 reason that I am under subpoena.
22 I am here to answer the questions
23 regarding the case against Arnie Lerma. I am not here
24 to provide you carte blanche with any information you
25 want from me.

1 legal phrasing to use, but I object to the question.
2 Q. BY MR. MOXON: Were there discussions at
3 that meeting at Graham Berry's office concerning
4 utilization of FACTNET materials?
5 A. Not really. It was more to get more
6 people involved with FACTNET.
7 Q. To get more subscribers?
8 A. More people to help and to promote
9 FACTNET, I guess.
10 Q. Were the Youngs present?
11 A. I am objecting to that series of
12 questions.
13 Q. Was Lerma present?
14 A. Arnie Lerma was not present.
15 Q. Were any other FACTNET Directors present?
16 A. I don't even know who the FACTNET
17 Directors were at that time. It would have been --
18 Q. Jerry Armstrong?
19 A. Bob Penney was not there.
20 Q. Jerry Armstrong, was he present?
21 A. Are you stating that Jerry Armstrong was a
22 Director of FACTNET at that time?
23 Q. Yes.
24 A. He was not present.
25 Q. Have you had any communications with Jerry

53

1 Armstrong about dissemination of the OT materials?
2 A. No.
3 Q. Did you talk to Graham Berry about
4 dissemination of OT materials?
5 A. No.
6 Q. Have you sent any FACTNET down-loads to
7 anyone?
8 A. FACTNET down-loads?
9 Q. Uh-huh.
10 A. I could have. I don't recall.
11 Q. Send any to Craig Branch?
12 A. I believe I sent something to him, but I
13 don't know when it was.
14 Q. Did you send any OT materials to Craig
15 Branch?
16 A. No.
17 Q. How do you know?
18 A. How do I know? Because I have never given
19 anyone OT materials as far as I can recall.
20 Q. You may have, though?
21 A. I don't believe I did.
22 Q. Why do you believe that?
23 A. Because there is no need to. All of that
24 material is available on the Internet for anyone to get.
25 Q. Well, I am not going to argue with you

55

1 Q. What?
2 A. Information about FACTNET.
3 Q. Why?
4 A. So people would know how to use the
5 system.
6 Q. So you were promoting the system,
7 soliciting people to become members or subscribers to
8 FACTNET?
9 A. People I feel might be interested in the
10 service, yes.
11 Q. Did you ever get any commission for
12 getting subscribers to FACTNET?
13 A. No.
14 Q. Have you ever made any income off FACTNET
15 in any fashion?
16 A. No.
17 Q. Do you know how Lerma became a Director of
18 FACTNET?
19 A. No.
20 Q. Other than information about FACTNET, what
21 information have you sent hard copy on behalf of FACTNET
22 to anyone?
23 MR. KROHNKE: Repeat the question, please,
24 reporter.
25 MR. MOXON: Let me give it to you again.

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1 about that.
2 Did you send any OT materials or other
3 down-loads to Cynthia Kisser?
4 A. OT materials or other down-loads?
5 Q. Other FACTNET down-loads?
6 A. I don't believe so. Definitely not the OT
7 material.
8 Q. Did you send any materials to Richard
9 Lieby?
10 A. No, I don't believe so.
11 Q. Have you ever communicated on the Internet
12 with Richard Lieby?
13 A. I may have. I don't recall.
14 Q. Do you know Marc Fisher, reporter for the
15 Washington Post?
16 A. No, I don't think so.
17 Q. Did you ever receive any information from
18 Richard Lieby?
19 A. I don't believe so.
20 Q. Did you ever mail any information to
21 Richard Lieby or Marc Fisher?
22 A. Not that I recall.
23 Q. Did you ever mail any hard copy
24 information to anyone on behalf of FACTNET?
25 A. Hard copy information, I suppose I have.

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1 Q. BY MR. MOXON: Other than information
2 about FACTNET itself and about its operations, what
3 information have you ever sent hard copy to any person
4 on behalf of FACTNET?
5 A. Probably none.
6 Q. Nothing to Graham Berry?
7 A. No.
8 Q. Vaughn Young?
9 A. No, I don't believe so.
10 Q. Does Vaughn Young work for FACTNET?
11 A. His phone number is on Larry's answering
12 machine along with mine; at least I believe that's who
13 that phone number is.
14 Q. Have you ever met Arnie Lerma?
15 A. No.
16 Q. Do you know if Wollersheim and Lerma think
17 it's pretty funny that OT materials are being
18 disseminated on the Internet?
19 A. No idea.
20 Q. Have you ever talked to them about that?
21 A. No.
22 Q. When did you go to Colorado?
23 A. Probably about two years ago.--
24 Q. That's when you got --
25 A. -- something like that.

1 Q. That's when you got the CDs?
 2 A. No.
 3 Q. When did you get the CDs?
 4 A. After that, a few months after that, I
 5 guess.
 6 Q. Did Graham Berry indicate to you that you
 7 would be paid for helping out to establish FACTNET?
 8 A. No.
 9 Q. What was Graham Berry's role in the
 10 meeting?
 11 A. As I recall, he just sat and listened.
 12 Q. Was he the host?
 13 A. You could call him that, I guess. It was
 14 in his office.
 15 Q. How many people were there?
 16 MR. KROHNKE: Objection; not relevant.
 17 A. BY THE WITNESS: I don't remember. Maybe
 18 eight.
 19 Q. BY MR. MOXON: Was Dan Leibold there?
 20 A. I have gone as far as I am going to on who
 21 was there.
 22 Q. Do you refuse to answer?
 23 A. Yes.
 24 Q. You copied a number of messages out of
 25 Scientology for the purpose of loading them into the

1 A. No.
 2 Q. Any idea?
 3 A. No.
 4 Q. Who told you to copy the ARS files to put
 5 onto the FACTNET database?
 6 A. No one.
 7 Q. Were any OT materials located in those ARS
 8 files?
 9 A. No.
 10 Q. Was the Fishman Declaration --
 11 A. Excuse me, are you talking about the file
 12 that I gave to FACTNET?
 13 Q. Yes.
 14 A. Yes, there was no OT material on that.
 15 Q. How do you know?
 16 A. Because I am the person that made the
 17 disk.
 18 Q. You know what all the OT materials look
 19 like?
 20 A. Yes. Well, I believe I do.
 21 Q. How do you know?
 22 A. They were posted to the Internet, and the
 23 Church reacted in such a way that made it appear to me
 24 they were real.
 25 Q. You have never taken any services from any

1 FACTNET database, correct?
 2 A. I believe I have put things from that news
 3 group onto the FACTNET, yes, I believe so.
 4 Q. In fact, you sent a whole hard disk of ARS
 5 discussion to FACTNET for loading into the FACTNET,
 6 didn't you?
 7 A. Not a hard disk, a floppy disk.
 8 Q. A floppy?
 9 A. Most likely I have, yes. I believe I
 10 have.
 11 Q. Why?
 12 A. It's information I felt was relevant and
 13 good, useful for other people to see.
 14 Q. When did you do that?
 15 A. No idea. I don't know.
 16 Q. How many times have you done that?
 17 A. I don't know. Two or three.
 18 Q. When?
 19 A. I don't remember.
 20 Q. Approximately?
 21 A. Few years ago, maybe, or -- well, it would
 22 have to be -- I have been on the Net about two years, so
 23 probably a year-and-a-half ago, I am guessing.
 24 Q. Do you know how Lerma got the OT materials
 25 that he was talking about putting onto the Internet?

1 Church of Scientology, have you?
 2 A. I took an introductory course.
 3 Q. When?
 4 A. 1983, possibly.
 5 Q. That's it?
 6 A. Yes.
 7 Q. You didn't see the OT materials in any
 8 Church of Scientology, did you?
 9 A. No.
 10 Q. Is that when you came to understand that
 11 OT materials were a secret?
 12 A. I have had an interest in Scientology
 13 since at least 1983, so when I knew about the OT
 14 materials is a difficult question. I don't know.
 15 Q. Where did you first see the OT materials?
 16 A. I saw OT 3. Someone mailed it to me
 17 probably at least five years ago.
 18 Q. Who?
 19 A. I don't know. It was in a folder in my
 20 files.
 21 Q. Well, who mailed it to you?
 22 A. No idea. I don't know.
 23 Q. Unmarked envelope?
 24 A. It was probably several years -- well,
 25 this was several years ago. I don't know who sends me

1 every piece of information I have.

2 Q. I am not asking about every piece, I am
3 asking about this piece.

4 A. That piece I don't know.

5 Q. Again, I will remind you about this
6 admonition concerning the penalty of perjury. You
7 recognize that goes to every question I am asking you
8 here?

9 A. Yes.

10 Q. Any answers you want to change?

11 A. No.

12 Q. Do you possess any OT materials now?

13 A. Yes.

14 Q. Where?

15 A. Where?

16 Q. Yes.

17 A. At my home and right here on this table.

18 Q. Do you have them in a computer at home?

19 A. Yes.

20 Q. You down-loaded those from what Lerma
21 disseminated?

22 A. No, I don't believe I down-loaded those.

23 Q. Where did you get them?

24 A. They were first posted anonymously in
25 December of '94 and have been since, anonymously ever

1 organization in Los Angeles?

2 A. I don't know which building that is, so I
3 can't answer.

4 Q. Have you ever been to the Flag Service
5 Organization at Clearwater?

6 A. I have been to the Ft. Harrison in
7 Clearwater, but I don't know which building you are
8 talking about.

9 Q. Do you tour around the world, look at
10 scientology churches?

11 A. It's my hobby.

12 My main interest in life is cults, and the
13 main religious group I am interested in is scientology.

14 Q. So it's kind of like, you know, that CAN
15 has been recognized as a hate group?

16 A. No.

17 Q. Do you do this on behalf of CAN or on
18 behalf of FACTNET?

19 A. No.

20 Q. Which?

21 A. Neither.

22 Q. You are just one of those people that
23 wants to travel around trying to put down a religion?

24 MR. KROHNKE: Objection; argumentative,
25 improper in form.

1 since then, so I believe I have 1 through 8 that were
2 posted.

3 Q. You down-loaded them out of ARS?

4 A. Yes. I believe that's where they were.

5 Q. Did you send them to Lerma?

6 A. No.

7 Q. Did you send them to FACTNET?

8 A. No.

9 Q. Now you say you copied the ARS files and
10 sent them to FACTNET, but you claim that you didn't send
11 the OT materials to FACTNET in the ARS files, correct?

12 A. Correct.

13 There is probably a hundred postings per
14 day on the ARS. I sent maybe 20 or 30 files from there.
15 None including the OT material.

16 Q. Do you know which churches deliver OT
17 levels?

18 A. No, not off the top of my head, no.

19 Q. Have you ever been to the Advanced
20 organization in Los Angeles?

21 A. Is that the big blue building?

22 Q. It's one of them.

23 A. Okay. I have been to several Church
24 properties in California, so I assume.

25 Q. Have you ever been inside the Advanced

1 A. BY THE WITNESS: No.

2 Q. BY MR. MOXON: Who pays for this?

3 A. I do.

4 Q. How do you pay for it?

5 A. Cash.

6 Q. Where do you get the money?

7 A. I don't understand the question.

8 Q. Where do you get the money?

9 A. I work.

10 Q. What is your employment?

11 A. I work for a family business, Single Scene
12 Newspaper, and my father has several other businesses,
13 so I work for that, do work for him on those also.

14 Q. Are you involved in the publication of
15 pornography?

16 A. No.

17 Q. Do you have any educational background in
18 religious studies?

19 A. I have a bachelor's degree, bachelor of
20 arts in religious studies.

21 Q. In religious studies?

22 A. Correct.

23 And I have nine hours towards a master's
24 degree.

25 Q. From where?

1 A. Arizona State University.
 2 Q. Your bachelor's degree is from Arizona
 3 State?
 4 A. Correct.
 5 Q. And you are in a master's program there
 6 now?
 7 A. No.
 8 I took nine hours and then I left the
 9 group, the program.
 10 Q. Are you promoting yourself to be the next
 11 Executive Director of CAN?
 12 A. No.
 13 Q. Are you still working for CAN now that
 14 they have declared bankruptcy?
 15 A. I am still a contact person for them.
 16 Q. Do you intend to try to start a new group
 17 now that CAN has declared bankruptcy?
 18 MR. KROHNKE: Objection; not relevant.
 19 A. BY THE WITNESS: No idea.
 20 Q. BY MR. MOXON: But right now your business
 21 is working for a singles newspaper?
 22 A. Single Scene Newspaper.
 23 Q. And a disk jockey for singles dances?
 24 A. Correct.
 25 Which if you knew that, you would know

1 understand where we are going with this Rick Ross.
 2 Q. BY MR. MOXON: You have never studied the
 3 OT materials, have you?
 4 A. Studied, no.
 5 Q. You don't know how they actually work in
 6 the Church, do you, in terms of the actual processes, do
 7 you?
 8 A. No.
 9 Q. Do you know whether or not the materials
 10 that you say you have seen on the internet are accurate
 11 renditions of OT materials?
 12 A. Not for sure.
 13 Q. You indicated that you have some materials
 14 to produce here in response to the subpoena?
 15 A. Yes.
 16 Q. Could I see them?
 17 A. Yes.
 18 MR. MOXON: Why don't we take a break for a
 19 couple minutes.
 20 THE WITNESS: Okay.
 21 (Recess.)
 22 Q. BY MR. MOXON: Included in the box of
 23 materials that you are producing there is a floppy.
 24 What is on the floppy?
 25 A. Material from my computer. I assume you

1 where to serve me.
 2 Q. You are also a matchmaker for the Singles
 3 Scene?
 4 A. No.
 5 Q. Have you ever done any work for Rick Ross?
 6 A. No.
 7 I helped him with one case, if that's what
 8 you mean.
 9 Q. What is that?
 10 A. There was a minor child that was in a
 11 cult, and he thought it was the same group that I had
 12 been in, so he called me in and I went and talked to
 13 her.
 14 Q. Are you a deprogrammer?
 15 A. No.
 16 Q. Rick Ross is affiliated with CAN, isn't
 17 he?
 18 A. Not that I know of.
 19 Q. You work together on deprogramming matters
 20 here in the Phoenix area?
 21 A. No.
 22 Q. Have you ever made any referrals to Ross
 23 for deprogramming?
 24 MR. KROHNKE: Irrelevant; objection.
 25 A. BY THE WITNESS: I was just - I don't

1 would want it in the same format that I got it.
 2 Q. Is this an extra copy?
 3 A. Yes.
 4 If you have no access to a computer, I
 5 guess you could take it.
 6 Q. Thank you.
 7 I could return the floppy if you wish.
 8 MR. MOXON: I am going to arrange for this to
 9 be copied.
 10 (Recess.)
 11 Q. BY MR. MOXON: Mr. Jacobsen, you claim
 12 that you saw some OT materials in 1985?
 13 A. I don't recall the first time I saw the OT
 14 material.
 15 Q. Approximately when?
 16 A. Maybe around then.
 17 Q. What did you see?
 18 MR. KROHNKE: Objection; not relevant to
 19 matters in the case now pending.
 20 A. BY THE WITNESS: It was the first thing I
 21 ever saw was OT 3, it would have been.
 22 Q. BY MR. MOXON: How do you know you
 23 actually saw OT 3?
 24 A. There was newspaper articles about a court
 25 case in which OT 3 was an exhibit.

1 Q. So you saw some references in newspaper
2 articles, incidents concerning OT 3?

3 A. References as to OT 3, yes, and then
4 sometime after that.

5 Q. What was it that you saw?

6 A. Newspaper articles, and then --

7 Q. The newspaper articles didn't have the
8 actual OT 3 in it, did they?

9 A. No.

10 Then some time after that one of the
11 documents that you are now copying I got. I don't know
12 how.

13 Q. You don't know that it was actually OT 3,
14 do you?

15 A. No.

16 Q. Did you ever see what you believe to be OT
17 materials at any other time?

18 A. That's the first I ever saw of OT

19 material. Then I saw what purported to be OT 8 probably
20 in '90, '91.

21 Q. Who told you it was OT 8?

22 A. It says it right on it.

23 Q. Who told you it was OT 8?

24 A. I don't know that anyone told me.

25 Q. Now the document that said OT 8 on it, did

1 Q. You don't know what the actual processes
2 are for OT 3, 4, 5, 6 or 7, do you?

3 A. Not the processes, no.

4 Q. How about OT 1, do you know the processes
5 for that?

6 A. No.

7 Q. You have never seen them, as far as you
8 know, is that correct, actual processes?

9 A. The methods of applying it?

10 Q. Yes.

11 A. No.

12 Q. And what you have written in Skeptic

13 Magazine or what you have seen in other magazines
14 doesn't contain any of the processes for any of the OT
15 levels, does it?

16 A. Not the processes.

17 Q. You have never audited anything in
18 Scientology, have you?

19 A. I have never been audited, no, except
20 during the introductory course.

21 Q. Do you know the general story that
22 concerns OT 3?

23 A. Yes.

24 Q. You know "75 million years" and all of
25 that?

1 you know that that was a sham, that that was --

2 A. No.

3 MR. KROHNKE: Objection; assumes facts not in
4 evidence. No foundation. It's argumentative.

5 A. BY THE WITNESS: My assumption is that OT
6 8 is a forgery.

7 Q. BY MR. MOXON: That's what you have heard?

8 A. That's my assumption from reading it.

9 Q. Now you say you have seen OT materials on
10 the Internet from time to time?

11 A. Yes.

12 Q. You don't know for sure whether or not the
13 materials you saw on the Internet were OT materials, do
14 you?

15 A. Not for sure.

16 Q. And you can't take anything that you saw
17 on the Internet and actually audit OT 2 or OT 3 or OT 4,
18 could you, you wouldn't even know how to do it, would
19 you?

20 A. No.

21 The method of applying the OT material I
22 do not know.

23 Q. You don't know what the actual processes
24 are for OT 2, do you?

25 A. No.

1 A. Yes.

2 Q. You know that's not a trade secret, don't
3 you?

4 A. Not a trade secret?

5 Q. Yes.

6 Is that what you were claiming was part of
7 a trade secret?

8 A. You better start over. I am claiming that
9 something is a trade secret? Can we start over?

10 Q. Well, you know the OT materials generally
11 are secrets, right?

12 A. The Church considers them a trade secret,
13 yes.

14 Q. And you have seen a lot of references on
15 ARS to this general story that's connected with OT 3,
16 the 75 million year incident --

17 A. Yes.

18 Q. -- at cetera?

19 That's what is primarily on the Internet
20 that you say you have seen from time to time?

21 A. Yes.

22 Q. That's what you were talking about earlier
23 in the deposition where you have got OT materials on the
24 Internet?

25 A. Yes.

1 Q. It's not processes that are on the
2 Internet on a daily basis, correct?
3 A. Not that I know of.
4 Q. In fact, you don't know if you have ever
5 seen any actual processes on the Internet, do you?
6 A. Not the way that you apply the OT
7 material, no.
8 Q. Do you know that the incident, the 75
9 million year ago incident has been a matter of public
10 record for many years?
11 A. At least since that trial, which was I
12 don't remember when, '85 or so.
13 Q. And that that was part of a -- did you
14 know that was part of a screen play, in fact?
15 A. Revolt in the Stars.
16 Q. Right.
17 You are familiar with RJ-67?
18 A. Ron's Journal, yes.
19 Q. That makes reference to the OT 3 incident
20 also, doesn't it?
21 A. Reference, yes.
22 Q. 75 million year ago incident?
23 A. Yes.
24 Q. That's something that the Church of
25 Scientology has brought that it disseminated, as far as

1 computer form?
2 A. I have never done anything with that
3 except looked at it.
4 Q. Did you ever talk to anybody about where
5 that came from, that Fishman Declaration?
6 A. No, I have never asked where it came from,
7 no, that I recall.
8 Q. Did you ever talk to Wollersheim or Lerma
9 about it?
10 A. No.
11 Q. You are claiming even now you have
12 absolutely no idea where it came from?
13 A. Yes, I got it in the mail, but I don't
14 know who sent it. That's correct.
15 Q. Did you have any communications with
16 Wollersheim telling you that that's what you should
17 testify to, that you got it in the mail?
18 A. No.
19 Q. How about with Lerma?
20 A. No.
21 Q. How about Lieby?
22 A. No.
23 Q. Did you send Lerma the Fishman Affidavit?
24 A. No.
25 Q. Did you send it to anybody?

1 you know; is that right?
2 A. Yes.
3 Q. Where did you get the Fishman Declaration?
4 A. The big thick thing?
5 Q. Yes.
6 They are being copied now, but part of the
7 materials --
8 A. Okay, yes.
9 Q. -- that you produced to me were a copy of
10 the Fishman Declaration with attachments.
11 A. Okay, the hard copy came to me by mail
12 with no return address, so I don't know who sent it.
13 Q. When did you get it?
14 A. A year to year-and-a-half ago, maybe.
15 Something like that.
16 Q. Did anybody tell you who sent it to you?
17 A. No. I don't know.
18 Q. Did you talk to Wollersheim about that?
19 A. I don't think so.
20 Q. Lerma?
21 A. No.
22 Q. Did you ever down-load that to FACTNET
23 or --
24 A. No.
25 Q. Did you ever scan that and put it into

1 A. No.
2 Q. Do you know if the Fishman Declaration is
3 on the CDs that you got?
4 A. No.
5 Q. By the way, did Homer Smith ever send you
6 anything for posting?
7 A. I don't believe so. I don't know why he
8 would have. He is on the Internet, he can post.
9 Q. Did you ever receive any materials from
10 Homer Smith?
11 A. Not that I recall.
12 Q. Did you ever get any materials from Graham
13 Berry for posting?
14 A. No, not for posting, no.
15 Q. You do get materials from Graham Berry,
16 though?
17 A. Not that I recall.
18 Q. By the way, did you know that the Fishman
19 Declaration was under seal?
20 A. I believe it is now, yes. It wasn't
21 before.
22 Q. How do you know?
23 A. I went to get it.
24 Q. You couldn't get it?
25 A. No, it had been moved to San Francisco.

1 Q. When did you go to get it?
2 A. Just before it was moved to San Francisco,
3 whenever that was, I don't know.
4 Q. Just before it was moved?
5 A. Yes.
6 Excuse me, just after.
7 Q. When was it?
8 A. Two, three years ago.
9 Q. You went to the Clerk's office in Los
10 Angeles?
11 A. Yes.
12 Q. You tried to get the Fishman Declaration?
13 A. Yes.
14 Q. You recall it was not available?
15 A. I was told it was moved to San Francisco
16 on appeal.
17 Q. Who told you that?
18 A. The Clerk at the courthouse.
19 Q. Did you try to get it from San Francisco?
20 A. I tried to ask someone to do it and they
21 didn't.
22 Q. What do you mean? Who did you ask?
23 A. It was a friend of a friend because I
24 don't know anyone that lives in San Francisco.
25 Q. What were you doing in Los Angeles?

1 A. Yes, I did, on the disk.
2 Q. That's the disk?
3 A. Yes.
4 MR. MOXON: By the way, all the materials that
5 are produced that are OT materials are pursuant to the
6 Protective Order in this case, if you want to have
7 copies of them, I forgot your name.
8 MR. KROHNKE: My name is Krohnke.
9 MR. MOXON: Krohnke?
10 MR. KROHNKE: That's right.
11 MR. MOXON: Do you agree with that?
12 MR. KROHNKE: I think.
13 MR. MOXON: They are under Protective Order.
14 MR. KROHNKE: You have a right to designate
15 them under the existing Protective Order, and I guess
16 you have just done so.
17 MR. MOXON: Obviously, all of the material
18 that you have produced is not subject to designation,
19 but we will designate it all for the moment until we get
20 it back, and if there is any confusion later on, we will
21 be happy to clear that up with you.
22 MR. KROHNKE: Thank you.
23 Q. BY MR. MOXON: By the way, do you know who
24 else got copies of these CDs other than yourself?
25 A. No.

1 A. I went to get the Fishman Affidavit.
2 Q. Is that when you went to meet with Berry
3 and Wollersheim?
4 A. No.
5 Q. Different trip?
6 A. Different trip.
7 Q. Did you try any other time to get the
8 Fishman Affidavit?
9 A. No.
10 Q. Do you know anyone who was able ever to
11 get the Fishman Affidavit out of the Court files?
12 A. No, I don't know.
13 Q. Who told you it was in the Court files?
14 A. I don't remember where I heard that. I
15 don't know.
16 Q. Wollersheim tell you that?
17 A. He could have.
18 Q. Lerma?
19 A. Not Lerma.
20 I don't remember where I heard that.
21 Q. By the way, you indicated earlier today
22 that you had some, you had down-loaded some OT materials
23 into your computer, right?
24 A. Yes.
25 Q. You didn't produce that today, did you?

1 Q. Who did you send the money to for the CDs?
2 A. To FACTNET.
3 Q. Made out a check to FACTNET?
4 A. I think so. I don't recall. I must have.
5 Q. Do you know Larry Wollersheim is the only
6 person that makes any money off FACTNET?
7 A. I have no idea.
8 MR. KROHNKE: Objection; argumentative,
9 objection to the form. Assumes facts not in evidence.
10 Q. BY MR. MOXON: Do you know if any OT
11 materials from FACTNET have been down-loaded by Andre
12 Tabayeyon?
13 MR. KROHNKE: Objection; it assumes facts not
14 in evidence and it's argumentative. I object to the
15 form.
16 A. BY THE WITNESS: I have no idea that
17 FACTNET has the material.
18 Q. BY MR. MOXON: Do you know if any OT
19 materials have been down-loaded by Andre Tabayeyon?
20 A. No.
21 Q. You don't know?
22 A. No, I don't.
23 Q. Did you make copies of any OT materials
24 and give them to Andre Tabayeyon?
25 A. I don't believe so.

1 Q. Have you down-loaded any LRH writings from
2 FACTNET files?
3 A. I doubt it. I don't think so.
4 Q. Do you know what policy letters or
5 bulletins are?
6 A. Yes.
7 Q. Have you down-loaded any of those letters
8 from FACTNET archives?
9 A. Not that I recall.
10 Q. May have?
11 A. I possibly did, but I don't know.
12 Q. Do you know if any of that material is on
13 CDs that you got from FACTNET?
14 A. No.
15 Q. You say you possibly may have. You don't
16 know what you down-loaded?
17 A. No.
18 And I don't recall ever seeing a policy
19 letter on FACTNET, so I am not sure.
20 Q. How much did you down-load from FACTNET?
21 A. Oh, I would have to guess, maybe ten or a
22 dozen files. I don't know.
23 Q. What is the total space?
24 A. The total number?
25 Q. Yes.

1 Wollersheim concerning utilizing insurance money he
2 would get when the Church sued him for the establishment
3 of FACTNET?
4 A. Could you repeat that?
5 Q. Have you had any discussions with
6 Wollersheim concerning utilization of insurance money he
7 would get for the establishment of FACTNET when the
8 Church sued him?
9 A. When the Church sued him?
10 MR. KROHNKE: Objection; irrelevant.
11 A. BY THE WITNESS: He told me that I might
12 be under the policy as a volunteer, but that's the only
13 thing I can think of to answer that question.
14 Q. BY MR. MOXON: Wollersheim told you that
15 if you were sued, you would be under the FACTNET policy?
16 A. If I was doing something for FACTNET in
17 the capacity as a volunteer.
18 Q. Is that why he got the insurance?
19 A. He got the insurance because it's a
20 business.
21 Q. Did you talk to him about why he got the
22 insurance?
23 A. I suppose I did. I don't know. But he
24 got insurance because it's a business.
25 Q. When did you talk to Wollersheim about his

1 A. Ten to a dozen. I don't know.
2 Q. How many bytes?
3 A. Megabytes or bytes, I have no idea.
4 Q. You say you don't know whether or not any
5 scientology materials are on the FACTNET files?
6 A. I don't recall.
7 Q. Aren't they available for subscribers to
8 get the material off FACTNET?
9 A. Well, I don't recall seeing exact Church
10 policy letters on there. I am not saying that they are
11 not. I just don't recall seeing them there.
12 Q. Is there anyone who actually is employed
13 by FACTNET other than Wollersheim?
14 MR. KROHNKE: Objection; it's argumentative,
15 assumes facts not in evidence. Object to the form.
16 A. BY THE WITNESS: No idea.
17 Q. BY MR. MOXON: You don't know anyone who
18 is employed by FACTNET other than Wollersheim?
19 MR. KROHNKE: Same objection.
20 A. BY THE WITNESS: I assume Bob Penney.
21 Q. BY MR. MOXON: How do you know?
22 A. I don't know. I assume.
23 Q. Why?
24 A. Because he handles the computer systems.
25 Q. Did you ever have any discussion with

1 insurance?
2 A. Regarding -- the only thing I recall is
3 what I just said about him covering me as a volunteer.
4 That was maybe a month or two ago, two months ago.
5 Q. You talked to Wollersheim a couple of
6 months ago about insurance matters?
7 A. About what I already explained, yes.
8 Q. Was he telling you that you were going to
9 be sued?
10 A. No.
11 Q. Was he telling you that you could use some
12 insurance money for putting together your computer to
13 work on FACTNET matters as a volunteer?
14 A. No.
15 Q. Do you know if Wollersheim has utilized
16 any insurance money to establish his FACTNET system?
17 A. No.
18 Q. Have you had any discussion with anyone
19 concerning utilization of insurance money?
20 A. No.
21 Q. Did Wollersheim ever tell you that he
22 wanted to get the OT materials posted for the purpose of
23 having the Church sue him?
24 A. No.
25 Q. Do you know that to be the case?

1 A. No.
 2 Q. You ever talk to Penney or Lerma or anyone
 3 else about Wollersheim's purpose of getting insurance
 4 money?
 5 A. Will you repeat that one?
 6 Q. Have you talked to Wollersheim or Lerma or
 7 Penney or anyone else connected with FACTNET concerning
 8 getting insurance money?
 9 A. No.
 10 Q. Did you ask Wollersheim if insurance would
 11 cover your representation for this depo?
 12 A. No, I didn't ask him that. I think he was
 13 implying that, but I just sought legal help elsewhere.
 14 Q. Did Wollersheim tell you not to tell
 15 anyone how Lerma had gotten the OT materials?
 16 A. No.
 17 Q. Did you have any discussion with him about
 18 that?
 19 A. Yes, I did. He told me to be sure I told
 20 the truth as I remember it.
 21 Q. When did he tell you that?
 22 A. I don't recall. It was after the raids,
 23 but I don't recall when.
 24 Q. So sometime after the raid Wollersheim
 25 came to you to work out the story on FACTNET?

1 materials?
 2 A. No, he -- yes, I believe he did, actually.
 3 Q. What did he say?
 4 A. He asked -- I believe he asked me if I
 5 gave it to him.
 6 Q. What did you tell him?
 7 A. I said I didn't believe I did.
 8 Q. You told him "no"?
 9 A. Yes.
 10 Q. What did he say?
 11 A. I don't know. There was just discussion
 12 of other things after that, I guess.
 13 Q. This was right after the raid?
 14 A. Sometime after the raid. I don't know
 15 when.
 16 Q. Within a week or two?
 17 A. I couldn't even guess. I don't know.
 18 Q. How long ago was it?
 19 A. I don't know.
 20 Q. Sometime in August?
 21 A. I don't know. Couldn't say.
 22 Q. How long ago? Was it more than a month
 23 ago?
 24 A. I can't guess. I don't know.
 25 Q. At any rate, it was sometime shortly after

1 A. No.
 2 Q. This is before you were ever noticed for
 3 your deposition, correct?
 4 A. Yes.
 5 Q. Wollersheim came to you and told you how
 6 to respond to questions about FACTNET?
 7 A. No.
 8 Q. When did you have this discussion with
 9 Wollersheim, right after the raid?
 10 A. Sometime after the raid. I don't recall
 11 when.
 12 Q. Why did you have this discussion with
 13 Wollersheim?
 14 A. We talk once in a while. He called me up,
 15 I believe.
 16 Q. He wanted to find out what you were going
 17 to say about FACTNET?
 18 A. No.
 19 It was just a long conversation about
 20 different things, I don't even remember what, but he
 21 wanted to make sure that I told the truth, and it was
 22 just a part of a long conversation. I don't remember.
 23 Q. Did he suggest to you what the truth was?
 24 A. No.
 25 Q. Did he ask you about how Lerma got the OT

1 the raid, whenever the raid was?
 2 A. It was after the raid.
 3 Q. Was it soon after the raid?
 4 A. I don't recall.
 5 Q. You know when the raid was, right?
 6 A. It was August 20th or something, I think.
 7 Q. Shortly afterwards you had a phone call,
 8 lengthy phone call from Larry about a number of
 9 subjects, right?
 10 MR. KROHNKE: Objection; argumentative,
 11 repetitive, misstates this witness' prior testimony.
 12 A. BY THE WITNESS: Sometime after the raid.
 13 Q. BY MR. MOXON: And it was a while before
 14 now, correct?
 15 A. Yes.
 16 Q. Was it before or after the Preliminary
 17 Injunction in Wollersheim's case?
 18 A. I have no idea. I don't know.
 19 Q. Do you remember seeing any media about a
 20 win that Wollersheim had in his case? He had a
 21 favorable ruling that he received in Denver?
 22 A. Oh, regarding the raid?
 23 Q. Yes, regarding the raid.
 24 A. Sure. That's -- a lot of that has been
 25 posted on the Net.

1 Q. Right.
 2 Was the discussion with Wollersheim before
 3 or after that?
 4 A. I don't know.
 5 Q. Was Wollersheim happy about the case at
 6 the time or concerned about it, which was it?
 7 A. I don't remember even -- I don't know.
 8 Q. Did Wollersheim tell you he was going to
 9 be deposed?
 10 A. I don't recall that in the conversation.
 11 Q. Did he tell you he already had been
 12 deposed?
 13 A. I don't recall that in the conversation.
 14 I don't know.
 15 Q. He wanted to find out what you were going
 16 to answer to that question, though, right?
 17 A. What question?
 18 Q. How Lerma had gotten the OT materials?
 19 A. Something about that, and then he just
 20 told me to tell the truth, yeah.
 21 Q. And you told him what your position was?
 22 A. Yes. I believe I told him that I did not
 23 give it to him, yes.
 24 Q. He didn't tell you to tell the truth after
 25 that, did he?

1 MR. KROHNKE: Same objection.
 2 A. BY THE WITNESS: Your questions are not
 3 helping me remember.
 4 Q. BY MR. MOXON: Well, it's a little hard
 5 for me to imagine somebody saying, "Well, I had a
 6 conversation sometime in the last two months and I
 7 absolutely have no recollection of when it was."
 8 A. I do recollect it was after the raids.
 9 Q. Yes. Sometime in the last -- okay,
 10 sometime after the raid, but was it closer to the time
 11 of the raid or to now?
 12 MR. KROHNKE: Objection; repetitive.
 13 A. BY THE WITNESS: Probably closer to the
 14 time of the raid.
 15 Q. BY MR. MOXON: Was it before the Scott
 16 trial started?
 17 A. I don't know.
 18 Q. Do you know when the Scott trial started?
 19 A. That was in September sometime. I don't
 20 know.
 21 Q. Did you talk to Wollersheim about the
 22 Scott trial?
 23 A. I could have.
 24 MR. KROHNKE: Objection; not relevant.
 25 A. BY MR. WITNESS: I could have, but I don't

1 A. I don't know if it was before or after. I
 2 don't know.
 3 Q. Well, what other subjects did you discuss?
 4 A. I don't recall. I don't recall.
 5 Q. Generally what other subjects?
 6 A. I don't remember. I don't know.
 7 Q. Do you know if this was more than six
 8 weeks ago?
 9 A. All I can really say for sure it was after
 10 the raids.
 11 Q. Well, I mean, this morning was after the
 12 raid.
 13 A. Uh-huh.
 14 Q. It wasn't --
 15 A. I can't be more precise than that. I'm
 16 sorry.
 17 Q. You can't be more -- absolutely nowhere in
 18 time can you be more precise as to when this
 19 conversation was, sometime between now and August?
 20 MR. KROHNKE: Objection; repetitive.
 21 A. BY THE WITNESS: I don't recall the time,
 22 no.
 23 Q. BY MR. MOXON: Was it the day after the
 24 raid?
 25 A. Well --

1 think I did.
 2 Q. BY MR. MOXON: Are you aware of the Scott
 3 trial having started at the time that you talked to
 4 Wollersheim?
 5 A. No, I don't know.
 6 Q. And Wollersheim told you that you might be
 7 deposed --
 8 A. I suppose he assumed it, or suspected that
 9 I might.
 10 Q. -- sometime in the future?
 11 A. Uh-huh.
 12 Q. Did he call you?
 13 A. I believe he called me, yes.
 14 Q. Was that why he called you, because he
 15 wanted to find out what you were going to say in
 16 response to questions about Lerma's dissemination of OT
 17 materials?
 18 A. No.
 19 MR. KROHNKE: Objection; calls for
 20 speculation. Object to the form.
 21 A. BY THE WITNESS: That wasn't the main
 22 point of the conversation.
 23 Q. BY MR. MOXON: Did he tell you why he
 24 called you?
 25 A. I am sure he did, but I don't remember. I

1 don't know.

2 Q. How do you know that wasn't the main point
3 of the conversation?

4 A. Because I remember it as just a piece of a
5 long conversation.

6 Q. Wollersheim tends to manipulate people,
7 doesn't he?

8 MR. KROHNKE: Objection; argumentative.

9 A. BY THE WITNESS: Not that I know of.

10 Q. BY MR. MOXON: I mean, doesn't he tend to
11 use people to his advantage?

12 MR. KROHNKE: Objection; argumentative.

13 A. BY THE WITNESS: Not that I am aware of.

14 Q. BY MR. MOXON: Why would Wollersheim try
15 to set you up as the person who gave the materials to
16 Lerma?

17 MR. KROHNKE: Objection; form, argumentative.

18 A. BY THE WITNESS: That's somewhat of a
19 ridiculous question, I think. Can you rephrase it?

20 Q. BY MR. MOXON: That's what he testified
21 to. He said you were the one that gave Lerma the
22 materials.

23 MR. KROHNKE: Objection to the form. Assumes
24 facts not in evidence.

25 A. BY THE WITNESS: I have no idea why he

1 to FACTNET or to the free zone to testify in a way that
2 would help them?

3 A. No.

4 Q. You consider yourself to be kind of a
5 member of the free zone, don't you?

6 A. Not at all. No.

7 Q. You were never a member of the Church of
8 Scientology, were you?

9 A. Correct.

10 MR. KROHNKE: Objection.

11 A. BY THE WITNESS: I was never a member.

12 Q. BY MR. MOXON: Was anyone in your family
13 ever a member?

14 MR. KROHNKE: Objection; not relevant.

15 A. BY THE WITNESS: No.

16 Q. BY MR. MOXON: Your sister was sent into a
17 Church to do a course at one point, wasn't she?

18 MR. KROHNKE: Objection; not relevant.

19 A. BY THE WITNESS: Sent in?

20 Q. BY MR. MOXON: Yes.

21 A. By who?

22 I believe my sister took a course, but
23 that was way a long time ago.

24 Q. Why did she do that?

25 MR. KROHNKE: Objection; not relevant.

1 would say that. I don't know.

2 Q. BY MR. MOXON: Does that make him a liar?

3 A. I don't know what he is basing that on.

4 Q. You never told him that you gave the
5 materials to Lerma, did you?

6 A. I never told him -- repeat that.

7 Q. You never told Wollersheim that you gave
8 Lerma OT materials, did you?

9 A. No. No.

10 Q. Do you know if Wollersheim is a drug
11 addict?

12 A. No.

13 Q. Do you know if he is a mental case?

14 MR. KROHNKE: Objection; argumentative and
15 improper in form.

16 A. BY THE WITNESS: No.

17 Q. BY MR. MOXON: Do you believe he is?

18 A. No.

19 MR. KROHNKE: Same objection.

20 A. BY THE WITNESS: No.

21 Q. BY MR. MOXON: Wollersheim talk to you
22 about any other issues that you should be careful about
23 if you were deposed?

24 A. No. Not that I recall.

25 Q. Did he tell you you had any responsibility

1 A. BY THE WITNESS: That's before I ever even
2 heard of scientology. I don't know why she did it.

3 Q. BY MR. MOXON: Where was it that you did
4 the introductory course you talked about?

5 A. Here.

6 Q. Phoenix?

7 A. Yes.

8 Q. When you took the introductory course, you
9 were doing it for the purpose of investigating
10 scientology?

11 A. I was working on my religious studies
12 degree at the time and had an interest in all kinds of
13 religions. I went there to see what scientology was
14 like.

15 Q. Were you pretending that you were
16 interested in actually participating in scientology?

17 A. No, I wasn't pretending. I was
18 interested, and I did, I went and took a course.

19 Q. Not for the purpose of any religious
20 benefit for yourself, it was more of an investigation,
21 right?

22 MR. KROHNKE: Objection; argumentative.
23 Improper in form, not relevant.

24 A. BY THE WITNESS: It was more in my line of
25 religious studies.

1 Q. BY MR. MOXON: What year was that?
 2 A. Probably '83, I think.
 3 Q. You recognized at the time that
 4 scientology was a religion as you were doing part of
 5 your religious studies, correct?
 6 A. Yes.
 7 Q. Have you infiltrated any scientology
 8 events?
 9 MR. KROHNKE: Objection; not relevant.
 10 A. BY THE WITNESS: No.
 11 Q. BY MR. MOXON: Have you gone to any
 12 scientology events pretending to be a scientologist?
 13 A. No.
 14 Q. Have you gone to any scientology events?
 15 A. Yes.
 16 Q. Which ones?
 17 A. I went to Hubbard's birthday.
 18 Q. What year?
 19 A. What year? Probably -- I don't know, '90,
 20 '89. I went to hear the OT 8 speak from the Free Winds.
 21 That was by accident, though. But that was another
 22 thing I went to.
 23 Q. Where was that?
 24 A. L.A.
 25 I took something like a relationships.

1 were doing it as part of a religious practice, right?
 2 A. I don't remember signing a form, no.
 3 Q. But the people that were there understood
 4 that you were a scientologist, right?
 5 A. I don't believe so.
 6 It was public, it was open to the public.
 7 Q. It was a seminar open to the public at the
 8 Church?
 9 A. Yes, uh-huh.
 10 Q. You didn't tell them you were actually the
 11 local contact person for the Cult Awareness Network, did
 12 you?
 13 A. I don't make it a habit of telling
 14 everyone I meet that, no.
 15 Q. You wanted to keep that a secret?
 16 A. Not necessarily.
 17 Q. When you went to the OT 8 speech of the
 18 Free Winds, you didn't tell anyone that you were
 19 actually an agent of the Cult Awareness Network, did
 20 you?
 21 MR. KROHNKE: Objection; argumentative, not
 22 relevant to the matters in this lawsuit.
 23 A. BY THE WITNESS: I went and I was invited
 24 there, actually, so I went up.
 25 Afterwards they asked who all everybody

1 course here.
 2 Q. When was that?
 3 A. Probably '92 or thereabouts.
 4 Q. You took a course in the local Church of
 5 Scientology on relationships?
 6 A. Yes.
 7 I have been, I think, to a dianetics
 8 birthday party once, too.
 9 Q. What year was that?
 10 A. No idea. Probably '91, '92. In there
 11 somewhere.
 12 Q. This relationships course was a
 13 correspondence course?
 14 A. No. It was here.
 15 Q. Actually in the Church?
 16 A. Yes.
 17 Q. Why did you do that?
 18 A. I wanted to see how they taught about
 19 relationships.
 20 Q. You were pretending to be a scientologist?
 21 A. No, it was open to the public.
 22 Q. You had to pay for it, right?
 23 A. I don't remember. I believe there was a
 24 small fee.
 25 Q. And you signed a form indicating that you

1 was around, and I answered correctly who I was, and that
 2 was that.
 3 Q. BY MR. MOXON: You said you are a plant
 4 for the Cult Awareness Network?
 5 A. No, I was not a plant for the Cult
 6 Awareness Network.
 7 Q. Didn't you work for the Cult Awareness
 8 Network at that time?
 9 MR. KROHNKE: Objection; argumentative.
 10 Assumes facts not in evidence.
 11 A. BY THE WITNESS: I am a volunteer for CAN.
 12 Not everything I do in my life has to do with being a
 13 volunteer for CAN. I was not there in the capacity of a
 14 CAN member.
 15 Q. BY MR. MOXON: When you went to the
 16 dianetics party in 1991 or 1992 --
 17 A. Uh-huh.
 18 Q. -- did you tell them that you were an
 19 agent for CAN?
 20 MR. KROHNKE: Objection; argumentative,
 21 improper in form.
 22 A. BY THE WITNESS: I did not go there as an
 23 agent of CAN.
 24 Q. BY MR. MOXON: Didn't you know that was
 25 just for scientologists?

1 A. No.
 2 Q. How did you sneak into that event?
 3 MR. KROHNKE: Objection; argumentative,
 4 assumes facts not in evidence.
 5 A. BY THE WITNESS: I did not sneak in. I
 6 walked in and sat down. I signed my name.
 7 Q. BY MR. MOXON: Nobody knew who you were?
 8 A. Well, I don't think so.
 9 Q. You assumed they believed you were a
 10 scientologist?
 11 A. No, I believe it was open to the public.
 12 Q. Did you see anyone there who was not a
 13 scientologist?
 14 A. I have no idea.
 15 Q. So as far as you know, everyone was a
 16 scientologist there except you?
 17 A. Are we going to be discussing my entire
 18 life here or is this supposed to be about the particular
 19 case?
 20 Q. Can you answer my question?
 21 A. I believe you are far afield.
 22 MR. KROHNKE: The question is not relevant to
 23 the matters now pending in the case in the Eastern
 24 District of Virginia against Mr. Lerma and others.
 25 Q. BY MR. MOXON: Do you refuse to answer the

1 A. No.
 2 Q. Did you report back to CAN what you had
 3 done?
 4 A. No.
 5 Q. You go to CAN's office frequently, don't
 6 you?
 7 MR. KROHNKE: Objection; not relevant. Not
 8 likely to lead to the discovery of admissible evidence
 9 in this litigation.
 10 Q. BY MR. MOXON: CAN's office in Chicago?
 11 A. I have been there, I believe, three times.
 12 Q. Do you give them debriefs of your
 13 infiltrations of scientology organizations?
 14 MR. KROHNKE: Objection; argumentative,
 15 assumes facts not in evidence, mischaracterizes this
 16 witness' testimony.
 17 A. BY THE WITNESS: No.
 18 Q. BY MR. MOXON: You told Kisser about it,
 19 right?
 20 A. No.
 21 Q. Have you talked to Kisser about replacing
 22 her as the next Director of CAN?
 23 A. No.
 24 And once again, I believe we are off the
 25 topic here.

1 question?
 2 A. No, I believe we are wasting time. What
 3 was the question?
 4 Q. Everybody else in the room except you was
 5 a scientologist, right?
 6 A. No.
 7 Q. Do you know anybody else in that room at
 8 that dianetics party in 1991 or '92 who was not a
 9 scientologist?
 10 A. I have no idea who was a scientologist and
 11 who was not.
 12 Q. Why did you sneak into that event? Why
 13 did you go?
 14 A. I did not.
 15 MR. KROHNKE: Objection; argumentative,
 16 improper in form.
 17 I would also make the additional objection
 18 that these questions are abusive of the witness who is
 19 appearing here without counsel.
 20 A. BY THE WITNESS: I did not.
 21 Q. BY MR. MOXON: You did that for the
 22 purpose of infiltrating local scientology events, right?
 23 A. No.
 24 Q. Did CAN tell you to infiltrate local
 25 events?

1 Q. The answer is "no"?
 2 A. The answer is no.
 3 Q. Have you talked to any other CAN Directors
 4 about replacing Kisser as the next Director of CAN?
 5 A. No.
 6 MR. MOXON: Let's take a lunch break.
 7 (Noon recess.)
 8 Q. BY MR. MOXON: Mr. Jacobsen, where are the
 9 CDs that you got from FACTNET?
 10 A. They are in storage.
 11 Q. They are in your possession?
 12 A. They are in storage. Not my possession.
 13 If they were in my possession, I would have brought
 14 them.
 15 Q. They are under your control?
 16 A. Yes.
 17 Q. Those should have been produced pursuant
 18 to the document request.
 19 A. I couldn't get them in time. I was trying
 20 to bring them, but I couldn't get them in time.
 21 Q. How can you get them?
 22 A. I have to ask the person who is holding
 23 them and set up a time to meet.
 24 Q. Could you contact the person?
 25 A. I can, yeah.

1 Q. Okay. Today?
 2 A. I don't think I could do it today.
 3 Q. Well, I can stay and get them. They
 4 should have been produced.
 5 A. I didn't have time.
 6 Q. Do you want to take a minute now to call
 7 them?
 8 MR. KROHNKE: The record should reflect in the
 9 documents which were produced this morning that there
 10 was a letter sent by the witness to one of the other
 11 plaintiff's attorneys --
 12 MR. MOXON: We are in the middle of a
 13 question.
 14 MR. KROHNKE: -- objecting to the subpoena.
 15 MR. MOXON: We are in the middle of a
 16 question.
 17 Q. BY MR. MOXON: Could you please take a
 18 moment now and go call them, and I can arrange to have
 19 them picked up today?
 20 A. I don't believe the person that has them
 21 is home right now.
 22 Q. Why don't you go try. I will wait for a
 23 moment. We will take a break for a moment.
 24 (Recess.)
 25 Q. BY MR. MOXON: What time can we pick up

1 Fishman Declaration, Wollersheim states, quote, "Then as
 2 he started to tell me about it, I said, 'Where did you
 3 get it?' End of quote. He told me where he got it, but
 4 he also said, 'I don't want to reveal this person's name
 5 because of retaliation.' Then he told me the person's
 6 name. I will tell you. He said he got it from Jeff
 7 Jacobsen.
 8 "When he said that, I said, 'That's kind
 9 of surprising, we have a hard copy.' I said to him, 'We
 10 have a hard copy, but it's in my control, we never let
 11 it out. Jeff was up in our archives, but I don't
 12 believe he took this document.'
 13 "Then I also said, 'Jeff has access to
 14 some of our image files, but this isn't in our image
 15 files.'
 16 Q. BY MR. MOXON: Was Mr. Wollersheim lying
 17 when he said that Lerma got these OT materials from you?
 18 A. I did not give the OT materials to --
 19 Q. Was Wollersheim lying in his testimony?
 20 A. I did not give it to him.
 21 Q. Wollersheim goes on to say, quote,
 22 "Somehow -- Arnie was very emotional for him right then,
 23 and he misconstrued what he was saying. We had a long
 24 discussion about Jeff Jacobsen, and was he going to
 25 reveal Jeff Jacobsen, and Jeff has allowed me to mention

1 the CDs?
 2 A. I don't know. The person was not home.
 3 Q. Do you know when he will be home?
 4 A. No.
 5 Q. Do you know what time he works?
 6 A. Not -- no, he has different hours.
 7 Q. How far away is it?
 8 A. I don't know.
 9 Q. Less than 20 miles?
 10 A. Within -- it's in the Valley.
 11 Q. Okay. Well, I guess I will stay and work
 12 it out so we can get the CD because it's got to be
 13 produced.
 14 I want to read to you part of the
 15 testimony of Larry Wollersheim. This is his sworn
 16 testimony.
 17 MR. KROHNKE: What are you reading from,
 18 counsel?
 19 MR. MOXON: I am reading from Page 362 of his
 20 testimony.
 21 MR. KROHNKE: Deposition or the hearing
 22 transcript?
 23 MR. MOXON: Hearing transcript before Judge
 24 Cain.
 25 A discussion concerning the posting of the

1 his name in court. I have talked to him."
 2 A. That's Wollersheim speaking?
 3 Q. That's Wollersheim speaking.
 4 So you talked to Wollersheim about
 5 mentioning your name in court, right?
 6 A. I have told you when I talked to him about
 7 the case, I believe. Yeah, we discussed his case, yeah.
 8 Q. Did you talk to Wollersheim about him
 9 mentioning your name in court?
 10 A. He asked me, which I have said already,
 11 whether I gave Arnie the material, the OT material, and
 12 I said "no" in response.
 13 Q. So is Wollersheim lying in this testimony?
 14 A. I don't know why he thinks I did. I don't
 15 know.
 16 Q. Did you talk to Wollersheim about
 17 revealing your name in court as the person who gave the
 18 materials to Lerma?
 19 MR. KROHNKE: Objection; that mischaracterizes
 20 the witness' testimony in the other proceeding, and it's
 21 improper in form. It's argumentative.
 22 THE WITNESS: Could you repeat the question?
 23 Q. BY MR. MOXON: Did you talk to Wollersheim
 24 about mentioning your name in court that you had given
 25 the documents to Lerma?

1 MR. KROHNKE: Objection; same.
 2 A. BY THE WITNESS: I believe I said that
 3 they can say whatever they want about it. It just, it
 4 doesn't matter.
 5 Q. BY MR. MOXON: But then Wollersheim is
 6 lying here when he says that you did give the documents
 7 to Lerma; isn't that right?
 8 A. I don't know why he said that. I don't
 9 know.
 10 Q. Do you know why Wollersheim would lie
 11 about you?
 12 MR. KROHNKE: Objection; repetitive.
 13 A. BY THE WITNESS: No.
 14 Q. BY MR. MOXON: Later on in his testimony,
 15 Page 374, Wollersheim states, quote, "And that document
 16 was not in the approved documents for scanning, and I
 17 know that for a fact because I work with that stack
 18 about twice a month. And where Arnie Lerma got the
 19 Fishman documents probably is from Jeff Jacobsen, but he
 20 didn't get it from FACTNET," end of quote.
 21 Wollersheim couldn't possibly have gotten
 22 that conclusion from this discussion with you, could he?
 23 A. No.
 24 Q. Why was he lying in this testimony, do you
 25 know?

1 Q. Are you going to be producing that? The
 2 original that you say you received in the mail, that's
 3 what you are calling your original?
 4 A. Yes. Uh-huh.
 5 Q. Are you going to be producing that back to
 6 the church?
 7 A. This is an exact copy. I spent an hour at
 8 the copy machine copying everything, and this is it.
 9 Q. Well, here is the problem, is that you
 10 recognize that this is asserted to be trade secret
 11 material and it's copyrighted material, correct?
 12 A. I understand the Church claims it's trade
 13 secret and it's copyrighted.
 14 Q. And there is litigation ongoing now with
 15 Lerma?
 16 A. Yes.
 17 Q. And with Dennis Ulrich, too, right?
 18 A. Yes.
 19 Q. Are you going to be producing this? I
 20 mean, are you going to want to keep copies of what you
 21 recognize now as a copyright infringement?
 22 A. It's for my own use.
 23 MR. KROHNKE: Objection to the question of
 24 asking this lay witness unrepresented by counsel to make
 25 some legal conclusion about a copyright infringement.

1 MR. KROHNKE: Objection; argumentative.
 2 A. BY THE WITNESS: I don't know why he said
 3 that.
 4 Q. BY MR. MOXON: Do you know any reason why
 5 Wollersheim would want to lie about you?
 6 MR. KROHNKE: Objection; repetitive.
 7 A. BY THE WITNESS: No.
 8 Q. BY MR. MOXON: Did Wollersheim tell you
 9 that if you were sued, that his insurance would cover
 10 it?
 11 A. We discussed the possibility. He told
 12 that it would.
 13 Q. Did he tell you if you were raided, that
 14 the insurance would cover it?
 15 A. No.
 16 Q. Did he tell you you can be expected to be
 17 raided since you have these materials, top?
 18 A. No.
 19 Q. Is what you brought with you today the
 20 only copies of the GT materials that you have?
 21 A. These are copies of my originals.
 22 Q. So you have more copies at home?
 23 A. No, just this and the originals.
 24 Q. So you have an original at home?
 25 A. Yes.

1 He is not qualified to answer that question.
 2 A. BY THE WITNESS: The copies I have are for
 3 my own use.
 4 Q. BY MR. MOXON: You know that you are
 5 downloading copyrighted materials?
 6 A. The material, yes. I guess so.
 7 Q. Are you going to produce this back to the
 8 church now or are you going to get involved in
 9 litigation yourself?
 10 A. These are copies that I have made for my
 11 own use. I do not distribute them, I do not give them
 12 to anyone else.
 13 Q. That doesn't matter.
 14 That doesn't matter. My question is are
 15 you going to give them back or not?
 16 A. I have given you copies of everything I
 17 have.
 18 Q. We need the originals, too.
 19 A. I am not the one on trial.
 20 Q. I know you are not on trial now.
 21 A. Okay.
 22 Q. I'm trying to avoid that.
 23 A. Do you have a question?
 24 MR. KROHNKE: There is no question pending.
 25 Q. BY MR. MOXON: In other words, you are

1 refusing to give all copies of these materials back?

2 A. The copies I have are for my own use. I
3 don't distribute them.

4 Q. And you are refusing to return them?

5 A. I have answered that question.

6 Q. The answer is "yes," you either are or you
7 aren't?

8 A. The copies I have are for my own use and I
9 do not distribute them.

10 Q. I understand that. There is no dispute
11 about that. I understand what you are saying. The
12 question is are you going to return them or not?

13 A. You mean you want me to physically give
14 them to you and then leave?

15 Q. Yes.

16 A. No.

17 Q. In your communications with Arnie Lerma,
18 have you had communications with respect to the
19 relationship between FACTNET and Willis Carto?

20 A. Carto, no.

21 Q. Liberty Lobby?

22 A. No.

23 Q. Are you aware of a relationship between
24 Lerma and Liberty Lobby?

25 A. No.

1 A. No.

2 Q. How about the Ku Klux Klan, do you know
3 what the relationship is between FACTNET and the Ku Klux
4 Klan?

5 MR. KROHNKE: If any. No foundation,
6 objection as to form. Argumentative.

7 A. BY THE WITNESS: No.

8 Q. BY MR. MOXON: Any other hate group?

9 A. No.

10 Q. Do you know if Lerma or Wollersheim or
11 other FACTNET staff, whether they are volunteers, such
12 as yourself or others, have committed any other acts of
13 religious persecution?

14 MR. KROHNKE: Objection to the form of the
15 question. Assumes facts not in evidence. Has no
16 foundation. Argumentative, not relevant.

17 A. BY THE WITNESS: Yes, I object to the
18 question.

19 Q. BY MR. MOXON: Can you answer it?

20 A. I object to the question.

21 Q. Pleading the Fifth Amendment?

22 A. The Fifth Amendment?

23 Q. Yes.

24 A. No, I am objecting.

25 Q. What is the basis of your objection?

1 Q. Do you know what Liberty Lobby is?

2 A. Somewhat.

3 Q. Spotlight Magazine?

4 A. Somewhat, yes.

5 Q. It's an anti-semitic magazine.

6 MR. KROHNKE: Objection of the
7 characterization of the document. Objection to the form
8 of the question. It's argumentative.

9 MR. MOXON: What document?

10 MR. KROHNKE: I rephrased my objection that I
11 object to your question, it's argumentative, your
12 characterization.

13 Q. BY MR. MOXON: Are you aware of any
14 relationship between Wollersheim or Lerma and Willis
15 Carto?

16 A. No.

17 Q. Same question as to Liberty Lobby?

18 A. No.

19 Q. Same question as to Spotlight?

20 A. No connection.

21 Q. Is FACTNET or Lerma involved with the
22 militia movement?

23 A. Not to my knowledge.

24 Q. Have you had any communications with Lerma
25 about the militia movement?

1 A. Repeat the question.

2 Q. Do you know if Lerma, Wollersheim or other
3 FACTNET staff have committed hate crimes?

4 A. That's what -- well, I object to the
5 question, but no.

6 Q. Things like putting swastikas on synagogue
7 walls, anything like that?

8 A. No.

9 Q. Have you had any communications with Lerma
10 or Wollersheim about downplaying FACTNET's support by
11 the Liberty Lobby?

12 A. I have no knowledge of any connection with
13 that organization and FACTNET.

14 Q. That was withheld from you?

15 MR. KROHNKE: Objection; assumes facts not in
16 evidence. It's argumentative. It's improper in form.

17 A. BY THE WITNESS: I have no knowledge of
18 that.

19 Q. BY MR. MOXON: Do you know any other
20 people that have down-loaded this copyrighted material
21 besides yourself?

22 A. From where?

23 Q. From the Internet?

24 A. Probably thousands of people.

25 Q. Do you know of anyone, identify anyone

1 that you know of who has also copied this trade secret

2 and copyrighted information other than yourself?

3 MR. KROHNKE: Objection to the question;
4 improper in form.

5 A. BY THE WITNESS: I can't think of anyone
6 that has told me directly, no, or that I know of. I
7 assume lots of people have.

8 Q. BY MR. MOXON: Well, you don't know of
9 anyone else other than yourself who has violated this
10 copyright?

11 A. No.

12 MR. KROHNKE: Objection to the form of the
13 question. Argumentative.

14 Q. BY MR. MOXON: Do you know anyone else who
15 has trafficked -- been involved in trafficking of this
16 copyrighted material, trade secret material?

17 MR. KROHNKE: Objection to the form.
18 Argumentative.

19 A. BY THE WITNESS: As is selling?

20 Q. BY MR. MOXON: Dealing it?

21 A. No.

22 Q. Have you sold any of this OT material?

23 A. No.

24 Q. Do you know anyone at all who has?

25 A. No.

1 A. I can't think of anyone that I know from
2 MIT or ARS. I suppose there is somebody, but ...

3 Q. Who else allegedly got this material in
4 the mall?

5 A. In the mall?

6 Q. Yes.

7 A. I have no idea.

8 Q. OT materials?

9 A. I have no idea. I don't know.

10 Q. You got the Fishman Declaration in the
11 mall after your meeting with Graham Berry, right?

12 A. I believe so. I think so.

13 Q. Did you give Graham Berry your address?

14 A. I believe I did.

15 Q. It's your understanding you probably got
16 them from Graham Berry, right?

17 A. No.

18 Q. I will ask you the same question with
19 respect to the Fishman Declaration, are you going to be
20 returning that?

21 A. The Fishman Declaration?

22 Q. The hard copy?

23 A. The hard copy.

24 Q. Hard copy and infringements?

25 A. No.

1 Q. How about Capricorn, do you know if he has
2 been involved in trafficking of any OT materials?

3 A. I don't know who Capricorn is.

4 MR. KROHNKE: Objection.

5 Q. BY MR. MOXON: Capricorn is Vaughn Young,
6 isn't it?

7 A. I don't know who Capricorn is.

8 Q. Do you have any idea?

9 A. No.

10 Q. You have had communications with
11 Capricorn, haven't you?

12 A. Not -- no, I don't think so.

13 Q. So, under oath, you know of no one else
14 distributing the OT materials down-loaded from ARS?

15 A. Distributing, no.

16 Q. You claim that you have never distributed
17 the OT materials to anyone?

18 A. I don't believe I have, no.

19 Q. Is it your intention to sell these
20 materials?

21 A. No.

22 Q. How about anyone from MIT, do you know if
23 any of the MIT staff or people, MIT people communicating
24 on the ARS have been trafficking any of the OT
25 materials?

1 Q. Do you recognize it's a trade secret,
2 copyrighted material that's at issue in this lawsuit?

3 A. I understand it's involved with this
4 lawsuit, yes.

5 Q. You don't intend to return it?

6 A. No.

7 Q. Did you know it's a copyright violation to
8 down-load copyrighted material?

9 MR. KROHNKE: Objection; improper in form to a
10 lay witness to ask him to make a conclusion of law.

11 A. BY THE WITNESS: No.

12 Q. BY MR. MOXON: Well --

13 A. Not for my own personal use.

14 Q. I have seen some documents that you have
15 put out saying that even though it's copyrighted by you,
16 you allow other people to make copies of it.

17 Haven't you done that?

18 A. Yes.

19 Q. Why do you do that?

20 A. So they know that it's free, they can use
21 it as they wish.

22 Q. But they can't do that absent your
23 consent; is that correct?

24 A. They can and have.

25 Q. It's a violation of your copyright

1 privilege for anyone to make copies of the materials and
2 utilize them without your consent, isn't that your
3 understanding?

4 A. I am not an expert on copyright laws.

5 Q. Isn't that what you have communicated in
6 the materials that you have disseminated?

7 A. No. I have let people know that they can
8 freely use it.

9 Q. Despite your copyright?

10 A. Okay. Despite my copyright.

11 Q. You obviously think you have got some
12 right to the materials that you create; isn't that
13 right?

14 A. Some control, yes.

15 Q. For example, there is an article you wrote
16 called "The Hubbard is Bare," and you have got a notice
17 on the front that says, "Notice: This article may be
18 freely distributed, provided it is not sold for monetary
19 gain and is reproduced unedited in its entirety."

20 A. Uh-huh.

21 Q. So you obviously feel you have got some
22 right in this document in this article you wrote,
23 correct?

24 A. Yes. I don't want people selling it.

25 Q. Well, how is it that you can down-load

1 don't know why he said that.

2 Q. Has Wollersheim ever lied about you in the
3 past that you know of?

4 A. No.

5 Q. Do you know if he has lied about anybody
6 else to get out of a jam?

7 A. No.

8 Q. Do you know if the other people at the
9 meeting with Graham Berry, the Youngs, or the Whitfields
10 also got anonymous copies of the Fishman Declaration
11 thereafter?

12 MR. KROHNKE: Objection to the question. It's
13 argumentative, assumes facts not in evidence, and
14 mischaracterizes this witness' prior testimony.

15 A. BY THE WITNESS: I think I have answered
16 about five times also that I don't know who else got
17 that material.

18 Q. BY MR. MOXON: Do you know if the Youngs
19 got anonymous copies of the Fishman Declaration after
20 their meeting with you and Wollersheim and Berry?

21 A. I don't know.

22 Q. Do you know if the Whitfields did?

23 A. I have answered it seven times now, I
24 don't know who else got that material.

25 Q. Did you talk to the Whitfields after that

1 materials which are actually copyrighted?

2 A. Well, I am not the person on trial here,
3 so I am not going -- I am going to object to these
4 questions. They are not related to the Lerma case.

5 Q. They are related to the Lerma case, the
6 very documents at issue in the Lerma case, and Larry
7 Wollersheim swore that you gave them to Lerma.

8 MR. KROHNKE: Objection to the question. It's
9 argumentative.

10 Q. BY MR. MOXON: That's why your deposition
11 is being taken. That's why you are pulled into this
12 case. We didn't bring you into this case. Larry
13 Wollersheim said you are the guy, he pointed the finger
14 at you and said, "I am not responsible, Jeff Jacobsen is
15 responsible for this whole thing."

16 MR. KROHNKE: Objection; argumentative.

17 Mischaracterizes the prior testimony.

18 Q. BY MR. MOXON: You are telling me he lied,
19 right?

20 MR. KROHNKE: Objection; repetitive.

21 A. BY THE WITNESS: No, I don't know why he
22 said that.

23 Q. BY MR. MOXON: He has got no basis in fact
24 to have said that, correct?

25 A. I have answered it five times now. I

1 meeting to see what they had or hadn't got?

2 A. I have not talked, no.

3 Q. Did the Whitfields give Berry their
4 address also?

5 A. I don't know any relation between the
6 Whitfields and Berry, so I don't know that answer.

7 Q. Did the Whitfields give Wollersheim their
8 address so they could receive this information in the
9 mail?

10 A. I don't know their relationship either.

11 Q. Well, you know the Youngs are staff at
12 FACTNET just like you are, right?

13 A. I believe that Vaughn must be, if his
14 phone number is on Larry's answering machine, a
15 volunteer like me.

16 Q. When Larry told you that your defense
17 expenses would be paid for if you were sued for having
18 these materials or -- well, let me clarify that.

19 Was he telling you your expenses would be
20 paid for because you worked for FACTNET or because you
21 also misappropriated a copy of the OIT materials?

22 A. The conversation with Larry was that he
23 felt that if I was deposed in the case, that their
24 insurance would pay for an attorney for me.

25 Q. Just for deposition?

1 A. I believe that was the conversation that I
2 had.
3 Q. And that turned out not to be true?
4 A. Apparently not.
5 Q. The attorney you talked to yesterday
6 didn't want to work for you without payment; is that
7 right?
8 A. Yesterday, the attorney yesterday was
9 willing to work pro bono, but they couldn't make it
10 today.
11 Q. You had another attorney a few months ago,
12 didn't you?
13 A. No.
14 A few months ago?
15 Q. In the context of another deposition, you
16 moved to quash a deposition subpoena in another case,
17 right?
18 A. Yes, that was the attorneys, I didn't
19 handle that. The attorneys that were involved with the
20 case handled that one.
21 Q. Did you talk to Wollersheim about getting
22 insurance to pay for your counsel at that time?
23 A. I missed a word there.
24 Q. Did you talk to Wollersheim about getting
25 insurance to pay for your attorneys at that time?

1 refutes it.
2 Q. Do you know how many sites there are in
3 the Internet in China?
4 A. I believe it was at least one.
5 Q. Not many more, are there?
6 A. I have no idea.
7 Q. At any rate, you don't know of a single
8 other person other than yourself who has ever
9 down-loaded the OT materials from the Internet?
10 A. No, I don't know anyone that told me that,
11 no.
12 Q. In fact, there is a notation in the
13 Internet indicating that the materials were copyrighted,
14 right? Haven't you seen that?
15 A. Where on the Internet?
16 Q. Haven't you seen in the ARS that the
17 materials are copyrighted and there is no right to
18 down-load?
19 A. I have seen Helena Kobim's post regarding
20 the Internet. I assume that could be in there.
21 Q. Why did you down-load them anyway?
22 A. As I have explained before, my degree is
23 in religious studies, my main interest of religion is
24 cults, and my main religious group that I have an
25 interest in is scientology.

1 A. To pay for my what?
2 Q. Attorneys?
3 A. Attorneys. My getting insurance?
4 Q. Yes.
5 A. No, I don't believe so.
6 Q. Is there anything during this deposition
7 you have told me that's not accurate?
8 A. No, I think everything is accurate.
9 Q. Anything you want to change?
10 A. No.
11 Q. Do you know how many people have ever
12 down-loaded the OT material you allege was available in
13 the Internet?
14 A. My guess would be thousands.
15 Q. Well, what do you base that on?
16 A. There was an account in China where the
17 material was available and they had to close that
18 account because there were so many people accessing it
19 that the lines couldn't handle the volume.
20 Q. Did you know that allegation was a
21 complete fraud? Where did you hear that from?
22 A. It was posted to our ARS.
23 Q. Do you believe everything that's posted in
24 the ARS?
25 A. No. Usually if it's wrong, someone

1 Q. Does that give you the right to violate
2 the copyright law?
3 A. I am not going to answer that.
4 Q. Is that your only explanation for why you
5 violated the copyright?
6 MR. KROHNKE: Objection; assumes facts not in
7 evidence. Conclusion; argumentative; it's improper in
8 form.
9 A. BY THE WITNESS: I am not going to answer
10 that.
11 Q. BY MR. MOXON: Did you disbelieve that it
12 was copyrighted, despite the notification from counsel
13 for the church?
14 A. I think you are putting me on trial, so I
15 am not going to answer that.
16 Q. Do you plead the Fifth?
17 A. I am not answering that question.
18 Q. What basis?
19 A. Because I object that you are going away
20 from the point of this deposition.
21 Q. Well, as far as I am concerned, you are an
22 agent of FACTNET, which Lerma is the Director.
23 MR. KROHNKE: No question pending. Move to
24 strike the comments of counsel.
25 Q. BY MR. MOXON: Do you refuse to answer?

1 A. What question?
 2 Q. Do you believe that your religious studies
 3 permitted you to violate the copyright pursuant to the
 4 notice of Helens Kobirn?
 5 MR. KROHNKE: Objection; argumentative,
 6 objection to form.
 7 A. BY THE WITNESS: Again, I am here on the
 8 Arnie Lerma case, not on my case, so I am not going to
 9 answer that.
 10 Q. BY MR. MOXON: Do you know if Andre
 11 Tabayoyon down-loaded any OT materials?
 12 MR. KROHNKE: Objection; irrelevant.
 13 A. BY THE WITNESS: No.
 14 Q. BY MR. MOXON: Do you know if Andre
 15 Tabayoyon is a volunteer for FACTNET?
 16 A. No.
 17 Q. Have you ever talked to him about it?
 18 A. About FACTNET?
 19 Q. About whether or not he has worked for
 20 FACTNET?
 21 A. No.
 22 Q. If Lerma said that he got the materials
 23 from you, got the OT materials from you, would that be a
 24 truthful statement?
 25 MR. KROHNKE: Objection to the question; it's

1 Q. Did you have any discussion with them
 2 about whether or not you can lawfully down-load any OT
 3 materials out of ARS?
 4 A. No, I don't believe so.
 5 Q. Didn't Wollersheim tell you it was a
 6 continuing violation of copyright law to keep copies of
 7 these materials?
 8 A. I don't believe so.
 9 Q. Did you have any conversation with Graham
 10 Berry after you received the Fishman Declaration
 11 concerning whether or not you could lawfully keep that
 12 document?
 13 A. No.
 14 Q. Was there any discussion during your
 15 meeting with Berry and Wollersheim and the others about
 16 how to distribute the OT materials in a fashion they
 17 could legally justify?
 18 A. No.
 19 Q. Was there any discussion about sending it
 20 out to innocent third parties to try to somehow negate
 21 copyright privilege?
 22 A. No.
 23 Q. Have you had any subsequent communications
 24 with Lerma or Wollersheim about attempting to negate
 25 trade secret rights of the Church by disseminating the

1 hypothetical, no foundation in fact.
 2 A. BY THE WITNESS: Could you rephrase it?
 3 Q. BY MR. MOXON: If Arnie Lerma swore under
 4 oath that he got the OT materials from you, would that
 5 be a truthful statement?
 6 MR. KROHNKE: Same objection. It's
 7 argumentative.
 8 A. BY THE WITNESS: Yes, that's hypothetical,
 9 but I did not give him that material.
 10 Q. BY MR. MOXON: Why would he lie about you?
 11 MR. KROHNKE: Objection; argumentative. No
 12 foundation.
 13 A. BY THE WITNESS: I don't know.
 14 Q. BY MR. MOXON: Do you know if Lerma and
 15 Wollersheim got together to get out of this mess by
 16 fingering you?
 17 A. I don't know.
 18 Q. Have you asked them?
 19 A. No.
 20 Q. Did Wollersheim or Lerma tell you that you
 21 didn't have to give back the Fishman Declaration?
 22 A. No.
 23 Q. Did you have any discussion with either of
 24 them about that?
 25 A. No.

1 information through anonymous mailings?
 2 A. No.
 3 Q. Did Wollersheim inform you that you could
 4 sell the CDs to make a profit?
 5 A. No.
 6 Q. Did Wollersheim suggest to you that the
 7 value of the CDs would go up in the future?
 8 A. No.
 9 Q. Now I want to check your recollection
 10 again on how much you actually paid for these CDs. I
 11 believe your testimony was about \$200?
 12 A. Uh-huh.
 13 Q. Are you sure it wasn't more like \$700?
 14 A. No, it was closer to 200.
 15 Q. Do you know how much it was?
 16 A. No, I don't remember.
 17 Q. How many CDs did you get?
 18 A. I believe it was five.
 19 Q. Are you sure it wasn't seven?
 20 A. I think it was five, but I am not sure.
 21 Q. Who physically sent you the CDs?
 22 A. I don't know. I suppose Bob Penney, but I
 23 don't know.
 24 Q. Do you know who, if anyone, financially
 25 benefits from FACTNET's dissemination of information

1 other than Wollersheim?
 2 A. No.
 3 Q. Do you know if anyone has sold any of the
 4 OT materials?
 5 A. No.
 6 Q. Do you know if Lerma has sold the OT
 7 materials?
 8 A. No.
 9 Q. Did you ever talk to Lerma about his
 10 relationship with Richard Lieby?
 11 A. No.
 12 Q. You know who Richard Lieby is, right?
 13 A. He is a reporter for the Post, I believe.
 14 Q. That's right.
 15 Do you know if Lieby has promised Lerma
 16 any benefit for helping him out?
 17 A. No.
 18 Q. Do you know if Lieby has promised anything
 19 to Larry Wollersheim to assist him in getting these
 20 materials made public?
 21 A. No.
 22 Q. Do you know if Lerma or Wollersheim have
 23 received any money from Lieby?
 24 A. No.
 25 Q. They didn't give you any of it, at any

1 privileges to down-load these materials?
 2 A. No.
 3 Q. When you saw Helena Koblin's notice in the
 4 internet that it was a violation of copyright law and
 5 trade secret law to make copies of these materials, you
 6 disregarded it, correct?
 7 A. That's relating to me, and I am not going
 8 to answer that.
 9 Q. Why?
 10 A. Because I am not the person on trial.
 11 This is a subpoena in regard to Arnie Lerma and RTC, not
 12 me.
 13 Q. Now, the materials that are on the disk
 14 that you provided this morning are being printed out,
 15 it's not finished yet, but you claim you down-loaded
 16 these out of ARS?
 17 A. Yes.
 18 Q. Some of the materials you recognize as
 19 being copyrighted by the Church, correct?
 20 A. It's material that claims to be the OT
 21 materials.
 22 Q. That you recognize as copyright, you
 23 received notice of that?
 24 A. They seem to be the OT materials.
 25 Q. You have been told they are OT materials,

1 rate; is that right?
 2 A. I have no idea, anything about that.
 3 Q. Did you have any other conversations with
 4 any attorneys about whether or not you had been set up
 5 by Larry Wollersheim to take a fall for his copyright
 6 trade secret violations?
 7 A. No.
 8 Q. Did you have any conversations with
 9 anybody about taking the fall for Lerma's violations of
 10 law?
 11 A. No.
 12 MR. KROHNKE: Objection; argumentative.
 13 Q. BY MR. MOXON: Have you been offered any
 14 money to take the fall for Lerma's violations?
 15 A. No.
 16 MR. KROHNKE: Objection; argumentative.
 17 Q. BY MR. MOXON: Have you had any
 18 conversations with anyone in CAN about why you were the
 19 person who was fingered by Lerma and Wollersheim to take
 20 the fall for these copyright violations?
 21 MR. KROHNKE: Objection; argumentative.
 22 A. BY THE WITNESS: No.
 23 Q. BY MR. MOXON: In your conversation with
 24 Wollersheim, was part of it a discussion as to whether
 25 or not it was a violation of the Church's copyright

1 right?
 2 A. Told?
 3 Q. Yes.
 4 A. By who?
 5 I haven't been told by anyone that they
 6 are the real thing.
 7 Q. You have been informed that these are OT
 8 materials, correct?
 9 A. By the discussion on the Net, that's all.
 10 Q. They have a copyrighted notice on them,
 11 don't they?
 12 A. I don't remember.
 13 Q. Well, what is printed out has an actual
 14 copyright notice on it. Did you know that?
 15 A. Could have. I don't know.
 16 Q. You just ignored that?
 17 A. Again, you are getting -- you are asking
 18 questions about me, putting me on trial here. I want to
 19 answer your questions about the Lerma case, and I am
 20 here for that. I am not here to go under
 21 cross-examination by you in something that I have done
 22 personally for my own benefit or loss.
 23 Q. Just to explain to you, we can amend the
 24 Complaint, we can amend the Complaint to add you to it,
 25 and certainly you and Lerma are both working for the

1 same outfit, for FACTNET. So your acts are potentially
2 the acts of FACTNET and the acts of Lerma as
3 co-conspirators, and we are entitled to that
4 information.

5 A. Uh-huh.

6 Q. If you want any further edification on
7 co-conspiracy theories of law, I would be happy to
8 provide it for you, or you can consult your own counsel,
9 you don't have to take it from me. At any rate, I am
10 entitled to this testimony.

11 A. I don't believe you are entitled to ask
12 any question under the sun to me.

13 Q. I am not asking you any question under the
14 sun, Mr. Jacobsen. I'm asking you questions that are
15 directly relevant to this case. You took very specific
16 copyright and trade secret violations that have been
17 committed by Lerma, by FACTNET, and by you. That's what
18 I am asking about.

19 MR. KROHNKE: Object to the question as
20 argumentative.

21 MR. MOXON: It's not a question. It's an
22 explanation to the witness, who asked me for an
23 explanation about these questions.

24 Can you read back the pending question?

25 (Question read as follows:)

1 Q. Did you down-load anything from the
2 Internet, anything that you believe was OT materials and
3 had this copyright notice on it after that conversation
4 with Lerma?

5 A. I don't think so.

6 Q. How is it that you gained the awareness of
7 this material being trade secret and copyrighted, the OT
8 materials?

9 A. The discussions on the news group.

10 Q. Did anyone tell you you could ignore
11 copyright law?

12 A. No.

13 Q. Did Wollersheim tell you, "Don't worry
14 about it, I will get you a lawyer"?

15 A. No.

16 Q. Does Rick Ross have any connection with
17 FACTNET, by the way?

18 A. Not that I know of.

19 Q. You and Ross are friends, aren't you?

20 A. We are acquaintances, close to being
21 friends.

22 Q. Did you make any referrals for any
23 deprogramming to Mr. Ross which ended up in criminal
24 prosecutions?

25 A. No.

1 Q. Well, what is printed out has an
2 actual copyright notice on it. Did you
3 know that?

4 Q. BY MR. MOXON: Let me give you the
5 question again. So when you down-loaded this material
6 from the OT materials from ARS and saw the copyright
7 notice, why did you just ignore it?

8 A. Since I am without benefit of counsel, I
9 have to do the legal thinking myself, and it seems to me
10 you are putting me on trial here, so I don't want to
11 answer questions that seem to me to be putting me on
12 trial.

13 Q. Are you claiming a privilege?

14 A. I am claiming that I don't believe that's
15 related to the Lerma case. I believe that's related to
16 something you think I did illegally. Not related to
17 Arnie Lerma's case.

18 Q. Did you have any conversations or
19 communications with Lerma about down-loading OT
20 materials from the Internet?

21 A. No.

22 Q. You said you did have an E-mail with Lerma
23 concerning Lerma's intention to disseminate this
24 material?

25 A. Yes.

1 Q. How do you know?

2 A. I never heard of it. I think I referred
3 maybe two people to him.

4 Q. Did you make any referrals to Rick Ross?
5 Who did you refer to him?

6 A. No idea. I don't know. It was years ago.
7 I don't know.

8 Q. Did you make any referrals to him which
9 ended up in kidnapping?

10 A. No, I don't believe so. I don't know what
11 happened to those cases. I don't know. I don't know if
12 they hired Rick or anything.

13 Q. Part of CAN's policy is to make referrals
14 to deprogrammers, isn't it, it's part of its function?

15 A. No, not that I know of.

16 Q. Isn't that what contact persons do, they
17 make referrals to deprogrammers? That's a euphemism.

18 A. No.

19 MR. KROHNKE: Objection; not relevant.

20 Q. BY MR. MOXON: No?

21 A. No.

22 Q. Well, that's what a contact person does,
23 right, is respond to a request for information and give
24 referrals to other sources of information including -

25 MR. KROHNKE: Objection; not relevant.

1 A. BY THE WITNESS: That sentence, correct.
 2 Q. BY MR. MOXON: And you were a contact
 3 person for CAN at the time that you made your referrals
 4 to Ross, right?
 5 MR. KROHNKE: Objection; not relevant.
 6 A. BY THE WITNESS: I believe I was.
 7 Q. BY MR. MOXON: Did Ross give you any
 8 commission?
 9 A. No.
 10 Q. Did he give any commission to CAN?
 11 MR. KROHNKE: Not relevant; objection.
 12 A. BY THE WITNESS: No idea.
 13 Q. BY MR. MOXON: Do you know anyone in CAN
 14 who made referrals to Ross for deprogramming or any
 15 other criminal act?
 16 MR. KROHNKE: Objection; not relevant,
 17 argumentative.
 18 A. BY THE WITNESS: No.
 19 Q. BY MR. MOXON: Have you provided any
 20 FACTNET documents to Andre Tabayoyon?
 21 MR. KROHNKE: Objection; not relevant.
 22 A. BY THE WITNESS: I could have. I may
 23 have. I don't know.
 24 Q. BY MR. MOXON: Have you disseminated the
 25 CDs from FACTNET to any third party?

1 Penney or Wollersheim or Lerma tell you that they were
 2 making a conscious effort not to disseminate the OT
 3 materials?
 4 A. Lawrence had a discussion with me one time
 5 that they were going to cooperate with the church to
 6 make sure there was no infringing data on their BBS.
 7 Q. When was this?
 8 A. A few years ago.
 9 Q. So Wollersheim recognized a few years ago
 10 that copies of materials written by LRH, L. Ron Hubbard,
 11 would be an infringement, correct?
 12 A. All I know is what I just told you.
 13 Q. Who did he say he made this alleged
 14 agreement with?
 15 A. He didn't.
 16 Q. Did he say why the agreement was made?
 17 A. No.
 18 Q. He recognized at that time, obviously,
 19 that having copies of copyrighted material on the BBS
 20 would be a legal problem, right?
 21 MR. KROHNKE: Objection; calls for
 22 speculation.
 23 A. BY THE WITNESS: I don't know. He didn't
 24 explain to me why he was making that point.
 25 Q. BY MR. MOXON: It was your understanding,

1 A. The CDs are in possession of a friend, and
 2 no copies have been made from those.
 3 Q. Did you ask Wollersheim or Penney if the
 4 CDs had any copyrighted materials on them?
 5 A. No.
 6 Q. Part of FACTNET's goal is to disseminate
 7 information concerning scientology, right?
 8 A. Yes.
 9 Q. And that includes writings of L. Ron
 10 Hubbard?
 11 A. I don't believe so.
 12 Q. You would expect those CDs, if it has a
 13 full library of all FACTNET's database, to have writings
 14 of L. Ron Hubbard, wouldn't you?
 15 A. Excerpts.
 16 Q. Complete writings such as the OT
 17 materials, right?
 18 A. No, I wouldn't expect that.
 19 Q. Why not?
 20 A. Because it's to provide information, not
 21 to copy documents necessarily.
 22 Q. Did anybody tell you that the CDs didn't
 23 have the OT materials on them?
 24 A. No.
 25 Q. Did anybody tell you that, in fact, either

1 right?
 2 A. It was my understanding he was being
 3 careful.
 4 Q. Because it would be a copyright violation
 5 to have that material on the BBS, right?
 6 A. Because the Church of Scientology has a
 7 tendency to attack if they feel anyone is an enemy.
 8 Q. Did he tell you that?
 9 A. You are asking for my understanding.
 10 Q. Wollersheim tell you that?
 11 A. No.
 12 You are asking for my understanding.
 13 Q. He didn't say anything about that, did he?
 14 A. Can you rephrase the question then?
 15 Q. You know a little bit something about
 16 copyright law, don't you?
 17 A. Some.
 18 Q. You know that copyrights have to be
 19 protected and trade secrets have to be protected,
 20 correct?
 21 A. I would assume.
 22 Q. You can't sit on your rights if somebody
 23 is going to violate copyrights or trade secrets, you
 24 have got to file suit against them to protect it, right?
 25 A. Not necessarily.

1 Q. Is that your general understanding, that
2 companies or entities that own copyrights or trade
3 secrets are required to protect them?
4 MR. KROHNKE: Objection; relevancy.
5 Competency of this witness to answer questions about
6 law.
7 A. BY THE WITNESS: That's not my
8 understanding.
9 Q. BY MR. MOXON: You know that these
10 lawsuits were filed against FACTNET, Wollersheim, and
11 Lerma for dissemination of the OT materials to protect
12 the rights of the materials, correct? Preserve the
13 rights of the materials?
14 A. Basically correct, yes, uh-huh.
15 Q. Well, did Wollersheim or Lerma or Penney
16 or anyone else at FACTNET tell you that you could
17 nevertheless escape liability by down-loading the
18 material yourself -
19 MR. KROHNKE: Objection; repetitive.
20 Q. BY MR. MOXON: -- even though they were
21 being sued for having done it?
22 A. No.
23 Q. But Wollersheim suggested to you that he
24 could get you legal counsel when you did it, right?
25 A. I explained that twice previously, that he

1 assumes facts not in evidence, mischaracterizes his
2 prior testimony.
3 A. BY THE WITNESS: I don't attack religions.
4 So the answer is no.
5 Q. BY MR. MOXON: Well, have you picketed at
6 other religious organizations other than scientology?
7 A. Yes.
8 Q. The Door, picketed them, right?
9 A. Yes.
10 Q. You don't consider that an attack on their
11 religion?
12 A. No.
13 Q. You have attacked them in the media, too,
14 haven't you?
15 A. No, I don't attack religions.
16 Q. You don't put out any positive information
17 about The Door or Potter's House, do you?
18 A. No, I am not a member.
19 Q. But, nevertheless, you put out plenty of
20 negative information about them, don't you?
21 MR. KROHNKE: Objection; not relevant to the
22 matter that is now in litigation against Mr. Lerma and
23 others in the Eastern District of Virginia.
24 A. BY THE WITNESS: I provide information
25 about several groups, The Door being one of them. I

1 felt that his insurance would cover me for a deposition.
2 Q. When you had this meeting with Berry and
3 Wollersheim, did Berry suggest that he would represent
4 you if there was some trouble out of your future receipt
5 of the Fishman Declaration?
6 A. No.
7 Q. Is that your understanding?
8 A. No.
9 Q. Did you have any inkling at that time that
10 Berry was going to send you the Fishman Declaration?
11 MR. KROHNKE: Objection to the form of the
12 question. It's argumentative. Assumes facts not in
13 evidence.
14 A. BY THE WITNESS: I don't know, and I think
15 I told you this three times now, I don't know where that
16 stuff came from, the OT documents.
17 Q. BY MR. MOXON: What was the postmark?
18 A. I don't remember. I don't know. It was
19 back east somewhere, I think.
20 Q. Are you sure it wasn't Los Angeles?
21 A. I don't know. I just remember it was in
22 big handwriting and didn't have a return address.
23 Q. Have you attacked other religions locally
24 other than scientology?
25 MR. KROHNKE: Objection; argumentative,

1 don't - I am not a promoter of that religion. If
2 people ask me about it, I give them information that I
3 have about it.
4 Q. BY MR. MOXON: All negative?
5 A. Not all negative.
6 Q. Virtually all negative, right?
7 A. I wouldn't venture a guess on what
8 percentage is negative.
9 Q. Well, you know it's virtually all
10 negative, don't you? You are familiar with the material
11 we both have?
12 A. My purpose is to present information that
13 they probably wouldn't get from the church.
14 Q. It's the same way you approach
15 scientology, right?
16 A. I try to provide information that they
17 wouldn't hear from the church that may -
18 Q. Also pursuant to FACTNET and CAN's
19 policies on dissemination of information about
20 scientology?
21 MR. KROHNKE: Objection to the form of the
22 question. It's argumentative and it's also a double
23 question. It's improper in form.
24 Q. BY MR. MOXON: Correct?
25 A. What I do is not - is on my own volition.

1 It is not under the control of any other organization or
2 person. I have been studying - well, I was in a cult
3 for six years, and I have been studying them since I
4 left the cult. My relation to groups has nothing to do
5 with what I do regarding cults.
6 Q. You call the Pentecostal Church a cult?
7 A. The church that I was in I call a church.
8 Q. Do you call the Pentecostal Church a cult?
9 A. No, not the Pentecostal movement, no.
10 Q. The United Pentecostal Church, you are
11 calling that a cult also?
12 A. Depends on the local pastor.
13 Q. Do you consider the Ku Klux Klan to be a
14 cult?
15 MR. KROHNKE: Objection; not relevant.
16 A. BY THE WITNESS: I don't know anything
17 about them.
18 Q. BY MR. MOXON: Do you consider FACTNET to
19 be a cult?
20 A. No.
21 Q. Do you consider CAN to be a cult?
22 A. No.
23 Q. So the demonstrations that you were doing
24 in front of other local churches, the Potter's House,
25 The Door, were they on behalf of CAN or FACTNET?

1 A. No.
2 Q. Do you know if donations have been made to
3 FACTNET by Craig Branch?
4 A. No idea.
5 Q. Do you know if the Cult Awareness Network
6 is a subscriber to FACTNET?
7 A. Don't know.
8 Q. Do you know if Branch is a subscriber?
9 A. No.
10 Q. Do you know if Edward Laudick has provided
11 money to FACTNET?
12 A. I read somewhere that he did, but I don't
13 know if that's factual or not.
14 Q. Where did you read that?
15 A. I don't know.
16 I believe it was in the CAN membership
17 news, the anti-CAN news group.
18 Q. So you disbelieve things that are
19 unfavorable to CAN?
20 A. No, I have never seen evidence other than
21 that. I am answering your question. That's where I
22 have seen that.
23 Q. You ever communicated with Ed Laudick?
24 A. I have met him.
25 Q. The CAN conference?

1 A. I am objecting to this line of questions.
2 I don't see any relevance to the reason I am here and
3 taking off time from work.
4 Again, when I picket, when I do anything,
5 it's on my own volition. Nobody tells me to do it, I
6 don't report back to anybody. It's on my own volition.
7 Q. Do you coordinate any of that with Lerma,
8 Wollersheim, or Cynthia Kissner?
9 MR. KROHNKE: Objection; argumentative. Also
10 object to the form as a multiple question.
11 A. BY THE WITNESS: I don't think you just
12 listened to my previous answer. I don't - the things I
13 do regarding cults are on my own volition.
14 Q. BY MR. MOXON: Did you coordinate any of
15 that with Wollersheim?
16 MR. KROHNKE: Objection.
17 A. BY THE WITNESS: Any of what?
18 Q. BY MR. MOXON: Your anti-religious
19 activities?
20 MR. KROHNKE: Objection; argumentative, not
21 based upon the prior testimony. It's objectionable.
22 A. BY THE WITNESS: Can you give me an
23 example of what you are asking?
24 Q. BY MR. MOXON: Such as disseminating only
25 negative information about groups?

1 A. Yes.
2 Q. He is a CAN Director, in fact, isn't he?
3 A. I believe so.
4 Q. And he has also hired Vaughn Young?
5 A. I don't know.
6 Q. Didn't you ever communicate with Vaughn
7 Young?
8 A. No.
9 Q. Do you know if Ed Laudick paid money to
10 FACTNET through Vaughn Young?
11 A. No.
12 Q. Do you know why Ed Laudick supports
13 FACTNET?
14 A. No.
15 Q. Who is more anti-scientology in your view,
16 FACTNET or CAN?
17 MR. KROHNKE: Objection; not relevant.
18 A. BY THE WITNESS: That's an impossible
19 question. I can't answer that.
20 Q. BY MR. MOXON: Both so anti-scientology.
21 Did Berry ever talk to you about working
22 for him?
23 A. No.
24 Q. Did Berry ever talk to you about helping
25 him to establish FACTNET as a dissemination tool?

1 A. No.
 2 Q. Now you said you had this meeting with
 3 Berry getting support for FACTNET, right?
 4 A. Graham Berry was at the meeting that
 5 Lawrence Wollersheim called.
 6 Q. Well, Berry hosted it, correct?
 7 A. I guess. It was in his law office.
 8 Q. Did you pay for your trip out there, by
 9 the way?
 10 A. Yes.
 11 Q. You paid for it yourself?
 12 A. Yes.
 13 Q. Did you get reimbursed by anybody?
 14 A. I don't believe so.
 15 MR. KROHNKE: Objection; not relevant.
 16 Q. BY MR. MOXON: Was part of that meeting
 17 directed to disseminating information concerning
 18 scientology on the Internet?
 19 A. No.
 20 Q. But it was establishing FACTNET so FACTNET
 21 could disseminate information on the Internet, right?
 22 A. No.
 23 Q. Was part of the meeting designed to get OT
 24 materials into FACTNET for public viewing?
 25 A. No.

1 the meeting briefed on how to go out and get or solicit
 2 money for FACTNET?
 3 MR. KROHNKE: Not relevant; objection.
 4 A. BY THE WITNESS: I was just about to
 5 object. I don't understand why you are so interested in
 6 that minutia of that meeting. Say the question again.
 7 Q. BY MR. MOXON: I am interested in the
 8 conspiracy to disseminate, violate and copyright the
 9 trade secrets, that's why. Because people are all
 10 co-conspirators at the meeting, you, Wollersheim, Berry,
 11 Youngs, they are all co-conspirators under civil law,
 12 and criminal law conspirators' acts are acts of each
 13 other. That's why I am interested in it.
 14 MR. KROHNKE: Move to strike counsel's
 15 comments.
 16 MR. MOXON: He asked me the question. He is
 17 entitled to know.
 18 You are not going to help him out. You
 19 know it's the law. They are all conspirators. I am
 20 entitled to prove that. That's why all of these
 21 questions are particularly relevant. Lerma is in that
 22 group, incidentally.
 23 THE WITNESS: Is there a question I am
 24 supposed to answer?
 25 MR. KROHNKE: There is no question pending

1 Q. Do you know where Berry got the OT
 2 materials attached to the Fishman Declaration?
 3 A. I don't even know that he has it. I
 4 assume he does. He worked on the case.
 5 Q. Where did you think the Fishman
 6 Declaration was created?
 7 A. I don't know. It was just, it was in the
 8 dockets of the court. I don't know where it came from.
 9 Q. You never heard that it was written by
 10 Graham Berry?
 11 A. The OT materials?
 12 Q. The Fishman Declaration.
 13 A. I assume Fishman would write the Fishman
 14 Declaration.
 15 Q. Was there a discussion at the meeting with
 16 Graham Berry and Wollersheim about creating the Fishman
 17 Declaration?
 18 A. No.
 19 Q. Was Berry trying to get donations for
 20 FACTNET at the meeting?
 21 A. No.
 22 Q. Were donations solicited at the meeting?
 23 MR. KROHNKE: Objection; not relevant.
 24 A. BY THE WITNESS: I don't believe so.
 25 Q. BY MR. MOXON: Were the participants of

1 that I have heard.
 2 Q. BY MR. MOXON: Was there any solicitation
 3 of funds, any discussion about people going out and
 4 soliciting funds for FACTNET at that meeting with Berry
 5 and the others?
 6 MR. KROHNKE: Objection; not relevant,
 7 repetitive.
 8 A. BY THE WITNESS: There probably was. I
 9 suppose there was, yes.
 10 Q. BY MR. MOXON: Were you given any packs of
 11 information on how to go about doing that?
 12 A. No.
 13 Q. Did you know at the time of the meeting
 14 that Berry had Vaughn Young and Larry Wollersheim on his
 15 payroll?
 16 A. No.
 17 Q. Did you later learn that both Young and
 18 Wollersheim were being paid by Berry as alleged expert
 19 consultants on scientology?
 20 A. I read somewhere that they were paid for
 21 to give declarations or something, but I don't remember
 22 where I read that.
 23 Q. Larry never told you that?
 24 A. No, I don't think so.
 25 Q. Do you know why he withheld that from you?

1 A. No.
 2 MR. KROHNKE: Objection; argumentative.
 3 Q. BY MR. MOXON: How about the Whitfields,
 4 were they being paid also?
 5 A. I have no idea.
 6 Q. Did Berry try to solicit the Whitfields to
 7 write declarations for them?
 8 A. I don't know any relation between them. I
 9 don't know.
 10 Q. Were you the only person, other than
 11 Berry, who was not a scientologist at that meeting?
 12 A. I don't know.
 13 Q. Why were you called to that meeting?
 14 A. I don't know. Just my relation with
 15 Larry, I guess. He called and asked me. I believe
 16 that's the way it was. I think he called and asked me
 17 if I wanted to go.
 18 Q. So Larry summoned you to the meeting?
 19 A. He called and asked if I wanted to go, and
 20 I said, "Yes."
 21 Q. Where did you stay when you were out
 22 there?
 23 A. I think I just went and came back the same
 24 day.
 25 Q. Did you know Andre was also paid by Graham

1 Q. You didn't tell anybody you were actually
 2 the leader of this anti-religious group in Phoenix, did
 3 you, when you took that tour?
 4 MR. KROHNKE: Objection; argumentative, no
 5 foundation, mischaracterizes this witness' prior
 6 testimony.
 7 A. BY THE WITNESS: No.
 8 Q. BY MR. MOXON: You knew that if you told
 9 people at Golden Era Productions that you were the head
 10 of CAN in Phoenix, they would have kept you off their
 11 property, don't you think?
 12 MR. KROHNKE: Objection; argumentative,
 13 mischaracterizes the witness' prior testimony.
 14 A. BY THE WITNESS: I am not head of CAN in
 15 Phoenix, and I don't know.
 16 Q. BY MR. MOXON: Is there anybody in Phoenix
 17 who is more senior to you as a representative of CAN?
 18 A. I don't believe so.
 19 Q. In fact, you knew in all the times you
 20 went to the Church of Scientology that if they knew you
 21 were the CAN contact person in Phoenix, they wouldn't
 22 have allowed you to come to their church, right?
 23 A. Yes.
 24 Most churches, even if you are a critic of
 25 the church, they let you sit in their pews and

1 Berry for anti-scientology work?
 2 MR. KROHNKE: Objection.
 3 A. BY THE WITNESS: I read that somewhere.
 4 Q. BY MR. MOXON: Did you ever talk to Andre
 5 about that?
 6 A. No.
 7 Q. You are testifying that Berry never
 8 solicited you also to write some declarations for him for
 9 money?
 10 A. No.
 11 Q. Tabayoyon ever tell you that the
 12 declarations that he wrote were false?
 13 A. No.
 14 Q. Do you know if Tabayoyon is a staff member
 15 of FACTNET like you?
 16 A. No.
 17 Q. Now, about a year ago you went to Golden
 18 Era Productions, took a tour, correct?
 19 A. It was over a year ago, a year-and-a-half
 20 or something.
 21 Q. Was that part of your attempts to
 22 investigate scientology?
 23 A. Yes.
 24 Q. Who paid you for that?
 25 A. No one.

1 everything, but the Church of Scientology is very
 2 strong, has a very strong reaction against critics.
 3 Q. Hate, strong reaction against hate groups?
 4 A. Against critics.
 5 Q. Such as the -- are you aware the Cult
 6 Awareness Network just had a million dollar judgment
 7 against them for violation of civil rights of a
 8 pentecostal?
 9 A. Yes.
 10 Q. And that your friend, Rick Ross, had a
 11 two-and-a-half million dollar punitive damage award
 12 against him for violation of civil rights of a minority
 13 religious member?
 14 A. Yes.
 15 Q. Do you think that was unjust?
 16 MR. KROHNKE: Objection; not relevant.
 17 A. BY THE WITNESS: In the CAN case I believe
 18 it was unjust, yes.
 19 Q. BY MR. MOXON: Who did you report back to
 20 after you had infiltrated Golden Era Productions?
 21 MR. KROHNKE: Objection; argumentative,
 22 assumes facts not in evidence, mischaracterizes this
 23 witness' testimony.
 24 A. BY THE WITNESS: As I said before, I went
 25 on my own.

1 Q. BY MR. MOXON: Did you write a report
2 about it to anybody?
3 A. I don't believe so. I don't think so.
4 Q. Send E-mail to Wollersheim about it?
5 A. No.
6 Q. Larma?
7 A. No.
8 Q. CAN?
9 A. No.
10 Q. Now, you also made copies of some IRS
11 documents concerning scientology, didn't you?
12 A. Yes.
13 Q. You went to Washington, D.C. to get those
14 documents?
15 A. Yes.
16 Q. Who paid for the trip?
17 A. Me.
18 Q. Did those documents get loaded into
19 FACTNET files?
20 A. I don't think so.
21 Q. Did you give them to Wollersheim?
22 A. No.
23 Q. Did you give them to Larma?
24 A. No, I don't think so.
25 Q. What did you do with them?

1 Q. Did you go by yourself?
2 A. Yes.
3 Q. Sir, as I recall, you mentioned something
4 earlier about this being a hobby of yours, attacking
5 scientology. Is that a hobby?
6 A. Yes.
7 MR. KROHNKE: Objection; argumentative.
8 A. BY THE WITNESS: I disagree with the word
9 "attack."
10 I have 28 minutes before I have to leave.
11 Q. BY MR. MOXON: So it's not a hobby, it's a
12 vocation?
13 A. My interest in life -- I think this is the
14 fourth time I have said this -- is cults. My main
15 interest is the Church of Scientology. I collect
16 information about them and I like discussing it and I do
17 research regarding the Church of Scientology.
18 Q. And you swear that you have never given
19 any of that alleged research to FACTNET?
20 A. Are you still talking about the ARS
21 documents?
22 Q. Any documents.
23 A. I suppose I have posted -- oh, yes, they
24 have "The Hubbard is Bare" on FACTNET. They put that
25 there a long time ago. There might be other postings I

1 A. I wrote articles and posted them to ARS
2 about them.
3 Q. Are these some of the articles that you
4 later down-loaded and gave to Wollersheim?
5 A. No, I don't think I gave him any of those.
6 I don't think so.
7 Q. So you are swearing under the penalty of
8 perjury that you didn't give any of this information to
9 FACTNET?
10 A. I don't remember doing that, no.
11 Q. You also went to Los Angeles, didn't you,
12 to copy IRS files --
13 A. Yes.
14 Q. -- concerning scientology?
15 A. Yes.
16 Q. Did you give those documents to FACTNET
17 for down-loading --
18 A. For down-loading, no. I don't recall
19 giving them to FACTNET.
20 Q. -- for putting into their system?
21 A. I don't recall doing that.
22 Q. So you may have?
23 A. I may have, but I don't recall doing it.
24 Q. Who paid for that trip?
25 A. I did.

1 have done that are on there, too, I don't recall.
2 Q. In fact, you sent a whole disk of material
3 to Penney to put into the FACTNET database, didn't you?
4 A. I believe I have done that a few times,
5 yes, once with the Jehovah's Witnesses material.
6 Q. I am talking about scientology material.
7 A. I probably did. Probably posts from the
8 Internet, yeah.
9 Q. Do you ever get paid for any of that?
10 A. No.
11 Q. Do you know who rogue agent is?
12 A. No.
13 Q. No idea?
14 A. No.
15 Q. Do you use a pseudonym in the Internet?
16 A. Yes, C-u-l-t-x-p-l.
17 Q. Any others?
18 A. I just started using S-p-o-r-e-k-i-d.
19 Q. Any others?
20 A. Huh-uh. No.
21 Q. These are pseudonyms I am giving you.
22 A. Yes.
23 Q. Do you know who U-n-l-x-e-r is?
24 A. No.
25 Q. Any idea?

1 A. No.
2 Q. Do you know who S-c-a-m-l-z-d-a-t is?
3 A. No.
4 Q. How about Mr. Lippard here, does he have
5 an internet pseudonym?
6 A. I believe it's Lipp.
7 Q. Any other pseudonyms for scientology?
8 A. Not that I know of.
9 Q. Anti-scientology?
10 A. Not that I know of.
11 Q. Have you given him any of the OT
12 materials?
13 A. I don't believe so.
14 Q. Have you given him any of the copyrighted
15 materials?
16 A. I don't believe so.
17 Q. You are not sure?
18 A. I don't recall doing that at all.
19 Q. Does he have access to your files?
20 A. No, I don't believe so.
21 Q. Have you ever made your computer available
22 to him so he could copy the OT materials out of your
23 computer?
24 A. The only reason you are asking about Jim
25 Lippard is he is sitting here. He has nothing to do

1 A. No.
2 Q. How about Lerma?
3 A. No.
4 Q. Have you sent any E-mails to Lerma of any
5 material on scientology?
6 A. I may have. I don't recall.
7 Q. When?
8 A. I don't recall doing it.
9 Q. How many times have you sent E-mail
10 messages to Lerma?
11 A. Maybe half a dozen.
12 Q. When is the last time you communicated
13 with him?
14 A. Last night on the chat channel I said
15 "Hello."
16 Q. Did you talk about the deposition?
17 A. Not at all. That's all I said. I don't
18 think he even knew I was there.
19 Q. When is the last time you sent an E-mail
20 to Lerma?
21 A. After the raid he asked me if I was the
22 person that he got the information from, the OT
23 material, and I said, "No, I don't believe so."
24 I think that's the last time.
25 Q. You haven't spoken to him since?

1 with this case.
2 Q. I'm trying to find out where else these
3 copyright and trade secret materials have been
4 misappropriated to, and understand that my only purpose
5 in asking is it's a violation of law, it's a violation
6 of civil privilege for this material to escape. It's a
7 misappropriation. That's why these lawsuits are
8 brought.
9 MR. KROHNKE: That is what is being contested,
10 sir.
11 MR. MOXON: A lot of money and time and effort
12 has been spent protecting it, and a lot of money, time
13 and effort is being spent correcting it.
14 Q. BY MR. MOXON: Has Mr. Lippard had access
15 to your computer for the purpose of giving him the
16 ability to have access to any of the OT materials you
17 have got in there?
18 A. No.
19 Q. Has anybody had access --
20 A. No.
21 Q. -- to your computer?
22 A. No.
23 Q. How about FACTNET?
24 A. No.
25 Q. Has Wollersheim ever come down here?

1 A. He has appeared on the chat channel a few
2 times, but we haven't talked privately or anything or
3 E-mailed back and forth.
4 Q. Have you talked to any of his attorneys?
5 A. Tom Kelly is one of the attorneys.
6 Q. You spoke to him?
7 A. Yes.
8 Q. What about?
9 A. Just about this deposition.
10 Q. When?
11 A. Beginning on Monday, I believe I called
12 him. I believe that was Monday.
13 Q. After you were subpoenaed?
14 A. Yes.
15 Somewhere along the line he called me
16 before I was subpoenaed, I believe, and --
17 Q. Told you you were going to be subpoenaed?
18 A. He said to expect to be subpoenaed, yeah.
19 Q. Did you contact an attorney at that time?
20 A. Not at that time, no.
21 Q. Did Mr. Kelly tell you how to avoid
22 process?
23 A. No.
24 Q. You were looking out at that point for a
25 process server?

1 A. Not necessarily. No.
 2 Again, as I have said, the church knows --
 3 Q. When did Mr. Kelly call you?
 4 A. Can I finish my answer?
 5 Q. No.
 6 When did Mr. Kelly call you?
 7 MR. KROHNKE: Just a minute.
 8 Q. BY MR. MOXON: When did Mr. Kelly call
 9 you? That's the question.
 10 MR. KROHNKE: I think the witness had more to
 11 say. I don't know.
 12 Q. BY MR. MOXON: When did Mr. Kelly call
 13 you?
 14 A. I was answering a question and you stopped
 15 me.
 16 Q. When did Mr. Kelly call you?
 17 A. I will answer the first question first.
 18 Q. There is no other question pending.
 19 A. Ingram knew where I worked and where I
 20 lived. I felt there was no way I could avoid service
 21 anyway.
 22 Q. Did you tell Mr. Kelly you couldn't avoid
 23 service?
 24 A. No.
 25 Q. When did Mr. Kelly call you?

1 Q. Mr. Kelly give you a copy of the
 2 Complaint?
 3 A. No.
 4 Q. Did you already have one?
 5 A. No.
 6 Q. Where did you get it?
 7 A. Are you talking about the subpoena now?
 8 Q. No, the Complaint.
 9 A. Well, what Complaint?
 10 Q. Do you have any papers in this case?
 11 A. I have some stuff that was up-loaded to
 12 internet. Part of some hearing or something.
 13 Q. Did Mr. Kelly tell you you would be
 14 provided with an attorney?
 15 A. No, I don't recall that.
 16 Q. How long was your conversation with
 17 Mr. Kelly?
 18 A. Just a few minutes.
 19 Q. Did you call him again after you received
 20 the subpoena?
 21 A. I believe, yeah, that could be the way it
 22 worked.
 23 Q. How long did you talk to him the second
 24 time?
 25 A. Probably a few minutes again.

1 A. It was probably a week, I don't know, some
 2 days before I was served.
 3 Q. Maybe a week?
 4 A. Could have -- maybe about a week, yeah.
 5 Q. Why didn't you contact an attorney then?
 6 A. The church had served me with a subpoena
 7 before, and they never deposed me. I felt --
 8 Q. Did Mr. Kelly give you a copy of the
 9 Deposition Notice?
 10 A. No.
 11 Q. Did he tell you what the scope of the
 12 deposition was going to be?
 13 A. No.
 14 Q. What did he tell you?
 15 A. That's all I recall him saying.
 16 Q. How did he get your number?
 17 A. I don't know.
 18 Q. Had you ever spoken to him before?
 19 A. I don't think so.
 20 Q. So you knew about two weeks ago that you
 21 were going to be subpoenaed?
 22 A. No, I knew that I might be subpoenaed.
 23 Q. You knew what the case was about, right?
 24 A. Yes.
 25 Well, basics of it, yes.

1 Q. Did you tell him what was in the subpoena?
 2 A. Yes, I think I told him I felt it was
 3 overly broad, what they were asking for me to bring.
 4 Q. Did he suggest an attorney to you?
 5 A. He suggested an attorney to me, yes.
 6 Q. Who did he suggest?
 7 A. I believe his name is David Bodney, I
 8 believe.
 9 Q. They are the ones who declined to
 10 represent you?
 11 A. They are the ones I was speaking to on
 12 Thursday, and they couldn't be here today.
 13 Q. And you talked to Mr. Kelly the night you
 14 got the subpoena, right?
 15 A. No.
 16 Q. When did you call Kelly?
 17 A. I believe Monday. I believe I called him,
 18 I think.
 19 Q. You waited for four days to contact
 20 Mr. Bodney?
 21 A. No, I started on Monday trying to find an
 22 attorney, and I had one lined up, I felt, on Tuesday
 23 afternoon. I was very confident that I had an attorney
 24 lined up, and then I called him Wednesday and he had
 25 been called out of town without telling me, so then I

1 was stuck again without an attorney.
 2 I believe I contacted Tom Kelly again and
 3 he referred me to David Bodney.
 4 Q. Did you ask Kelly to represent you?
 5 A. No.
 6 Q. Did Kelly say they would pay for it?
 7 A. No.
 8 Q. Did you talk to Rick Ross about the depo?
 9 A. I don't think I did.
 10 Q. You talked to Rick Ross this week, though,
 11 haven't you?
 12 A. Yes. I think he called me two Saturdays
 13 or two Sundays ago.
 14 Q. What about?
 15 A. His trial.
 16 Q. Did you talk to Rick Ross about how he was
 17 going to hide the assets, hide his assets?
 18 A. No.
 19 MR. KROHNKE: Objection; not relevant to the
 20 matters in this litigation.
 21 THE WITNESS: I have to leave in 16 minutes.
 22 Q. BY MR. MOXON: Did Ross suggest an
 23 attorney to you?
 24 A. No.
 25 Q. You told Ross you were going to be

1 A. No.
 2 Q. Has he given you any?
 3 A. Not that I know of.
 4 Q. Do you know who Capricorn is?
 5 A. No.
 6 MR. KROHNKE: Objection; repetitive.
 7 Q. BY MR. MOXON: Do you know who Modemac is?
 8 A. No, not really. We have talked on the
 9 Internet before.
 10 Q. Do you know Eric Walker?
 11 A. No.
 12 Q. Do you know who Sister Clara is?
 13 A. No.
 14 Q. Have you talked to Sister Clara on the
 15 Internet?
 16 A. No.
 17 Q. Do you know who Merchant of Chaos is?
 18 A. No.
 19 Q. Have you talked to that person on the
 20 Internet?
 21 A. Sometimes.
 22 Q. These are all anti-scientology people,
 23 right?
 24 A. I guess you could -- yes, you could
 25 probably say that.

1 subpoenaed?
 2 A. I may have.
 3 Q. Who else did you talk to about the fact
 4 that you were going to be subpoenaed?
 5 A. My father, my sister.
 6 Q. None of them recommended an attorney for
 7 you?
 8 A. No.
 9 Q. Do you know who the -- get back to this
 10 question, Scamizdat, do you know who that is?
 11 A. No.
 12 Q. Do you know Grady Ward?
 13 A. He posts on the Internet.
 14 Q. You ever talk to him?
 15 A. No.
 16 Q. Do you know what his pseudonym is?
 17 A. No, he always goes by Grady Ward.
 18 Q. Do you also know if he is Scamizdat?
 19 A. No.
 20 Q. Do you know Homer Smith?
 21 A. I have talked to Homer Smith.
 22 Q. Does he have a pseudonym?
 23 A. No, I have seen him go by "Homer."
 24 Q. Have you given Homer Smith any OT
 25 materials?

1 Q. Do you know Paul Grosswald?
 2 A. No. Grosswald, no.
 3 Q. Do you know who Clam Boy is?
 4 A. Clam Boy?
 5 Clam boy, no, I have never seen that. I
 6 don't think I have ever seen anybody using that.
 7 Q. How about Sea Man, you ever talk to him on
 8 the Internet?
 9 A. No.
 10 Q. Do you know Bill McGlauchlin?
 11 A. The name sounds familiar, but I don't
 12 know.
 13 Q. Have you talked to him on the Internet?
 14 A. I don't think so.
 15 Q. Cynthia Kisser's husband.
 16 A. Okay.
 17 Q. Have you talked to him on the Internet?
 18 A. I believe he is on the chat channel
 19 sometimes.
 20 Q. You ever given him any OT materials?
 21 A. No.
 22 Q. How about Vaughn Young, you talk to him on
 23 the Internet?
 24 A. Very infrequently.
 25 Q. Have you sent him any scientology

1 materials?
 2 A. No, I don't believe so.
 3 Q. Has he sent any to you?
 4 A. I don't think so, no.
 5 Q. Did you communicate with him about your
 6 depo?
 7 A. No.
 8 Q. Now, you work simultaneously for both CAN
 9 and FACTNET, correct?
 10 MR. KROHNKE: Objection; argumentative,
 11 repetitive.
 12 A. BY THE WITNESS: I do volunteer work for
 13 both of those groups.
 14 Q. BY MR. MOXON: And is Rick Ross a member
 15 of both groups or just CAN?
 16 MR. KROHNKE: Objection; not relevant.
 17 A. BY THE WITNESS: I don't know what Rick
 18 Ross is connected to. I don't know.
 19 Q. BY MR. MOXON: Do you know if the
 20 Washington Post paid Lerma or FACTNET any money?
 21 A. No.
 22 Q. Do you know if Wollersheim received any
 23 money from either Lerma or FACTNET?
 24 A. No.
 25 Q. Do you know if Lerma is paid for his work

1 record the witness called his friend that has the CDs,
 2 and can we go out and pick them up today?
 3 A. I cannot get them until Sunday.
 4 Q. Can we just go out and pick them up?
 5 A. No, I can't get them 'til Sunday. He
 6 would have to quit his job to get - to make access to
 7 them, so . . .
 8 Q. You can make them available to me on
 9 Sunday?
 10 A. Yes, that's what he told me.
 11 Q. Can you give me the exact place where we
 12 can get them?
 13 A. My home, 7501 East Pierce Street.
 14 Q. Is that Phoenix?
 15 A. Scottsdale.
 16 Q. P-e-r?
 17 A. P-i-e-r-c-e.
 18 Are you going to take them from me and
 19 then make copies?
 20 Q. Yes.
 21 A. Or are you just taking them from me,
 22 period?
 23 Q. They will be given back to you, assuming
 24 there is no infringing materials on them. If there are
 25 infringing materials, if you want, we can agree to have

1 with FACTNET?
 2 A. No.
 3 Q. Do you know if Rick Ross is a member of
 4 any gay groups?
 5 A. No idea.
 6 Q. Do you know what the Internet ID of
 7 William McGlauchlin is?
 8 MR. KROHNKE: Objection; not relevant.
 9 Q. BY MR. MOXON: No?
 10 A. No.
 11 William McGlauchlin?
 12 Q. Right.
 13 A. No. I don't think so.
 14 Q. I want to work out getting the CD. I do
 15 have a number of additional questions. You have
 16 indicated you are leaving?
 17 A. I have to leave in ten minutes.
 18 Q. Will you please take a break right now and
 19 see if we can arrange to go out and get these CDs, and I
 20 can rent a car and drive out there?
 21 A. I will call and see if they are home yet.
 22 (Recess.)
 23 THE WITNESS: He can't get them 'til Sunday.
 24 As soon as I have them, I will let you know.
 25 Q. BY MR. MOXON: So when we were off the

1 them held by a third party until it's resolved.
 2 MR. KROHNKE: You might wish to consult an
 3 attorney about all of this, sir.
 4 MR. MOXON: In fact, I don't even mind if
 5 Lerma's attorneys hold them.
 6 Just produce them to me and we will copy
 7 them.
 8 MR. FARNY: We will look at them and see where
 9 we go from there. Obviously, we can't see it so we
 10 can't say.
 11 THE WITNESS: I would agree with it being held
 12 by a third party.
 13 Q. BY MR. MOXON: It's part of the document
 14 production, so produce them to us and we will copy them.
 15 About what time?
 16 A. I don't know what time. I assume in the
 17 morning, but I am not sure.
 18 Q. Why don't we just make it afternoon then?
 19 A. Yeah.
 20 Q. 3:00 o'clock?
 21 A. Yes. If you give me a call, make sure I
 22 have them there.
 23 Q. What phone number?
 24 A. 970-8133.
 25 Q. 802?

1 A. Yes. Local.
 2 MR. MOXON: Okay.
 3 Well, the deposition is suspended for the
 4 moment to be reconvened at another time. If you want to
 5 set up a time now, we can do it.
 6 THE WITNESS: I would like -- I would like to
 7 get representation first.
 8 MR. MOXON: All right. I will contact you,
 9 and if you could have your attorney call me, whoever
 10 that is. Do you have my number?
 11 THE WITNESS: No.
 12 MR. MOXON: Here is my card, and I will hear
 13 from you then.
 14 THE WITNESS: Or you give me a call Sunday,
 15 make sure I have them.
 16 MR. MOXON: Okay, see you on Sunday at 3:00
 17 o'clock.
 18 The transcript will be created here, and
 19 you can come to the court reporter's office to review
 20 the transcript unless you want to waive the signature,
 21 but you have a right to review it to determine its
 22 accuracy and sign it at that time, and you can make
 23 corrections in the transcript.
 24 THE WITNESS: Okay.
 25 MR. KROHNKE: For the record, I thank you

1 STATE OF ARIZONA)
 2) ss.
 3 COUNTY OF MARICOPA)
 4 BE IT KNOWN that the foregoing deposition
 5 was taken before me, LINDA K. BLACKMON, a Notary Public
 6 in and for the State of Arizona; that the witness before
 7 testifying was duly sworn by me to testify to the whole
 8 truth; that the questions propounded to the witness and
 9 the answers of the witness thereto were taken down by me
 10 in shorthand and thereafter reduced to print by
 11 computer-aided transcription under my direction; that
 12 the deposition was submitted to the witness to read and
 13 sign; that the foregoing 182 pages are a true and
 14 correct transcript of all proceedings had upon the
 15 taking of said deposition, all done to the best of my
 16 skill and ability.
 17 I FURTHER CERTIFY that I am in no way
 18 related to any of the parties hereto nor am I in any way
 19 interested in the outcome hereof.
 20 DATED at Phoenix, Arizona, this ____ day
 21 of October, 1995.
 22 _____
 23 Notary Public
 24 My commission expires:
 25 February 24, 1996

1 produced a computer disk. Has that been returned to
 2 you?
 3 MR. MOXON: They were printing it out. That
 4 was an extra copy anyway, right? We will bring it back
 5 to you on Sunday if you want.
 6 THE WITNESS: Okay. Bring it Sunday.
 7 MR. MOXON: Do you have a copy of that?
 8 THE WITNESS: Not of that disk, no, I don't
 9 have. I don't even remember what all was on it.
 10 MR. MOXON: Do you have a copy of the material
 11 that was on the disk?
 12 THE WITNESS: Yes, that's a copy from my hard
 13 drive.
 14 MR. MOXON: Okay.
 15 (Deposition adjourned at 3:00 p.m.)
 16
 17
 18
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 20
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 22
 23
 24
 25

 JEFFREY JACOBSEN