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IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
CIRCUIT OF THE STATE OF FLORIDA
HILLSBOROUGH COUNTY
GENERAL CIVIL DIVISION

ESTATE OF LISA MCPHERSON,
by and through the Personal
Representative, DELL LIEBREICH,

Plaintiff,

vs.

Case No. 97-01235
Division "H"

CHURCH OF SCIENTOLOGY d/b/a
CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, INC.;
JANIS JOHNSON; ALAIN KARTUZINSKI;
and DAVID HOUGHTON,

Defendants.

TRANSCRIPT OF PROCEEDINGS

BEFORE:

HON. JAMES MOODY
Circuit Judge

TAKEN:

Courtroom No. 2
Hillsborough County
Courthouse
Tampa, Florida

DATE:

April 10, 2000

TIME:

Commencing 8:00 a.m.

REPORTED BY:

Patty A. Starks, RPR
Court Reporter
Notary Public

STENOGRAPHICALLY RECORDED
COMPUTER-AIDED TRANSCRIPTION
BY XSCRIBE

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1 issue and agree on an amount or that no amount
2 is due. If you can't resolve it, set that for
3 a hearing. Produce the tapes.

4 Produce a representative of the trust
5 who can testify about any payments made to
6 witnesses, any interviews of witnesses in this
7 case, any documents that they may have about
8 witnesses in this case.

9 MR. DANDAR: The only witness in this
10 case that works at the trust as a volunteer is
11 Jesse Prince.

12 THE COURT: I don't care if they work at
13 the trust or not. If they have tapes or
14 documents or information where they've paid
15 money to someone who is going to be testifying
16 in this case, I want that information
17 revealed.

18 MR. DANDAR: Well, that's fine. That's
19 fine because it doesn't exist. Now, the
20 person -- I don't understand about the person
21 who actually did the interviewing of anyone
22 that's going to testify in this case.

23 THE COURT: No. You are going to
24 produce the tapes.

25 MR. DANDAR: Right.

1 THE COURT: You are going to produce a
2 person who represents the trust that can
3 answer these questions. It doesn't have to be
4 the person who ran the video machine to take
5 these witnesses.

6 MR. DANDAR: Okay.

7 THE COURT: It can be. It has to be
8 somebody that knows about the records and the
9 documents and what payments to witnesses have
10 been. And whether or not you have records or
11 not, there ought to be some person who knows
12 whether or not they've made payments.

13 MR. DANDAR: Okay. All right.

14 THE COURT: Then I guess on these other
15 witnesses we need to go one at a time.

16 MR. MOXON: Frank Oliver is one that
17 Mr. Dandar is complaining about. Frank Oliver
18 is someone who stole apparently -- he claims
19 he took some records from a Church some years
20 ago and he has provided them to
21 Ms. Liebreich's counsel.

22 He has been paying and arranging for
23 advertising on buses and airplanes of matters
24 concerning Lisa McPherson in this case. He
25 has participated in the demonstrations with

C E R T I F I C A T E

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, PATTY STARKS, Court Reporter for the
Circuit Court of the State of Florida, in and
for Hillsborough County, DO HEREBY CERTIFY
that I was authorized to and did report in
shorthand the proceedings and evidence in the
above-styled cause, as stated in the caption
hereto, and that the foregoing pages numbered
from 1 to 94, inclusive, constitute a true and
correct transcription of my shorthand report
of said proceedings and evidence.

IN WITNESS WHEREOF, I have hereunto set
my hand in the City of Tampa, County of
Hillsborough, State of Florida, this the 10th
day of April, 2000.

BY: Patty A. Starks
PATTY A. STARKS, RPR
Court Reporter
Notary Public

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ORIGINAL

1 IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
2 CIRCUIT OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY
CIVIL DIVISION

3 ESTATE OF LISA McPHERSON, by and
4 through the Personal Representative,
DELL LIEBREICH,

5 Plaintiff,

6 vs.

Case No.: 97-01235

7 CHURCH OF SCIENTOLOGY FLAG
8 SERVICE ORGANIZATION, INC.; JANIS
JOHNSON; ALAIN KARTUZINSKI; and
9 DAVID HOUGHTON, D.D.S.,

Defendants.

10
11 VIDEOTAPED DEPOSITION OF ROBERT PETERSON

12 C O N F I D E N T I A L
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23 Reported by:

24 Susan D. Wasilewski, RPR, CRR
25 April 24, 2000



Sclafani Williams Court Reporters, Inc.

Registered Professional Reporters Serving Central Florida

1 MR. MOXON: If you'd stop interrupting
2 the deposition and threatening me,
3 Mr. Leipold, we'd be --

4 MR. LEIPOLD: I'm not threatening you.
5 Go ahead, sir.

6 BY MR. MOXON:

7 Q. Are you an employee of the Lisa McPherson
8 Trust?

9 A. Yes, I am.

10 Q. How long have you been employed?

11 A. One week.

12 Q. One week. So you weren't employed until
13 after this deposition was noticed, is that correct?

14 A. I don't know the dates of the deposition.

15 Q. Well, what's the date that you started
16 your employment at the Lisa McPherson Trust?

17 A. A week ago today.

18 Q. Which would be what date?

19 A. I believe it was the 17th of this month.

20 Q. Who hired you?

21 A. Stacy Brooks.

22 Q. To do what?

23 A. To be her personal assistant.

24 Q. What is her position?

25 A. Excuse me, sir?

1 MR. MOXON: We'll have to -- well, you
2 made a blatant misrepresentation to the court
3 that money was owed to you.

4 MR. LEIPOLD: Counsel, could we get on
5 with the deposition and quit arguing with
6 Mr. Dandar?

7 MR. DANDAR: We've got a lawyer that has
8 other things to do. Let's go.

9 MR. MOXON: Well, we'll be back here
10 again. So you have a tape but you're not
11 going to produce it?

12 MR. DANDAR: That's right.

13 MR. MOXON: And one tape --

14 BY MR. MOXON:

15 Q. So you did no search of any video files.
16 Do you know if there are any videos that the trust
17 possesses?

18 MR. LEIPOLD: I'm going to instruct him
19 not to answer with the exception of he can
20 respond as to any people who are witnesses in
21 the trial.

22 A. I will decline as stipulated by my
23 attorney.

24 Q. You did no search for any tapes, correct?

25 A. No, I did not.

1 Q. Do you have a list -- did you get a list
2 of all the witnesses and conduct some search to see
3 if you have videotapes for these witnesses?

4 A. I did not.

5 Q. Did someone?

6 A. I don't know.

7 Q. What are you doing here? Why are you
8 here?

9 MR. LEIPOLD: Counsel, that's
10 argumentative. Do you want to ask him a
11 question he can respond to? He's here because
12 you asked for him to be there.

13 Q. What qualifies you, Mr. Peterson, to know
14 whether or not the Lisa McPherson Trust has
15 possession, custody or control of any videos of any
16 person who may be a witness in this case?

17 A. I have no knowledge of videotapes. It's
18 nothing that I handle with the trust. It's
19 completely outside of anything that I do.

20 Q. So you basically have no knowledge or
21 competence to tell me whether or not the Lisa
22 McPherson Trust has any videos of people who may be
23 witnesses in this case, correct?

24 A. That's true.

25 Q. Okay. When were you selected as the

1 person most knowledgeable to appear today?

2 A. I was designated as the representative of
3 the corporation this morning.

4 Q. Who told you that?

5 A. Stacy Brooks.

6 Q. Well, obviously, you're not the person
7 most knowledgeable, are you?

8 MR. DANDAR: Argumentative. Don't answer
9 the question.

10 MR. LEIPOLD: Argumentative.

11 Q. Well, tell me --

12 A. I decline to answer that.

13 Q. Tell me if you know anyone else in the
14 Lisa McPherson Trust, Inc., who is more
15 knowledgeable than you are as to what videotapes
16 the trust may possess?

17 MR. LEIPOLD: Well, I'm going to object to
18 the question as beyond the scope of the
19 deposition as ordered by the court. Again, if
20 you want to restrict it to videotapes with
21 reference to witnesses, I'll be glad to let
22 him respond; otherwise, I'm instructing him
23 not to respond.

24 A. I will not answer.

25 Q. Did you talk to Mark Bunker in preparation

1 was in the checkbook.

2 Q. How many checks were there?

3 A. I do not remember the exact number of
4 checks. I do know that there was -- I checked all
5 the checks but I don't remember exactly how many
6 there were.

7 Q. Give me an estimate of how many checks you
8 looked at?

9 A. I would say 50.

10 Q. But you don't know if those are all the
11 checks that have ever been written by the trust, do
12 you?

13 A. No, I don't.

14 Q. What months were those checks written?

15 A. The last several months, from the
16 beginning of the account. The -- obviously, it was
17 a new account because it started with a very early
18 sequence in checks.

19 Q. What was the first check number?

20 A. Check number 101.

21 Q. Who is the signatory on that account?

22 MR. DANDAR: Objection.

23 A. Excuse me?

24 Q. Who is the signatory on that account?

25 MR. DANDAR: Objection.

1 MR. LEIPOLD: I'm going to object to the
2 question and instruct him not to answer. It's
3 beyond the scope.

4 Q. Who -- in whose custody was this
5 checkbook?

6 A. Stacy Brooks.

7 Q. Did she hand it to you?

8 A. Yes, she did.

9 Q. She handed it to you today?

10 A. Yes.

11 Q. Do you know why Stacy Brooks wasn't
12 produced as a person more knowledgeable than you?

13 MR. LEIPOLD: Well, I'm going to object to
14 the question as calling for speculation. You
15 can respond.

16 A. I do not.

17 Q. Well, do you know why you are here today,
18 I mean why you were selected as the witness?

19 A. I was requested to be a witness by Stacy
20 Brooks.

21 Q. She basically instructed you to come to
22 this?

23 A. She asked me.

24 Q. She's your boss, right, she told you to
25 come do this, right?

1 Q. Brenda Spencer?

2 A. No sir.

3 Q. Have you sent any correspondence in the
4 past two years to any of the people that worked at
5 the Flag Service Organization over the last ten
6 years?

7 A. No sir.

8 MR. LEIPOLD: That calls for speculation
9 on the part of the witness. You can respond
10 if you know all the people who worked there
11 over the last ten years.

12 A. I have very little correspondence with
13 anybody.

14 Q. Well, you don't really know who all the
15 witnesses are in this case, do you, all the
16 witnesses or potential witnesses?

17 A. I saw four names that were given to me as
18 witnesses that I examined the checkbook.

19 Q. Oh, just four names. Who are the four --
20 what were the four names that you examined?

21 A. Well, I had a list in front of me at the
22 time and I don't have this list, but I know that
23 one was Stephen Kent and one was Jesse Prince. I
24 forget the other two but those are the names I went
25 through the checkbook.

1 Q. And only those four?

2 A. Yes.

3 Q. Was Dell Liebreich one?

4 A. I believe she was one of the people that I
5 searched the book for.

6 Q. Did you do any search for Ann Carlson?

7 A. I don't remember the -- everybody that was
8 on that list. There was only four people.

9 Q. Okay. I'm going to read you a list of
10 names and I ask you if you did a search for these
11 people. All right?

12 A. Okay.

13 Q. Lee Skelton?

14 A. No.

15 Q. Sam Davis?

16 A. No.

17 Q. Gerald Armstrong?

18 A. No.

19 Q. Vicky Aznaran?

20 A. No.

21 Q. Kelly Davis?

22 A. No.

23 Q. Robert Davis?

24 A. Nope.

25 Q. Carsten Larensen?

- 1 A. No sir.
- 2 Q. Joseph McDonald?
- 3 A. No.
- 4 Q. David Niles?
- 5 A. No.
- 6 Q. Michael Pattison?
- 7 A. No.
- 8 Q. Joseph Perez?
- 9 A. No.
- 10 Q. Ziggy Pearson?
- 11 A. No.
- 12 Q. Bonita Portelano?
- 13 A. No.
- 14 Q. Joan Wood?
- 15 A. No.
- 16 Q. Margery Wakefield?
- 17 A. No.
- 18 Q. Barbara Schmidt?
- 19 A. No.
- 20 Q. Tanya Nujahr, N-u-j-a-h-r?
- 21 A. No.
- 22 Q. Jerry Yanny?
- 23 A. No.
- 24 Q. Teresa Summers?
- 25 A. No.

- 1 Q. Karen Assman, A-s-s-m-a-n?
- 2 A. No.
- 3 Q. Spiegel TV?
- 4 A. No.
- 5 Q. Benedict Engineering?
- 6 A. No.
- 7 Q. Daniel Leipold?
- 8 A. No.
- 9 Q. Stacy Young?
- 10 A. No.
- 11 Q. Stacy Brooks?
- 12 A. No.
- 13 Q. Jesse Prince?
- 14 A. Yes.
- 15 Q. You did? Were there any payments made to
- 16 Jesse Prince?
- 17 A. There was one check that was made out to
- 18 Mr. Prince.
- 19 Q. How much was that check for?
- 20 A. \$60.
- 21 Q. When was that?
- 22 A. Today's date.
- 23 Q. Bennetta Slaughter?
- 24 A. No.
- 25 Q. Brenda Spencer?

- 1 A. No.
- 2 Q. Hana Whitfield?
- 3 A. No.
- 4 Q. Robert Vaughn Young?
- 5 A. No.
- 6 Q. Duane Andrews?
- 7 A. No.
- 8 Q. Ken Dandar?
- 9 A. No.
- 10 Q. Ray Emmons?
- 11 A. No.
- 12 Q. Brian Haney?
- 13 A. No.
- 14 Q. Paul Maser?
- 15 A. No.
- 16 Q. Robert Minton?
- 17 A. No.
- 18 Q. James Seigelman?
- 19 A. No.
- 20 Q. So you didn't search for any of those
- 21 people?
- 22 A. None of those --
- 23 Q. Except Jesse?
- 24 A. All I searched were the four names that
- 25 were -- I was told were expert witnesses in this

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REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA
COUNTY OF POLK

I, Susan D. Wasilewski, Registered Professional Reporter, Certified Realtime Reporter and Notary Public in and for the State of Florida at large, hereby certify that the witness appeared before me for the taking of the foregoing deposition, and that I was authorized to and did stenographically and electronically report the deposition; and that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes and recordings thereof.

I FURTHER CERTIFY that I am neither an attorney nor counsel for the parties to this cause, nor a relative or employee of any attorney or party connected with this litigation, nor am I financially interested in the outcome of this action.

DATED THIS 24th day of April, 1999, at
Lakeland, Polk County, Florida.



Susan D. Wasilewski
MY COMMISSION # CC869721 EXPIRES
October 23, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

Susan D. Wasilewski

Susan D. Wasilewski, RPR, CRR
My Commission Expires: 10-23-03
Transcript ordered: 4-24-00

1
1 IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
2 CIRCUIT OF THE STATE OF FLORIDA
3 HILLSBOROUGH COUNTY
4 GENERAL CIVIL DIVISION

4 ESTATE OF LISA MCPHERSON,
5 by and through the Personal
6 Representative, DELL LIEBREICH,

6 Plaintiff,

7 vs.

Case No. 97-01235
Division "H"

8 CHURCH OF SCIENTOLOGY d/b/a
9 CHURCH OF SCIENTOLOGY FLAG
10 SERVICE ORGANIZATION, INC.;
11 JANIS JOHNSON; ALAIN KARTUZINSKI;
12 and DAVID HOUGHTON,

11 Defendants.

13 TRANSCRIPT OF PROCEEDINGS

14 BEFORE:

HON. JAMES MOODY
Circuit Judge

16 TAKEN:

17 Courtroom No. 3
18 Hillsborough County
19 Courthouse
20 Tampa, Florida

21 DATE:

April 28, 2000

22 TIME:

Commencing 10:15 a.m.

23 REPORTED BY:

Patty A. Starks, RPR
Court Reporter
Notary Public

24 STENOGRAPHICALLY RECORDED
25 COMPUTER-AIDED TRANSCRIPTION
BY XSCRIBE

13 1 experts, and the expert was Jesse Prince from
2 the trust being paid sixty dollars.

3 THE COURT: So the only videos that you
4 have of anybody that is going to testify in
5 this trial is Jesse Prince?

14 6 MR. DANDAR: No. There's another search
7 going on now because of the April 10th hearing
8 which are trial witnesses. It's beyond
9 experts.

10 Dell Liebreich, my client, they may have
11 videotapes of the vigil where Dell Liebreich
12 and her husband and the other aunts and uncles
13 showed up for the Lisa McPherson vigil. There
14 may be videotapes of that. They're searching
15 for that now.

16 We have Tuesday set aside, I believe,
17 for the trust -- the continuation of the
18 deposition with another person who is more
19 knowledgeable. It may be Stacy Brooks. It
20 may be Bob Minton.

21 THE COURT: All right. Let's see how
22 that goes. I will reserve on your motion.

23 MR. MOXON: Could we have Stacy Brooks,
24 Your Honor? Mr. Dandar has indicated that
25 based on the Court's order of the 10th of

14 1 April that now they're conducting a search
2 after this deposition already occurred. The
3 witness identified Stacy Brooks and said she
4 is the one that knows and --

5 THE COURT: I'm reserving on the motion.
6 Let's see what happens in the next production.

7 MR. DANDAR: Is it my turn yet?

8 THE COURT: Yes.

9 MR. DANDAR: We have extraordinary
10 issues on status conference: Scheduling
11 depositions. Mr. Moxon went ahead and filed
12 something called an agreed schedule. It's not
13 agreed to.

14 Every deposition is Flag taking
15 depositions of all my experts. Not one day is
16 reserved for me to take depositions. I
17 proposed depositions where I took depositions
18 of the caretakers and their witnesses and
19 their experts, and it included all of my
20 experts in there. That was met with no
21 response until I got a list on Saturday, the
22 22nd of April, saying this is the way it's
23 going to be.

24 Mr. Weinberg and I met two nights ago
25 after the deposition of Kartuzinski. He

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C E R T I F I C A T E

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, PATTY STARKS, Court Reporter for the
Circuit Court of the State of Florida, in and
for Hillsborough County, DO HEREBY CERTIFY
that I was authorized to and did report in
shorthand the proceedings and evidence in the
above-styled cause, as stated in the caption
hereto, and that the foregoing pages numbered
from 1 to 65, inclusive, constitute a true and
correct transcription of my shorthand report
of said proceedings and evidence.

IN WITNESS WHEREOF, I have hereunto set
my hand in the City of Tampa, County of
Hillsborough, State of Florida, this the 29th
day of April, 2000.

BY: *Patty A. Starks*
PATTY A. STARKS, RPR
Court Reporter
Notary Public

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IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
CIRCUIT OF THE STATE OF FLORIDA
HILLSBOROUGH COUNTY
GENERAL CIVIL DIVISION

ESTATE OF LISA MCPHERSON,
by and through the Personal
Representative, DELL LIEBREICH,

Plaintiff,

vs.

Case No. 97-01235
Division "H"

CHURCH OF SCIENTOLOGY d/b/a
CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, INC.;
JANIS JOHNSON; ALAIN KARTUZINSKI;
and DAVID HOUGHTON,

Defendants.

TRANSCRIPT OF PROCEEDINGS

BEFORE:

HON. JAMES MOODY
Circuit Judge

TAKEN:

Courtroom No. 2
Hillsborough County
Courthouse
Tampa, Florida

DATE:

May 15, 2000

TIME:

Commencing 1:45 p.m.

REPORTED BY:

Patty A. Starks, RPR
Court Reporter
Notary Public

STENOGRAPHICALLY RECORDED
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1 MR. MERRITT: I understand and that's
2 not -- that's not been raised at this point,
3 Your Honor. What I'm saying is --

4 THE COURT: For at least six weeks that
5 I know of they've tried to get someone from
6 the Lisa McPherson Trust to tell them a lot
7 more information than I've allowed them to
8 get, but they can't even get the information
9 that I've allowed them to get.

10 They're entitled to find out what
11 witnesses in this case have been paid by the
12 Lisa McPherson Trust, if any, and if so, how
13 much they've been paid, what witnesses are on
14 video deposition, a video statement about any
15 of the issues in this case or about the issues
16 of Scientology, and they're entitled to see
17 those videos.

18 At the last hearing that we had
19 Mr. Dandar said that they were looking for
20 those videos, they would be produced, and
21 someone with more knowledge than Mr. Peterson
22 was going to show up and answer these
23 questions about the Lisa McPherson Trust. On
24 that day he represented the Lisa McPherson
25 Trust.

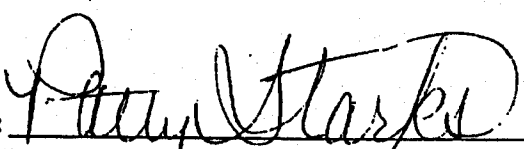
C E R T I F I C A T E

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STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, PATTY STARKS, Court Reporter for the
Circuit Court of the State of Florida, in and
for Hillsborough County, DO HEREBY CERTIFY
that I was authorized to and did report in
shorthand the proceedings and evidence in the
above-styled cause, as stated in the caption
hereto, and that the foregoing pages numbered
from 1 to 68, inclusive, constitute a true and
correct transcription of my shorthand report
of said proceedings and evidence.

IN WITNESS WHEREOF, I have hereunto set
my hand in the City of Tampa, County of
Hillsborough, State of Florida, this the 16th
day of May, 2000.

BY: 
PATTY STARKS, RPR
Court Reporter
Notary Public

IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA
GENERAL CIVIL DIVISION

ESTATE OF LISA MCPHERSON, by
and through the personal Representative,
DELL LIEBREICH

Plaintiff,

Case No. 97-01235
Division "H"

vs.

CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, JANIS
JOHNSON, ALAIN KARTUZINSKI and
DAVID HOUGHTON, D.D.S.,

Defendants.

FILED
2000 JUL 15 PM 3:07
CLERK OF COURT
HILLSBOROUGH COUNTY FLORIDA

ORDER

THIS CAUSE came on to be considered before me on the Motion to Compel and for Sanctions Against Lisa McPherson Trust, Inc., filed by defendant Church of Scientology Flag Service Organization. Having heard argument of counsel for the parties and for the third party Lisa McPherson Trust, Inc., it is hereby **ORDERED**:

The Lisa McPherson Trust, Inc., shall ^{within 10 days} produce a person most knowledgeable to testify to the matters addressed in the Court's Ruling in open Court on April 10, 2000, and to produce all financial records regarding the payment to any person identified at any time as a witness in this case; and shall produce unedited videos in the possession, custody or control of Lisa McPherson Trust, Inc., ^{of} ~~containing the image or~~ statements of

J.M.P.

J.M.P.

any person identified ^{presently} at any time as a witness in this case. The records shall be produced within 3 days of this Order. *J.M.D.*

The Lisa McPherson Trust, Inc., shall pay the amount of \$ _____ to the Church as reasonable fees and costs arising out of the deposition on April 24, 2000, and arising out of the bringing of the motion addressed above. *J.M.D.*

Dated: May 15, 2000

James S. Moore

CIRCUIT JUDGE

Copies to:
Counsel of Record

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IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
CIRCUIT OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY
CIVIL DIVISION

ESTATE OF LISA McPHERSON, by and
through its Personal Representative,
DELL LIEBREICH,

Plaintiff,

vs.

Case No.: 97-01235

CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, INC.; JANIS
JOHNSON; ALAIN KARTUZINSKI; and
DAVID HOUGHTON, D.D.S.,

Defendants.

VIDEOTAPED DEPOSITION OF
THE LISA McPHERSON TRUST, INC.
Volume I

C O N F I D E N T I A L

BEFORE: MR. JOHN W. BOULT, SPECIAL MASTER
Barr, Murman, Tonelli, Herzfeld & Rubin
Attorneys at Law
201 East Kennedy Boulevard, Suite 2000
Tampa, Florida 33602

Reported by:

Susan D. Wasilewski, RPR, CRR
May 18, 2000



Sclafani Williams Court Reporters, Inc.
Registered Professional Reporters Serving Central Florida

Lakeland
Sebring

Tampa
Bartow

Sarasota
St. Petersburg

Winter Haven
Bradenton

1 pardon.

2 MR. MOXON: And, for the record, you came
3 in 15 minutes late and started. So it's
4 10:30. We started after 10:15, even though
5 y'all were here at 9:30.

6 MR. BOULT: Well --

7 Q. Do you have any documents to produce
8 today, do you have anything to produce?

9 A. I do.

10 Q. Let's see it.

11 THE WITNESS: Where is my other --

12 MR. MERRETT: Is this it?

13 THE WITNESS: Yes.

14 MR. DANDAR: I request that they both be
15 marked as exhibits first.

16 MR. BOULT: We are going to mark these
17 first. The witness has produced what, two
18 pages or two and a half pages?

19 THE WITNESS: Five and a third page.

20 MR. DANDAR: I would ask that each page
21 be marked by the court reporter.

22 MR. MOXON: Well, let me just see what it
23 is.

24 MR. MERRETT: Well, let's get it marked.

25 MR. MOXON: All right. Go ahead and mark

1 it.

2 MR. DANDAR: Yeah, mark it first.

3 MR. BOULT: The tapes will be marked as
4 separate exhibits.

5 (Defendant's Exhibit Nos. 1 through 8 were
6 marked for identification.)

7 (Discussion off the record.)

8 MR. DANDAR: Are these two videotapes your
9 only copies?

10 MR. MOXON: Just a minute. I am
11 questioning --

12 MR. DANDAR: I just want to make sure we
13 follow the right procedure here.

14 MR. MOXON: Well, then why don't you
15 cross-examine him?

16 MR. DANDAR: And I want to make sure you
17 have copies of what you're handing over and I
18 want to make sure that you've punched out the
19 sides of the videotapes so they can't be
20 erased or edited.

21 MR. MOXON: Okay. Let's do that.

22 THE WITNESS: I don't know whether that's
23 been done or not.

24 MR. DANDAR: All right.

25 MR. MOXON: I don't even know how to do

1 that but I would be happy to punch these out
2 so we make sure we have clean copies.

3 THE WITNESS: If Mr. Dandar knows how to
4 do it, why don't we let him do it.

5 MR. DANDAR: Is that how you do it?

6 MR. PRINCE: Yeah.

7 MR. DANDAR: Let me see. Of course you
8 can bypass that by putting tape over it, but
9 that's a little --

10 MR. HERTZBERG: We didn't know that.

11 MR. DANDAR: Rather silly.

12 MR. MOXON: He knows all the tricks.

13 MR. PRINCE: You know where I learned it.

14 MR. MOXON: All right. Now, what I've
15 been handed is a tape that has on it Jerry
16 Armstrong, 12-5-99, and a tape that says Dell
17 Liebreich and Ann Carlson, 12-5-99, and the
18 Liebreich is Defendant's Exhibit 7, Jerry
19 Armstrong is Defendant's Exhibit 8.

20 And I've also been handed a -- what's
21 marked as Defendant's Exhibit 1, which is a
22 ripped off piece of paper which says the
23 following: Payments to all potential
24 witnesses, asterisk, and the asterisk says see
25 attached, "Notice of Filing, Plaintiff's

1 Witness List."

2 And then back to the text: So payments
3 to all potential witnesses to be called by
4 plaintiff in McPherson civil case made by the
5 Lisa McPherson Trust, Inc. April 11, 2000,
6 \$60 paid to Jesse Prince with Lisa McPherson
7 Trust check number 1086 for an expense
8 reimbursement. May 1st, 2000. That's
9 Defendant's Exhibit 1.

10 And Defendant's Exhibit 2, which for
11 reasons that escape me there is a different
12 exhibit sticker on each page, is the notice of
13 filing of plaintiff's witness list, unsigned,
14 but dated April 17th, 2000.

15 BY MR. MOXON:

16 Q. Are you representing that these are the
17 records, tapes and information that the Lisa
18 McPherson Trust, Inc., possesses responsive to the
19 court's order?

20 A. That's correct.

21 Q. And this is all?

22 A. That's it.

23 Q. All right. Did you conduct some search
24 for videos responsive to the court's order?

25 A. I instructed the gentleman who does this

1 type of thing for us to do that, yes.

2 Q. Did you conduct any search yourself?

3 A. No, I didn't.

4 Q. Who did you instruct?

5 A. Mark Bunker.

6 Q. Mark Bunker works for the company?

7 A. He does.

8 Q. Mark Bunker is the videographer for your
9 company, right?

10 A. It's not a term that I would use but he
11 does do video work.

12 Q. That would be a descriptive name for his
13 job, right?

14 A. Yeah, that's fair description on your
15 part.

16 Q. What did you instruct Mr. Bunker to do?

17 A. To find videotapes of any potential
18 witnesses on Ken Dandar's witness list and the
19 Church of Scientology's witness list.

20 Q. Did you give him a copy of both witness
21 lists?

22 A. No. I went over it with him.

23 Q. Did you give him anything in writing --

24 A. No.

25 Q. -- to use to conduct the search?

1 A. No.

2 Q. You had copies of both these witness lists
3 in your possession, right?

4 A. Yes. I received yesterday the Church of
5 Scientology's witness list. I had previously had
6 the plaintiff's witness list.

7 Q. Did you also receive the letter I wrote to
8 your attorney on May 16th indicating that you and
9 Stacy Brooks were witnesses in this case and to
10 make sure that the search included yourself and
11 Stacy Brooks?

12 A. Yes, it did, it did. It included Stacy
13 Brooks and myself and Jeff Jacobsen and other Lisa
14 McPherson Trust people who were added to the Church
15 of Scientology's witness list.

16 Q. All right. Did you tell Mark Bunker to
17 look through all the videos and find any videos
18 that contained any statements by you?

19 A. No.

20 Q. Did you tell him to locate all videos with
21 statements made by Stacy Brooks?

22 A. No.

23 Q. Did you tell him to locate all statements
24 in videos containing statements by David Miscavige?

25 A. No.

1 Q. Did you tell him to get all videos with
2 statements concerning Ann Carlson?

3 A. Yes.

4 Q. You did? How do you know -- tell me --
5 give me the identity of every person you told Mark
6 Bunker to conduct a search for in the video files
7 of LMT.

8 A. The people on the witness list minus Stacy
9 Brooks, myself, Jeff Jacobsen and Jesse Prince.

10 Q. Minus them, you told him not to search for
11 those four names?

12 A. Well, Jesse Prince records have already
13 been turned over to the Church of Scientology.

14 Q. My question is did you instruct Mr. Bunker
15 not to search for yourself, Stacy Brooks, Jesse
16 Prince and Jeff Jacobsen, that is to exclude them
17 from his search?

18 MR. MERRETT: Objection; compound.

19 A. He had already --

20 MR. MERRETT: Hold on a second. Let him
21 give you one question at a time.

22 Q. Answer?

23 MR. MERRETT: I'm sorry. One question at
24 a time. Pick which one, tell him which one
25 you want him to answer and he'll answer it.

1 MR. BOULT: Break it up into two
2 questions.

3 MR. MOXON: Never mind.

4 BY MR. MOXON:

5 Q. Did you instruct Mr. Bunker to conduct a
6 search for -- all right.

7 You gave Mr. Bunker nothing in writing,
8 correct?

9 A. Correct.

10 Q. And was he supposed to remember the names
11 that you told him?

12 A. There were only three, so this wasn't hard
13 to remember.

14 Q. Oh, so you told him to only search for
15 three names?

16 A. No, no. Of the ones that he was aware
17 that we had, which he's aware of all the stuff
18 we've got, these were the only three that were
19 responsive to this request.

20 Q. Let's back up a little bit. Did you tell
21 him which specific names to search for?

22 A. We went through all the names and we
23 identified the ones that we had video on.

24 Q. So you had a discussion with Mr. Bunker
25 and you discussed some names with him, right?

1 A. No. No. I think it's important that you
2 understand the process. I mean I said to Mark
3 Bunker, I said, look, I know we have videotape of
4 Dell Liebreich and Ann Carlson.

5 Q. Okay.

6 A. But were they talking about Lisa
7 McPherson, were they talking about the Lisa
8 McPherson case? You know, we went and searched any
9 time we thought that somebody was talking about
10 this case, to look at the video and, yes, they were
11 being interviewed by news people but Mark Bunker
12 was also filming while this interview was going on,
13 so we produced the tape. That's what the process
14 was about.

15 Q. That was the whole process?

16 A. That was the process.

17 Q. Okay. Did you -- so the only three people
18 that you finally conducted a search for --

19 A. No, no, Mr. Moxon. No. These are the
20 three tapes that we're producing or the three
21 individuals we're producing as a result of the
22 search of all the records.

23 Q. Okay. Understood. Now, do you know if
24 there are any statements of Stacy Brooks in the
25 videotapes in the possession of LMT?

1 A. Yes, there are.

2 Q. You're not producing them, are you?

3 A. No.

4 Q. You didn't conduct a search for that, did
5 you?

6 A. We're aware of what's there, so the search
7 is a mental search.

8 Q. Are these unedited tapes, by the way, the
9 two you've produced?

10 A. The parts that relate to Ann Carlson is
11 unedited.

12 Q. No. Are these --

13 MR. MERRETT: Don't interrupt the witness,
14 please.

15 Q. I'm sorry. Go ahead.

16 A. Well, you know, I don't know how long a
17 videotape is. Let's say it's an hour. And if
18 there is five minutes of the videotape that relate
19 -- that has Ann Carlson on it, or Dell Liebreich,
20 that's unedited.

21 Q. So you went to a tape that had a portion
22 of Dell Liebreich in it, you found the portion that
23 you believed was responsive and you edited that
24 portion out and put it on a new tape, is that
25 correct?

1 A. Because I wanted to refresh my memory
2 about these things to do with witnesses.

3 Q. Okay.

4 A. The pressuring witnesses part, I had
5 forgotten about that.

6 Q. Was a search conducted prior to your
7 receiving this document?

8 A. Yes.

9 Q. Who conducted that search?

10 A. The same people who did the search I'm
11 talking about. This was written this morning by
12 Mr. Merrett.

13 Q. The same people?

14 A. Mr. Bunker and myself.

15 Q. Okay. So there are videotapes of you
16 picketing, et cetera, right?

17 A. Yes.

18 Q. And there are videotapes of you making
19 statements about Lisa McPherson, right?

20 A. Yes.

21 Q. And there are videotapes of you making
22 statements about Scientology, right?

23 A. Yes.

24 Q. And there are videotapes of Stacy Brooks
25 picketing and making statements about Lisa

1 McPherson and Scientology, right?

2 A. Well, just the act of picketing is making
3 a statement.

4 Q. And there is videotapes of her making
5 statements about what she does over there, right,
6 at the Lisa McPherson Trust?

7 A. I don't think so.

8 Q. You don't know if there are statements in
9 your files of Stacy Brooks making statements about
10 Lisa McPherson on the videotapes?

11 MR. MERRETT: Objection. That's not the
12 question that he answered.

13 Q. Okay.

14 MR. DANDAR: Objection; asked and
15 answered.

16 Q. It's a new question then. Let me give
17 you a new question. Do you know if your video
18 files contain any statements of Stacy Brooks
19 talking about Lisa McPherson?

20 A. Yes, there are.

21 Q. And there are statements about Jeff
22 Jacobsen making, in your video files, making
23 statements about Lisa McPherson, too, right?

24 A. Well, you know, Mr. Moxon, what I said to
25 you is even holding a picket sign, for example,

1 A. To look at people on the Scientology
2 witness list.

3 Q. Were these tapes created yesterday?

4 A. One of them was.

5 Q. Which one?

6 A. Ann Carlson and Dell Liebreich.

7 Q. You didn't do any new search for any
8 records concerning -- or tapes concerning Jesse
9 Prince, right?

10 A. They've already been produced.

11 Q. How about -- so the answer is no?

12 A. No search yesterday.

13 Q. Did -- were you aware that the judge
14 ordered unedited videos to be produced?

15 A. Yes. Yes.

16 Q. Did that have any effect in changing the
17 scope of your search or production?

18 A. No.

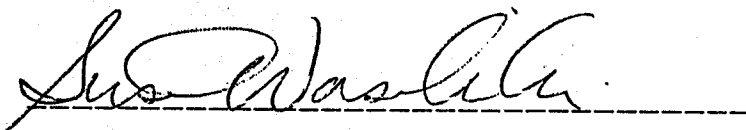
19 Q. Did you conduct any search for any of the
20 images or any of the statements rather of any of
21 the church caretakers? Do you know what I mean by
22 the church caretakers of Lisa McPherson that are at
23 issue in this case?

24 MR. MERRETT: I'm going to object as being
25 repetitive. The witness has already testified

1 CERTIFICATE OF REPORTER OATH

2
3 STATE OF FLORIDA

4 COUNTY OF POLK

5
6 I, the undersigned authority, hereby
7 certify that the witness named herein personally
8 appeared before me and was duly sworn.9 WITNESS my hand and official seal this
10 19th day of May, 2000.11
12
13
14 16 Susan D. Wasilewski
MY COMMISSION # CC869721 EXPIRES
October 23, 2003
BONDED THRU TROY FAIR INSURANCE, INC.

Susan D. Wasilewski, RPR, CRR

Notary Public - State of Florida

17 My Commission Expires: 10-23-03

1 REPORTER'S DEPOSITION CERTIFICATE

2 STATE OF FLORIDA

3 COUNTY OF POLK

4 I, Susan D. Wasilewski, Registered
 5 Professional Reporter, Certified Realtime Reporter
 6 and Notary Public in and for the State of Florida
 7 at large, hereby certify that the witness appeared
 8 before me for the taking of the foregoing
 9 deposition, and that I was authorized to and did
 10 stenographically and electronically report the
 11 deposition; and that a review of the transcript was
 12 requested; and that the transcript is a true and
 13 complete record of my stenographic notes and
 14 recordings thereof.

15 I FURTHER CERTIFY that I am neither an
 16 attorney nor counsel for the parties to this cause,
 17 nor a relative or employee of any attorney or party
 18 connected with this litigation, nor am I
 19 financially interested in the outcome of this
 20 action.

21 DATED THIS 19th day of May, 2000, at
 22 Lakeland, Polk County, Florida.



Susan D. Wasilewski
 MY COMMISSION # CC869721 EXPIRES
 October 23, 2003
 BONDED THRU TROY FAIN INSURANCE, INC.

Susan D. Wasilewski

Susan D. Wasilewski, RPR, CRR
 My Commission Expires: 10-23-03
 Transcript ordered: 5-19-00

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IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
CIRCUIT OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY
CIVIL DIVISION

ESTATE OF LISA McPHERSON, by and
through its Personal Representative,
DELL LIEBREICH,

Plaintiff,

vs.

Case No.: 97-01235

CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, INC.; JANIS
JOHNSON; ALAIN KARTUZINSKI; and
DAVID HOUGHTON, D.D.S.,

Defendants.

VIDEOTAPED DEPOSITION OF
THE LISA McPHERSON TRUST, INC.
Volume II

C O N F I D E N T I A L

BEFORE: MR. JOHN W. BOULT, SPECIAL MASTER
Barr, Murman, Tonelli, Herzfeld & Rubin
Attorneys at Law
201 East Kennedy Boulevard, Suite 2000
Tampa, Florida 33602

Reported by:

Susan D. Wasilewski, RPR, CRR
May 18, 2000



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1 A. Yes.

2 Q. Were there any statements in your files by
3 or concerning Dell Liebreich?

4 A. No, other than the video.

5 Q. Okay. Was a search done -- I just have a
6 few names I want to check here. Was a search done
7 for -- through your paper files and computer files
8 for the name Ann Carlson?

9 A. Yes.

10 Q. Were there any documents of or concerning
11 Ann Carlson?

12 A. Other than the video, no.

13 Q. Tell me how the search was conducted.

14 A. I don't have knowledge of how it was
15 conducted on each computer.

16 Q. Who does?

17 A. The people who were sitting in front of
18 those computers who use them regularly.

19 Q. Who was responsible for the search?

20 A. The president of the Lisa McPherson Trust
21 is responsible for it.

22 Q. Stacy Brooks?

23 A. Uh-huh.

24 Q. Yes?

25 A. Yes.

1 time spent by the other person who assisted in
2 the search I think is relevant and within the
3 scope. If he can't give an estimate, that's
4 another thing, so -- but I think any objection
5 based upon scope or relevancy is without merit
6 and should be overruled.

7 A. Okay. I think --

8 Q. The question is do you know how long
9 Ms. Brooks spent, first?

10 A. Yes. Yes.

11 Q. Tell me how long Ms. Brooks spent looking
12 through the hard copy files for records responsive?

13 A. Forty minutes.

14 Q. When was that done?

15 A. Yesterday and the day that I arrived here,
16 which I think was Tuesday. I think I got here
17 Tuesday. Yeah, Tuesday.

18 Q. When you -- are your hard copy files in
19 alphabetical order?

20 MR. MERRETT: Objection; relevance, scope.

21 MR. BOULT: I think it's related to the
22 search and the easiness or difficulty in which
23 the search had to be carried out.

24 A. No.

25 Q. Are all of your hard copy files in file

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CERTIFICATE OF REPORTER OATH

STATE OF FLORIDA

COUNTY OF POLK

I, the undersigned authority, hereby
certify that the witness named herein personally
appeared before me and was duly sworn.

WITNESS my hand and official seal this
19th day of May, 2000.



Susan D. Wasilewski
MY COMMISSION # CC869721 EXPIRES
October 23, 2003 Susan D. Wasilewski, RPR, CRR
BONDED THRU TROY FAIN INSURANCE, INC.

Susan D. Wasilewski

Notary Public - State of Florida

My Commission Expires: 10-23-03

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REPORTER'S DEPOSITION CERTIFICATE
STATE OF FLORIDA
COUNTY OF POLK

I, Susan D. Wasilewski, Registered Professional Reporter, Certified Realtime Reporter and Notary Public in and for the State of Florida at large, hereby certify that the witness appeared before me for the taking of the foregoing deposition, and that I was authorized to and did stenographically and electronically report the deposition; and that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes and recordings thereof.

I FURTHER CERTIFY that I am neither an attorney nor counsel for the parties to this cause, nor a relative or employee of any attorney or party connected with this litigation, nor am I financially interested in the outcome of this action.

DATED THIS 19th day of May, 2000, at
Lakeland, Polk County, Florida.



Susan D. Wasilewski
MY COMMISSION # CC869721 EXPIRES
October 23, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

Susan D. Wasilewski

Susan D. Wasilewski, RPR, CRR
My Commission Expires: 10-23-03
Transcript ordered: 5-19-00

IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA
GENERAL CIVIL DIVISION

ESTATE OF LISA MCPHERSON, by
and through the personal Representative,
DELL LIEBREICH

Plaintiff,

Case No. 97-01235
Division "H"

vs.

CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, JANIS
JOHNSON, ALAIN KARTUZINSKI
and DAVID HOUGHTON, D.D.S.,

Defendants.
_____ /

**ORDER REGARDING VIDEO TAPES
OF LISA MCPHERSON TRUST, INC.**

This cause came on to be considered by the Court on June 7, 2000, pursuant to the Motion of the Church of Scientology Flag Service Organization to compel compliance with the Court's Order of May 15, 2000. Having heard argument of counsel and being otherwise fully advised in the premises, it is hereby

ORDERED, that the Lisa McPherson Trust, Inc., through its director and agent Robert Minton shall comply with the Court's Order of May 15, 2000 requiring that it "produce all financial records regarding the payment to any person identified at any time as a witness in this case; and shall produce unedited videos in the possession, custody or control of Lisa McPherson Trust, Inc., of statements of any person presently identified as a witness in this case." Mr. Minton, shall further file a sworn statement that LMT, Inc.

searched their video files as to the entire witness lists of the parties and produced all segments of statements dealing with Lisa McPherson, the Lisa McPherson case, the defendants and Scientology.

Compliance with this Order is due on or before August 1, 2000.

Dated: July __, 2000

ORIGINAL SIGNED
CONFORMED COPY

JUL 18 2000

JAMES S. MOODY, JR.
CIRCUIT JUDGE

CIRCUIT JUDGE

Copies to counsel of record.

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CASE NO. 00-5682-11

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ESTATE OF LISA McPHERSON,
by and through the Personal
Representative,
DELL LIEBREIH,

Plaintiff,

-vs-

CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, JANIS
JOHNSON, ALAIN KARTUZINSKI
and DAVID HOUGHTON, D.D.S.,

Defendants.

PROCEEDINGS: MOTIONS
BEFORE: HONORABLE FRANK QUESADA
DATE: November 8, 2000
PLACE: Pinellas County Courthouse
14250 - 49th Street North
Clearwater, Florida 33762
APPEARANCES: JOHN M. MERRETT, ESQ.
2716 Herschel Street
Jacksonville, Florida 32205
(904) 388-8891

Appearing on behalf of Plaintiff

(APPEARANCES: CONTINUED ON PAGE TWO)

ORIGINAL

1 MR. MERRETT: The question being, what does
2 it have to do with this dead girl, and that is the critical
3 inquiry in a discovery -- determination by the Court, does it
4 tend to prove or disprove or material issue in the case.

5 THE COURT: You know, I'm beginning to
6 scratch my head about all of it. Right now --

7 MR. MERRETT: Yes, sir.

8 THE COURT: I want you to comply with Judge
9 Moody's order, and it doesn't seem relatively difficult to me.
10 I'm absolutely astounded by the fact that it hasn't been
11 complied with yet. I don't see your standing here, you know,
12 without having complied with it. We need to get it done; all
13 right? And -- and I don't know -- I'm new in the case, so I
14 have no idea what the reason why these orders haven't been
15 complied with. I know this is about the most contentious thing
16 I've ever seen in the way of any litigation, and at this
17 particular point, the only motion it evokes is self-pity on my
18 part. But other than that, I don't know what to tell you.
19 Comply with the order, and then we'll take this question about
20 what videotapes are produced and aren't produced at that time.

21 Feel free to -- to produce when you do
22 comply with that order, if you should find that in the process
23 there are a whole lot of people that Mr. Milton (sic) had not
24 considered witnesses up until this revelation or my definition
25 of what a witness is, and suddenly he -- he -- you know, he has

1 this revelation that maybe there were a few other faces in that
2 videotape and there's a few more, one or two tapes, one or 200
3 or 2,000 tapes, he needs to produce, what we'll do is have some
4 amnesty agreement. Why don't we -- you know, instead of three
5 days, why don't I'll give you ten days to file this affidavit.
6 Why don't I give you ten days to conduct that search. I'm going
7 to give you ten days to produce whatever videotapes you want to
8 produce, and then after that ten-day period, we'll come back
9 where we are at this point. All right.

10 And I don't know what the problem has been, I just have -- I
11 have no -- no real understanding -- let me -- I have no real
12 appreciation or understanding for what the -- the real problem
13 is at this point other than I know that you are very suspicious,
14 concerned, about what is going to be done with that material,
15 you know. I feel that that concern on your part is very
16 genuine, it's very real to you, and don't know what to tell you
17 about it other than, I guess, just have to get over it, and
18 although it may be real a genuine concern, I don't think any of
19 this information's going to be new. You know, identify -- it
20 certainly has nothing to do with that case in the Justice
21 Department wanting to -- not wanting to identify people to make
22 problems for them in their opinion because we're working
23 backwards. You're getting the names of folks to produce
24 videotapes of, it's not like you're disclosing names of folks.
25 I mean it's coming the other way.

1 So, you know, although they may be real and
2 very genuine to you, at this point I -- I really cannot share
3 that concern and we need to produce those videotapes and
4 affidavit.

5 MR. MOXON: The second part of the order,
6 your Honor, was to produce all financial records concerning any
7 -- any person identified at any time as a witness, and I'd be
8 happy to limit that to the people that are identified on the
9 witness list of the Plaintiff and the witness lists of the
10 Defendants. We filed that combined witness list, Mr. Merrett
11 has it all, so he knows who all those people are
12 and --

13 THE COURT: You know, in that -- in that
14 same vein, I'll give you this opportunity. If there are
15 payments to someone who's on that witness list, or if there are
16 videotape of people that aren't on that witness list that you
17 have some genuine concerns of producing that information about,
18 what you are going to have to do is identify those particular
19 individuals and indicate that these people you do not believe
20 are witnesses in any way, shape, or form, and I'll give you an
21 opportunity to be heard on that, but I want it done in ten days.

22 MR. MERRETT: Yes, sir. And I was actually
23 thinking that's probably the -- the best way to -- what's the
24 word I'm looking for? To refine the question.

25 THE COURT: Sure. You're absolutely right.

1 You have no basis to strike anyone off of these witness lists.
2 But -- but I'll listen to you and I'll give you a very quick
3 hearing on that. I'm just scratching my head about why it's
4 taking us a half-a-dozen months to get to this point. I just
5 don't understand.

6 MR. MOXON: Your Honor, that's -- that was
7 my problem coming in here, too, and as you can see, I've put a
8 lot of time in giving you the time, place, and events here for
9 -- for everything that happened that Mr. Merrett's opening
10 comment was representations of Counsel are not evidence, that
11 should be disregarded. He filed nothing, and we've -- this is
12 the fifth hearing, literally the fifth hearing on this issue.

13 THE COURT: Well, let's start -- you know,
14 and it's not the last hearing on the issue. This, hopefully, is
15 the next to the last hearing on the issue because we're going to
16 get those two documents and those particular lists that -- that
17 you want by way of way of a protective order, and I'll give you
18 an opportunity to show why you don't believe those -- that
19 information not be produced about these individuals, and then
20 I'll give opportunity, you know, we'll exchange that list in
21 plenty of time and I'll ask the Defendants in this case about
22 who's this person, what's their name, and just what the heck do
23 they have to do this, and we'll go down on that particular list.

24 MR. MERRETT: That will address the problem.

25 THE COURT: Well --

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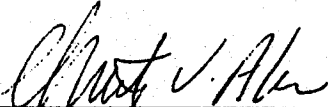
REPORTER'S CERTIFICATE

STATE OF FLORIDA)

COUNTY OF PINELLAS)

I, **Christine V. Ales**, Certified Stenomask Reporter,
certify that I was authorized to and did verbatim report the
foregoing proceedings and that the transcript is a true record.

WITNESS MY HAND AND SEAL 9th day of November,
2000, at St. Petersburg, Pinellas County, Florida.



Christine V. Ales, CSMR-5144
Notary Public