

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RELIGIOUS TECHNOLOGY CENTER,
ETC.,

PLAINTIFF,

VS.

GRADY WARD, AN INDIVIDUAL,
DEFENDANT.

No. C96-20207
RMW EAI

DEPOSITION OF JEAN A. CARNAHAN

APRIL 16, 1998

REPORTED BY: BENNY KOGON, RPR, CSR NO. 6626

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DEPOSITION OF JEAN A. CARNAHAN TAKEN ON BEHALF OF
DEFENDANT AT THE LAW OFFICES OF HAGENBAUGH &
MURPHY, 700 NORTH CENTRAL AVE, FIFTH FLOOR,
GLENDALE, CALIFORNIA 91203, COMMENCING AT 9:53
A.M., THURSDAY, APRIL 16, 1998, BEFORE BENNY KOGON,
RPR, CSR NO. 6626, PURSUANT TO NOTICE OF TAKING
DEPOSITION.

* * *

APPEARANCES OF COUNSEL:

FOR PLAINTIFF:

LAW OFFICES OF
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WALKER, LLP
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- AND -
LAW OFFICES OF
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- AND -
LAW OFFICES OF
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FOR DEFENDANT:

GRADY WARD
PRO SE
3449 MARTHA COURT
ARCATA, CALIFORNIA 95521

ALSO PRESENT:

ALLAN CARTWRIGHT

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I N D E X

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1 GLENDALE, CALIFORNIA; THURSDAY, APRIL 16, 1998

2 9:53 A.M.

3
4 JEAN A. CARNAHAN,

5 HAVING BEEN SWORN, TESTIFIED AS FOLLOWS:

6
7 EXAMINATION

8 BY MR. WARD:

9 Q WHAT IS YOUR NAME?

10 A JEAN AUDREY CARNAHAN.

11 Q IS THAT YOUR MAIDEN NAME OR MARRIED NAME?

12 A THAT'S MY MARRIED NAME, YES. MY MARRIED --

13 MR. MERVIS: TRY TO KEEP YOUR VOICE UP.

14 Q BY MR. WARD: YOUR MARRIED NAME?

15 A MY MARRIED NAME, YES.

16 Q THANK YOU. WHAT IS YOUR MAIDEN NAME?

17 A LESLIE, L-E-S-L-I-E.

18 MR. MERVIS: LET'S GO OFF THE RECORD FOR A SECOND.

19 (BREAK TAKEN.)

20 MR. MERVIS: OKAY. SORRY.

21 MR. WARD: BACK ON THE RECORD.

22 Q WHERE WERE YOU BORN?

23 A TWICKENHAM, IN MIDDLESEX, ENGLAND.

24 Q ARE YOU -- DO YOU HOLD A GREEN CARD, OR ARE
25 YOU NATURALIZED OR A RESIDENT ALIEN?

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A YES.

Q AND SINCE WHEN?

A SINCE 1989.

Q HAVE YOU EVER BEEN DEPOSED BEFORE?

A YES.

Q IN WHAT MATTER?

A IT WAS CONCERNING A LEGAL CASE IN CANADA.
I LIVED IN CANADA BEFORE I CAME HERE.

Q WAS THAT RELATING TO YOUR EMPLOYMENT WITH
THE CHURCH OF SCIENTOLOGY INTERNATIONAL?

A NO, IT WASN'T THE CHURCH OF SCIENTOLOGY
INTERNATIONAL.

Q WITH WHOM HAVE YOU DISCUSSED THE CONTENT OF
YOUR TESTIMONY TODAY?

MR. MERVIS: WELL, LET ME JUST INTERPOSE AN
OBJECTION TO THE FORM OF THE QUESTION.

IF YOU UNDERSTAND IT, YOU CAN ANSWER IT.

THE WITNESS: WHAT EXACTLY -- I'M NOT EXACTLY
CLEAR OF WHAT YOU'RE ASKING ME THERE.

Q BY MR. WARD: HAVE YOU DISCUSSED THE
CONTENT OF YOUR TESTIMONY WITH ANYONE?

MR. MERVIS: SAME OBJECTION.

THE WITNESS: I'M STILL NOT TOTALLY TREKKING WITH
YOU WITH YOUR CONTENT OF MY TESTIMONY?

Q BY MR. WARD: THAT'S CORRECT. HAVE YOU

1 TALKED ABOUT -- WITH WHOM HAVE YOU SPOKEN ABOUT THIS
2 DEPOSITION, ABOUT ANY ASPECTS OF THIS DEPOSITION?

3 A I SEE. OBVIOUSLY I'VE BEEN TALKING TO MY
4 ATTORNEYS.

5 Q UH-HUH.

6 A I'VE MET WITH MR. MC SHANE. HE'S BEEN
7 PRESENT AT SOME MEETINGS.

8 Q WHO ARE YOUR ATTORNEYS?

9 A MR. MERVIS AND HELENA.

10 Q IS THERE ANYONE ELSE WHO IS YOUR ATTORNEY?

11 A NOT -- NO, I DON'T THINK SO.

12 Q WHEN DID YOU SPEAK TO MR. MC SHANE ABOUT
13 THIS DEPOSITION?

14 A ON AND OFF, OF THE LAST THREE OR FOUR DAYS.
15 FOUR DAYS.

16 Q HOW MANY HOURS TOTAL DID YOU SPEAK WITH HIM
17 ABOUT THIS DEPOSITION?

18 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

19 YOU CAN ANSWER.

20 THE WITNESS: HOW MANY -- COULD YOU REPEAT THE
21 QUESTION?

22 Q BY MR. WARD: HOW LONG DID THE MEETINGS
23 LAST WITH MR. MC SHANE?

24 A MAYBE AN HOUR HERE, AN HOUR THERE. COME IN
25 AND TALK TO ME.

1 Q WHAT DID HE TELL YOU DURING THOSE MEETINGS?

2 MR. MERVIS: LET ME -- MS. CARNAHAN, TO THE EXTENT
3 THAT THERE WERE COUNSEL PRESENT IN THE ROOM DURING ANY
4 SUCH DISCUSSIONS, I INSTRUCT YOU NOT TO ANSWER ANY
5 QUESTIONS.

6 IF THERE WERE CONVERSATIONS WHERE THEY
7 WEREN'T PRESENT AND YOU CAN RECALL, YOU CAN ANSWER.

8 THE WITNESS: NO. COUNSEL WERE PRESENT.

9 Q BY MR. WARD: WHICH COUNSEL WAS IT DURING
10 THOSE CONVERSATIONS?

11 A MR. MERVIS WAS PRESENT, AND I THINK
12 SOMETIMES HELENA WAS THERE SOMETIMES AS WELL.

13 Q WAS THERE ANY TIME IN WHICH THE COUNSEL WAS
14 NOT PRESENT?

15 A I BELIEVE THERE WAS ONE OCCASION.

16 Q WHAT WAS DISCUSSED DURING THAT MEETING?

17 A WELL, THE COUNSEL HAD LEFT FOR THE DAY, AND
18 MR. MC SHANE SAID TO ME, "YOU'LL DO FINE." YOU KNOW,
19 "YOU'LL" --

20 Q WAS THERE ANYTHING ELSE THAT HE TOLD YOU?

21 A I CAN'T RECALL ANYTHING SPECIFIC, NO. HE
22 JUST STAYED FOR A FEW MINUTES, AND THEN THE MEETING BROKE
23 UP TOTALLY.

24 Q FINE. ARE YOU THE -- ARE YOU CURRENTLY THE
25 CUSTODIAN OF RECORDS FOR THE INTERNET MONITORING PROJECT

1 OF THE CHURCH OF SCIENTOLOGY INTERNATIONAL?

2 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

3 YOU CAN ANSWER IF YOU UNDERSTAND.

4 THE WITNESS: NO, I DON'T. I WANT TO MAKE --
5 CURRENTLY THE CUSTODIAN?

6 Q BY MR. WARD: YES.

7 A OF THE RECORD -- FROM THE INTERNET
8 MONITORING? IS THAT WHAT YOU SAID?

9 Q YES.

10 A NO.

11 Q HAVE YOU EVER BEEN?

12 A YES.

13 Q DURING WHAT TIME PERIOD WERE YOU --

14 MR. MERVIS: I'M SORRY. I WAS A LITTLE CONFUSED.
15 HAVE YOU EVER BEEN WHAT? SHE SAID YES. I JUST WANT TO
16 MAKE SURE WE UNDERSTAND WHAT SHE WAS.

17 MR. WARD: CUSTODIAN OF RECORDS.

18 Q HAVE YOU EVER BEEN CUSTODIAN OF RECORDS FOR
19 THE INTERNET MONITORING?

20 A I THINK I -- CAN I CLARIFY WITH YOU WHAT
21 EXACTLY YOU MEAN BY "CUSTODIAN OF RECORDS"?

22 Q THE PERSON THAT CAN GIVE PERSONAL KNOWLEDGE
23 OF THE SOURCE, AUTHENTICITY, THE SECURITY MEASURES, HOW
24 THEY'RE STORED.

25 MR. MERVIS: LET ME JUST ASK A CLARIFYING

1 QUESTION. ANY OF THOSE THINGS? ALL OF THOSE THINGS?

2 MR. WARD: ALL OF THOSE THINGS, OF COURSE.

3 MR. MERVIS: IF YOU UNDERSTAND, YOU CAN ANSWER.

4 THE WITNESS: WHAT DID THIS LIST ENCOMPASS AGAIN?
5 JUST MAKE SURE I'M NOT MISSING ANYTHING THERE.

6 Q BY MR. WARD: THIS IS PROBABLY NOT COMPLETE
7 BUT SIMILAR TO A CUSTODIAN OF RECORDS FOR THE PACIFIC
8 BELL. THE PERSON WHO IS AWARE OF HOW THEY'RE PREPARED,
9 THE MEANS BY WHICH THEY'RE PREPARED, THE SOURCE, THE
10 AUTHENTICITY, THE ACCURACY, ANYTHING TO DO WITH THE
11 RECORDS AND THEIR STORAGE, HOW YOU -- TO WHOM YOU PRODUCE
12 THEM, WHAT REASON THEY'RE KEPT. NONINCLUSIVE.

13 MR. MERVIS: LET ME AGAIN OBJECT TO THE FORM AND
14 JUST NOTE THAT'S A PRETTY LONG LIST.

15 THE WITNESS: YES, I DID -- WELL, CERTAINLY I'M --
16 I CAN SAY I WAS IN THAT DEFINITION OR ENCOMPASSING OF
17 CUSTODIAN I -- I HAD RECORDS IN MY POSSESSION. I SECURED
18 THEM. I'M NOT TOTALLY CLEAR WHAT YOU MEAN BY
19 PREPARATION, WHAT EXACTLY THAT WOULD ENTAIL.

20 Q WHAT DO YOU UNDERSTAND BY "CUSTODIAN OF
21 RECORDS"? WHAT DO YOU UNDERSTAND A CUSTODIAN OF RECORDS
22 IS?

23 MR. MERVIS: ASSUMING YOU HAVE SUCH A DEFINITION.

24 THE WITNESS: NO. I WOULD THINK IT WOULD --

25 MR. MERVIS: WE HAVE TO WAIT SO THE RECORD IS

1 CLEAN.

2 Q BY MR. WARD: WHAT DO YOU UNDERSTAND AS
3 WHAT A "CUSTODIAN OF RECORDS" MEANS?

4 A I THINK A "CUSTODIAN OF RECORDS" WOULD VARY
5 TREMENDOUSLY ACCORDING TO WHAT RECORDS, WHAT FORM OF
6 RECORDS ONE HAD CUSTODY OF AND THE EXACT -- THE
7 PARAMETERS OF THE CUSTODIANSHIP, AS IT WERE. I'M NOT
8 TOTALLY DUPLICATING YOUR QUESTION, TO BE HONEST.

9 Q DO YOU KNOW WHICH RECORDS WE'RE TALKING
10 ABOUT IN THIS LITIGATION?

11 A WE'RE TALKING -- I THINK SO. WE'RE TALKING
12 ABOUT THE DOCUMENTATION THAT WAS PRODUCED FROM DOWNLOADS
13 FROM THE INTERNET.

14 Q HAVE YOU BEEN THE CUSTODIAN OF RECORDS FOR
15 THOSE DOCUMENTS?

16 A YES.

17 Q WHAT TO YOU DOES "CUSTODIAN OF RECORDS"
18 MEAN WITH RESPECT TO THOSE DOCUMENTS?

19 A IT WOULD -- TO ME IT MEANS TAKING
20 RESPONSIBILITY FOR THEM, TAKING THE CARE OF THEM, AND
21 TAKING THE SECURITY OF THEM, KEEPING THEM IN CERTAIN
22 INSTANCES LOCKED FROM ACCESSIBILITY TO OTHERS WHO
23 SHOULDN'T HAVE THEM, MAINTAINING THEM ALSO IN A LARGE
24 ROOM.

25 Q DOES THAT INCLUDE OBTAINING THE RECORDS?

1 A WELL, YES. IN A CERTAIN INSTANCE I
2 WOULD -- IN OBTAIN -- I WOULD OBTAIN THEM FROM -- THE
3 METHOD OF GETTING THEM FROM THE INTERNET, YES.

4 Q SO FOR THE RECORDS THAT YOU WERE CUSTODIAN
5 OF, YOU PERSONALLY OBTAINED THEM FROM THE INTERNET; IS
6 THAT CORRECT?

7 A CAN I HAVE THE QUESTION AGAIN? SORRY.
8 (PENDING QUESTION WAS READ BACK BY THE REPORTER.)
9 THE WITNESS: THAT'S CORRECT.

10 Q BY MR. WARD: AND WHAT TIME PERIOD DID YOU
11 DO THIS?

12 A THIS WAS FEBRUARY -- FEBRUARY THE -- ABOUT
13 THE 20TH, 1995, THROUGH AND UNTIL THE END OF DECEMBER,
14 '95.

15 Q DURING THAT PERIOD OF TIME WERE THERE ANY
16 OTHER PEOPLE WHO DID THE TASK THAT YOU DID?

17 MR. MERVIS: I'M SORRY. THE EXACT TASK?

18 MR. WARD: YES, OR A SIMILAR TASK OF DOWNLOADING.

19 MR. MERVIS: OKAY. IF YOU UNDERSTAND IT, YOU CAN
20 ANSWER.

21 THE WITNESS: OKAY. SO TALKING ABOUT DOWNLOADING
22 AND SECURING THE DOCUMENTS, KEEPING THE DOCUMENTS?

23 Q BY MR. WARD: YES.

24 A NO.

25 Q DID ANYONE ELSE DOWNLOAD?

1 MR. MERVIS: OBJECTION TO THE FORM OF THE
2 QUESTION.

3 YOU CAN ANSWER IT IF YOU UNDERSTAND.

4 THE WITNESS: WELL, I DO -- DID ANYONE ELSE -- YOU
5 MEAN DID ANYONE ELSE EVER GO ONTO THE INTERNET AND --

6 Q BY MR. WARD: NO. AS PART OF YOUR -- DID
7 YOU HAVE ANY JUNIORS ACCOMPLISHING THIS TASK OF
8 CUSTODIANSHIP OF THE RECORDS?

9 A NO.

10 Q WHO WERE YOUR SENIORS?

11 A SO SENIORS IN REGARD TO THE DOWNLOAD --

12 Q WITHOUT REGARD TO ANYTHING. JUST WHO ARE
13 YOUR SENIORS?

14 MR. MERVIS: THAT QUESTION I WILL OBJECT TO THE
15 FORM OF.

16 Q BY MR. WARD: SO YOU REFUSE TO ANSWER?

17 MR. MERVIS: NO.

18 THE WITNESS: I THINK MAYBE YOU COULD REPHRASE THE
19 QUESTION.

20 Q BY MR. WARD: WHO WERE YOUR SENIORS AT THE
21 CHURCH OF SCIENTOLOGY INTERNATIONAL?

22 MR. MERVIS: OKAY. IF YOU UNDERSTAND THAT
23 QUESTION, YOU CAN ANSWER.

24 THE WITNESS: WELL, MY SEN -- THERE'S -- THERE'S A
25 LOT OF PEOPLE SENIOR TO ME IN THE CHURCH OF SCIENTOLOGY

1 INTERNATIONAL.

2 Q BY MR. WARD: WHICH ONE CAN GIVE YOU
3 INSTRUCTIONS, INSTRUCTIONS IN YOUR WORK?

4 A IN -- SO WE'RE NOW TALKING ABOUT THE
5 CUSTODIANSHIP OF --

6 Q CHURCH OF SCIENTOLOGY INTERNATIONAL.

7 A MR. WARD --

8 MR. MERVIS: LET'S JUST GO OFF THE RECORD.

9 (A DISCUSSION WAS HELD OFF THE RECORD.)

10 MR. MERVIS: IF YOU COULD, READ BACK THE LAST
11 QUESTION.

12 (THE FOLLOWING QUESTION WAS READ BACK BY THE
13 REPORTER:

14 "Q WHICH ONE CAN GIVE YOU INSTRUCTIONS,
15 INSTRUCTIONS IN YOUR WORK?")

16 MR. MERVIS: WITH THE CLARIFICATION THAT YOU'RE
17 REFERRING TO THE FEBRUARY TO DECEMBER 1995 TIME PERIOD?

18 MR. WARD: THAT'S RIGHT.

19 AND PEOPLE WHO GIVE YOU -- COULD GIVE YOU
20 INSTRUCTIONS ON WHAT TO DO OR HOW TO DO YOUR WORK.

21 MR. MERVIS: OKAY.

22 THE WITNESS: OKAY. WELL, CERTAINLY I RECEIVED
23 ADVICE AND INSTRUCTIONS FROM -- INSTRUCTION FROM
24 MR. MC SHANE. SOMETIMES I RECEIVED INSTRUCTION FROM
25 COUNSEL.

1 Q BY MR. WARD: AND WHICH COUNSEL?

2 A HELENA. THAT WOULD BE THE MAIN PEOPLE WHO
3 WOULD INSTRUCT ME.

4 Q WELL, OTHER THAN THE MAIN PEOPLE WHO ELSE
5 MIGHT?

6 A WELL, WHO ELSE MIGHT --

7 Q WHO ELSE DID?

8 MR. MERVIS: WHO ELSE DID I THINK IS THE QUESTION?

9 THE WITNESS: WHO ELSE DID, RIGHT.

10 LINDA HAMEL WOULD OCCASIONALLY.

11 Q BY MR. WARD: HOW DO YOU SPELL THAT LAST
12 NAME?

13 A H-A-M-E-L. THAT'S ABOUT IT.

14 Q WHAT INSTRUCTIONS DID LINDA HAMEL GIVE YOU
15 REGARDING YOUR DUTIES AS CUSTODIAN DURING THAT TIME
16 PERIOD?

17 A OH, SHE WOULD BASICALLY CHECK THAT I WAS
18 FOLLOWING OUT THE INSTRUCTIONS FROM MR. MC SHANE.

19 Q HOW WOULD SHE DO THAT?

20 A WELL, SHE WOULD CHECK OVER WITH ME WHAT I
21 WAS DOING FOR THE DAY, COME AND SEE ME AND ASK ME WHAT I
22 WAS DOING. SOMETIMES HE WOULD HAVE SENT HER MAYBE
23 SOME -- A COMMUNICATION REQUEST, AND SHE WOULD CONVEY IT
24 TO ME. SOMETIMES HE WOULD SPEAK TO ME DIRECTLY.

25 Q DID SHE EVER CONVEY AN INSTRUCTION IN

1 WRITING?
2 A NO.
3 Q DID MR. MC SHANE EVER GIVE YOU AN
4 INSTRUCTION IN WRITING?
5 A NO.
6 Q AN INSTRUCTION, AN E-MAIL?
7 A NO.
8 Q ANYTHING OTHER THAN ORALLY?
9 A NO, I DON'T BELIEVE SO.
10 Q SO DURING THIS TIME PERIOD AS CUSTODIAN OF
11 RECORDS YOU NEVER RECEIVED AN INSTRUCTION FOR YOUR WORK
12 IN ANY WAY OTHER THAN ORALLY? IS THAT YOUR TESTIMONY?
13 A TO THE BEST OF MY RECOLLECTION, YES, THAT'S
14 CORRECT.
15 Q ARE YOU A MEMBER OF THE SEA ORG?
16 A YES.
17 Q WHAT IS YOUR RANK?
18 A RANK? PETTY OFFICER, SECOND CLASS.
19 Q IS LINDA HAMEL A MEMBER OF THE SEA ORG?
20 A YES.
21 Q AND WHAT IS HER RANK?
22 A I'M NOT -- I THINK SHE'S A CHIEF PETTY
23 OFFICER.
24 Q HOW LONG HAVE YOU WORKED FOR CHURCH OF
25 SCIENTOLOGY INTERNATIONAL?

1 A SINCE 1989.

2 Q ARE YOU STILL EMPLOYED BY THEM?

3 A YES.

4 Q HAVE YOU CONTINUOUSLY BEEN EMPLOYED BY THEM
5 DURING THE PERIOD OF 1989 TO THE PRESENT?

6 A YES.

7 Q HAVE YOU BEEN EMPLOYED BY ANY OTHER
8 SCIENTOLOGY ENTERPRISE DURING THAT TIME?

9 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.
10 YOU CAN ANSWER.

11 THE WITNESS: SCIENTOLOGY ENTERPRISE.

12 MR. WARD: WELL, IT'S BETTER THAN THE C-WORD THAT
13 I DON'T THINK YOU WOULD LIKE.

14 THE WITNESS: SO -- OKAY. SO YOU'RE ASKING ME WAS
15 I WITH ANOTHER PART OF THE CHURCH BEFORE I WENT TO THE
16 CHURCH OF SCIENTOLOGY INTERNATIONAL?

17 Q BY MR. WARD: DURING THE PERIOD FROM 1989
18 TO THE PRESENT WAS YOUR SOLE EMPLOYMENT CHURCH OF
19 SCIENTOLOGY INTERNATIONAL?

20 A YES.

21 Q DURING THE PERIOD OF 1989 TO THE PRESENT,
22 OTHER THAN YOUR HAT AS CUSTODIAN, WHAT OTHER HAT DID YOU
23 WEAR FOR THE CHURCH OF SCIENTOLOGY INTERNATIONAL?

24 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.
25 YOU CAN ANSWER IF YOU UNDERSTAND.

1 THE WITNESS: YEAH, I WOULD LIKE TO CLARIFY THAT
2 EXACTLY BECAUSE --

3 Q BY MR. WARD: SURE.

4 A AS -- WHAT EXACTLY IS IT THAT -- HATS OR --

5 Q "HATS" I DEFINE AS RESPONS -- DIFFERENT
6 RESPONSIBILITIES OR TASKS OR JOBS WITHIN AN ORGANIZATION,
7 ONE OF WHICH, FOR EXAMPLE, WOULD BE CUSTODIAN OF RECORDS.

8 A RIGHT. OKAY.

9 Q SO TALKING ABOUT OTHER HATS.

10 A I SEE. SO SINCE --

11 Q 1989 TO THE PRESENT.

12 A OKAY. '89. SO WHEN I ARRIVED, I WAS --
13 ACTUALLY, I WAS WHAT'S CALLED A MISSIONAIRE, WHAT WE --
14 WE SEND SOMEBODY OUT. AND I WENT TO EUROPE. THAT WAS
15 UNTIL END OF '89. THEN I WAS -- I WORKED WITH PROGRAMS
16 FOR A CERTAIN AREA. I WAS IN EUROPE, PROGRAMS.

17 Q WHAT DOES THAT MEAN?

18 A IT'S JUST SENDING OUT FORMS, INSTRUCTIONS
19 TO OTHER AREAS.

20 Q OKAY.

21 A THEN I CHANGED FROM EUROPE TO CANADA. I
22 WAS JUST RESPONSIBLE FOR THE CANADA AREA. THAT WENT OUT
23 TO '94. THEN I WENT TO -- WENT IN DATA, JUST COLLECTING
24 ODD INFORMATION. THAT LASTED UNTIL A BRIEF PERIOD OF A
25 MISSION AGAIN. THEN I CAME BACK IN FEBRUARY OF '95, AND

1 THEN I WENT ON TO THE INTERNET MONITORING.

2 Q ARE YOU A MEMBER OF THE OFFICE OF SPECIAL
3 AFFAIRS?

4 A YES.

5 Q WHEN DID YOU BECOME A MEMBER OF THE OFFICE
6 OF SPECIAL AFFAIRS?

7 A IN APPROXIMATELY 1984.

8 Q ARE YOU STILL A MEMBER OF THE OFFICE OF
9 SPECIAL AFFAIRS?

10 A YES.

11 Q HAVE YOU CONTINUOUSLY BEEN A MEMBER OF THE
12 OFFICE OF SPECIAL AFFAIRS SINCE 1984 TO THE PRESENT?

13 A YES.

14 Q WHAT DO YOU MONITOR THE INTERNET FOR?

15 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

16 YOU CAN ANSWER IT IF YOU UNDERSTAND.

17 THE WITNESS: NO, I DON'T UNDERSTAND IT, ACTUALLY.

18 WHAT DO I -- CAN --

19 Q BY MR. WARD: WHEN YOU MONITOR THE
20 INTERNET, WHAT ARE YOU MONITORING FOR?

21 MR. MERVIS: SAME OBJECTION.

22 THE WITNESS: WHAT AM I MONITORING FOR?

23 Q BY MR. WARD: DO YOU JUST SURF THE WEB?

24 A I WAS --

25 MR. MERVIS: I'M SORRY. OBJECTION.

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YOU CAN ANSWER.

THE WITNESS: I -- WHAT I WAS MONITORING FOR SPECIFICALLY WAS TO DOWNLOAD POSTINGS FROM THE NEWS GROUP, CHURCH OF SCIENTOLOGY.

Q BY MR. WARD: JUST THAT NEWS GROUP?

A NO. THERE WOULD BE OTHERS, BUT THAT WAS -- I WOULD GO, AND THE FIRST THING I WOULD DO WOULD BE TO ALT.RELIGION.SCIENTOLOGY.

Q SO YOU DOWN LOADED ALL THE POSTINGS FROM ALT.RELIGION.SCIENTOLOGY FROM 19 --

MR. MERVIS: LET HIM FINISH HIS QUESTION.

Q BY MR. WARD: YOU NODDED YOUR ASSENT; IS THAT CORRECT?

MR. MERVIS: TO HALF A QUESTION.

Q BY MR. WARD: DID YOU DOWNLOAD ALL THE POSTINGS FROM ALT.RELIGION.SCIENTOLOGY FROM FEBRUARY 20TH, 1995, TO DECEMBER OF 1995?

A THAT'S CORRECT.

Q HOW DO YOU KNOW THAT THEY WERE ALL THE POSTINGS?

A WELL, I WOULD LOG ONTO -- GO TO A.R.S. IN NETCOM.COM, TAKE THEIR INDEXES OF THE NEW POSTINGS, AND I WOULD PRINT THAT INDEX OFF. THEN I WOULD DOWNLOAD THE POSTINGS, AND THEN I WOULD HAVE THE INDEX, WOULD BE CHECKING THEM OFF.

1 Q OTHER THAN NEWS GROUPS WHAT DID YOU MONITOR
2 DURING THIS TIME?

3 A I DON'T KNOW IF I'M GOING TO BE ABLE TO
4 TELL YOU ALL OF THEM.

5 Q ALL THAT YOU CAN REMEMBER.

6 A OKAY. WELL, I WOULD CHECK PERIODICALLY
7 ALT.ACTIVISM, ALT.2600, ALT.CLEARING.TECH, I THINK IT
8 WAS. THERE WAS ONE I WOULD GO INTO CALLED
9 COMP.ORG.EFF.TALK, I BELIEVE. AND -- LET ME SEE. THERE
10 WERE -- THERE WERE OTHERS I WOULD GO TO FOR A CERTAIN
11 PERIOD BECAUSE OF -- YOU KNOW, I WOULD BE CHECKING THAT
12 ONE OUT. THEN I WOULD GO BACK TO THEM AGAIN MAYBE A
13 WHILE LATER. I CAN'T REMEMBER ANY MORE TO BE HONEST. IT
14 WOULD VARY TREMENDOUSLY.

15 Q WHY WOULD YOU CHECK OUT ALT.ACTIVISM?

16 A WELL, USUALLY WHAT WOULD HAPPEN IS I WOULD
17 SEE SOMETHING ON AN A.R.S. POSTING THAT WOULD ALERT ME,
18 OR I WOULD WANT TO GO CHECK FURTHER.

19 Q WHAT WOULD ALERT YOU?

20 A VARIOUS THINGS.

21 Q GIVING AN EXAMPLE?

22 A WELL, THERE MIGHT BE A REPORT IN ONE
23 POSTING OR IN SEVERAL POSTINGS SOMETIMES DOWNLOADED TO
24 A.R.S. WHEN I READ THEM, AND IT WOULD SAY THAT PEOPLE
25 WERE DISCUSSING CHURCH MATTERS OR THEY WERE ACTUALLY

1 POSTING ADVANCE MATERIALS ON OTHER NEWS GROUPS, AND I
2 WOULD -- IF I HADN'T ALREADY FOUND THEM BY OTHER MEANS, I
3 WOULD GO AND CHECK ON THE NEWS GROUPS.

4 Q OTHER THAN CHECKING FOR INFRINGEMENTS OR
5 VIOLATIONS OF THE INTELLECTUAL PROPERTY OF YOUR EMPLOYER,
6 WHAT ELSE DID YOU CHECK FOR?

7 MR. MERVIS: OBJECTION TO THE FORM OF THE
8 QUESTION. IT ASSUMES FACTS NOT IN EVIDENCE.

9 IF YOU UNDERSTAND IT, YOU CAN ANSWER IT.

10 THE WITNESS: SORRY. CAN YOU REPEAT THE QUESTION
11 AGAIN.

12 (THE FOLLOWING QUESTION WAS READ BACK BY THE
13 REPORTER:

14 "Q OTHER THAN CHECKING FOR INFRINGEMENTS
15 OR VIOLATIONS OF THE INTELLECTUAL PROPERTY OF YOUR
16 EMPLOYER, WHAT ELSE DID YOU CHECK FOR?"

17 THE WITNESS: OH, THERE WAS -- WELL, LET'S SEE.
18 ONE -- ONE TIME WHEN I WAS ON, I THINK THERE WAS A BOMB
19 THREAT THAT WAS POSTED ABOUT THE CHURCH. I WOULD --
20 SOMETIMES THERE WAS LEGAL CASES ONGOING, AND PEOPLE WERE
21 POSTING ABOUT LEGAL CASES. I WOULD BE CHECKING IF THERE
22 WAS ANYTHING ABOUT OUR CASES.

23 Q BY MR. WARD: WHO INSTRUCTED YOU TO LOOK
24 FOR THOSE TOPICS?

25 MR. MERVIS: LET ME OBJECT TO THE FORM OF THE

1 QUESTION.

2 YOU CAN ANSWER.

3 THE WITNESS: SO WHO INSTRUCTED ME TO --

4 Q BY MR. WARD: WHO INSTRUCTED YOU TO LOOK
5 FOR BOMB THREATS, LEGAL -- LEGAL MATERIALS ABOUT THE
6 CHURCH OF SCIENTOLOGY?

7 MR. MERVIS: OBJECTION TO THE FORM.

8 YOU CAN ANSWER.

9 THE WITNESS: OKAY. I THINK -- WELL, NO ONE -- I
10 MEAN, THE BOMB THREATS WAS OBVIOUSLY -- I HAD QUITE A
11 RESPONSIBILITY TO READ SOMETHING, AND IF I THOUGHT
12 SOMEBODY SHOULD BE INFORMED OF IT OR SHOULD KNOW ABOUT
13 IT, THEN IT WAS MY JOB JUST TO GET THEM A COPY OF THAT
14 POSTING. FOR EXAMPLE, I DIDN'T GO ON THE INTERNET
15 LOOKING FOR BOMB THREATS, BUT ONCE I SEEN THEM -- NOBODY
16 GAVE ME INSTRUCTIONS FOR THAT. I MEAN, I SAW IT, AND I
17 WAS TOTALLY FREAKED OUT. AND I --

18 Q SO ARE THERE WRITTEN ANYWHERE INSTRUCTIONS
19 FOR WHAT YOU WERE TO MONITOR OR SEEK OUT ON THE INTERNET?

20 A NO, BECAUSE IT WOULD CHANGE DAILY, YOU SEE,
21 WITH THE POSTINGS COMING -- SOMETHING WOULD BE MENTIONED
22 THAT WE HAD NEVER SEEN BEFORE. I HAD NEVER SEEN IT.
23 THEN I WOULD MENTION THAT, AND I WOULD SAY, "OKAY, I'LL
24 KEEP YOU INFORMED ON THAT MATTER." AND THEN SOMETHING
25 ELSE WOULD COME UP. THAT DAY I WOULD BE LOOKING FOR

1 SOMETHING ELSE AND ADD TO THE OTHER THINGS, AND THEN
2 THINGS WOULD DROP OFF THE LIST. IT WOULD VARY
3 TREMENDOUSLY ALL THE TIME.

4 Q SO YOU YOURSELF DECIDED WHAT TO DO EACH DAY
5 ON THE INTERNET?

6 MR. MERVIS: LET ME OBJECT TO THE FORM OF THE
7 QUESTION.

8 YOU CAN ANSWER.

9 THE WITNESS: WELL, LET'S NOT FORGET THAT I HAD
10 SPECIFIC INSTRUCTIONS THAT I WAS LOOKING FOR ANY ADVANCED
11 MATERIALS OBVIOUSLY. IF I SAW --

12 Q BY MR. WARD: HOLD IT A SECOND. ANY
13 ADVANCED MATERIALS? WHAT DOES THAT MEAN, PLEASE, TO YOU?

14 A SO WHAT I'M REFERRING TO THERE IS ANY
15 EXCERPTIONS OR REFERENCES OR WHAT APPEARED TO BE TO ME
16 QUOTES FROM THE UPPER-LEVEL MATERIALS.

17 Q ARE YOU QUALIFIED TO DETERMINE WHAT IS
18 UPPER-LEVEL MATERIAL OR NOT?

19 A WELL, I'VE STUDIED -- I'VE DONE PASTORAL
20 COUNSELING UP UNTIL A LEVEL OF OT-4.

21 Q SO IF MATERIAL LOOKED CLAIMED TO BE, SAY,
22 OT-7, HOW WOULD YOU VERIFY THAT?

23 MR. MERVIS: GO AHEAD.

24 THE WITNESS: OH, SO IF MATERIAL CLAIMED TO BE
25 OT-7, I WOULD -- WELL, I WAS -- IT WAS ALREADY -- I

1 DOWNLOADED EVERYTHING. SO I WOULD PRINT IT OFF, PUT IT
2 IN AN ENVELOPE, AND SEND IT TO MR. MC SHANE.

3 Q BY MR. WARD: AND WHAT ELSE DID YOU DO WITH
4 THOSE POSTINGS?

5 MR. MERVIS: I'M SORRY. OBJECTION TO THE FORM OF
6 THE QUESTION.

7 THE WITNESS: WELL, YEAH. WHICH POSTINGS?

8 Q BY MR. WARD: WELL, THE ONES YOU
9 DOWNLOADED, YOU PUT INTO AN ENVELOPE AND SENT IT TO
10 MR. MC SHANE. DID YOU KEEP A COPY?

11 MR. MERVIS: STOP. LET ME -- JUST TO BE CLEAR,
12 YOU'RE TALKING ABOUT -- YOU GAVE A HYPOTHETICAL OF OT-7.

13 MR. WARD: RIGHT.

14 MR. MERVIS: ARE WE STILL ON THAT HYPOTHETICAL?

15 MR. WARD: NO. WE'VE GONE PAST. SHE WAS
16 EXPLAINING IN GENERAL HOW SHE DOWNLOADED IT.

17 MR. MERVIS: I DON'T THINK SHE WAS.

18 THE WITNESS: YOU ASKED ME ABOUT OT-7.

19 Q BY MR. WARD: OKAY.

20 A SO IF I SAW SOMETHING THAT PURPORTED TO BE
21 OT-7 -- YOU'RE CORRECT. I HAVE NOT DONE THAT LEVEL. SO
22 I WOULD PRINT IT, SEAL IT IN AN ENVELOPE, AND SEND IT TO
23 MR. MC SHANE.

24 Q DID YOU DOWNLOAD ALL THE POSTS FROM
25 ALT.ACTIVISM?

1 A NO.

2 Q ALT.2600?

3 A NO.

4 Q COMP.ORG.EFF.TALK?

5 A YOUR QUESTION WAS CULL THE POSTS; RIGHT?

6 Q YES.

7 A NO.

8 Q ALT.CLEARING.TECH?

9 A NO.

10 Q WHICH POSTS DID YOU DOWNLOAD FROM THOSE?

11 A FROM MARCH TO SEPTEMBER?

12 Q DURING THE TIME PERIOD, YEAH.

13 A I --

14 MR. MERVIS: IF YOU CAN REMEMBER ANY OF THEM, YOU

15 CAN TELL.

16 THE WITNESS: WELL, YES. I MEAN, I DO REMEMBER

17 SCAMIZDATS, S-C-A-M-I-Z-D-A-T-S, POSTINGS.

18 Q BY MR. WARD: SO DO YOU KEEP A RECORD OF

19 WHAT YOU DOWNLOADED?

20 A WELL --

21 MR. MERVIS: WELL, OBJECTION TO THE FORM OF THE

22 QUESTION. THAT'S -- WELL, IT'S HARD TO UNDERSTAND.

23 IF YOU CAN UNDERSTAND IT, YOU CAN ANSWER.

24 THE WITNESS: I ACTUALLY DO. A RECORD --

25 Q BY MR. WARD: OF ALL THE POSTINGS THAT YOU

1 DOWNLOADED FROM THE INTERNET DURING THE COURSE OF YOUR
2 MONITORING. DO YOU KEEP A RECORD OF THEM?

3 MR. MERVIS: AND YOU'RE TALKING ABOUT EACH AND
4 EVERY POSTING?

5 MR. WARD: YES.

6 MR. MERVIS: OKAY. YOU CAN ANSWER THE QUESTION.

7 THE WITNESS: ARE YOU TALKING ABOUT -- I MEAN, THE
8 RECORD WAS THE DOWNLOAD. AND THEN ON TOP OF THAT CERTAIN
9 ONES WERE PRINTED OFF IN HARD COPY. SO I HAD A RECORD OF
10 THOSE ONES, HARD COPY, AND THE OTHER ONES TO THE
11 DOWNLOAD.

12 Q BY MR. WARD: WHERE IS THE DOWNLOAD?

13 A LET ME UNDERSTAND YOUR QUESTION.

14 Q TALKING ABOUT THE MAGNETIC IMAGE NOW.

15 A WHERE IS IT NOW?

16 Q YES.

17 A YES.

18 MR. MERVIS: TODAY?

19 MR. WARD: SURE, TODAY.

20 THE WITNESS: ON THE COMPUTER.

21 Q BY MR. WARD: DID YOU EVER DESTROY OR ERASE
22 A DOWNLOADED MAGNETIC IMAGE?

23 A NO.

24 Q AND YOU'VE CONTINUOUSLY KEPT THEM FROM
25 FEBRUARY 20, 1995, THROUGH DECEMBER OF 1995?

1 A THAT'S RIGHT.

2 Q ON WHAT COMPUTER DID YOU KEEP THOSE?

3 A WELL, I DOWNLOAD ONTO MY -- ONTO THE
4 COMPUTER THAT I USED.

5 Q WHICH COMPUTER IS THAT?

6 A IT'S JUST AN IBM COMPATIBLE.

7 Q JUST ONE?

8 A YES.

9 Q WHERE IS THAT LOCATED?

10 MR. MERVIS: THEN OR NOW?

11 MR. WARD: DURING THE PERIOD FEBRUARY 20TH THROUGH
12 DECEMBER OF --

13 MR. MERVIS: OKAY. THANK YOU.

14 THE WITNESS: IT'S IN MY OFFICE.

15 Q BY MR. WARD: WHERE IS YOUR OFFICE?

16 A 633100.

17 Q WHO IS YOUR ISP?

18 A I WOULD GO -- I WAS USING NETCOM.

19 Q WERE YOU USING ANY OTHER ISP'S?

20 A NO.

21 Q FOR EVERY POST THAT YOU DOWNLOADED, DID YOU
22 PRINT A PAPER COPY OF IT?

23 A WELL, ACTUALLY, WHEN I FIRST WENT ON -- ON
24 IN FEBRUARY, I WAS DOING THAT. I WOULD PRINT OUT THE
25 POSTINGS, AND THAT GOT -- IT WASN'T REALLY -- IT WAS

1 UNREALITY. SO AFTER TIME, AFTER PROBABLY ABOUT EIGHT
2 WEEKS, I THINK, IT JUST CAME TO I WOULD PRINT SELECTIVE
3 ONES.

4 Q WHICH DID YOU CHOOSE TO PRINT?

5 MR. MERVIS: I'M SORRY. OBJECTION TO THE FORM OF
6 THE QUESTION.

7 YOU CAN ANSWER IF YOU UNDERSTAND.

8 THE WITNESS: WHICH -- I THINK I'VE ALREADY
9 COVERED THAT. IT WOULD BE THE VARIOUS THINGS THAT -- YOU
10 KNOW, AS I READ THROUGH THEM EVERY DAY, THE ONES THAT
11 WOULD HAVE CAUGHT MY ATTENTION FOR VARIOUS REASONS WOULD
12 BE THE ONES THAT I WOULD PRINT OFF.

13 Q BY MR. WARD: NOW, WHICH KEY WORDS DID
14 MR. MC SHANE TELL YOU TO SEEK OUT?

15 MR. MERVIS: IS THAT -- HAVE YOU FINISHED THE
16 QUESTION?

17 MR. WARD: YES.

18 MR. MERVIS: OKAY. I OBJECT TO THE FORM OF THE
19 QUESTION. ASSUMES FACTS NOT IN EVIDENCE, NO FOUNDATION,
20 AND TO A CERTAIN EXTENT IT'S AMBIGUOUS.

21 THE WITNESS: YEAH. UNDER WHAT CIRCUMSTANCES?

22 Q BY MR. WARD: DID MR. MC SHANE EVER GIVE
23 YOU KEY WORDS TO LOOK FOR ON THE INTERNET?

24 MR. MERVIS: THAT YOU CAN ANSWER.

25 THE WITNESS: MR. MC SHANE AND I DISCUSSED --

1 YOU'RE TALKING ABOUT I WAS LOOKING FOR THE ADVANCE
2 MATERIALS. AND, YES, WE DID DISCUSS TERMS THAT WE BOTH
3 AGREED UPON.

4 Q BY MR. WARD: WHICH TERMS?

5 MR. MERVIS: CAN WE GO OFF THE RECORD FOR A
6 SECOND? I JUST HAVE TO CONFIRM WITH MR. HOGAN.

7 (A DISCUSSION WAS HELD OFF THE RECORD.)

8 MR. MERVIS: BACK ON THE RECORD.

9 SHE'LL ANSWER THE QUESTION IN A MINUTE. I
10 JUST WANT TO MAKE CLEAR THAT TO THE EXTENT THAT THE
11 QUESTION MAY CALL FOR THE REVELATION OF TERMS THAT RTC
12 CONSIDERS PROPRIETARY AND CONFIDENTIAL WE WOULD PLACE
13 THAT PART OF THE DEPOSITION UNDER SEAL AS CONFIDENTIAL.

14 AND WITH THAT ADMONITION YOU CAN ANSWER THE
15 QUESTION.

16 (THE FOLLOWING LINES, LINE 16 OF PAGE 29 THROUGH
17 LINE 24 OF PAGE 30, ARE SEALED.)

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(RESUME UNSEALED TEXT.)

24 Q DO YOU KEEP ANY INFORMATION ABOUT THE
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POSTINGS OTHER THAN THE POSTINGS THEMSELVES?

MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

YOU CAN ANSWER IF YOU UNDERSTAND.

THE WITNESS: NO, I DON'T UNDERSTAND THE QUESTION.

Q BY MR. WARD: DID YOU -- AT THE TIME THAT YOU DOWNLOADED AND SAVED THE POSTING, DID YOU SIMULTANEOUSLY KEEP ANY OTHER NOTES OR INFORMATION ABOUT THE POSTING OTHER THAN THE POSTING ITSELF?

A I THINK -- WELL, I WOULD -- THE ONLY THING TO THAT IS I WOULD -- I HAD -- I HAD MADE NOTES OF WHEN I TOOK MATERIAL THAT I THOUGHT WAS CONFIDENTIAL MATERIAL, UPPER LEVEL MATERIAL, AND SEALED IT. I WOULD MAKE A LITTLE NOTE OF WHAT I -- THE FACT THAT I MADE A SEALANT.

Q AND WHERE ARE THOSE NOTES NOW?

A WELL, THEY'RE -- I STILL HAVE THEM.

Q WHAT FORM ARE THEY IN?

A THEY'RE -- THEY'RE HANDWRITTEN JOTTINGS, AT LEAST HANDWRITTEN JOTTINGS.

Q WHAT KIND OF PAPER ARE THEY WRITTEN ON?

A TO BE HONEST, I THINK IT WAS SOMETHING LIKE A SCRATCH PAD, LIKE THAT (INDICATING). IT WAS A LINED PAD THAT I THINK THAT I HAD, AND I WOULD KEEP IT IN A SEALED DRAWER. I HAD A LOCKED DRAWER THAT I PUT THE ENVELOPES IN, AND IT WAS REALLY A LISTING OF MY ENVELOPES SO I COULD GO BACK AND FIND THEM IF I HAD TO.

1 Q AND SO THAT STILL EXISTS AS A RECORD?

2 A YES. I BELIEVE -- ACTUALLY, I BELIEVE PART
3 OF IT -- THERE'S ONLY A PHOTOCOPY OF IT, BUT IT'S STILL
4 THERE, YES.

5 Q ARE THERE ANY OTHER NOTES THAT YOU KEPT?

6 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

7 YOU CAN ANSWER.

8 THE WITNESS: I HONESTLY CAN'T RECALL. I MEAN,
9 ACTUALLY KEPT? NOTES? I -- I DON'T RECALL.

10 Q BY MR. WARD: THAT'S FINE. DID YOU EVER
11 EDIT IN ANY WAY THE IMAGES DOWNLOADED FROM THE INTERNET?

12 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

13 THE WITNESS: YEAH, I DON'T -- DOWN --

14 DOWNLOADING -- I MEAN, THAT'S A VERY BROAD CYCLE.

15 MR. MERVIS: MAYBE YOU COULD BE A LITTLE MORE
16 SPECIFIC.

17 Q BY MR. WARD: DID YOU CHANGE IN ANY WAY ANY
18 OF THE POSTS THAT WERE DOWNLOADED FROM THE INTERNET?

19 MR. MERVIS: SAME OBJECTION.

20 THE WITNESS: I MEAN, WHAT -- AT WHAT POINT ARE
21 YOU TALKING ABOUT NOW?

22 MR. MERVIS: LET ME SEE IF I CAN HELP.

23 THE WITNESS: YES.

24 MR. MERVIS: ARE WE TALKING ABOUT IN AN ELECTRONIC
25 MAGNETIC FORM OR IN A HARD COPY FORM?

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MR. WARD: IN ANY FORM.

Q DID YOU EDIT IN ANY WAY ANY OF THE POSTINGS THAT YOU COLLECTED FROM THE INTERNET?

MR. MERVIS: SAME OBJECTION TO THE FORM.

IF YOU UNDERSTAND THE QUESTION, YOU CAN ANSWER IT.

THE WITNESS: RIGHT. I THINK I PROBABLY NEED TO BREAK THIS DOWN INTO TWO STAGES. THE POSTINGS WOULD BE DOWNLOADED, STAGE ONE. RIGHT?

Q BY MR. WARD: OKAY.

A THE POSTINGS WOULD BE PRINTED, AND A COPY WAS SENT TO -- LET'S TALK -- I'M TALKING NOW SPECIFICALLY ABOUT THE ADVANCE -- IF I SAW UPPER ADVANCED MATERIALS. A COPY WOULD BE PRINTED OFF AND SENT TO MR. MC SHANE. I WOULD SEND A COPY TO COUNSEL, AND ON OCCASIONS I WOULD REDACT SOME OF THE PORTIONS OF THOSE MATERIALS ON THE HARD COPY.

Q WHO TOLD YOU TO REDACT THOSE?

MR. MERVIS: OBJECTION TO FORM.

YOU CAN ANSWER IF YOU UNDERSTAND.

THE WITNESS: I THINK -- THIS IS A -- AN ECCLESIASTICAL POINT WITHIN THE CHURCH THAT NEVER WOULD I EXPOSE UPPER LEVEL TERMS TO SOMEONE WHO HADN'T REACHED THAT LEVEL.

MR. MERVIS: I THINK THE QUESTION WAS: WHO

1 INSTRUCTED YOU?

2 THE WITNESS: SO NO ONE INSTRUCTED. WHAT I WAS
3 GOING TO SAY IS NO ONE HAD TO INSTRUCT ME. IT'S JUST
4 SOMETHING THAT I KNEW FROM HAVING DONE IT MYSELF, THAT
5 ONE NEVER EXPOSES THEM TO SOMEONE WHO HASN'T -- YOU
6 ALWAYS -- IF YOU NEED TO ACTUALLY SHOW THEM TO SOMEONE,
7 AND THEN YOU HAVE TO REDACT THEM. I WOULD DO THAT
8 MYSELF.

9 Q BY MR. WARD: DID YOU EVER CHANGE ANY OF
10 THE MAGNETIC IMAGES?

11 MR. MERVIS: OBJECT TO THE FORM.

12 YOU CAN ANSWER IT IF YOU UNDERSTAND.

13 THE WITNESS: THERE WAS -- SOMETIMES I WOULD -- I
14 WOULD MAKE A COPY OF SOME OF THEM, AND I WOULD CHANGE
15 ONE -- THE ONE WORD IN THEM. I WOULD -- THERE WAS ONE
16 WORD THAT WOULD -- THE WORD THAT WOULD OCCUR VERY
17 FREQUENTLY. I WOULD CHANGE THAT WITH -- SUBSTITUTE
18 SYMBOLS FOR -- JUST "X'S."

19 Q BY MR. WARD: DO YOU KEEP A RECORD OF WHICH
20 POSTS YOU CHANGED?

21 A NO.

22 Q JUST YOUR MEMORY?

23 MR. MERVIS: OBJECTION TO THE FORM OF THE
24 QUESTION.

25 THE WITNESS: YES, I DON'T UNDERSTAND THE

1 QUESTION. SORRY.

2 Q BY MR. WARD: IT'S ALL IN YOUR MEMORY WHICH
3 MAGNETIC IMAGES WERE CHANGED IN THAT MANNER?

4 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

5 THE WITNESS: SO WE'RE TALKING NOW OF --

6 Q BY MR. WARD: ABOUT THE MAGNETIC IMAGES
7 THAT YOU TESTIFIED IN SOME CASES YOU CHANGED. WHERE IS A
8 RECORD OF THOSE CHANGES?

9 A I DON'T BELIEVE THAT THERE IS.

10 Q SO THE ONLY RECORD IS IN YOUR MEMORY; IS
11 THAT CORRECT?

12 MR. MERVIS: OBJECTION TO THE FORM OF THE
13 QUESTION.

14 THE WITNESS: WELL, THE RECORD WOULD BE -- THERE
15 WOULD BE A PRINTED HARD COPY OF THAT POSTING THAT WOULD
16 SHOW A ROW OF "X'S." THAT WOULD --

17 Q AND WHERE WOULD THE ORIGINAL UNREDACTED
18 COPY EXIST?

19 MR. MERVIS: AND THERE YOU'RE TALKING ABOUT THE
20 MAGNETIC VERSION NOW?

21 MR. WARD: YES.

22 MR. MERVIS: OKAY.

23 THE WITNESS: WITHOUT -- THAT WOULD BE -- I
24 DON'T -- I DON'T KNOW IF THOSE -- SEE, WHEN I MADE A COPY
25 OF THEM, JUST FOR THE PURPOSES OF THEN HAVING REDACTED

1 PRINTING -- I DON'T KNOW IF THOSE ARE STILL AROUND.

2 MR. MERVIS: JEAN, HE'S ASKING YOU, I THINK, IF
3 YOU MAINTAINED THE MAGNETIC ORIGINAL FROM WHICH YOU MADE
4 THE REDACTION?

5 THE WITNESS: OH, I SEE. YES.

6 MR. MERVIS: WAS THAT YOUR QUESTION?

7 MR. WARD: RIGHT.

8 MR. MERVIS: SO DO YOU HAVE AN ANSWER TO THAT
9 QUESTION?

10 THE WITNESS: YES.

11 MR. MERVIS: GO AHEAD AND GIVE IT. WHAT IS THE
12 ANSWER?

13 THE WITNESS: I HAVE THE MAGNETIC ORIGINALS.

14 Q BY MR. WARD: AND IN EVERY CASE WERE THOSE
15 MAG ORIGINALS MADE AT THE SAME TIME THAT YOU DOWNLOADED
16 IT?

17 A I DON'T UNDERSTAND THE QUESTION.

18 Q WERE THOSE MAGNETIC IMAGES IN EVERY CASE
19 MADE AT THE SAME TIME THAT YOU DOWNLOADED IT FROM THE
20 INTERNET?

21 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

22 THE WITNESS: WHICH MAGNETIC IMAGE?

23 Q BY MR. WARD: FOR EVERY MAGNETIC IMAGE THAT
24 YOU SAVED AS A RESULT OF YOUR MONITORING THE INTERNET,
25 WAS THAT MAGNETIC IMAGE CREATED OR SAVED AT THE SAME TIME

1 THAT YOU DOWNLOADED IT FROM THE INTERNET?

2 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.
3 LET ME ASK FOR A CLARIFICATION BECAUSE YOU USED TWO WORDS
4 THERE. I THINK YOU SAID "CREATED" AND "SAVED."

5 THE WITNESS: YEAH.

6 MR. MERVIS: AND I THINK THAT MAKES THE QUESTION
7 VERY DIFFICULT TO ANSWER. CAN WE GET A LITTLE MORE
8 SPECIFICITY?

9 Q BY MR. WARD: IN EVERY CASE FOR A MAGNETIC
10 IMAGE THAT YOU DOWNLOADED FROM THE INTERNET, WAS THAT
11 SAVED -- LET ME STRIKE THAT.

12 FOR EVERY IMAGE THAT YOU HAVE A MAGNETIC
13 COPY, WAS THAT MAGNETIC COPY MADE AT THE SAME TIME YOU
14 DOWNLOADED IT FROM THE INTERNET?

15 MR. MERVIS: OBJECT TO THE FORM.

16 THE WITNESS: YOU -- I THINK I'VE LOST TRACK OF
17 YOUR -- SO WE'RE TALKING ABOUT A MAGNETIC COPY. SO TAKE
18 IT FROM THERE. SORRY.

19 Q BY MR. WARD: WHERE DID YOU GET THESE
20 MAGNETIC IMAGES?

21 A THE -- YOU MEAN THE DOWNLOADS THAT I DID
22 FROM --

23 Q NO. I'M ASKING YOU: FOR ALL THE MAGNETIC
24 IMAGES THAT YOU'RE A CUSTODIAN OF, WHERE DID YOU GET
25 THEM?

1 A FROM THE DOWNLOADS THAT I WOULD DO.

2 Q AND NO OTHER SOURCE?

3 A NO.

4 Q WHEN DID YOU DO THOSE DOWNLOADS?

5 A FROM FEBRUARY, END OF FEBRUARY, '95, TO
6 DECEMBER, '95.

7 Q WAS THERE ANYTIME THERE WAS ANY -- WAS ANY
8 OF THOSE MAGNETIC DOWNLOADS MADE AT ANY -- WERE ANY OF
9 THOSE MAGNETIC IMAGES MADE AT ANY OTHER TIME THAN WHEN
10 YOU DOWNLOADED IT ORIGINALLY FROM THE INTERNET?

11 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

12 IF YOU UNDERSTAND THE QUESTION, YOU CAN
13 ANSWER.

14 THE WITNESS: I DON'T UNDERSTAND THE QUESTION.
15 I -- GO AHEAD.

16 Q BY MR. WARD: FOR EVERY MAGNETIC IMAGE YOU
17 CURRENTLY HAVE, WAS IT MADE AT THE EXACT SAME TIME AS YOU
18 DOWNLOADED IT FROM THE INTERNET?

19 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

20 THE WITNESS: I -- I DOWNLOADED AND SAVED IN MY
21 COMPUTER WHAT I DOWNLOADED. THAT'S -- THAT'S WHAT I
22 HAVE.

23 Q BY MR. WARD: NO. I'M SURE THAT'S WHAT YOU
24 HAVE. THE QUESTION IS: IS THERE ANY -- YOU'RE SAYING
25 THAT FOR SOME POSTS YOU DOWNLOADED AND SAVED

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SIMULTANEOUSLY; IS THAT RIGHT? OR CONTEMPORANEOUSLY?

A SOME POSTS?

Q WELL, FOR SOME POSTS THAT'S TRUE. IS THAT TRUE FOR ALL OF THEM?

A I WOULD -- I WOULD -- I'M LOSING -- I WOULD DOWNLOAD AND SAVE THEM.

Q IS THAT TRUE FOR EVERY ONE THAT'S SAVED?

A FOR EVERY ONE THAT'S SAVED? I DON'T UNDERSTAND THE QUESTION.

MR. MERVIS: LET ME SEE IF I CAN HELP.

MR. WARD: WE'LL SPEND TWO HOURS HERE ON THIS ONE QUESTION IF WE HAVE TO.

MR. MERVIS: LET ME SEE IF I CAN SPEED IT UP.

THE WITNESS: OKAY.

MR. MERVIS: ARE YOU ASKING HER WHETHER THERE WAS EVER AN OCCASION WHERE SHE DOWNLOADED AND THEN WAITED A PERIOD OF TIME BEFORE SHE SAVED?

MR. WARD: THAT'S CORRECT.

MR. MERVIS: OKAY. DO YOU UNDERSTAND THE QUESTION? IN OTHER WORDS, WAS THERE EVER A LAG IN TIME BETWEEN THE TIME THAT YOU DOWNLOADED THE IMAGE FROM THE INTERNET AND THEN SAVED IT TO YOUR HARD DRIVE? WAS THERE EVER A GAP IN TIME?

THE WITNESS: NO. IT WAS (INDICATING).

Q BY MR. WARD: AND, CONVERSELY, FOR EVERY

1 IMAGE YOU HAVE ON YOUR HARD DRIVE, DID YOU OBTAIN THAT
2 FROM YOURSELF DOWNLOADING AND SAVING IT THE SAME TIME OR
3 CONTEMPORANEOUSLY?

4 A WAIT A MINUTE. FOR EVERY --

5 Q FOR EVERY IMAGE THAT EXISTS IN YOUR HARD
6 DRIVE, DID YOU OBTAIN IT BY CONTEMPORANEOUSLY DOWNLOADING
7 IT?

8 MR. MERVIS: LET ME SEE IF I CAN TRY THIS. ARE
9 YOU ASKING HER -- I THINK WHAT YOU'RE ASKING HER: FOR
10 EACH IMAGE THAT'S SAVED ON THE HARD DRIVE DID SHE DO IT
11 WITHIN APPROXIMATELY SECONDS OR MINUTES OF THAT
12 DOWNLOADING?

13 MR. WARD: YES.

14 MR. MERVIS: DO YOU UNDERSTAND THAT?

15 IS THAT YOUR QUESTION?

16 MR. WARD: YES.

17 MR. MERVIS: DO YOU UNDERSTAND THAT QUESTION?

18 THE WITNESS: YES.

19 MR. MERVIS: PLEASE ANSWER IT.

20 THE WITNESS: YES.

21 Q BY MR. WARD: OTHER THAN THE REDACTION THAT
22 YOU MADE FOR --

23 MR. MERVIS: I'M SORRY. DO YOU WANT SOME WATER?

24 THE WITNESS: THANK YOU.

25 MR. MERVIS: BY THE WAY, IF YOU NEED A BREAK AT

1 ANY TIME --

2 MR. WARD: OFF THE RECORD.

3 (BREAK TAKEN.)

4 Q BY MR. WARD: HAVE YOU EVER PERSONALLY
5 CONTACTED ANY PERSON ON THE INTERNET ABOUT THEIR
6 POSTINGS?

7 A NO.

8 Q DO YOU HAVE AN E-MAIL ADDRESS?

9 A NO.

10 Q HAVE YOU EVER HAD AN E-MAIL ADDRESS?

11 A NO.

12 Q HOW DO YOU KNOW THAT THE PRINT-OFFS ARE
13 VERBATIM COPIES OF THE MAGNETIC IMAGES?

14 MR. MERVIS: LET ME OBJECT TO THE FORM OF THE
15 QUESTION.

16 YOU CAN ANSWER IF YOU UNDERSTAND.

17 THE WITNESS: WHICH PRINT-OFFS?

18 Q BY MR. WARD: FOR ANY POST THAT YOU'VE
19 PRINTED OFF OF THE MAGNETIC IMAGES, HOW DO YOU KNOW
20 THEY'RE VERBATIM COPIES?

21 A WELL, I MEAN, ON SEVERAL OCCASIONS I WOULD
22 READ SOMETHING AFTER I'VE DOWNLOADED, PRACTICALLY EVERY
23 TIME. I WOULD READ THE POSTING ON THE SCREEN, AND I
24 WOULD DECIDE THAT WOULD BE ONE THAT I WANTED TO PRINT.
25 SO THEN I WOULD READ IT AS IT CAME OFF THE PRINTER. AND

1 I DON'T THINK I EVER SAW ANY DIFFERENCE.

2 Q OKAY. SO YOU READ IT ON YOUR SCREEN, AND
3 THEN YOU PRINTED IT, OR DID YOU SAVE IT FIRST?

4 A OH, I HAD ALREADY SAVED THEM. THIS WAS A
5 WHOLE DAY'S DOWNLOAD SAVED IN MY COMPUTER. THEN I WOULD
6 START THE TASK OF GOING THROUGH AND READING THEM ALL.
7 AND AT THAT POINT I WOULD PRINT, SELECT AND PRINT IT.

8 Q SO YOU WOULD VISUALLY CHECK IT; IS THAT
9 CORRECT?

10 A YES, THAT'S RIGHT.

11 Q DID YOU CHECK IT ANY OTHER WAY?

12 A WELL, OBVIOUSLY SOMETIMES I WOULD NEED TO
13 FIND A POSTING AGAIN BECAUSE I WOULD WANT ANOTHER
14 PRINTOUT FOR SOME REASON LATER ON. SO I WOULD GO IN AND
15 SEARCH FOR IT AND PRINT IT. AND THEN I WOULD LOOK ON THE
16 SCREEN AND SEE IS THIS THE ONE I WANT? I WOULD LOOK AND
17 SEE HOW -- HOLD IT IN MY HANDS, LOOK ON THE SCREEN, "OH,
18 YES, THAT'S THE ONE I WANT," MAKE ANOTHER PRINTED COPY
19 AND COMPARE THE ONE THAT I HAD JUST PRINTED WITH THE
20 EARLIER PRINT.

21 Q SO YOU JUST DID IT VISUALLY, AND THAT'S THE
22 ONLY MEANS?

23 A (NO AUDIBLE RESPONSE.)

24 MR. MERVIS: IS THAT CORRECT?

25 THE WITNESS: WELL, THE OTHER WAY I WOULD SEARCH

1 THEM BY A TERM THAT WAS IN THE HARD -- IN A HARD COPY AND
2 FIND THAT. SO THAT WAS A MATCH.

3 Q BY MR. WARD: I'M JUST CURIOUS HOW YOU MADE
4 SURE THAT THE PRINTED -- THE ULTIMATELY PRINTED COPY FOR
5 THOSE YOU PRINTED OFF MATCHED THE MAGNETIC IMAGES, AND
6 YOU'VE TESTIFIED I BELIEVE THAT YOU DID IT VISUALLY. IS
7 THERE ANY OTHER WAY THAT YOU MIGHT HAVE DONE IT?

8 A I CAN'T RECALL. I MEAN --

9 Q OKAY. OTHER THAN THE REDACTIONS FOR
10 ECCLESIASTICAL REASONS WERE THERE ANY OTHER EDITING OR
11 REDACTIONS MADE TO THE -- ANY MAGNETIC OR PAPER COPIES?

12 MR. MERVIS: BY THIS WITNESS?

13 MR. WARD: YES.

14 MR. MERVIS: YOU CAN ANSWER.

15 THE WITNESS: NO.

16 Q BY MR. WARD: WHO ELSE HAS ACCESS TO THE
17 MAGNETIC RECORDS DURING YOUR PERIOD OF TIME
18 FEBRUARY 20TH/DECEMBER 1995?

19 A TO THE MAGNETIC RECORDS?

20 Q UH-HUH.

21 A NO ONE.

22 Q HOW DID YOU LOCK YOUR COMPUTER?

23 A I HAD A PASSWORD.

24 Q HOW DID THE PASSWORD WORK?

25 A I JUST WOULD LOG ON, YOU KNOW, JUST ENTER,

1 AND THEN TYPE IN MY PASSWORD WHEN MY NAME CAME UP.
2 Q WAS THAT A BIOS PASSWORD?
3 A I DON'T KNOW.
4 Q CAN YOU DESCRIBE WHEN YOU GOT IN IN THE
5 MORNING WHAT YOU DID TO START YOUR DAY RELATING TO
6 COMPUTERS AND THE DOWNLOAD --
7 MR. MERVIS: YOU DON'T WANT TO KNOW ABOUT THE CUP
8 OF COFFEE OR --
9 MR. WARD: NO.
10 THE WITNESS: WE'RE TALKING ABOUT A NARRATIVE
11 HERE?
12 Q BY MR. WARD: DID YOU FIRST TURN ON YOUR
13 COMPUTER, OR WAS IT ON ALL NIGHT?
14 A I DON'T RECALL. I MEAN -- HOW DO YOU MEAN
15 "ON ALL NIGHT"?
16 Q WELL, SOME PEOPLE TURN THEIR MACHINES OFF.
17 SOME PEOPLE DON'T. THE QUESTION IS: DID YOU -- WHEN YOU
18 CAME IN THE MORNING, DID YOU TURN YOUR MACHINE ON, OR WAS
19 IT ALREADY ON?
20 A I DIDN'T HAVE TO -- I MEAN, I DIDN'T HAVE
21 TO TURN IT ON THAT I RECALL.
22 Q AND DID YOU THEN LOG INTO NETCOM?
23 A NO. THE FIRST THING I WOULD DO WOULD BE TO
24 CHECK AND SEE IF THERE WERE ANY MESSAGES FOR ME, PHONE
25 MESSAGES, ABOUT ANY POSTINGS BECAUSE I HAD VOLUNTEERS WHO

1 WOULD SEARCH AT OTHER TIMES AND, YOU KNOW, VERY EARLY
2 MORNING, LATE AT NIGHT. AND THEY WOULD SOMETIMES LEAVE A
3 MESSAGE FOR ME. THEN, YES, USUALLY ONE OF THE FIRST
4 THINGS I WOULD DO WOULD BE TO DO THE DOWNLOAD FOR THE
5 DAY.

6 Q YOU'VE TESTIFIED YOU DID NOT NEED TO LOG
7 ONTO YOUR NETCOM ACCOUNT.

8 MR. MERVIS: NO, SHE DIDN'T. OBJECTION.
9 MISSTATES THE TESTIMONY.

10 MR. WARD: OKAY.

11 Q YOU SAY YOU CAME IN. YOU DON'T KNOW
12 WHETHER THE MACHINE WAS ON AND OFF. AND WHAT YOU --

13 MR. MERVIS: WAIT, WAIT, WAIT. OBJECTION.
14 MISSTATES THE TESTIMONY. PLEASE ASK ANOTHER QUESTION.

15 MR. WARD: OKAY.

16 Q AFTER COMING IN AND SITTING DOWN AT YOUR
17 MACHINE, WHAT DID YOU TYPE IN?

18 A MY PASSWORD TO GET IN.

19 Q AND YOU JUST -- YOUR SCREEN WAS ASKING FOR
20 PASSWORD WITHOUT DOING ANY OTHER --

21 A YES, JUST PUSH THE KEY, AND THE PASSWORD
22 ENTRY IMAGE WOULD COME UP, AND I WOULD --

23 Q WHICH KEY DID YOU PUSH?

24 A I CAN'T REMEMBER.

25 Q SO CAN YOU DESCRIBE HOW YOU LOGGED INTO

1 NETCOM?

2 A WELL, I HAD A Q-MODEM. GO TO THE Q-MODEM.
3 AND I WOULD DIAL UP. I WOULD GO TO
4 ALT.IMAGE.SCIEN TOLOGY. AND THEN I WOULD GO TO THE NETCOM
5 INDEX THAT WAS --

6 MR. MERVIS: WAIT, WAIT. I THINK THE QUESTION
7 WAS: HOW DID YOU LOG ONTO NETCOM?

8 MR. WARD: RIGHT.

9 MR. MERVIS: SO I THINK YOU'VE ANSWERED THAT.

10 Q BY MR. WARD: WHAT TELEPHONE NUMBER DID YOU
11 USE?

12 A I DON'T RECALL.

13 Q WAS IT THE SAME NUMBER THROUGHOUT THAT
14 PERIOD?

15 A YES, I'M PRETTY SURE, UH-HUH.

16 Q AND YOU DON'T RECALL IT?

17 A NO.

18 Q DO YOU RECALL ANY DIGITS OF IT AT ALL?

19 A IT WAS -- NO. IT WOULD JUST COME UP.

20 Q AND YOU USED THAT NUMBER EVERY DAY; IS THAT
21 RIGHT?

22 A YES.

23 Q YOU SAY "IT WOULD JUST COME UP." WHO --
24 WHERE DID IT COME UP FROM?

25 A WELL, I WOULD -- WHEN I HAD -- I HAD THE

1 Q-MODEM.

2 Q WHAT IS A Q-MODEM?

3 A IT'S JUST A MODEM, PROGRAM THAT I HAD.

4 Q OKAY.

5 A AND THEN I WOULD GET THE IMAGE FIRST ON THE
6 SCREEN FOR THE DIAL UP, AND I WOULD JUST DIAL UP.

7 Q DID YOU CREATE THE SCRIPT FOR THE MODEM?

8 A NO.

9 Q WHO DID?

10 A I HAVE NO IDEA.

11 Q AND YOU DON'T KNOW WHAT THE NUMBER WAS THAT
12 WAS BEING DIALED?

13 A I CAN'T RECALL, NO.

14 Q SO IF THE NUMBER CHANGED, YOU WOULDN'T KNOW
15 THAT; IS THAT RIGHT?

16 A I DON'T UNDERSTAND. WHAT --

17 Q IF THE NUMBER CHANGED FROM DAY TO DAY, YOU
18 WOULDN'T KNOW THAT, WOULD YOU?

19 A IF THE NUMBER CHANGED, WE'D BE ABLE TO
20 CONNECT.

21 MR. WARD: WELL, THAT'S DRAWING A CONCLUSION. I
22 HAVE NO IDEA. SO I MOVE TO STRIKE THAT ANSWER.

23 IF THE NUMBER CHANGED, WOULD YOU KNOW
24 WHETHER IT HAD CHANGED?

25 MR. MERVIS: LET ME ASK FOR A CLARIFICATION.

1 YOU'RE TALKING ABOUT THE NUMBER TO GET ONTO NETCOM?

2 MR. WARD: THE NUMBER THAT SHE USED TO DIAL INTO
3 WHATEVER ACCOUNT THAT SHE WAS USING TO MONITOR THE
4 INTERNET.

5 MR. MERVIS: OKAY. AND YOU'RE SAYING IF NETCOM'S
6 NUMBER CHANGED --

7 MR. WARD: NETCOM HAS A MILLION NUMBERS. SO DOES
8 EVERY OTHER ISP TYPICALLY.

9 MR. MERVIS: I DON'T DOUBT IT. OKAY. I THINK I
10 UNDERSTAND.

11 IF YOU UNDERSTAND THE LAST QUESTION, IF YOU
12 WANT IT READ BACK -- DO YOU REMEMBER IT? I DON'T THINK I
13 REMEMBER IT.

14 THE WITNESS: NO.

15 MR. MERVIS: WHY DON'T YOU READ BACK THE LAST
16 QUESTION.

17 (THE FOLLOWING QUESTION WAS READ BACK BY THE
18 REPORTER:

19 "Q IF THE NUMBER CHANGED, WOULD YOU KNOW
20 WHETHER IT HAD CHANGED?")

21 MR. MERVIS: IF YOU UNDERSTAND THAT QUESTION, THEN
22 PLEASE ANSWER IT.

23 THE WITNESS: I DON'T UNDERSTAND THE QUESTION.

24 Q BY MR. WARD: DID YOU SEE THE TELEPHONE
25 NUMBER EVERY DAY THAT YOU LOGGED ON?

1 A YES.

2 Q DID YOU EVER NOTICE THAT IT WAS DIFFERENT

3 FROM ANY DAY?

4 A I CAN'T RECALL.

5 Q OKAY. SO YOU DON'T KNOW?

6 A I CAN'T RECALL.

7 Q OKAY. SO AFTER DIALING -- AFTER HAVING THE

8 COMPUTER DIAL THE NUMBER, WHAT USER NAME WOULD YOU PUT

9 INTO THE NETCOM ACCOUNT?

10 A I WAS USING HELENA'S ACCOUNT.

11 Q I'M SORRY?

12 A I HAD HELENA'S ACCOUNT.

13 Q SO YOU PUT IN "HKK"?

14 A THAT'S CORRECT.

15 Q AND THEN YOU PUT IN WHATEVER PASSWORD IT

16 WAS?

17 A THAT'S CORRECT.

18 Q DID YOU USE ANY OTHER ACCOUNT OTHER THAN

19 HKK?

20 A NO.

21 Q APPROXIMATELY HOW MANY HOURS PER DAY WERE

22 YOU LOGGED ON?

23 A LOGGED ON?

24 Q YES.

25 A THAT WOULD -- THAT WOULD VARY TREMENDOUSLY.

1 Q OKAY. SO WHAT WERE THE PARAMETERS? WHAT
2 WAS THE MINIMUM TIME PER DAY?

3 A WELL, YOU'RE TALKING ABOUT BASIC -- ONE
4 PARAMETER WOULD BE THE SIZE OF THE DOWNLOAD BECAUSE I
5 WOULD GO IN AND DOWNLOAD ALL THE MESSAGES SINCE THE LAST
6 TIME I HAD DOWNLOADED. NOW, SOMETIMES THERE WOULD BE
7 200, 300 POSTINGS. ON SOME OCCASIONS THERE WERE 400,
8 500, 600 POSTINGS. SO THAT -- THAT WOULD BE ONE THING.
9 SO -- SO I WOULD DOWNLOAD THOSE AND STORE ALL THOSE, AND
10 THEN I WOULD READ THEM, AND THEN I WOULD GO BACK AND DO
11 SOME SEARCHES.

12 Q OKAY.

13 A SO THE AMOUNT OF TIME REALLY DEPENDED ON I
14 WOULD SAY PROBABLY THE INITIAL SIZE OF THE DOWNLOAD. AND
15 THEN OBVIOUSLY IF THAT DAY'S DOWNLOADED ADVANCE MATERIALS
16 IN THE DOWNLOAD, THEN I WOULD BE SEARCHING AND, YOU KNOW,
17 SPENDING TIME SEARCHING. IF POSTINGS IN THAT DOWNLOAD
18 MENTIONED MAYBE OTHER ADVANCED MATERIALS BEING POSTED,
19 THEN I WOULD SPEND TIME DOING THE SEARCHES. IT WOULD
20 VARY TREMENDOUSLY.

21 Q SO YOU DID THIS LOGGING ON EACH AND EVERY
22 DAY FROM FEBRUARY 20TH, 1995, THROUGH DECEMBER, 1995?

23 A YES.

24 Q INCLUDING WEEKENDS?

25 A THAT'S RIGHT.

1 Q IS THERE ANY DAY THAT YOU DID NOT LOG ON
2 DURING THAT TIME?

3 A I -- WELL, NO. I SEEM TO -- I SEEM TO
4 RECALL THERE WAS ONE DAY -- IT STICKS IN MY MEMORY FOR
5 SOME REASON -- THAT I HAD LOGGED ON THE MORNING BEFORE
6 AND THEN IT WAS SORT OF AFTER MIDNIGHT WHEN I WAS DOING
7 THE DAY'S DOWNLOAD FOR SOME REASON. I GOT -- I THINK IT
8 WAS A REALLY BIG DOWNLOAD FROM THE LAST TIME. AND SO IT
9 WAS -- KIND OF DATE WISE I WAS INTO THE NEXT DAY. BUT I
10 THINK THAT WAS THE ONLY TIME.

11 Q WHAT WERE YOUR REGULAR WORK HOURS?

12 A 8:00 O'CLOCK.

13 Q IN THE MORNING?

14 A IN THE MORNING, YES. SORRY. 8:00 O'CLOCK
15 IN THE MORNING TO USUALLY ABOUT 10:00 O'CLOCK AT NIGHT.

16 Q A LOT OF WORK. SO WE WOULD EXPECT TO SEE
17 THEN THE HKK ACCOUNT LOGGED ON EACH AND EVERY DAY,
18 PERHAPS MISSING ONE DAY, FROM FEBRUARY 20TH, 1995,
19 THROUGH DECEMBER OF 1995?

20 A (WITNESS NODS HER HEAD.)

21 Q OKAY.

22 MR. MERVIS: I'M SORRY.

23 JEAN, YOU HAVE TO ANSWER ORALLY.

24 MR. WARD: VERBALLY.

25 MR. MERVIS: VERBALLY.

1 THE WITNESS: I'M SORRY. TO THE BEST OF MY
2 RECOLLECTION, YES.

3 Q BY MR. WARD: DID YOU EVER SEND ANY
4 MESSAGES FROM THAT ACCOUNT?

5 A NO.

6 Q WHO SUGGESTED YOU USE THE HKK ACCOUNT?

7 MR. MERVIS: OBJECTION TO THE FORM OF THE
8 QUESTION.

9 YOU CAN ANSWER.

10 THE WITNESS: I DON'T RECALL HOW THAT CAME ABOUT.
11 I THINK IT WAS DISCUSSIONS WITH YOU, HELENA, AND I WOULD
12 BE --

13 MR. MERVIS: WELL, LET'S -- LET'S -- DO YOU
14 RECALL? I DON'T WANT YOU TO SPECULATE.

15 THE WITNESS: NO, I ACTUALLY DON'T RECALL.

16 MR. MERVIS: OKAY. THEN YOU'VE ANSWERED THE
17 QUESTION.

18 THE WITNESS: OKAY.

19 Q BY MR. WARD: WHO WERE THESE VOLUNTEERS
20 WHICH HELPED YOU TO ALERT YOU TO HAPPENINGS ON THE
21 INTERNET?

22 A THERE'S ONE BY THE NAME OF BILL --

23 MS. KOBRIN: WAIT, WAIT.

24 MR. MERVIS: LET'S GO OFF THE RECORD FOR A MINUTE.

25 (BREAK TAKEN.)

1 MR. MERVIS: BACK ON THE RECORD. I DON'T KNOW IF
2 YOU WERE ASKING -- WHEN YOU ASKED WHO WERE THESE
3 VOLUNTEERS IF YOU WERE ASKING FOR SPECIFIC NAMES OR IF
4 YOU WERE ASKING WHAT TYPES OF PEOPLE THEY WERE.

5 MR. WARD: NO. SPECIFIC NAMES.

6 MR. MERVIS: CAN I ASK YOU -- AS I UNDERSTAND THE
7 PURPOSE OF THIS DEPOSITION, MY UNDERSTANDING IS THAT YOU
8 HAVE AN OBJECTION TO THE AUTHENTICITY OF CERTAIN OF THE
9 EXHIBITS THAT WE'VE LISTED IN OUR EXHIBIT LIST.

10 MR. WARD: THE PURPOSE IS TO FIND OUT WHAT
11 MS. CARNAHAN KNOWS ABOUT MONITORING THE INTERNET. I'LL
12 ASK QUESTIONS THAT MAY LEAD TO ADMISSIBLE EVIDENCE.

13 MR. MERVIS: AGAIN, MY UNDERSTANDING OF -- WELL,
14 NOT JUST UNDERSTANDING. I KNOW WHY WE WOULD OR MAY BE
15 OFFERING MS. CARNAHAN'S TESTIMONY AT TRIAL, WHICH IS THAT
16 IT GOES TO THE QUESTION OF THE AUTHENTICITY OF CERTAIN OF
17 THE INTERNET POSTS THAT WE'VE MARKED AS EXHIBITS. I WILL
18 REPRESENT TO YOU ON THE RECORD THAT NONE OF THE POSTINGS
19 THAT WE'VE LISTED AS EXHIBITS WERE OBTAINED, IN OTHER
20 WORDS, IN ELECTRONIC OR HARD COPY FORM, FROM ANY
21 VOLUNTEER. SO, THEREFORE, IT WOULD BE OUR POSITION THAT
22 THE NAMES OF THESE VOLUNTEERS IS NOT RELEVANT.

23 MR. WARD: WELL, I'M NOT HERE TO DEPOSE YOU,
24 COUNSEL.

25 MR. MERVIS: I UNDERSTAND.

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MR. WARD: I'D LIKE THE DEPONENT'S TESTIMONY,
PLEASE.

MR. MERVIS: WELL, HERE'S THE PROBLEM. WE HAVE I
THINK SOME SERIOUS PRIVACY CONCERNS. AS YOU KNOW, THERE
IS AN ACTIVE DEBATE, SHALL WE SAY, ON THE INTERNET, WHICH
I UNDERSTAND YOU'VE BEEN A PART OF. AND THERE HAVE BEEN,
SHALL WE SAY, DISPARAGEMENTS AND OCCASIONALLY, AS I
UNDERSTAND IT, THREATS MADE ABOUT CERTAIN PEOPLE
AFFILIATED WITH SCIENTOLOGY. I'M NOT SUGGESTING THAT
YOU'RE IN ANY WAY RESPONSIBLE FOR IT. BUT THE POINT IS
THAT THE IDENTITY OF THESE VOLUNTEERS IS IRRELEVANT AND
HAS NOTHING TO DO WITH THE CASE.

I HAVE NO PROBLEM WITH YOU ASKING HER WHAT
TYPES OF PEOPLE THEY WERE, WHETHER THEY WERE AFFILIATED
WITH SCIENTOLOGY OR NOT, OR ANY DISCUSSIONS SHE MAY HAVE
HAD, BUT I DO HAVE A PROBLEM WITH REVEALING THEIR
IDENTITIES IN THIS DEPOSITION. AND IF THAT'S THE
QUESTION, THEN I'M GOING TO INSTRUCT HER NOT TO ANSWER.

MR. WARD: OKAY. SO ARE YOU INSTRUCTING HER NOT
TO ANSWER ANY QUESTION AS TO WHO ARE THE VOLUNTEERS?

MR. MERVIS: WELL, IF YOU'RE ASKING FOR THE NAMES
OF THE PEOPLE --

MR. WARD: THAT'S CORRECT.

MR. MERVIS: THEN THAT'S MY INSTRUCTION, THAT'S
CORRECT.

1 MR. WARD: OKAY. SO MY QUESTION TO HER WAS WHAT
2 WERE THE NAMES OF THE VOLUNTEERS WHO SUPPLIED HER WITH
3 INFORMATION ALERTING HER TO HAPPENINGS ON THE INTERNET,
4 AND THE ATTORNEY, COUNSEL, HAS INSTRUCTED HER NOT TO
5 ANSWER THAT QUESTION.

6 MR. MERVIS: WELL, I'M NOT SURE THAT WAS YOUR
7 QUESTION, BUT IF AS PHRASED -- IF YOU INTEND TO ASK THE
8 EXACT QUESTION YOU JUST STATED FOR THE RECORD, THEN, YES,
9 I'M INSTRUCTING HER NOT TO ANSWER THAT QUESTION.

10 MR. WARD: OKAY.

11 MR. MERVIS: BUT, AGAIN, I'M NOT LIMITING -- YOU
12 CAN EXAMINE HER FULLY ON ANY OTHER ASPECT OF THESE
13 VOLUNTEERS OTHER THAN THEIR NAMES.

14 Q BY MR. WARD: DOES MR. MC SHANE PERSONALLY
15 SUPERVISE YOUR MONITORING ON THE INTERNET DURING THAT
16 TIME PERIOD?

17 A I DON'T UNDERSTAND YOUR QUESTION EXACTLY.

18 Q WAS HE PHYSICALLY PRESENT WHILE YOU
19 MONITORED THE INTERNET?

20 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

21 THE WITNESS: PHYSICALLY PRESENT? I --

22 Q BY MR. WARD: YOU DON'T KNOW WHAT
23 "PHYSICALLY PRESENT" MEANS?

24 A WELL, I -- SO YOU --

25 Q WAS HE SITTING IN YOUR OFFICE WHILE YOU

1 WERE MONITORING THE INTERNET?

2 MR. MERVIS: LET ME -- ARE YOU SAYING EVERY SINGLE
3 MINUTE OR WAS HE EVER THERE?

4 MR. WARD: FIRST OF ALL, EVERY SINGLE MINUTE.

5 MR. MERVIS: OKAY. YOU CAN ANSWER THAT QUESTION.

6 THE WITNESS: NO.

7 Q BY MR. WARD: HOW FREQUENTLY DID HE
8 PERSONALLY SUPERVISE YOU?

9 MR. MERVIS: OBJECTION TO THE FORM OF THE
10 QUESTION.

11 THE WITNESS: PERSONALLY SUPERVISE? HOW
12 FREQUENTLY? I DON'T KNOW. I MEAN, USUALLY HE WOULD -- I
13 DON'T RECALL.

14 Q BY MR. WARD: HOW FREQUENTLY WOULD HE CALL
15 TO GIVE YOU KEY WORDS TO SEARCH FOR?

16 A WELL, I DON'T RECALL MR. MC SHANE CALLING
17 TO GIVE ME KEY WORDS TO SEARCH FOR. WE HAD DISCUSSIONS
18 ABOUT IT, FACE-TO-FACE DISCUSSIONS.

19 Q HOW MANY TIMES DID YOU HAVE FACE-TO-FACE
20 DISCUSSIONS?

21 A A FEW. I DON'T RECALL THE EXACT NUMBER.

22 Q MORE THAN 100?

23 A I DON'T RECALL IT BEING MORE THAN 100.

24 Q FEWER THAN A DOZEN?

25 A I -- I --

1 MR. MERVIS: AND DON'T SPECULATE. IF YOU HAVE AN
2 IDEA, YOU CAN ANSWER.

3 THE WITNESS: NO, I DON'T KNOW. I DON'T KNOW THE
4 ANSWER TO THAT.

5 Q BY MR. WARD: DID YOU TALK WITH HIM EVERY
6 DAY ON THE TELEPHONE?

7 A NO.

8 Q HOW FREQUENTLY DID YOU TALK TO HIM ON THE
9 TELEPHONE?

10 A I DON'T RECALL.

11 Q MORE THAN ONCE A WEEK?

12 A I THINK IT WOULD VARY ACCORDING TO -- TO
13 WHAT WAS HAPPENING.

14 Q OKAY. WERE THERE SOME WEEKS THAT YOU NEVER
15 COMMUNICATED WITH HIM AT ALL?

16 A I DON'T THINK THERE WERE ANY WEEKS THAT I
17 NEVER COMMUNICATED WITH HIM AT ALL.

18 Q WHO HAS ACCESS TO YOUR MAGNETIC RECORDS
19 NOW?

20 MR. MERVIS: OBJECTION TO THE FORM OF THE
21 QUESTION.

22 THE WITNESS: THE MAGNETIC RECORDS NOW? RHEA
23 SMITH AND I.

24 Q BY MR. WARD: WHAT ARE YOUR DUTIES NOW?

25 A I'VE GONE BACK INTO THE AREA OF PROGRAMS.

1 Q SO HOW DOES THE AREA OF PROGRAMS HAVE TO DO
2 WITH THESE INTERNET POSTINGS?

3 MR. MERVIS: OBJECTION TO THE FORM OF THE
4 QUESTION.

5 THE WITNESS: HOW DOES IT?

6 Q BY MR. WARD: UH-HUH.

7 A IT HAS NOTHING TO DO WITH THOSE.

8 Q SO WHY DO YOU STILL HAVE ACCESS TO THOSE
9 RECORDS?

10 A THE HARD COPY ONES?

11 Q NO. THE MAGNETIC RECORDS.

12 A THE MAGNETIC ONES? I'VE HAD -- I'VE HAD
13 ACCESS TO THOSE IN THE LAST THREE OR FOUR DAYS.

14 MR. MERVIS: YOU HAVE TO SPEAK UP.

15 THE WITNESS: I'VE HAD ACCESS TO THOSE IN THE LAST
16 THREE OR FOUR DAYS.

17 Q BY MR. WARD: I SEE. IN THE LAST THREE OR
18 FOUR DAYS DID YOU REVIEW THEM?

19 A YES.

20 Q DID YOU CHANGE THEM?

21 A ABSOLUTELY NOT. I JUST LOOKED AT THEM.

22 Q DID YOU MOVE THEM FROM DISK TO DISK?

23 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.
24 ASSUMES FACTS NOT IN EVIDENCE.

25 THE WITNESS: MOVE THEM FROM DISK TO DISK? THEY

1 WERE -- THEY WERE ON THE COMPUTER.

2 Q BY MR. WARD: SO YOU DID NOT MOVE THEM FROM
3 DISK TO DISK?

4 MR. MERVIS: SAME OBJECTION.

5 THE WITNESS: NO, I DIDN'T MOVE THEM FROM DISK TO
6 DISK.

7 Q BY MR. WARD: WHICH COMPUTER ARE THEY ON?

8 A THEY'RE ON THE COMPUTER THAT RHEA HAS.

9 Q WHAT IS THE NAME OF THE COMPUTER?

10 A I DON'T KNOW.

11 Q IS IT AN IBM OR MACINTOSH?

12 A I DON'T KNOW.

13 Q IS THIS THE SAME COMPUTER THAT YOU USED?

14 A NO.

15 Q WHERE DID SHE GET THE RECORDS?

16 A I TURNED THEM OVER TO HER WHEN I CAME OFF.

17 Q HOW DID YOU TURN THEM OVER TO HER?

18 A I STOOD BY MY COMPUTER. SHE CAME AND STOOD
19 BY ME. AND I LEFT. SHE TOOK OVER THE COMPUTER THAT I
20 WAS USING IN DECEMBER, 1995.

21 Q OKAY. BUT YOU DON'T KNOW WHAT BRAND OF
22 COMPUTER SHE IS USING NOW; IS THAT RIGHT?

23 A YES.

24 Q BUT YOU WERE USING AN IBM COMPATIBLE; IS
25 THAT RIGHT?

1 A THAT'S RIGHT.

2 Q SO YOU TURNED YOUR COMPUTER OVER TO HER?

3 A (WITNESS NODS HER HEAD.)

4 MR. MERVIS: YOU HAVE TO ANSWER AFFIRMATIVELY.

5 THE WITNESS: YES.

6 Q BY MR. WARD: DO YOU KNOW WHAT HAPPENED TO

7 YOUR COMPUTER?

8 A THE COMPUTER I -- IT'S STILL -- IT'S STILL

9 IN THE OFFICE.

10 Q BUT SOMEHOW THE MAGNETIC IMAGES GOT FROM

11 YOUR COMPUTER TO HER COMPUTER?

12 A WE ALL ARE GOING TO HAVE TO --

13 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

14 YOU CAN ANSWER.

15 THE WITNESS: YEAH, YOU'RE GOING TO HAVE TO ASK

16 RHEA THAT BECAUSE WHEN I LEFT, SHE HAD THE COMPUTER THAT

17 I WAS USING AT THE TIME AND IN DECEMBER, 1995.

18 Q BY MR. WARD: AS FAR AS YOU KNOW, AT THAT

19 DATE WHEN YOU TURNED THEM OVER TO HER, THAT WAS THE ONLY

20 COPY OF THE MAGNETIC IMAGES THAT YOU COLLECTED?

21 A NO. I HAD -- I DID HAVE SOME OF THEM ON

22 DISKS AT THAT TIME.

23 Q WHAT KIND OF DISKS?

24 A FLOPPY DISKS.

25 Q THREE-AND-A-HALF-INCH?

1 A YES, THREE-AND-A-HALF-INCH, YES.

2 Q HOW MANY THREE-AND-A-HALF-INCH DISKS?

3 A I THINK THERE WAS 31.

4 Q WHAT WERE THEIR NAMES?

5 A I DON'T UNDERSTAND THE QUESTION.

6 Q DID YOU LABEL THEM IN ANY WAY?

7 A OH, I SEE WHAT YOU MEAN. YES. THEY

8 WERE -- THEY WERE LABELED A.R.S., AND THEN THEY HAD THE

9 MONTHS, DATES OF THE DOWNLOADS BECAUSE I WAS RUNNING OUT

10 OF SPACE. SO I WAS JUST PUTTING THEM ONTO DISKS.

11 Q HOW MANY MEGABYTES IS YOUR HARD DISK?

12 A THEN?

13 Q YES, FOR FEBRUARY 20TH --

14 A 500, I THINK.

15 Q 500 MEGABYTES?

16 A YES.

17 Q HOW MUCH OF THAT STORAGE IS USED FOR THE

18 MAGNETIC IMAGES?

19 MR. MERVIS: AT THAT TIME?

20 Q BY MR. WARD: WHEN YOU TURNED IT OVER TO

21 RHEA SMITH.

22 A I THINK JUST ABOUT ALL OF IT. I MEAN, WE

23 DIDN'T REALLY USE IT FOR MUCH OF ANYTHING ELSE.

24 Q YOU HAD A PROGRAM --

25 A OH, YES, OF COURSE, YEAH. I DON'T KNOW.

1 Q SO THE TOTAL STORAGE YOU USED WAS 500
2 MEGABYTES PLUS 31 FLOPPY DISKS; IS THAT CORRECT?

3 A I BELIEVE SO.

4 Q DID YOU USE ANY PROGRAMS TO PROCESS THE --
5 PROCESS IN ANY WAY THE DOWNLOADED IMAGES, CODE THEM IN
6 ANY WAY, DECODE THEM, TRANSLATE THEM -- I'LL MAKE A
7 LAUNDRY LIST, IF YOU WANT, HERE -- COMPRESS THEM, PUT
8 THEM IN MIND FORMAT, ROT-13, IF YOU KNOW WHAT THESE ARE?
9 IS THERE ANY PROGRAM YOU USED TO PROCESS THESE?

10 A WELL, I HAD A PROGRAM TO UNZIP THEM BECAUSE
11 I ZIPPED THEM WHEN I DOWNLOADED THEM. SO I UNZIPPED
12 THEM.

13 Q ZIPPING MEANS DO WHAT?

14 A AS FAR AS I UNDERSTAND IT, IT IS TO
15 COMPRESS THEM AND TO MAKE A SMALLER AMOUNT TO CONVEY
16 ACROSS.

17 Q HOW FREQUENTLY WOULD YOU ZIP THEM?

18 A EVERY DOWNLOAD.

19 Q SO YOU'RE USING Q-MODEM, AND YOU'VE
20 INSTRUCTED NETCOM TO DOWNLOAD EVERY POST FROM
21 ALT.RELIGION.SCIEN TOLOGY; IS THAT RIGHT?

22 A THAT DAY -- YOU SAID SINCE THE LAST TIME I
23 LOGGED ON?

24 Q THAT'S RIGHT.

25 A RIGHT.

1 Q AND THEN YOU ZIPPED THOSE UP AT THE END OF
2 YOUR DAY?

3 A NO. I ZIPPED THOSE UP BEFORE I DOWNLOADED
4 THEM.

5 Q I DON'T THINK THAT'S POSSIBLE.

6 A THROUGH NETCOM TO MY COMPUTER.

7 Q OKAY. SO YOU COMPRESSED THEM BEFORE YOU
8 ACTUALLY HAD THEM ON YOUR COMPUTER; IS THAT RIGHT?

9 A THAT'S RIGHT.

10 Q SO HAVE ATTORNEYS EVER CONTACTED YOU
11 DIRECTLY REGARDING A USE NET POST?

12 MR. MERVIS: YOU CAN ANSWER THAT QUESTION "YES" OR
13 "NO."

14 THE WITNESS: ACTUALLY, I'D LIKE YOU TO REPEAT THE
15 QUESTION.

16 Q BY MR. WARD: HAVE ANY OF THE ATTORNEYS
17 CONTACTED YOU REGARDING ANY OF THE USE NET POSTS?

18 A FROM FEBRUARY TO --

19 Q RIGHT.

20 A I'M SURE THEY DID, YES.

21 MR. MERVIS: WAIT, WAIT, WAIT. FROM FEBRUARY TO
22 WHEN?

23 THE WITNESS: SORRY.

24 Q BY MR. WARD: FROM FEBRUARY 20, 1995, TO
25 DECEMBER, 1995.

1 A 1995.

2 Q THAT'S RIGHT.

3 A I THINK THEY DID, YES.

4 Q OKAY. WHO ARE THEY?

5 A HELENA.

6 Q OKAY. PROBABLY YOU CAN USE SURNAMES SO --

7 A YES. MS. KOBRIN.

8 Q OKAY.

9 A I THINK SHE'S THE ONE THAT I RECALL.

10 Q THE ONLY ONE?

11 A I DON'T -- I'M SURE THERE WERE OTHERS, BUT

12 I CAN'T THINK OFF THE TOP OF MY HEAD.

13 Q DID THESE ATTORNEYS EVER DIRECT YOU TO

14 DOWNLOAD ANY IMAGES?

15 MR. MERVIS: YOU CAN ANSWER THAT "YES" OR "NO."

16 THE WITNESS: I CAN'T RECALL. I CAN'T RECALL,

17 ACTUALLY..

18 MR. MERVIS: THAT'S ANOTHER OPTION, "YES," "NO,"

19 OR "I DON'T RECALL."

20 Q BY MR. WARD: THAT'S FINE. THAT'S A

21 LEGITIMATE ANSWER.

22 MR. MERVIS: SORRY ABOUT THAT.

23 Q BY MR. WARD: CONCERNING YOUR INTERNET

24 MONITORING, WHAT DID THE ATTORNEYS TELL YOU?

25 MR. MERVIS: OBJECTION.

1 I INSTRUCT YOU NOT TO ANSWER THE QUESTION
2 ON THE GROUNDS OF ATTORNEY-CLIENT PRIVILEGE.

3 Q BY MR. WARD: I'M ASKING SPECIFICALLY ABOUT
4 YOUR INTERNET MONITORING. DID THEY ASK YOU TO CHANGE OR
5 MODIFY YOUR NORMAL ROUTINE IN ANY WAY?

6 MR. MERVIS: OBJECTION TO THE FORM OF THE
7 QUESTION. I INSTRUCT THE WITNESS TO NOT ANSWER ON THE
8 GROUNDS OF ATTORNEY-CLIENT PRIVILEGE.

9 MR. WARD: OKAY.

10 Q I DON'T KNOW IF I'LL ENTER THIS
11 (INDICATING) INTO EVIDENCE YET, BUT I'LL LET YOU LOOK AT
12 IT HERE. THE THING OF INTEREST HERE (INDICATING) --

13 MR. MERVIS: SO THE RECORD IS CLEAR, ARE WE GOING
14 TO MARK THIS AS AN EXHIBIT?

15 MR. WARD: NOT YET. I'LL MAKE COPIES. I HAVEN'T
16 MADE THE REQUISITE NUMBER OF COPIES.

17 MR. MERVIS: WOULD YOU IDENTIFY -- OR CAN I
18 IDENTIFY --

19 MR. WARD: GO AHEAD.

20 MR. MERVIS: THIS APPEARS TO BE -- IT'S A TWO-PAGE
21 DOCUMENT. IT APPEARS TO BE SOME COMPUTER PRINTOUT. AT
22 THE TOP OF THE DOCUMENT IT SAYS "SUBJECT: E-MAIL FROM
23 HELENA KOBRIN TO," THE NAME SPELLED C-A-J-O-N-E-S,
24 "CAJONES REMAILER" AND I'LL PASS IT TO THE WITNESS NOW.

25 MS. KOBRIN: DO YOU WANT TO GIVE A DATE?

1 MR. MERVIS: SURE. WE CAN GIVE A DATE. THE DATE
2 LINE ON WHAT APPEARS TO BE SOME SORT OF HEADER MESSAGE IS
3 1996/10/16.

4 WOULD YOU LIKE THE WITNESS TO REVIEW IT?

5 MR. WARD: RIGHT. THE ONLY THING OF INTEREST
6 IS --

7 Q I'LL SHOW YOU. SECTION BETWEEN "RECEIVED
8 FROM E-MOUTO3.MAIL.AOL.COM" THROUGH "ALIAS MAIL2NEWS."
9 DO YOU KNOW WHO DONNA IS?

10 MR. MERVIS: HANG ON A SECOND.

11 MR. WARD: LET ME LOOK AT IT.

12 MR. MERVIS: LET HER REVIEW IT.

13 MR. WARD: SURE. IT'S NOT VERY LONG.

14 THE WITNESS: OKAY.

15 MR. MERVIS: SO THE QUESTION IS: DO YOU KNOW WHO
16 DONNA IS?

17 Q BY MR. WARD: DO YOU KNOW WHO DONNA IS?

18 A NO.

19 Q OTHER THAN MR. MC SHANE, WERE YOU EVER
20 ASKED TO DOWNLOAD ANYTHING SPECIFIC OFF THE INTERNET?

21 MR. MERVIS: I'M SORRY.

22 Q BY MR. WARD: OTHER THAN MR. MC SHANE --

23 MR. MERVIS: DID ANYONE OTHER THAN MR. MC SHANE?

24 MR. WARD: YES, THAT'S CORRECT.

25 MR. MERVIS: DO YOU UNDERSTAND THAT? DID ANYONE

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OTHER THAN MR. MC SHANE EVER ASK YOU TO DOWNLOAD
SOMETHING OFF THE INTERNET?

THE WITNESS: I'M SURE. I CAN'T RECALL OFF THE
TOP OF MY HEAD, BUT I WOULD GET -- I'M SURE THERE WERE
OTHER PEOPLE THAN MR. MC SHANE, YES.

Q BY MR. WARD: BUT YOU DON'T RECALL THEIR
NAMES?

A WELL, I WOULD GET -- NO.

Q HAVE YOU EVER ISSUED A CANCEL?

MR. MERVIS: LET ME OBJECT TO THE FORM OF THE
QUESTION. I THINK WE'RE BACK TO AN ISSUE HERE THAT I
RAISED BEFORE AGAIN. OUR UNDERSTANDING OF WHY THIS
WITNESS IS PROVIDED FOR DEPOSITION IS THAT IT GOES TO
YOUR OBJECTION OR I UNDERSTAND TO BE YOUR OBJECTION TO
AUTHENTICITY OF THE INTERNET POSTINGS WHICH THE PLAINTIFF
IS OFFERING AS TRIAL EXHIBITS. I CAN'T SEE HOW CANCELED
MESSAGES HAVE ANYTHING AT ALL TO DO WITH THE AUTHENTICITY
OF ANY EXHIBIT. AND ON THAT BASIS, IN ORDER TO PRESERVE
OUR RIGHT TO MOVE FOR A PROTECTIVE ORDER ON THIS TOPIC
AND WHATEVER OTHER QUESTIONS HAVE NOTHING TO DO WITH
AUTHENTICITY, I'M INSTRUCTING THE WITNESS TO NOT ANSWER
THAT QUESTION.

MR. WARD: WELL, I WOULD -- FIRST I WILL EXPLAIN,
AND THEN I WILL GET THE TELEPHONE NUMBER FOR THE
MAGISTRATE JUDGE TO ASK, BUT THE CANCEL HAS TO DO WITH

1 THE CREDIBILITY OF PLAINTIFF. IT'S A FORGERY. AND IF
2 THE WITNESS HAS ANYTHING TO DO WITH THIS FORGERY, IT WILL
3 IMPEACH HER TESTIMONY. SO IT IS EXTREMELY SIGNIFICANT.

4 MR. MERVIS: WELL, LET ME JUST MAKE TWO
5 REACTIONS, AND I DON'T HAVE ANY -- IF YOU WANT TO CALL
6 THE MAGISTRATE, THAT'S FINE.

7 MR. WARD: OKAY.

8 MR. MERVIS: I MIGHT SUG -- I'M NOT GOING TO -- IF
9 THIS -- IF THIS IS GOING TO BE A RECURRING PROBLEM
10 TODAY -- AND I DON'T KNOW BECAUSE I DON'T KNOW WHAT YOUR
11 QUESTIONS ARE -- YOU MAY FOR THE SAKE OF -- YOU MAY WANT
12 TO SAVE UP YOUR OBJECTIONS, BUT THAT'S UP TO YOU. BUT,
13 IN ANY EVENT, AS FAR AS CREDIBILITY GOES, TO THE EXTENT
14 THAT YOU WISH TO IMPEACH THIS WITNESS'S UNDERSTANDING OF
15 THE JOB THAT SHE DID, THAT'S FINE, BUT ISSUES LIKE
16 FORGERIES OR ALLEGED FORGERIES HAVE NOTHING TO DO WITH
17 THAT. IT'S A TOTALLY COLLATERAL ISSUE. AND --

18 MR. WARD: WELL, THAT'S YOUR OPINION. I DISAGREE
19 WITH THAT.

20 MR. MERVIS: YOU'RE FREE TO DISAGREE.

21 MR. WARD: SO YOU'RE INSTRUCTING HER --

22 MR. MERVIS: MY INSTRUCTION STANDS. THAT'S RIGHT.

23 MR. WARD: I NEED TO CALL THE MAGISTRATE TO GET A
24 RULING ON THIS MATTER.

25 MR. MERVIS: IS THERE A SPEAKER PHONE HERE,

1 MR. WARD?

2 MR. WARD: YES, I THINK THERE IS.

3 MS. KOBRIN: MR. WARD, WHAT MR. MERVIS WAS
4 SUGGESTING IS THAT YOU --

5 MR. WARD: I KNOW. YOU ALREADY REPEATED THAT.

6 MS. KOBRIN: OTHERWISE, IF THERE IS SOMETHING ELSE
7 LATER, YOU MAY HAVE TO CALL HIM AGAIN.

8 MR. WARD: WELL, THAT WILL BE TOO BAD. I MEAN, I
9 DON'T WANT TO WASTE ANYONE'S TIME. I MEAN, I WANT TO GO
10 ON WITH THE NORMAL FLOW OF THE DEPOSITION OTHER THAN TO
11 CHANGE IT BECAUSE THEY DON'T WANT TO IMPEACH THE --

12 MR. MERVIS: IT'S UP TO YOU, MR. WARD. I THINK IT
13 WILL BE A BETTER PROCEDURE TO WAIT.

14 MR. WARD: OKAY.

15 (BREAK TAKEN.)

16 MR. MERVIS: ALTHOUGH I DON'T RECALL THE EXACT
17 TIME WE WENT OFF THE RECORD -- BUT I THINK IT WAS ABOUT
18 11:25 -- IT'S NOW ABOUT 11:45. SO WE SPENT ABOUT 20
19 MINUTES TRYING TO GET SOME JUDICIAL INTERVENTION INTO OUR
20 DISPUTE. WE HAD TWO WITNESSES TODAY. AND WE'RE WILLING
21 TO STAY HERE AS LATE AS YOU NEED TO STAY.

22 MR. WARD: THANK YOU.

23 MR. MERVIS: AND WE -- THERE IS NO HOUR BEFORE
24 MIDNIGHT THAT I WILL CALL THIS DEPOSITION OFF. BUT I
25 WOULD -- WE'VE LOST THE 20 MINUTES. I'D PREFER TO NOT

1 LOSE ANY MORE TIME.

2 MR. WARD: I AGREE.

3 MR. MERVIS: SO LET'S PROCEED EXPEDITIOUSLY IF WE
4 CAN.

5 MR. WARD: I AGREE. I DON'T WANT TO MISS MY PLANE
6 FLIGHT, BUT IF I HAVE TO, I HAVE TO.

7 MR. MERVIS: ME, TOO.

8 MR. WARD: OKAY.

9 Q DO YOU KNOW OF ANYONE WHO HAS ISSUED A
10 CANCEL?

11 MR. MERVIS: OBJECT TO THE QUESTION AND INSTRUCT
12 YOU TO NOT ANSWER ON THE SAME GROUNDS AS THE PREVIOUS
13 QUESTION.

14 Q BY MR. WARD: DO YOU KNOW WHO VERA WALLACE
15 IS?

16 MR. MERVIS: YOU CAN ANSWER THAT QUESTION.

17 THE WITNESS: I DON'T KNOW WHO VERA WALLACE IS.

18 Q BY MR. WARD: DO YOU KNOW ANYONE THAT HAS
19 USED A FALSE NAME ON THE INTERNET?

20 MR. MERVIS: OBJECTION TO THE FORM OF THE
21 QUESTION.

22 YOU CAN ANSWER IF YOU UNDERSTAND.

23 THE WITNESS: A FALSE NAME ON THE INTERNET? THE
24 ENTIRETY OF THE INTERNET?

25 Q BY MR. WARD: ANY OTHER EMPLOYEES OF OFFICE

1 OF SPECIAL AFFAIRS OF THE CHURCH OF SCIENTOLOGY
2 INTERNATIONAL?

3 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION,
4 INSTRUCT THE WITNESS NOT TO ANSWER ON THE GROUNDS THAT
5 THE QUESTION IS FAR BEYOND THE SCOPE OF THIS DEPOSITION.
6 AND I'M INSTRUCTING THE WITNESS TO NOT ANSWER IN ORDER TO
7 PRESERVE OUR RIGHT TO BRING A MOTION FOR A PROTECTIVE
8 ORDER.

9 Q BY MR. WARD: DOES THE COMPUTER YOU USE
10 ORIGINATE THE MESSAGE THAT YOU DOWNLOAD?

11 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

12 IF YOU UNDERSTAND, YOU CAN ANSWER IT.

13 THE WITNESS: NO, I DON'T UNDERSTAND THE QUESTION.

14 Q BY MR. WARD: DOES YOUR COMPUTER CREATE THE
15 MESSAGES?

16 MR. MERVIS: OBJECTION. SAME OBJECTION TO FORM.

17 THE WITNESS: CREATE THE MESSAGES? I STILL DON'T
18 UNDERSTAND THAT.

19 Q BY MR. WARD: WHERE DO THE MESSAGES YOU SEE
20 COME FROM?

21 A THEY CAME FROM THE NEWS READER.

22 Q SO THEY CAME FROM THE NEWS READER ON YOUR
23 MACHINE; IS THAT CORRECT?

24 A ON THE NEWS READER OF NETCOM. I'VE BEEN
25 USING ONE OF THEIR NEWS READERS TO READ THE MESSAGES.

1 Q HOW DO YOU KNOW THAT THAT NEWS READER WORKS
2 PROPERLY?

3 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

4 YOU CAN ANSWER IF YOU UNDERSTAND.

5 THE WITNESS: I DON'T THINK I DO UNDERSTAND.

6 HOW -- I DON'T THINK I DO UNDERSTAND THE QUESTION, HOW DO

7 I --

8 Q BY MR. WARD: DO YOU KNOW WHETHER THE
9 SOFTWARE THAT NETCOM USES TO LET YOU READ MESSAGES WORKS
10 PROPERLY?

11 MR. MERVIS: SAME OBJECTION.

12 THE WITNESS: WELL, I GUESS -- I MEAN, THERE'S
13 ALWAYS A BOUNDS OF POSSIBILITY, BUT I HAVE NO REASON
14 TO -- I -- I DON'T KNOW -- I HAVE NO REASON -- I'M SORRY.
15 REPEAT THE QUESTION, EXACTLY WHAT YOU SAID.

16 CAN YOU REPEAT THE LAST QUESTION.

17 (THE FOLLOWING QUESTION WAS READ BACK BY THE
18 REPORTER:

19 "Q DO YOU KNOW WHETHER THE SOFTWARE THAT
20 NETCOM USES TO LET YOU READ MESSAGES WORKS PROPERLY?")

21 THE WITNESS: WELL, OF COURSE, I HAVE -- I HAVE NO
22 WAY TOTALLY OF KNOWING THAT, BUT I RELY ON NETCOM TO DO
23 THEIR JOB.

24 Q BY MR. WARD: SO YOU DO NOT KNOW; IS THAT
25 CORRECT?

1 MR. MERVIS: WELL, MISSTATES THE TESTIMONY.
2 YOU CAN ANSWER THE QUESTION IF YOU
3 UNDERSTAND.

4 THE WITNESS: YOU ASKED ME HOW DO I -- HOW DO I
5 KNOW THAT THE -- SORRY. WHAT WAS THE EXACT QUESTION
6 AGAIN?

7 (THE FOLLOWING QUESTION WAS READ BACK BY THE
8 REPORTER:

9 "Q HOW DO YOU KNOW WHETHER THE SOFTWARE
10 THAT NETCOM USES TO LET YOU READ MESSAGES WORKS
11 PROPERLY?")

12 THE WITNESS: OF COURSE, I HAVE NO ABSOLUTE WAY OF
13 KNOWING THAT.

14 Q BY MR. WARD: DO YOU HAVE ANY WAY OF
15 KNOWING THAT?

16 A I HAVE THE MESSAGES THAT I GOT ON IT A
17 DAILY BASIS OVER A NINE-MONTH PERIOD.

18 Q HOW DO YOU KNOW THAT THEY'RE ACCURATE?

19 MR. MERVIS: OBJECTION TO THE FORM OF THE
20 QUESTION.

21 THE WITNESS: WELL, I -- I GUESS I'VE NEVER HAD
22 ANY INDICATION THAT THEY WEREN'T.

23 Q BY MR. WARD: HAVE YOU EVER SEEN ANY FALSE
24 NAME USED ON A POSTING?

25 MR. MERVIS: I THINK YOU'VE ALREADY ASKED THAT

1 QUESTION, MR. WARD.

2 YOU CAN ANSWER IT AGAIN.

3 THE WITNESS: HAVE I EVER SEEN A FALSE NAME USED?
4 I DON'T KNOW. I MEAN, A POSTING COMES WITH A NAME ON IT.

5 Q BY MR. WARD: HOW DO YOU KNOW THAT'S THE
6 CORRECT NAME?

7 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

8 THE WITNESS: WELL, IN SOME CASES PEOPLE HAVE
9 OBVIOUSLY TAKEN STEPS, LIKE IF IT'S ANONYMOUS OR A NUMBER
10 OR SOMETHING, BUT OTHERWISE THERE'S A NAME ON THE
11 POSTING.

12 Q BY MR. WARD: THE QUESTION IS: WHAT
13 PERSONAL KNOWLEDGE DO YOU HAVE THAT THE NAME ON THE
14 POSTING IS CORRECT?

15 MR. MERVIS: OBJECTION TO THE FORM OF THE
16 QUESTION.

17 THE WITNESS: I DON'T -- I HAVEN'T MET EVERY
18 INDIVIDUAL POSTER.

19 Q BY MR. WARD: THE QUESTION IS: HOW DO YOU
20 KNOW WHETHER THE INFORMATION IN THE POSTING IS CORRECT,
21 IS ACCURATE?

22 MR. MERVIS: OBJECTION TO THE FORM OF THE
23 QUESTION.

24 THE WITNESS: WELL, I MEAN, I KNOW -- I HAVE NO
25 WAY OF KNOWING THAT EVERY SINGLE NAME ON EVERY POSTING IS

1 CORRECT.

2 Q BY MR. WARD: DO YOU KNOW THAT ANY NAME IS
3 CORRECT?

4 MR. MERVIS: SAME OBJECTION.

5 THE WITNESS: I DON'T KNOW HOW TO ANSWER THAT
6 QUESTION.

7 Q BY MR. WARD: SO YOU DON'T KNOW; IS THAT
8 RIGHT?

9 MR. MERVIS: NO, THAT WASN'T HER TESTIMONY.

10 THE WITNESS: I SAID I -- I BELIEVE I SAID I DON'T
11 KNOW THAT ANY NAME IS CORRECT.

12 Q BY MR. WARD: OKAY. HAVE YOU VERIFIED ANY
13 NAME?

14 A VERIFIED IN WHAT WAY?

15 MR. MERVIS: I'M SORRY. OBJECTION TO THE FORM OF
16 THE -- DID YOU FINISH THE QUESTION?

17 MR. WARD: YES. GO AHEAD.

18 MR. MERVIS: OKAY. OBJECT TO THE FORM OF THE
19 QUESTION.

20 THE WITNESS: I DON'T UNDERSTAND THE QUESTION.

21 Q BY MR. WARD: WHAT STEPS HAVE YOU TAKEN TO
22 VERIFY THAT THE POSTING NAME ON A POST IS CORRECT, IS
23 ACTUALLY ASSOCIATED WITH AN INDIVIDUAL BY THAT NAME?

24 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

25 THE WITNESS: MY JOB WAS TO DOWNLOAD THE POSTINGS

1 AND TO DISTRIBUTE POSTINGS. THAT'S WHAT I DID.

2 Q BY MR. WARD: RIGHT. SURE. OKAY. BUT YOU
3 HAVE NO CONTROL OVER THE ACCURACY OF THE POSTINGS
4 THEMSELVES; RIGHT?

5 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.
6 THAT'S A VERY DIFFICULT QUESTION TO UNDERSTAND.

7 THE WITNESS: THIS IS TREMENDOUSLY BROAD,
8 MR. WARD.

9 MR. MERVIS: I THINK THE PROBLEM IS THE WORD
10 "ACCURATE."

11 Q BY MR. WARD: ISN'T IT TRUE THAT YOU HAVE
12 NO KNOWLEDGE OF THE ACTUAL SENDER OF A POST OTHER THAN
13 WHAT APPEARS ON THE SENDER PORTION OF THE POST?

14 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

15 THE WITNESS: WELL, WHAT I WOULD DO IS TO DOWNLOAD
16 THE POST --

17 Q BY MR. WARD: THE QUESTION IS: IS IT TRUE
18 THAT THE ONLY KNOWLEDGE OF THE POSTER IS THE NAME PRINTED
19 AS THE SENDER OF A POST?

20 A I HAVE ABSOLUTELY NO IDEA. I DON'T KNOW
21 WHAT OTHER STEPS YOU CAN TAKE TO VERIFY THAT OR NOT.

22 Q SO THE ANSWER IS YOU HAVE NOT VERIFIED IT;
23 IS THAT CORRECT?

24 A WE HAVE -- YOU MEAN, HAVE I PERSONALLY
25 VERIFIED?

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Q YES.

A I DON'T RECALL DOING THAT, TAKING ANY STEPS TO DO THAT, NO.

Q OKAY. HAS ANYONE VERIFIED IT, TO YOUR KNOWLEDGE?

MR. MERVIS: OBJECTION TO THE FORM OF THE QUESTION. IT'S VAGUE AND AMBIGUOUS.

THE WITNESS: YEAH, I -- IN --

Q BY MR. WARD: WELL, WHAT IS THE ANSWER?

A IN WHAT CONTEXT HAS ANYONE EVER VERIFIED ANY -- YOU MEAN ON A DAY-TO-DAY BASIS DOES ANYONE VERIFY A POSTING?

Q HAVE YOU -- YOU'VE TESTIFIED THAT YOU HAVE NOT EVER VERIFIED A POSTING AS TO THE ACCURACY OF THE CONTENTS.

MR. MERVIS: NO, NO, NO. SHE'S -- OBJECTION TO THE FORM OF THE QUESTION. IT MISSTATES THE WITNESS'S TESTIMONY.

THE WITNESS: I DON'T THINK THAT'S EXACTLY WHAT I SAID.

Q BY MR. WARD: OKAY.

A SO WHAT'S YOUR QUESTION?

Q ISN'T IT TRUE THAT YOU HAVE NO CONTROL OVER THE CONTENTS OF THE HEADER OF A MESSAGE?

MR. MERVIS: OBJECTION TO THE FORM OF THE

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QUESTION.

THE WITNESS: "YOU"? WHO? I MEAN --

Q BY MR. WARD: I'M REFERRING TO YOU, YES.

A TO ME?

Q YES.

A I -- I DOWNLOAD A MESSAGE AND FORWARD WHAT I GOT FROM MY COMPUTER, YES, THAT'S CORRECT. I'VE DOWNLOADED AND --

Q AND THAT'S ALL THAT YOU DO?

A YES.

MR. MERVIS: WELL --

MR. WARD: OKAY. WELL, THAT'S THE ANSWER, COUNSEL. I DON'T WANT YOU TO BE ACCUSED OF SUGGESTING ANY ANSWERS TO THE DEPONENT.

MR. MERVIS: WELL, MY ONLY -- I'M NOT ASKING HER TO -- I'M SAYING SHE'S TESTIFIED RATHER FULLY AS TO WHAT HER JOB IS. SO I DON'T KNOW WHAT THE ISSUE --

MR. WARD: THAT'S YOUR OPINION, BUT I'M NOT DEPOSING YOU, COUNSEL.

MR. MERVIS: OKAY. YOU CAN PUT YOUR NEXT QUESTION.

MR. WARD: OKAY. THANK YOU.

Q DO YOU KNOW WHAT COMPUTER SENDS THE MESSAGES TO NETCOM'S COMPUTER?

A NO, I DON'T UNDERSTAND THE QUESTION.

1 WHICH -- SORRY.

2 Q YOU'VE TESTIFIED THAT YOU DOWNLOAD THESE
3 MESSAGES FROM THE INTERNET.

4 A UH-HUH.

5 Q DO YOU BELIEVE THAT THE INTERNET IS MORE
6 THAN THE NETCOM COMPUTERS?

7 A I UNDERSTAND THAT, YES.

8 Q WHAT COMPUTERS SENT MESSAGES THAT YOU
9 DOWNLOADED TO NETCOM?

10 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.
11 THE WITNESS: WHAT COMPUTERS?

12 Q BY MR. WARD: (NODS HIS HEAD.)

13 A DO YOU MEAN -- I DON'T TOTALLY UNDERSTAND
14 THE QUESTION. ARE YOU TRYING TO SAY THE PATH OF EVERY --

15 Q YES, THAT'S CORRECT.

16 A WELL, THERE'S THE PATH OF EVERY MESSAGE.
17 THERE'S SEVERAL.

18 Q WHAT DOES THE PATH TELL YOU?

19 MR. MERVIS: OBJECTION TO THE FORM OF THE
20 QUESTION.

21 THE WITNESS: IT TELLS YOU -- IT WOULD TELL ME
22 COMPUTERS THAT APPEAR THAT HAVE FORWARDED THE MESSAGE,
23 SORT OF PASSED ALONG THE CHAIN OF COMPUTERS.

24 Q BY MR. WARD: OKAY. DO YOU HAVE ANY
25 CONTROL OVER THE ACCURACY OF THOSE COMPUTERS THAT THE

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MESSAGE PASSED OVER?

MR. MERVIS: OBJECTION TO THE FORM OF THE QUESTION.

THE WITNESS: WHAT ARE YOU ASKING ME NOW?

Q BY MR. WARD: DO YOU PERSONALLY HAVE ANY CONTROL OVER THE ACCURACY OF THE SOFTWARE OR ANY OTHER ASPECT OF THE COMPUTERS WHICH THE USE NET MESSAGE PURPORTEDLY PASSED OVER?

MR. MERVIS: OBJECTION TO THE FORM OF THE QUESTION.

THE WITNESS: SO YOU'RE ASKING ME IF I -- I'M NOT SURE THAT I AM TOTALLY GETTING THIS QUESTION OF IF I TOTALLY PERSONALLY HAVE CONTROL OVER EACH OF SEVERAL COMPUTERS ON A PATH?

Q BY MR. WARD: DO YOU HAVE CONTROL OVER ANY OF THEM?

A WELL, WHAT DO YOU MEAN BY "CONTROL"? I MEAN, WHAT'S YOUR DEFINITION OF "CONTROL"?

Q THAT IS, HOW DO YOU KNOW THAT THEY ARE -- THEY PASS THE MESSAGES ON ACCURATELY?

MR. MERVIS: OBJECTION TO THE FORM OF THE QUESTION.

THE WITNESS: I'M NOT SURE I KNOW HOW TO ANSWER THAT. HOW DOES -- IF YOU'RE ASKING ME TO GUARANTEE THAT EVERY SINGLE POSTING IS -- I -- I LOOK AT THE PATH OF THE

1 MESSAGE, AND I HAVE THE DATA THAT'S IN FRONT OF ME ON
2 THAT PATHWAY. I MEAN, I DON'T --

3 Q BY MR. WARD: ISN'T IT TRUE THAT YOU DO NOT
4 KNOW WHAT MEASURES ARE KEPT, SECURITY MEASURES OR ANY
5 OTHER MEASURES, TO GUARANTEE THE INTEGRITY OF MESSAGES
6 BEING TRANSFERRED OVER THE INTERNET?

7 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

8 THE WITNESS: THAT SEEMS LIKE A DIFFERENT QUESTION
9 FROM THE ONE THAT I --

10 MR. MERVIS: IT IS A DIFFERENT QUESTION. JUST
11 ANSWER THAT QUESTION.

12 MR. WARD: WE'VE GOT ALL DAY, AS YOU POINTED OUT.

13 THE WITNESS: SORRY. WHAT WAS THE LAST QUESTION
14 THAT YOU ASKED ME?

15 (THE FOLLOWING QUESTION WAS READ BACK BY THE
16 REPORTER:

17 "Q ISN'T IT TRUE THAT YOU DO NOT KNOW WHAT
18 MEASURES ARE KEPT, SECURITY MEASURES OR ANY OTHER
19 MEASURES, TO GUARANTEE THE INTEGRITY OF MESSAGES BEING
20 TRANSFERRED OVER THE INTERNET?")

21 THE WITNESS: THAT'S TRUE, I DO NOT KNOW ALL THE
22 STEPS THAT ALL THESE VARIOUS COMPUTERS AND COMPUTER
23 OPERATORS GO THROUGH TO MAINTAIN SECURITY AND WHATEVER ON
24 THE COMPUTERS.

25 Q BY MR. WARD: DO YOU KNOW ANY STEPS?

1 A I DON'T KNOW THAT I EVER HAVE LOOKED INTO
2 THAT.

3 Q ARE YOU CARRYING ON ANY BUSINESS WITH ANY
4 OF THE POSTINGS ON ALT.RELIGION.SCIEN TOLOGY?

5 MR. MERVIS: OBJECTION TO THE FORM OF THE
6 QUESTION.

7 IF YOU UNDERSTAND IT, YOU CAN ANSWER IT.

8 THE WITNESS: THE ANSWER IS NO.

9 MR. WARD: OKAY. THAT'S EASY.

10 Q DO YOU HAVE PERSONALLY ANY CONTROL OVER ANY
11 PORTION OF ANY POST THAT YOU DOWNLOADED, INCLUDING THE
12 BODY, THE DATE, THE TIME, OR THE AUTHOR?

13 MR. MERVIS: OBJECTION TO THE FORM OF THE
14 QUESTION.

15 THE WITNESS: I DON'T UNDERSTAND WHAT YOU'RE
16 ASKING ME THERE.

17 Q BY MR. WARD: DO YOU HAVE ANY CONTROL OVER
18 THEM? THAT IS, DO YOU ORIGINATE ANY OF THOSE? DO YOU
19 CHANGE THEM?

20 MR. MERVIS: OBJECTION TO THE -- ARE YOU FINISHED
21 WITH THE QUESTION?

22 MR. WARD: YES.

23 MR. MERVIS: OKAY. OBJECTION TO THE FORM OF THE
24 QUESTION.

25 THE WITNESS: WHAT WAS THE OTHER PART OF IT? DO I

1 CHANGE? DO I ORIGINATE?

2 Q BY MR. WARD: THAT'S RIGHT. FOR ANY OF THE
3 MESSAGES THAT YOU'VE DOWNLOADED FROM THE INTERNET, HAVE
4 YOU CHANGED ANY PORTION OF THE BODY, THE DATE, THE TIME,
5 OR THE AUTHOR?

6 MR. MERVIS: I'M SORRY. COULD YOU READ THAT
7 QUESTION BACK BEFORE SHE ANSWERS IT.

8 (PENDING QUESTION WAS READ BACK BY THE REPORTER.)

9 MR. MERVIS: OKAY. GOT IT.

10 NO OBJECTION.

11 THE WITNESS: NO.

12 Q BY MR. WARD: HOW DO YOU KNOW THAT ANY OF
13 THOSE FIELDS ARE ACCURATE?

14 MR. MERVIS: OBJECTION TO THE FORM OF THE
15 QUESTION. IT'S VAGUE, AMBIGUOUS, BORDERS ON
16 UNINTELLIGIBLE.

17 THE WITNESS: PLEASE, CAN YOU GIVE ME THE QUESTION
18 AGAIN.

19 (THE FOLLOWING QUESTION WAS READ BACK BY THE
20 REPORTER:

21 "Q HOW DO YOU KNOW THAT ANY OF THOSE
22 FIELDS ARE ACCURATE?")

23 THE WITNESS: I'M NOT SURE THAT I UNDERSTAND.
24 ANY -- ANY OF WHAT FIELDS, MR. WARD?

25 Q BY MR. WARD: THE SENDER, THE TIME, THE

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DATE, SUBJECT, THE CONTENTS OF THE MESSAGE.

MR. MERVIS: SAME OBJECTION. IN ADDITION TO THE EXTENT THAT YOU'RE REFERENCING THE SENDER, I THINK THE QUESTION HAS BEEN ASKED AND ANSWERED.

IN ANY EVENT, IF YOU UNDERSTAND THE QUESTION, YOU CAN ANSWER.

THE WITNESS: IT SEEMS LIKE YOU'RE ASKING IF I PERSONALLY VERIFIED FOR EVERY SINGLE POSTING --

Q BY MR. WARD: NOT FOR EVERY SINGLE. ANY. OUT OF ALL OF THE HUNDREDS OF THOUSANDS OF POSTS YOU'VE DOWNLOADED, HAVE YOU DOWNLOADED THE TRUTH OF ANY OF THE FIELDS?

MR. MERVIS: OBJECTION TO THE FORM OF THE QUESTION.

THE WITNESS: THE ANSWER IS --

MR. MERVIS: EXCUSE ME. IN ADDITION TO THE PRIOR OBJECTION, THAT'S THAT QUESTION ASSUMES FACTS NOT IN EVIDENCE.

NOW YOU CAN ANSWER.

THE WITNESS: SO THIS QUESTION IS DO -- TO ANYONE?

Q BY MR. WARD: YES.

A I DON'T RECALL.

Q ISN'T IT TRUE THAT ANYONE COULD HAVE TYPED A MESSAGE?

MR. MERVIS: I'M SORRY. ARE YOU FINISHED WITH THE

1 QUESTION?

2 MR. WARD: YES.

3 MR. MERVIS: OBJECTION TO THE FORM OF THE
4 QUESTION.

5 THE WITNESS: CAN YOU JUST EXPLAIN TO ME EXACTLY.

6 Q BY MR. WARD: ISN'T IT TRUE THAT ANYONE
7 COULD HAVE TYPED IN ANY OF THE MESSAGES THAT YOU
8 DOWNLOADED ON YOUR COMPUTER?

9 MR. MERVIS: OBJECTION TO THE FORM OF THE
10 QUESTION.

11 THE WITNESS: I STILL DON'T UNDERSTAND THE
12 QUESTION. I MEAN --

13 Q BY MR. WARD: COULDN'T ANYONE HAVE AUTHORED
14 ANY OF THE MESSAGES THAT YOU'VE DOWNLOADED?

15 MR. MERVIS: SAME OBJECTION.

16 THE WITNESS: WELL, EVERY MESSAGE IS AUTHORED BY
17 SOMEONE. I DON'T UNDERSTAND YOUR QUESTION. THEY COME
18 FROM SOMEBODY.

19 Q BY MR. WARD: BUT YOU DO NOT KNOW WHERE
20 THEY COME FROM; RIGHT? IS THAT RIGHT?

21 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

22 THE WITNESS: I --

23 Q BY MR. WARD: DO YOU KNOW WHERE THE
24 MESSAGES COME FROM?

25 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

1 THE WITNESS: I -- I DOWNLOAD THEM FROM NETCOM AND
2 PUT THEM INTO MY COMPUTER, AND THEN I HAVE THE
3 INFORMATION THAT THE MESSAGE --

4 Q BY MR. WARD: NO. YOU'VE TOLD ME THAT
5 SEVERAL TIMES.

6 A RIGHT.

7 Q THE QUESTION IS: DO YOU KNOW WHERE THEY
8 COME FROM?

9 A NO, OF COURSE NOT. I DO NOT KNOW FOR EVERY
10 SINGLE ONE.

11 Q NO. THE QUESTION IS NOT FOR EVERY SINGLE.
12 DO YOU HAVE PERSONAL KNOWLEDGE FOR ANY POSTS THAT YOU'VE
13 DOWNLOADED FOR ANY PERIOD THAT YOU WERE CUSTODIAN OF
14 RECORDS WHERE THEY CAME FROM?

15 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

16 IF YOU UNDERSTAND IT, YOU CAN ANSWER.

17 THE WITNESS: I HAVE TO SAY I CAN'T RECALL --

18 Q BY MR. WARD: THAT'S FINE. THANK YOU.

19 A -- ANY SPECIFIC PERSON.

20 MR. WARD: ANYTIME YOU WANT A BREAK, THAT'S FINE.

21 MR. MERVIS: ACTUALLY, LET'S TAKE A BREAK. I NEED
22 TO STRETCH MY LEGS.

23 MR. WARD: OKAY. LET'S BREAK.

24 (BREAK TAKEN.)

25 MR. WARD: BACK ON THE RECORD.

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Q BEFORE FEBRUARY 20TH, 1995, WHO HAD YOUR
JOB?

MR. MERVIS: OBJECTION. NO FOUNDATION.

THE WITNESS: I DON'T KNOW.

Q BY MR. WARD: WHO ASSIGNED YOU TO YOUR JOB
ON FEBRUARY 20TH?

A THAT WOULD BE CHARLIE EARLE.

Q COULD YOU SPELL THE LAST NAME, PLEASE.

A E-A-R-L-E, I BELIEVE.

Q WHAT WERE HIS INSTRUCTIONS?

MR. MERVIS: OBJECTION TO THE FORM OF THE
QUESTION.

YOU CAN ANSWER.

THE WITNESS: HE TOLD ME THAT I WAS GOING TO BE
HAVING A POST MONITORING THE INTERNET.

Q BY MR. WARD: DID YOU SET UP YOUR COMPUTER
TO MONITOR THE INTERNET?

A WHAT DO YOU MEAN BY "SET UP THE COMPUTER"?

Q LOAD THE SOFTWARE TO IT, YOU KNOW, PUT THE
HARDWARE DISK TO IT, WIRE IT IN.

A NO.

Q WHO DID?

A I DON'T KNOW.

Q WHO GAVE YOU INSTRUCTIONS ON HOW TO USE THE
COMPUTER FOR YOUR MONITORING DUTIES?

1 A WELL, I SORT OF SELF-TAUGHT FOR A LOT OF
2 IT. AND I WOULD JUST ASK THE VARIOUS COLLEAGUES JUST TO
3 GIVE ME A HAND ON THIS OR A HAND ON THAT.

4 Q DID YOU SELECT THE Q-MODEM SOFTWARE?

5 A NO.

6 Q DO YOU KNOW WHAT SECURITY FEATURES IT HAS?

7 MR. MERVIS: OBJECTION TO THE FORM OF THE
8 QUESTION.

9 THE WITNESS: WHAT WHAT HAS? SECURITY FEATURES
10 WHAT HAS?

11 Q BY MR. WARD: Q-MODEM SOFTWARE HAS.

12 A NO, I DON'T.

13 Q DO YOU HAVE ERROR CORRECTING MEMORY ON YOUR
14 COMPUTER?

15 A DO I HAVE WHAT?

16 Q ERROR CORRECTING MEMORY.

17 A I DO NOT KNOW.

18 Q HOW MANY MEGABYTES OF MEMORY ON YOUR
19 COMPUTER?

20 MR. MERVIS: I THINK THAT ONE WAS ASKED AND
21 ANSWERED.

22 MR. WARD: NO. THERE'S MORE THAN ONE KIND OF
23 MEGABYTES.

24 MR. MERVIS: ALL RIGHT.

25 Q BY MR. WARD: I THINK YOU'VE TESTIFIED

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THERE WAS A 500-MEGABYTE HARD DISK. THE QUESTION IS:
WHAT OTHER KINDS OF MEMORY AND WHAT --

MR. MERVIS: YOU'RE LOOKING FOR NON-HARD DRIVE
MEMORY?

MR. WARD: YES.

MR. MERVIS: OKAY.

THE WITNESS: I DON'T KNOW.

Q BY MR. WARD: WHAT OPERATING SYSTEM ARE YOU
RUNNING?

A I DON'T KNOW.

Q WHAT KIND OF MODEM DO YOU USE?

MR. MERVIS: JUST FOR CLARIFICATION, MR. WARD, A
NUMBER OF TIMES YOU USE THE PRESENT TENSE, AND IT'S A
LITTLE CONFUSE --

MR. WARD: I MEAN FOR ALL THESE QUESTIONS FOR THE
PERIOD OF FEBRUARY 20, 1995, TO DECEMBER, 1995.

THE WITNESS: WHAT WAS THE QUESTION AGAIN?

Q BY MR. WARD: WHAT BRAND OF MODEM DID YOU
USE?

A I DON'T KNOW THE BRAND OF MODEM.

Q WHO WIRED IT UP?

A I HAVE NO IDEA.

Q DO YOU HAVE ANY PERSONAL KNOWLEDGE THAT I
AUTHORED ANY OF THE POSTS THAT YOU DOWNLOADED WITH MY
NAME?

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A WHAT EXACTLY DO YOU MEAN BY "PERSONAL KNOWLEDGE"?

Q OKAY. DID YOU SEE ME WRITE ANY OF THOSE POSTINGS?

A NO. I DIDN'T TRAVEL TO YOUR HOME.

Q DO YOU HAVE ANY EXTRINSIC EVIDENCE AT ALL OF THE -- THAT I WROTE ANY OF THOSE POSTINGS?

A YOUR -- DO I PERSONALLY HAVE ANY --

Q THAT'S RIGHT, YOU PERSONALLY.

A ANY EXTRINSIC EVIDENCE?

Q THAT I AUTHORED ANY OF THE POSTINGS CONTAINING MY NAME.

MR. MERVIS: LET ME OBJECT TO THE FORM OF THE QUESTION.

YOU CAN ANSWER.

THE WITNESS: I DON'T THINK SO, NO.

Q BY MR. WARD: NOW, YOU STARTED MONITORING FEBRUARY 20TH, 1995. DID YOU -- DID YOUR COMPUTER CONTAIN ANY IMAGES FROM POSTINGS BEFORE THAT?

A YES, I BELIEVE IT DID.

Q CAN YOU CHARACTERIZE WHAT IT CONTAINED?

A HOW DO YOU MEAN?

Q WELL, LIKE WHAT TIME PERIOD, FOR EXAMPLE?

A DEFINITELY SOME -- THERE WAS FROM EARLY IN THE YEAR '94. I REALLY -- I DON'T RECALL THE SPECIFICS.

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Q ARE THOSE MAGNETIC RECORDS PART OF THE RECORDS THAT YOU TURNED OVER TO RHEA SMITH DECEMBER OF 1995?

A I DON'T RECALL, ACTUALLY.

Q HOWEVER, FOR ANY SUCH MAGNETIC IMAGES THAT WERE COLLECTED BEFORE YOU DID, YOU HAVE NO IDEA OF THEIR SOURCE; IS THAT CORRECT?

MR. MERVIS: OBJECTION TO THE FORM OF THE QUESTION.

THE WITNESS: WELL, I HAD NOTHING TO DO WITH THEM. THEY WERE JUST THERE.

Q BY MR. WARD: SO YOUR ONLY KNOWLEDGE OF THEM IS THAT THEY WERE JUST ON THE DISK WHEN YOU GOT IT?

A THAT'S CORRECT.

MR. WARD: I WILL ENTER THIS (INDICATING) INTO EVIDENCE. AGAIN I HAVE ONE COPY HERE. I DON'T KNOW ABOUT THEIR COPY MACHINES. I'M SURE THEY HAVE THEM. HOWEVER, I DON'T MIND GIVING MINE UP TO THE REPORTER IF YOU WOULD LIKE TO LOOK AT IT.

MR. MERVIS: WHY DON'T WE MARK IT FOR IDENTIFICATION.

MR. WARD: DEFENDANT'S EXHIBIT 1.

MR. MERVIS: WHY DON'T WE CALL IT CARNAHAN 1 JUST FOR CLARITY.

MR. WARD: OKAY. FINE.

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(DEFENDANT'S EXHIBIT 1 WAS MARKED FOR IDENTIFICATION BY THE CERTIFIED SHORTHAND REPORTER AND IS ATTACHED HERETO.)

Q BY MR. WARD: I'LL LET YOU LOOK AT IT. GO AHEAD AND LOOK AT IT. IT'S ONLY ONE PAGE.

MR. MERVIS: LET'S LOOK AT IT FIRST.

THE WITNESS: OKAY.

Q BY MR. WARD: NOW, DO YOU RECALL DOWNLOADING THIS POST?

A WELL, IT SAYS 12 JANUARY '95.

Q YES.

A I DIDN'T START DOWNLOADING TILL 20 FEBRUARY 1995.

Q WAS THIS POST ON YOUR COMPUTER WHEN YOU TOOK OVER THE JOB?

MR. MERVIS: IF YOU KNOW.

THE WITNESS: I DON'T KNOW. I HAVE NO IDEA.

MR. MERVIS: ARE WE FINISHED WITH THIS ONE?

MR. WARD: I THINK THESE (INDICATING) ARE ALL IN THE RELEVANT TIME PERIOD.

THE SECOND CARNAHAN DEFENSE EXHIBIT CONCERNS OF SEVERAL POSTS I BELIEVE MADE ALL DURING THE RELEVANT TIME PERIOD THAT MS. CARNAHAN WAS THE CUSTODIAN OF RECORDS, AND I'M GOING TO ASK HER WHETHER SHE RECALLS DOWNLOADING ANY OF THESE POSTS.

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MR. MERVIS: OKAY.

(DEFENDANT'S EXHIBIT 2 WAS MARKED FOR IDENTIFICATION BY THE CERTIFIED SHORTHAND REPORTER AND IS ATTACHED HERETO.)

(MR. WARD HANDS DOCUMENTS TO MR. MERVIS.)

MR. MERVIS: LET'S TAKE A LOOK AT THEM.

I GUESS, FOR THE SAKE OF EXPEDIENCY, WHY DON'T WE TAKE THEM ONE AT A TIME INSTEAD OF HAVING HER --

MR. WARD: OKAY.

MR. MERVIS: IF THAT MAKES SENSE.

WHY DON'T YOU READ ONE AND TELL HIM WHETHER YOU REMEMBER IT.

MR. WARD: THAT'S FINE.

MR. MERVIS: AND FOR CLARITY PURPOSES, MR. WARD, WHEN YOU SAY "DOWNLOADED THIS POST," I MEAN, THIS IS A PIECE OF PAPER. I'M ASSUMING YOU MEAN THE TEXT, THE CONTENT OF THIS DOCUMENT.

MR. WARD: RIGHT, THAT'S CORRECT.

MR. MERVIS: OKAY. SO WHEN YOU'VE HAD A CHANCE TO REVIEW THIS, JUST TELL MR. WARD.

LET ME -- AFTER YOU'VE HAD A CHANCE TO REVIEW THIS FIRST PAGE, WHICH FOR THE RECORD IS -- HAS A "FROM" LINE, WELL, "ANON" TO THERE'S A SERIES OF SYMBOLS AND IT ENDS IT "HENRY." AND THE SUBJECT IS "EVEN MORE," AND THERE APPEAR TO BE TWO ASTERISKS ON EITHER SIDE OF AN

1 ALL CAPITALIZED WORD "MORE," "HUMILIATION FOR THE
2 NUT-CULT."

3 AND THE QUESTION IS: DO YOU REMEMBER
4 DOWNLOADING THIS PARTICULAR CON -- CONTENT OF THIS
5 PARTICULAR DOCUMENT?

6 THE WITNESS: I DON'T RECALL THAT ONE. I MEAN, I
7 CAN'T REMEMBER ONE WAY OR THE OTHER.

8 Q BY MR. WARD: OKAY. THAT'S FINE.

9 MR. MERVIS: I'M SORRY. MR. WARD, THIS LOOKS TO
10 BE TWO PAGES. IS THAT CORRECT?

11 MR. WARD: THAT'S CORRECT.

12 MR. MERVIS: JEAN, WHY DON'T YOU READ THE SECOND
13 PAGE AND SEE IF THAT MAKES A DIFFERENCE.

14 THE WITNESS: OKAY.

15 THE WITNESS: I'M NOT -- I MEAN, CERTAINLY THERE
16 ARE PHRASES IN IT THAT ARE VERY FAMILIAR, BUT AN EXACT
17 POSTING I CAN'T TOTALLY RECALL.

18 MR. WARD: OKAY.

19 MR. MERVIS: BEFORE WE GO ON, WHY DON'T WE --
20 MS. KOBRIN HAS MADE A GOOD SUGGESTION, THAT PERHAPS WE
21 SHOULD NUMBER EACH PAGE SEQUENTIALLY. SO THE FIRST TWO
22 PAGES THAT THE WITNESS HAS REVIEWED I'VE NOW NUMBERED
23 PAGES 1 AND 2. LET ME CONTINUE THAT PROCESS.

24 MR. WARD: SO BEFORE YOU REVIEW THE OTHERS, I'LL
25 ASK ABOUT THE FIRST ONE.

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MR. MERVIS: GO AHEAD.

Q BY MR. WARD: IF -- I'LL REPRESENT TO YOU THAT'S A POSTING WHICH I SAW ON THE INTERNET. WOULD IT THEN BE IN YOUR COLLECTION OF MAGNETIC DOWNLOADS?

MR. MERVIS: YOU'RE ASKING HYPOTHETICALLY?

Q BY MR. WARD: WELL, WOULD YOU HAVE THAT IN YOUR MAGNETIC DOWNLOAD?

MR. MERVIS: I OBJECT TO THE FORM OF THE QUESTION.

MR. WARD: THE CONTENT OF IT, OBVIOUSLY, NOT THE PAPER.

MR. MERVIS: IF YOU UNDERSTAND THE QUESTION, YOU CAN ANSWER.

THE WITNESS: I DO UNDERSTAND THE QUESTION. IF YOU'RE ASKING ME IF I HAVE PARTICULARLY VERIFIED THIS --

Q BY MR. WARD: WELL, NO. YOU'VE TESTIFIED YOU DON'T REMEMBER. IF THE HEADER IS ACCURATE, IT'S A POSTING ON THAT DATE, WOULD IT BE PART OF YOUR MAGNETIC DOWNLOADS?

MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION. IT'S A HYPOTHETICAL QUESTION.

THE WITNESS: SO A DOWNLOAD FROM A.R.S. ON THAT DATE? SO YOU SAID IF THE HEADER IS CORRECT AND IF --

Q BY MR. WARD: RIGHT.

A I HAVE NO REASON TO DOUBT IT WOULDN'T BE.

Q IS THERE ANY WAY WE COULD CHECK?

1 MR. MERVIS: ARE YOU ASKING HER IF THERE'S ANY WAY
2 TO CHECK WHETHER THIS PARTICULAR -- THE CONTENT OF THIS
3 PARTICULAR DOCUMENT IS PRESENT IN THE CSI HARD DRIVE?

4 MR. WARD: YES.

5 MR. MERVIS: OKAY. DO YOU UNDERSTAND THAT
6 QUESTION?

7 THE WITNESS: I UNDERSTAND THAT QUESTION.

8 MR. MERVIS: OKAY. YOU CAN ANSWER IT.

9 THE WITNESS: THERE WOULD BE A WAY THAT I COULD
10 CHECK.

11 Q BY MR. WARD: AND COULD YOU TELL ME HOW YOU
12 WOULD CHECK.

13 A LIKE, YOU MEAN TODAY? OR -- I --

14 Q DURING THE PERIOD YOU WERE CUSTODIAN OF
15 RECORDS, HOW WOULD I CHECK TO SEE WHETHER THAT'S AN
16 ACCURATE POST COMPARED TO YOUR RECORDS?

17 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.

18 THE WITNESS: I'M NOT SURE WHAT YOU'RE ASKING ME.

19 Q BY MR. WARD: I'D LIKE TO VERIFY THAT
20 WRITING AGAINST YOUR MAGNETIC RECORDS. HOW WOULD I GO
21 ABOUT DOING THAT?

22 A HOW -- HOW WOULD YOU GO ABOUT DOING IT?

23 Q WELL, HOW WOULD ANYONE GO ABOUT DOING IT?
24 HOW WOULD THE CUSTODIAN OF RECORDS GO ABOUT DOING IT?

25 A I'M NOT UNDERSTANDING YOUR QUESTION. YOU

1 MEAN IF I WAS TO DO THAT TODAY OR AT THE TIME?

2 Q AT THE TIME. AT THE TIME. AT THE TIME YOU
3 WERE CUSTODIAN OF RECORDS, HOW COULD YOU VERIFY THAT THAT
4 IS PRESENT ON YOUR HARD DISK OF YOUR MAGNETIC IMAGE?

5 A WELL, I GO TO THE DOWNLOAD OF POSTINGS FOR
6 THAT DATE OR THE DAY AFTER, BECAUSE SOMETIMES THEY
7 ARRIVED THE DAY AFTER, AND CHECK FOR IT BY PUTTING IN
8 TERMS OR PUTTING IN PROBABLY THE MESSAGE I.D.

9 Q SO YOU SAID "PUTTING IN." WHAT PROGRAM
10 WOULD YOU USE TO DO THAT?

11 A I WOULD -- I HAD A DOS PROGRAM. I WOULD
12 JUST SEARCH FOR IT ON DOS.

13 Q WHAT COMMANDS DID YOU USE IN DOS TO DO
14 THAT?

15 A FIND COMMANDS. I'M NOT SURE I UNDERSTAND
16 WHAT YOU -- TO SEARCH, YOU MEAN?

17 Q YES.

18 A USUALLY THE FIND COMMANDS.

19 Q THE FIND COMMAND.

20 A UH-HUH.

21 Q OKAY. IF YOU COULD LOOK AT THE --

22 MR. MERVIS: DO YOU WANT TO GO TO THE NEXT ONE,
23 MR. WARD?

24 MR. WARD: YES.

25 MR. MERVIS: IT LOOKS LIKE THE NEXT DISTINCT

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DOCUMENT IS PAGE 3. SO WHY DON'T YOU REVIEW THAT.

THE WITNESS: I -- NOW WHAT IS YOUR QUESTION EXACTLY?

MR. MERVIS: IT'S GOING TO BE HARD FOR HIM TO GO BACK THAT FAR.

Q BY MR. WARD: DO YOU RECALL DOWNLOADING THIS POST?

A YOU MEAN AS DISTINCT FROM THE OTHER POSTINGS THAT I DOWNLOADED?

Q YES.

A I'M NOT SURE. I MEAN, THERE'S PARTS OF IT THAT LOOK FAMILIAR, BUT I WOULD SEE SEVERAL PIECES OVER AND OVER. SO I'M NOT TOTALLY CERTAIN.

Q OKAY.

MR. MERVIS: WOULD YOU LIKE HER TO GO TO THE NEXT PAGE?

MR. WARD: YES, SURE.

MR. MERVIS: OKAY. MS. CARNAHAN, I'M GOING TO PLACE BEFORE YOU PAGE 4, WHICH APPEARS TO BE A DISTINCT MESSAGE.

THE WITNESS: ISN'T THIS 1996?

MR. MERVIS: YES, IT IS.

Q BY MR. WARD: IF THE DATE IS OUTSIDE YOUR TERM AS CUSTODIAN --

MR. MERVIS: SO DO YOU WANT THE WITNESS TO SKIP

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PAGE 4 OF EXHIBIT 2?

MR. WARD: YES, THAT'S FINE.

MR. MERVIS: OKAY. LET ME PLACE BEFORE YOU PAGE 5 OF EXHIBIT 2, WHICH APPEARS TO BE A DISTINCT MESSAGE.

THE WITNESS: AGAIN THERE'S POINTS ABOUT THIS THAT SEEM FAMILIAR, BUT I'M CERTAINLY NOT RECALLING BACK TO -- WHAT IS THE DATE OF THIS ONE?

MR. MERVIS: HAVE YOU FINISHED YOUR ANSWER?

THE WITNESS: YES.

MR. MERVIS: MR. WARD, WOULD YOU LIKE THE WITNESS TO GO TO THE NEXT PAGE?

MR. WARD: I THINK THAT'S ALL FOR NOW.

MR. MERVIS: OKAY. SO WE'VE GONE UP TO PAGE 5, THEN.

MR. WARD: OKAY. NOW I'M GOING TO MARK AS AN EXHIBIT, NO. 3, WHAT I'LL REPRESENT IS A SUMMARY OF POSTS CONTAINING THE WORD "SCAMIZDAT."

(DEFENDANT'S EXHIBIT 3 WAS MARKED FOR IDENTIFICATION BY THE CERTIFIED SHORTHAND REPORTER AND IS ATTACHED HERETO.)

Q BY MR. WARD: NOW, I JUST WANT YOU TO LOOK AT IT, REVIEW IT. OBVIOUSLY I'M NOT GOING TO TEST YOU ON ALL THE CHARACTERS IN IT, BUT I'M GOING TO ASK YOU WHETHER IT APPEARS TO BE FROM YOUR KNOWLEDGE A FAIR SUMMARY OF THE NUMBER OF TIMES "SCAMIZDAT" WAS USED ON

1 ALT.RELIGION.SCIENTOLOGY FROM 20 FEBRUARY 1995 TO --

2 A DO YOU MEAN THE TERM "SCAMIZDAT"?

3 Q YES, THE TERM, YES. LET ME EXPLAIN WHAT IT
4 IS BEFORE I GIVE IT TO YOU SO IT'S NOT TOO CONFUSING.
5 HERE'S THE LIST OF "FROM'S" (INDICATING) THAT CONTAINS
6 THE WORD "SCAMIZDAT," AND HERE'S A LIST OF MESSAGE I.D.
7 THAT CONTAIN THE WORD "SCAMIZDAT." NOW, OF COURSE, SOME
8 PEOPLE -- SOME FROM'S MAY HAVE USED IT MANY TIMES.

9 A WELL, SOME OF THE EXAMPLES YOU GAVE ME --

10 Q THAT WOULD APPEAR -- I WOULD REPRESENT THAT
11 THE MESSAGE I.D. WOULD LIKELY APPEAR ON THIS LIST IF IT
12 DID. SO WHAT I'M TRYING TO DO IS JUST ASK YOU WHETHER
13 THAT SEEMS TO BE A FAIR REPRESENTATION OF THE TERM -- HOW
14 FREQUENTLY THE WORD "SCAMIZDAT" APPEARS ON THE
15 ALT.RELIGION.SCIENTOLOGY DURING YOUR PERIOD AS CUSTODIAN
16 OF RECORDS.

17 MR. MERVIS: BEFORE WE GET INTO THIS EXERCISE, LET
18 ME ASK YOU: WITHOUT ACCEPTING YOUR REPRESENTATION OF
19 WHAT THIS DOCUMENT IS, AS I UNDERSTAND IT, YOU'RE ASKING
20 THE WITNESS TO REVIEW THE DOCUMENT, WHICH PURPORTS TO
21 CONTAIN REFERENCES TO "SCAMIZDAT" IN POSTINGS, AND WHAT
22 YOU'RE ASKING HER IS WHETHER THE NUMBER OF DOCUMENTS
23 IDENTIFIED IN THIS DOCUMENT, EXHIBIT 3, MATCHES HER
24 RECOLLECTION OF THE NUMBER OF TIMES "SCAMIZDAT" APPEARED
25 ON THE INTERNET?

1 MR. WARD: WELL, THAT'S CORRECT. WELL, ON
2 ALT.RELIGION.SCIENTOLOGY SPECIFICALLY.

3 MR. MERVIS: AGAIN LET ME INSTRUCT YOU. YOU DON'T
4 HAVE TO ACCEPT MR. WARD'S REPRESENTATION AS TO WHAT THIS
5 DOCUMENT IS, BUT IF YOU UNDERSTAND WHAT HE'S ASKING YOU
6 TO DO, YOU CAN DO IT.

7 THE WITNESS: SO YOU'RE --

8 Q BY MR. WARD: I MEAN, I'M ASSUMING THAT
9 YOU'RE FAMILIAR WITH MESSAGE I.D.'S AND ALL OF THAT?

10 A RIGHT.

11 Q OKAY. I JUST WANT TO GET YOUR KNOWLEDGE OF
12 WHETHER THIS SEEMS TO BE IN ACCORD WITH YOUR MEMORY OR
13 VASTLY OUT OF LINE OR --

14 A SO LET ME -- I JUST -- I'M NOT QUITE SURE
15 THAT I'VE TOTALLY GOT WHAT THIS IS.

16 Q LOOK AT THE VERY TOP.

17 A "THE WORD 'SCAMIZDAT' WAS USED 9,787
18 TIMES" --

19 MR. MERVIS: NO. YOU'LL HAVE TO SPEAK UP, JEAN.

20 MS. KOBRIN: WELL, JUST READ IT TO YOURSELF.

21 MR. MERVIS: YOU CAN READ IT TO YOURSELF.

22 THE WITNESS: I'M SORRY. OKAY.

23 ALL RIGHT. THEN DO I UNDERSTAND THAT THIS
24 IS THEN DIVIDED INTO THE DIFFERENT CATEGORIES THAT ARE
25 TALKED ABOUT IN THIS PIECE HERE?

1 Q BY MR. WARD: WELL, DIVIDED INTO THE
2 DISTINCT SENDERS, FROM'S, AND THEN FOLLOWED BY A LIST OF
3 ALL THE MESSAGE I.D.'S THAT CONTAIN THE WORD "SCAMIZDAT."

4 A SO WE'RE TALKING HERE THAT THE WORD, THE
5 TERM, MIGHT HAVE APPEARED IN A MESSAGE AS ONCE, THE TERM
6 MIGHT HAVE APPEARED --

7 Q YES. IT'S NOT LISTED SEVERALLY FOR EACH
8 TIME IT APPEARED.

9 A OKAY. WELL, TO THE BEST OF MY
10 RECOLLECTION, THE WORD "SCAMIZDAT" FROM --

11 Q JUST THE PERIOD WHEN YOU WERE --

12 A MARCH, '97, TO OCTOBER, NOVEMBER, DECEMBER,
13 '95, APPEARED MANY TIMES. AND YOU HAVE MANY PAGES HERE.
14 SO THOSE TWO GO TOGETHER.

15 Q SO IT'S NOT A CONSISTENT --

16 A IT'S NOT INCONSISTENT.

17 MR. MERVIS: LET'S BE CLEAR ON THE RECORD. THERE
18 ARE I DON'T KNOW HOW MANY PAGES. IT LOOKS LIKE EASILY 20
19 TO 30. BEFORE GIVING THAT ANSWER, HAVE YOU COUNTED EACH
20 AND EVERY REFERENCE HERE?

21 THE WITNESS: I ABSOLUTELY HAVE NOT, NO.

22 MR. MERVIS: SEE --

23 MR. WARD: THEN I SUGGEST YOU COUNT ONE AND
24 MULTIPLY IT BY THE NUMBER OF PAGES.

25 MR. MERVIS: MR. WARD, I THINK I UNDERSTAND THE

1 INFORMATION YOU'RE TRYING TO ELICIT FROM THE WITNESS.
2 AND I'M NOT SURE THIS IS THE MOST EFFICIENT WAY TO DO IT.
3 YOU HAVE A TOTAL ON THIS DOCUMENT OF ROUGHLY 10,000
4 TIMES. THERE'S NO, WAY AT LEAST THAT I CAN TELL, HOW YOU
5 WOULD DIVIDE THAT NUMBER BETWEEN THINGS THAT HAPPENED
6 BETWEEN FEBRUARY AND DECEMBER OF '95 AND AT OTHER TIMES.

7 I MEAN, I DON'T WANT TO TELL YOU HOW TO ASK
8 THE QUESTIONS, BUT YOU MIGHT -- THERE MIGHT BE -- AN
9 EASIER WAY MIGHT BE TO ASK THE WITNESS IF SHE HAS A
10 RECOLLECTION OF HOW MANY TIMES SHE SAW THE WORD
11 "SCAMIZDAT" DURING THE TIME SHE WAS MONITORING THE
12 INTERNET.

13 MR. WARD: WELL, I'M HOPING THIS WILL HELP HER
14 RECOLLECT.

15 MR. MERVIS: IT MAY, BUT I'M NOT SURE IT HAS SO
16 FAR.

17 THE WITNESS: SO WHAT IS THE QUESTION NOW? HOW
18 MANY --

19 Q BY MR. WARD: JUST READING THE VERY FIRST
20 SENTENCE, THAT IT OCCURRED OVER THE THOUSAND TIMES WITHIN
21 THE TIME PERIOD STATED, IS THAT CONSISTENT WITH YOUR
22 RECOLLECTION?

23 A WHAT MY RECOLLECTION IS IS THAT "SCAMIZDAT"
24 WAS A TERM THAT -- AS A TERM BEING THROWN ABOUT IN
25 POSTINGS APPEARED MANY, MANY TIMES. I HAVE NO IDEA OF

1 THE NUMBER OF THOUSANDS OF TIMES THAT IT DID.

2 Q THAT'S FINE. NO, YOU'RE NOT GOING TO BE
3 TESTED ON THE SPECIFIC DIGITS. NO. THAT'S FINE.

4 MR. MERVIS: ARE WE DONE WITH THIS EXHIBIT?

5 MR. WARD: YES.

6 MR. MERVIS: THANK YOU.

7 MR. WARD: WE MAY BE DONE. GIVE ME FIVE MORE
8 MINUTES HERE.

9 MR. MERVIS: SURE. WOULD YOU LIKE US TO SCATTER
10 FOR A MINUTE?

11 MR. WARD: YES, YOU CAN TAKE A BREAK. AND WE CAN
12 GO OFF.

13 MS. KOBRIN: OKAY.

14 (BREAK TAKEN.)

15 MR. WARD: BACK ON THE RECORD.

16 AND THANK YOU VERY MUCH FOR YOUR TESTIMONY.
17 I'M DONE WITH YOU. AND IF THE OTHER COUNSEL WISH TO
18 DIRECT EXAMINATION, THEY MAY DO SO.

19 MR. MERVIS: I DO HAVE A FEW QUESTIONS, AND I'LL
20 TRY TO BE BRIEF.

21

22

EXAMINATION

23 BY MR. MERVIS:

24 Q IS IT CORRECT THAT DURING THE ENTIRE TIME
25 THAT YOU WERE MONITORING THE INTERNET --

1 MR. WARD: I OBJECT AS A LEADING QUESTION.
2 MR. MERVIS: WELL, IT'S FOUNDATIONAL, MR. WARD.
3 BUT LET ME ASK IT, AND YOU MAY WITHDRAW YOUR OBJECTION
4 AFTER.
5 MR. WARD: OKAY.
6 MR. MERVIS: I'M JUST TRYING TO MAKE IT EASY.
7 MR. WARD: OKAY.
8 Q BY MR. MERVIS: WAS NETCOM THE ONLY
9 INTERNET SERVICE PROVIDER THAT YOU USED TO MONITOR THE
10 INTERNET?
11 A YES.
12 MR. MERVIS: IS THAT OKAY?
13 MR. WARD: YES, THAT'S FINE.
14 MR. MERVIS: THANK YOU.
15 Q THE ANSWER IS "YES"?
16 A YES.
17 Q DO YOU KNOW ONE WAY OR THE OTHER WHETHER
18 NETCOM -- NETCOM'S A.R.S. USE NET GROUP CAUGHT ALL OF THE
19 MESSAGES THAT WERE SENT TO THE A.R.S.?
20 A WHY, I HAVE -- I DON'T -- I HAVE NO WAY OF
21 TOTALLY VERIFYING THAT THEY DID. I DON'T KNOW THAT.
22 Q NOW, I WANT TO BACKTRACK TO SOMETHING
23 EARLIER IN MR. WARD'S EXAMINATION IN TERMS OF WHAT YOU
24 DID WITH PRINTOUTS OF POSTINGS THAT CONTAINED ADVANCED
25 TECHNOLOGY OR UPPER LEVEL MATERIALS.

1 A UH-HUH.

2 Q COULD YOU EXPLAIN TO ME -- I BELIEVE YOU
3 MENTIONED PUTTING THINGS IN AN ENVELOPE. COULD YOU
4 EXPLAIN THAT FOR ME, PLEASE.

5 A OKAY. SO IF I HAD A POSTING THAT CONTAINED
6 AN UPPER LEVEL MATERIALS, ADVANCED TECHNOLOGY MATERIALS,
7 I WOULD PRINT IT UP, A HARD COPY, AND I WOULD PUT IT IN
8 AN ENVELOPE, AND I WOULD MAKE A COPY OF IT. ACTUALLY
9 TAKE IT OUT TO A PHOTOCOPIER, MAKE A COPY OF IT. AND I
10 WOULD SEND A COPY TO MR. MC SHANE. AND I WOULD KEEP MY
11 ORIGINAL COPY, AND I WOULD PUT SOME NOTE ON THE OUTSIDE
12 OF THE ENVELOPE SO I COULD IDENTIFY IT. IT WOULD BE THE
13 DATE. SOMETIMES USUALLY THE DATE THAT I WAS ACTUALLY
14 SEALING IT, GOING TO SEAL IT, OR THAT DAY'S DATE.
15 SOMETIMES IT WOULD BE THE DATE OF THE POSTING INSIDE OF
16 IT IF THEY WERE DIFFERENT. AND I WOULD PUT SOME NOTE OF
17 MAYBE THE CONTENTS OR THE IDENTITY OF THE NAME THAT
18 WAS -- THAT APPEARED ON THAT POSTING JUST SO I COULD SPOT
19 THE ENVELOPE AGAIN, GO BACK TO THE ENVELOPE.

20 Q ALL RIGHT. NOW, WITH RESPECT TO THAT
21 ENVELOPE, THE ONE YOU MADE THE NOTATIONS ON, NOT THE ONE
22 THAT YOU SENT TO MR. MC SHANE, WHAT DID YOU DO WITH IT?

23 A I HAD A LOCKED FILING CABINET BESIDE ME
24 THAT I HAD THE KEY OF, AND I PUT IT INTO THAT FILING
25 CABINET.

1 Q WHEN YOU LEFT YOUR POST AS INTERNET MONITOR
2 IN DECEMBER OF 1995, WHAT HAPPENED TO THE ENVELOPES THAT
3 YOU HAD CREATED AND PLACED IN THAT LOCKED CABINET?

4 A SO I TURNED THEM OVER TO RHEA SMITH.

5 Q NOW, HAVE YOU MADE AN EFFORT IN THE RECENT
6 PAST TO LOCATE ANY OF THE ENVELOPES THAT YOU WROTE ON AND
7 PLACED IN THAT LOCKED CABINET BACK IN 1995?

8 A YES.

9 Q AND WERE YOU SUCCESSFUL IN THAT EFFORT?

10 A YES.

11 MR. MERVIS: OKAY. I DON'T HAVE ANY FURTHER
12 QUESTIONS.

13

14 FURTHER EXAMINATION

15 BY MR. WARD:

16 Q WHY DID YOU WANT TO LOCATE RECENTLY THOSE
17 DOCUMENTS?

18 MR. MERVIS: "DOCUMENTS" BEING THE ENVELOPES?

19 MR. WARD: YES.

20 THE WITNESS: FOR -- IN PURPOSES OF PREPARING FOR
21 THIS DEPOSITION.

22 Q BY MR. WARD: SO WHEN DID YOU DO THAT?

23 A WHEN DID I LOCATE THEM AGAIN? IT WOULD
24 HAVE BEEN WITHIN THE LAST FOUR OR FIVE DAYS, SIX DAYS.

25 Q DID YOU MAKE ANY CHANGES TO THEM AT THAT

1 TIME?

2 A IN WHAT WAY DO YOU MEAN "CHANGES"?

3 Q DID YOU ADD ANY WRITINGS, DELETE ANY
4 WRITINGS, OR MODIFY ANY WRITINGS?

5 A NO.

6 MR. WARD: THAT'S ALL. THANKS.

7 MR. MERVIS: OKAY. I HAVE NO FURTHER QUESTIONS.

8 MR. WARD: YOU'RE RELEASED.

9 SO WHEN IT'S READY, SEND A MESSAGE TO HER
10 FOR HER TO REVIEW, AND SHE'LL SIGN IT.

11 MS. KOBRIN: IF YOU WANT, YOU CAN SEND THE
12 ORIGINAL TO ME. I CAN HAVE HER REVIEW IT.

13 MR. HOGAN: YEAH, BUT WE DO WANT THE WITNESS'S
14 SIGNATURE ON THE TRANSCRIPT.

15 MR. WARD: RIGHT. SO SHE'S NOT WAIVING IT.

16 -- 000 --

17

18 I DECLARE UNDER PENALTY OF PERJURY THAT THE
19 FOREGOING DEPOSITION IS TRUE AND CORRECT.

20 EXECUTED THIS _____ DAY OF _____,
21 1998, AT _____, CALIFORNIA.

22

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JEAN A. CARNAHAN

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STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, BENNY KOGON, R.P.R., CERTIFIED SHORTHAND REPORTER NO. 6626 IN AND FOR THE STATE OF CALIFORNIA, DO HEREBY CERTIFY:


THAT PRIOR TO BEING EXAMINED, THE WITNESS WHOSE DEPOSITION APPEARS HEREINBEFORE WAS DULY SWORN TO TESTIFY THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH;

THAT THE TESTIMONY OF THE WITNESS AND ALL OBJECTIONS MADE AT THE TIME OF THE EXAMINATION WERE RECORDED STENOGRAPHICALLY BY ME, TO THE BEST OF MY ABILITY;

THAT THE FOREGOING TRANSCRIPT IS A TRUE RECORD OF THE TESTIMONY AND ALL OBJECTIONS MADE AT THE TIME OF THE EXAMINATION.

I FURTHER CERTIFY THAT I AM NOT INTERESTED IN THE OUTCOME OF THE ACTION.

IN WITNESS WHEREOF I HAVE HEREUNTO SUBSCRIBED MY NAME THIS 21st DAY OF APRIL, 1998.


CERTIFIED SHORTHAND REPORTER
STATE OF CALIFORNIA