

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 RHEA SMITH

APRIL 16, 1998

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

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DEPOSITION OF RHEA SMITH TAKEN ON BEHALF OF
DEFENDANT AT THE LAW OFFICES OF HAGENBAUGH &
MURPHY, 700 NORTH CENTRAL AVE, FIFTH FLOOR,
GLENDALE, CALIFORNIA 91203, COMMENCING AT 2:05
P.M., THURSDAY, APRIL 16, 1998, BEFORE BENNY KOGON,
RPR, CSR NO. 6626, PURSUANT TO NOTICE OF TAKING
DEPOSITION.

* * *

APPEARANCES OF COUNSEL:

FOR PLAINTIFF:

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FOR DEFENDANT:

GRADY WARD
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ALSO PRESENT:

ALLAN CARTWRIGHT

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I N D E X

<u>WITNESS:</u>	<u>EXAMINED BY:</u>	<u>PAGE</u>
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1 GLENDALE, CALIFORNIA; THURSDAY, APRIL 16, 1998

2 2:05 P.M.

3
4 RHEA SMITH,

5 HAVING BEEN SWORN, TESTIFIED AS FOLLOWS:

6
7 EXAMINATION

8 BY MR. WARD:

9 Q WHAT IS YOUR NAME?

10 A RHEA SMITH.

11 Q IS THAT A MARRIED NAME OR A MAIDEN NAME?

12 A MAIDEN NAME.

13 Q OKAY. WHERE YOU WERE BORN?

14 A BRYAN, TEXAS.

15 Q HOW LONG HAVE YOU BEEN EMPLOYED BY THE
16 CHURCH OF SCIENTOLOGY INTERNATIONAL?

17 A SINCE 19 -- SINCE 1992. AND I'D ACTUALLY
18 HAVE TO LOOK BECAUSE I -- I THINK IT WAS '92.

19 Q ARE YOU EMPLOYED BY THEM TODAY?

20 A YES.

21 Q HAVE YOU BEEN CONTINUOUSLY EMPLOYED BY THE
22 CHURCH OF SCIENTOLOGY INTERNATIONAL --

23 A YES.

24 Q -- FROM 1992 TO TODAY?

25 MR. MERVIS: LET'S MAKE SURE THE RECORD IS CLEAN.

1 MR. WARD: OKAY.

2 MR. MERVIS: SOMETIMES IT'S HARD TO TELL WHEN ANY
3 QUESTIONER -- MR. WARD IS THE QUESTIONER HERE TODAY -- IS
4 FINISHED WITH THE ANSWER. SO LET'S JUST PAUSE. THE
5 OTHER THING IS ANSWERS TO QUESTIONS SHOULD BE VERBAL.
6 SHAKING YOUR HEAD DOESN'T HELP.

7 THE WITNESS: OKAY.

8 MR. MERVIS: THE COURT REPORTER CAN'T REALLY NOTE
9 THAT.

10 THE WITNESS: OKAY.

11 MR. WARD: OKAY. I'LL WITHDRAW THE LAST ONE.
12 RESTATE IT.

13 Q HAVE YOU BEEN CONTINUOUSLY EMPLOYED BY THE
14 CHURCH OF SCIENTOLOGY INTERNATIONAL FROM 1992 TO THE
15 PRESENT?

16 A YES.

17 Q ARE YOU EMPLOYED ANYWHERE ELSE?

18 A NO.

19 Q HAVE YOU BEEN DURING THE PERIOD OF TIME
20 FROM 1992 TO THE PRESENT EMPLOYED ANYWHERE ELSE?

21 A NO.

22 Q ARE YOU A MEMBER OF THE SEA ORG?

23 A YES.

24 Q WHAT IS YOUR RANK?

25 A PETTY OFFICER.

1 Q WHAT DEPARTMENT DO YOU WORK IN IN THE
2 CHURCH OF SCIENTOLOGY INTERNATIONAL?

3 A IT'S CALLED OFFICE OF SPECIAL AFFAIRS.

4 Q IS THAT THE SAME THING AS DEPARTMENT 20?

5 A I THINK SO, YES.

6 Q HAVE YOU EVER BEEN DEPOSED BEFORE?

7 A NO.

8 Q OKAY. HAVE YOU DISCUSSED THE CONTENT OF
9 YOUR TESTIMONY THAT YOU MAY GIVE TODAY WITH ANYONE?

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

12 IF YOU UNDERSTAND, YOU CAN ANSWER.

13 THE WITNESS: I DON'T. I DON'T UNDERSTAND.

14 Q BY MR. WARD: HAVE YOU DISCUSSED WITH
15 ANYONE YOUR DEPOSITION TODAY AT ALL -- WHAT MIGHT GO ON,
16 THE FORM OF IT, ANY OTHER ASPECT OF IT?

17 A FROM -- IF YOU MEAN IF I TALKED ABOUT WHAT
18 IS IT LIKE TO BE DEPOSED?

19 Q OKAY.

20 A YES, I DID ASK WHAT IS A DEPOSITION.

21 Q DID ANYONE DISCUSS WITH YOU THE CONTENTS OF
22 WHAT -- THE CONTENTS OF THE DEPOSITION, THAT IS, WHAT
23 YOUR QUESTIONS OR ANSWERS MIGHT BE?

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

25 YOU CAN ANSWER.

1 THE WITNESS: OKAY. THE SUBPOENA OR THE PAPER
2 THAT WAS ABOUT MY DEPOSITION THAT YOU FILED?

3 Q BY MR. WARD: NO. I'M REFERRING TO WHETHER
4 YOU'VE HAD ANY CONVERSATIONS WITH ANYONE --

5 A YEAH, I TALKED ABOUT THAT WITH --

6 Q WITH WHOM DID YOU TALK?

7 A WITH MR. MERVIS.

8 Q WITH ANYONE ELSE?

9 A NO.

10 Q AND WHEN DID YOU DISCUSS THAT?

11 A YESTERDAY AND ONE DAY LAST WEEK.

12 Q DID YOU DISCUSS IT WITH MR. MC SHANE, YOUR
13 DEPOSITION?

14 A YES. HE ASKED ME IF I'D READ IT AND IF I
15 UNDERSTOOD IT.

16 Q OKAY. WHAT HATS DO YOU CURRENTLY HAVE IN
17 OSA?

18 A MY CURRENT HAT IN OSA IS THE MONITORING OF
19 THE INTERNET.

20 Q AT WHAT PERIOD OF TIME HAVE YOU HAD THAT
21 HAT?

22 A SINCE THE VERY END OF DECEMBER, 1995, TO
23 THE PRESENT.

24 Q DURING THAT PERIOD OF TIME DID YOU HAVE ANY
25 OTHER HATS?

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A NO. THAT'S BEEN ALL.

Q WHO ARE YOUR -- WHO IS YOUR SENIOR AT CHURCH OF SCIENTOLOGY INTERNATIONAL?

A RIGHT NOW IT'S MR. GAVINO IDDA.

Q COULD YOU PLEASE SPELL THAT.

A G-A-V-I-N-O I-D-D-A.

Q AND WHAT IS HIS RANK?

A I DON'T KNOW.

Q WHO ASSIGNED YOU TO THE HAT OF MONITOR OF THE INTERNET?

A IT'S DONE BY THE DEPARTMENT OF PERSONNEL, AND I DON'T KNOW WHO WAS ON THE POST AT THAT TIME.

Q WHAT INSTRUCTIONS WERE YOU GIVEN ABOUT YOUR DUTIES?

A FROM WHAT STANDPOINT?

Q WERE YOU GIVEN A DESCRIPTION OF YOUR DUTIES AS AN INTERNET MONITOR?

MR. MERVIS: BEFORE SHE STARTED?

MR. WARD: NEAR THE BEGINNING, SURE.

THE WITNESS: YES.

Q BY MR. WARD: AND WHO GAVE YOU THOSE INSTRUCTIONS?

A JEAN CARNAHAN.

Q AND WHAT INSTRUCTIONS DID SHE GIVE YOU?

A JUST HOW TO DOWNLOAD THE NEWS GROUP ON A

1 DAILY BASIS.

2 Q WOULD YOU DESCRIBE YOUR DAILY ROUTINE AS
3 FAR AS DOWNLOADING ON A DAILY BASIS.

4 A OKAY. I LOG IN.

5 Q OKAY. I'LL BREAK IT DOWN EVEN FURTHER.
6 WELL, GIVE ME THE OVERVIEW, PLEASE, FIRST, AND THEN I'LL
7 GO INTO DETAILS IF NEEDED.

8 A OKAY. I LOG IN AND SAVE THE POSTINGS THAT
9 HAVE BEEN MADE IN THE LAST 24 HOURS AND DOWNLOAD THEM TO
10 THE HARD DRIVE. AND THEN I READ THEM.

11 Q WOULD YOU USE A SEARCH ENGINE ON THE
12 POSTINGS YOU DOWNLOAD?

13 A NO.

14 Q WOULD YOU MAKE PAPER COPIES OF ANY OF THE
15 POSTINGS THAT YOU DOWNLOAD?

16 A YES.

17 Q WHICH POSTINGS? WOULD YOU MAKE PAPER
18 COPIES OF ALL THE POSTINGS YOU'VE DOWNLOADED?

19 A NO.

20 Q WHICH POSTINGS WOULD YOU MAKE A COPY OF?

21 A ANYTHING THAT WAS ONE OF MR. HUBBARD'S
22 WORKS OR QUOTES FROM MR. HUBBARD'S WORKS.

23 Q ANY OTHER DOCUMENTS THAT YOU WOULD DOWNLOAD
24 OR MAKE PAPER COPIES? EXCUSE ME.

25 A OKAY. ANY POSTINGS BY PEOPLE WITH WHOM WE

1 ARE IN LITIGATION ON THE -- LIKE THIS CASE.

2 MR. WARD: RIGHT. NOW I'D LIKE TO OBJECT TO THAT
3 ANSWER AS BEING A SPECULATION, ABOUT "PEOPLE WITH WHOM."

4 IF YOU WERE ASSIGNED TO LOOK FOR POSTINGS
5 BY GRADY WARD, YOU WOULD DOWNLOAD A POSTING OR PRINT OFF
6 A POSTING WITH THE SENDER NAME OF GRADY WARD; IS THAT
7 CORRECT?

8 A YES.

9 Q DO YOU HAVE ANY OTHER WAY OF ESTABLISHING
10 THAT THAT IS IN FACT FROM GRADY WARD?

11 A NO.

12 Q WHAT PEOPLE CURRENTLY ARE YOU DOWNLOADING
13 BY NAME?

14 A I'M SORRY. I DON'T -- I DON'T UNDERSTAND.

15 Q OKAY.

16 A I DOWNLOAD EVERYTHING IN THE LAST 24 HOURS.

17 Q OKAY. MY APOLOGY. MY MISTAKE. WHICH
18 PEOPLE ARE YOU CURRENTLY PRINTING PAPER COPIES OF THE
19 MAGNETIC DOWNLOAD?

20 A WELL, YOU.

21 Q YES.

22 A MR. HENSON. ACTUALLY, I HAVE TO THINK
23 ABOUT THIS.

24 MR. MERVIS: MR. WARD, CAN I ASK -- I'M NOT SURE
25 WHAT THE PERTINENCE OF THE QUESTION IS. I MEAN, I --

1 MR. WARD: WELL --

2 MR. MERVIS: WELL, LET ME TELL YOU WHAT MY PROBLEM
3 IS. I THINK AT A CERTAIN POINT TO A CERTAIN EXTENT
4 YOU'RE ASKING FOR INFORMATION THAT'S ARGUABLY ATTORNEY
5 WORK PRODUCT, AND I'M WILLING TO LISTEN TO A PROOF OF
6 RELEVANCE.

7 MR. WARD: OKAY. WELL, I'M TRYING JUST TO
8 ESTABLISH THE REGULARITY, WHETHER SHE'S DOING THIS AS A
9 RESULT OF LITIGATION, THE SCOPE OF HER DUTIES.

10 MR. MERVIS: OKAY. WELL, I THINK SHE'S ALREADY
11 TESTIFIED THAT ONE OF THE PRINTOUTS THAT SHE MAKES ARE OF
12 PEOPLE OR POSTINGS THAT PURPORT TO BE FROM PEOPLE WHO RTC
13 OR I ASSUME RTC IS IN LITIGATION WITH. I'M NOT SURE YOU
14 NEED TO KNOW MORE THAN THAT.

15 MR. WARD: SINCE SHE'S NOT AN ATTORNEY, SHE MAY
16 NOT KNOW EVERYONE WHO THEY'RE IN LITIGATION WITH. PLUS
17 SHE MAY NOT BE RECORDING EVERYONE THAT THEY'RE IN
18 LITIGATION WITH. SO THAT MAY BE SIGNIFICANT.

19 MR. MERVIS: GIVE ME A MINUTE TO CONFER.

20 (BREAK TAKEN.)

21 MR. MERVIS: ALL RIGHT. I'M SORRY. YOU CAN
22 CONTINUE YOUR ANSWER.

23 THE WITNESS: OKAY. AND THEN THERE'S DENNIS
24 ERLICH AND LARRY WOLLERSHEIM AND FACTNEN, F-A-C-T-N-E-N,
25 GRAHAM BERRY. IT DEPENDS ON WHO POSTS THAT DAY, TOO. SO

1 I'M NOT -- THAT'S ALL I CAN THINK OF RIGHT NOW.

2 Q THAT'S FINE. THANK YOU.

3 A OKAY.

4 Q NOW, THESE INSTRUCTIONS FOR WHOM TO WATCH
5 FOR AND WHAT POSTS TO PRINT -- ARE THEY WRITTEN
6 INSTRUCTIONS?

7 A I DON'T THINK SO, NO. THEY WERE JEAN.
8 JEAN TOLD ME ABOUT IT WHEN SHE WAS INSTRUCTING ME.

9 Q HAVE YOU EVER BEEN GIVEN WRITTEN
10 INSTRUCTIONS WHAT TO SEARCH FOR, WHAT TO DO?

11 A NO.

12 Q HAVE YOU EVER BEEN GIVEN INSTRUCTIONS ON
13 WHAT TO DO DURING YOUR TIME AS CUSTODIAN?

14 A FROM WHAT?

15 Q FROM DECEMBER, '95, TO THE PRESENT WERE YOU
16 EVER GIVEN WRITTEN INSTRUCTIONS ON WHAT TO LOOK FOR, WHAT
17 TO DO?

18 A NO.

19 Q DID MR. MC SHANE CALL YOU AT ANY TIME
20 DURING THAT PERIOD?

21 A IN THE LAST TWO YEARS?

22 Q YES.

23 A YES.

24 Q WHAT WERE THE -- HOW FREQUENTLY DID HE CALL
25 YOU?

1 A IT VARIES FROM TWO TO THREE TIMES A WEEK
2 OR, WHEN HE'S OUT OF THE COUNTRY, NOT AS OFTEN.

3 Q WHAT WAS THE GIST OF THE CONVERSATIONS?

4 A "WHAT'S HAPPENING?" JUST A GENERAL
5 QUESTION OF "WHAT'S HAPPENING? DID YOU FIND ANYTHING NEW
6 TODAY? HAS ANYBODY POSTED MR. HUBBARD'S WORKS TODAY?"

7 Q SO DURING THAT PERIOD OF TIME YOU WOULD
8 DOWNLOAD AND SAVE IN MAGNETIC FORM THE ENTIRE CONTENTS OF
9 ALT.RELIGION.SCIEN TOLOGY?

10 A YES.

11 Q DID YOU DOWNLOAD IN MAGNETIC FORM THE
12 CONTENTS OF ANY OTHER NEWS GROUP?

13 A YES.

14 Q WHICH GROUPS WERE THOSE?

15 A ALT.BINARIES.SCIEN TOLOGY AND
16 ALT.CLEARING.TECHNOLOGY AND OCCASIONALLY MISCELLANEOUS
17 INTELLECTUAL PROPERTY AND NL.SCIEN TOLOGY.

18 Q OKAY.

19 MR. MERVIS: IS THAT EVERYTHING?

20 THE WITNESS: WELL, ON A REGULAR BASIS THAT'S
21 PRETTY MUCH IT. I WOULD JUST OCCASIONALLY GO ONTO DEJA
22 NEWS AND JUST LOOK AT OTHER GROUPS TO SEE WHAT WAS BEING
23 DISCUSSED.

24 Q BY MR. WARD: DID YOU USE KEY WORDS TO DO
25 YOUR SEARCHES?

1 A ON DEJA NEWS, YES.

2 Q DID ANYONE COMMUNICATE WHAT THOSE KEY WORDS
3 SHOULD BE?

4 A YES. ORIGINALLY JEAN.

5 Q DID ANYONE SUBSEQUENTLY TELL YOU WHAT KEY
6 WORDS TO LOOK FOR?

7 A YES. MR. MC SHANE DID ONCE. WE TALKED
8 ABOUT IT. ACTUALLY, WE TALKED ABOUT IT A COUPLE OF
9 TIMES.

10 Q WHAT DATES APPROXIMATELY DID YOU TALK,
11 COMMUNICATE?

12 A AS I RECALL, THE FIRST TIME WOULD HAVE BEEN
13 FEBRUARY, MARCH, '96, BECAUSE I WAS JUST GETTING USED TO
14 IT. AND, BOY, I DON'T KNOW IF IT WAS LATER IN '96 OR
15 EARLY '97.

16 Q OKAY. AND THOSE ARE THE ONLY TWO TIMES
17 THAT YOU REMEMBER?

18 A YES.

19 Q WHAT COMPUTER DID YOU USE TO MONITOR THE
20 INTERNET?

21 A IT WAS A 486, IBM COMPATIBLE. AND I DIDN'T
22 LOOK AT THE INSIDES TO SEE WHAT WAS INSIDE.

23 Q WHO SET THAT UP? WHO SET THE COMPUTER UP
24 FOR YOU?

25 A I DON'T KNOW. JEAN HAD IT.

1 Q OH, YOU WERE USING --
2 A I DIDN'T ASK HER.
3 JEAN.
4 Q SO THIS WAS JEAN'S COMPUTER?
5 A YES.
6 Q WHAT SIZE IS THE HARD DISK ON IT?
7 A I DON'T KNOW.
8 Q DO YOU KNOW HOW MANY MEGABYTES OF RAM THERE
9 ARE?
10 A ON THAT ONE, NO.
11 Q DO YOU KNOW WHAT OPERATING SYSTEM IT USED?
12 A NO, I DON'T.
13 Q DO YOU KNOW WHAT SOFTWARE PROGRAM YOU USED
14 TO CALL OR TO CONNECT WITH THE INTERNET?
15 A YES. THAT WAS Q-MODEM.
16 Q AND WHAT INTERNET SERVICE PROVIDER DID YOU
17 HAVE?
18 A NETCOM.
19 Q AND DO YOU KNOW THE NUMBER THAT YOU DIALED
20 TO CONNECT TO NETCOM?
21 A NO. LET'S SEE. I KNOW WE HAD ONE OR TWO
22 CHOICES IF ONE WAS BUSY. ONE WAS A 310, AND ONE WAS AN
23 818.
24 Q OKAY.
25 A AND I DON'T REMEMBER THE NUMBERS PAST THAT.

1 Q WHO GAVE YOU THOSE NUMBERS?
2 A THEY WERE IN THE PHONE BOOK PART OF THE
3 Q-MODEM. YOU DON'T HAVE TO DIAL THEM. YOU JUST --
4 Q SO YOU DIDN'T HAVE ANYTHING TO DO WITH THE
5 NUMBERS?
6 A NO.
7 Q DID YOU EVER CHECK TO MAKE SURE THAT THEY
8 WERE IN FACT NETCOM NUMBERS?
9 A YES.
10 Q HOW DID YOU DO THAT?
11 A NETCOM HAD A LITTLE WHITE SERVICE BOOK.
12 Q OKAY.
13 A AND IF ONE NUMBER WAS BUSY, YOU COULD LOOK
14 UP ANOTHER ONE.
15 Q OH, DID YOU DO THAT?
16 A YEAH. IT'S -- I DID IT, YEAH, A COUPLE OF
17 TIMES WHEN THE ONE THAT WAS IN THERE WAS BUSY, YEAH.
18 Q OKAY. SO WHEN MS. CARNAHAN GAVE YOU HER
19 COMPUTER, SHE TESTIFIED SHE GAVE -- SHE KEPT THE POSTINGS
20 THAT SHE DOWNLOADED ON IT. DID YOU USE HER ORGANIZATION
21 TO DOWNLOADS AND STORE THE MAGNETIC IMAGINGS OF POSTINGS?
22 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.
23 IF YOU UNDERSTAND IT, YOU CAN ANSWER.
24 THE WITNESS: WELL, I'M NOT QUITE SURE. HER --
25 WHAT WAS THE WORD YOU USED? HER FORMAT?

1 MR. MERVIS: ORGANIZATION.

2 Q BY MR. WARD: YEAH, DID YOU FOLLOW HER
3 ORGANIZATION?

4 A WELL, AS FAR AS IT CAME -- IT WOULD COME
5 ACROSS ZIPPED AND GO IN A CERTAIN FILE.

6 Q AND YOU HAVE TO TELL ME BECAUSE I DON'T
7 KNOW.

8 A I MEAN, THAT'S THE WAY NETCOM DOWNLOADED,
9 WAS A ZIP AND, YES, IT WENT IN THAT FILE.

10 Q SO DID YOU USE ZIP PROGRAM YOURSELF?

11 A NO. IT WAS PRETTY MUCH AUTOMATIC.

12 Q AND ARE YOU USING THE SAME COMPUTER NOW?

13 A NO.

14 Q AT WHAT TIME DID YOU CHANGE COMPUTERS?

15 A I GOT THIS NEW COMPUTER ABOUT EIGHT MONTHS
16 AGO.

17 Q AND IS THAT THE -- SO PREVIOUS TO THAT IT
18 WAS THE OLDER 486?

19 A WELL, I DON'T KNOW HOW TO --

20 MR. MERVIS: IS THE QUESTION: "PRIOR TO GETTING
21 THIS NEW COMPUTER EIGHT MONTHS AGO, WAS THE COMPUTER
22 BEFORE THAT THE 486?"

23 MR. WARD: RIGHT.

24 MR. MERVIS: IS THAT YOUR QUESTION?

25 MR. WARD: RIGHT.

1 MR. MERVIS: OKAY.

2 DO YOU UNDERSTAND THAT?

3 THE WITNESS: YES.

4 Q BY MR. WARD: SO, TO RECAPITULATE, YOU'VE
5 HAD TWO TOTAL COMPUTERS DURING DECEMBER, 1995, TO THE
6 PRESENT FOR MONITORING THE INTERNET; IS THAT RIGHT?

7 A NO.

8 Q OH, OKAY. HAVE YOU HAD MORE THAN TWO?

9 A YES. I HAD ONE IN BETWEEN THOSE.

10 Q OKAY.

11 A OKAY.

12 Q COULD YOU -- LET'S SEE. FROM DECEMBER,
13 1995, YOU HAD THE 486. AT WHAT POINT DID YOU SWITCH TO
14 THE INTERMEDIATE ONE?

15 A I THINK THAT WAS -- AS I RECALL, IT WAS
16 OCTOBER, '96.

17 Q AND THEN WHEN DID YOU SWITCH TO THE ONE
18 THAT YOU HAVE NOW?

19 A ABOUT EIGHT MONTHS AGO, WHICH WAS -- YEAH,
20 WHICH WOULD BE -- I'M TRYING TO REMEMBER EXACTLY WHEN I
21 GOT THIS ONE.

22 Q OKAY.

23 A BOY, THAT'S INTERESTING. I GUESS ABOUT
24 SEPTEMBER OF '97.

25 Q OKAY. NOW, YOU WERE THE CUSTODIAN OF THOSE

1 COMPUTERS?

2 A YES.

3 Q AND YOU ENSURE SECURITY SO THAT STRANGERS,
4 UNAUTHORIZED PERSONS COULDN'T GET A HOLD OF THEM?

5 A YES.

6 Q HOW DID YOU DO THAT?

7 A ON THE 486 I HAD A KEY. AND ON THE CURRENT
8 ONE I HAVE A PASSWORD SYSTEM. AND THE MIDDLE ONE --
9 EVERYTHING WENT ON MY -- WENT ON FLOPPY DISKS, AND I
10 LOCKED THOSE UP.

11 Q SO WHEN YOU TRANSFERRED FROM THE FIRST
12 COMPUTER TO THE INTERMEDIATE COMPUTER, WHAT HAPPENED TO
13 THE FILES ON THE OLD COMPUTER?

14 A THEY STAYED ON THE FIRST COMPUTER.

15 Q DID YOU COPY THEM OFF TO FLOPPIES?

16 A YEAH, FOR SECURITY, AND LOCKED THEM UP.
17 BUT I KEPT THE -- THEY STAYED THERE, AND A FLOPPY SET WAS
18 MADE, TOO.

19 Q DID YOU COPY THE ENTIRE CONTENTS TO THE
20 INTERMEDIATE COMPUTER?

21 A NO.

22 Q HOW MANY FLOPPIES DID IT TAKE TO BACK UP
23 THE FIRST COMPUTER?

24 A OH, BOY. I DON'T REMEMBER. I REALLY
25 DON'T.

1 Q FEWER THAN 100 OR MORE THAN 100?

2 A AT LEAST, YEAH.

3 MR. MERVIS: AT LEAST 100?

4 THE WITNESS: YEAH, AT LEAST.

5 Q BY MR. WARD: DO YOU HAVE ANY IDEA OF THE
6 NUMBER OF MEGABYTES OF INFORMATION THAT YOU DOWNLOADED TO
7 DISKETTE?

8 A NO.

9 Q WHERE IS THE INFORMATION ON THE
10 INTERMEDIATE COMPUTER? WHERE WAS IT STORED? THAT IS,
11 WHEN YOU SWITCHED OVER TO THE LATEST COMPUTER, DID YOU
12 COPY THAT INFORMATION OVER TO THE NEWEST COMPUTER?

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

14 IF YOU UNDERSTAND IT, YOU CAN ANSWER.

15 THE WITNESS: I'M NOT REALLY SURE I DO. IT'S NOT
16 ON THE NEW COMPUTER, NO. IT WAS PUT ON FLOPPIES, IF
17 THAT'S WHAT YOU MEAN.

18 Q BY MR. WARD: RIGHT.

19 A RIGHT. NO. IT WAS ALL -- THE INTERMEDIATE
20 COMPUTER ALL WENT ON FLOPPY DISKS AND WAS LOCKED UP.

21 Q AND SO WHERE ARE THOSE FLOPPIES NOW?

22 A IN A FILE CABINET.

23 Q AND DO THEY HAVE A NAME?

24 A YEAH.

25 Q DID YOU NAME THEM?

1 A YEAH.

2 Q AND WHAT DID YOU CALL THEM?

3 A OH, THE DAY OF THE DOWNLOAD.

4 Q OKAY.

5 A A.R.S. NINE -- APRIL, '96, OR OSA.

6 Q LET ME UNDERSTAND THIS. YOU SAY YOU NAMED

7 THE DISKETTE THAT?

8 A YES.

9 Q SO YOU'D HAVE ONE DISKETTE PER DAY?

10 A YES.

11 Q WOULD YOU HAVE MORE THAN ONE DISKETTE PER

12 DAY?

13 A NOT USUALLY BUT SOMETIMES, YEAH.

14 Q SOME DAYS YOU WOULDN'T HAVE ANY DISKETTES

15 AT ALL?

16 A YEAH.

17 Q AND DID YOU DO THIS MONITORING EVERY DAY?

18 A YES.

19 Q IS THAT SEVEN DAYS A WEEK?

20 A YES.

21 Q AND WHAT APPROXIMATELY WERE YOUR HOURS THAT

22 YOU SPENT ON -- WHAT TIME OF THE MORNING DID YOU GET IN?

23 WHAT TIME DID YOU LEAVE?

24 A THAT VARIES.

25 Q SO YOU DON'T HAVE A TYPICAL WORKDAY?

1 A IN THE TWO AND A HALF YEARS, NO.

2 Q OKAY. SO YOU MONITOR THE INTERNET FOR
3 INTELLECTUAL PROPERTY VIOLATIONS?

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

6 YOU CAN ANSWER.

7 THE WITNESS: OH, OKAY.

8 I MONITOR IT TO LOOK FOR MR. HUBBARD'S
9 WORKS. I DON'T DECIDE IF IT'S AN INTELLECTUAL PROPERTY
10 VIOLATION.

11 Q BY MR. WARD: OKAY. AND YOU MONITOR IT FOR
12 CERTAIN NAMES OF PEOPLE YOU'RE INVOLVED WITH IN
13 LITIGATION?

14 A YES.

15 Q SO DO YOU ATTEMPT TO GET 100 PERCENT OF
16 THEIR POSTS OFF THE INTERNET, THE DOWNLOAD?

17 A WELL, I -- I'M NOT SURE HOW TO ANSWER THAT.

18 Q OKAY.

19 A I MEAN, IF I LOG IN AND IT LOOKS LIKE THERE
20 ARE TEN POSTS THERE, YES, I TRY TO GET ALL TEN.

21 Q IS THAT JUST TRUE FOR
22 ALT.RELIGION.SCIEN TOLOGY OR FOR ALL NEWS GROUPS?

23 A WELL, IT VARIES BECAUSE I WILL ALSO GO TO
24 DEJA NEWS AND LOOK FOR POSTINGS.

25 Q SO OTHER THAN DEJA NEWS HOW DO YOU KNOW

1 WHETHER THERE ARE OTHER POSTINGS ON OTHER NEWS GROUPS
2 THAT MIGHT PURPORT TO BELONG TO ME, FOR EXAMPLE?

3 A I'M NOT SURE WHAT YOU MEAN.

4 Q OTHER THAN DEJA NEWS IS THERE ANY OTHER WAY
5 YOU LOOK FOR POSTS ON THE INTERNET?

6 A OH, YES.

7 Q WHAT ARE THOSE?

8 A OH, OKAY. I ALSO HAVE ACCOUNTS. I HAVE
9 TWO, THREE OTHER ACCOUNTS, AND I CHECK THEIR SERVERS AS
10 WELL.

11 Q WHAT OTHER ACCOUNTS DO YOU HAVE?

12 A I HAVE EARTHLINK.

13 Q WHAT IS THE E-MAIL ADDRESS?

14 A THAT'S --

15 MR. MERVIS: I'M SORRY. THE E-MAIL ADDRESS --
16 YOU'RE ASKING FOR THE E-MAIL ADDRESS OF THE ACCOUNT THAT
17 SHE HAS?

18 MR. WARD: OF EARTHLINK, YES.

19 MR. MERVIS: ALL RIGHT. YOU CAN GIVE IT TO HIM.

20 THE WITNESS: E.R. SMITH.

21 Q BY MR. WARD: OKAY.

22 A AT EARTHLINK. AND PACIFIC NET.

23 Q AND THAT'S E.R. SMITH AGAIN?

24 A NO. I THINK THAT ONE IS JUST ERS.

25 Q OKAY. ANY OTHERS?

1 A YES. AT CSI.

2 Q IS THAT A DOMAIN, CSI?

3 A IT'S THE WEB DOMAIN, YES. WE HAVE A NEWS
4 SERVER. AND THAT'S ERS AT SCIENTOLOGY.NET.

5 Q ANY OTHERS?

6 A NO. I CAN GO TO ZIPPO.

7 Q YOU SAY YOU HAVE AN ACCOUNT WITH --

8 A NO, I DON'T HAVE AN ACCOUNT.

9 Q YOU USE THEIR SERVICE AS YOU WOULD WITH
10 DEJA NEWS, FOR EXAMPLE?

11 A YES.

12 Q HAVE YOU EVER SENT -- USING ONE OF THOSE
13 ACCOUNTS, HAVE YOU EVER SENT A MESSAGE TO A PARTICIPANT
14 OF ALT.RELIGION.SCIENTOLOGY?

15 A NO.

16 Q HAVE YOU EVER WARNED ANYONE ABOUT
17 INFRINGEMENTS, AGAIN USING E-MAIL?

18 A HAVE I -- I'M SORRY. I DON'T UNDERSTAND
19 THAT.

20 MR. MERVIS: YEAH, I'LL OBJECT TO THE FORM OF THE
21 QUESTION.

22 I GUESS YOU DON'T UNDERSTAND IT. SO --

23 THE WITNESS: I DON'T.

24 Q BY MR. WARD: HAVE YOU EVER SENT ANY
25 MESSAGE USING ONE OF THOSE ADDRESSES?

1 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.
2 AGAIN I'M NOT SURE I UNDERSTAND, YOU KNOW, WHAT THIS HAS
3 TO DO WITH THE ISSUE OF WHETHER OR NOT THE PLAINTIFF'S
4 EXHIBITS ARE AUTHENTIC. COULD YOU GIVE ME A PROOF OF
5 RELEVANCY.

6 MR. WARD: I'M TRYING TO AGAIN FIND OUT THE SCOPE
7 OF HER KNOWLEDGE AND DUTIES AS A CUSTODIAN OF RECORDS.
8 SHE HAS TESTIFIED THAT SHE HAS USED THESE TO MONITOR THE
9 NET.

10 MR. MERVIS: RIGHT.

11 MR. WARD: SO I'M WONDERING WHETHER SHE HAS
12 PERHAPS TAMPERED WITH EVIDENCE, FOR EXAMPLE, BY USING
13 THESE ACCOUNTS.

14 MR. MERVIS: WHAT EVIDENCE?

15 MR. WARD: WHATEVER YOU MIGHT HAVE DOWNLOADED.

16 MR. MERVIS: I THINK THE QUESTION ABOUT TAMPERING
17 WITH EVIDENCE IS FINE. I'M NOT SURE WHAT SENDING A
18 MESSAGE HAS TO DO WITH TAMPERING OF EVIDENCE.

19 MR. WARD: OKAY. THAT'S FINE. SO WE SHOULD
20 CONTINUE.

21 MR. MERVIS: THE QUESTION WAS HAS SHE EVER SENT A
22 MESSAGE FROM --

23 MR. WARD: YES.

24 MR. MERVIS: YOU CAN ANSWER THAT QUESTION.

25 THE WITNESS: E-MAIL?

1 MR. WARD: YES.

2 THE WITNESS: YES.

3 Q BY MR. WARD: NOT COUNTING YOUR EMPLOYERS,
4 HAVE YOU SENT A MESSAGE TO ANYONE RELATING TO THE
5 INTELLECTUAL PROPERTY OF YOUR EMPLOYER?

6 MR. MERVIS: AGAIN E-MAIL?

7 MR. WARD: YES.

8 THE WITNESS: OKAY. IF I UNDERSTAND THIS
9 CORRECTLY, YES. I HAVE SENT HEADERS TO MS. KOBRIN WHEN I
10 FIND SOMETHING. DOES THAT -- DOES THAT ANSWER THE
11 QUESTION?

12 Q BY MR. WARD: WELL, IN ADDITION TO THAT --
13 IN FACT, I'M NOT INTERESTED IN WHAT YOU'RE SENDING TO
14 YOUR EMPLOYERS OR ATTORNEYS. HAVE YOU EVER DIRECTLY
15 CONTACTED SOMEONE THAT WAS NOT A MEMBER OF THE CHURCH OF
16 SCIENTOLOGY CONCERNING INTELLECTUAL PROPERTY VIOLATIONS
17 OR THE WRITINGS OF L. RON HUBBARD?

18 A OH, OKAY. YES. I WOULD E-MAIL DEJA NEWS
19 WHEN I FOUND SOMETHING ON THEIR SERVICE AND SEND THEM THE
20 HEADER.

21 Q AND WHAT -- BESIDES SENDING THEM THE
22 HEADER, WOULD YOU INSTRUCT THEM TO DO ANYTHING?

23 A YES. I WOULD ASK THEM TO REMOVE THE
24 POSTING.

25 Q UNDER WHAT AUTHORITY DID YOU PURPORT TO BE

1 UNDER WHEN YOU MADE THAT REQUEST?

2 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.
3 IT'S UNINTELLIGIBLE. ARE YOU ASKING HER IF SOMEBODY
4 INSTRUCTED HER TO DO IT?

5 MR. WARD: I'M ASKING HER WHAT AUTHORITY -- WELL,
6 WE'LL CHANGE IT.

7 Q DID SOMEONE INSTRUCT YOU TO DO THAT?

8 A LET'S SEE. AS I RECALL, YES. THEIR
9 ATTORNEY DID. DEJA NEWS ATTORNEY.

10 Q OKAY. I DON'T -- IF YOU SAW A VIOLATION OR
11 A WRITING OF L. RON HUBBARD ON DEJA NEWS, YOU WOULD SEND
12 A WARNING WITHOUT WAITING FOR THEIR ATTORNEY TO SEND
13 ANYTHING; IS THAT RIGHT?

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

16 YOU CAN ANSWER IT IF YOU UNDERSTAND.

17 THE WITNESS: WELL, OKAY. ORIGINALLY I WOULD SEND
18 IT TO MS. KOBRIN. SHE WOULD SEND --

19 MR. MERVIS: LET ME JUST -- I WANT YOU TO
20 CONTINUE, BUT LET ME JUST INSTRUCT YOU NOT TO REVEAL THE
21 CONTENTS OF ANY CONVERSATIONS YOU HAD WITH MS. KOBRIN IN
22 GIVING THIS ANSWER.

23 THE WITNESS: OKAY.

24 MR. MERVIS: YOU CAN CONTINUE.

25 Q BY MR. WARD: I KNOW IT MAKES IT HARD. IN

1 OTHER WORDS, YOU CAN MENTION HER NAME BUT NOT THE
2 CONTENTS OF THE COMMUNICATION WITH HER.

3 MR. MERVIS: YOU CAN TELL MR. WARD THAT YOU TALKED
4 TO HER. YOU CAN'T TELL WHAT YOU TALKED ABOUT. YOU CAN'T
5 TELL MR. WARD WHAT YOU TALKED ABOUT WITH MS. KOBRIN.
6 DOES THAT MAKE SENSE?

7 THE WITNESS: YES. IT MAKES IT HARD TO ANSWER.

8 Q BY MR. WARD: I KNOW. WELL --

9 MR. MERVIS: IF YOU CAN'T, YOU --

10 Q BY MR. WARD: IF YOU CAN'T, YOU CAN'T.

11 A ALL RIGHT. I CAN'T ANSWER IT.

12 Q SO YOU WOULD SEND THESE MESSAGES AFTER
13 CONSULTING WITH MRS. KOBRIN?

14 A YES.

15 Q OKAY. SEE, YOU DON'T -- OKAY. THANK YOU.

16 A UH-HUH.

17 Q IS THERE ANYONE ELSE THAT'S A CUSTODIAN OF
18 RECORDS DURING THE TIME WHICH YOU ARE OR HAVE BEEN?

19 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.
20 IT'S VAGUE AND AMBIGUOUS AS TO WHAT RECORDS YOU'RE
21 TALKING ABOUT.

22 MR. WARD: WELL, INTERNET RECORDS.

23 Q IS THERE ANYONE ELSE WHO IS DOING YOUR JOB,
24 TOO?

25 A NO.

1 Q HAS THERE BEEN ANYONE ELSE FROM DECEMBER,
2 1995, TO THE PRESENT BEEN DOING THE JOB THAT YOU'RE
3 DOING?

4 A NO.

5 Q SO WHEN YOU MAKE THE PAPER COPY OF THE
6 DOWNLOADED POSTS, DO YOU DO THAT OF YOUR OWN VOLITION?

7 A YES.

8 Q DO YOU DO THAT AFTER CONSULTING
9 MR. MC SHANE OR AN ATTORNEY?

10 A NO.

11 Q DO THEY EVER INSTRUCT YOU TO DO THAT AFTER
12 WHEN YOU CONSULT WITH THEM EACH WEEK? DO THEY EVER
13 INSTRUCT YOU TO MAIL THEM A PAPER COPY?

14 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.
15 IT'S VAGUE AND AMBIGUOUS AS TO WHO "THEY" ARE. IN
16 ADDITION, IT ASSUMES FACTS NOT IN EVIDENCE.

17 YOU CAN ANSWER IF YOU UNDERSTAND.

18 THE WITNESS: I'M NOT SURE I DO.

19 CAN YOU ASK ME IT AGAIN.

20 Q BY MR. WARD: HAVE -- DID MR. MC SHANE EVER
21 ASK YOU TO MAIL A PAPER COPY OF ANY POSTINGS TO HIM?

22 A YES.

23 Q HOW MANY TIMES DID HE DO THAT?

24 A I THINK ONCE WHEN -- WHEN I WAS FIRST
25 STARTING. HE WANTED COPIES OF THE PUBLISHED -- OR THE --

1 SORRY. THE -- MR. HUBBARD'S WORKS. SO EVERY TIME I
2 WOULD GET SOMETHING THAT LOOKED LIKE MR. HUBBARD'S WORKS,
3 I WOULD SEND THEM TO HIM.

4 Q SO LET ME JUST SORT OF BREAK IT -- IN OTHER
5 WORDS, HE AND JEAN CARNAHAN SORT OF GOT YOU STARTED DOING
6 THIS, AND YOU WERE SORT OF FAIRLY AUTONOMOUS IN THIS --

7 A YES.

8 Q -- AFTER THIS?

9 A YES.

10 Q ALL RIGHT. ABOUT WHAT PERCENTAGE OF POSTS
11 DO YOU MAKE PAPER COPIES OF?

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

14 IF YOU UNDERSTAND IT, YOU CAN ANSWER.

15 THE WITNESS: WELL, CAN I ASK A QUESTION?

16 Q BY MR. WARD: WELL --

17 A IF IT'S 100 POSTS, YOU WANT A PERCENTAGE OF
18 THE 100 OR --

19 Q YEAH. I'M JUST LOOKING FOR A BALLPARK
20 FIGURE HERE.

21 MR. MERVIS: LET ME GET A QUICK VERIFICATION. I
22 UNDERSTAND YOU'RE ASKING FOR A PERCENTAGE. IS THIS A
23 PERCENTAGE OF WHAT'S ON A.R.S. OR A PERCENTAGE OF THE
24 ENTIRE UNIVERSE --

25 MR. WARD: NO. OF A.R.S.

1 MR. MERVIS: OKAY.

2 DO YOU UNDERSTAND?

3 THE WITNESS: I THINK SO. IN OTHER WORDS, IF
4 THERE'S 100 POSTS AND I MAKE COPIES OF 25, THAT'S 25
5 PERCENT.

6 Q BY MR. WARD: OKAY. THAT'S GOOD.

7 A OKAY. ABOUT 25 PERCENT.

8 Q HAS THAT BEEN ABOUT TRUE FOR THE ENTIRE
9 PERIOD THAT YOU'VE BEEN A CUSTODIAN?

10 A I THINK SO.

11 Q OF WHAT PERCENTAGE OF THOSE COULD YOU
12 CHARACTERIZE HAVE WORKS OF L. RON HUBBARD IN THEM?

13 A I DON'T KNOW FOR SURE BECAUSE IT WOULD
14 VARY.

15 Q SURE.

16 A SO I DON'T KNOW WHAT TO SAY ON THAT ONE.
17 IT REALLY WOULD VARY.

18 Q WELL, ABOUT HOW MANY POSTS PER DAY WOULD
19 YOU SEE WORKS OF L. RON HUBBARD?

20 MR. MERVIS: OBJECTION. IT ASSUMES FACTS NOT IN
21 EVIDENCE.

22 YOU CAN ANSWER IF YOU UNDERSTAND.

23 THE WITNESS: I DON'T THINK I DO.

24 Q BY MR. WARD: DO YOU EVER SEE WORKS OF L.
25 RON HUBBARD ON THE INTERNET?

1 A YES.

2 Q HOW MANY DID YOU SEE YESTERDAY?

3 A AS I RECALL, THERE WERE THREE QUOTES, THREE
4 DIFFERENT POSTINGS WITH QUOTES.

5 Q DID YOU MAKE PAPER COPIES OF THOSE?

6 A YES.

7 Q DID YOU SEND THEM OFF TO ANYONE?

8 A YES.

9 Q TO WHOM DID YOU SEND THEM?

10 A THOSE WENT TO ALLAN CARTWRIGHT. AND I HAVE
11 A SET FOR MR. MC SHANE, BUT I HAVEN'T SENT THEM.

12 Q DO YOU SEND THEM EVERY DAY?

13 A NO, BECAUSE IT DOESN'T HAPPEN EVERY DAY.

14 Q OKAY. SO WHAT'S THE CRITERION YOU USED FOR
15 WHEN YOU MAIL OFF THE POSTINGS YOU'VE PRINTED OFF IN
16 PAPER?

17 A IF IT'S THE ADVANCED TECHNOLOGY, IT'S THAT
18 DAY. IF IT'S ONE OF MR. HUBBARD'S WORKS THAT'S IN A
19 PUBLIC BOOK, IT MAY NOT BE THAT DAY.

20 Q BUT IF YOU SAW ANY WORK OF HUBBARD, WHETHER
21 IT WAS PUBLIC OR ADVANCED, YOU WOULD ASSUREDLY PRINT A
22 PAPER COPY OF IT OFF?

23 A YES.

24 Q AND THAT'S BEEN TRUE FOR THE ENTIRE PERIOD?

25 A AS I RECALL, YES.

1 Q AND THOSE ARE THE ONLY TWO PEOPLE DURING
2 THAT PERIOD, CARTWRIGHT AND MC SHANE?

3 A THAT GOT COPIES?

4 Q YES.

5 A NO.

6 Q OH. WHO ELSE?

7 A INSTEAD OF -- INSTEAD OF MR. CARTWRIGHT AT
8 TIMES IT WOULD JUST GO INTO THE LEGAL REPS AREA. I MEAN,
9 IT MIGHT NOT GET TO HIM BUT ONE OF THE PEOPLE WHO WORKS
10 WITH HIM IF HE WASN'T THERE.

11 Q DID YOU EVER CHANGE OR EDIT ANY OF THE
12 PAPER POSTS THAT WERE SENT OUT?

13 A IN WHAT WAY?

14 Q DID YOU DELETE ANY WORD THAT IS CONSIDERED
15 A SECRET OR PROFANE IN YOUR RELIGIOUS BELIEF?

16 A YES. I MADE A COPY OF THE ORIGINAL.
17 AND -- YES. FOR DISTRIBUTION I WOULD TAKE OUT
18 CONFIDENTIAL INFORMATION.

19 Q IS THAT THE ONLY INFORMATION THAT YOU
20 REMOVED?

21 A YES.

22 MR. MERVIS: YOU'RE TALKING ABOUT THE PAPER
23 COPIES?

24 MR. WARD: YES.

25 MR. MERVIS: OKAY.

1 THE WITNESS: YES.

2 Q BY MR. WARD: SO LET ME GET THIS STRAIGHT.

3 IF IT CONTAINED ADVANCED MATERIAL, YOU WOULD MAKE A

4 PAPER -- TWO PAPER COPIES; IS THAT CORRECT?

5 A WELL, YOU RUN ONE OFF.

6 Q OKAY.

7 A PRINT ONE OFF.

8 Q YES.

9 A AND THEN YOU COPY.

10 Q RIGHT. AND THEN YOU WOULD MARK THE SECOND

11 COPY TO GET RID OF THE SECRET?

12 A OH, I SEE WHAT YOU MEAN. SORRY. NO. YOU

13 TAKE THE ORIGINAL, COVER IT WITH PAPER, AND THEN COPY

14 THAT.

15 Q AND WHAT DID YOU DO WITH THE ORIGINAL

16 PAPER?

17 A THE ORIGINAL PRINTOUT?

18 Q YES.

19 A WOULD GO IN A LOCKED FILE CABINET.

20 Q SO YOU HAVE CUSTODY OF ALL THOSE ORIGINALS?

21 A I DID.

22 Q YOU DON'T NOW?

23 A NO.

24 Q WHERE ARE THEY NOW?

25 A THERE'S A GIRL WHO KEEPS THE FILES FOR

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MR. CARTWRIGHT.

Q WELL, AS I UNDERSTAND IT NOW, THERE'S TWO PAPER COPIES. ONE HAS THE REDACTED FORM?

A RIGHT.

Q THAT WAS SENT OFF TO EITHER MR. CARTWRIGHT OR MR. MC SHANE?

MR. MERVIS: OR BOTH.

MR. WARD: OR BOTH.

Q IS THAT CORRECT?

A NO.

Q OKAY. SO THE REDACTED COPY WOULD BE SENT TO WHOM?

A OKAY. THE REDACTED COPY WOULD GO TO MR. CARTWRIGHT.

Q OKAY.

A AND SOMETIMES MS. KOBRIN. AND MR. MC SHANE WOULD GET THE UNREDACTED COPY.

Q AND YOU DID NOT RETAIN A COPY OF THEM, OF THE PAPER COPY?

A YES, I DID.

Q OH, YOU DID?

A SORRY. I'M GETTING CONFUSED.

Q THAT'S ALL RIGHT. I KNOW IT'S A CONFUSING SUBJECT, I GUESS.

A YES.

1 Q YOU DOWNLOADED THE MAGNETIC IMAGE?
2 A YES.
3 Q YOU RUN OFF A PAPER COPY?
4 A RIGHT. AND THEN MAKE A SOFT COPY.
5 MR. MERVIS: ONE AT A TIME.
6 Q BY MR. WARD: THEN YOU MASK IT?
7 MR. MERVIS: GO AHEAD, MR. WARD.
8 Q BY MR. WARD: THEN YOU MASK IT AND MAKE ONE
9 ADDITIONAL COPY?
10 A YES.
11 Q OKAY. AND NOW YOU HAVE TWO PAPER COPIES,
12 ONE MASKED AND ONE UNMASKED?
13 A OKAY.
14 Q AND WHAT HAPPENS TO THOSE TWO COPIES?
15 A OKAY. THE ORIGINAL UNREDACTED I WOULD MAKE
16 A COPY FOR MR. MC SHANE. THE REDACTED I WOULD MAKE A
17 COPY FOR MR. CARTWRIGHT.
18 Q AND SO YOU DID KEEP A COPY OF THE
19 UNREDACTED IN YOUR OWN FILES?
20 A YES.
21 Q WHO HAS THE CUSTODY OF THOSE FILES NOW?
22 A THAT -- THOSE FILES ARE NOW KEPT IN
23 MR. CARTWRIGHT'S AREA, ONE OF HIS STAFF.
24 Q WHEN DID YOU MOVE THEM OVER THERE?
25 A OH, BOY. EARLY -- NO. I'M SORRY. IT'S

1 ABOUT MAY OF '96. I THINK IT WAS ABOUT MAY OF '96.

2 Q SO FROM MAY OF '96 TO THE PRESENT YOU HAVE
3 NOT KEPT A PAPER COPY?

4 A RIGHT.

5 Q YOU DO KEEP A MAGNETIC COPY, THOUGH, OF
6 EVERY POST YOU'VE DOWNLOADED FROM --

7 A YES.

8 Q -- A.R.S.?

9 AND SELECTED ONES FROM OTHER NEWS GROUPS?

10 A YES.

11 Q WHAT DO YOU DO WHEN THERE'S A WEB SITE WITH
12 ALLEGEDLY INFRINGED POSTS ON IT?

13 A FROM WHAT -- IN WHAT WAY?

14 Q FOR EXAMPLE, IF -- WELL, DO YOU FIND WEB
15 SITES CONTAINING INFRINGEMENTS OF MR. HUBBARD'S WORKS?

16 A YES.

17 Q CAN YOU GIVE ME AN EXAMPLE OF ONE.

18 A KAREN SPANK.

19 Q AND HOW WOULD YOU DOWNLOAD -- HOW WOULD YOU
20 MAKE A RECORD OF THAT --

21 A THOSE WERE PRINTED --

22 Q -- WEB SITE?

23 A PRINTED. PRINTED OFF.

24 Q AND DID YOU KEEP A MAGNETIC COPY OF THE WEB
25 SITE?

1 A I DON'T THINK SO ON THAT ONE.

2 Q AND TO WHOM DID YOU SEND THOSE PRINTOUTS?

3 A THOSE WERE LOCKED IN MY FILES.

4 Q DO YOU STILL HAVE THOSE FILES?

5 A YES, BUT THEY'RE WITH MR. CARTWRIGHT'S.

6 Q THOSE ARE JOINED WITH THE ONES YOU

7 TESTIFIED TO EARLIER; RIGHT?

8 A UH-HUH.

9 Q THAT WAS A "YES"?

10 A YES.

11 Q HAVE YOU EVER OBTAINED ANY POSTS OTHER THAN

12 THE METHODS YOU HAVE DESCRIBED SO FAR?

13 A FROM -- WELL, IN WHAT WAY? WHAT DO YOU --

14 Q HAS A PARISHIONER EVER COMMUNICATED TO YOU,

15 SENT YOU A POST BY E-MAIL OR BY ANY OTHER MEANS?

16 A OH, YEAH.

17 Q CAN YOU GIVE ME AN EXAMPLE OF ONE.

18 A YEAH. I MEAN, IT'S NOT UNCOMMON FOR A

19 PARISHIONER TO SEND ME A HEADER AND SAY, "I FOUND THIS OR

20 A URL OFF OUR WEB PAGE."

21 Q WHEN IS THE LAST TIME THAT HAPPENED?

22 A YESTERDAY.

23 Q HOW MANY TIMES HAS THAT HAPPENED

24 APPROXIMATELY DURING YOUR TENURE AS CUSTODIAN?

25 A OVER 100.

1 Q AND WHAT DO YOU DO WHEN YOU SEE THESE
2 MESSAGES?

3 A IF IT'S A POSTING, YOU MEAN?

4 Q SURE.

5 A WELL, IF IT'S -- IF IT'S IN A HEADER, I
6 LOOK FOR -- SEE IF I CAN FIND THE ORIGINAL, THE ACTUAL
7 POST THAT GOES WITH THAT, TO SEE WHAT IT IS.

8 Q DO YOU KEEP A RECORD OF THESE
9 COMMUNICATIONS FROM THIRD PARTIES?

10 A NO.

11 Q HOW DO YOU SEARCH FOR THE HEADER THAT THEY
12 HAVE PROVIDED YOU?

13 A BY MESSAGE I.D.

14 Q CAN YOU DESCRIBE HOW YOU DO THAT.

15 A IT DEPENDS. IF YOU TAKE THE MESSAGE I.D.
16 AND GO TO DEJA NEWS, YOU CAN DO IT THAT WAY, SEARCH ON
17 DEJA NEWS.

18 Q HAVE YOU FOUND ALL THAT YOU'VE LOOKED FOR?

19 A YEAH, AS I RECALL. I DON'T REMEMBER NOT
20 FINDING THEM.

21 Q NOW, WHEN YOU LOG ONTO NETCOM TO DOWNLOAD
22 YOUR DAILY MAGNETIC IMAGES, HOW DO YOU KNOW YOU'RE
23 GETTING ALL OF THE ONES THAT MAY EXIST ON THE INTERNET?

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

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YOU CAN ANSWER.

THE WITNESS: WELL, I DON'T THINK I GET ALL THAT'S ON THE INTERNET ON NETCOM.

Q BY MR. WARD: AND DO YOU THINK YOU GET ALL OF THE INTERNET USING ALL OF YOUR ACCOUNTS?

A I DON'T KNOW.

Q DO YOU HAVE ANY IDEA OF WHAT PERCENTAGE YOU MAY BE MISSING?

A NO. I DON'T KNOW THAT I'M MISSING ANYTHING.

Q RIGHT. IT'S HARD TO KNOW. RIGHT. DO YOU KNOW WHO SUPPLIES THE NEWS FEEDS TO NETCOM?

A NO.

Q DO YOU KNOW WHO SUPPLIES THE NEWS FEEDS TO EARTHLINK?

A NO.

Q DO YOU KNOW WHO SUPPLIES THE FEED TO PACIFIC?

A NO.

Q CSI?

A BBN PLANET.

Q NOW, HAVE YOU EVER LOOKED AT THE PATH PORTION OF ANY POST THAT YOU'VE DOWNLOADED?

A YES.

Q WHAT IS THE TYPICAL NUMBER OF DOMAINS IN A

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PATH?

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

YOU CAN ANSWER.

THE WITNESS: I DON'T KNOW.

Q BY MR. WARD: OKAY.

A IS THERE A TYPICAL?

Q THAT'S FOR YOU TO KNOW.

MR. MERVIS: WELL, LET'S NOT HAVE A CONVERSATION NOW.

THE WITNESS: OKAY.

MR. MERVIS: OFF THE RECORD WE CAN PICK MR. WARD'S BRAIN.

MR. WARD: THAT'S RIGHT. THANK YOU.

Q DO YOU HAVE ANY CONTROL OVER THE CONTENTS OF THE POSTS THAT ARE DOWNLOADED TO YOUR HARD DISK?

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

IF YOU UNDERSTAND IT, YOU CAN ANSWER.

THE WITNESS: I DON'T.

MR. MERVIS: DON'T UNDERSTAND OR DON'T HAVE CONTROL?

THE WITNESS: I DON'T UNDERSTAND. I DON'T KNOW "HAVE CONTROL."

Q BY MR. WARD: SO DO YOU ORIGINATE ANY OF

1 THE POSTINGS WHICH YOU DOWNLOAD TO YOUR HARD DISK?

2 A OH, NO.

3 Q HOW DO YOU KNOW THEY'RE IN FACT POSTINGS?

4 A COULD YOU CLARIFY THAT ONE.

5 Q WELL, YOU INSTRUCT YOUR Q-MODEM SOFTWARE TO
6 DOWNLOAD EVERYTHING FROM NETCOM ON A PARTICULAR DAY?

7 A UH-HUH.

8 Q HOW DO YOU KNOW THAT THE MATERIAL IT
9 DOWNLOADS ARE AUTHENTIC?

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

12 YOU CAN ANSWER IT IF YOU UNDERSTAND.

13 THE WITNESS: WELL, I DON'T -- I TYPE IN THE
14 COMMANDS TO GET THE NEWS GROUP. AND WHAT COMES UP ON MY
15 SCREEN IS WHAT'S ON MY SCREEN.

16 Q BY MR. WARD: SO YOU DON'T KNOW WHERE THAT
17 MATERIAL CAME FROM?

18 A NO.

19 Q HAVE YOU EVER CHECKED TO SEE WHETHER THE
20 ACCURACY OF ANY PORTION OF A MESSAGE, FOR EXAMPLE, THE
21 SENDER, THE DATE, THE TIME IT WAS DOWNLOADED, OR THE
22 CONTENT OF THE MESSAGE?

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

24 IF YOU UNDERSTAND IT, YOU CAN ANSWER.

25 THE WITNESS: I DON'T UNDERSTAND IT.

1 Q BY MR. WARD: HAVE YOU EVER TRIED TO VERIFY
2 THE ACCURACY OF ANY PART OF A USENET MESSAGE?

3 MR. MERVIS: SAME OBJECTION.

4 THE WITNESS: I DON'T KNOW HOW TO ANSWER THAT. I
5 DON'T KNOW WHAT THAT MEANS.

6 Q BY MR. WARD: I --

7 A I DON'T KNOW HOW YOU DO THAT.

8 Q I'M -- MY QUESTION IS WHETHER YOU TAKE ANY
9 INDEPENDENT MEANS TO VERIFY THE ACCURACY OF WHAT YOU'RE
10 DOWNLOADING.

11 MR. MERVIS: SAME OBJECTION.

12 THE WITNESS: I DON'T UNDERSTAND.

13 Q BY MR. WARD: WELL, DO YOU UNDERSTAND THE
14 WORD "ACCURACY"?

15 A YES.

16 Q OKAY. AND WE UNDERSTAND "DOWNLOAD." LET'S
17 SEE. IS THERE ANY PARTICULAR WORD THAT YOU DON'T
18 UNDERSTAND?

19 MR. MERVIS: WITHIN YOUR QUESTION?

20 MR. WARD: YES, SURE. I'M TRYING TO NARROW IT
21 DOWN.

22 MR. MERVIS: YOU CAN ANSWER THAT QUESTION IF YOU
23 LIKE. GO AHEAD.

24 THE WITNESS: I JUST DOWNLOAD IT.

25 Q BY MR. WARD: SO YOU DO NOT DO ANY FURTHER

1 CHECKS OF THE CONTENT; IS THAT CORRECT?

2 A RIGHT.

3 MR. MERVIS: OBJECTION. BELATED OBJECTION TO THE
4 FORM.

5 THE WITNESS: OH, OKAY.

6 MR. WARD: THANK YOU.

7 Q HAVE YOU EVER PERSONALLY SEEN ME AUTHOR A
8 USENET POST?

9 A NO.

10 Q HAVE YOU EVER VERIFIED THAT A POST THAT
11 SAYS IT CAME FROM A PERSON NAMED GRADY WARD WAS IN FACT
12 MINE?

13 A I'M SORRY. SAY IT AGAIN.

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

15 THE WITNESS: NO.

16 Q BY MR. WARD: DO YOU HAVE ANY KNOWLEDGE OF
17 THE SECURITY OF NETCOM REGARDING USENET POSTS?

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

19 YOU CAN ANSWER IF YOU UNDERSTAND.

20 THE WITNESS: I DON'T -- I DON'T KNOW ANYTHING
21 ABOUT NETCOM'S SECURITY.

22 Q BY MR. WARD: BUT ALL THE POSTS THAT YOU
23 HAVE DOWNLOADED HAVE COME FROM NETCOM, EARTHLINK,
24 PACIFIC, AND CSI?

25 A NO.

1 Q OKAY. IS THAT --

2 A DEJA NEWS.

3 Q PLUS DEJA NEWS. OKAY. ZIPPO?

4 A YEAH. AND THERE ARE SOME OTHER NEWS
5 SERVERS THAT I'VE TRIED. I DON'T REMEMBER THEIR NAMES IN
6 PARTICULAR. EIT.COM. I MEAN, THEY'RE JUST OPEN PORTS
7 WHERE YOU CAN GO READ THE NEWS. AND I DON'T REMEMBER
8 THEM.

9 Q YOU SAID "WE CAN READ THE NEWS." WHO
10 ELSE --

11 A ANYBODY THAT CAN GET INTO AN OPEN PORT.
12 THEY'RE OPEN PORTS WHERE YOU CAN GO READ POSTS.

13 Q DO YOU WORK IN AN OFFICE BY YOURSELF?

14 A YES. I DID. I DON'T NOW. SORRY. I SHARE
15 AN OFFICE NOW.

16 Q OKAY. HAVE YOU EVER ISSUED A CANCEL
17 COMMAND?

18 MR. MERVIS: OBJECTION TO THE -- WELL, NOT TO THE
19 FORM. OBJECT TO THE CONTENT OF THE QUESTION. AND, AS
20 EXPLAINED DURING MS. CARNAHAN'S DEPOSITION, IT'S OUR
21 POSITION THAT THAT QUESTION, QUESTIONS LIKE THAT ARE WELL
22 OUTSIDE THE SCOPE OF THIS DEPOSITION. AND, IN ORDER TO
23 PRESERVE OUR ABILITY TO MOVE FOR A PROTECTIVE ORDER, I'M
24 INSTRUCTING THE WITNESS NOT TO ANSWER THE QUESTION.

25 MR. WARD: OKAY.

1 Q HAVE YOU EVER HEARD OF THE NAME VERA
2 WALLACE?

3 A YES, I'VE HEARD THE NAME.

4 Q WHERE DID YOU HEAR IT?

5 A I ACTUALLY SAW IT FIRST. I THINK I SAW IT
6 IN A POSTING.

7 Q DO YOU KNOW A PERSON WHO USES THAT NAME?

8 A NO.

9 Q HAVE YOU EVER USED A PSEUDONYM YOURSELF?

10 MR. MERVIS: IN WHAT -- I'M SORRY. IN WHAT
11 CAPACITY?

12 Q BY MR. WARD: IN PARTICIPATING ON THE
13 INTERNET, EITHER SENDING MESSAGES OR IN ANY IDENTITY. ON
14 THE INTERNET HAVE YOU EVER USED A SYNONYMOUS IDENTITY?

15 MR. MERVIS: I OBJECT TO THE FORM TO THE EXTENT
16 THERE'S NO FOUNDATION, THAT SHE'S EVER SENT ANYTHING TO
17 THE INTERNET.

18 BUT SUBJECT TO THAT OBJECTION, YOU CAN
19 ANSWER THAT QUESTION.

20 THE WITNESS: I'M TRYING TO REMEMBER WHAT THIS
21 WAS. IT WAS AN APRIL FOOL'S PAGE WHERE YOU COULD MAKE
22 UP -- YOU COULD MAKE UP A NEWS HEADLINE OR SOMETHING AND
23 SEND IT TO SOMEBODY, AND THEY WOULDN'T KNOW WHO IT WAS
24 FROM. AND IT WAS AN APRIL FOOL'S, PUTTING THE PERSON IN
25 THE HEADLINE.

1 Q BY MR. WARD: WAS THAT THE ONLY TIME THAT
2 YOU SENT A --

3 A NO.

4 Q OKAY. WHAT IS THE NEXT TIME?

5 A I MADE -- WHAT WAS IT? I THINK IT'S
6 COMMUNITY CONNECTION. I WAS TRYING TO FIGURE OUT A
7 NON-MOUSE POSTINGS, HOW THEY WORKED. COMMUNITY
8 CONNECTION HAD A PUBLIC PAGE WHERE YOU COULD SEND
9 E-MAILS. AND I DID -- I TRIED THAT TO ALT.TEST, SEE HOW
10 IT LOOKED, WHAT IT LOOKED LIKE.

11 Q OKAY. THANKS. NOW, ARE THERE ANY OTHER
12 INSTANCES?

13 A I DON'T REMEMBER. THERE WAS ANOTHER PAGE
14 THAT HAD -- I THINK I --

15 IT'S CALLED NOBODY@REPLY.COM. AND, AS I
16 RECALL, THEY HAD -- I THINK THEY HAD A PUBLIC PAGE, TOO.
17 I'M TRYING TO SEE WHAT THEY LOOKED LIKE.

18 Q SO AGAIN YOU WERE JUST LEARNING HOW IT
19 WORKED?

20 A YES. I WAS TRYING TO SEE WHAT IT LOOKED
21 LIKE. I THINK IT WAS "NOBODY." THAT WAS QUITE A WHILE
22 AGO.

23 MR. MERVIS: LET ME JUST CAUTION YOU NOT TO -- I'M
24 SURE MR. WARD DOESN'T WANT YOU GUESSING. SO ONLY WHAT
25 YOU REMEMBER.

1 THE WITNESS: YEAH, I CAN'T REMEMBER WHAT IT WAS
2 CALLED.

3 Q BY MR. WARD: WELL, THERE IS SOMEBODY AT
4 "NOBODY" BETWEEN -- IF YOU DON'T REMEMBER, THERE'S NO
5 POINT IN GUESSING.

6 A OKAY.

7 Q SO THE ONLY EDITING YOU HAVE DONE OF ANY --
8 OKAY. THE ONLY EDITING YOU HAVE DONE OF ANY OF THE
9 DOWNLOADED MATERIAL IS IN A PAPER COPY OF THE MAGNETIC
10 ORIGINALS; IS THAT CORRECT?

11 MR. MERVIS: OBJECT TO THE FORM OF THE QUESTION.
12 YOU CAN ANSWER.

13 THE WITNESS: OKAY. SORRY. ASK AGAIN.

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

15 THE WITNESS: NO.

16 Q BY MR. WARD: OH. COULD YOU TELL ME WHEN
17 YOU EDITED AT ANY OTHER TIME.

18 A OKAY. I WOULD MAKE A COPY OF THE
19 ELECTRONIC MESSAGE, AND THEN IN THE COPY I WOULD DELETE
20 THE CONFIDENTIAL MATERIAL AND MARK ON THERE "DELETED."

21 Q IS THAT THE ONLY MATERIAL THAT YOU DELETED?

22 A YEAH.

23 MR. MERVIS: I'M SORRY. THAT BEING CONFIDENTIAL
24 MATERIAL?

25 Q BY MR. WARD: THAT YOU DEEMED CONFIDENTIAL?

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A YES.

Q DID YOU EVER CHANGE THE SENDER FIELD?

A NO.

Q DID YOU CHANGE ANY OF THE -- EVER CHANGE ANY OF THE HEADER FIELDS?

A NO.

Q DID YOU CHANGE ANY OF THE CONTENT OTHER THAN THE ALLEGED SECRET MATERIAL?

A NO.

Q AND WHY DID YOU EDIT THE MAGNETIC VERSION?

MR. MERVIS: OBJECTION TO THE FORM.

YOU CAN ANSWER THE QUESTION.

THE WITNESS: I WOULD EDIT THE COPY OF IT, NEVER -- THE ORIGINAL WAS ALWAYS LEFT ALONE. AND EDIT THE COPY SO THAT I COULD PRINT IT OUT AND DISTRIBUTE IT TO PEOPLE WITHIN THE ORGANIZATION WHO WERE NOT -- I DID NOT WANT TO GIVE THE CONFIDENTIAL MATERIAL TO.

Q BY MR. WARD: SO BESIDES EDITING THE PAPER COPY YOU'VE TESTIFIED NOW YOU'VE EDITED IN SOME CASES THE MAGNETIC COPIES? YOU MADE COPIES OF THE MAGNETIC IMAGE AND EDITED THE MAGNETIC COPY?

A YES. I WOULD EDIT A COPY OF -- LEAVING THE ORIGINAL ALONE.

Q DID YOU SAVE THE COPY ANYWHERE?

A YES.

1 Q AND WHERE DID YOU SAVE IT?

2 A IT'S STILL IN THE HARD DRIVE.

3 Q SO HOW DO YOU PREVENT MIXING THE ORIGINAL
4 UNEDITED COPY WITH THE EDITED ONE?

5 A THE EDITED ONE IS MARKED .VET.

6 Q I'M SORRY?

7 A THE EDITED ONES ARE MARKED .VET.

8 Q DOT V-E-T?

9 A YES.

10 Q WHAT EDITOR DID YOU USE?

11 A PFE.

12 Q OKAY.

13 A PROGRAM FIND.

14 MR. MERVIS: MR. WARD, ARE WE AT A GOOD PLACE TO
15 TAKE A SHORT BREAK?

16 MR. WARD: SURE.

17 MR. MERVIS: LET'S TAKE A FEW-MINUTE BREAK.

18 (BREAK TAKEN.)

19 MR. WARD: . BACK ON THE RECORD.

20 Q WHO GAVE YOU -- FOR THE NAMES THAT YOU WERE
21 SEARCHING FOR FOR DOWNLOADING, WHO GAVE YOU THOSE NAMES
22 TO SEARCH FOR?

23 MR. MERVIS: LET ME -- OBJECTION. ASSUMES FACTS
24 NOT IN EVIDENCE.

25 YOU CAN ANSWER.

1 THE WITNESS: WELL, AS I RECALL, MR. CARTWRIGHT
2 WOULD LET ME KNOW THAT WE HAD FILED A SUIT.

3 Q BY MR. WARD: AND THAT WOULD GO ON A MENTAL
4 LIST TO WHAT TO LOOK FOR?

5 A YES.

6 Q DID YOU KEEP ANY WRITTEN DOCUMENTS
7 CONCERNING YOUR DAILY ROUTINE, DOWNLOADING, OTHER THAN
8 THE POSTS THEMSELVES THAT YOU'VE ALREADY DESCRIBED?

9 A YES. WHEN I STARTED, THERE WAS A LOG, AND
10 I WOULD LOG WHEN SOMEONE POSTED ONE OF MR. HUBBARD'S
11 WRITINGS.

12 Q WAS IT AN ELECTRONIC LOG OR A PAPER LOG?

13 A NO. PAPER LOG.

14 Q WHEN DID YOU STOP DOING THAT?

15 A I THINK TOWARDS THE END OF '96.

16 Q SO YOU WOULD -- YOU STILL POSSESS THE LOG
17 FROM DECEMBER, '95, THROUGH, WHAT, DECEMBER, '96, DID YOU
18 SAY?

19 A YES.

20 Q YES, THAT --

21 A YES.

22 Q YES, YOU STILL HAVE THE LOG?

23 A YES.

24 Q AND WHAT IS THE -- JUST HOW WOULD I
25 DESCRIBE IT? A LOG OF POSTINGS?

1 A YES.

2 Q OKAY. AND WHY DID YOU STOP IT?

3 A AS I RECALL, IT WAS EASIER TO JUST KEEP A
4 COPY OF THE HEADER OF THE POST. SO I WOULD JUST PRINT
5 OFF THE HEADER.

6 Q OKAY. WHEN YOU DID MAINTAIN THE LOG, WHAT
7 INFORMATION DID IT CONTAIN?

8 A THE PERSON WHO POSTED AND THE MATERIAL THAT
9 WAS POSTED AND THE DATE IT WAS POSTED.

10 Q WHEN YOU SAY THE PERSON THAT POSTED IT, YOU
11 COPIED THAT FROM THE HEADER OF THE POST?

12 A YES.

13 Q DID YOU OBTAIN ANY OF THE MAGNETIC IMAGES
14 YOU STORED FROM ANY SOURCE OTHER THAN YOUR DOWNLOADING
15 FROM THE INTERNET?

16 A I DON'T THINK SO.

17 Q FOR ALL MAGNETIC COPIES DID YOU HAVE -- DID
18 YOU -- DID YOU CREATE THAT COPY WHEN YOU ORIGINALLY
19 DOWNLOADED IT?

20 A PARDON?

21 Q I'M TRYING TO UNDERSTAND WHETHER YOU DID IT
22 CONTEMPORANEOUSLY. THAT IS, DID YOU EVER WAIT TO SAVE A
23 MAGNETIC COPY OF A POSTING?

24 A ON A DAILY BASIS, NO.

25 Q WAS THERE ANYONE AT CHURCH OF SCIENTOLOGY

1 INTERNATIONAL WHO RECEIVED REGULAR REPORTS FROM YOU
2 CONCERNING THE INTERNET MONITORING?

3 A YES, MR. CARTWRIGHT.

4 Q OKAY.

5 A AND MS. KOBRIN.

6 MR. WARD: OKAY. I WANT TO ENTER -- LET'S SEE.
7 THIS (INDICATING) IS ONE YOU'VE SEEN BEFORE, COUNSEL.
8 IT'S THE ONE WITH THE --

9 MR. MERVIS: THIS IS ONE -- THIS IS THE ONE THAT
10 YOU DIDN'T MARK BEFORE.

11 MR. WARD: WE DIDN'T MARK IT.

12 MR. MERVIS: DO YOU WANT TO MARK IT NOW?

13 MR. WARD: WE'LL MARK IT NOW.

14 MR. MERVIS: WE'LL CALL THIS SMITH 1.

15 MR. WARD: OKAY.

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

19 MR. MERVIS: FOR THE RECORD, THIS PURPORTS TO BE A
20 TWO-PAGE DOCUMENT. AT THE TOP OF THE FIRST PAGE THERE'S
21 A HEADER AND THE SUBJECT. HEADER IS "E-MAIL FROM HELENA
22 KOBRIN TO" THE NAME IS C-A-J-O-N-E-S, "REMAILER" AND
23 THERE'S A DATE FIELD IN THIS HEADER 1996/10/16.

24 Q AND THE QUESTION IS: DID YOU RECEIVE AN
25 E-MAIL MESSAGE DESCRIBED EMBEDDED IN IT?

1 A YES.

2 Q AND WHAT WAS SHE ASKING YOU TO DO BY SAYING

3 "RUSH"?

4 MR. MERVIS: IF YOU KNOW.

5 THE WITNESS: I CAN'T TELL.

6 Q BY MR. WARD: WHO IS DONNA?

7 A I CAN'T TELL WHAT THIS MESSAGE IS.

8 Q TAKE YOUR TIME.

9 A OH, I SEE. OH, THIS WAS ONE OF THE

10 VOLUNTEERS WHO FOUND ONE OF MR. HUBBARD'S WORKS. IT

11 COULD HAVE BEEN POSTED BY -- YEAH.

12 Q AND THE VOLUNTEER COULD BE REACHED AT YOUR

13 E-MAIL ADDRESS?

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

15 THE WITNESS: NO.

16 Q BY MR. WARD: WAS THAT YOUR E-MAIL ADDRESS

17 AT THE TIME?

18 A YES, THAT'S MINE. IT'S STILL MINE.

19 MR. MERVIS: "THIS" BEING WHAT? I'M SORRY. JUST

20 IDENTIFY THE ADDRESS.

21 THE WITNESS: E.R. SMITH AT EARTHLINK.NET.

22 MR. MERVIS: THANK YOU.

23 Q BY MR. WARD: SO WHEN YOU RECEIVED THIS

24 MESSAGE, DID YOU SEND IT TO DONNA?

25 A NO.

1 Q OKAY. DID YOU TAKE ANY ACTION BASED ON
2 THIS MESSAGE?

3 A AS I RECALL, I LOOKED FOR THIS HEADER ON MY
4 EARTHLINK ACCOUNT. THAT'S WHAT I WOULD DO, TO SEE IF I
5 COULD FIND THIS HEADER ON MY EARTHLINK ACCOUNT. IT'S A
6 LITTLE CONFUSING. THAT'S ABOUT ALL.

7 Q SO BECAUSE OF THAT YOU LOOKED FOR A HEADER
8 ON YOUR EARTHLINK ACCOUNT?

9 A YEAH.

10 Q AND WHAT WAS THE --

11 A JUST TO FIND WHAT THIS WAS. IT SAYS -- IT
12 INDICATES THAT IT WOULD HAVE BEEN ONE OF THE -- MR.
13 HUBBARD'S WORKS IN THE HEADER, BUT IT'S JUST THE HEADER.

14 Q UH-HUH.

15 A SO I WOULD VERIFY WHETHER OR NOT I COULD
16 FIND WHAT THAT WAS.

17 Q HOW DID YOU VERIFY IT? YOU USED DEJA NEWS;
18 IS THAT RIGHT?

19 MR. MERVIS: OBJECT TO THE FORM. THAT'S A
20 COMPOUND QUESTION.

21 YOU CAN ANSWER IF YOU UNDERSTAND.

22 THE WITNESS: I PROBABLY WOULD LOOK UNDER MY
23 EARTHLINK NEWS ACCOUNT AND SEE IF IT'S THERE TO SEE WHAT
24 IT WAS.

25 Q BY MR. WARD: HOW WOULD YOU FIND IT

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EXACTLY?

A SUBJECT SEARCH.

Q HOW DID YOU DO THAT ON EARTHLINK?

A THE NEWS SERVER THAT THEY HAVE. YOU JUST ORGANIZE IT BY SUBJECT.

Q SO LET ME SEE IF I CAN -- OKAY. THE SUBJECT IS IN THIS CASE "NOTS PART 6 OF 7," AND HOW WOULD YOU LOOK BY SUBJECT ON EARTHLINK? I'M NOT UNDERSTANDING. WHAT NEWS READER DID THEY USE?

A AS I RECALL, AT THAT TIME I WAS USING NETSCAPE.

Q OKAY. AND SO YOU WOULD -- HOW WOULD YOU SEARCH? DO YOU REMEMBER HOW YOU SEARCHED BY SUBJECT?

A YOU JUST ORGANIZED THE POSTS BY SUBJECT.

Q OH, I SEE. OKAY. NOW I UNDERSTAND NOW. OKAY. FINE. HAVE YOU EVER DONE ANY INDEPENDENT CHECK OF NETSCAPE TO MAKE SURE IT WAS DOING ITS JOB ACCURATELY?

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

IF YOU UNDERSTAND IT, YOU CAN ANSWER.

THE WITNESS: I'M NOT SURE I DO UNDERSTAND IT. I DID FIND THAT (INDICATING).

Q BY MR. WARD: NO. I --

MR. MERVIS: FIND WHAT?

THE WITNESS: THAT POST (INDICATING).

MR. MERVIS: THAT "NOBODY@HUGE.CAJONES.COM."

1 BY THE WAY, MR. WARD, JUST OUT OF
2 CURIOSITY, THIS TWO-PAGE EXHIBIT, SMITH 1 -- THE SECOND
3 PAGE BEARS A BATES STAMP 1093. THE FIRST ONE DOESN'T.
4 CAN YOU TELL US WHOSE BATES STAMP THAT IS AND WHERE IT
5 COMES FROM?

6 MR. WARD: IT'S MY BATES STAMP.

7 MR. MERVIS: AND THE FIRST PAGE FOR SOME REASON
8 ISN'T BATE STAMPED.

9 MR. WARD: I BATES STAMPED THE POST RATHER THAN
10 EACH PAGE.

11 MR. MERVIS: OKAY.

12 MR. WARD: SO IT'S BY POST RATHER THAN BY PAGE.

13 MR. MERVIS: I UNDERSTAND.

14 OKAY. ARE WE DONE WITH THIS ONE?

15 MR. WARD: YES.

16 Q DID YOU EVER DO AN INDEPENDENT CHECK OF THE
17 ACCURACY OF NETSCAPE FOR DOING YOUR WORK?

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

20 YOU CAN ANSWER IF YOU UNDERSTAND.

21 THE WITNESS: NO.

22 MR. MERVIS: "NO" WHAT?

23 THE WITNESS: NO, I DIDN'T DO AN INDEPENDENT CHECK
24 OF NETSCAPE.

25 MR. WARD: ALMOST DONE. JUST A SECOND HERE.

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LET'S ENTER INTO EVIDENCE AS -- OR MARK IT
AS --

MR. MERVIS: WE'LL CALL THIS SMITH 2?

MR. WARD: RIGHT.

MR. MERVIS: I'LL IDENTIFY IT FOR THE RECORD. IT
APPEARS TO BE OR PURPORTS TO BE A COPY OF A POSTING, AND
IN THE HEADER THE LINE SAYS "NETCOM.COM!GRADY SUNDAY
OCTOBER 6," AND THERE'S A TIME 07:09:20, 1996.

DO YOU WANT HER TO REVIEW IT?

MR. WARD: SURE.

MR. MERVIS: ADDITIONALLY, JUST FOR IDENTIFICATION
PURPOSES, THIS ONE BEARS TWO BATES STAMP NUMBERS, ONE OF
WHICH I SUSPECT IS THE PLAINTIFF'S BUT --

MR. WARD: YES, THAT'S CORRECT.

MR. MERVIS: THE PLAINTIFF'S ONE IS 05581, AND I
TAKE IT MR. WARD'S BATES STAMP IS 1101.

MR. WARD: YES.

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

MR. MERVIS: OKAY. YOUR QUESTION IS WHAT?

Q BY MR. WARD: MY QUESTION IS -- THERE SEEMS
TO BE A REDACTION HERE (INDICATING). DID YOU DO THAT?

A YES, I DID THAT.

Q HOW DO YOU KNOW YOU DID THAT?

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A I RECOGNIZE MY HANDWRITING.

Q OKAY. THAT'S A GOOD REASON. YOU HAVE AN ORIGINAL OF THIS IN YOUR MAGNETIC RECORDS?

A YES. WELL, I WON'T SAY "YES" THAT FLATLY. I THINK I DO.

Q WELL, WOULD THERE BE ANY CASE IN WHICH YOU WOULD NOT?

A NO, NOT THAT I KNOW OF.

Q SO IN THEORY THIS COULD BE PRODUCED THEN AT SOME POINT?

A YES, IN THEORY, YES. I WOULD HAVE TO LOOK. IT LOOKS LIKE THIS WOULD HAVE BEEN SOMETHING DOWNLOADED FROM NETCOM IN OCTOBER, '96.

MR. WARD: OKAY. NOW, HERE'S THE -- WE'RE DONE WITH THAT ONE RIGHT NOW.

WE'LL MARK THIS (INDICATING) AS THE NEXT EXHIBIT.

MR. MERVIS: THIS WILL BE SMITH 3?

MR. WARD: YES.

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

MR. MERVIS: AND FOR THE RECORD THIS ONE END -- WELL, AT THE TOP, THE VERY TOP, THERE IS -- THERE IS TYPING IN DIFFERENT FONTS WHICH READS "PLAINTIFF'S

1 EXHIBIT 54 IN DEPOSITION OF GRADY WARD." IN ANY EVENT --
2 THAT'S IT?

3 THE WITNESS: OKAY.

4 Q BY MR. WARD: THE QUESTION IS: DID YOU
5 MAKE THE REDACTION ON THIS ONE?

6 A PROBABLY NOT BECAUSE THIS WAS BEFORE I WAS
7 THERE.

8 Q OKAY. GREAT. THANKS. AND HOW DID -- AND
9 YOU LOOKED AT THE DATE TO DETERMINE WHEN IT WAS THERE?

10 A YES, BECAUSE I WOULDN'T NORMALLY DO IT THAT
11 WAY.

12 MR. MERVIS: I'M SORRY. NORMALLY WOULDN'T DO WHAT
13 THAT WAY?

14 THE WITNESS: REDACT.

15 MR. MERVIS: JUST SO THE RECORD IS CLEAR, THE
16 EXHIBIT SMITH 3 SHOWS A LINE IN THE FOURTH PARAGRAPH OF
17 THE TEXT OF THE POST. IT'S THE VERY END OF LINE 1, AND
18 ALL OF THE SECOND LINE APPEARS TO BE BLOCKED OUT WITH ONE
19 WOULD -- IT'S A BLACK LINE. IT LOOKS LIKE PERHAPS IT'S A
20 MARKER.

21 AND IT'S YOUR TESTIMONY THAT THAT'S NOT THE
22 WAY YOU DID REDACTIONS?

23 THE WITNESS: (WITNESS NODS HER HEAD.)

24 MR. MERVIS: "YES"?

25 THE WITNESS: YES.

1 MR. MERVIS: OKAY.

2 Q BY MR. WARD: SO YOU DON'T KNOW WHO DID
3 THOSE?

4 A NO.

5 MR. WARD: I'LL GO BACK TO EARLIER EXHIBITS.

6 I'M HANDING CARNAHAN 3 TO THE WITNESS. I'M
7 PURPORTING THIS TO BE A SUMMARY OF THE TIMES THE WORD
8 "SCAMIZDAT" WAS USED IN ALT.RELIGION.SCIEN TOLOGY AND THE
9 DATES AND PERIOD INDICATED.

10 THE ONLY QUESTION I HAVE -- YOU CAN SEE
11 IT'S DIVIDED UP FROM SENDING LINES, AND THEN LATER ON
12 THERE IS MESSAGE I.D.'S, YOU KNOW, OF THE MESSAGES THAT I
13 CLAIM USE THE WORDS. AND FROM YOUR KNOWLEDGE OF YOUR
14 DAILY DOWNLOADING FOR SOME TIME, DOES THE NUMBER OF TIMES
15 THAT "SCAMIZDAT" APPEARS SEEM TO BE CONSISTENT?

16 MR. MERVIS: HERE'S THE PROBLEM. THE EXHIBIT IS
17 EASILY 25 OR MORE PAGES LONG. AND THERE ARE NUMEROUS
18 REFERENCES, JUST LOOKING AT IT. IT'S EASILY 25 ON EACH
19 PAGE. SO IT -- IN ORDER I THINK FOR THE WITNESS TO GIVE
20 AN ACCURATE ANSWER, SHE WOULD HAVE TO DO A LOT OF
21 COUNTING, AND WE'D BE HERE A LONG TIME.

22 MR. WARD: NO. I PURPORT THIS TO BE THE ACCURATE
23 COUNT OF WHAT HAS OCCURRED ON --

24 MR. MERVIS: SO THE QUESTION IS -- I'M LOOKING AT
25 EXHIBIT 3. AT THE TOP LEFT-HAND CORNER IT SAYS "THE WORD

1 QUOTE 'SCAMIZDAT' WAS USED 9,787 TIMES ON
2 ALT.RELIGION.SCIENOTOLOGY FROM EARLY 1995 THROUGH APRIL,
3 1996."

4 MR. WARD: UH-HUH.

5 MR. MERVIS: IS THE QUESTION DOES THAT NUMBER
6 COMPORT WITH THE WITNESS'S RECOLLECTION OF HOW MANY TIMES
7 SHE SAW "SCAMIZDAT"?

8 MR. WARD: YES, APPROXIMATELY.

9 MR. MERVIS: BEARING IN MIND SHE WAS NOT THE
10 MONITOR UNTIL DECEMBER OF 1996?

11 MR. WARD: THAT'S RIGHT.

12 MR. MERVIS: OKAY.

13 DO YOU UNDERSTAND WHAT THE QUESTION IS?

14 THE WITNESS: I'M NOT SURE.

15 MR. MERVIS: MR. WARD, WHY DON'T YOU TRY TO RE-PUT
16 IT --

17 MR. WARD: YEAH, WE PROBABLY CAN. LET'S SEE.

18 Q WHAT WERE THE KEY WORDS YOU SEARCHED FOR
19 DURING THE TIME THAT YOU WERE CUSTODIAN?

20 MR. MERVIS: LET'S -- TO THE EXTENT -- JUST OFF
21 THE RECORD FOR A SECOND.

22 (BREAK TAKEN.)

23 MR. MERVIS: WHY DON'T YOU READ BACK THE QUESTION.

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

25 THE WITNESS: OKAY. HUBBARD'S COMMUNICATIONS

1 OFFICE.

2 Q BY MR. WARD: DID YOU USE THE ABBREVIATION
3 HCO, OR DID YOU SPELL OUT THE ENTIRE PHRASE THAT YOU JUST
4 SAID?

5 A SPELLED IT OUT.

6 (THE FOLLOWING LINES, LINE 6 OF PAGE 63 THROUGH
7 LINE 24 OF PAGE 63, ARE SEALED.)

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24 (RESUME UNSEALED TEXT.)

25 Q HOW OFTEN DO YOU SEARCH FOR THESE TERMS?

1 A I DON'T KNOW HOW TO ANSWER THAT ONE.

2 Q WHAT PROMPTS YOU TO SEARCH FOR THESE TERMS?

3 A WELL, I DO WEB SEARCHES DAILY.

4 Q COULD YOU EXPLAIN HOW TO DO A WEB SEARCH SO
5 I CAN UNDERSTAND WHAT YOU -- I'M JUST TRYING TO
6 UNDERSTAND YOUR TOTAL PROCESS HERE. I'M NOT TRYING TO --

7 A OH, NO. THAT'S ALL RIGHT. WELL, I
8 GENERALLY USE NETSCAPE NAVIGATOR, AND I GO TO VARIOUS
9 SEARCH ENGINES.

10 Q COULD YOU GIVE ME AN EXAMPLE OF THOSE.

11 A HOTBOT, ALTA VISTA, REFERENCE.COM, WEB
12 CRAWLER, OPEN TEXT. THERE ARE ABOUT 1,000 OF THEM NOW.
13 I CAN'T LIST THEM ALL.

14 Q NO. THAT'S A VERY GOOD JOB. YOU DID
15 BETTER THAN 98 PERCENT OF THE WORLD'S POPULATION
16 PROBABLY.

17 OKAY. THEN YOU WOULD -- I'M STILL TRYING
18 TO UNDERSTAND WHAT YOU WOULD SEARCH FOR THESE TERMS.
19 AGAIN WAS IT YOUR OWN VOLITION, OR DID SOMEONE ASK YOU TO
20 DO IT AT A PARTICULAR TIME? WHAT PROMPTED YOU TO DO SO?

21 A WELL, I DO DIFFERENT ONES ON DIFFERENT --
22 IT'S NOT LIKE THERE'S THE SAME ONE EVERY DAY. SO -- I
23 READ ALL THE POSTINGS EVERY DAY.

24 Q REALLY? YOU READ ALL -- I DON'T DO THAT.
25 YOU READ ALL THE POSTINGS ON A.R.S. EVERY

1 DAY?

2 A YES.

3 Q DO YOU READ ALL THE POSTINGS ON ANY OTHER
4 NEWS GROUP EVERY DAY?

5 A NO, NOT ALL OF THEM.

6 Q WHICH ONES DO YOU READ?

7 A NOT EVERY DAY. I DON'T READ THEM ALL EVERY
8 DAY.

9 Q YOU DON'T READ ALL OF
10 ALT.RELIGION.SCIENOTOLOGY EVERY DAY? I'M TRYING TO
11 UNDERSTAND.

12 A I'M GETTING CONFUSED NOW.

13 Q OKAY.

14 A YES, I READ ALT.RELIGION.SCIENOTOLOGY EVERY
15 DAY.

16 Q AND THEN HAS THAT BEEN TRUE SINCE THE
17 BEGINNING OF YOUR TENURE?

18 A YES.

19 Q AS FAR AS THE OTHER NEWS GROUPS --

20 A NO, I DON'T READ ALL OF THEM EVERY DAY.

21 Q OKAY. THANKS. NOW, GETTING BACK TO THE
22 SEARCHING AGAIN, WHEN WOULD YOU USE THESE SEARCH TERMS?

23 A HUBBARD COMMUNICATIONS OFFICE I'D PROBABLY
24 DO EVERY DAY.

25 Q DID YOU FIND ANYTHING YESTERDAY?

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A YES.

Q AND WHEN YOU FOUND THAT, YOU PRINTED OFF A COPY ON PAPER?

A ON THAT ONE, NO.

Q AND WHY DID YOU CHOOSE NOT TO DO IT FOR THAT ONE?

A THAT ONE HAD BEEN -- I HAD ALREADY COPIED ONCE BEFORE. IT WAS JUST STILL THERE.

Q OH, YOU MEAN THE ENTIRE POST YOU HAD ALREADY COPIED?

A RIGHT.

Q AND YOU HAD MADE A PAPER COPY BEFORE?

A YES.

Q AND DID YOU DO THAT THE PREVIOUS DAY?

A I DON'T RECALL.

Q BUT YOU JUST REMEMBER YOU HAD DONE THAT, THAT EXACT POST?

A YES.

Q THAT WOULD BE YOUR GENERAL PRACTICE, TO MAKE A PAPER COPY IF IT WERE A NOVEL OR A NEW POST?

A YES.

Q NOW FOR THE CONFIDENTIAL TERMS WHEN IS THE LAST TIME YOU SEARCHED FOR THOSE?

A LAST FRIDAY.

Q LAST FRIDAY. AND THE TIME BEFORE THAT DO

1 YOU REMEMBER WHEN YOU SEARCHED FOR THEM?

2 A NOT BY THE DAY, NO.

3 Q WHEN YOU SAY SEARCHED FOR THEM, DO YOU
4 SEARCH FOR THEM ON THE DAY'S DOWNLOADING FROM THE NEWS
5 GROUP?

6 A NO.

7 Q WHAT DATA DO YOU SEARCH ON FOR THESE
8 CONFIDENTIAL TERMS?

9 A FROM THE WEB.

10 Q USING HOTBOT, ALTA VISTA, OR THOSE?

11 A YES.

12 Q WHAT QUALIFICATIONS DO YOU HAVE AS --
13 EXCUSE ME. WHAT IS YOUR LEVEL OF EDUCATION?

14 A HIGH SCHOOL.

15 Q DO YOU HAVE ANY COMPUTER COURSES?

16 A YES.

17 Q WHAT WERE THEY?

18 A I HAD SOME BASIC COMPUTER TRAINING AT IBM
19 IN 19 -- ABOUT 1968, AS I RECALL.

20 Q AND DID YOU HAVE SUBSEQUENT TRAINING IN
21 COMPUTERS?

22 A SOME IN-HOUSE, YES.

23 Q AND WHAT DID THAT TRAINING CONSIST OF?

24 A THAT'S ON HOW TO USE A WORD PROCESSOR AND
25 WHAT DOES DOS CONSIST OF, THAT KIND.

1 Q DO YOU KNOW WHAT AN IP NUMBER IS?
2 A AS FAR AS THE INTERNET PROTOCOL NUMBER?
3 Q YES.
4 A YES.
5 Q DO YOU KNOW WHAT THE DIFFERENT FIELDS STAND
6 FOR?
7 A NOT EXACTLY, NO.
8 Q DO YOU KNOW WHAT A DNS NUMBER IS?
9 A NO.
10 Q DO YOU KNOW WHAT CAP CAL WINS RESOLUTION
11 IS?
12 A NO.
13 Q NOW, SORRY IF I HAVE TO GET BACK TO THIS
14 ONE TOPIC. YOU SAID LAST FRIDAY YOU SEARCHED FOR THE
15 CONFIDENTIAL TERMS. DO YOU REMEMBER THE TIME BEFORE THAT
16 YOU SEARCHED FOR THE CONFIDENTIAL TERMS?
17 A NO, NOT BY THE DATE.
18 Q DO YOU KNOW APPROXIMATELY A LENGTH OF TIME?
19 LIKE A MONTH? A WEEK?
20 A A WEEK.
21 Q HAS THAT BEEN YOUR PRACTICE? EVERY WEEK TO
22 SEARCH FOR THE CONFIDENTIAL TERMS?
23 A NO.
24 Q WHAT WOULD CAUSE YOU TO VARY FROM THAT
25 ROUTINE?

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A I DON'T KNOW HOW TO ANSWER THAT.

MR. MERVIS: YEAH, BELATED OBJECTION TO THE FORM.

Q BY MR. WARD: BUT YOU DIDN'T RECEIVE
OUTSIDE INSTRUCTION WHEN TO SEARCH FOR THOSE TERMS?

A NO.

Q AND NOW YOU ARE VIRTUALLY AUTONOMOUS AS FAR
AS THE DIRECTING OF YOUR OWN WORK?

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

IF YOU UNDERSTAND, YOU CAN ANSWER.

THE WITNESS: I DON'T THINK I DO.

Q BY MR. WARD: THAT IS, YOU YOURSELF SELECT
WHEN TO DOWNLOAD, WHAT TO SEARCH, WHEN TO SEARCH, WHAT
ENGINES TO USE, AND SO ON?

A OH, I SEE. YES.

Q AND NO ONE ELSE -- YOU'RE NOT DIRECTED TO
USE HOTBOT BY MR. MC SHANE?

A NO.

Q OR BY MR. MC SHANE?

A NO.

Q DO YOU HAVE ANY DOCUMENTS THAT DISCUSS THE
TECHNIQUE YOU USE FOR SEARCHING THE INTERNET?

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

YOU CAN ANSWER IT IF YOU UNDERSTAND.

THE WITNESS: I DON'T.

Q BY MR. WARD: IS THERE A MANUAL OR A

1 TRAINING PACK FOR YOUR JOB?

2 A OH. I HAVE NETSCAPE, THEIR MANUAL. I HAVE
3 A NUMBER, THINGS LIKE IT.

4 Q BUT THERE'S NOT ONE FOR YOUR SPECIFIC JOB?

5 A NO.

6 Q YEAH, I UNDERSTAND YOU HAVE PROBABLY
7 MANUALS FOR YOUR COMPUTERS, AND SO FORTH.

8 A YEAH.

9 Q SO IF SOMEONE WERE TO REPLACE YOU, HOW
10 WOULD YOU TRAIN THEM?

11 MR. MERVIS: WELL, IT IS A HYPOTHETICAL QUESTION.
12 I'M NOT SURE, FRANKLY, WHAT THE RELEVANCE IS. I'LL LET
13 HER ANSWER, AND WE'LL SEE WHERE IT GOES.

14 THE WITNESS: OKAY. I HAVE THEM SIT WITH ME FOR A
15 WHILE AND WALK THEM THROUGH THINGS AND SHOW THEM WHERE TO
16 FIND THE HELP BUTTONS. AND EACH ONE OF THE PROGRAMS HAS
17 THEIR OWN HELP, HOW TO DO.

18 Q BY MR. WARD: BUT THERE'S NO WRITTEN
19 DESCRIPTION OF YOUR JOB OR HAT?

20 A NOT ON HOW TO MONITOR, NO.

21 MR. WARD: OKAY. YOU MAY DIRECT.

22 MR. MERVIS: OKAY. THANK YOU. I WANT TO TAKE A
23 VERY SHORT BREAK TO CONFER WITH MY COLLEAGUES.

24 MR. WARD: SURE. FINE.

25 (BREAK TAKEN.)

1 MR. MERVIS: MS. SMITH, I HAVE A VERY FEW
2 QUESTIONS FOR YOU.

3
4 EXAMINATION

5 BY MR. MERVIS:

6 Q I WANT TO ASK YOU ABOUT THE PROCEDURES YOU
7 FOLLOWED WHEN YOU IDENTIFIED WHAT YOU THOUGHT TO BE UPPER
8 LEVEL MATERIALS ON THE INTERNET. AND MY UNDERSTANDING IS
9 THAT YOU WOULD ROUTINELY PRINT HARD COPIES OF THESE -- OF
10 POSTINGS THAT CONTAINED UPPER LEVEL MATERIALS. IS THAT
11 AN ACCURATE STATEMENT?

12 A YES.

13 Q NOW, I KNOW YOU TESTIFIED A LITTLE BIT
14 ABOUT THIS, BUT CAN YOU TELL ME AS A MATTER OF ROUTINE
15 WHICH INDIVIDUALS YOU WOULD SEND COPIES OF SUCH POSTINGS.

16 A YES. MR. MC SHANE.

17 Q ALL RIGHT.

18 A AND MS. KOBRIN WOULD GET A REDACTED COPY.

19 Q OKAY.

20 A AND MR. CARTWRIGHT, WHO WORKS WITH HER AS
21 LIKE A PARALEGAL, WOULD GET A REDACTED COPY.

22 Q ALL RIGHT.

23 A AND ONE OF THE GIRLS IN HIS OFFICE WHO IS
24 OF THE RIGHT TRAINING, CASE LEVEL WOULD GET THE ORIGINAL,
25 WOULD GET AN UNREDACTED COPY FOR THE FILE.

1 Q NOW, I TAKE IT THAT IN ORDER TO MAKE THIS
2 DISTRIBUTION, YOU HAD TO HAVE LIKE A MASTER VERSION.
3 CORRECT?

4 A YES. THE ORIGINAL.

5 Q ALL RIGHT. PRIOR TO MAY OF 1996 WHAT WOULD
6 YOU DO WITH THE SO-CALLED ORIGINAL?

7 A I PUT IT IN A MANILA ENVELOPE, AND I TAPED
8 IT AND KEPT IT IN A FILE CABINET.

9 Q WHERE WAS THE FILE CABINET PRIOR TO MAY OF
10 1996?

11 A IT WAS IN MY OFFICE.

12 Q AND DID THAT PROCEDURE CHANGE AT ALL
13 SUBSEQUENT TO MAY OF 1996?

14 A YES.

15 Q WHAT CHANGED?

16 A THEN IT WENT INTO THE OTHER FILE CABINET,
17 NOT IN MY OFFICE. IT WENT TO ALLAN'S ASSISTANT.

18 Q MR. CARTWRIGHT'S ASSISTANT. IS THAT THE
19 INDIVIDUAL WHO YOU MENTIONED WHO WAS AT -- WHO HAD
20 STUDIED THE UPPER LEVEL MATERIALS?

21 A YES.

22 MR. MERVIS: THANK YOU VERY MUCH. I HAVE NO
23 FURTHER QUESTIONS.

24 MR. WARD: OKAY. ONE RE-CROSS.

25 //////////////

1 FURTHER EXAMINATION

2 BY MR. WARD:

3 Q HOW DID YOU EVER -- DID YOU EVER VERIFY THE
4 ACCURACY OF THE PAPER COPY TO THE MAGNETIC COPY?

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

7 YOU CAN ANSWER IF YOU UNDERSTAND IT.

8 THE WITNESS: I'M NOT SURE I DO. IT JUST WOULD
9 PRINT OUT FROM THE MAGNETIC.

10 Q BY MR. WARD: RIGHT. DID YOU EVER CHECK TO
11 MAKE SURE THAT IT WAS THE SAME?

12 A I DON'T THINK SO.

13 MR. WARD: OKAY. THANKS. I'M ALL DONE. YOU'RE
14 RELEASED AS A WITNESS, AND THANK YOU VERY MUCH.

15 MR. MERVIS: DO WE NEED TO DO ONE OF THESE
16 CALIFORNIA STIPULATIONS?

17 I'LL DEFER TO ONE OF MY CALIFORNIA BROTHERS
18 FOR THIS PROCEDURE.

19 MR. WARD: YOU CAN REVIEW THIS TESTIMONY IN THE
20 NEXT 30 DAYS WHEN HE'S FINISHED WITH IT AND MAKE ANY
21 CORRECTIONS THAT YOU NEED TO MAKE. AND YOU MAY HAVE MADE
22 A MISTAKE, OR AMPLIFY OR WHATEVER. AND YOU GET A SECOND
23 CHANCE TO BE ABSOLUTELY CORRECT, EVERYTHING CORRECT.

24 MR. HOGAN: AND IT'S IMPORTANT THAT THE WITNESS
25 ACTUALLY SIGNS THE TRANSCRIPT --

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MR. WARD: YES.

MR. HOGAN: -- OF HER TESTIMONY.

MR. WARD: THAT'S CORRECT.

MS. KOBRIN: AND WE WORKED OUT -- AND WE'LL DO THE
SAME HERE -- THAT THE COURT REPORTER WILL SEND ME THE
ORIGINAL, AND I'LL HAVE YOU REVIEW IT.

MR. WARD: ALL RIGHT.

THE WITNESS: ALL RIGHT.

MR. MERVIS: OKAY. WE'RE CONCLUDED. THANK YOU.

-- 000 --

I DECLARE UNDER PENALTY OF PERJURY THAT THE
FOREGOING DEPOSITION IS TRUE AND CORRECT.

EXECUTED THIS _____ DAY OF _____,
1998, AT _____, CALIFORNIA.

RHEA SMITH

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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

CORRECTIONS

PAGE _____ LINE _____ : _____

PAGE _____ LINE _____ : _____

PAGE _____ LINE _____ : _____

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PAGE _____ LINE _____ : _____

PAGE _____ LINE _____ : _____

Subject: Email from Helena Kobrin to Cajones remailer
From: modemac@tiac.net (Modemac)
Date: 1996/10/16
Message-Id: <542h7l\$5k5o@mtinsc01-mgt.ops.worldnet.att.net>

This may well become a recurring problem, as it seems that your remailer is being used for this illegal purpose on a repeat basis. If it has no record at all of these postings, i.e., even if not set up to do so currently, could it be changed so that these particular postings would get captured and prevented from going through if they came through again?

Please get back to me as quickly as possible on this.

Sincerely,

Helena Kobrin

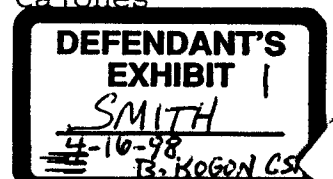
Received: from emout03.mail.aol.com (emout03.mx.aol.com [198.81.11.94]) by Bulgaria.it.earthlink.net (8.7.5/8.7.3) with SMTP id SAA00306 for <ersmith@earthlink.net>;
Sat, 12 Oct 1996 18:08:43 -0700 (PDT)
From: SRCS@aol.com
Received: by emout03.mail.aol.com (8.6.12/8.6.12) id VAA07188 for ersmith@earthlink.net; Sat, 12 Oct 1996 21:08:16 -0400
Date: Sat, 12 Oct 1996 21:08:16 -0400
Message-ID: <961012210812_125248984@emout03.mail.aol.com>
To: ersmith@earthlink.net
Subject: URGENT- Message ID's
X-UIDL: c7f29d39d9b1091a2680c157e632561b
X-Mozilla-Status: 0001

Saturday, October 12, 1996
5:53 PM PDT

RHEA or DONNA RUSH

=====
Path: netnews.worldnet.att.net!uunet!inl.uu.net!news.sprintlink.net!news-peer.sprint.link.net!arclight.uoregon.edu!news1.mpcs.com!anon.lcs.mit.edu!ny.m.alias.net!mail2news

Date: Sat, 12 Oct 1996 11:46:02 -0700
Message-ID: <199610121846.LAA08730@fat.doobie.com>
Subject: NOTS Part 6 of 7
Content-Type: text/plain; charset=US-ASCII
Content-Transfer-Encoding: 7bit
From: nobody@huge.cajones.com (Huge Cajones Remailer)



Subject: Re: FYI - E-Mail sent to News Admins
From: rkeller@netaxs.com (Rod Keller)
Date: 1996/11/01
Message-Id: <55cs94\$rrqs@netaxs.com>
Newsgroups: alt.religion.scientology
[More Headers]

Joe (joe@zippo.com) wrote:

: "Date: Thu, 31 Oct 1996 02:41:40 -0800
: From: RSmith <ersmith@earthlink.net>
: Reply-To: ersmith@earthlink.net
: To: joe@zippo.com
: Subject: Copyrighted Materials

:
: Dear Joe,

:
: The following article contains copyrighted materials that belong to the
: Religious Technology Center. Please delete this article from your news
: server.

:
: Sincerely,
: Rhea Smith

Who is this Rhea Smith? Is she RTC, OSA, or what?

--
Rod Keller / rkeller@voicenet.com / Irresponsible Publisher
Black Hat #1 / Expert of the Toilet / Golden Gate Bridge Club
United Free Zone Alliance / The Lerma Apologist / Merchant of Chaos
Kha Khan countdown: 9 to go / OSA Patsy / Quasi-Scieno / Mental Bully

From netcom.com!grady Sun Oct 6 07:09:20 1996
Newsgroups: alt.religion.scientology
Path: netcom.com!grady
From: grady@netcom.com (Grady Ward)
Subject: Re: COS BOSS ON NEW JOB NOW WHAT DO I DO?
Message-ID: <gradyDyt3pM.3tq@netcom.com>
X-Newsreader: TIN [version 1.2 PL1]
References: <535nak\$lut@mtinsc01-mgt.ops.worldnet.att.net>
Date: Sat, 5 Oct 1996 14:17:46 GMT
Lines: 35
Sender: grady@netcom19.netcom.com

Since the criminal cult of scientology touts themselves as a religion,
you have a right not be discriminated against because you do not
believe that NOT

Carefully (and discreetly) create a log or journal of the injection
of the cult stuff, politely say "no thank you" just as you would
for any unwelcome sexual or other discrimination and be prepared
to slap the motherfucker with a multi-million dollar lawsuit if
he does anything to unlawfully retaliate.

The cult is providing several of us with litigation skills in federal
court at their expense, so please contact me if you would like a
sounding board about an overview of a lawsuit, if it should come to
that.

Faith Holland (OfficeGoddess@worldnet.att.net) wrote:

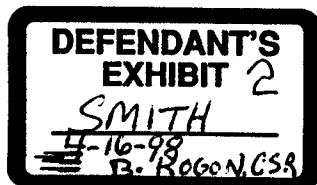
: Hey, I could use a little help from all of you. I just got a new job,
paying pretty good money, and my boss turned out to be COS! I don't know
: a thing about it (and from what I've read, I rather be a buddist).
: Anyway, he takes chunks of time from the work day to talk the most
: un-rational shit I ever heard. I think he's trying to hypnotize me.

: I thought I'd look up the "church" on the net, and boy oh boy what a mess
: this turned out to be! STRANGE stuff. I mean I like aliens and all, but
: until Carl Sagan shows me one, I'll stay on mental terra firma thanks.

: Anyway, back to my point. What's the best (and least likely to get me
: trashed) way to deal with the long lectures, stories, critical
: assessments, and this directing my life/mind crap. It seems to be
: escalating at work.

: HELP !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

05581



1101

From netcom.com/ix.netcom.com/howland.reston.ans.net/EU.net/sun4nl:xsfall:utop
Xref: netcom.com comp.org.eff.talk:66082
Path: netcom.com/ix.netcom.com/howland.reston.ans.net/EU.net/sun4nl:xsfall:uto
From: anon-remailer@utopia.hacktic.nl (Anonymous)
Newsgroups: comp.org.eff.talk
Subject: SCAMIZDAT #11
Date: 12 Oct 1995 01:35:21 +0100
Organization: Hack-Tic International, Inc.
Lines: 17683
Sender: remailer@utopia.hacktic.nl
Distribution: inet
Message-ID: <45hns9\$519@utopia.hacktic.nl>
NNTP-Posting-Host: utopia.hacktic.nl
Comments: Hack-Tic may or may not approve of the content of this posting
Comments: Please report misuse of this automated remailing service to <postmas

Ex 254

-----BEGIN PGP SIGNED MESSAGE-----

SCAMIZDAT #11 12 October 1995

The purpose of SCAMIZDAT is to publish a representative slice of material from Scientology secret "scriptures" and other confidential internal documents in order for people to make an informed choice before joining or contributing money to the cult of criminals.

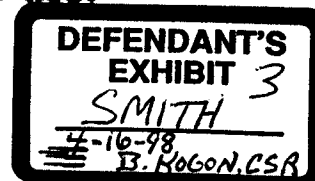
Rather than just to present our opinion, SCAMIZDAT publishes the authentic works by L. Ron Hubbard and others in the cult hierarchy so that people can see for themselves the actual means of carrying out progressive "mind reform" through self-contradiction, double-talk, intimidation, and criminal activity. Active authentication is provided courtesy of the 'ho of babble-on, Helena Kobrin, RTC attorney and suppressor of the bad news of scientology.

SCAMIZDAT could have posted what is known in the criminal cult as the "NOIS pack." It has been digitized and almost completely edited. It is several hundred pages of text. Most of it is boring, repetitive, and illustrates the cult technique only insofar as a droning monotone precedes the induction of a hypnotic trance. Which is probably one purpose of David Mayo's and L Ron Hubbard's invention. However SCAMIZDAT has not yet decided to publish it.

We chose only to print selections instead, such as the NED for OTs series [REDACTED] because our purpose is not malicious revenge for outrages by Larie Cooley, Helena Kobrin ('ho of babble-on), Eugene Martin Ingram, and their fugitive boss, David Miscavige, but to promote the justice of more fully informing the unwary.

More new material for #11 includes several documents by L. Ron Hubbard on covert intelligence gathering by scientologists and by allied professional "case officers," paid to destroy the "enemies" of the cult. "henry" was a recent target of this kind of attack. "henry" never posted "secret" If you are an indentifiable critic, you may be next.

Please remember that according to Judge Whyte, any posting by SCAMIZDAT removes any trade secret protection that this material may have had.



1 (THE FOLLOWING LINES, LINE 6 OF PAGE 63 THROUGH
2 LINE 24 OF PAGE 63, ARE SEALED.)

3 ///

4 ///

5 ///

6 Q GO WITH THE NON-SECRET ONES FIRST, AND THEN
7 WE'LL DISCUSS THE OTHER ONES.

8 A YEAH. L. RON HUBBARD.

9 Q L. RON HUBBARD. OKAY.

10 A COPYRIGHT.

11 Q OKAY.

12 A AND THEN TWO CONFIDENTIAL TERMS XENU,
13 X-E-N-U, AND TEEGEEACK. AND THEN THE WORD "THETAN,"
14 T-H-E-T-A-N.

15 Q DID YOU LOOK FOR THE WORD "SCAMIZDAT"?

16 A NO.

17 Q HOW MANY TIMES APPROXIMATELY DID YOU -- DID
18 THE WORD "XENU" COME UP ON POSTINGS IN A.R.S.?

19 MR. MERVIS: PLEASE -- IN ANSWER TO THAT QUESTION,
20 PLEASE DON'T SPECULATE.

21 THE WITNESS: YEAH, I MEAN, I CAN'T.

22 Q BY MR. WARD: HOW MANY CAME UP YESTERDAY?

23 A I DON'T KNOW. I DON'T -- I DIDN'T SEARCH
24 IT YESTERDAY FOR THAT TERM.

25 (RESUMED UNSEALED TEXT.)