1            IN THE UNITED STATES DISTRICT COURT

                      FOR THE CENTRAL DISTRICT OF CALIFORNIA

          2

              ALFRED PAUL SECKEL, a

          3   resident of California,

          4               Plaintiff,

                                               Case No.

          5        vs.                        CV-07-3134 GAF(JCx)

          6   TOM McIVER, an individual,

          7               Defendant.

              ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

          8

          9                 VIDEOTAPED DEPOSITION OF

         11                  XXXXXXXXXXXXXXXXXXXX

         12

         13                     January 8, 2008

                                   10:06 a.m.

         14

                             2700 Centennial Tower

         15                   101 Marietta Street

                                Atlanta, Georgia

         16

                           Anne Hansen, RPR, No. 2623

         17

         18

         19

          1               APPEARANCES OF COUNSEL

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         13

                                                                        3

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          6    3        ALT.com BrainyPassionat Profile

          7    4        Photograph/Profile of BrainyPassionat

          8    5        ALT.com Instant Messaging, E-mail

          9    6        Confidential Fax to XxxxxxxXxxxxxx

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         18   12        ALT.com xxx Profile

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          4   17        E-mail Communication - McIver/xxxxx

          5        (Original Exhibits 1 through 17 have been

          6   attached to the original transcript.)

          7

         18             (Reporter disclosure made pursuant to

         19   Article 8.B. of the Rules and Regulations of the

         20   Board of Court Reporting of the Judicial Council of

         21   Georgia.)

         22

                                                                        6

          1      Videotaped Deposition of Dr. Xxxxxxx Xxxxxxx

          2                     January 8, 2008

          3

          4             THE VIDEOGRAPHER:  Today's date is

          5   January 8th, 2008.  The time is approximately 10:06

          6   a.m.  The location is 101 Marietta Street, Atlanta

          7   Georgia 30303.  The deponent is Dr. XxxxxxxXxxxxxx.

          8             Will counsel please identify themselves

          9   for the record.

         10             MR. LAMHOFER:  Eric Lamhofer on behalf of

         11   Defendant Tom McIver.

         12             MR. BREWER:  And Michael Brewer for

         13   Plaintiff.

         14             THE VIDEOGRAPHER:  Okay.  Will the court

         15   reporter please swear in the witness.

         16            DR. XXXXXXX XXXXXXX, having been first duly

         17   sworn, was examined and testifies as follows:

         18        EXAMINATION

         19        BY-MR. LAMHOFER:

         20        Q.   Okay.  We're on the record now.  Could

         21   you state and spell your full name, please?

         22        A.   My name is Dr. Xxxxxxx Xxxxxxx,

         24        Q.   Okay.  And Dr. Xxxxxxx, have you ever had

         25   your deposition taken before?

                                                                        8

          1        A.   No.

          2        Q.   All right.  Let me go over a few of the

          3   ground rules for the proceeding here today just so

          4   you have a clear understanding of what we're going

          5   to be doing.  Okay?

          6        A.   (Nods head.)

          7        Q.   All right.  First of all, you just nodded

          8   your head.  And even though I know what you mean,

          9   since the court reporter's taking down everything

         10   that's said here today, nods of the -- nods of the

         11   head and nonverbal-type communication doesn't come

         12   across too well.  So instead of nodding your head,

         13   please give a verbal response, such as yes or no,

         14   so that way there won't be any ambiguity in what

         15   your testimony here is today.  Okay?

         16        A.   Yes.

         17        Q.   All right.  Sometimes there may be a

         18   tendency on your part to answer a question before I

         19   actually finish the question.  You may know where

         20   I'm going with the question.  But even if you know

         21   where I'm going, please let me finish the question

         22   first before you begin to respond.  Otherwise, we

         23   get a jumbled transcript.  We get half my question,

         24   half your answer, the rest of my question, and the

         25   rest of your answer.  That makes for difficult

                                                                       9

          1   reading.  Okay?

          2        A.   Okay.

          3        Q.   All right.  Is there any reason why you

          4   could not give your best deposition testimony here

          5   today?

          6        A.   No.

          7        Q.   All right.  Your testimony here today is

          8   under penalty of perjury.  It has the same force

          9   and effect as if you were testifying in court

         10   before a judge and a jury.  You understand that?

         11        A.   Yes.

         12        Q.   All right.  And at various points in the

         13   deposition, I may be asking you to give estimates

         14   probably mostly as to things such as time, how much

         15   time elapsed between two particular events.  In

         16   some cases, you may recall the exact date.  In

         17   other cases, you may not recall the exact date and

         18   be able to only give an approximate date.  That's

         19   fine.  If you have an approximate date or an

         20   estimated date, we're entitled to get that.  On the

         21   other hand, I don't want you to guess at any

         22   question that I'm asking you.  So if you simply

         23   don't know or you don't remember a particular

         24   detail, just tell me that.  Is that understood?

         25        A.   Yes.

                                                                       10

          1        Q.   All right.  If at any time during this

          2   proceeding you need to take a break to stretch your

          3   legs, get a drink of water, go to the bathroom, any

          4   other reason, you're free to do that.  Just let us

          5   know that you need to take a break, and we'll go

          6   off the record.  And you can take as much time as

          7   you need.  Okay?

          8        A.   Okay.

          9        Q.   What is your current address?

         10        A.   xxxxxxxxxxxxxxxxxxx

         12        Q.   And how long have you lived at that

         13   address?

         14        A.   Since May of 2007.

         15        Q.   Okay.  And were you subpoenaed to appear

         16   for this deposition today?

         17        A.   Yes, I was.

         18        Q.   And throughout the course of this

         19   deposition, I'm going to try to go chronologically

         20   as to the events that you are going to testify to.

         21   On some occasions, I may need to jump around a

         22   little bit.  So please bear with me if that occurs.

         23   Okay?

         24        A.   Yes.

         10        Q.   You are a Ph.D; is that correct?

         11        A.   Correct.

         12        Q.   All right.  And when did you obtain your

         13   Ph.D?

         14        A.   December 2006.

         15        Q.   And what is your Ph.D in?

         16        A.   Biophysical chemistry.

         17        Q.   And what institution did you obtain your

         18   Ph.D from?

         19        A.   xxxxxxxxxxxxxxxxxxx

         20        Q.   How long of a course of study was that?

         21        A.   Five and a half years.

         22        Q.   Did your Ph.D program involve a

         23   particular emphasis in the field of chemistry?

         24        A.   Yes, quadruplex DNA.

         25        Q.   Okay.  For the layperson, please explain

                                                                       12

          1   what that means.

          2        A.   Four-stranded DNA as opposed to

          3   two-stranded DNA, which is normal.

          4        Q.   Has any of your work in the DNA field

          5   involved investigating DNA as a means of preventing

          6   cancer?

          7        A.   Yes.

         14        Q.   And if you'd just generally explain for

         15   us the process of doing a dissertation.  As part of

         16   the Ph.D program, I take it you have to get

         17   approval for your topic and that has -- you have to

         18   do some sort of research.  Can you explain that?

         19        A.   Correct.  There's a minimum amount of

         20   coursework required.  You have to pass multiple

         21   qualifying examinations.  You have to get approval

         22   for your dissertation topic.  You have to undergo

         23   an oral examination testing you over your

         24   dissertation topic prior to the completion of your

         25   dissertation.  Then you have to conduct the

                                                                     13

          1   research, write the dissertation, and then you have

          2   to give an oral defense of your dissertation.

          3        Q.   And how long does that entire process

          4   take, generally?

          5        A.   Generally five to six years.

          8        Q.   Now, did you obtain any honors or awards

          9   at xxxxxxxxx

         10        A.   Yes.

         11        Q.   Tell us about the honors and awards that

         12   you obtained.

         13        A.   I received an award for being the

         14   outstanding teaching assistant two years.  I won

         15   the Chair's award my final year, which is the top

         16   award given to the top student in the department.

          5        Q.   And have you published any papers in your

          6   field of study?

          7        A.   Yes, I have.

          8        Q.   Tell us about those, please.

         24        Q.   Are you currently employed?

         25        A.   Yes, I am.

                                                                       16

          1        Q.   Where are you employed?

          2        A.   xxxxxxxxxxxxx

          4        A.   Yes.

          5        Q.   And what do you do for xxxxxxxxxx?

          6        A.   I'm a visiting assistant professor.

         12        Q.   What do your long-term career goals

         13   involve?  Does it involve teaching or working in

         14   the private sector, both, perhaps?

         15        A.   Teaching, academia.  I would also like to

         16   incorporate some research.

         17        Q.   Now, after you obtained your Ph.D, did

         18   you begin using any particular title, professional

         19   title --

         20        A.   Yes.

         21        Q.   -- to -- let me finish.

         22        A.   Oh, okay.

         23        Q.   You may -- you may know where I'm going.

         24   Let me state the question again.

         25             After you obtained your Ph.D, did you

                                                                       17

          1   begin using a particular title to describe your

          2   educational and career status at that point?

          3        A.   Yes.  After I completed my Ph.D, I was

          4   employed xxxxxxxx as a

          5   postdoctoral associate.  And that is the title I

          6   used to describe myself.

          7        Q.   What is a postdoctoral associate?

          8        A.   According to the National Postdoctoral

          9   Association, a postdoctoral associate or a

         10   postdoctoral scholar, their equivalent, is somebody

         11   who's recently completed a Ph.D and is doing

         12   research in -- on a temporary basis.

         13        Q.   Is the term "postdoctoral associate"

         14   synonymous with the term "postdoctoral scholar"?

         15        A.   Yes.

         16        Q.   So there is an official definition of a

         17   postdoctoral scholar.

         18        A.   Yes, according to National Postdoctoral

         19   Association and the National Science Foundation and

         20   National Institutes of Health, also jointly have a

         21   definition which also says that it is somebody with

         22   a Ph.D or equivalent.

         23        Q.   And you're currently a postdoctoral

         24   associate.

         25        A.   No.  Currently I'm a visiting assistant

                                                                     18

          1   professor.

          2        Q.   How long were you a postdoctoral

          3   associate for?

          4        A.   Eight months.

          5        Q.   And that ended when?

          6        A.   August '07.

          7        Q.   You know Mr. Al Seckel?

          8        A.   Yes.

          9        Q.   And when did you first meet him?

         10        A.   The very first week of January 2006, is

         11   when I had my first contact with him.

         12        Q.   Okay.  And how -- strike that.  What was

         13   your first contact with Mr. Seckel?

         14        A.   We met on an Internet dating site.

         15        Q.   Okay.  And what was the name of that

         16   site?

         17        A.   ALT.com.

         18        Q.   You did not know him before that.

         19        A.   No.

         20        Q.   And how long had you been a member of

         21   ALT.com before you met Mr. Seckel?

         22        A.   I'd say six months, approximately.

         23        Q.   You had never heard of Mr. Seckel before

         24   this?

         25        A.   Yes, I had.  I had one of his books.

                                                                       19

          1        Q.   Okay.  And what book was that?

          2        A.   I -- I can't recall the title.

          3        Q.   Okay.  But you had not had any

          4   conversation with him or any contact with him

          5   before that.

          6        A.   No.

          7        Q.   Now, can you explain the process of

          8   becoming an ALT.com member?  Does it involve like a

          9   registration process, the payment of money, filling

         10   out any type of profile?  Can you explain that for

         11   us?

         12        A.   Yes.  I was a free member.  You can

         13   either be a free member or a paid member.  I was a

         14   free member.  You fill out a profile describing

         15   yourself.  You fill out check boxes describing such

         16   things as your height, your hair color, your

         17   educational background, your occupation, those

         18   sorts of things.  You can also write a paragraph

         19   about yourself and what you're looking for.

         20             I was a free member.  You can also sign

         21   up as a paid member.  Typically free members can't

         22   send e-mails.  Usually you have to pay to join to

         23   be able to send e-mails.

         24        Q.   So does everyone who joins ALT.com

         25   essentially have to fill out a profile about

                                                                       20

          1   themselves explaining some personal information

          2   about themselves and what they're looking for in a

          3   mate?

          4        A.   Yes.

          5        Q.   And at some point, did you review a

          6   profile on Mr. Seckel that he had posted on

          7   ALT.com?

          8        A.   Yes.

          9        Q.   And that would have been sometime in

         10   January of 2006?

         11        A.   Yes.

         12        Q.   Early January, you believe?

         13        A.   Yes.

         14        Q.   Now, in searching for a potential mate on

         15   ALT.com, did you indicate in your own profile that

         16   you were looking for someone with certain

         17   educational qualifications or credentials?

         18        A.   No.

         19        Q.   Okay.  Now, does a profile on ALT.com

         20   have a section whereby the person posting an entry

         21   about themself, details personal information,

         22   describing themselves, including their educational

         23   background?

         24        A.   Yes.

         25        Q.   And did you fill out such a section

                                                                       21

          1   concerning yourself?

          2        A.   Yes.

          3        Q.   Let me show you a document that we're

          4   going to mark as Exhibit 1 to the deposition

          5   transcript.

          6             (Deposition Exhibit 1 marked.)

          7        Q.   (By Mr. Lamhofer)  Do you recognize this

          8   document that we've marked as Exhibit 1?

          9        A.   Yes.

         10        Q.   And what is this?

         11        A.   This is Al Seckel's profile on ALT.com.

         12        Q.   All right.  And did you review this

         13   profile in -- sometime in early January 2006?

         14        A.   Yes.  But I need to specify there are two

         15   different versions.  This is not the version that

         16   was up in January of 2006.  This is a second

         17   version --

         18        Q.   Okay.

         19        A.   -- that came later.

         20        Q.   All right.  All right.  And we'll go

         21   through -- through that later.  But the original

         22   profile that he posted, was similar to what you see

         23   on Exhibit 1?

         24        A.   Yes.  It's the same except for the

         25   written paragraph.  He -- he changed his

                                                                       22

          1   description a little bit in the written section.

          2        Q.   Specifically which section?

          3        A.   Where it says, "Profile for

          4   BrainyPassionat," and, "My ideal person."

          5        Q.   Okay.  Okay.  So "My ideal person," was

          6   that in the original version that you looked at?

          7        A.   I -- I don't remember without having it

          8   in front of me, the -- if the wording was the same

          9   or -- or what the changes were.

         10        Q.   I'd like to direct your attention to the

         11   bottom portion of Exhibit 1.  You see the heading

         12   that says "Information" there?

         13        A.   Yes.

         14        Q.   All right.  And there are five categories

         15   of information listed; gender, birth date, lives

         16   in, height, and body type.  Do you recognize all of

         17   those, the information as to all of those

         18   categories, as applying to Mr. Seckel?

         19        A.   Yes.

         20        Q.   Now, in the next page, there's some

         21   additional information; smoking, drinking, drugs,

         22   education, race, sexual orientation, speaks,

         23   referring to language spoken, hair color, hair

         24   length, eye color, glasses or contacts.  Do you see

         25   that there?

                                                                       23

          1        A.   Yes.

          2        Q.   Okay.  And looking at those first three

          3   categories, smoking, drinking, and drugs --

          4   actually, he only indicates that "I'm a nonsmoker."

          5   Is that consistent with what you know about Mr.

          6   Seckel?

          7        A.   Yes.

          8        Q.   Okay.  And looking at the information

          9   after the education category that describes race,

         10   sexual orientation, and language spoken; race is

         11   indicated, Caucasian; sexual orientation, straight;

         12   speaks, indicating language spoken, English.  Is

         13   that consistent with what you know about Mr.

         14   Seckel?

         15        A.   Yes.

         16        Q.   Glasses or contacts, it indicates that he

         17   wears glasses.  Is that consistent with what you

         18   know about Mr. Seckel?

         19        A.   Yes.

         20        Q.   Now, going back up to the education

         21   section, following education -- strike that.  Going

         22   back up to the education section, it is indicated

         23   there "Ph.D/MD/postdoctorate."  Do you see that?

         24        A.   Yes.

         25        Q.   And did you review that section when you

                                                                       24

          1   first saw this profile?

          2        A.   Yes, I did.

          3        Q.   Was that same information in the original

          4   version of Mr. Seckel's profile that you first

          5   looked at?

          6        A.   Yes.

          7        Q.   And you understood that as information

          8   that he was -- strike that.

          9             You understood that as educational

         10   qualifications that he was attributing to himself.

         11        A.   Yes.

         12        Q.   And did you fill out a similar profile

         13   for yourself such as the one that is shown on

         14   Exhibit 1?

         15        A.   Yes.

         16        Q.   And in the section for education, which

         17   is on Page 2 of Exhibit 1, you listed your own

         18   educational qualifications as opposed -- as opposed

         19   to what you were looking for educationwise in

         20   someone else.

         21        A.   Yes.

         22        Q.   And that -- strike that.  Is that how you

         23   understood that section was to be filled out?

         24        A.   Yes.

         25        Q.   And does ALT.com provide any instructions

                                                                       25

          1   or guidelines for completing the personal profile

          2   section of this form?

          3        A.   Yes.

          4        Q.   Let me show you a document that we're

          5   going to mark as Exhibit 2 to the deposition

          6   transcript.  I'll give you a moment to look at

          7   that.

          8             (Deposition Exhibit 2 marked.)

          9        Q.   (By Mr. Lamhofer)  Are you familiar with

         10   Exhibit 2?

         11        A.   Yes.

         12        Q.   Okay.  And what is this?

         13        A.   This is the screen that let's you fill

         14   out your own personal profile.

         15        Q.   Okay.  And is this profile shown on

         16   Exhibit 2 your own personal profile?

         17        A.   Yes, it is.

         18        Q.   This is a profile that you filled out

         19   about yourself.

         20        A.   Yes.

         21        Q.   And going down Exhibit 2, you see fields

         22   for -- well, strike that.

         23             Up at the top of the page, it says,

         24   "Personal information update."  This page lets you

         25   instantly update your personal information on the

                                                                       26

          1   ALT.com site, edit, quote, Update button to

          2   instantly change your data.  Do you see that?

          3        A.   Yes.

          4        Q.   Now, looking at Exhibit 2, did you fill

          5   in the fields on this form under the personal

          6   information update category?

          7        A.   Yes.

          8        Q.   And this form, Exhibit 2, indicates that

          9   this is for the individual person to update their

         10   own personal information.

         11        A.   Yes.

         12        Q.   Let me show you another document that

         13   we've marked as Exhibit 3 to the deposition

         14   transcript.

         15             (Deposition Exhibit 3 marked.)

         16        Q.   (By Mr. Lamhofer)  I'll give you a moment

         17   to look at that.  Are you familiar with this

         18   document that we've marked as Exhibit 3?

         19        A.   Yes.

         20        Q.   Let me just back up and refer you to

         21   Exhibit 2.  I have one more question I need to ask

         22   you about that.  The fourth -- actually, the fifth

         23   field down under the heading "Personal information

         24   update," says, "Education, Ph.D/MD/postdoctorate."

         25   Is that a drop-down-type box where the person

                                                                       27

          1   entering information makes a selection from a

          2   drop-down box?

          3        A.   Yes, it is.  I believe it got cut off.

          4   The icon that shows that it's a drop-down box got

          5   cropped off.

          6        Q.   Okay.

          7        A.   But it is, yes.

          8        Q.   It is a drop-down box that allows you to

          9   make various selections, as far as your education

         10   credentials.

         11        A.   Yes.

         12        Q.   All right.  Let's go back to Exhibit 3.

         13   Do you recognize Exhibit 3?

         14        A.   Yes.

         15        Q.   And what is this?  What is Exhibit 3?

         16        A.   This was Al Seckel's original ALT profile

         17   that I first saw in January of 2005 -- 2006.  I'm

         18   sorry.

         19        Q.   And did you review this profile when you

         20   first accessed it?

         21        A.   Yes.

         22        Q.   Did you spend time looking at it?

         23        A.   Yes.

         24        Q.   Did you read it all the way through?

         25        A.   Yes.

                                                                       28

          1        Q.   And you had read it all the way through

          2   before you had any personal contact with Mr.

          3   Seckel.

          4        A.   Yes.

          5        Q.   In the second paragraph of Exhibit 3,

          6   under the heading profile for BrainyPassionat, it

          7   states as follows, "Yes, the photo looks like me.

          8   I don't lie and am completely turned off by those

          9   who do."  Was that personal statement Mr. Seckel

         10   made about himself important in your ultimate

         11   decision as to whether or not to date him?

         12        A.   Of course, yes.

         13        Q.   And are you also turned off by people who

         14   lie?

         15        A.   Absolutely.

         16        Q.   Let me show you another document that

         17   we'll mark as Exhibit 4.  And I'll give you a

         18   moment to review that.

         19             (Deposition Exhibit 4 marked.)

         20        Q.   (By Mr. Lamhofer)  Are you familiar with

         21   Exhibit 4?

         22        A.   It appears to be the same information

         23   from Exhibit 3.

         24        Q.   Okay.  Except it has a photograph?

         25        A.   Yes.

                                                                       29

          1        Q.   All right.  And that photograph at the

          2   top of Exhibit 4, do you recognize that as being a

          3   photograph of Al Seckel?

          4        A.   Yes.

          5        Q.   At some point you met Mr. Seckel in

          6   person.

          7        A.   Yes.

          8        Q.   So does, from your -- strike that.  From

          9   your review of Exhibit 4, does it essentially have

         10   the same profile information for Mr. Seckel as is

         11   indicated on Exhibit 3?

         12        A.   Yes.

         13        Q.   How much time elapsed between your

         14   reading Mr. Seckel's profile for the first time and

         15   meeting him in person?

         16        A.   Approximately two months and one week.

         17        Q.   All right.  So you met him -- strike

         18   that.  You first learned about him from reading his

         19   profile in early January 2006?

         20        A.   Yes.

         21        Q.   And would it have been sometime around

         22   the middle of March 2006, that you first met him in

         23   person?

         24        A.   Yes, March 10th.

         25        Q.   You remember the exact date?

                                                                       30

          1        A.   Yes.

          2        Q.   Where did your initial meeting with Mr.

          3   Seckel take place?

          4        A.   I picked him up at the airport.

          5        Q.   In what city?

          6        A.   Atlanta.

          7        Q.   He had flown into Atlanta?

          8        A.   Yes.

          9        Q.   And was he coming to Atlanta for a

         10   specific purpose, to see you, to do some business?

         11   Do you know why he was coming?

         12        A.   He was coming for the gathering for

         13   Gardner.

         14        Q.   What is that?

         15        A.   It is a conference that happens every two

         16   years in Atlanta.

         17        Q.   Generally what does it involve?  What

         18   does gathering for Gardner involve?

         19        A.   It's heavily mathematic --

         20   mathematically-oriented puzzles, games, illusions,

         21   those sorts of things.

         22        Q.   Is it a professional conference?

         23        A.   I hesitate to say that.  It's not a

         24   professional conference in the sense that -- the

         25   types of conferences I go to as a scientist.  I

                                                                       31

          1   would say it's more of an informal . . .

          2        Q.   Gathering?

          3        A.   Informal gathering, I would say, yes.

          4        Q.   And had he told you, before coming to

          5   Atlanta, that he was, in fact, going to attend that

          6   conference?

          7        A.   Yes.

          8        Q.   Now, prior to your first -- strike that.

          9   Prior to your initial meeting with Mr. Seckel, did

         10   you have some telephone conversations, some e-mail

         11   communications with him, any other -- any other

         12   types of communications?

         13        A.   Yes, phone calls, e-mails, instant

         14   messages.

         15        Q.   All three?

         16        A.   Yes.

         17        Q.   Which of those forms of communication

         18   predominated in that lead-up to your first meeting?

         19        A.   Phone calls.

         20        Q.   How much time would you say you spent on

         21   the phone with Mr. Seckel before you met him?

         22        A.   We talked on the phone just about every

         23   day, usually multiple times.  Many of those times

         24   were for multiple hours.  So there was -- I

         25   hesitate to estimate a number of hours, but it was

                                                                       32

          1   quite significant.

          2        Q.   So were you communicating with him

          3   basically on a pretty much daily basis from early

          4   January 2006 through the middle of March 2006?

          5        A.   Yes.

          6        Q.   And you also exchanged e-mails with him?

          7        A.   Yes.

          8        Q.   And also instant messages?

          9        A.   Yes.

         10        Q.   What types of things or topics did you

         11   discuss in those communications leading up to your

         12   meeting with him?

         13        A.   Just about everything, our lives, our

         14   families, our histories, our hopes for the future,

         15   what we're looking for, what happens on a daily

         16   basis in our lives, etc., etc.

         17        Q.   And did you discuss your educational

         18   background and the work you were doing, with him?

         19        A.   Yes.  Educational background was

         20   discussed in the very first phone call.

         21        Q.   What did you tell him about your

         22   educational background?

         23        A.   I told him I was a Ph.D student at

         24   xxxxxxx.

         25        Q.   And were you engaged in any research at

                                                                       33

          1   that time?

          2        A.   Yes, I was.

          3        Q.   What type of research were you engaged

          4   in?

          5        A.   The quadruplex DNA research.

          6        Q.   Did you discuss that with him in that

          7   lead-up to your meeting with him?

          8        A.   Yes, I did.

          9        Q.   And when you discussed the quadruplex DNA

         10   research that you were doing, did Mr. Seckel seem

         11   interested in your work?

         12        A.   He would say, "Yeah.  That's interesting.

         13   That's interesting," and usually we'd wind up

         14   talking more about him.

         15        Q.   Okay.  Did he seem knowledgeable about

         16   the quadruplex DNA research that you discussed with

         17   him?

         18        A.   No.

         19        Q.   What impression did you get when you

         20   would talk to him about it?

         21        A.   That he did not know a lot about

         22   chemistry or biology.

         23        Q.   Was the research that you were doing, did

         24   it involve some quantum mechanics?

         25        A.   Yes, it did.

                                                                       34

          1        Q.   And did you discuss that with him?

          2        A.   Yes.

          3        Q.   Did he seem to have a grasp about what

          4   you were telling him about that?

          5        A.   No.

          6        Q.   Now, in these conversations that you had

          7   with Mr. Seckel leading up to your meeting with

          8   him, did he discuss his own educational

          9   credentials?

         10        A.   Yes.

         11        Q.   How did the subject first come up?

         12        A.   The very first phone call, I asked him,

         13   based on the fact that he had claimed to be a Ph.D,

         14   MD, postdoctorate on his ALT profile, I asked him

         15   about that, you know, to go into depth and tell me

         16   what his educational background was.

         17        Q.   And what did he tell you?

         18        A.   He told me he had a bachelor's degree

         19   from Cornell in physics and a Ph.D in theoretical

         20   physics from Caltech.  He told me that while he was

         21   at Cornell, he was Carl Sagan's teaching assistant.

         22   He told me at Caltech, he was working in the field

         23   of string theory and that Richard Feynman was his

         24   advisor; he was one of only three students that

         25   Feynman was advising at that time.

                                                                       35

          1        Q.   And this was in the very first phone

          2   conversation you had with him?

          3        A.   Yes.

          4        Q.   And that would have been approximately

          5   when?

          6        A.   Our e-mail, IM communication started at

          7   the very beginning of January.  So probably a week

          8   or so elapsed before the first phone call, so maybe

          9   second week of January.

         10        Q.   All right.  So in that first

         11   conversation, Mr. Seckel told you that he had an

         12   undergraduate degree from Cornell.

         13        A.   Yes.

         14        Q.   And did he tell you that was in physics?

         15        A.   Yes.

         16        Q.   Okay.  And when he told you that he had

         17   -- strike that.

         18             When he initially told you that he had an

         19   undergraduate degree from Cornell in physics, did

         20   you believe him?

         21        A.   Yes.

         22        Q.   Okay.  And when he told you that he had a

         23   Ph.D from Caltech in theoretical physics, did you

         24   also believe him at that time?

         25        A.   Yes.

                                                                       36

          1        Q.   How often did he mention having a Cornell

          2   undergraduate degree in the lead-up to your first

          3   meeting?

          4        A.   I don't think it was ever discussed past

          5   that point.

          6        Q.   Okay.  So in the initial conversation, he

          7   told you these things about his education.

          8        A.   Right.

          9        Q.   And in that initial conversation, when

         10   Mr. Seckel indicated to you that he was Carl

         11   Sagan's teaching assistant at Cornell, did you also

         12   believe him at that time?

         13        A.   Yes.

         14        Q.   You mentioned that Mr. Seckel told you

         15   that he had a Ph.D in theoretical physics from

         16   Caltech in string theory.  What is string theory?

         17        A.   I don't know.

         18        Q.   You --

         19        A.   I've heard of it.  I'm not a physicist.

         20   I -- I can't say.

         21        Q.   You're a chemist.

         22        A.   Right.

         23        Q.   And had you heard of Caltech before he

         24   mentioned it to you?

         25        A.   Yes.

                                                                       37

          1        Q.   And after Mr. Seckel, in that first

          2   conversation, told you these things about his

          3   educational credentials, were you impressed with

          4   what he had told you?

          5        A.   Very.

          6        Q.   Were you excited to meet him?

          7        A.   Yes.

          8        Q.   Now, did your relationship with Mr.

          9   Seckel progress to the point where it became a

         10   dating relationship?

         11        A.   I would say so, yes.

         12        Q.   Okay.  And would that first date have

         13   been when he came to Atlanta?

         14        A.   I would say yes.

         15        Q.   Okay.  Did you ever come out to

         16   California at any time to see Mr. Seckel?

         17        A.   No.

         18        Q.   When is the last time you were in

         19   California?

         20        A.   In December 2005, the plane stopped in

         21   San Francisco on the way home from Hawaii.

         22        Q.   Now, during the time that you were

         23   communicating with Mr. Seckel through ALT.com and

         24   otherwise, were you also dating other people?

         25        A.   Yes, I was.

                                                                       38

          1        Q.   Okay.  Approximately how many other

          2   people were you dating during that time?

          3        A.   Maybe three or four.

          4        Q.   During the course of your relationship

          5   with Mr. Seckel, did he ever mention anything about

          6   any context -- contacts that he had in the

          7   entertainment industry, such as important people he

          8   was working with, people that he knew, politicians,

          9   public figures, that type of thing?

         10        A.   Yes, many.

         11        Q.   Okay.  What names did he mention to you?

         12        A.   Quincy Jones, Matt Groening, Steven

         13   Spielberg, Lawrence Bender, Al Gore.

         14        Q.   And what --

         15        A.   Those were just a few.  There were many

         16   more.

         17        Q.   What did he say about his contacts with

         18   these various people?

         19        A.   He was good friends with them.

         20        Q.   And in your conversations with him, did

         21   he frequently mention his involvement with these

         22   celebrities and other public persons?

         23        A.   Yes.

         24        Q.   Did you get the impression that he liked

         25   to name-drop?

                                                                      39

          1        A.   Yes.

          2        Q.   Now, did Mr. Seckel ever speak about any

          3   media coverage of any events that he had attended

          4   where some of these celebrities were?

          5        A.   Yes.

          6        Q.   What do you recall in that regard?

          7        A.   I was very good at finding things on the

          8   Internet.  So every time he would go to a premier

          9   or a party or something like that, he would ask me

         10   to look for pictures of it.  And I -- I had found a

         11   number of pictures and either sent him the pictures

         12   or the links.

         13        Q.   Okay.  Of him at parties and other events

         14   where he was in the presence of celebrities?

         15        A.   Yes.

         16        Q.   How many times would you say you did that

         17   for him?

         18        A.   Four or five.

         19        Q.   And would you report back to him anything

         20   that you found on the Internet, as far as any

         21   photos of him at these events?

         22        A.   Yes.  Several of them I couldn't find any

         23   photos.  But when I did, I would send them to him.

         24        Q.   Did he seem pleased when you were able to

         25   find photos of himself with these people?

                                                                       40

          1        A.   Yes.

          2        Q.   Now, at some point in time, did you learn

          3   any information about Mr. Seckel that was

          4   inconsistent with what he had told you about

          5   himself?

          6        A.   Yes.  A couple of weeks after our first

          7   contacts on ALT.com, I was Googling his name and

          8   came up with two websites.  One was Eric Krieg's

          9   website, and the other one was a reprint of a

         10   journal article.  I believe it was entitled "CSICOP

         11   and the Skeptics."

         12        Q.   CSICOP, is that C-S-I-C-O-P?

         13        A.   Yes.

         14        Q.   And the Skeptics, capital S?

         15        A.   Yes.

         16        Q.   And who was the author of the reprinted

         17   article?

         18        A.   It's escaped me.  I can't remember.

         19        Q.   Okay.  So shortly after you had first

         20   spoken to Mr. Seckel, you decided on your own to

         21   investigate his background?

         22        A.   Yes.

         23        Q.   That was strictly -- strike that.  Was

         24   that strictly your own decision, to investigate

         25   him?

                                                                       41

          1        A.   Yes.

          2        Q.   Nobody asked you to do that?

          3        A.   No.

          4        Q.   Nobody put you up to that?

          5        A.   No.

          6        Q.   And did you tell anybody that you were

          7   going to investigate Mr. Seckel at that time?

          8        A.   No.

          9        Q.   What was the reason why you decided --

         10   you first decided to investigate Mr. Seckel?

         11        A.   I investigate everyone I meet on the

         12   Internet.

         13        Q.   And is that just for your own personal

         14   safety?

         15        A.   Yes.

         16        Q.   Before investigating Mr. Seckel on the

         17   Internet, had you investigated other persons that

         18   you had met on-line?

         19        A.   Yes.

         20        Q.   All right.  So when you first went

         21   on-line to investigate Mr. Seckel, you found two

         22   websites; is that correct?

         23        A.   Yes.

         24        Q.   One was a website of Eric Krieg?

         25        A.   Yes.

                                                                       42

          1        Q.   Is that K-r-i-e-g?

          2        A.   Yes.

          3        Q.   And what type of a website is that?

          4        A.   I believe it was the website for his

          5   local skeptics organization.

          6        Q.   All right.  So it's your understanding

          7   that Mr. Krieg runs a skeptics organization?

          8        A.   I don't know if he runs it or not.  He

          9   ran the website.

         10        Q.   Okay.  And is that in a particular city?

         11        A.   I believe it was Philadelphia.

         12        Q.   And what is your understanding of what

         13   skeptical organizations do, what they are involved

         14   in?

         15        A.   They debunk myths, bad science, fraud,

         16   those sorts of things.

         17        Q.   Pseudoscience?

         18        A.   Pseudoscience, yes.

         19        Q.   What information did you see on

         20   Mr. Krieg's website when you first accessed it?

         21        A.   I didn't go to his main page.  I went

         22   immediately to the page where he had Tom McIver and

         23   Philip Klass's arguments.

         24        Q.   And did you know who Tom McIver was at

         25   that time?

                                                                       43

          1        A.   No.  I had never heard of him.

          2        Q.   Did you know who Philip Klass was at that

          3   time?

          4        A.   No.

          5        Q.   And is Klass spelled K-l-a-s-s?

          6        A.   Yes.

          7        Q.   And what did you learn when you went on

          8   this link or you accessed this link that had the

          9   McIver and Klass information?

         10        A.   I learned that Mr. Seckel had been

         11   accused of falsifying his -- or lying about his

         12   educational background and also mismanaging money

         13   from the Southern California Skeptics.

         14        Q.   What information did you learn from

         15   reviewing the reprint of the article entitled

         16   "CSICOP and Skeptics"?

         17        A.   That he had been accused of lying about

         18   his credentials.

         19        Q.   And what was your reaction when you first

         20   saw this information on Mr. Krieg's website?

         21        A.   I was furious.

         22        Q.   Did you feel betrayed by Mr. Seckel?

         23        A.   Yes.

         24        Q.   Can you give us an approximate date that

         25   you went on Mr. Krieg's website?

                                                                       44

          1        A.   Possibly toward the middle or end of

          2   January of 2006.

          3        Q.   Now, after learning this information that

          4   was on Mr. Krieg's website, did you confront Mr.

          5   Seckel with the information you had obtained about

          6   him?

          7        A.   I don't have all of the written records.

          8   At that time, we were communicating through Instant

          9   Messenger on ALT.com.  So I don't have records of

         10   any of those.  I believe at the time, I just quit

         11   responding to him.  And he kept sending me a

         12   message, "What's going on?  What's going on?  Why

         13   won't you answer, you know, my e-mails, you know,

         14   through ALT?  Why won't you respond to my

         15   messages?"  And finally I sent him a message.  And

         16   I believe all I sent were just the two links to

         17   those two websites.

         18        Q.   Okay.  So if I understand your testimony

         19   correctly, after you had learned this information,

         20   for a period of time Mr. Seckel was continuing to

         21   try to communicate with you?

         22        A.   Yes.

         23        Q.   And he was sending you e-mails through

         24   ALT.com?

         25        A.   Yes.

                                                                       45

          1        Q.   And also instant messages?

          2        A.   Yes.

          3        Q.   And you weren't responding to any of

          4   those.

          5        A.   No.

          6        Q.   And at some point, you decided to e-mail

          7   him back?

          8        A.   Yes.

          9        Q.   And your e-mail didn't say anything,

         10   other than, just gave him a link to the Krieg

         11   website?

         12        A.   I don't have the e-mail, so I cannot say

         13   for certain.  I may have stuck a sentence in there,

         14   you know, explaining, you know, why.  But I --

         15   because I don't have the e-mail, I cannot tell you

         16   for certain.

         17        Q.   And why is it that you don't have the

         18   e-mail?

         19        A.   ALT.com deletes the e-mails after a

         20   certain time.  And I -- at the time, I didn't save

         21   them.  I didn't think there was a need to.

         22        Q.   Okay.  Do you know how long ALT.com

         23   allows the e-mails to remain on their server?

         24        A.   It depends on if you're a paid member or

         25   a free member.  Free members go away much quicker,

                                                                       46

          1   possibly 30 days.

          2        Q.   So if you do not send -- strike that.  If

          3   you do not save, on your own, an e-mail that you've

          4   sent through ALT.com, it's automatically deleted --

          5        A.   Correct.

          6        Q.   -- after a certain period of time?

          7        A.   Correct.

          8        Q.   Now, after you sent Mr. Seckel this link

          9   to Eric Krieg's website, did he contact you?

         10        A.   Yes, he did.

         11        Q.   How did he contact you?

         12        A.   By e-mail, I believe.

         13        Q.   Let me show you a document that consists

         14   of five pages.  It's marked as Exhibit 5.  And I'll

         15   give you a moment to review that.

         16             (Deposition Exhibit 5 marked.)

         17        Q.   (By Mr. Lamhofer)  Are you familiar with

         18   that document --

         19        A.   Yeah.

         20        Q.   -- that we've marked as Exhibit 5?

         21        A.   Yes.

         22        Q.   If you flip to the third page of Exhibit

         23   5, there appears to be an e-mail from Mr. Seckel to

         24   you.  Do you see that?

         25        A.   Yes.

                                                                       47

          1        Q.   Is that dated January 23rd, 2006?

          2        A.   Yes.

          3        Q.   All right.  And just above the e-mail

          4   header, which has the information "Sender,

          5   BrainyPassionat," is the following:  "Okay.  I'll

          6   bite.  My fax number is xxxxxxxxx.  I'd like to

          7   see what you have," is that a response you sent to

          8   Mr. Seckel's January 23rd, 2006 e-mail to you?

          9        A.   Yes.

         10        Q.   On Page 2 of that e-mail, in paragraph 3,

         11   there's a sentence that states as follows:  "I am

         12   not writing this to stroke my ego, but because,

         13   truthfully, I was extremely sad (depressed for

         14   days) when you wrote that dismissive note, and

         15   especially to have someone that you like dismiss

         16   you without any fair chance on charges that are

         17   completely baseless and false and actually

         18   irrational when you start thinking about them."

         19             What dismissive note is Mr. Seckel

         20   referring to there?

         21        A.   I'm not sure.  I don't have a record.  I

         22   may have written him -- like I said, I don't have

         23   these records, so I cannot tell you for certain

         24   what my communication was with him.

         25        Q.   It may have been an e-mail that ALT did

                                                                       48

          1   not save?

          2        A.   Correct.

          3        Q.   But it was deleted by ALT after a period

          4   of time?

          5        A.   Correct.

          6        Q.   Now, have you reviewed the January 23rd,

          7   2006 e-mail?

          8        A.   Yes.

          9        Q.   And did you review it at the time that

         10   you got it?

         11        A.   Yes.

         12        Q.   And what was your reaction to that

         13   e-mail?

         14        A.   I didn't know what to think at that

         15   point.  I -- I was still angry, but also, I felt

         16   that if he was, you know, so defensive about it and

         17   so certain about it, you know, why would he -- I

         18   mean, why would he go to all this effort to, you

         19   know, claim these things weren't true and offer to

         20   provide me evidence?  I thought maybe -- maybe he

         21   was telling the truth.  So that's why I responded,

         22   "Okay.  I'll bite."  I wanted to see -- he offered

         23   to send me some documents.  So I said, sure, I'll

         24   -- I'll take a look.

         25        Q.   And does the January 23rd, 2006 e-mail

                                                                       49

          1   contain an offer by him to send you certain

          2   documents?

          3        A.   Yes.  On the last page, he said he would

          4   be happy to send me a fax.

          5        Q.   Okay.  And is it your understanding that

          6   his January 23rd, 2006 e-mail was in response to

          7   either the Eric Krieg website link that you sent

          8   him and/or a possible e-mail that you sent him in

          9   connection with that?

         10        A.   Yes.

         11        Q.   Your response to him, which says, "Okay.

         12   I'll bite.  My fax number is," and then you give

         13   your fax number, by that, did you mean you were

         14   willing to give him a chance to, essentially, prove

         15   his case?

         16        A.   Yes.

         17        Q.   Let me show you a document that I've

         18   marked as Exhibit 6 to the deposition transcript.

         19             (Deposition Exhibit 6 marked.)

         20        Q.   (By Mr. Lamhofer)  Are you familiar with

         21   that document?

         22        A.   Yes, I am.

         23        Q.   And what is Exhibit 6?

         24        A.   This is the fax that he sent me in

         25   response to that e-mail.

                                                                       50

          1        Q.   Is the document that we've marked as

          2   Exhibit 6, is that what you understood to be the

          3   package of documents that he indicated he would

          4   send you in his January 23rd e-mail?

          5        A.   Yes.

          6        Q.   And Exhibit 6 contains a number of

          7   enclosures which are attached.  Did you review all

          8   of that information that Mr. Seckel sent you?

          9        A.   Yes.

         10        Q.   At the top of Exhibit 6, it has the words

         11   -- the fax heading, From:  Al Seckel.  And then it

         12   gives a fax number, 818-790-3285.  And then to the

         13   right of that, it has the date February 7th, 2006,

         14   8:28 a.m.  Was February 7th, 2006, the date that

         15   you received this package of materials by fax from

         16   Mr. Seckel?

         17        A.   I believe I did not pick it up until the

         18   next day, possibly, because it was in a locked room

         19   I didn't have access to.  So more than likely I

         20   think I picked it up on the 8th.

         21        Q.   Okay.  Where did he send it to you?

         22        A.   My work.

         23        Q.   At Georgia State?

         24        A.   Yes.

         25        Q.   Referring to Exhibit 6, Page 1, he gives

                                                                       51

          1   a list of items, 1 through 10, which details

          2   various information he is forwarding you.  Let me

          3   ask you about item number 1.  It states there,

          4   Original Cornell ID (please disregard hairstyle),

          5   Honor Student's ID library pass; Caltech ID

          6   (Postdoctorate Scholar).  And did you understand at

          7   that time what postdoctorate scholar meant?

          8        A.   Yes.

          9        Q.   What did you understand it to mean?

         10        A.   Someone who had a Ph.D and was doing

         11   research at an institution.

         12        Q.   And did you take this item number 1 as a

         13   further representation by Mr. Seckel that he did,

         14   indeed, have a Ph.D degree?

         15        A.   Yes.

         16        Q.   From Caltech?

         17        A.   Yes.  Actually, it -- it says he's --

         18   he's a postdoctorate scholar at Caltech.  I don't

         19   think this shows any evidence that he did his Ph.D

         20   there, but . . .

         21        Q.   All right.  But when he used the term

         22   "postdoctorate scholar," you understood that as a

         23   representation by him that he did indeed have a

         24   Ph.D --

         25        A.   Yes.

                                                                        52

          1        Q.   -- from some institution.

          2        A.   From some institution, yes.

          3        Q.   And did you ultimately find out whether

          4   Mr. Seckel does, in fact, have a Ph.D?

          5        A.   I did find that out.

          6        Q.   And what did you find out?

          7        A.   I found out that he does not.

          8        Q.   Item number 1 on Exhibit 6 seems to refer

          9   to a Caltech ID card or some other type of Caltech

         10   ID.  Do you see that?  Just look --

         11        A.   On Page 1 --

         12        Q.   Yes.

         13        A.   -- the list?

         14        Q.   Yes.

         15        A.   Yes.

         16        Q.   Okay.  Now, if you look at the third page

         17   of Exhibit 6, there appear to be some photocopied

         18   -- what appear to be some sort of ID cards.  Do you

         19   see those?

         20        A.   Yes.

         21        Q.   All right.  One appears to be an ID card

         22   with a photo on it.  Were you able to make out what

         23   was said on the copies on Page 3 of Exhibit 6?

         24        A.   Only the center card.

         25        Q.   And that's the one that you have to turn

                                                                       53

          1   it --

          2        A.   Yes.

          3        Q.   -- turn it upside down.  It says, "John

          4   M. Olin Library, Cornell University, stack permit."

          5   And then below that it has status, honor student.

          6   Is that what you're referring to?

          7        A.   Yes.

          8        Q.   The other three what appear to be cards

          9   on Page 3 of Exhibit 6, you could not make out any

         10   of the information on that?

         11        A.   No.  I could only make out his photograph

         12   on one of the cards.

         13        Q.   Okay.  And that's the one on the far left

         14   of the page?

         15        A.   Yes.

         16        Q.   Okay.  And you were able to make out --

         17   the top card has the name Al Seckel on it?

         18        A.   Yes.

         19        Q.   Are you able to make out any other

         20   information on that card?

         21        A.   Not on that card.

         22        Q.   Okay.  Let me refer you to Page 2 of

         23   Exhibit 6.  The first sentence on Page 2 states,

         24   "Frankly, this sort of complete self-promotion (and

         25   what appears to be bragging) goes completely

                                                                       54

          1   against my grain," and then the sentence continues.

          2   That statement that this goes completely against

          3   his grain, that's sort of what he describes as

          4   self-promotion, is that consistent with your

          5   interaction with him?

          6        A.   My interaction with him, I've gotten the

          7   impression that self-promotion is something he

          8   thrives on.

          9        Q.   And that's from -- strike that.  That's

         10   an observation that you made from his conversations

         11   with you?

         12        A.   Yes.

         13        Q.   The second to last paragraph on Page 2 of

         14   Exhibit 6 says, "Please e-mail me at my real

         15   address to confirm that you received this

         16   material."  Did you contact him after receiving

         17   this?

         18        A.   Yes.

         19        Q.   How soon?

         20        A.   I -- I can't tell you without looking at

         21   records.  I don't know.

         22        Q.   Can you give a ballpark estimate as to

         23   how long it was?  Like was it a few days, a week, a

         24   month?

         25        A.   It was pretty shortly after.  And I don't

                                                                       55

          1   have my sent e-mails that I sent him using the

          2   Hotmail account.  So I don't have any record of --

          3   of the e-mail that I would have sent him --

          4        Q.   Okay.

          5        A.   -- in response to this.

          6        Q.   All right.  That was not saved, either?

          7        A.   No.

          8        Q.   Okay.

          9        A.   But it was -- it was not more than a

         10   couple of days, probably.

         11        Q.   And did you contact him by phone or

         12   e-mail or some other means?

         13        A.   It would have been e-mail because I

         14   almost never called him.  I only ever called him

         15   when he specifically told me to.

         16        Q.   And when you called him after receiving

         17   this package of materials marked as Exhibit 6, what

         18   did you say to him?

         19        A.   I agreed to continue.  I was -- I was

         20   convinced enough by the package of material to

         21   continue the dialogue, the possibility -- I don't

         22   want to call it a relationship, but the -- what was

         23   progressing at that time between us.

         24        Q.   You were essentially willing to give it

         25   another chance?

                                                                       56

          1        A.   Yes, but I was still cautious at this

          2   point.  I was still skeptical.

          3        Q.   And based upon his statement on Page 1 of

          4   Exhibit 6, which refers to "Caltech ID

          5   (Postdoctorate Scholar)," did you believe at that

          6   time, based upon that statement of his, that he was

          7   a Ph.D?

          8        A.   Yes, I did.  Even though I couldn't read

          9   it, I took it on faith that what he had faxed me

         10   was indeed legitimate.

         11        Q.   And would you describe the tone of your

         12   call to him at that time as conciliatory, or how

         13   would you describe it?

         14        A.   A bit aloof.

         15        Q.   Aloof?

         16        A.   It -- it did take a while for me to warm

         17   back up after this incident.  I was still wary.

         18        Q.   But were you willing to give him a second

         19   chance?

         20        A.   I was.  I -- I -- yeah.

         21        Q.   Okay.  Now, what was your next contact

         22   with Mr. Seckel after that?

         23        A.   We resumed our phone calls, you know,

         24   some e-mails.  Mostly -- mostly phone calls.

         25        Q.   And what types of things were discussed

                                                                       57

          1   in -- in those e-mails and phone calls, generally?

          2        A.   Same thing, daily life, you know, plans

          3   for the future, etc., etc.

          4        Q.   Now, you testified earlier that -- that

          5   Mr. Seckel came to Atlanta for a conference; is

          6   that correct?

          7        A.   Yes.

          8        Q.   All right.  And did you attend that

          9   conference with him?

         10        A.   Part of the time.

         11        Q.   Did the conference go several days?

         12        A.   It did.

         13        Q.   Okay.  And were you there on one

         14   particular day?

         15        A.   I was there one particular day.  And then

         16   another day, I came in the evening and -- not as

         17   the official part of the conference, but hung

         18   around at the hotel with some of the other

         19   conference goers.

         20        Q    Where exactly in Atlanta was that

         21   conference held?

         22        A.   It was held at the Ritz-Carlton downtown.

         23        Q.   Was Mr. Seckel staying at that hotel?

         24        A.   No.  He was staying at the Marriott

         25   Marquis.

                                                                       58

          1        Q.   Did you pick him up at the airport when

          2   he flew into Atlanta for that conference?

          3        A.   Yes.

          4        Q.   Okay.  And did you take him to his hotel?

          5        A.   Yes.

          6        Q.   How long was he in Atlanta for that

          7   conference?

          8        A.   Six days.

          9        Q.   And during that six days, did Mr. Seckel

         10   spend any time at your home?

         11        A.   Yes.

         12        Q.   How much time did he spend at your home?

         13        A.   Maybe two hours, roughly.

         14        Q.   What did he do in that two hours at your

         15   home?

         16        A.   He met xxxx and gave a

         17   presentation for them, and we watched a video.

         18        Q.   What type of presentation did he give?

         19        A.   I believe it was the same presentation he

         20   had given at the Gardner conference, on optical

         21   illusions.

         22        Q.   Was this like a slide show?

         23        A.   Yes.

         10   right.  So other than that two hours, the rest of

         11   Mr. Seckel's time, was that spent at the

         12   conference, at his hotel, as far as you know?

         13        A.   Yes.

         14        Q.   Now, did Mr. Seckel introduce you to any

         15   people at this conference?

         16        A.   Yes.

         17        Q.   How did he introduce you?  Did he give

         18   you -- did he give -- say what your name was or

         19   give you any particular title or description?

         20        A.   He introduced me by name.  He did not

         21   introduce me as if I were a personal friend.  He

         22   said he liked to keep business and pleasure

         23   separate.  So according to him, I was supposed to

         24   represent myself that I was there in a professional

         25   capacity.  So he would introduce me as a DNA

                                                                       60

          1   scientist.  And since it was a mathematical

          2   conference, we decided that I would discuss

          3   topology with people.

          4        Q.   So he indicated to you that he wanted to

          5   introduce you as -- as a professional --

          6        A.   Yes.

          7        Q.   -- in mathematics?

          8        A.   Everyone there was associated with

          9   mathematics in some way, directly or indirectly.

         10   So I was someone who studied topology of DNA

         11   because topology is mathematical.

         12        Q.   Okay.  Did he introduce you to those

         13   people as a mathematician?

         14        A.   No.

         15        Q.   Okay.

         16        A.   I believe as a scientist.

         17        Q.   Okay.  Did you have to wear any type of a

         18   name tag or have some kind of an entrance badge to

         19   get into this conference?

         20        A.   Yes.

         21        Q.   Okay.  And tell me about that.

         22        A.   According to him, he tried to get me

         23   admitted to the conference legitimately and was not

         24   able to.  So he showed up with someone else's

         25   nametag.  I don't know how he got it.  He didn't

                                                                       61

          1   say.  It was a nametag that had someone else's name

          2   on it.  It was a male name, as far as I recall.

          3   And he wrote in my name in Magic Marker on the

          4   nametag that belonged to someone else.

          5        Q.   Did he have to cross out that name?

          6        A.   I believe he turned the badge over and

          7   used the back side.

          8        Q.   Do you recall anything about how others

          9   at that conference addressed Mr. Seckel?

         10        A.   Yes.  Numerous people addressed him as

         11   Dr. Seckel.

         12        Q.   And when these people would address him

         13   as Dr. Seckel, did he do anything to correct them?

         14        A.   No.

         15        Q.   What was your overall impression of Mr.

         16   Seckel after attending that conference with him?

         17        A.   It was very favorable.

         18        Q.   Okay.  And why was it favorable at that

         19   point?

         20        A.   Everyone seemed very impressed by him.  I

         21   talked to some people who mentioned how smart he

         22   is, how important he is in his field, very -- very

         23   kind, very -- lots of appraisal (sic).

         24        Q.   And was -- it's your understanding that

         25   the presentation that he gave at this conference

                                                                       62

          1   involved optical illusions?

          2        A.   Yes.

          3        Q.   And you believe that was the same

          4   presentation that he gave to xxxxx.

          5        A.   Yes.  But I do not know for certain

          6   because I didn't see his presentation at the

          7   conference.

          8        Q.   But that is what your understanding was

          9   from talking to him?

         10        A.   Yes.

         11        Q.   Now, what was your next -- strike that.

         12   Mr. Seckel left Atlanta -- was it around March

         13   15th?

         14        A.   Yes.

         15        Q.   He went back to Los Angeles?

         16        A.   Yes.

         17        Q.   Okay.  And what was the next contact that

         18   you had with him after that?

         19        A.   I can't say for certain.  Probably a

         20   phone call.  Most of our contact was through phone

         21   calls.

         22        Q.   Do you know a Ron Resch?

         23        A.   Yes.

         24        Q.   Okay.  And who is he?

         25        A.   He is someone who was a presenter at the

                                                                       63

          1   Gardner conference.

          2        Q.   Did Mr. Seckel introduce you to him at

          3   that conference?

          4        A.   No.

          5        Q.   And how did you get to know him?

          6        A.   Mr. Seckel showed me one of his videos

          7   while he was in Atlanta.  And I liked it very much.

          8   And later, after the conference, I sent Mr. Resch

          9   an e-mail asking him how I could purchase a copy of

         10   his video.

         11        Q.   And what was that video about?  What did

         12   it involve?

         13        A.   Paper folding.

         14        Q.   Does that go by another name, like

         15   origami?

         16        A.   It was a little different from origami,

         17   but that's the general type.

         18        Q.   Okay.  So you were impressed by this

         19   video that Mr. Seckel had shown you of Mr. Resch's

         20   work?

         21        A.   Yes.

         22        Q.   Did you ever actually meet Mr. Resch in

         23   person?

         24        A.   No.

         25        Q.   And was it your understanding that Mr.

                                                                       64

          1   Resch had given this paper-folding presentation at

          2   the Gardner conference?

          3        A.   Yes.

          4        Q.   Now, did you get the impression from

          5   talking to Mr. Seckel that he knew Mr. Resch?

          6        A.   Yes.

          7        Q.   What did he say about Mr. Resch?

          8        A.   Very positive things.  He was a very

          9   smart guy, very interesting, but that he had bad

         10   business skills and didn't really go as far in life

         11   as he should have.

         12        Q.   Did -- strike that.  So at some point,

         13   did you begin communicating with Mr. Resch?

         14        A.   Yes, I did.

         15        Q.   And was that about obtaining a copy of

         16   his video?

         17        A.   Yes.

         18        Q.   And were you eventually able to obtain a

         19   copy of his video?

         20        A.   Yes.

         21        Q.   Did Mr. Resch ever say anything to you

         22   about -- anything he knew about Mr. Seckel

         23   attending any professional conferences, any other

         24   professional conferences?

         25        A.   Yes.

                                                                       65

          1        Q.   What did he tell you?

          2        A.   The only thing he told me, was that Al --

          3   that he found out, while he was at the Gardner

          4   conference, that Al had planned to attend the

          5   conference without paying, without registering

          6   officially, that he was just going to go and sell

          7   books; and that Tom Rogers, who is the organizer of

          8   the conference, found out.  And basically put a

          9   stop to it and -- so Al did come as a registered

         10   member.

         11        Q.   Did Mr. Resch tell you that Mr. Seckel

         12   himself told him about his plans to crash this

         13   conference?

         14        A.   No.

         15        Q.   How did you learn about it?  Was it, Mr.

         16   Resch told you that he had learned from someone

         17   else other than Mr. Seckel himself?

         18        A.   Yes.

         19        Q.   Now, during the course of your contact

         20   with Mr. Seckel, did you ever engage in any instant

         21   messaging?

         22        A.   Yes.

         23        Q.   Let me show you a document that we've

         24   marked as Exhibit 7.  And I'll give you a moment to

         25   review that.

                                                                       66

          1             (Deposition Exhibit 7 marked.)

          2        Q.   (By Mr. Lamhofer)  Do you recognize that

          3   document?

          4        A.   Yes.

          5        Q.   What is it?

          6        A.   It is an instant message using Yahoo!

          7   Messenger between Al Seckel and myself.

          8        Q.   This is not through ALT.com.

          9        A.   No.

         10        Q.   And is the document that we've marked as

         11   Exhibit 7, is that an accurate transcript of the

         12   instant message conversation that you had with Mr.

         13   Seckel?

         14        A.   Yes.

         15        Q.   And can you give us an approximate date

         16   that this instant message was sent or that the

         17   exchange took place?

         18        A.   So this appears to have taken place

         19   shortly after I received his fax package which he

         20   faxed on February 7th.  So this was likely within a

         21   couple of days from February 7th.

                                                                       67

          9        Q.   (By Mr. Lamhofer)  Okay.  Ms. Xxxxxxx, let

         10   me next show you a document that I've marked as

         11   Exhibit 8.

         12        A.   I don't think you asked me a question

         13   about Exhibit 7.

         14        Q.   I actually just wanted you to

         15   authenticate it.

         16        A.   Oh.

         17        Q.   And I think you indicated that Exhibit 7

         18   is an accurate transcription of an instant message

         19   communication that you had with Mr. Seckel shortly

         20   after you received his February 7th package

         21   materials?

         22        A.   Yes.

         23        Q.   Let me ask you one question about Exhibit

         24   7.  At the bottom -- first of all, let me just

         25   identify the -- the persons on this.  You have like

                                                                       68

          1   a screen name?

          2        A.   Yes.

          3        Q.   Okay.  Bp1alt, who is that?

          4        A.   Al Seckel.

          5        Q.   Okay.  And are you xxxxxl?

          7        A.   Yes.

          8        Q.   Towards the bottom of Exhibit 7, Mr.

          9   Seckel states, "My lectures were always free and

         10   open to the public."  Is that something that he

         11   ever personally told you outside of this instant

         12   message?

         13        A.   No.

         14        Q.   That was never discussed?

         15        A.   No.

         16        Q.   Let me ask you about Exhibit 8 now.  I'll

         17   hand that to you and give you a moment to review

         18   it.  Are you familiar with that document?

         19        A.   Yes.

         20        Q.   Okay.  And what is Exhibit 8?

         21        A.   An instant message between Al Seckel and

         22   myself.

         23        Q.   Okay.  And are you able to date that

         24   instant message?  Approximately.

         25        A.   I think I am.  Hold on just a second.

                                                                       69

          1   Yes, I am, because he sent -- in the middle of this

          2   message, he sent me an e-mail.  And so if we find

          3   that e-mail, it will tell us the date.  I believe

          4   it was February 10th.

          5        Q.   Okay.  You believe this instant message

          6   document marked as Exhibit 8 was sent on February

          7   10th?

          8        A.   It corresponds with the e-mail that he

          9   sent me of the doll house, which I believe was the

         10   very first e-mail he sent to me.  So whatever the

         11   date on that e-mail is, I believe it was February

         12   10th.

         13        Q.   Okay.  And what page of Exhibit 8 are you

         14   referring to?

         15        A.   Okay.  The second page, down toward the

         16   bottom, I give my e-mail address, the

         17

         18        Q.   That's your own personal e-mail address?

         19        A.   Yes.

         20        Q.   All right.  And so during the course of

         21   this instant message, he sent you an e-mail with

         22   some photographs --

         23        A.   Yes.

         24        Q.   -- of a doll house?

         25        A.   Yes.

                                                                       70

          1        Q.   Okay.  And what was the purpose of him

          2   doing that?

          3        A.   He said it was the concept for the movie

          4   he was doing with Sony.

          5        Q.   He indicated he was involved with a movie

          6   project with Sony?

          7        A.   Yes.

          8        Q.   And is Exhibit 8 an accurate transcript

          9   of the instant message communication that you had

         10   with Mr. Seckel on or about February 10th of 2006?

         11        A.   Oh.  Let me -- let me say, I think this

         12   message is actually multiple days of messages

         13   combined into one message.

         14        Q.   Okay.  So it was one continuous message

         15   over several days?

         16        A.   I believe so, yes.

         17        Q.   What makes you believe that?

         18        A.   Because later in the message, he talks

         19   about sending the pictures of his house.  And I

         20   think those were sent on a different day.  I would

         21   have to refer back to those e-mails to get the

         22   dates.  But frequently with my instant messages --

         23   I've never really saved all of them.  But whenever

         24   I do, sometimes I would just save it as one batch,

         25   multiple days of messages as one batch.  So I can't

                                                                       71

          1   really, you know, split up -- without going back

          2   and looking at the e-mails, it's hard for me to put

          3   dates on each part.

          4        Q.   All right.  Well, then let me frame the

          5   question differently then.  Is this instant message

          6   that we've marked as Exhibit 8, is the transcript

          7   of that message an accurate transcript of an

          8   instant message communication that you had with Mr.

          9   Seckel over the course of, perhaps, several days?

         10        A.   Yes.

         11        Q.   All right.  Now, after Mr. Seckel sent

         12   you this package of materials that was marked as

         13   Exhibit 6, detailing his credentials and his

         14   accomplishments, did you do any further

         15   investigation yourself of Mr. Seckel?

         16        A.   Not at this time.

         17        Q.   Okay.  At some point, did you do some?

         18        A.   Yes.

         19        Q.   Okay.  And when did you do that

         20   additional investigation?

         21        A.   Later, around June of 2006.

         22        Q.   After -- strike that.  You mentioned

         23   earlier that doing the Internet search and finding

         24   the Krieg website and that other reprinted article,

         25   that was your first investigation of Mr. Seckel.

                                                                       72

          1        A.   Yes.

          2        Q.   What did your next investigation of him

          3   involve?

          4        A.   The next investigation involved getting a

          5   criminal background check.

          6        Q.   Okay.  And when did you do that,

          7   approximately?

          8        A.   The beginning of June 2006.

          9        Q.   And what was it that prompted you to do

         10   this criminal background check?

         11        A.   Al Seckel and I were having a phone

         12   conversation where he was describing his

         13   relationship with his previous wife.  He told me a

         14   story about her jumping in front of his car and

         15   trying to frame him for attempted murder.

         16        Q.   And what was your reaction to that story

         17   that he told you?

         18        A.   The story sounded rather fantastic.

         19        Q.   Okay.  And is that what prompted you to

         20   do this additional investigation involving a

         21   criminal background check?

         22        A.   Yes.

         23        Q.   Okay.  Did anyone ask you to do that

         24   criminal background check?

         25        A.   No.

                                                                       73

          1        Q.   That was strictly your own decision.

          2        A.   Yes.

          3        Q.   And how did you do this criminal

          4   background check?

          5        A.   I went on an Internet site, and I paid a

          6   small fee to get his criminal records in the State

          7   of California.

          8        Q.   And did something get mailed to you or

          9   e-mailed to you?

         10        A.   No.  It came up on-line.

         11        Q.   What did you find?

         12        A.   The case that he did tell me about, it

         13   was dismissed, which is consistent with what he

         14   told me.  The reason I did the criminal background

         15   check, I wanted to verify that those charges were,

         16   indeed, dismissed.

         17        Q.   Okay.  So he had told you that he had

         18   been involved in a criminal case which involved his

         19   wife.

         20        A.   Yes.

         21        Q.   And he told you that this was basically a

         22   situation where his wife tried to frame him.

         23        A.   Yes.

         24        Q.   Okay.  And did he tell you that that case

         25   went to trial?

                                                                       74

          1        A.   I'm not really sure.  He told me either

          2   he was acquitted or the charges were dismissed or

          3   -- I -- I don't remember the exact wording.  But he

          4   essentially told me that he was not convicted.

          5        Q.   All right.  And when you went on-line,

          6   did you find what appeared to be that criminal

          7   charge involving his wife?

          8        A.   Yes.

          9        Q.   Okay.  And did it indicate that, in fact,

         10   he was not convicted?

         11        A.   Yes.

         12        Q.   Did you also, when you did that criminal

         13   background check, find any other criminal filings

         14   against him?

         15        A.   Yes, I did.

         16        Q.   What did you find?

         17        A.   I found what -- I believe it was called

         18   injury to spouse -- corporal injury to a spouse.  I

         19   don't remember the exact wording.  But basically it

         20   was a wife-beating incident.

         21        Q.   And that was -- that was a separate

         22   incident from the charge that Mr. Seckel said that

         23   he was acquitted on.

         24        A.   Yes.

         25        Q.   Okay.  And what did you learn about that

                                                                       75

          1   second criminal filing against him?

          2        A.   He was convicted.

          3        Q.   Could you tell, from what you saw

          4   on-line, whether the case went to trial or whether

          5   he pled guilty?

          6        A.   It -- I believe it just said "convicted."

          7        Q.   And that was a charge involving

          8   infliction of corporal injury upon a spouse?

          9        A.   Yes.

         10        Q.   And do you recall the date of that

         11   criminal filing in the -- in the conviction?

         12        A.   I do not.

         13        Q.   Do you know who Tom McIver is?

         14        A.   Yes.

         15        Q.   When you initially did this criminal

         16   background check on Mr. Seckel, had you had any

         17   contact at all with Mr. McIver?

         18        A.   None.

         19        Q.   You didn't know who he was at that point,

         20   other than seeing his name on Mr. Krieg's website?

         21        A.   Correct.

         22        Q.   You had no conversations with him?

         23        A.   No.

         24        Q.   You had no written communication with

         25   him.

                                                                       76

          1        A.   No.

          2        Q.   Is that correct?

          3        A.   Yes.

          4        Q.   I want to make sure we don't get a double

          5   negative there.

          6             Had Mr. Seckel told you anything about

          7   this second criminal filing involving the

          8   infliction of corporal injury upon a spouse charge?

          9        A.   No.

         10        Q.   The only criminal filing he mentioned was

         11   the one on which he was acquitted.

         12        A.   Yes.

         13        Q.   Okay.  And did that incident wherein he

         14   was acquitted, did that involve a spouse named

         15   Denise Lewis?

         16        A.   I believe so.

         17        Q.   Now, after -- strike that.  Now, after

         18   doing this criminal background check on Mr. Seckel,

         19   did you confront him with what you had learned?

         20        A.   No.

         21        Q.   Okay.  What was your reaction when you

         22   saw the results of that criminal background check?

         23        A.   I was unhappy.

         24        Q.   Why were you unhappy?

         25        A.   He had specifically told me he would

                                                                       77

          1   never lay a finger on a woman.

          2        Q.   Did Mr. Seckel ever mention anything to

          3   you about his involvement with a levitating water

          4   display?

          5        A.   Yes.

          6        Q.   What did he tell you about that?

          7        A.   He told me he had invented a levitating

          8   water display and had a patent on it.

          9        Q.   And when did he tell you this?

         10        A.   Shortly before the TED conference.

         11        Q.   What does TED stand for?  Do you know?

         12        A.   I don't know.

         13        Q.   Okay.  And can you give us an approximate

         14   date of the TED conference?

         15        A.   I believe it was in February of '06.

         16        Q.   And do you know where that TED conference

         17   was held?

         18        A.   I believe it was in Monterey, California.

         19        Q.   You did not attend that conference.

         20        A.   No.

         21        Q.   Okay.  Did Mr. Seckel tell you that he

         22   was attending this TED conference?

         23        A.   Yes.

         24        Q.   And did he indicate that he was going to

         25   do anything with his levitating water display

                                                                       78

          1   device at that conference?

          2        A.   Yes.

          3        Q.   What did he say?

          4        A.   He was having it built.  Several times he

          5   told me that he had to go to the shop and check on

          6   its progress.  He showed me pictures of it.  He

          7   sent me e-mail pictures of it while it was still in

          8   the shop being worked on.  And then he did have a

          9   display at the conference with the levitating water

         10   display.

         11        Q.   That's what he told you?

         12        A.   Yes.

         13        Q.   And the TED conference occurred

         14   approximately when?

         15        A.   I believe it was February.

         16        Q.   Of '0- --

         17        A.   2006.

         18        Q.   So in the lead-up to that conference, he

         19   was discussing this device with you.

         20        A.   Yes.

         21        Q.   Do you know exactly what this device is?

         22        A.   To the best of my knowledge, it uses

         23   water droplets being released at certain speeds

         24   along with some lighting to make it appear that the

         25   water drops are levitating, even going upwards

                                                                       79

          1   rather than downwards.

          2        Q.   Let me show you some photographs.  This

          3   we'll mark as Exhibit 9.  It's a series of three

          4   photographs.

          5             (Deposition Exhibits 8 and 9 marked.)

          6        Q.   (By Mr. Lamhofer)  Do you recognize the

          7   photographs shown in Exhibit 9?

          8        A.   Yes.

          9        Q.   What are they?

         10        A.   These are photographs of the unfurnished

         11   levitating water display.

         12        Q.   And did Mr. Seckel e-mail these to you?

         13        A.   Yes, he did.

         14        Q.   At the top of Page 1 of Exhibit 9,

         15   there's an e-mail header that says, "From:  Al

         16   Seckel," sent February 19th, 2006.  Was that an

         17   e-mail sent to you?

         18        A.   Yes.

         19        Q.   Forwarding these pictures?

         20        A.   Yes.

         21        Q.   And it says, "Here are some" -- "some

         22   picts," p-i-c-t-s, "of the unfinished display"?

         23        A.   Yes.

         24        Q.   Okay.  And xxxxxxxx - xxxxx,

         25   xxxxxx -- that's your personal e-mail

                                                                       80

          1   account?

          2        A.   Yes.

          3        Q.   It's actually xxxxxxxx

          4   correct?

          5        A.   Yes.

          6        Q.   Okay.  Now, did you ever do any

          7   investigation of Mr. Seckel's claim that he had

          8   invented and patented this levitating water

          9   display?

         10        A.   Yes.

         11        Q.   When did you do that investigation?

         12        A.   June 2006, I believe, possibly later.

         13        Q.   And what type of investigation did you

         14   do?

         15        A.   I did a patent search.

         16        Q.   And what did you learn from that patent

         17   search?

         18        A.   I could not find any patents granted to

         19   Al Seckel or Illusion Works.

         20        Q.   What is Illusion Works?

         21        A.   His company.

         22        Q.   Did your research indicate that the

         23   levitating water display had been invented or

         24   patented by somebody else?

         25        A.   I found a patent that was consistent with

                                                                      81

          1   the way that he described that the water display

          2   worked.  So I believed there was a high likelihood

          3   that that was the patent for this device.  But I do

          4   not know that with a hundred percent certainty.

          5        Q.   Okay.  And who did -- strike that.  Your

          6   research indicated that the patent was held by

          7   whom?

          8        A.   Rosenthal.

          9        Q.   The last name was Rosenthal?

         10        A.   Yes.

         11        Q.   Now, did you discuss with Mr. Seckel what

         12   you had learned from your research about the

         13   levitating water display issue?

         14        A.   No.

         15        Q.   Did Mr. Seckel indicate to you that he

         16   was distributing or marketing this water display

         17   device?

         18        A.   Yes.

         19        Q.   And was he making a presentation --

         20   strike that.

         21             Did he indicate to you that he was making

         22   a presentation regarding the device at this TED

         23   conference?

         24        A.   Yes.

         25        Q.   And did he indicate that that was for the

                                                                       82

          1   purpose of selling it or potentially selling it or

          2   just informational purposes?  What did he say?

          3        A.   I think it was simply for entertainment

          4   purposes at the conference.

          5        Q.   But had he indicated to you that he hoped

          6   to market this device?

          7        A.   Oh, yes.

          8        Q.   Did Mr. Seckel ever indicate to you that

          9   anyone was interested in obtaining one of these

         10   levitating water display devices from him?

         11        A.   Yes.

         12        Q.   What did he say?

         13        A.   That Steven Spielberg wanted one in his

         14   wine cellar.

         15        Q.   Let me show you a document that -- marked

         16   as Exhibit 10.

         17             (Deposition Exhibit 10 marked.)

         18        Q.   (By Mr. Lamhofer)  Are you familiar with

         19   that document?

         20        A.   Yes.

         21        Q.   Okay.  And what is this document that

         22   we've marked as Exhibit 10?

         23        A.   It is an e-mail from Al Seckel to myself.

         24        Q.   Okay.  And did that e-mail occur on March

         25   7th, 2006?

                                                                       83

          1        A.   Yes.

          2        Q.   Now, you mentioned earlier that Mr.

          3   Seckel said that he was going to sell one of these

          4   devices to Steven Spielberg.  Is that referred to

          5   in this e-mail that we've marked as Exhibit 10?

          6        A.   Yes.

          7        Q.   And is that in the next to last

          8   paragraph?

          9        A.   Yes.

         10        Q.   Where it says, "Meeting with Spielberg

         11   tomorrow who wants my levitating water unit in his

         12   wine cellar"?

         13        A.   Yes.

         14        Q.   Before getting this March 7th, 2006

         15   e-mail, had Mr. Seckel mentioned to you that

         16   Mr. Spielberg was interested in one of these

         17   devices?

         18        A.   No.

         19        Q.   After getting this March 7th, 2006

         20   e-mail, did you ever communicate again with

         21   Mr. Seckel about Mr. Spielberg having this device

         22   in his cellar?

         23        A.   No.

         24        Q.   At some point in time, did you have some

         25   contact with Tom McIver?

                                                                       84

          1        A.   Yes.

          2        Q.   When was your first contact with Mr.

          3   McIver?

          4        A.   I believe it was on June 8th or 9th.

          5        Q.   Of 2006?

          6        A.   Yes.

          7        Q.   Who contacted whom?

          8        A.   I called him.

          9        Q.   How did you get his number?

         10        A.   It's publicly listed.

         11        Q.   In what phone directory?

         12        A.   I think I used Google.

         13        Q.   And what was it that prompted you to

         14   contact Mr. McIver?

         15        A.   There were basically two incidents.  One

         16   was finding the criminal record that caused me to

         17   doubt Al Seckel.  The second was around that same

         18   time Tom McIver began editing Al Seckel's Wikipedia

         19   page.  I believe he started editing it on June 5th.

         20   And June 5th through 8th were a huge amount of

         21   discussion and fighting back and forth, I guess,

         22   between McIver and Seckel, on the Wikipedia

         23   discussion pages, the history and the articles for

         24   deletion.  And those two things together prompted

         25   me to call Tom McIver to ask him, you know, what he

                                                                       85

          1   really knew about Al Seckel.

          2        Q.   Okay.  So you had gone on-line and saw an

          3   exchange between Mr. Seckel and Mr. McIver about

          4   Mr. Seckel's Wikipedia profile.

          5        A.   Yes.

          6        Q.   Okay.  And generally describe what you

          7   had learned from reviewing that -- that exchange

          8   about the Wikipedia profile.

          9        A.   Basically it seemed that Al Seckel

         10   claimed he really didn't have a Ph.D, that he

         11   admitted that on the Wikipedia discussion pages.

         12   And I was shocked when I saw that.  And then there

         13   were, you know, the other allegations of -- of

         14   financial wrongdoing.  You know, a lot of the same

         15   stuff that was from Eric Krieg's page, back and

         16   forth.  But basically Al Seckel conceded he did not

         17   have a Ph.D.

         18        Q.   From reviewing the exchange on the

         19   Wikipedia dispute, you learned that Mr. Seckel was

         20   claiming that he has never claimed to have a Ph.D.

         21        A.   Correct.

         22        Q.   Okay.  Did he also say he had never

         23   claimed to have a Cornell degree, from what you

         24   could recall, from reviewing that discussion about

         25   Wikipedia?

                                                                       86

          1        A.   Much of that got deleted immediately

          2   after.  So I don't have, you know, complete

          3   recollection.  It -- it was enough to make me

          4   suspicious enough to call Tom McIver.

          5        Q.   And was it your understanding from going

          6   on-line and seeing that Wikipedia discussion --

          7   strike that.

          8             Did you continue periodically checking

          9   Mr. Seckel on the Internet throughout the time that

         10   you knew him?

         11        A.   Of course, to look for pictures from

         12   events, but not for any -- to find any negative

         13   information.

         14        Q.   But at some point, when you became

         15   suspicious, you began looking for whatever

         16   information you could find?

         17        A.   Correct.

         18        Q.   Okay.  What was your reaction after you

         19   had gone on-line and seen the information about the

         20   Wikipedia dispute between Mr. Seckel and Mr.

         21   McIver?

         22        A.   I was very upset.

         23        Q.   And why were you upset?

         24        A.   Because he had told me he had a Ph.D.

         25   When I first asked him about Eric Krieg's

                                                                       87

          1   accusations, he sent me that fax packet, you know,

          2   with the postdoctorate scholar ID, etc., and I -- I

          3   was very upset because, you know, he lied to me

          4   multiple times.

          5        Q.   Did you continue to check Mr. Seckel's

          6   ALT.com profile between the time you first became

          7   aware of him and -- and continuing forward?

          8        A.   Yes.

          9        Q.   And in checking his ALT.com profile

         10   periodically, did you notice that he ever made any

         11   changes to his profile?

         12        A.   Yes.

         13        Q.   When did you notice that he had made

         14   those changes?

         15        A.   The original one that he had up in

         16   January of 2006 stayed there for a long time, the

         17   entire time that we were, you know, dating, if you

         18   want to call it -- or the entire time I had contact

         19   with him.  Then sometime after our contact dropped

         20   off, he came back on ALT and he changed his profile

         21   to that second one that you have already entered as

         22   evidence.

         23        Q.   Okay.  That would be, I believe, Exhibit

         24   1?

         25        A.   Yes.

                                                                       88

          1        Q.   Okay.  And you had indicated that Exhibit

          2   2 -- excuse me -- Exhibit 3 was his original

          3   ALT.com entry that you reviewed?

          4        A.   Yes.

          5        Q.   Okay.  And Exhibit 1 was the revised one?

          6        A.   Yes.  And he's also changed it in recent

          7   months to state that he lives in Afghanistan.

          8        Q.   How did you learn that?

          9        A.   Just by looking at it periodically.

         10        Q.   You saw an ALT.com profile that indicated

         11   someone lived in Afghanistan?

         12        A.   Yes.

         13        Q.   How were you able to associate that with

         14   Mr. Seckel?

         15        A.   It was the same user name that he had

         16   been using, BrainyPassionat.

         17        Q.   That's -- I think it's all one word.

         18   B-r-a-i-n-y-p-a-s-s-i-o-n-a-t?

         19        A.   Yes.

         20        Q.   Now, what sort of changes -- strike that.

         21   What were the first changes that you noticed that

         22   Mr. Seckel had made to his ALT.com profile?

         23        A.   It was the changing of the paragraph

         24   where you write the description.  I don't believe

         25   any of the checked box things had been changed.

                                                                       89

          1   But the -- the description -- the written

          2   description, where it says, "Profile for

          3   BrainyPassionat," he -- he changed that.

          4        Q.   How did he change it?

          5        A.   He mentioned that he's had porno movies

          6   shot at his house.  And that he's become friendly

          7   with the girls.  That was not in the original one.

          8   He's been in three-, four-, and five-somes.  That

          9   was not included in the original one.

         10        Q.   Did -- did you notice that he had ever

         11   made any changes to the educational information he

         12   had put in his profile?

         13        A.   No.  It still said he was Ph.D, MD,

         14   postdoctorate.

         15        Q.   Okay.  At some point in time, did he

         16   change his education information in his profile?

         17        A.   I believe after he changed it, he moved

         18   to Afghanistan, he -- he did change that, I think.

         19   But I don't have it in front of me to verify.

         20        Q.   Okay.  Let me show you a document.  We've

         21   marked this as Exhibit 11.  I'll give you a chance

         22   to review that.

         23             (Deposition Exhibit 11 marked.)

         24        Q.   (By Mr. Lamhofer)  Are you familiar with

         25   that e-mail?

                                                                       90

          1        A.   Yes.

          2        Q.   Okay.  Is this an e-mail exchange between

          3   you and Mr. McIver?

          4        A.   Yes.

          5        Q.   Okay.  In the e-mail from the bottom,

          6   looks like an e-mail from Mr. McIver to you, tell

          7   us what that involved.

          8        A.   It said that he did a Google search for

          9   BrainyPassionat.  And in the cached version, he

         10   found -- he found the version where he claimed to

         11   live in Afghanistan.

         12        Q.   And you responded to Mr. McIver's e-mail?

         13        A.   Yes, I did.

         14        Q.   Okay.  That was the same day, September

         15   6th, 2007?

         16        A.   Yes.

         17        Q.   Okay.  And in the -- your e-mail to him,

         18   it appears that you've indicated that you've

         19   learned that he has removed the Ph.D/MD from his

         20   education entry in ALT.com?

         21        A.   Yes.

         22        Q.   Okay.  And would Mr. McIver's e-mail of

         23   September 6th, 2007, would that have been what

         24   tipped you off to the fact that he had changed his

         25   education information?

                                                                       91

          1        A.   Apparently so.  But I did -- I did check

          2   it periodically.  He must have found it this time

          3   before I did.

          4        Q.   And is Exhibit 11, is that an accurate

          5   transcript of the e-mail communication that

          6   occurred between you and Mr. McIver on September

          7   6th of 2007?

          8        A.   Yes.

          9        Q.   At any point, did Mr. McIver -- strike

         10   that.  At any point, did Mr. Seckel, to your

         11   knowledge, take any action to block your access to

         12   his ALT.com entry?

         13        A.   I believe so.  He may have just removed

         14   it.  For whatever reason, I could not get in for a

         15   period of time.

         16        Q.   And are you able to put a date on that,

         17   when that occurred?

         18        A.   No.  I think I referred -- in my e-mails

         19   to Tom, I think I mentioned it.  So from looking at

         20   the e-mails, you could figure a date.

         21        Q.   Was it after or before you had seen the

         22   information about the Wikipedia dispute between Mr.

         23   Seckel and Mr. McIver?

         24        A.   It was much later.

         25        Q.   Was it sometime in 2007?

                                                                      92

          1        A.   I believe so.

          2        Q.   Was it your understanding, from your

          3   dealings with Mr. McIver -- strike that.  Was it

          4   your understanding, from your dealings with Mr.

          5   Seckel, that he lived in Malibu, California?

          6        A.   Yes.

          7        Q.   And did he send you pictures of his home?

          8        A.   Yes.

          9        Q.   And those were sent via e-mail?

         10        A.   Yes.

         11        Q.   Did he ever indicate to you whether he

         12   was the owner of that house in Malibu?

         13        A.   I don't think he flat out said, "I own

         14   the house."  He led me to believe that he owned the

         15   house.

         16        Q.   Okay.  How did he lead you to believe

         17   that he owned it?

         18        A.   There was mention in one of the e-mails

         19   that he worked very hard, you know, to get what he

         20   had.  He always called it "my house."  He never

         21   said "My rented house."

         22        Q.   He told you he had worked very hard to

         23   get that house?

         24        A.   Yes.

         25        Q.   And that led you to believe he was the

                                                                       93

          1   owner of that house?

          2        A.   Yes.

          3        Q.   Did you find out later that he was not

          4   the owner?

          5        A.   Actually, pretty early I found out he was

          6   not the owner.  I did a search on the address, and

          7   I found the rental listing offering the house for

          8   rent at the same time that he claimed to have moved

          9   in.  And I -- the house was offered for rent -- I

         10   believe it was $18,000 a month.  Therefore, I

         11   didn't -- I didn't look down on him for just

         12   renting the house.  Once I saw that price, I was --

         13   I was wildly impressed that some -- you know,

         14   that's more than I've made in, you know, a lot of

         15   years as a student.  So I didn't -- I didn't view

         16   that as -- as deceptive at that point.

         17        Q.   It indicated that the house was for rent?

         18        A.   Yes.

         19        Q.   By whom?

         20        A.   It did not say.  And I didn't save that

         21   site, so I don't have it to refer to.

         22        Q.   Did you subsequently find out whether or

         23   not he was, in fact, the owner?  For sure did you

         24   find out?

         25        A.   Tom McIver sent me an e-mail.  He was

                                                                       94

          1   able to determine who the owner was.  And he did

          2   e-mail that information to me.

          3        Q.   Okay.  It was someone other than Mr.

          4   Seckel?

          5        A.   Yes.

          6        Q.   Did Mr. Seckel ever -- strike that.  Did

          7   you ever communicate with Mr. Seckel about the

          8   Wikipedia dispute that he had with -- with Mr.

          9   McIver?

         10        A.   No.

         11        Q.   Did Mr. Seckel ever tell you that he was

         12   ill, that he fell ill or collapsed or was

         13   hospitalized because of anything regarding the

         14   Wikipedia dispute?

         15        A.   Yes.

         16        Q.   What did he tell you?

         17        A.   He told me he collapsed and was

         18   hospitalized.

         19        Q.   I'm sorry?

         20        A.   He told me he collapsed and was

         21   hospitalized.

         22        Q.   And did he say that was because of the

         23   Wikipedia dispute?

         24        A.   Yes, stress from that.

         25        Q.   Okay.  And did he say this to you in an

                                                                       95

          1   e-mail --

          2        A.   I believe --

          3        Q.   -- or did he tell you over the phone?

          4        A.   I believe it was both.

          5        Q.   You're not positive?

          6        A.   No.

          7        Q.   But he definitely did tell you that?

          8        A.   Correct.

          9        Q.   He told you he had collapsed and had been

         10   hospitalized.

         11        A.   Yes.

         12        Q.   Do you know whether that's true or not?

         13        A.   I have no idea.

         14        Q.   Okay.  Now, at some point did your

         15   communications with Mr. Seckel end?

         16        A.   Yes.

         17        Q.   When did they end?

         18        A.   The last e-mail he sent to me was June

         19   19th, 2006.

         20        Q.   And what did that e-mail generally say?

         21   Do you recall it?

         22        A.   Yes.  It said that he was having a very

         23   stressful time, and he listed all the things that

         24   were going wrong in his life, that he was just

         25   having a rough time.

                                                                       96

          1        Q.   What -- what types of stressful things

          2   did he list?

          3        A.   I believe his mother being sick, the Sony

          4   deal was being pulled out from under him.  He was

          5   being betrayed by various people.

          6        Q.   Did he say who was betraying him?

          7        A.   He did not mention that.  He mentioned

          8   that Tom McIver had been calling Caltech, causing

          9   problems for him.

         10        Q.   Do you recall anything other than those

         11   things that you just listed?

         12        A.   I -- I don't know offhand.

         13        Q.   All right.  And did you respond to that

         14   June 19th, 2006 e-mail from Mr. Seckel?

         15        A.   Yes.

         16        Q.   What did you say?

         17        A.   I do not have a copy of that e-mail

         18   because it was in my sent Hotmail, which I don't

         19   have.  But as best as I recall, it was something to

         20   the extent of, "I'm sorry things are going badly.

         21   Call me when things are better."

         22        Q.   Okay.  And you had no further contact

         23   with him after that?

         24        A.   No.

         25        Q.   Let me just check my notes.  I believe

                                                                      97

          1   I'm done.

          2             MR. LAMHOFER:  I have nothing further.

          3   Thank you.

          4             MR. BREWER:  I have to get some documents

          5   copied.  I've got about five, six.  Let's take a

          6   couple-minute break.

          7             MR. LAMHOFER:  Sure.

         15        EXAMINATION

         16        BY-MR. BREWER:

         17        Q.   Okay.  Ma'am, good afternoon.  My name is

         18   Mike Brewer.  I represent the plaintiff in

         19   connection with this deposition.

         20             Have you met or spoken with defense

         21   counsel for today's deposition?

         22        A.   Yes.

         23        Q.   And when did you first have any

         24   communications with, whether it be telephonic or

         25   face-to-face?

                                                                       98

          1        A.   It was shortly after I received the

          2   subpoena, I believe, but I don't have a record of

          3   it.  I cannot tell you for certain.

          4        Q.   Your best recollection is, after you

          5   received a subpoena, there was some contact with

          6   defense counsel?

          7        A.   Yes.

          8        Q.   And did you initiate that contact --

          9        A.   Yes.

         10        Q.   -- or were you contacted?

         11        A.   I initiated it.

         12        Q.   And what was the purpose of you doing

         13   that?

         14        A.   I was just curious as to what would be

         15   required of me, what was this all about, you know,

         16   what was going on, basically.

         17        Q.   And who did you speak with?

         18        A.   Eric Lamhofer.

         19        Q.   Okay.  And how long did you speak with

         20   him?

         21        A.   Not very long.  A brief call.

         22        Q.   And what was the subject matter of your

         23   call?

         24        A.   It was -- now that I think about it, I

         25   think he actually called me at my request.

                                                                       99

          1        Q.   Okay.  So did you call and leave a

          2   message to have him call you?  Is that what you're

          3   saying?

          4        A.   I think that -- I -- I honestly don't

          5   remember.  I think possibly I had talked to Tom

          6   McIver, and he told Mr. Lamhofer -- to give me a

          7   call.  I -- I don't remember the exact -- how --

          8   how it went down.  But --

          9        Q.   Somewhere --

         10        A.   -- it was -- it was at my behest.  I

         11   don't remember how I got the word to him.  But I

         12   did want to be contacted, and he contacted me.

         13        Q.   Okay.  I think what you're saying, is

         14   after you got the subpoena, you wanted to speak

         15   to --

         16        A.   yes.

         17        Q.   -- Mr. Lamhofer --

         18        A.   Correct.

         19        Q.   -- is that correct?

         20        A.   Correct.

         21        Q.   In some way or another, that information

         22   was communicated to him, and he contacted you,

         23   correct?

         24        A.   I think that's what happened.  But again,

         25   I don't have records.  I don't know for sure.

                                                                      100

          1        Q.   Okay.  Did you discus the subject matter

          2   of the litigation at that time?

          3        A.   Yes.

          4        Q.   And did he discuss with you what the

          5   allegations were in the complaint?

          6        A.   Vaguely, in general terms.  Just very

          7   broad.

          8        Q.   Did he go over any documents that he had

          9   with him at the time?

         10        A.   I don't believe so.

         11        Q.   Did he tell you what he was going to ask

         12   you at the deposition?

         13        A.   No, not -- no.

         14        Q.   Did he tell you generally what the

         15   subject matter of the deposition would cover?

         16        A.   Yes.  It was a very general phone call.

         17        Q.   Okay.  Well, we'll talk in generalities.

         18   What did he tell you was going to be covered in the

         19   deposition?

         20        A.   Anything that was covered under the

         21   subpoena, that -- you know, any -- any materials

         22   that he had subpoenaed me for, I needed to make

         23   sure that I, you know, submitted.  All that would

         24   be covered; my conversations with Mr. McIver.  I

         25   mean, really nothing specific.

                                                                      101

          1        Q.   Did he tell you there were any specific

          2   issues that were important, relative to Mr.

          3   McIver's defense, that he was going to ask you

          4   about?

          5        A.   Not at that time.  It was just a -- that

          6   -- the first contact was a very general, you know,

          7   what's going on.

          8        Q.   Uh-huh.  Was there anyone else with

          9   Mr. -- with defense counsel other than just he on

         10   the phone?

         11        A.   Just him.

         12        Q.   And was there anyone on your end other

         13   than just you?

         14        A.   Just me.

         15        Q.   Subsequent to that phone call, did you

         16   have any other communications whether they be

         17   telephonic or face-to-face?

         18        A.   Yes.

         19        Q.   And when was the next communication?

         20        A.   I -- I just don't even remember.  I think

         21   it may have been after I turned in all of the

         22   subpoena material.  Possibly I left a message to

         23   let him know that I had submitted everything.  I

         24   remember talking to him right after I had submitted

         25   everything.

                                                                      102

          1        Q.   Okay.  Let me make sure I understand the

          2   subpoena that you're talking about.  Are you

          3   talking about a subpoena for records --

          4        A.   Yes.

          5        Q.   -- or a subpoena for --

          6        A.   The documents subpoena that I received.

          7        Q.   You've got to let me finish my question.

          8        A.   I'm sorry.

          9        Q.   Are you referring to a subpoena for

         10   records or a subpoena for your deposition?

         11        A.   The records subpoena.

         12        Q.   Okay.  And so you, I assume, gathered the

         13   information that you thought was called for in the

         14   subpoena and provided that to defense counsel; is

         15   that correct?

         16        A.   Correct.

         17        Q.   Okay.  Are there any documents that were

         18   called for in the subpoena that you destroyed?

         19        A.   No.

         20        Q.   Are there any documents that were called

         21   for in the subpoena that you had at one time but

         22   were lost?

         23        A.   Yes.

         24        Q.   And what documents, if you recall, are

         25   those?

                                                                      103

          1        A.   I do not have many of the instant

          2   messages and the ALT e-mails because ALT, you know,

          3   deletes those automatically.  So I do not have many

          4   of those that I exchanged with Mr. Seckel.  I also

          5   do not have any of the sent messages from my

          6   Hotmail account because they are deleted

          7   automatically after a certain amount of time.  So I

          8   did not have any of those.  I did not have many of

          9   the sent e-mails from my EarthLink account because

         10   I had deleted those much earlier than the subpoena

         11   date.

         12        Q.   I believe you testified earlier that your

         13   primary methods of communication with Mr. Seckel,

         14   during the time frame that you were communicating

         15   with him, were by e-mail, instant messaging, and

         16   telephone.  And there was one, I think, visit where

         17   he came to Atlanta; is that correct?

         18        A.   Correct.

         19        Q.   And the e-mail accounts that you utilized

         20   included the ALT.com e-mail account?

         21        A.   Yes.

         22        Q.   And you also used an xxxxxxxx.com?

         23        A.   Yes.

         24        Q.   And that's -- is that a Yahoo! e-mail

         25   account that's created?

                                                                     104

          1        A.   No.  It's Hotmail.  It's -- I believe

          2   it's owned by MSN.

          3        Q.   Did you also use an

          4   xxxxxx?

          5        A.   Yes.

          6        Q.   Is that the EarthLink account --

          7        A.   Yes.

          8        Q.   -- that you're referring to?

          9        A.   Yes.

         10        Q.   And you also utilized Yahoo! for the

         11   purpose of instant messaging; is that correct?

         12        A.   Yes.

         13        Q.   Are there any other e-mail accounts other

         14   than those that you utilized for the purpose of

         15   contacting or communicating with Mr. Seckel?

         16        A.   Not to my recollection.

         17        Q.   Are there any other e-mail accounts other

         18   than those that you utilized for the purpose of

         19   communicating with Mr. McIver?

         20        A.   Not that I know of.

         21        Q.   Are there any other e-mail accounts other

         22   than those that you communicated -- or utilized for

         23   the purpose of communicating with, was it, Mr.

         24   Resch?

         25        A.   No.

                                                                      105

          1        Q.   In terms of your telephonic

          2   communications with Mr. Seckel, did you use your

          3   home phone?

          4        A.   Yes.

          5        Q.   And did you use a cell phone from time to

          6   time?

          7        A.   Sometimes.

          8        Q.   Did you use work phones to communicate

          9   with him?

         10        A.   I don't believe so.  We're not allowed to

         11   call out long distance.  So if I ever talked to him

         12   at work, he would have had to call me there.  And I

         13   -- I don't think he ever did.  But I -- I can't

         14   recall for sure.  It's not likely.

         15        Q.   Do you recall the home phone number that

         16   you would have had any communication with him from?

         17        A.   Yes.

         18        Q.   What is that number?

         19        A.   xxxx.

         20        Q.   And do you recall the phone number for

         21   any cell phone that you utilized for the purpose of

         22   communicating with Mr. Seckel?

         23        A.   I do not still have that cell phone.  I

         24   don't recall it.  I believe it was in one of the

         25   e-mails that I sent to him.  But I -- I do not

                                                                      106

          1   recall it offhand.

          2        Q.   Do you recall who your provider was?

          3        A.   It's either Cingular or T-Mobile.  I -- I

          4   don't know.  It's been a long time since I've used

          5   that telephone.

          6        Q.   You communicated with Mr. McIver by

          7   telephone?

          8        A.   Yes.

          9        Q.   The same home phone, the same cell phone?

         10        A.   Yes.  But in my communications with Mr.

         11   McIver, I have since moved.  So I have called him

         12   using another home phone number as well.

         13        Q.   And what is that phone number?

         14        A.   xxxxxxxxxxxxxx.

         15        Q.   And approximately when did you start

         16   utilizing that number?

         17        A.   May of 2007.

         18        Q.   Are there any other phone numbers that

         19   you have had that you utilized for the purpose of

         20   communicating with Mr. McIver?

         21        A.   No.

         22        Q.   How about Mr. Resch?

         23        A.   No.

         24        Q.   Getting back to discussions with defense

         25   counsel, I believe you mentioned that you had sent

                                                                     107

          1   the documents and then there was another discussion

          2   with him; is that correct?

          3        A.   Yes.

          4        Q.   And who initiated the contact in that

          5   discussion?

          6        A.   Again, I -- I don't recall.

          7        Q.   How long was the -- was it telephonic?

          8        A.   Yes.

          9        Q.   How long was the telephone conversation?

         10        A.   Maybe a half an hour.  I -- I don't know.

         11        Q.   And what was the purpose of the telephone

         12   conversation?

         13        A.   I was telling him that I submitted the

         14   documents, but I didn't have everything that was

         15   requested of me.  And you know, basically, you

         16   know, let -- letting him know that fact, that I

         17   wasn't withholding any documents.  I didn't have

         18   them in my possession.

         19        Q.   Did he go through various e-mails and ask

         20   you about them?

         21        A.   No.

         22        Q.   Did he ask you about any type of

         23   documents that you had provided?

         24        A.   Not at this point because he had not even

         25   -- he didn't have a copy of them at this point.

                                                                      108

          1        Q.   Okay.  Well, you said the conversation

          2   was about a half hour.  And the only thing that you

          3   mentioned that was covered thus far, is your

          4   statement that you didn't have all the documents

          5   that were requested by the subpoena.

          6        A.   I believe --

          7        Q.   What else was covered in that

          8   conversation?

          9        A.   I'm sorry.  I believe we also discussed

         10   possible deposition dates, when was my

         11   availability, that kind of thing as well.

         12        Q.   All that took a half hour?

         13        A.   Again, I -- I don't recall.  I didn't

         14   take notes.  I didn't time the call.  I do not

         15   know.

         16        Q.   Do you have any written communication

         17   between you and defense counsel?

         18        A.   I believe I have one e-mail sent to me

         19   from him possibly a week ago, telling me that he

         20   was trying -- not -- or two weeks ago, telling me

         21   he had been trying to call me, please give him a

         22   call.

         23        Q.   Okay.  That's it.  That's the content of

         24   that e-mail?

         25        A.   Yes.

                                                                      109

          1        Q.   Any other written communications

          2   between --

          3        A.   No.

          4        Q.   Okay.  So we have two phone calls so far,

          5   right, you've told me about?

          6        A.   Yes.

          7        Q.   Okay.  Any other communications, whether

          8   they be telephonic or face-to-face, between you and

          9   defense counsel?

         10        A.   I -- I have talked to him again recently.

         11   I believe -- the call that he asked me to call him

         12   about, he had asked me to send him a copy of all

         13   the documents.  And he had not received it yet.

         14   And he was -- he wanted to follow up with me on had

         15   I sent them.  And I informed him, yes, I had mailed

         16   them already; they should be arriving any day.  And

         17   then I got another phone call basically letting me

         18   know that he did receive the documents at that time

         19   and sort of what the deposition today would be

         20   about, you know, where we were kind of going with

         21   it.

         22        Q.   And when you say that he said "where we

         23   would be going with it," what did he say in that

         24   regard?

         25        A.   What kinds of things would be focused on,

                                                                      110

          1   what e-mails I should go back and look at again.

          2        Q.   So he -- he gave you some instruction on

          3   what e-mails to look at?

          4        A.   Again, you know, very -- you know, sort

          5   of generalizations.

          6        Q.   That's just yes or no.

          7        A.   Yeah.

          8        Q.   Did he tell you which e-mails you should

          9   look at?

         10        A.   Not just e-mails, but also websites as

         11   well.  He reminded me to go back and look at Eric

         12   Krieg's website, which I had completely forgotten

         13   about.  You know, so I went back and looked at that

         14   and that kind of thing.

         15        Q.   Did he give you any type of guidance on

         16   how to answer questions?

         17        A.   No.  No.

         18        Q.   Did he tell you what questions he would

         19   ask?

         20        A.   Not specifically, like -- like "I'm going

         21   to ask you this specific question," but you know,

         22   very, you know, general terms.  You know, "We are

         23   going to talk about, you know, this topic or this

         24   topic."  But --

         25        Q.   What were the topics he told you would be

                                                                     111

          1   covered in today's deposition?

          2        A.   The profile, how the profile works, how

          3   you fill out the profile.

          4        Q.   This is the ALT.com profile you're

          5   referring to?

          6        A.   Yes.

          7        Q.   Okay.

          8        A.   That was the main thing.  My interactions

          9   with Tom, you know, when did -- you know, when did

         10   they take place, you know, relative -- he was also

         11   trying to get the timeline straight.  Because some

         12   of the things -- it was hard to tell from some of

         13   the e-mails and some of the messages, some things

         14   didn't have dates.  He was trying to get the

         15   timeline straight.  So -- for his own benefit, he

         16   was asking me some sort of chronology questions

         17   about the case, that kind of thing.

         18        Q.   Uh-huh.  Okay.  And after that telephone

         19   conversation, any other telephonic conversations

         20   you've had with him?

         21        A.   I believe he called me once to tell me

         22   the deposition date was going to be changed.

         23        Q.   Okay.

         24        A.   I believe that was a phone call.

         25        Q.   Just scheduling?  The only thing that was

                                                                      112

          1   discussed in that phone call was scheduling?

          2        A.   Right.

          3        Q.   Okay.  Any other phone conversations?

          4        A.   Not that I recall.  But again, I -- I

          5   didn't take records.  I -- I cannot tell you for

          6   sure.

          7        Q.   What you have told me is your best

          8   recollection of each of the telephone

          9   conversations, of the subject matter of those phone

         10   conversations with defense counsel; is that

         11   correct?

         12        A.   Yes.

         13        Q.   Did you have a face-to-face meeting with

         14   him before today's deposition?

         15        A.   No.

         16        Q.   Did you meet with him yesterday?

         17        A.   No.

         18        Q.   Okay.  So when you arrived here for the

         19   deposition, is today the first day you've actually

         20   seen defense counsel?

         21        A.   Yes.

         22        Q.   Okay.  And before the deposition, did you

         23   have any conversations relative to the content of

         24   the deposition that was going to happen here today?

         25        A.   Just last night, he called me with some

                                                                      113

          1   questions he had.

          2        Q.   What did he ask about last night?

          3        A.   I think it was mostly chronology-type

          4   things.  He told me about how long the deposition

          5   would take, you know, how it -- he told me a little

          6   bit about the process, that it would be videotaped,

          7   you know, that I, you know, should -- the

          8   logistics, the technical side of the deposition, we

          9   discussed that.

         10        Q.   Did he tell you that Mr. Seckel would

         11   have attorneys present, probably ask questions?

         12        A.   Yes.

         13        Q.   Did he tell you what questions they might

         14   ask?

         15        A.   No.

         16        Q.   Did he give you any advice or counsel on

         17   how to handle any question you might be asked?

         18        A.   No.

         19        Q.   Did he give you any suggestions or

         20   beliefs relative to the subject matter that might

         21   be asked by Mr. Seckel's counsel?

         22        A.   He mentioned it's -- it's possible I

         23   would be painted as a spurned woman, to be prepared

         24   for that.

         25        Q.   So he -- he told you, in terms of

                                                                      114

          1   strategy, he thought that's where the questioning

          2   would focus on -- or what it would focus on?

          3        A.   Also that possibly -- he got the

          4   impression from communication with you, that Tom

          5   McIver may have put me up to, you know, everything

          6   as a --as a spy for him.  You know, just -- but he

          7   didn't know.  These were only, you know, guesses.

          8        Q.   Uh-huh.  And how long was the phone

          9   conversation last night?

         10        A.   Maybe 20 minutes.  I -- I don't know.

         11        Q.   Okay.  After your deposition was noticed,

         12   after you learned that you were going to be coming

         13   to give a deposition, have you had any

         14   communications with Mr. McIver?

         15        A.   I believe maybe twice.

         16        Q.   Okay.  And both those telephonic

         17   communications?

         18        A.   Yes.

         19        Q.   Have you had any face-to-face meetings

         20   with him after receiving the notice of your

         21   deposition, but before arriving here today?

         22        A.   No.

         23        Q.   Okay.  And let's go through each of those

         24   communications.  Did you contact him and advise him

         25   that you received a subpoena for a deposition?

                                                                      115

          1        A.   Yes.

          2        Q.   And what was the purpose of doing that?

          3        A.   I wanted to let him know because I

          4   thought he might not know.  We just talked about

          5   it, talked about what they were requesting of me.

          6   He had talked about what they had requested of him,

          7   just general things like that.

          8        Q.   Okay.  And you have had discussions --

          9   you had had discussions with Mr. McIver before,

         10   concerning the litigation, before you received the

         11   deposition notice, didn't you?

         12        A.   Yes.

         13        Q.   In fact, you went over the -- some of the

         14   details in the complaint with him, didn't you?

         15        A.   Yes.

         16        Q.   And he advised you as to what the

         17   allegations were, right?

         18        A.   You're talking about when he received the

         19   complaint, but before I had been deposed (sic)?

         20        Q.   Yes.

         21        A.   He did share some of the details of the

         22   suit with me.

         23        Q.   Okay.  So before you received the

         24   deposition subpoena, you knew there was a lawsuit

         25   pending against him, correct?

                                                                      116

          1        A.   Yes.

          2        Q.   And you knew what the particulars of the

          3   lawsuit were because he had related those

          4   particulars to you in e-mails and phone

          5   communications, right?

          6        A.   Yes.

          7        Q.   And after you spoke with him after

          8   getting the deposition subpoena, in the initial

          9   conversation, when was the next time that you spoke

         10   with him relative to your deposition?

         11        A.   I have no clue.

         12        Q.   And who initiated that contact?

         13        A.   Typically I have called him.  I've -- I

         14   don't think he's -- I don't know that he's ever

         15   called me.  I think most of my conversations with

         16   him, I have called him.

         17        Q.   And are you talking about, in the

         18   entirety of all your communications with him, you

         19   don't recall one incident where he's ever contacted

         20   you?

         21        A.   Correct.

         22        Q.   And what was the purpose of contacting

         23   him a second time?

         24        A.   Okay.  Now which?  This was after I

         25   was --

                                                                      117

          1        Q.   I'm sorry.  Let me give you the time

          2   frame.  I'm just kind of going through the two

          3   phone conversations you had after receiving the

          4   deposition subpoena.  On the second occasion, why

          5   did you contact hum?

          6        A.   Well, I contacted him yesterday,

          7   actually, because Mr. Lamhofer had -- had reminded

          8   me to take a look at Eric Krieg's website.  And I

          9   didn't have a copy of that.  And it's not on-line

         10   anymore.  Eric Krieg removed it.  And I didn't have

         11   any access to that.  I did call Mr. McIver

         12   yesterday and asked him how to find Eric Krieg's

         13   website.  I knew it was still probably on-line

         14   somewhere in some form.  And so he sent me an

         15   e-mail with a link or -- with a link to it so I was

         16   able to find it.  So we had that conversation

         17   yesterday.

         18        Q.   Is that the second conversation, or is

         19   this now a third one?

         20        A.   This is the second one that I -- that I

         21   can recall.

         22        Q.   Okay.

         23        A.   I may have called him.  I don't want to

         24   say I didn't because I just don't remember.  I --

         25   I've not been keeping records.  I don't know.

                                                                      118

          1        Q.   Uh-huh.  concerning the deposition here

          2   today other than Mr. McIver and defense counsel?

          3        A.   No.

         18             MR. BREWER:  I think we're at number 12,

         19   right?

         20             MR. LAMHOFER:  Yes.

         21        Q.   (By Mr. Brewer)  Ma'am, I've placed in

         22   front of you a document that we've marked as

         23   Exhibit 12.  It's a two-page document that appears

         24   to be a page from the ALT.com website related to a

         25   user who is known by xxx.  Is that you?

                                                                      119

          1        A.   Yes.

          2        Q.   Is this -- are these pages pages that

          3   appeared at some point in time on the ALT.com

          4   Internet site?

          5        A.   Yes.

          6        Q.   And the information that's on the first

          7   page of Exhibit 12, under the profile for

          8   xxx, is that information that you personally

          9   entered into the system?

         10        A.   Yes.

         11        Q.   And then it has a -- if you kind of go

         12   down, it has two updates.  The first update, that's

         13   information that you entered into the ALT.com

         14   system?

         15        A.   Yes.

         16        Q.   And the second update is also information

         17   that you entered?

         18        A.   Yes.

         19        Q.   And then the -- I assume the updates are

         20   things that you go in and update the original

         21   profile to advise of a change in status or

         22   something of that nature; is that right?

         23        A.   Yes.

         24        Q.   And then it has a category, "My ideal

         25   person."  Is that something that was part of the

                                                                      120

          1   original profile that you typed in?

          2        A.   Yes.

                                                                      121

          4        Q.   Okay.  So if you go to the original

          5   profile, you get on the computer, and you type in

          6   your biographical information; is that correct?

          7        A.   Yes.

          8        Q.   And then the ideal person, what you do

          9   there, is you can, I guess, highlight certain

         10   characteristics that you're looking for in an

         11   individual; is that right?

         12        A.   Yes.

         13        Q.   And so, for example, if you're looking

         14   for somebody with certain qualities, honesty,

         15   integrity, intellectual, whatever, you can enter

         16   those things on here to let others know that's

         17   what's important to you.

         18        A.   Yes.

         19        Q.   And under "The Ideal Person," you

         20   indicate that "I'm looking for someone that can

         21   hold their own with me,

           .  I'm looking for

         24   someone who can stimulate my mind as well as my

         25   body.

          3   pursuits must take a back seat right now to my

          4   academic pursuits.  And therefore, I do not have

          5   much time for meeting new people.  So if I do not

          6   respond to your e-mail promptly, please do not take

          7   it personally.  I am really that busy."

          8             Is that the information that you entered

          9   into, to reflect the characteristics that you were

         10   looking for for your ideal person?

         11        A.   Yes.

         12        Q.   And was that ever changed or updated or

         13   altered during the time period that your profile

         14   remained on ALT.com?

         15        A.   No.

         13             And I guess the purpose of -- of putting

         14   all that information in there, is to identify for

         15   others on ALT.com the type of interests that you're

         16   looking for in another person; is that right?

         17        A.   Yes.

         18        Q.   Now, after you posted this on ALT.com,

         19   this is the vehicle through which you had your

         20   initial conversations with Mr. Seckel; is that

         21   right?

         22        A.   Yes.

         23        Q.   And I believe you mentioned earlier in

         24   the deposition, that before you had any

         25   communications with Mr. Seckel, you had, in fact,

                                                                      124

          1   had one of his books; is that right?

          2        A.   Yes.

          3        Q.   Is that a book that you had purchased?

          4        A.   Yes.

          5        Q.   And where did you purchase it?

          6        A.   I believe at Borders.

          7        Q.   And how was it that you came to purchase

          8   a book that was authored by Mr. Seckel?

          9        A.   It was in the bargain bin.  And I was

         10   flipping through the bargain bin and thought it was

         11   interesting and so I purchased it.

         12        Q.   Okay.  And do you recall when, in

         13   relationship to your initial contacts with Mr.

         14   Seckel, you purchased this book?

         15        A.   I believe it was only a couple of weeks.

         16   I think I had gotten it right before Christmas.  So

         17   it was brand-new --

         18        Q.   Okay.

         19        A.   -- to me.

         20        Q.   Now, in the ALT.com system, the way in

         21   which people communicate with one another is

         22   strictly released initially by e-mail; is that

         23   right?

         24        A.   Yes.

         25        Q.   So if somebody is interested in you or

                                                                      125

          1   you're interested in somebody else, they will

          2   initiate an e-mail?

          3        A.   Actually, prior to e-mails, people

          4   usually wink at each other --

          5        Q.   What does that mean?

          6        A.   -- which is, if you get a message that

          7   you got a wink from someone, it just means they're

          8   interested.

          9        Q.   I see.  And if they're interested and you

         10   look at their profile and they look like a match,

         11   you may contact them; is that right?

         12        A.   Yes.

         13        Q.   Okay.  And you may have testified about

         14   this earlier, and forgive me if you did, but who

         15   initially contacted whom on the ALT.com?

         16        A.   I did not testify about it.  I don't

         17   recall for sure.  What I believe -- I never

         18   searched for people.  So I usually only just

         19   replied to people who had, you know, made some sort

         20   of contact with me, if they had viewed my profile

         21   or sent me a wink or sent me a message.  And what's

         22   likely that happened, was that he viewed my

         23   profile.  And either I sent a wink, or he sent a

         24   wink.  I couldn't send e-mails.  I could not

         25   initiate e-mails as a standard member.

                                                                      126

          1        Q.   Could you initiate a wink?

          2        A.   Yes.

          3        Q.   So if you -- if you saw a member who was

          4   a paying member and you wanted to indicate some

          5   interest, even though you couldn't send e-mail, you

          6   could send a wink, so to speak?

          7        A.   Correct.

          8        Q.   And that may precipitate a response form

          9   them in the form of an e-mail?

         10        A.   Correct.

         11        Q.   So once they e-mailed you, could you then

         12   e-mail them back?

         13        A.   Yes.

         14        Q.   So you could e-mail, it just wasn't that

         15   you couldn't initiate the e-mail --

         16        A.   Right.

         17        Q.   -- initially.  Now, when you first

         18   received any type of e-mail communication from Mr.

         19   Seckel -- I think we've already established that he

         20   used the user name BrainyPassionat; is that right?

         21        A.   Correct.

         22        Q.   When you first received the e-mail

         23   communication, any e-mail communication from him

         24   through the ALT.com system, did you know that it

         25   was Mr. Seckel?

                                                                      127

          1        A.   No.

          2        Q.   Okay.  When did you first learn that

          3   BrainyPassionat was actually Al Seckel?

          4        A.   On the phone.

          5        Q.   That was the initial conversation that

          6   you had with him?

          7        A.   Yes.

          8        Q.   Did you mention in that conversation that

          9   you had purchased a book that he had authored?

         10        A.   Yes.

         11        Q.   And was that exciting to you, that, you

         12   know, here's somebody's book that you purchased,

         13   you're now having a direct communication with?

         14        A.   I thought it was great.

         15        Q.   And over the course of knowing Mr.

         16   Seckel, I think you had mentioned earlier, in some

         17   of your testimony, that he had mentioned several

         18   celebrities with whom he had some contacts; is that

         19   right?

         20        A.   Yes.

         21        Q.   And did you find that to be intriguing or

         22   interesting or somewhat exciting, that the person

         23   you were communicating with had contacts with

         24   fairly high level celebrities and politicians?

         25        A.   Sure.

                                                                      128

          1        Q.   You indicated in earlier testimony that

          2   at some point, the relationship, I guess, evolved

          3   to one of a dating relationship; is that how you

          4   would characterize it?

          5        A.   I would characterize it that way.

          6        Q.   Okay.  How many times did you actually

          7   see Mr. Seckel in person?

          8        A.   The trip to Atlanta, where he spent six

          9   days here.  That was the only time.

         10        Q.   Okay.  And from the very first time that

         11   you communicated with him, I believe you mentioned

         12   it was in January of '06?

         13        A.   Yes.

         14        Q.   Does that sound right?  And I -- forgive

         15   me, but I didn't get the last communication.  I

         16   know you mentioned it earlier.  I just wasn't quick

         17   enough to get it down.  When was that?

         18        A.   His last e-mail to me was June 19th, '06.

         19        Q.   Of '06?  Okay.  So in that six-month

         20   period of time, you saw him one time, right?

         21        A.   Correct.

         22        Q.   And the balance of your communications

         23   were through e-mails, instant messaging, and

         24   telephone conversations.

         25        A.   Yes.

                                                                      129

          1        Q.   And you would characterize that

          2   relationship as a dating relationship?

          3        A.   There were other trips planned that did

          4   not materialize.

          5        Q.   Okay.  What other trips were planned that

          6   didn't materialize?

          7        A.   We had planned to go to Sarasota together

          8   at the beginning of May for the optical illusion

          9   contest that he was one of the sponsors for.  And a

         10   lot of planning had -- had taken place.  The -- the

         11   trip was pretty definite.  And that did not

         12   materialize.  Also, I was supposed --

         13        Q.   May I interject and ask you a question?

         14        A.   Yes.

         15        Q.   Do you know why it didn't materialize?

         16        A.   Yes.  Supposedly he lost my phone number

         17   and did not contact me for several weeks.

         18        Q.   Okay.  And were you angry about that?

         19        A.   Yes.  I was very angry.

         20        Q.   Okay.  Because had you -- you had planned

         21   on that trip, apparently.

         22        A.   Yes.

         23        Q.   Okay.  And was it to the point that you

         24   had actually blocked out the time period that you

         25   thought you would be in Sarasota?

                                                                      130

          1        A.   Yes.

          2        Q.   Okay.  And then how long before the trip

          3   was it that you lost contact with him -- or that he

          4   lost contact with you?

          5        A.   It was sometime -- I think the trip was

          6   scheduled for the beginning of May.  And I lost

          7   contact with him sometime around mid April, I

          8   believe.  We were -- we were almost ready to book

          9   plane tickets at the time I lost contact with him.

         10        Q.   Okay.  And then when he -- he

         11   re-initiated contact with you sometime in May or

         12   June?

         13        A.   In May, yes.

         14        Q.   Did you indicate to him your feelings

         15   about his cancellation of the trip?

         16        A.   Yes.  He contacted me through ALT Instant

         17   Messenger.  And I don't have a transcript.  But it

         18   went something like, he said, you know, "What's" --

         19   "what's been going on?"  And I -- I believe I

         20   replied with a string of expletives.

         21        Q.   I see.  Okay.  In terms -- just kind of

         22   transgressing (sic) here for a minute.  In terms of

         23   the documents that you produced, you have alluded

         24   to the fact that there were some instant messages

         25   on ALT.com.  Have you produced any of those in the

                                                                      131

          1   context of this litigation?

          2        A.   I don't think so.  I think the only

          3   messages that -- the only instant messages I

          4   believe -- and I don't know for certain.  I -- I'm

          5   not looking through this.  If I look through it, I

          6   could tell you -- were from Yahoo!.

          7        Q.   Okay.  And I just want to make sure I've

          8   got the identification of all the sources of

          9   documents of what may or may not be available, just

         10   so I'm clear.  It's your belief that there were

         11   communications from time to time using the ALT.com

         12   instant messaging.  However, I guess because of the

         13   way the system works, those weren't saved and

         14   produced in connection with this litigation; is

         15   that right?

         16        A.   Correct.

         17        Q.   The only instant messages that were

         18   produced, were the ones that occurred on

         19   Yahoo.com; is that correct?

         20        A.   I believe so.

         21        Q.   And were all of the instant messages

         22   between you and Mr. Seckel, that occurred on

         23   Yahoo.com, produced in connection with this

         24   litigation, or only selected ones?

         25        A.   I do -- I produced all the ones that I

                                                                      132

          1   had saved.  I -- anything I saved (sic) I didn't

          2   have in my possession to produce.  It's likely

          3   there were some that I just didn't save.

         13        Q.   (By Mr. Brewer)  On the Yahoo! instant

         14   messaging, in order to preserve those for the

         15   purpose of providing them in this litigation, would

         16   you have had to have saved them?

         17        A.   Yes.  They do not save automatically.

         18        Q.   Okay.  And did you have any type of

         19   practice that you followed relative to where you

         20   would save an instant message on Yahoo! versus when

         21   you would not save them?

         22        A.   Sometimes I saved them; sometimes I

         23   didn't.  It was pretty random.  Sometimes I -- I

         24   would leave a screen open.  And it would have

         25   several days worth of messages.  Like I believe the

                                                                      133

          1   message he was asking me about before, was from

          2   multiple days.  It was just arbitrary.

          3        Q.   Now, when you -- when it stays open, is

          4   it the type of thing that you can go in over the

          5   period of three or four days and just have one

          6   continuous message over that time period?

          7        A.   Yes.

          8        Q.   Is there a certain time frame over which

          9   it will automatically delete itself?

         10        A.   No.

         11        Q.   So you could have months go between

         12   communications and it would look like one

         13   continuous thread?

         14        A.   Right, as long as your computer had

         15   stayed on, you know, the whole time --

         16        Q.   Right.

         17        A.   -- which never happens.

         18        Q.   Okay.  And I think you had mentioned

         19   earlier, just on the Hotmail e-mail, that you

         20   didn't necessarily save those as well, right?

         21        A.   No.  I -- Hotmail deleted the sent

         22   messages automatically after a certain time period.

         23   And so you would have had to have gone to an

         24   effort, to try to save -- you would have had to

         25   have copied it and pasted it in another program or

                                                                      134

          1   something like that, to save it.  It would have

          2   taken some effort.  So I don't have any of my saved

          3   Hotmail.

          4        Q.   And you didn't -- as a -- what you just

          5   described, you didn't do that as a regular

          6   practice, copy, paste it somewhere else to save it?

          7        A.   No.

          8        Q.   And then the EarthLink account, have you

          9   -- are you pretty certain that you've given us all

         10   the e-mails from that account?

         11        A.   I'm positive.

         12        Q.   Okay.  Now, over the time period that you

         13   were dating with Mr. -- dating Mr. Seckel, can you

         14   describe the feelings that you developed for him?

         15        A.   I thought he was very interesting.  I

         16   liked him.  I was interested to see where the

         17   relationship could go.  I would not at any point

         18   categorize it as being serious, you know.  We had

         19   not spent, you know, enough time together.

         20   Obviously, one 6-days isn't enough.  But I thought

         21   that both of us were interested to, you know, see

         22   where it could go.  And that's why we did have

         23   other trips planned.

         24        Q.   Okay.  So given your communications and

         25   the time you spent together in Atlanta, you felt as

                                                                      135

          1   though you were at least willing to see where the

          2   relationship progressed.

          3        A.   Yes.

          4        Q.   And stick with it if it did progress; is

          5   that right?

          6        A.   Possibly.

          7        Q.   Okay.  Did you ever develop feelings of

          8   love for Mr. Seckel?

          9        A.   No.

         10        Q.   Did you ever tell him that you loved him?

         11        A.   No.

         12        Q.   Did he ever tell you that he loved you?

         13        A.   No.

         14        Q.   Okay.  Did you have any discussions with

         15   him relative to any future plans beyond vacations,

         16   but future plans together?

         17        A.   No, not together.  But we had talked, you

         18   know, about the things that we wanted in life.  I

         19   wanted to have children.  He had mentioned

         20   that was something he would like to do.  We had not

         21   discussed a future together, but we had discussed

         22   what -- what things we saw for our own selves.  And

         23   those things were compatible together.

         24        Q.   So you discussed various issues relative

         25   to your compatibility, like whether each of you was

                                                                      136

          1   willing to have kids or wanted to have kids, things

          2   of that nature.

          3        A.   Sure.

          4        Q.   Did you discuss either one of you

          5   changing residences to be with the other?

          6        A.   There was a little bit of talk about

          7   that, never --

          8        Q.   What was said?

          9        A.   -- anything --

         10        Q.   What was said in that regard?

         11        A.   You know, he -- he had said, you know,

         12   how would I like to live in California, you know,

         13   that kind of thing.

                  20        A.   I probably told him that because I do

         21   like California.  And that's actually, you know,

         22   been sort of a dream, you know, since I was a

         23   child, to live in California.

         24        Q.   And did you think having a life with --

         25   did you ever think about the fact that having a

                                                                      137

          1   life with Mr. Seckel might be exciting, given the

          2   type of life that he described and the things that

          3   you were able to see from him?

          4        A.   Exciting, but also scary.  I'm -- I'm

          5   very shy around people.  I'm very nervous around

          6   people.  So it -- it was exciting in one sense, but

          7   also not all positive.  There are definitely

          8   negatives associated with the kind of lifestyle

          9   that he lives.

         10        Q.   Did you like hearing about his activities

         11   with celebrities and things like that?

         12        A.   To an extent.  At one point, it just

         13   became trite.

         14        Q.   Uh-huh.  When he would tell you about the

         15   -- the events that he would attend, celebrity type

         16   of events, I think you mentioned that from time to

         17   time you would try to find photographs of those

         18   events.

         19        A.   Yes.

         20        Q.   And you actually were successful, I

         21   think, on about five occasions, where you found

         22   photographs that depicted Mr. Seckel at events that

         23   he said he was going to be at with various

         24   celebrities, right?

         25        A.   Yes.

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          1        Q.   You had mentioned his -- his

          2   representation relative to his academic

          3   credentials?

          4        A.   Yes.

          5        Q.   And that you believe that -- you've since

          6   determined those to be untrue, right?

          7        A.   Correct.

          8        Q.   Other than the academic credentials, are

          9   there any other factual representations that Mr.

         10   Seckel made to you personally that you have learned

         11   to be untrue?

         12        A.   That -- that was the main one.  That was

         13   the -- you know, there may be other small things,

         14   you know, like the levitating water display.  Or he

         15   told me he would never hit a woman, but yet he has

         16   a conviction for inflicting injury on a spouse.

         17   Smaller things.  But the academic credentials, that

         18   was the deal breaker for me.

         19        Q.   Okay.  Let's take those three.  Okay?

         20   Because I want to -- I want to discuss them

         21   separately.  You had mentioned in your earlier

         22   testimony that Mr. Seckel, on the phone, I believe

         23   in the first telephone conversation that you had

         24   with him, represented to you that he had a

         25   bachelor's from Cornell and a Ph.D from Caltech,

                                                                      139

          1   correct?

          2        A.   Correct.

          3        Q.   And that you have since determined, at

          4   least from your perspective, that those were

          5   untrue, correct?

          6        A.   Correct.

          7        Q.   Okay.  With respect to the issue

          8   concerning his wife, the criminal charge, did he

          9   ever represent to you that he had not been involved

         10   in any type of criminal offense with his wife

         11   arising out of that incident?

         12        A.   He never mentioned it, other than the

         13   case that was dismissed.

         14        Q.   Okay.  The one case that you actually

         15   discussed, was the case where he told you there was

         16   an incident involving his wife and that it was

         17   dismissed, right?

         18        A.   Correct.

         19        Q.   But you didn't have any discussions with

         20   him relative to any other criminal cases, correct?

         21        A.   Correct.

         22        Q.   And the one case that he did tell you

         23   about that he said was dismissed, you actually did

         24   some of your own research and validated that it

         25   was, in fact, dismissed, correct?

                                                                     140

          1        A.   Correct.

          2        Q.   The other charge where you believe there

          3   was a conviction, did you make a determination

          4   relative to whether the conviction was for the same

          5   offense that he was initially charged with?

          6        A.   I do not know.

          7        Q.   Do you know sometimes people are charged

          8   in -- with one offense and they are convicted or

          9   plead to a different offense?

         10        A.   Yes.

         11        Q.   Okay.  Did you do anything to verify that

         12   the charging offense was the same as the

         13   conviction?

         14        A.   No.

         15        Q.   And I believe you mentioned earlier that

         16   you weren't able to determine from your own

         17   research whether or not the disposition of that

         18   case was as a result of a jury trial or simply a

         19   plea; is that right?

         20        A.   I do -- yeah, I do not know.

         21        Q.   Okay.  But just in terms of that case

         22   alone, Mr. Seckel never made any factual statements

         23   about it one way or the other to you, did he?

         24        A.   No.

         25        Q.   And with respect to the levitating water,

                                                                      141

          1   levitating -- what is it? -- levitating water

          2   display, he indicated to you that he invented and

          3   patented a levitating water display; is that

          4   correct?

          5        A.   Correct.

          6        Q.   Do you have any information that he did

          7   not invent a levitating water display, at least the

          8   one depicted in the photographs that we looked at

          9   earlier?

         10        A.   He told me he had a patent on it.  I did

         11   a patent search.  I couldn't verify that.

         12        Q.   I'm going to ask two separate questions.

         13   We looked at photographs earlier that purported to

         14   depict the levitating water display that Mr. Seckel

         15   claimed to have invented, correct?

         16        A.   Correct.

         17        Q.   Do you have any personal knowledge that

         18   the item depicted in those photographs was not, in

         19   fact, a levitating water display that Mr. Seckel

         20   invented?

         21        A.   I do not know.

         22        Q.   Okay.  And with respect to the patent

         23   issue, you did your own individual research to

         24   determine whether he had a patent, correct?

         25        A.   Correct.

                                                                      142

          1        Q.   And I believe you indicated you did the

          2   research in his name as well as his company,

          3   correct?

          4        A.   Correct.

          5        Q.   Did you have any other names under which

          6   you did the research?

          7        A.   No.

          8        Q.   Okay.  Did you make any determination

          9   relative to whether there was any licensing of a

         10   patent that he had?

         11        A.   No.

         12        Q.   Okay.  And you haven't sought a legal

         13   opinion relative to whether your research is, in

         14   fact, valid with respect to whether he does are

         15   does not have a patent on a levitating water

         16   display?

         17        A.   No.  And I did mention in my e-mail to

         18   Tom McIver that possibly he did license it.  I

         19   don't know.  I supplied this information to Tom for

         20   him to use however he wished.

         21        Q.   No.  I understand.  I -- what I'm

         22   exploring right now is your personal knowledge.  I

         23   just want to kind of go through each of these

         24   points and -- and really just kind of get an

         25   itemization from you of what I consider to be

                                                                      143

          1   factual statements that were made to you by Mr.

          2   Seckel, which you have later found out to be

          3   untrue.  And thus far, the one that I can identify,

          4   is that he made some representations about his

          5   academic credentials which you have verified were

          6   not accurate or true; is that correct?

          7        A.   Correct.

          8        Q.   Beyond that, is there any other factual

          9   representation that he made to you that you have

         10   verified was, in fact, untrue?

         11        A.   No.

         12        Q.   Okay.  When you -- I believe you had

         13   mentioned earlier -- and if I get these dates

         14   wrong, I apologize.  I'm just going from my memory

         15   of what you testified to.  But I believe you had

         16   mentioned that you had first contacted Mr. McIver

         17   in June or had some contact with him in June of

         18   '06; is that right?

         19        A.   Correct.

         20        Q.   Okay.  And by June of '06, is it fair to

         21   say that you had lost contact with Mr. Seckel?

         22        A.   No.

         23        Q.   You still were communicating with him?

         24        A.   Yes.

         25        Q.   Okay.  And after you began communicating

                                                                      144

          1   with Mr. McIver, did you share with him any

          2   concerns that you had relative to Mr. Seckel and

          3   his academic credentials and other issues that you

          4   had concerns with?

          5        A.   Yes.

          6        Q.   And did he share with you some issues

          7   that he had with Mr. Seckel, his academic

          8   credentials and other issues that he had raised?

          9        A.   Yes.

         10        Q.   And did you begin sharing information

         11   with Mr. McIver relative to Mr. Seckel?

         12        A.   Yes.

         13        Q.   Did you begin doing specific research to

         14   develop information on Mr. Seckel at the behest of

         15   Mr. McIver?

         16        A.   Not at his behest.  It was my own doing.

         17        Q.   Okay.  But when you would find something,

         18   you would share it with him, correct?

         19        A.   Yes.

         20        Q.   And if he would find something, he would

         21   share it with you, correct?

         22        A.   Yes.

         23        Q.   What was the point of that?

         24        A.   For me, it was, basically I want to know.

         25   I wanted the knowledge.  I -- I wanted to find out.

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          1   I have an inquisitive mind.

          2        Q.   What did you want to find out?

          3        A.   To see what all negative that I could

          4   find out about him.

          5        Q.   Why?

          6        A.   For my own benefit.  He had lied to me.

          7   I was angry with him.  I -- I was betrayed by his

          8   -- his lies.  The -- lying about your academic

          9   credentials really, really, that angered me at the

         10   core because I know how much effort it takes, you

         11   know, to get a Ph.D.  And to have somebody lie

         12   about that and claim that they have one and -- it

         13   -- it just really angered me.

         14        Q.   To the extent that you were willing on

         15   your own time to not put it behind you, but to

         16   continue to do research on Mr. Seckel --

         17        A.   Sure.

         18        Q.   -- in conjunction with Mr. McIver?  And

         19   what was the end game?  What were you hoping to

         20   accomplish in all that?

         21             MR. LAMHOFER:  Objection.  Argumentative.

         22        Q.   (By Mr. Brewer)  Go ahead.

         23        A.   I just wanted to know.  I mean, did he

         24   lie to other people?  Am I the only one that got

         25   lied to?  And between Tom and myself, we found many

                                                                      146

          1   other people, you know, on the Internet who had

          2   stories that he had duped them out of money or lied

          3   to them about different things.  I guess there's a

          4   -- to feel that I wasn't the only one that was

          5   duped, maybe is comforting.

          6        Q.   Like therapy for you?

          7        A.   Sure.

          8        Q.   Did you feel that you wanted some type of

          9   retribution because you had been deceived, in your

         10   -- in your mind, by Mr. Seckel?

         11        A.   I wouldn't say retribution.  If I wanted

         12   retribution, I could have -- I could have caused a

         13   lot of problems for him, which I didn't.  Mainly

         14   justice.

         15        Q.   Justice.

         16        A.   I wanted people to know that he didn't

         17   have this degree that he claimed.

         18        Q.   Why?

         19        A.   Because, again, I felt it unfair to me.

         20   I -- I know how much work it takes to get this.

         21   And to have somebody running around saying claiming

         22   they have the same degree I do but didn't do any of

         23   the work, it's -- it's not fair.

         24        Q.   Uh-huh.  After your relationship with Mr.

         25   Seckel terminated, did you feel that you had to get

                                                                      147

          1   over him?

          2        A.   I didn't feel that I had to get over him.

          3   By the point that we lost contact, I was -- I was

          4   beyond over him by that point.  There were -- there

          5   were no hurt feelings, oh, he quit calling me.  I

          6   had decided prior to that that I didn't want the

          7   relationship to go on.  After I had followed the

          8   Wikipedia incident and called Tom and gotten the

          9   facts from Tom and shared information with Tom, I

         10   -- I did not want the relationship to go on.  So

         11   there wasn't really much to get over.

         12        Q.   You know what I mean by that term, to get

         13   over someone?

         14        A.   I wasn't in love, like I said.  There

         15   were no feelings of love.  So the getting-over

         16   process was very simple.

         17        Q.   Well, let me just start with the basic

         18   foundation.  You know what I mean by that term --

         19        A.   Correct.

         20        Q.   -- right.  Men and women use it all the

         21   time.  What would you -- how would you interpret

         22   the phraseology "to get over someone"?

         23        A.   To put it behind you; to not be hurt or

         24   -- by anything, you know, that happened.

         25        Q.   Uh-huh.  Would you ever use those words

                                                                      148

          1   to describe getting past the relationship with

          2   Mr. Seckel?

          3        A.   I believe I did in one of the e-mails.  I

          4   said, I -- "I'm over it."  I -- I believe it was

          5   possibly to Ron Resch.  I can't recall.  But I

          6   think I did use the terms that I was over it.

          7        Q.   And what did you mean by those terms?

          8        A.   That, you know, romantically, I've moved

          9   on.  You know, there's -- you know, I'm not crying

         10   at night, Oh, Al Seckel broke up with me.  You

         11   know, it's -- that's, you know, done.

         12        Q.   Was there a point in time where you were

         13   crying --

         14        A.   No.

         15        Q.   -- and upset?

         16        A.   No.

         17        Q.   So what were you getting over when you

         18   used those terms with Mr. Resch?

         19        A.   I think -- Mr. Resch had -- he -- I had

         20   not had very much contact with him at the later

         21   point.  And he really didn't know about all of what

         22   had transpired after I got back in touch with Al

         23   Seckel, after he had cut off the communications

         24   with me.  Ron Resch was really only aware of the

         25   fact that I was wondering -- the first time Al cut

                                                                      149

          1   off communications with me, before the trip to

          2   Sarasota, there was a bit of hurt and anger at that

          3   point.

          4        Q.   Did it cause you to cry --

          5        A.   No.

          6        Q.   -- or come to tears?

          7        A.   I never shed a tear over him.

          8        Q.   Uh-huh.

          9        A.   But questioning, you know -- you know,

         10   why -- I know guys do that.  Guys ditch and run

         11   instead of, you know, confronting.  It's a guy

         12   tactic.

         13        Q.   Uh-huh.

         14        A.   But you know, I -- I didn't think he

         15   would do that.  And it --

         16        Q.   Did you feel rejected?

         17        A.   Yeah.  But again, the relationship was

         18   not that serious.  We weren't in love.  So the

         19   level of hurt was not very deep.  It was more

         20   questioning, you know, why would he do that, you

         21   know, why couldn't he just tell me, you know, he

         22   didn't want to continue or go to Sarasota or

         23   whatever was the problem.

         24             And so I had really not talked to Ron

         25   Resch since -- that incident had resolved itself.

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          1   So you know, there was something to get over on

          2   that incident.  But the second incident, the last

          3   communication with him June 19th, by that time, I

          4   knew I didn't want to pursue any relationship with

          5   him.  There was no -- there was nothing to get

          6   over.  And if -- if he had kept pursuing contact

          7   with me, you know, at some point, you know, I would

          8   have, you know, broken it off because I did not

          9   want to pursue a relationship with someone who lied

         10   to me.

         11        Q.   So you had a relationship -- you started

         12   out the relationship in January, and it evolved to

         13   the point where he came and visited you in Atlanta.

         14   You had planned a trip to Sarasota that didn't

         15   happen because he broke off communication, right?

         16        A.   Correct.

         17        Q.   And then he came back and re-established

         18   communication, I believe you said, in April or

         19   May --

         20        A.   Correct.

         21        Q.   -- is that right?  And you were happy

         22   about that, right?

         23        A.   At that point, I was -- happy is not the

         24   word.  I -- I never trusted him from that point on.

         25   I -- I cannot believe that someone with the

                                                                      151

          1   resources he did lost my phone number and did not

          2   know how to contact me.  I was very wary --

          3        Q.   Okay.

          4        A.   -- from that point on.

          5        Q.   But you continued to communicate with

          6   him --

          7        A.   Yes, I did.

          8        Q.   -- after he reinitiated contact with you.

          9        A.   Yes, I did.

         10        Q.   And you continued to at least hope the

         11   relationship would progress, didn't you?

         12        A.   At that point, I was less interested than

         13   I was before.  But still --

         14        Q.   Why not break it off?

         15        A.   Because there really was no bother.  He

         16   was there.  I was here.  It was not like we were

         17   seeing each other every day.  And I was seeing

         18   other people at the time.

         19        Q.   Okay.  And then once you -- once he

         20   re-established communications, you continued to

         21   communicate with him using the same vehicles that

         22   you described earlier, right?

         23        A.   Correct.

         24        Q.   And that stopped in the middle of June.

         25        A.   Correct.

                                                                      152

          1        Q.   And that was the last communication you

          2   had with him.

          3        A.   Correct.

          4        Q.   And that's the last period of time, so to

          5   speak, that you were referring to when you were

          6   having to get over him; is that right?

          7        A.   In the e-mail to Ron Resch, he had not

          8   known about the reconciliation.  I guess that's the

          9   best word for it.  He had not known about that.  So

         10   when I said I was over it, I was including the --

         11   the first incident as well.

         12        Q.   Okay.  Do you continue to do research

         13   into Al Seckel up until this time, the present

         14   time?

         15        A.   Sure, not with the frequency that I used

         16   to.  Just every now and then, I'll plug his name in

         17   Google.

         18        Q.   And when you say "not with the same

         19   frequency as I used to," at its peak, after June of

         20   2006, how often were you doing research on Al

         21   Seckel?

         22        A.   In June, it was, you know, I -- I'd pop

         23   his name in Google once a day or, you know, every

         24   other day or, you know, other, you know, websites.

         25   Now it's, you know, maybe once a week.

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          1        Q.   Okay.

          2        A.   I check the Wikipedia to see if it's been

          3   edited, maybe, you know, once a week or once every

          4   two weeks.

          5        Q.   So for what period of time did you Google

          6   him or check him out once a day?  What's your best

          7   estimate?

          8        A.   Probably last summer.  When the Wikipedia

          9   stuff started, that really started me to be curious

         10   and want to know more.  And so June of '06 --

         11        Q.   So June of '06 through what period of

         12   time were you checking him out once a day?

         13        A.   Probably June, July.

         14        Q.   Of '06?

         15        A.   Of '06, yeah.

         16        Q.   And then after June or July, what did the

         17   frequency of your research go to?

         18        A.   You know, it tapered off.  I have other

         19   things going on.  It's not my primary focus.  You

         20   know, there was a gradual tapering off.

         21        Q.   To what?

         22        A.   So now, maybe I Google him once a week.

         23        Q.   And between June of '06, after you first

         24   met Tom McIver, and the present time, if you ever

         25   found anything, you'd always share that, wouldn't

                                                                      154

          1   you?

          2        A.   Correct.

          3        Q.   And in your discussions with Mr. McIver,

          4   did you mention your contact with Ron Resch?

          5        A.   Yes.

          6        Q.   And that you told him that you were

          7   introduced to him through Al Seckel?

          8        A.   I was not introduced to him through Al

          9   Seckel.

         16        Q.   (By Mr. Brewer)  Let me go back to my

         17   question before we went off the record because I

         18   may have misstated something.  I don't believe that

         19   Mr. Seckel introduced you, but I believe from your

         20   earlier testimony, he had shown you a video.  And

         21   you contacted Mr. Resch --

         22        A.   Correct.

         23        Q.   -- to try to acquire the video and buy

         24   it; is that correct?

         25        A.   Correct.

                                                                      155

          1        Q.   Okay.  Now, did you ever have any

          2   discussions with Mr. McIver about trying to enlist

          3   Mr. Resch's assistance in gathering information

          4   pertaining to Mr. Seckel?

          5        A.   Yes.

          6        Q.   And did you ever have any discussions

          7   with Mr. McIver about how you could go about

          8   enlisting his assistant to find or provide

          9   information relative to Mr. Seckel?

         10        A.   Basically, Mr. Resch -- when I had asked

         11   him about Al Seckel, he basically did not know him

         12   very well.  He knew of him, did not know him very

         13   well.  But he did tell me he planned to attend the

         14   origami conference.  So I believe Al Seckel had an

         15   event planned at his home during the origami

         16   conference.  So I was just going to talk to Mr.

         17   Resch, see if he was going, see if he was going to

         18   Al's home for the -- for the dinner --

         19        Q.   Uh-huh.

         20        A.   -- at the conference, and just to let me

         21   know how it was, what happened.

         22             Mr. Resch had always indicated to me he

         23   thought very favorably of Mr. Seckel.  And

         24   likewise, I don't think I ever said anything

         25   disparaging about Mr. Seckel to Mr. Resch.  But --

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          1   so Mr. Resch, he did not know of any sinister plans

          2   on my part.  I just asked if he was going and could

          3   be a fly on the wall and tell me how it was.  But

          4   in fact, he did not attend.

          5        Q.   You didn't tell him that you and Mr.

          6   McIver were trying to gather information concerning

          7   Mr. Seckel's credentials and other information.

          8        A.   No.

          9        Q.   So it was somewhat of a pretext.  You

         10   just wanted to know how it went --

         11             MR. LAMHOFER:  Objection, argumentative.

         12        Q.   (By Mr. Brewer)  -- and what was -- what

         13   happened, right?

         14        A.   Correct.

         15        Q.   I think the terminology you used, is you

         16   wanted him to report back to you, so to speak.

         17        A.   Correct.

         18        Q.   Have you ever met Mr. Resch?

         19        A.   No.

         20        Q.   And do you know how old he is?

         21        A.   Yes.

         22        Q.   How old is he?

         23        A.   I believe at the time that I was talking

         24   to him, he was 63, I believe.

         25        Q.   And do you know anything about his -- his

                                                                      157

          1   marital status?

          2        A.   I believe he's been married multiple

          3   times, according to him.

          4        Q.   And in April, May, and June of '06, do

          5   you know anything about his marital status?

          6        A.   He had expressed to me that he had --

          7   when -- when I talked to him -- let me try and

          8   think of the dates.

          9             When I had first contacted him, I believe

         10   it was in May, beginning of May, May 1st, May 2nd.

         11   He had a girlfriend that lived in Atlanta.  And

         12   they had broken up at the Gardner conference.  So

         13   he was -- had broken up with his girlfriend.

         14             MR. BREWER:  If you'd hand that to the

         15   witness.  Thanks.

         16        Q.   (By Mr. Brewer)  I've marked an e-mail as

         17   an exhibit, Exhibit 13.  It's dated May 1st, 2006.

         18   And it appears to be an e-mail from you to Mr.

         19   Resch; is that true?  Is this an e-mail that you

         20   sent to him on or about May 1st, 2006?

         21        A.   Yes.

         22        Q.   And it appears, if one looks at the

         23   content of the e-mail, that there's an important

         24   question that you need to ask him.  And you're

         25   asking him to contact you.

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          1        A.   Correct.

          2        Q.   Did he contact you in response to this

          3   e-mail?

          4        A.   Yes.

          5        Q.   What was the important question that you

          6   had to ask him?

          7        A.   This was shortly after I had lost contact

          8   with Al Seckel the first time, and -- you know,

          9   shortly before the trip to Sarasota.  And I was

         10   just trying to find out, you know, anything I could

         11   about why Al cut off communication with me.  And

         12   the only person -- you know, he lives on the other

         13   side of the country.  I mean, we don't have circles

         14   of friends that overlap.  I didn't have anyone --

         15        Q.   "He" meaning Al Seckel?

         16        A.   Correct.

         17        Q.   Okay.

         18        A.   That -- that knew him that I could say,

         19   you know, What's going on with him?  So I thought,

         20   you know, Ron Resch -- I thought they knew each

         21   other better than they really did.  After I talked

         22   with Ron Resch, it turns out they didn't know each

         23   other very well.  And he didn't have any idea, you

         24   know, what had become of Al.

         25        Q.   So the purpose of the call was to try to

                                                                      159

          1   discern why Al may have broken off contact or what

          2   was going on that would have caused Al to break off

          3   contact.

          4        A.   Correct.

          5        Q.   And he really didn't have any information

          6   for you.

          7        A.   Correct.

          8        Q.   Was there anything else discussed in that

          9   phone conversation?

         10        A.   Yes.  The -- after it became very clear

         11   that he didn't know anything about Al, the phone

         12   call turned to a personal nature.  And I believe --

         13   this specific phone call lasted a couple hours,

         14   until my cell phone battery went dead, whereas,

         15   then I switched to a land line and we talked more.

         16   And we talked a total of about 18 hours in one

         17   sitting.

         18        Q.   18 hours?

         19        A.   Yes.

         20        Q.   Okay.  And the conversation was of a

         21   personal nature --

         22        A.   Yes.

         23        Q.   -- is that right?  And at the time that

         24   you had this discussion, did you consider that your

         25   relationship with Mr. -- let me go back.  At the

                                                                      160

          1   time that you had this discussion that you're

          2   referring to with Mr. Resch, did you assume that

          3   your relationship with Mr. Seckel was over?

          4        A.   Yes.

          5        Q.   I'm going to you show you what I'm going

          6   to mark as Exhibit 14.

          7             (Deposition Exhibit 14 marked.)

          8        Q.   (By Mr. Brewer)  The document that's been

          9   marked as Exhibit 14, on the first page, it appears

         10   to be an e-mail from you to Mr. Resch; is that

         11   correct?

         12        A.   Correct.

         13        Q.   And is this an e-mail that you sent on or

         14   about May 2nd, 2006?

         15        A.   Correct.

         16        Q.   And there appear to be two attachments

         17   which I included as part of Exhibit 14.  Are those

         18   attachments that were part of this e-mail?

         19        A.   Correct.

         20        Q.   Okay.  And what was the purpose of

         21   sending these attachments and this e-mail to Mr.

         22   Resch?

         23        A.   There were actually many pictures that I

         24   did send him.  These were the only two that just --

         25   when -- at the time of the subpoena, when I went to

                                                                    161

          1   collect all of my e-mails, these were the only two

          2   that I still had in my sent folder.  But there were

          3   many others that I sent upon his request.

          4        Q.   Okay.

          5        A.   Oh, this was -- this occurred during the

          6   course of that phone call.

          7        Q.   Oh, I see.  So while you were on the

          8   phone with him, you sent this e-mail and various

          9   attachments.

         10        A.   Correct.

         11        Q.   Okay.  So we only have the benefit of

         12   these two.  There were numerous others that were

         13   sent?

         14        A.   Correct.

         15        Q.   And did he ask for these?

         16        A.   Correct.

         17        Q.   And did you describe what the content of

         18   each attachment was?

         19        A.   I -- I guess as part of the phone

         20   conversation.

         21        Q.   And was your purpose in sending these to

         22   attempt to initiate a relationship with Mr. Resch?

         23        A.   Not at this point.  We had talked for a

         24   number of hours and found that we had a lot in

         25   common.  We were -- things were going well.  We

                                                                      162

          1   were interested.  I had told him I was excited

          2   about winning the award, the Chair's award.  I -- I

          3   sent him a photograph.  This was earlier on in the

          4   day.  I believe I sent him a photograph of me with

          5   the award, with my professor, receiving the award.

         18        Q.   When you sent these photographs, did you

         19   think about the possibility of developing a

         20   relationship with Mr. Resch?

         21        A.   Sure.  Yeah.  He seemed like a really

         22   great guy.  And -- and we really clicked.  I've

         23   never had an 18-hour phone conversation with

         24   anyone.

          6             Did you ever develop a romantic

          7   relationship with him?

          8        A.   No.

          9        Q.   Did he ever express an interest to you,

         10   in developing a romantic relationship?

         11        A.   Over the course of these two days, it --

         12   it seemed like that was a possibility.  And we

         13   talked about the possibility of getting together,

         14   me coming to visit him or him coming to visit me.

         15   And then a couple of days later, he expressed to me

         16   that he was still very hung up on his girlfriend,

         17   you know.

         18        Q.   Okay.

         19        A.   So I -- I let it drop at that point.  And

         20   from that point on, everything progressed in a more

         21   not sexual manner.

         22        Q.   Did -- in sending these photographs and

         23   the others that we don't have, have anything to do

         24   just in terms of your thinking of spiting Mr.

         25   Seckel because he didn't call you?

                                                                      164

          1        A.   No.  No.  I -- no.

          6        Q.   And did you ask Mr. Resch to keep it

          7   confidential and not tell Mr. Seckel about this?

          8        A.   Sure.

          9        Q.   And if you considered the relationship to

         10   be over with Mr. Seckel, what difference did it

         11   make whether he did or didn't know?

         12        A.   Because Ron Resch was one of his -- you

         13   know, someone he knew professionally, someone he

         14   knew -- albeit not very well, but had an amiable

         15   relationship with.  I -- I didn't want him to know

         16   that, you know, things didn't work out with him, so

         17   I moved on to his friends.  It's just -- it's

         18   strange.

         19        Q.   The reason why I ask, is it's -- it's

         20   like the -- having sex with a best friend type of

         21   effect.  Did any of that go into sending these

         22   photographs?

         23        A.   No.

         24             MR. LAMHOFER:  I'm going to object that

         25   it assumes facts not in evidence.  It's also

                                                                     165

          1   argumentative.

          2        Q.   (By Mr. Brewer)  Go ahead.

          3        A.   Okay.  No.  No.  I just -- I never

          4   thought that after -- when I called him that day,

          5   just to find out if he knew where Al had -- was Al

          6   in the hospital?  What -- what had happened to Al?

          7   Why did he break off -- you know, was he dead on

          8   the side of the road somewhere?  Did he know

          9   anything?  It never dawned on me at that point that

         10   there would be this kind of chemistry with Ron

         11   Resch, like there was on the phone.

         12             And I have to just say for the record,

         13   not all of it was sexual.  There was a lot of

         14   intellectual chemistry.  He e-mailed me a lot of

         15   his papers and presentations.  And during that 18

         16   hours, we discussed those.  And he was very

         17   impressed that -- that I could discuss his work

         18   with him and I understood what he was showing me.

         19   So it wasn't just sexual.

         23        Q.   Let me show you what I'm going to mark as

         24   Exhibit 15.

         25             (Deposition Exhibit 15 marked.)

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          1        Q.   (By Mr. Brewer)  And this purports to be

          2   an e-mail from you to Ron Resch dated August 14,

          3   2006.  And about three sentences down, it talks --

          4   it says, "Anyway, I was wondering if you're going

          5   to the upcoming origami conference at Caltech.

          6   Part of the conference includes a dinner at Al's

          7   house.  And I was just interested in" -- I'm sorry.

          8   I lost my spot.  "I was just interested to see if

          9   you were going.  Al and I got back together after

         10   the mysterious four-week silent treatment, and then

         11   he pulled the same thing on me again.  I haven't

         12   heard from him in about six weeks."  Let me just

         13   ask you a question about that.

         14             If you look at the date of this e-mail,

         15   it looks like that would take you into July.  Are

         16   you certain that you broke off communications with

         17   him in the middle of June, June 19th?

         18        A.   It was June 19th, yes.

         19        Q.   Okay.  So the six-week period relates

         20   back to June 19th, 2006; is that right?

         21        A.   So I guess it was really more --

         22        Q.   That's okay.

         23        A.   -- seven weeks.

         24        Q.   I'm just -- yeah, just splitting hairs,

         25   but I just want to make sure --

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          1        A.   Correct.

          2        Q.   -- we have the right date.  You're

          3   referencing back to June 19th, 2006.

          4        A.   Correct.

          5        Q.   Okay.  "I'm over it now, and I've moved

          6   on."  We talked about that earlier.  That's the

          7   reference to your feelings about Mr. Seckel and

          8   moving on.

          9        A.   Correct.

         10        Q.   Okay.  "I'm just really curious to find

         11   out what is up with him.  If you're going to" --

         12   "going to his party, I'd love a full report."

         13             Now, at the time that you wrote this in

         14   August of 2006, you were actively researching Al

         15   Seckel along with Mr. McIver, correct?

         16        A.   Correct.

         17        Q.   And you had spoken to Mr. McIver about

         18   using Ron Resch's attendance at the origami

         19   conference as a source of information, correct?

         20        A.   Correct.

         21        Q.   And you and Mr. McIver agreed that you

         22   would contact Mr. Resch under the pretext that you

         23   would be curious and get information if he were to

         24   attend the origami conference, correct?

         25        A.   Correct.

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          1        Q.   And you wouldn't disclose the real

          2   purpose behind asking for conversation or asking

          3   for a full report, correct?

          4        A.   Correct.

          5        Q.   And did he ever go to the conference?

          6        A.   No.

          7        Q.   So you never got your full report from

          8   him.

          9        A.   No.

         10        Q.   Did you -- did you contact anyone else

         11   who was going to go to the conference?

         12        A.   No.

         13        Q.   Did you ever talk to anyone that attended

         14   the conference to elicit what occurred or what

         15   happened at the conference?

         16        A.   No.

         17        Q.   Let me ask you about some specific

         18   allegations here in a second.  Are you aware -- and

         19   let me just start over.

         20             I'm going to ask you for your own

         21   personal knowledge about a series of claims.  Okay?

         22   And what I mean by "personal knowledge," is whether

         23   you have firsthand knowledge, whether any of these

         24   claims are true or untrue.  And then I'll ask you

         25   whether you have second or third-hand knowledge,

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          1   which may be hearsay from someone else, about some

          2   of these claims.  Okay?

          3             The first claim is that "Al Seckel was

          4   engaged in serious financial fraud."  Do you have

          5   any personal knowledge that Al Seckel has ever

          6   engaged in serious financial fraud?

          7        A.   No.

          8        Q.   Have you ever heard from anyone that Al

          9   Seckel has engaged in serious financial fraud?

         10        A.   What I've read on the Internet.

         11        Q.   Okay.  Has Mr. McIver ever made that

         12   claim to you?

         13        A.   Yes.

         14        Q.   And did he make that claim to you on more

         15   than one occasion?

         16        A.   Yes.

         17        Q.   And did he make that claim to you in

         18   writing?

         19        A.   The fax that he sent me with the

         20   nonprofit status, that it had been revoked, I guess

         21   that counts as the -- I'm not really sure what I'm

         22   -- what do you mean by "in writing"?

         23        Q.   Well, has he ever sent you an e-mail

         24   where he has made that claim to you, that Al Seckel

         25   has engaged in serious financial fraud?

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          1        A.   I would have to go back and look at the

          2   e-mails.  I -- I do not know offhand.

          3        Q.   But he has told you that in some of your

          4   telephone conversations, correct?

          5        A.   Yes.

          6        Q.   And has he ever -- and strike that.  Has

          7   he ever offered any proof relative to the assertion

          8   that Al Seckel has engaged in serious financial

          9   fraud?

         10        A.   Yes.

         11        Q.   And what proof did he ever offer?

         12        A.   He sent me a fax package.  And it

         13   included pamphlets from SCS, different forms,

         14   stating they were a nonprofit organization, a

         15   letter, I believe, that they sent out saying that

         16   they needed money, they were nonprofit.  He also

         17   sent me the stuff from the State of California

         18   saying that they were not nonprofit.  Also letters

         19   from other people saying that they had been, you

         20   know, cheated out of money.  Pearce Williams, his

         21   son was cheated out of money.  Things like that in

         22   the fax package that he sent me.

         23        Q.   Okay.  So Al -- strike that.  Mr. McIver

         24   has sent you information where he has purported to

         25   substantiate a claim that Al Seckel has been

                                                                      171

          1   engaged in serious financial fraud; is that

          2   correct?

          3        A.   Correct.

          4             MR. LAMHOFER:  Object.  Argumentative.

          5        Q.   (By Mr. Brewer)  Is that correct?

          6        A.   Yes.

          7        Q.   And I think one of the things that you

          8   indicated he sent you, was something from the

          9   Secretary of State of the State of California, that

         10   California Skeptics -- Southern California Skeptics

         11   was not a 501(c) nonprofit corporation?

         12        A.   Correct.

         13        Q.   Have you done anything yourself to

         14   validate one way or the other, whether Southern

         15   California Skeptics is or is not a 501(c) nonprofit

         16   corporation?

         17        A.   No.

         18        Q.   So anything that you know in that regard

         19   is something that was sent to you by Mr. McIver.

         20        A.   Correct.

         21        Q.   To your knowledge, has Mr. McIver made

         22   that same claim, that Al Seckel has engaged in

         23   serious financial fraud, to anyone other than you?

         24        A.   I have no knowledge.

         25        Q.   Do you have knowledge of him

                                                                      172

          1   disseminating e-mails or written information --

          2   written claims to others asserting that same claim?

          3        A.   No.

          4        Q.   The next claim may kind of dovetail into

          5   what we just talked about, but let me just get it

          6   on the record.  Do you have any personal knowledge

          7   that the plaintiff, Al Seckel, lied about the tax

          8   exempt status of Southern California Skeptics, a

          9   nonprofit education group, which Plaintiff headed,

         10   which met at Caltech for many years?

         11        A.   No.

         12        Q.   Would your answer be the same as what you

         13   told me relative to what you know --

         14        A.   Correct.

         15        Q.   -- or don't know about that issue?

         16        A.   Correct.

         17        Q.   The next claim is that the plaintiff has

         18   misappropriated contributions given to Skeptics

         19   organizations with which the plaintiff was

         20   affiliated.  Do you have any personal knowledge

         21   that Al Seckel ever misappropriated any

         22   contribution given to the Skeptics organization

         23   with which he was affiliated?

         24        A.   No.

         25        Q.   Do you know whether Mr. McIver has ever

                                                                      173

          1   made that claim to you?  Do you have any

          2   recollection of him making that claim to you?

          3        A.   Whether he misappropriated --

          4        Q.   Let me state it again so you have it.

          5   Whether he misappropriated contributions given to

          6   the Skeptics organization, California Skeptics,

          7   with which Plaintiff was affiliated?

          8        A.   I don't know that he said that

          9   specifically.  I -- I don't know.

         10        Q.   Do you have any knowledge of Mr. McIver

         11   making that statement to others, other than

         12   yourself?

         13        A.   No.

         14        Q.   The next statement is -- is as follows:

         15   That Al Seckel has been guilty of reckless

         16   mismanagement.  Are you aware of that statement

         17   ever being made by Mr. McIver concerning Mr.

         18   Seckel?

         19        A.   Reckless mismanagement?  I don't think

         20   I've heard that term used before.

         21        Q.   Have you seen anything which reflects Mr.

         22   McIver making that statement about Mr. Seckel to

         23   others, excluding yourself?

         24        A.   I don't believe so.

         25        Q.   The next statement is that Al Seckel

                                                                      174

          1   faked Southern California Skeptics' financial

          2   documents.  Are you -- do you have any personal

          3   knowledge that Al Seckel ever faked any Southern

          4   California financial document --

          5        A.   No.

          6        Q.   -- Southern California Skeptic financial

          7   document?

          8        A.   No.

          9        Q.   Has Mr. McIver ever made that claim to

         10   you?

         11        A.   Not to me directly, but I think that was

         12   on the -- that was possibly on the Krieg website, I

         13   think.  But I don't recall that he had said that to

         14   me directly.

         15        Q.   Okay.  And as you sit here today, do you

         16   have any recollection of him making that claim to

         17   others, excluding yourself?

         18        A.   No.

         19        Q.   And the last statement is that Al Seckel

         20   looted Southern California Skeptics out of

         21   existence?  Are you aware of any personal -- do you

         22   have any personal knowledge as to that statement?

         23        A.   No.

         24        Q.   Has Mr. McIver ever made that statement

         25   to you?

                                                                      175

          1        A.   I have seen that phrase used in an

          2   e-mail, but I don't think that was an e-mail from

          3   Tom to me.  I think that was an e-mail I was copied

          4   on or something.  But I don't believe that that

          5   statement was made, directed towards me.

          6        Q.   So you have no personal recollection of

          7   Mr. McIver making that statement to you, as you sit

          8   here today?

          9        A.   Correct.

         10        Q.   Do you have any knowledge of him making

         11   that statement to others, excluding yourself?

         12        A.   It was in one of those e-mails.  And I

         13   don't have it in front of me, so I -- I don't have

         14   a photographic memory.  I'm sorry.  I know that

         15   term was used in one of the e-mails.  But I can't

         16   remember who -- who wrote it, whether somebody

         17   wrote that to Tom or he wrote that to someone else.

         18   I -- I can't recall.  That was . . .  Yeah.  I

         19   don't know.

         20        Q.   Let me go back to one exhibit that you

         21   talked about earlier.  I believe it was Exhibit 6.

         22   Yes, it was.  Do you have it in front of you?

         23        A.   Yes.

         24        Q.   Now, just kind of providing a little

         25   context for my question, this was an exhibit that

                                                                      176

          1   you were shown earlier.  And you had testified

          2   about the various items that you received from Mr.

          3   Seckel, that were sent to substantiate or at least

          4   rebut, I should say, certain claims that were made

          5   against him.  Do you recall that testimony?

          6        A.   Correct.

          7        Q.   Okay.  And do you have any information

          8   that any of the attachments to Exhibit 6 -- and by

          9   the way, just kind of setting this out, the first

         10   two pages are a letter from Mr. Seckel.  And then

         11   the balance of the exhibit are the attachments that

         12   he sent, correct?

         13        A.   Correct.

         14        Q.   Okay.  Do you have any information that

         15   any attachment or a photo copy of any attachment is

         16   a fabricated document?

         17        A.   No.

         18        Q.   And do you have any information that any

         19   of the identifications that were sent are

         20   fabricated identifications?

         21        A.   No.

         22        Q.   Just a few more questions.  I'm getting

         23   close to being finished.

         24             Wikipedia, what is that?

         25        A.   It's an encyclopedia on the Internet

                                                                      177

          1   where users enter the information and edit it

          2   themselves.

          3        Q.   So anyone can enter information about

          4   themselves?

          5        A.   Correct.

          6        Q.   Okay.  Is there any type of filtering

          7   system before one is permitted to enter information

          8   about one's self?

          9        A.   No.

         10        Q.   Okay.  And after the information is

         11   entered on Wikipedia, to your knowledge, is there a

         12   process whereby others can edit the information?

         13        A.   Correct.

         14        Q.   And describe your knowledge or

         15   familiarity with that editing process.

         16        A.   I've never edited anything on Wikipedia.

         17   I don't have any firsthand knowledge.  The most

         18   I've learned from it, is just by following Al

         19   Seckel's Wikipedia page.

         20             Apparently you can write something and

         21   other people come in and -- Wikipedia has rules.

         22   And so other people really can come in and enforce

         23   the rules.

         24        Q.   When you say it has rules, what do you

         25   mean by that?

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          1        A.   Especially on his page, I think some of

          2   the issues brought up were -- the references, when

          3   -- everything has to be a verifiable reference,

          4   like a newspaper or a magazine article.  In his --

          5   his first page, he -- he said things that weren't

          6   verifiable, sort of nonconcrete things, like he's

          7   interested in how illusions, you know, help the

          8   world, or things like that, that can't be

          9   referenced, you know, to a newspaper or magazine

         10   article, things like that.

         11             So people come in, and -- and they go

         12   back and -- and make the articles, you know, apply

         13   to the rules that everything has to be verifiable.

         14   I don't know.  I've never really done any of it

         15   myself, so I -- I'm not the best person to ask.

         16        Q.   Okay.  Does -- to your knowledge, does

         17   Mr. McIver have any affiliation with Wikipedia?

         18        A.   I know he has edited the Al Seckel page.

         19        Q.   Okay.  But anyone can edit the Al Seckel

         20   page, from what you just told me, right?

         21        A.   Correct.

         22        Q.   Okay.  Beyond being just an interested

         23   party, for the reasons that we've discussed during

         24   this deposition, has he -- to your knowledge, does

         25   he have any affiliation with Wikipedia?

                                                                      179

          1        A.   No.

          2        Q.   Does Wikipedia have like an editorial

          3   board that gives final approval to what becomes

          4   part of Wikipedia, if you know?

          5        A.   I -- I am not familiar with the process.

          6        Q.   Okay.  And the discussion pages that

          7   you're referring to, do those discussion pages

          8   contain comment by others who have looked at a

          9   proposed page and have positive or negative

         10   comments?

         11        A.   Correct.

         12        Q.   And do you know if -- for example, if Mr.

         13   McIver comes in and edits a Wikipedia page, what

         14   ends up being the final page that's displayed for

         15   the public, if you know?

         16        A.   Yes.  If -- if you make an edit, then --

         17   you know, unless somebody comes in and removes your

         18   edit, your edit becomes the final page.  Your

         19   edited page becomes the final page.  So there's a

         20   whole series of edits.  And you can go through

         21   Wikipedia in the history tab and view all the

         22   previous edits.

         23        Q.   Okay.  So, for example, if someone comes

         24   in and edits -- if you don't know, I don't want you

         25   to guess.  But it sounds like you've at least

                                                                      180

          1   looked at it --

          2        A.   Uh-huh.

          3        Q.   -- so you may have some familiarity with

          4   it.  In this case, if Mr. Seckel comes in and then

          5   writes a page for himself in Wikipedia, someone

          6   like Mr. McIver could come in and edit it so it

          7   comports with the rules; is that right?

          8        A.   Correct.

          9        Q.   And then you can then -- can you come in

         10   and challenge the edits?  For example, can Mr.

         11   Seckel come back and delete the edits or edit the

         12   edits, so to speak?

         13        A.   Of course.

         14        Q.   So it's just this back-and-forth process

         15   until finally you wear out your adversary?

         16        A.   Right.

         17        Q.   Really?

         18        A.   Right.

         19        Q.   That's crazy.

         20             MR. LAMHOFER:  Better not put a Wikipedia

         21   entry on your cell phone.

         22             MR. BREWER:  You'd never get --

         23        Q.   (By Mr. Brewer)  But there's no final

         24   approval of it by any type of editorial board, or

         25   you know, Wikipedia authority that says, Okay, this

                                                                      181

          1   is the final product.

          2        A.   It's -- they constantly change.  The

          3   pages constantly -- I don't believe that there's

          4   ever a final page.  Every page is a work in

          5   progress.

          6        Q.   But it has -- somebody has to initiate

          7   the page.  You don't have an organization, a

          8   Wikipedia organization, for example, that does it.

          9        A.   I believe individuals initiate the pages.

         10        Q.   Okay.  Did you ever copy any of the

         11   discussion pages on Wikipedia?

         12        A.   No.  I saw them.

         13        Q.   You don't recall printing them.

         14        A.   If I didn't submit it, then I don't have

         15   it.  So I don't think -- I don't think so.

         16        Q    Okay.

         17        A.   I did see them before they were edited,

         18   to have the libelous statements removed.

         19        Q.   Say that again.

         20        A.   I did see them before they were edited.

         21   Now if you go back and look at the discussion

         22   pages, a lot of the information is -- is missing.

         23   And in its place, will say, Potentially libelous

         24   statement removed.  So I did -- I read all of them

         25   at the time they were put up, before they got

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          1   edited by the Wikipedia people.

          2        Q.   Okay.  When you say that there -- if --

          3   when you got back to it at some point, you noticed

          4   that the Wikipedia people had removed certain

          5   statements because they were potentially

          6   libelous --

          7        A.   Correct.

          8        Q.   -- is that correct?  And were those

          9   statements that were contained in Mr. McIver's

         10   edits?

         11        A.   No.  I think these were just on the

         12   discussion.  I don't think anything on the -- on

         13   the edit of the actual page was ever removed for

         14   being potentially libelous.  I think it was all in

         15   the discussion.

         16        Q.   Okay.  And can you describe what it looks

         17   like?  Is it -- is it stricken with the

         18   parenthetical or some type of color comment from

         19   the Wikipedia people that it's been stricken

         20   because it was potentially libelous?

         21        A.   I don't think it's in color.  I think

         22   it's just in a different font.

         23        Q.   So it's highlighted somehow --

         24        A.   Somehow.

         25        Q.   Okay.  And they actually strike the

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          1   sentence in the paragraph or whatever they have

          2   considered to be potentially libelous and inserted

          3   that.

          4        A.   Those -- those -- yes.

          5        Q.   And that, as far as you recall, was in

          6   the discussion section of the Wikipedia entry for

          7   Mr. Seckel?

          8        A.   Yes.

          9        Q.   And do -- in the discussion section of

         10   the Wikipedia -- strike that.

         11             In the discussion section that related to

         12   Mr. Seckel, did it identify the author who was

         13   making a specific comment?

         14        A.   It -- it did if you signed it.  A lot of

         15   Mr. Seckel's comments he did not sign.  But later,

         16   I think they confirmed -- it just give (sic) an IP

         17   address.  But later they did confirm.  And they did

         18   admonish him for not signing it and only using his

         19   IP address.

         20             So I think a lot of Mr. Seckel's comments

         21   are only given by his IP address.  But they -- if

         22   you read through and follow it, you know, he does

         23   admit that that was -- that was him, he just didn't

         24   know how to sign it.

         25        Q.   So under the rules, you're supposed to

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          1   sign or acknowledge if you've written something in

          2   the -- excuse me -- in the discussion section?

          3        A.   I don't believe you have to.  But they

          4   wanted him to.  Because it was kind of hard to

          5   follow when you have an IP address and a comment

          6   and an IP address and a comment.  It makes it

          7   difficult to follow.

          8        Q.   Okay.

          9        A.   And they did sort of ask him to please

         10   start signing his name.  And -- and he did start,

         11   but I think some of his earlier ones only give the

         12   IP address.

         13        Q.   Okay.  Now, that gets to my next point

         14   then.  The -- the comment by the Wikipedia people

         15   that certain statements were deleted because they

         16   were potentially libelous, were those comments in a

         17   discussion section that was written by Mr. Seckel

         18   or by someone else or both?

         19        A.   I think comments from both of them were

         20   deleted.

         21        Q.   Okay.

         22        A.   I think they both sort of evolved into

         23   kind of calling each other a nut and stuff like

         24   that.  It was things that --

         25        Q.   And when you say "both," you're talking

                                                                      185

          1   about Mr. McIver and Mr. Seckel?

          2        A.   Yes.

          3        Q.   Were there any other individuals that you

          4   saw that had authored anything in the discussion

          5   section that had statements removed from the

          6   Wikipedia people because they were potentially

          7   libelous?

          8        A.   Other people did join in the discussion.

          9   But I think those were the only two that had things

         10   removed.

         11        Q.   Okay.  Are you still on good terms with

         12   Mr. McIver?

         13        A.   I guess.

         14        Q.   Well, you haven't had a falling out,

         15   or --

         16        A.   No.

         17        Q.   -- you still pick up the phone and talk

         18   to each other from time to time?

         19        A.   Correct.

         20        Q.   Okay.  And what's the status of your

         21   relationship with Mr. Resch?

         22        A.   I haven't heard from him in a long time.

         23        Q.   When's the last time you heard from him?

         24        A.   I think that last e-mail that I sent him,

         25   that was the last contact.  And he never responded.

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          1   So whatever the date on that last e-mail that I

          2   sent to him, I never got a response, so.

          3        Q.   Okay.

          4             MR. BREWER:  Thank you.  I have nothing

          5   further.

          6             MR. LAMHOFER:  Just a couple of follow-up

          7   questions.

          8        EXAMINATION

          9        BY-MR. LAMHOFER:

         10        Q.   Counsel began his cross-examination by

         11   asking you some questions about your ALT.com

         12   profile.  I'd like to just ask you a related

         13   question to that.

         14             Did Mr. Seckel ever mention anything to

         15   you about any particular fetishes of his that he

         16   was concerned about other people learning about?

         17        A.   Sure.

         18        Q.   What did he tell you?

         19        A.   He told me he liked to keep his private

         20   life private and he didn't want anyone in his, you

         21   know, public life to know, which is completely

         22   understandable.  I feel the same way.

         23        Q.   Okay.  And what particular fetishes was

         24   he concerned about people learning about?

         25        A.   Water sports.

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          1        Q.   Okay.  And I -- I think I know what that

          2   means.  But just for the record, can you give us a

          3   brief explanation of what that is?

          4        A.   He liked for women to urinate in his

          5   mouth.

          6        Q.   Okay.  And he indicated to you that he

          7   was afraid that people would learn about that?

          8        A.   Not afraid, but concerned.  He took

          9   precautions to keep his private life private.

         10        Q.   Did he indicate to you at any time that

         11   he felt that if information was disclosed to

         12   anyone, it would affect his business reputation?

         13        A.   Correct.

         14        Q.   Were there any other particular fetishes

         15   of his that he disclosed to you that he expressed a

         16   concern about other people learning about?

         17        A.   That was basically it.

         18        Q.   You indicated earlier, during the course

         19   of your communication with Mr. Seckel, that you

         20   were dating, I believe, three to four other people?

         21        A.   (Nods head.)

         22        Q.   Is that correct?

         23        A.   Over the six-month period.

         24        Q.   Right.  And were there -- strike that.

         25   Were these all people that you had met through

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          1   ALT.com or ALT.com and other venues?  Or tell me

          2   about that.

          3        A.   I think one person was someone I did not

          4   meet through ALT.com.  Others I have met through

          5   ALT.com.

          6        Q.   And were you also pursuing those

          7   relationships during the course of time you were

          8   communicating with Mr. Seckel, to some extent or

          9   another?

         10        A.   You know, to some extent.

         11        Q.   You indicated that your last

         12   communication with Mr. Seckel was June 19th, 2006?

         13        A.   Correct.

         14        Q.   And that's when you responded to an

         15   e-mail of his?

         16        A.   I think that was the date of his last

         17   e-mail to me.

         18        Q.   Right.

         19        A.   And I sent a response after that, which I

         20   do not have.  So I do not know the date of my

         21   response.  But his -- his auto responder sent me a

         22   response to my response.  So it's likely that it

         23   was on that date.

         24        Q.   Okay.  Sometime in June of 2006?

         25        A.   Right, right after June 19th.

                                                                      189

          1        Q.   Okay.  And in your -- strike that.  The

          2   original e-mail that he had sent you on that date

          3   was, for lack of a better word, kind of a tale of

          4   woe about a series of things that were going wrong

          5   in his life at that time.

          6        A.   Correct.

          7        Q.   Okay.  And even though you did not save

          8   the e-mail, you did send him an e-mail which

          9   basically said, I -- I hope things get better for

         10   you, something to that effect?

         11        A.   Correct.

         12        Q.   Okay.  Were you sympathetic to him at

         13   that time, somewhat, despite everything that had

         14   happened?

         15        A.   No.

         16        Q.   Okay.  Were you just being polite?  Is

         17   that  -- is that how you would characterize it, by

         18   saying that you hoped things improved for him?

         19   What was your -- what was your intent, is what I'm

         20   asking you, in sending --

         21        A.   My intent was -- was to keep stringing

         22   him along to get information.

         23        Q.   You have never personally edited anyone's

         24   Wikipedia profile.

         25        A.   No.

                                                                      190

          1        Q.   And has -- and you don't have a Wikipedia

          2   profile yourself.

          3        A.   Hopefully not.  I haven't checked,

          4   though.

          5        Q.   You haven't posted one.

          6        A.   I have not posted one.

          7        Q.   Okay.

          8             MR. LAMHOFER:  That's all I have.  Thank

          9   you.

         10             MR. BREWER:  I have a question that I

         11   just need to talk to you about something, kind of

         12   relating to the follow-up that he asked.

         13        EXAMINATION

         14        BY-MR. BREWER:

         15        Q.   The fetish that Mr. Seckel told you

         16   about, he verbally told you about that, correct?

         17        A.   Correct.

         18        Q.   He didn't post that.

         19        A.   It was referred to in one of the instant

         20   messages, I believe.  And --

         21        Q.   Between you and he?

         22        A.   Yes.

         23        Q.   But he didn't post it on his profile,

         24   though.

         25        A.   I believe -- I think it was alluded to.

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          1        Q.   Okay.

          2             MR. BREWER:  That's all I have.  Let me

          3   just talk to you off the record real quick.

          4             THE VIDEOGRAPHER:  This concludes --

          5             MR. LAMHOFER:  Sure, we'll go off the

          6   record.

          7             THE VIDEOGRAPHER:  This concludes the

          8   videotape deposition of Dr. Xxxxxxx Xxxxxxx.  The

          9   date is January 8, 2008.  The time is approximately

         10   2:17 p.m.  We are now off the record.

         11             (Recess from 2:17 p.m. to 2:29 p.m.)

         12             THE VIDEOGRAPHER:  The time is

         13   approximately 2:29 p.m.  This is in addition to the

         14   deposition of Dr. XxxxxxxXxxxxxx.  We are now on the

         15   record.

         16        Q.   (By Mr. Brewer)  While we were off the

         17   record, I had a discussion with Counsel about some

         18   e-mails that we didn't discuss individually because

         19   I didn't feel the need to, but which I believe were

         20   sent between you and Mr. Seckel, Mr. Seckel and

         21   you, along with some attachments in certain

         22   instances and in addition to which there were

         23   e-mails between you and Mr. McIver.  And in certain

         24   instances, I believe there are attachments there as

         25   well.  And I had asked that you go through those at

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          1   the break and verify that each of the e-mails and

          2   the attachment is an e-mail that was either sent by

          3   you or received by you with respect to Mr. Seckel

          4   and Mr. McIver.  And you've had a chance to go

          5   through each stack, and I organized them.

          6             And are you able to verify that the

          7   e-mails in each individual stack in front of you

          8   were e-mails that were sent by you or received by

          9   you with respect to Mr. Seckel and Mr. McIver?

         10        A.   Yes, they were.

         11        Q.   Okay.

         12             MR. BREWER:  What I would -- what I will

         13   do, I'll just mark each of those as one consecutive

         14   exhibit.  So we're 14?

         15             MR. LAMHOFER:  15 is the last one I have.

         16             MR. BREWER:  15?  So 16 and 17.  So the

         17   stack relates to Mr. Seckel will be 16, and the

         18   stack that relates to Mr. McIver will be 17.  I

         19   have nothing further.  Thank you.

         20             MR. LAMHOFER:  I propose the following

         21   stipulation, that the original deposition

         22   transcript be sent to my office.  I will then

         23   transmit the original to the witness for her review

         24   and signing under penalty of perjury in making any

         25   changes or corrections that are necessary.

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         18             MR. BREWER:  So stipulated.

         19             MR. LAMHOFER:  Thank you.

         20             THE VIDEOGRAPHER:  This now concludes the

         21   deposition of Dr. XxxxxxxXxxxxxx on January 8th, 2008,

         22   at approximately 2:32 p.m.  We are now off the

         23   record.