

EXHIBIT C

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

NORTHLAND FAMILY PLANNING CLINIC,
INC.,

Plaintiff,

vs.

Case No. 8:11-cv-00731-JVS-AN

CENTER FOR BIO-ETHICAL REFORM, et
al.,

Defendants.

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The Videotaped Deposition of ERIC HOLMBERG,
Taken at 24 Frank Lloyd Wright Drive, Suite D2100,
Ann Arbor, Michigan,
Commencing at 9:59 a.m.,
Tuesday, January 24, 2012,
Before Cheri L. Gleyre, RPR, CSR-6548.

Job No. CA132772

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<p>1 You may answer subject to not disclosing any</p> <p>2 communications between counsel and you.</p> <p>3 A. Can you rephrase the question, repeat the question?</p> <p>4 BY MS. WILCOX:</p> <p>5 Q. Sure. Other than organize conversations with your</p> <p>6 attorneys did you do anything to prepare for this</p> <p>7 deposition?</p> <p>8 A. Other than reviewing the legal documents that you or</p> <p>9 somebody representing the plaintiff has sent him that</p> <p>10 he sent me, no.</p> <p>11 Q. And what legal documents did you review?</p> <p>12 A. Basically things like that. I don't have them in</p> <p>13 front of me, but I suppose that or something very</p> <p>14 close to it.</p> <p>15 Q. So things like Exhibits 44 and 45?</p> <p>16 A. Exhibit and a number of other things that I got, three</p> <p>17 or four attachments that I've looked at.</p> <p>18 Q. Did you speak with anyone other than your attorneys in</p> <p>19 preparation for this deposition?</p> <p>20 A. My wife.</p> <p>21 Q. And what did you speak with your wife about?</p> <p>22 MR. MUISE: Objection so far as it calls for</p> <p>23 marital -- communications protected by the marital</p> <p>24 privilege and I'm instructing my client not to answer.</p> <p>25 A. I can't answer that.</p> <p>Page 14</p>	<p>1 information preparing this witness in terms of the</p> <p>2 details for this deposition. I'm going to instruct</p> <p>3 him not to answer the question.</p> <p>4 BY MS. WILCOX:</p> <p>5 Q. Mr. Holmberg, would you briefly describe your</p> <p>6 education since high school?</p> <p>7 A. I am a graduate of William and Mary, class of 1977.</p> <p>8 I've also taken a number of courses at various</p> <p>9 Christian colleges, seminaries, Bible classes.</p> <p>10 Q. And do you have any degrees or certifications beyond</p> <p>11 your bachelor's at William and Mary?</p> <p>12 A. No.</p> <p>13 Q. And are you currently employed?</p> <p>14 A. I am.</p> <p>15 Q. And what do you do?</p> <p>16 A. I write. I'm an ordained minister so I have some</p> <p>17 functions in that capacity, marriages, those types of</p> <p>18 things, but primarily I write and produce books,</p> <p>19 booklets and videos.</p> <p>20 Q. And how long have you been an ordained minister?</p> <p>21 A. Since 1985.</p> <p>22 Q. And how long have you been writing and producing</p> <p>23 videos for your work?</p> <p>24 A. Since 1982, approximately.</p> <p>25 Q. And before 1982 what did you do for a living?</p> <p>Page 16</p>
<p>1 BY MS. WILCOX:</p> <p>2 Q. Did you meet with any attorneys to prepare for this</p> <p>3 deposition?</p> <p>4 A. No, other than my attorney.</p> <p>5 Q. Okay. How many times did you meet with your</p> <p>6 attorneys?</p> <p>7 A. Well, we spoke a couple times on the phone and then</p> <p>8 yesterday once.</p> <p>9 Q. And who was present when you met yesterday?</p> <p>10 MR. MUISE: Objection, relevance.</p> <p>11 A. I can't answer that.</p> <p>12 BY MS. WILCOX:</p> <p>13 Q. You can answer it.</p> <p>14 MR. MUISE: You can still answer the</p> <p>15 question.</p> <p>16 A. Robert was there, Erin was there and I don't know</p> <p>17 Dave's last name but Dave was there.</p> <p>18 BY MS. WILCOX:</p> <p>19 Q. Mr. Yerushalmi?</p> <p>20 A. Yes. And there was also a -- that was the guy on the</p> <p>21 video, just those three.</p> <p>22 Q. Did you review any documents, videos or websites</p> <p>23 during your meeting?</p> <p>24 MR. MUISE: I'm going to object, that's</p> <p>25 seeking attorney-client communications and privileged</p> <p>Page 15</p>	<p>1 MR. MUISE: Objection, vague in terms of the</p> <p>2 term do for a living.</p> <p>3 You can answer if you can.</p> <p>4 A. I've worked a number of -- since graduation from</p> <p>5 college I worked a number of jobs for a company up in</p> <p>6 D.C. doing some legal brief work. I had a degree in</p> <p>7 English and then mostly just various other things</p> <p>8 after that dealing with construction and plumbing</p> <p>9 and -- mostly construction-oriented things.</p> <p>10 BY MS. WILCOX:</p> <p>11 Q. What is Reel to Reel Ministries, Incorporated?</p> <p>12 A. It's a 501C C-corporation. I don't have the mission</p> <p>13 statement memorized, but something along the lines of</p> <p>14 educational ministries designed to produce materials</p> <p>15 to educate people dealing with Christian theology</p> <p>16 world-view issues.</p> <p>17 Q. Are you the founder of Reel To Reel Ministries?</p> <p>18 A. I am.</p> <p>19 Q. Do you currently work for Reel To Reel Ministries?</p> <p>20 A. I do.</p> <p>21 Q. And what is your position?</p> <p>22 A. I'm the president and founder.</p> <p>23 Q. Is that a paid position?</p> <p>24 A. It tries to be.</p> <p>25 Q. And what do you mean by it tries to be?</p> <p>Page 17</p>

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<p>1 A. Well, we're largely -- I'm supported through donations 2 to the ministry as well as honorariums from speaking, 3 sales of printed and video materials, so it just 4 depends on how much money comes in. 5 Q. And does Reel to Reel Ministries have any other 6 employees? 7 A. At present I'm the only employee. 8 Q. Is there anyone else who does work for Reel to Reel 9 Ministries on a volunteer basis? 10 A. That's to me a bit vague. I mean, I will do a video 11 shoot and I'll have a friend show up and do something. 12 Q. Is there anyone else who does volunteer work 13 consistently for Reel To Reel Ministries as opposed to 14 on a one-time basis? 15 A. No. Well, let me readdress that. There's one friend 16 who monitors my Facebook page fairly consistently, 17 so -- lets me know what's going on with it because I 18 don't care much for Facebook. 19 Q. Does Reel To Reel Ministries hire contract workers for 20 projects? 21 A. Yes. 22 Q. On a paid basis? 23 A. Yes. 24 Q. What is the Apologetics Group? 25 A. It's a d/b/a for Reel To Reel.</p> <p>Page 18</p>	<p>1 that the Apologetics Group defends? 2 A. All of them. 3 Q. And what does the Apologetics Group do to defend 4 Christianity? 5 A. Write, speak, produce videos. 6 Q. And does the Apologetics Group oppose abortion in any 7 of these writings, speeches or videos? 8 A. Apologetics Group is a -- consistent with the 9 Christian world views. It is a pro-life, sanctity of 10 life-orientated ministry. 11 Q. So has Reel To Reel or the Apologetics Group produced 12 videos that present an anti-abortion message? 13 A. Consistent with our pro-life ethic we have produced 14 things that would decry the killing of human beings, 15 murdering human beings, whether it's through abortion, 16 infanticide, euthanasia. 17 Q. Do you, Mr. Holmberg, as an individual consider 18 yourself pro-life? 19 MR. MUISE: Objection, vague as to the term 20 pro-life. 21 BY MS. WILCOX: 22 Q. You can answer. 23 A. I consider myself a Christian who wants to defend 24 innocent life in every form. 25 Q. And do you personally oppose abortion?</p> <p>Page 20</p>
<p>1 Q. So it's the same company? 2 A. Same company. 3 Q. What is the purpose of the Apologetics Group? 4 MR. MUISE: Objection, vague, ambiguous. 5 Answer if you can. 6 A. When we began Reel To Reel it was more of a side 7 thing. I was doing -- I was an ordained minister, 8 pastor at the time, and gave it that name without a 9 lot of thought and consideration. The technology 10 changed between when I founded it and years later when 11 reels no longer existed, everything was digital, plus 12 the nature of the ministries was more apologetics 13 oriented, so I thought this would be a better name to 14 describe what we're doing, so in about 2002 I started 15 using the Apologetics Group. 16 BY MS. WILCOX: 17 Q. And when you say the Apologetics Group is apologetics 18 oriented, what do you mean? 19 A. Well, that comes from the Greek word, Apologiates 20 (phonetic), 1st Peter. It means giving you defense of 21 the faith, so apologetics is defending a particular 22 world view. 23 Q. And what world view does the Apologetics Group defend? 24 A. Christianity. 25 Q. Is there any particular positions within Christianity</p> <p>Page 19</p>	<p>1 A. Abortion is the killing of a human being so, yes, I 2 oppose it. 3 Q. Do you consider yourself an anti-abortion activist? 4 MR. MUISE: Objection, vague as to 5 anti-abortion activist. 6 Answer if you can. 7 MS. WILCOX: And your objections are just to 8 form. You don't need to specify. 9 MR. MUISE: Well, I do. 10 MS. WILCOX: It's not proper to specify. 11 MR. MUISE: You can state the basis for the 12 objection. It's not a speaking objection, I'm stating 13 the basis for the objection for the records. 14 A. Well, it depends what you mean by activist. If to 15 speak and to defend life is being an activist, I 16 suppose I am. 17 BY MS. WILCOX: 18 Q. And what videos have you made that oppose abortion? 19 MR. MUISE: Again, objection, vague as to 20 opposing abortion. 21 You can answer the best you can. 22 A. Videos that specifically address abortion primarily. 23 There's been a number of things I've done that would 24 mention abortion in the context of a whole litany of 25 things that are anti-life, but the ones that focus</p> <p>Page 21</p>

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<p>1 Center for Bio-Ethical Reform on any projects?</p> <p>2 MR. MUISE: Objection, vague.</p> <p>3 Answer if you can.</p> <p>4 A. Not formally.</p> <p>5 BY MS. WILCOX:</p> <p>6 Q. Informally?</p> <p>7 A. Well, when you from time to time talk to somebody</p> <p>8 about life and what are you up to and -- you know,</p> <p>9 there's -- I suppose somebody could describe that as</p> <p>10 working informally.</p> <p>11 Q. [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 A. Yes, the Reel To Reel was. Apologetics Group did not</p> <p>14 exist at the time.</p> <p>15 Q. Has the Apologetics Group ever done any paid work for</p> <p>16 CBR?</p> <p>17 A. [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 Q. So you were paid as an employee of Reel To Reel</p> <p>22 Ministries then?</p> <p>23 MR. MUISE: Objection, calls for a legal</p> <p>24 conclusion.</p> <p>25 Answer the best you can.</p> <p>Page 34</p>	<p>1 Q. Do you know Michael Spielman?</p> <p>2 A. I know the name but not well enough to say I know him.</p> <p>3 I'm not sure if I've even met him. I might have.</p> <p>4 Q. Have you ever worked with Mr. Spielman?</p> <p>5 A. I don't believe so.</p> <p>6 Q. Do you know Dawn Cooper?</p> <p>7 A. Generic name, I might have heard of him (sic) or -- I</p> <p>8 don't believe so though.</p> <p>9 Q. Do you know Seth Gruber (phonetic)?</p> <p>10 A. Again, I don't believe so.</p> <p>11 Q. Were you aware of a website called Pro-Lifetube.com?</p> <p>12 A. I am now.</p> <p>13 Q. Were you aware of the website called Pro-Lifetube.com</p> <p>14 before I asked you about it?</p> <p>15 A. I've become aware of it over the course of the last</p> <p>16 several months.</p> <p>17 Q. How did you learn about Pro-Lifetube.com?</p> <p>18 A. Through this deposition and this case.</p> <p>19 Q. Are you a registered user of Pro-Lifetube.com?</p> <p>20 A. I don't believe so.</p> <p>21 Q. Have you ever visited the website before?</p> <p>22 A. Not knowingly until this case began, but apparently as</p> <p>23 I now understand that that's Greg's website, so some</p> <p>24 of the videos I've watched in the past may or may not</p> <p>25 have been posted on Pro-Lifetube.com. I don't know.</p> <p>Page 36</p>
<p>1 A. Greg made a number of payments to Reel To Reel, the</p> <p>2 corporation, from which myself and some staff</p> <p>3 employees were paid.</p> <p>4 BY MS. WILCOX:</p> <p>5 Q. When you say staff or employees, are you talking about</p> <p>6 independent contractors?</p> <p>7 A. At that time we actually had some people on payroll.</p> <p>8 Q. Has the Apologetics Group ever paid Center for</p> <p>9 Bio-Ethical Reform for work or materials?</p> <p>10 A. No.</p> <p>11 Q. Has the Apologetics Group ever paid any CBR employee</p> <p>12 as a consultant or contractor?</p> <p>13 A. No.</p> <p>14 Q. What is your understanding of CBR's purpose?</p> <p>15 MR. MUISE: Objection, calls for</p> <p>16 speculation.</p> <p>17 Answer if you can.</p> <p>18 A. Well, as the name states, it's the Center for</p> <p>19 Bio-Ethical Reform, so its purpose as best I</p> <p>20 understand it is to help educate people as to a proper</p> <p>21 pro-life ethic in regard to biological issues.</p> <p>22 BY MS. WILCOX:</p> <p>23 Q. When did you first meet Mr. Greg Cunningham?</p> <p>24 A. [REDACTED]</p> <p>25 [REDACTED]</p> <p>Page 35</p>	<p>1 Q. Do you know Todd Bullis?</p> <p>2 A. Again, a name that I've heard. I'm not sure. I don't</p> <p>3 believe so.</p> <p>4 Q. I'd like to direct your attention to my computer</p> <p>5 screen where I'll play a video that has been</p> <p>6 previously marked as Exhibit 39.</p> <p>7 (Video viewed at 10:51 a.m.)</p> <p>8 (Testimony resumed at 10:53 a.m.)</p> <p>9 BY MS. WILCOX:</p> <p>10 Q. Mr. Holmberg, do you recognize that video?</p> <p>11 A. I do.</p> <p>12 Q. And what is it?</p> <p>13 A. If it's the identical video that I produced, it's a</p> <p>14 video that I produced, although I've not seen it in a</p> <p>15 while, but I believe it's the one I produced.</p> <p>16 Q. So did you personally create this video?</p> <p>17 A. I did.</p> <p>18 Q. Did anyone assist you in creating this video?</p> <p>19 A. No.</p> <p>20 Q. Where did you obtain the footage in this video?</p> <p>21 MR. MUISE: Objection, vague as to footage.</p> <p>22 A. There were two sources for the video images in the</p> <p>23 video. One was the Northland video that was posted on</p> <p>24 YouTube and the other is archivable video that I had</p> <p>25 that -- the video of the actual aborted babies.</p> <p>Page 37</p>

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<p>1 BY MS. WILCOX: 2 Q. And where did you obtain this archival video? 3 A. From a -- some stock that Greg Cunningham at CBR had 4 given me a number of years ago to use. 5 Q. If you know, where did CBR obtain that footage? 6 MR. MUISE: Objection, calls for 7 speculation. 8 A. I don't know. 9 BY MS. WILCOX: 10 Q. Did you consult anyone at CBR before creating this 11 video? 12 MR. MUISE: Objection, vague. 13 A. No. 14 BY MS. WILCOX: 15 Q. Did CBR have any role in creating this video? 16 MR. MUISE: Objection, vague. 17 A. That video right there? 18 BY MS. WILCOX: 19 Q. Uh-huh. 20 A. No. 21 Q. How did you first become aware of the Northland video? 22 A. I was doing some online research in regard to a 23 project that has nothing to do with this and just 24 happened to stumble across the -- as best as I can 25 recall the phrase good woman abortion, something like</p> <p>Page 38</p>	<p>1 Q. And did you see that there was text in that video 2 saying that reproduction of this video in whole or in 3 part in any form or medium without express written 4 permission of Northland is prohibited? 5 MR. MUISE: Objection, the video speaks for 6 itself. 7 Answer the question if you can. 8 A. I didn't take notice of it, but under the fair use 9 rubric, I didn't really care. 10 BY MS. WILCOX: 11 Q. Did you seek permission from Northland to use their 12 video? 13 MR. MUISE: Objection, vague, seeks a legal 14 conclusion. 15 Answer the best you can. 16 A. No. 17 BY MS. WILCOX: 18 Q. Did you post the video in Exhibit 39 on the Internet? 19 MR. MUISE: Objection, vague as to posting. 20 BY MS. WILCOX: 21 Q. You can answer. 22 A. I did. 23 Q. When did you post it? 24 A. The same day that I first came across the video, made 25 a decision to point out the fallacies of the video</p> <p>Page 40</p>
<p>1 that in a Google search, and curious I clicked on the 2 link and was taken to that YouTube video. 3 Q. And when did you first become aware of the Northland 4 video? 5 A. I don't remember the exact dates, but somewhere the 6 early part of last year. 7 Q. So around January of 2011? 8 A. I believe so. 9 Q. How did you obtain the portions of the Northland video 10 that are incorporated in Exhibit 39? 11 A. I captured it off of the computer, off the Internet. 12 Q. What do you mean when you say you captured it? 13 A. I used a piece of software to select the screen and 14 grab the video and audio that was on that selected 15 area of the screen. 16 Q. So you made a copy of the Northland video? 17 A. I captured a copy of the Northland video, yes. 18 Q. When you captured the Northland video were you aware 19 that the video contained copyright notices? 20 MR. MUISE: Objection, vague, seeks a legal 21 conclusion. 22 A. I didn't know. 23 BY MS. WILCOX: 24 Q. Did you view the video before you captured it? 25 A. Yes.</p> <p>Page 39</p>	<p>1 quickly and then posted it all in the course of a few 2 hours. 3 Q. And where did you post the video? 4 A. I posted it on the private channel of my -- one of my 5 YouTube channels. 6 Q. And what was the user name for the YouTube channel 7 that you posted it to? 8 A. Vorthos Forum. 9 Q. Is that a name that's associated with the Apologetics 10 Group? 11 A. I suppose indirectly. 12 Q. Or is it a personal account? 13 A. It's a -- I believe it's in my name, but it's done 14 essentially as a hosting site for a lot of our videos 15 as well as commentary on -- that I do from time to 16 time on issues ranging from politics to you name it. 17 Q. When you say you posted it to a private channel, what 18 do you mean? 19 A. YouTube gives you two choices as far as how you post 20 things -- actually three, I believe. One is for 21 anybody that wants to access it, stumbles on it and 22 watch it. The other is nobody can see it unless 23 they're given by me, you know, the URL to look at it. 24 Q. And so when you posted Exhibit 39 on YouTube you 25 posted it so that you would have to provide the URL to</p> <p>Page 41</p>

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<p>1 anyone who wanted to see the video?</p> <p>2 A. That's correct. Nobody else could see it unless I</p> <p>3 told them about it.</p> <p>4 Q. And did you tell anyone about the link on YouTube?</p> <p>5 A. Greg Cunningham.</p> <p>6 Q. And how did you tell Greg Cunningham?</p> <p>7 A. I wrote a short e-mail, pasted the link in it, sent it</p> <p>8 to him.</p> <p>9 Q. Did you e-mail the link to anyone else?</p> <p>10 A. No, I don't believe so.</p> <p>11 MS. WILCOX: I'd like to mark as Exhibit 46</p> <p>12 a document produced by Defendants Holmberg and the</p> <p>13 Apologetics Group marked HOLM-RRM000006.</p> <p>14 MARKED FOR IDENTIFICATION:</p> <p>15 DEPOSITION EXHIBIT 46</p> <p>16 11:01 a.m.</p> <p>17 MR. MUISE: That's 46, right?</p> <p>18 MS. WILCOX: Yes.</p> <p>19 THE WITNESS: I don't have my glasses.</p> <p>20 MR. MUISE: Can you see that okay? Do you</p> <p>21 need to grab some glasses?</p> <p>22 THE WITNESS: Yeah.</p> <p>23 BY MS. WILCOX:</p> <p>24 Q. Do you recognize this printout?</p> <p>25 A. Well, yes and no. I mean, I've never seen the</p> <p style="text-align: right;">Page 42</p>	<p>1 THE WITNESS: I'm sorry. I'm sitting here</p> <p>2 trying to read the --</p> <p>3 BY MS. WILCOX:</p> <p>4 Q. And underneath that I believe it says rejected,</p> <p>5 parentheses, content inappropriate?</p> <p>6 A. Uh-huh.</p> <p>7 MR. MUISE: Yes? Yes or no? Answer,</p> <p>8 please.</p> <p>9 A. Yes.</p> <p>10 BY MS. WILCOX:</p> <p>11 Q. What does that mean?</p> <p>12 MR. MUISE: Objection, calls for</p> <p>13 speculation, lack of personal knowledge.</p> <p>14 BY MS. WILCOX:</p> <p>15 Q. If you know?</p> <p>16 A. I suppose that it means that based upon YouTube's</p> <p>17 standards and practices it was considered to be</p> <p>18 inappropriate.</p> <p>19 Q. Do you know how YouTube determines whether content is</p> <p>20 inappropriate?</p> <p>21 MR. MUISE: Objection, calls for</p> <p>22 speculation.</p> <p>23 A. No.</p> <p>24 BY MS. WILCOX:</p> <p>25 Q. Other than Greg Cunningham did you inform anyone else</p> <p style="text-align: right;">Page 44</p>
<p>1 printout before, but it looks like a snapshot of --</p> <p>2 it's actually, what is it, Deus Regnum. That's one of</p> <p>3 my other YouTube channels, so...</p> <p>4 Q. You also posted The Goodness of Abortion to the Deus</p> <p>5 Regnum account?</p> <p>6 A. I only posted it one place. It's possible that I used</p> <p>7 this account. I thought it was Vorthos Forum, in</p> <p>8 fact, I still think it is but I don't recall.</p> <p>9 Q. And is the third video down called The Goodness of</p> <p>10 Abortion, is that the same as Exhibit 39?</p> <p>11 A. I believe so, yes.</p> <p>12 Q. And under the title Goodness of Abortion, the third</p> <p>13 line down in that caption says January 6th, 2011,</p> <p>14 a.m. and then an icon of some sort and then the word</p> <p>15 unlisted. Does that refresh your memory as to when</p> <p>16 you posted this link?</p> <p>17 A. Yeah, I mean, I suppose. That's probably when it was</p> <p>18 posted.</p> <p>19 Q. And does unlisted represent what you called a private</p> <p>20 posting?</p> <p>21 A. Yes, that would be -- something that's private would</p> <p>22 be put up as unlisted.</p> <p>23 MR. MUISE: Let her get her question out.</p> <p>24 You're doing very well. You just cut off the tail end</p> <p>25 of that last one.</p> <p style="text-align: right;">Page 43</p>	<p>1 about the existence of Exhibit 39?</p> <p>2 A. I don't believe so.</p> <p>3 MS. WILCOX: I'd like to mark as Exhibit 47</p> <p>4 a document produced by Defendant Holmberg and the</p> <p>5 Apologetics Group marked HOLM-RRM000003 through 04.</p> <p>6 MARKED FOR IDENTIFICATION:</p> <p>7 DEPOSITION EXHIBIT 47</p> <p>8 11:06 a.m.</p> <p>9 A. Yes.</p> <p>10 BY MS. WILCOX:</p> <p>11 Q. Do you recognize this document?</p> <p>12 A. Again, I believe so. It looks like something I would</p> <p>13 have written.</p> <p>14 Q. Is this an e-mail that you wrote?</p> <p>15 A. I believe so.</p> <p>16 Q. Who did you send this e-mail to?</p> <p>17 A. My recollection again was that I sent it to Greg, and</p> <p>18 Greg alone, but it's possible that a few other friends</p> <p>19 and close collaborators -- I might have sent this to</p> <p>20 them as well. I don't recall.</p> <p>21 Q. And did you collect this document for production in</p> <p>22 this case?</p> <p>23 A. I don't understand the question.</p> <p>24 Q. When your attorneys contacted you with our document</p> <p>25 requests did you gather this document and give it to</p> <p style="text-align: right;">Page 45</p>

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<p>1 MR. MUISE: Objection, misstates evidence, 2 calls for speculation, lack of personal knowledge. 3 Answer if you can. 4 A. I honestly don't recall. 5 MS. WILCOX: We're running out of tape, so 6 we'll take a break if that's all right. 7 VIDEO TECHNICIAN: Off the record. The time 8 is 11:24. 9 (Recess taken at 11:24 a.m.) 10 (Back on the record at 11:51 a.m.) 11 VIDEO TECHNICIAN: We're back on the record. 12 This is the start of videotape number 2. The time is 13 11:51. 14 MS. WILCOX: I'd like to mark as Exhibit 49 15 a document just given to me by Mr. Muise. 16 MARKED FOR IDENTIFICATION: 17 DEPOSITION EXHIBIT 49 18 11:51 a.m. 19 BY MS. WILCOX: 20 Q. Mr. Holmberg, do you recognize this document? 21 A. Yeah, it's -- it was taken out of my Gmail account. 22 Q. And is this document a more complete copy of the 23 document we marked as Exhibit 47? 24 MR. MUISE: Objection, vague. 25 BY MS. WILCOX:</p> <p>Page 54</p>	<p>1 A. The factual inaccuracies in the Northland video. 2 Q. And what did you believe was factually inaccurate 3 about the video? 4 A. Primarily two things; one, the goodness of abortion, 5 secondly, that women that choose to abort their child 6 are doing so based upon careful reflection, 7 thoughtfulness, goodness. I don't recall all the 8 adjectives that the video used, but it gives the 9 impression that abortion is something that's done with 10 a great deal of thoughtful consideration. 11 Q. Did you intend for Exhibit 39 to show viewers that 12 abortion is wrong? 13 MR. MUISE: Objection, vague, asked and 14 answered insofar as he already described what the 15 purpose of the video was. 16 A. My intention was to show the reality of abortion, the 17 truthfulness of it. 18 BY MS. WILCOX: 19 Q. What effect did you intend Exhibit 39 to have on the 20 original Northland video? 21 MR. MUISE: Objection, vague and asked and 22 answered insofar as he described its purpose. 23 Answer again. 24 A. To educate the viewer as to the fallacies relative to 25 the Northland video.</p> <p>Page 56</p>
<p>1 Q. You can answer. 2 A. It is. 3 Q. Mr. Holmberg, do you know who owns the e-mail address 4 [REDACTED] 5 A. I do. 6 Q. Who? 7 A. [REDACTED] 8 Q. [REDACTED] 9 A. He's a teacher at a Christian school, a middle 10 Tennessee neighbor of mine. 11 Q. Does Exhibit 49 refresh your recollection that you 12 sent this e-mail to at least [REDACTED] 13 A. It does. 14 Q. Does it refresh your memory as to who else you may 15 have sent this e-mail to? 16 A. It does not. 17 Q. When YouTube disabled access to Exhibit 39 did YouTube 18 give you a reason why it did so? 19 A. I don't recall. 20 Q. Did anyone at YouTube tell you that someone had 21 complained about the video? 22 A. I don't believe so. I don't recall. 23 Q. What was your purpose in creating Exhibit 39? 24 A. Educational. 25 Q. What were you seeking to educate people about?</p> <p>Page 55</p>	<p>1 BY MS. WILCOX: 2 Q. Did you intend to make clear that Northland is not the 3 author of Exhibit 39? 4 MR. MUISE: Objection, vague, ambiguous, 5 unintelligible. 6 Answer if you can. 7 A. Can you rephrase the question? 8 BY MS. WILCOX: 9 Q. Did you intend for viewers of Exhibit 39 to believe 10 that Northland created the video? 11 MR. MUISE: Objection, vague as to the 12 video. 13 MS. WILCOX: Exhibit 39. 14 MR. MUISE: Again, objection, vague and lack 15 of personal knowledge, calls for speculation. 16 MS. WILCOX: Now you're verging into 17 speaking objections. 18 BY MS. WILCOX: 19 Q. You can answer. 20 MR. MUISE: I don't believe so. 21 A. The intent -- I mean, Northland is just another 22 abortion provider. There was no intent to 23 specifically speak to anything other than the factual 24 inaccuracies of the video as generic across the board 25 relative to abortion propaganda.</p> <p>Page 57</p>

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<p>1 BY MS. WILCOX:</p> <p>2 Q. Did you intend to suggest that the alleged abortions</p> <p>3 shown in Exhibit 39 were performed at Northland Family</p> <p>4 Planning Clinics?</p> <p>5 A. No. They were -- clearly I would not have access to</p> <p>6 footage of actual abortions performed at Northland,</p> <p>7 but they are representative of them.</p> <p>8 Q. What do you mean by representative of them?</p> <p>9 A. They show various stages of abortion that are done</p> <p>10 routinely in abortuaries across America and around the</p> <p>11 world.</p> <p>12 Q. So did you intend to suggest that the alleged</p> <p>13 abortions shown in Exhibit 39 are like those performed</p> <p>14 at Northland Family Planning Clinics?</p> <p>15 MR. MUISE: Objection, vague and calls for</p> <p>16 speculation.</p> <p>17 A. Rephrase the question.</p> <p>18 BY MS. WILCOX:</p> <p>19 Q. Did you intend to suggest that the alleged abortions</p> <p>20 shown in Exhibit 39 are similar to abortions performed</p> <p>21 at Northland Family Planning Clinic?</p> <p>22 A. That Northland provides abortions. The video that I</p> <p>23 showed is representative of abortions done in abortion</p> <p>24 clinics generically.</p> <p>25 Q. Did you make Exhibit 39 partly to publicize the</p> <p>Page 58</p>	<p>1 A. None.</p> <p>2 Q. I'd like to show you a document previously marked as</p> <p>3 Exhibit 40, which is a document produced by defendants</p> <p>4 with Bates numbers CBR000045 through 55. I apologize,</p> <p>5 I didn't have the marked copy to duplicate in time.</p> <p>6 A. Okay.</p> <p>7 Q. Mr. Holmberg, do you recognize the correspondence in</p> <p>8 Exhibit 40?</p> <p>9 A. Yes, I do.</p> <p>10 Q. Is this a series of e-mails between you and Greg</p> <p>11 Cunningham?</p> <p>12 A. It is.</p> <p>13 Q. To the best of your knowledge is this a complete and</p> <p>14 correct copy of these e-mails?</p> <p>15 A. Yes.</p> <p>16 Q. I'd like to draw your attention to pages 51 and 52.</p> <p>17 We'll be working backwards through the documents since</p> <p>18 it goes in reverse chronological order, and the last</p> <p>19 three pages I believe are just signature blocks. So</p> <p>20 is this an e-mail from you to a person whose name has</p> <p>21 been redacted copying Mr. Cunningham?</p> <p>22 A. It is.</p> <p>23 Q. This e-mail appears to be discussing a music video of</p> <p>24 some sort. Is the music video discussed in this</p> <p>25 e-mail related to the video in Exhibit 39?</p> <p>Page 60</p>
<p>1 Apologetics Group's point of view on abortion?</p> <p>2 MR. MUISE: Objection, asked and answered.</p> <p>3 BY MS. WILCOX:</p> <p>4 Q. You can answer.</p> <p>5 A. No.</p> <p>6 Q. Did you make Exhibit 39 partly to endear yourself to</p> <p>7 Greg Cunningham or Center for Bio-Ethical reform?</p> <p>8 MR. MUISE: Objection, asked and answered,</p> <p>9 vague, lack of relevance.</p> <p>10 BY MS. WILCOX:</p> <p>11 Q. You can answer.</p> <p>12 A. No.</p> <p>13 Q. Why did you send Exhibit 39 to Mr. Cunningham?</p> <p>14 MR. MUISE: Objection, mischaracterizes the</p> <p>15 facts in the sense he sent the URL link, just so we're</p> <p>16 clear.</p> <p>17 A. To my understanding Center for Bio-Ethical Reform and</p> <p>18 Greg Cunningham are primarily focused on educating</p> <p>19 people as to the reality of abortion. That's his</p> <p>20 primary objective, from what I understand, and I</p> <p>21 thought it was more suited for his particular area of</p> <p>22 focus than it was mine.</p> <p>23 BY MS. WILCOX:</p> <p>24 Q. Did you receive any compensation from Mr. Cunningham</p> <p>25 or CBR for Exhibit 39?</p> <p>Page 59</p>	<p>1 A. Exhibit 39 is?</p> <p>2 Q. The video I showed you.</p> <p>3 A. No.</p> <p>4 Q. What is the music video that you're discussing on page</p> <p>5 51 and 52?</p> <p>6 A. It's an entirely different unrelated project where we</p> <p>7 take images of actual tools used in killing preborn</p> <p>8 children and display them against the backdrop of a</p> <p>9 song that I wrote.</p> <p>10 Q. Is that project completed?</p> <p>11 A. A version that I didn't like and so it's never been</p> <p>12 released.</p> <p>13 Q. And did Mr. Cunningham or CBR supply you with footage</p> <p>14 for that or pictures for that music video?</p> <p>15 A. The primary images that were used in this video were</p> <p>16 instruments of abortion that were owned by somebody</p> <p>17 else that Greg helped facilitate me connecting with a</p> <p>18 guy. My recollection was that we decided that we were</p> <p>19 not going to use any dead babies because we wanted to</p> <p>20 post it on YouTube, and our experience has been</p> <p>21 YouTube will not allow that.</p> <p>22 Q. Can you look at the e-mail on pages 48 through 50?</p> <p>23 A. Uh-huh.</p> <p>24 Q. Do you recall generally the topic of the redacted</p> <p>25 material?</p> <p>Page 61</p>

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<p>1 A. Yes.</p> <p>2 Q. I'd like to show you a document previously marked as</p> <p>3 Exhibit 41 in the deposition of Greg Cunningham.</p> <p>4 Again I wasn't able to get a marked copy in time.</p> <p>5 This is a document produced by defendants with the</p> <p>6 Bates numbers CBR000041 through 44.</p> <p>7 A. Uh-huh. Okay.</p> <p>8 Q. If you look at -- well, first, do you recognize this</p> <p>9 document?</p> <p>10 A. I do.</p> <p>11 Q. Is this a series of e-mails between you and Greg</p> <p>12 Cunningham?</p> <p>13 A. It's his response, yes.</p> <p>14 Q. To the best of your knowledge is this an accurate and</p> <p>15 complete copy of these e-mails?</p> <p>16 A. Yes.</p> <p>17 Q. If you look at page 43 Mr. Cunningham says thanks for</p> <p>18 the link to the Northland promotional message. I will</p> <p>19 send you a copy of what we turn out. Did</p> <p>20 Mr. Cunningham ever send you a copy of what CBR did</p> <p>21 with the Northland Family Planning video?</p> <p>22 MR. MUISE: Objection, assumes facts not in</p> <p>23 evidence.</p> <p>24 A. He may have.</p> <p>25 BY MS. WILCOX:</p> <p>Page 66</p>	<p>1 A. No, ma'am.</p> <p>2 Q. Did you attend the pitch that Mr. Cunningham</p> <p>3 presented?</p> <p>4 A. I did.</p> <p>5 Q. Did Mr. Cunningham show any video containing footage</p> <p>6 from the Northland video?</p> <p>7 A. He did not.</p> <p>8 Q. Have you ever done any joint fundraising with CBR?</p> <p>9 MR. MUISE: Objection, asked and answered.</p> <p>10 BY MS. WILCOX:</p> <p>11 Q. You can answer.</p> <p>12 A. It depends on what joint fundraising means. I helped</p> <p>13 facilitate two meetings with one individual at each</p> <p>14 meeting. I attended the meeting. I listened to</p> <p>15 Greg's presentation.</p> <p>16 Q. And when did this occur?</p> <p>17 A. Sometime last year. I don't recall, the early part of</p> <p>18 the year.</p> <p>19 Q. During those presentations did Mr. Cunningham show any</p> <p>20 video containing footage from the Northland video?</p> <p>21 A. No.</p> <p>22 Q. At this time I'm going to direct your attention back</p> <p>23 to my computer screen where I will show you a video</p> <p>24 that has been previously marked as Exhibit 5.</p> <p>25 (Video viewed at 12:22 p.m.)</p> <p>Page 68</p>
<p>1 Q. You don't recall?</p> <p>2 A. I don't recall.</p> <p>3 Q. If you look at page 41 Mr. Cunningham says thanks for</p> <p>4 the restitution offer but there's a statute of</p> <p>5 limitations on old debts and it ran long ago. Is</p> <p>6 Mr. Cunningham responding to an e-mail you wrote him</p> <p>7 offering some sort of restitution?</p> <p>8 MR. MUISE: Objection, calls for</p> <p>9 speculation.</p> <p>10 Answer if you can.</p> <p>11 A. There was a personal issue. It had nothing to do with</p> <p>12 the Northland video. It goes back many years ago that</p> <p>13 we had some discussion about how the project</p> <p>14 developed, and so this is entirely reference to a</p> <p>15 personal matter, no relevance to the Northland video.</p> <p>16 BY MS. WILCOX:</p> <p>17 Q. At the bottom of page 41 in the middle of that last</p> <p>18 paragraph Mr. Cunningham says I'm willing to fly down</p> <p>19 to Nashville if you are willing to develop a list of</p> <p>20 major donor prospects to whom I could give a CBR</p> <p>21 fundraising pitch. Did Mr. Cunningham ever come to</p> <p>22 Nashville and give a CBR fundraising pitch?</p> <p>23 A. He did.</p> <p>24 Q. And was that a joint pitch for CBR and the Apologetics</p> <p>25 Group?</p> <p>Page 67</p>	<p>1 (Testimony resumed at 12:26 p.m.)</p> <p>2 BY MS. WILCOX:</p> <p>3 Q. Mr. Holmberg, do you recognize that video?</p> <p>4 A. I do.</p> <p>5 Q. And where do you recognize it from?</p> <p>6 A. It's the version that CBR, Center for Bio-Ethical</p> <p>7 Reform, produced and posted.</p> <p>8 Q. Did you participate in any way in creating Exhibit 5?</p> <p>9 A. Other than the initial concept, no.</p> <p>10 Q. And by the initial concept, do you mean Exhibit 39,</p> <p>11 the first video I showed you?</p> <p>12 A. I do.</p> <p>13 Q. Did you give any comments to CBR on any drafts of this</p> <p>14 video?</p> <p>15 A. No.</p> <p>16 Q. One more video to play for you, which was previously</p> <p>17 marked as Exhibit 6, and again, it will scroll down</p> <p>18 the page and back up before the embedded video starts.</p> <p>19 (Video viewed at 12:28 p.m.)</p> <p>20 (Testimony resumed at 12:32 p.m.)</p> <p>21 BY MS. WILCOX:</p> <p>22 Q. Mr. Holmberg, do you recognize that video?</p> <p>23 A. I believe that's the first time I've seen it, but it's</p> <p>24 obviously a slightly redacted version of the earlier</p> <p>25 video.</p> <p>Page 69</p>

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<p>1 Q. And did you participate in any way in the creation or 2 editing of this video, Exhibit 6? 3 A. No. 4 Q. Did anyone at CBR send you a copy of either Exhibit 5 5 or Exhibit 6? 6 A. No. 7 MR. MUISE: Sara, I'm sorry to interrupt, 8 but were you planning on taking a break for lunch or 9 do you think we'll be wrapping up quickly or do you 10 want to make an estimate on that? 11 MS. WILCOX: I am less than an hour away 12 from being finished, probably significantly less, so 13 if you want to. 14 MR. MUISE: Can we go off the record for a 15 minute? 16 VIDEO TECHNICIAN: Off the record. The time 17 is 12:33. 18 (Recess taken at 12:33 p.m.) 19 (Back on the record at 1:08 p.m.) 20 VIDEO TECHNICIAN: We're back on the record. 21 This is the start of videotape number 3. The time is 22 1:08. 23 BY MS. WILCOX: 24 Q. Mr. Holmberg, does the Apologetics Group have a 25 website?</p> <p>Page 70</p>	<p>1 Q. Have you ever distributed a DVD of Exhibit 39 to 2 anyone? That's the video you made. 3 A. The only time a DVD has ever been made of it is when I 4 made it to send to my attorney. 5 MR. MUISE: Which you have a copy of. 6 MS. WILCOX: Which is what we used today. 7 BY MS. WILCOX: 8 Q. Did you show Exhibit 39 in person to anyone? 9 MR. MUISE: Objection, vague. 10 BY MS. WILCOX: 11 Q. You can answer. 12 MR. MUISE: Answer if you can. 13 A. I don't believe so. I might have shown it to my wife, 14 but knowing how difficult that type of imagery is for 15 her I probably didn't even do that. 16 BY MS. WILCOX: 17 Q. Did anyone else at the Apologetics Group show either 18 Exhibit 5 or Exhibit 6 to any groups in person or 19 individuals in person? 20 A. No. 21 Q. Mr. Holmberg, what methods does the Apologetics Group 22 use to publicize its activities? 23 A. Primarily an occasional broadcast e-mail, the website, 24 Facebook a little bit. When I speak I'll reference 25 the website.</p> <p>Page 72</p>
<p>1 A. We do. 2 Q. And do you post videos or other information on that 3 website? 4 A. Not directly. There are links to YouTube. 5 Q. Did you -- have you ever posted a link to Exhibit 39 6 on the Apologetics Group's website? Exhibit 39 is the 7 first video I showed you. 8 A. The CBR's video? 9 Q. No, the one you created. 10 A. No. 11 Q. Have you ever posted a link to either Exhibit 5 or 12 Exhibit 6, the CBR videos, on the Apologetics Group's 13 website? 14 A. I don't believe so. 15 Q. Have you ever posted links to Exhibit 5 or Exhibit 6 16 on any other website? 17 A. CBR videos? 18 Q. Uh-huh. 19 A. I don't believe so, no. 20 Q. Have you ever sent links to Exhibits 5 or 6 to anyone 21 via e-mail? 22 A. I don't believe so. 23 Q. Have you ever distributed DVDs of Exhibit 5 and 6 to 24 anyone? 25 A. No.</p> <p>Page 71</p>	<p>1 Q. Do you send out newsletters through the regular mail? 2 A. No. 3 Q. Do you have a Twitter account? 4 A. I might have had one set up by the gal that runs my 5 Facebook page, but I've never used it. I'm not even 6 aware if I do. 7 Q. Does the Apologetics Group have a blog? 8 A. Indirectly. The gal -- again, the gal created a blog 9 that she mostly writes on, but it's associated in some 10 form or fashion. I don't think I've ever been to it, 11 but I think it has some relationship to the 12 Apologetics Group. 13 Q. Did you or anyone else at the Apologetics Group 14 publicize Exhibit 39 in any way? 15 A. Not to my recollection. 16 Q. Did you or anyone else at the Apologetics Group 17 publicize CBR's videos, Exhibits 5 and 6, in any way? 18 A. If I can go back to the prior question, that's the 19 one -- I get the numbers mixed up. 39 is the video I 20 produced? 21 Q. Yes. 22 A. Absolutely not. I never sent that to anybody. As far 23 as referencing Greg's video, until now I didn't know 24 there were two, but I don't believe I ever sent that 25 to anybody.</p> <p>Page 73</p>

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<p>1 Q. Has the Apologetics Group ever created any documents 2 that discuss either Exhibit 39 or Exhibits 5 and 6? 3 A. I have prepared a broadcast e-mail that references the 4 fact that we're being sued and discussed just very 5 briefly some of the essentials, but it's not been sent 6 out yet. Robert, my attorney, is the only person 7 who's seen it. 8 MS. WILCOX: I'd like to mark as Exhibit 50 9 a Defendant Reel to Reel Ministries, Incorporated's 10 answers to plaintiff's first set of interrogatories. 11 MARKED FOR IDENTIFICATION: 12 DEPOSITION EXHIBIT 50 13 1:15 p.m. 14 THE WITNESS: Okay. 15 BY MS. WILCOX: 16 Q. Mr. Holmberg, do you recognize this document? 17 A. I believe so. 18 Q. And on page 16 is that your signature? 19 A. Yes. 20 Q. And did you in fact review these answers to 21 interrogatories for completeness and accuracy? 22 A. I did. 23 Q. On page 7 at the bottom look at interrogatory number 6 24 and your answer thereto. Interrogatory number 6 asks 25 you to describe with particularity all discussions or</p> <p style="text-align: right;">Page 74</p>	<p>1 donations, but I don't ever ask for them other than 2 have it available if somebody wants to send us 3 something. 4 Q. How does the Apologetics Group fund its video 5 projects? 6 A. Through primarily sale of the videos we've produced, 7 donations, people that -- primarily donations of 8 people that just know me that I've known for years and 9 just help me out and speaking engagements. 10 Q. Has anyone at the Apologetics Group shown the 11 Exhibit 39, the video you created, in connection with 12 any fundraising efforts? 13 A. No. 14 Q. Has anyone at the Apologetics Group discussed the 15 video that you created, Exhibit 39, in any fundraising 16 efforts? 17 A. No. 18 Q. Has anyone at the Apologetics Group used either of the 19 CBR videos, Exhibit 5 or Exhibit 6, in any fundraising 20 efforts? 21 A. No. 22 Q. Would you describe the process by which you created 23 Exhibit 39? 24 MR. MUISE: Objection, asked and answered. 25 You can answer.</p> <p style="text-align: right;">Page 76</p>
<p>1 communications, oral, written or otherwise, that 2 relate to the infringing videos in any solicitation, 3 fundraising, commercial, educational or publicity 4 efforts by the Apologetics Group that include or 5 mention the infringing videos, and your answer is that 6 subject to objections there were none other than one 7 educational document. What educational document are 8 you referring to? 9 A. I believe it was the one e-mail that I sent to Greg 10 and apparently I might have sent it to some other 11 people as well. 12 Q. Are you referring to Exhibit 47 and 49? 13 MR. MUISE: Let me get him the exhibit so he 14 can be certain. 15 MS. WILCOX: Sure. 16 A. Yes, that would be the one document. 17 BY MS. WILCOX: 18 Q. Mr. Holmberg, what methods does the Apologetics Group 19 use to raise funds for its activities? 20 A. Really very little, almost none, which is one of the 21 things that Greg was referring to in his letters to 22 me. The -- really none. 23 Q. Do you solicit donations on the Apologetics Group's 24 website? 25 A. There is a link for anybody who wants to make</p> <p style="text-align: right;">Page 75</p>	<p>1 A. Yes. I stumbled across the Northland video, watched 2 it, was flabbergasted by it, by both the inaccuracies, 3 factual inaccuracies, concerning the goodness of 4 abortion and the way it characterized both the 5 procedure and the women who choose to abort their 6 children, decided to produce a response for the 7 express purpose of pointing out the inaccuracies, an 8 educational response, realized that I had no way to 9 distribute it because of the nature of YouTube and 10 prohibitive materials, did not have access to any 11 alternative means to distribute it, so sent the idea 12 to Greg thinking that he may have some alternative 13 method of distributing it, and that was the extent of 14 it. 15 BY MS. WILCOX: 16 Q. At the time you made Exhibit 39 did you already have 17 the alleged abortion footage from CBR in your 18 possession or did you have to ask for it? 19 A. I had the material in my possession. 20 Q. Did you use any audio or video material other than 21 what was from the Northland video and what was from 22 the CBR footage? 23 A. No. 24 Q. Did you create any material for Exhibit 39? 25 A. Yes. At the very end I created a still graphic which</p> <p style="text-align: right;">Page 77</p>

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<p>1 was a photo that I have from CBR that depicts I</p> <p>2 believe what was a 9, 10-week-old baby that had been</p> <p>3 torn apart and posted some -- I think it was your baby</p> <p>4 at 10 weeks and then put the graphic Northland and</p> <p>5 their 800 number on it.</p> <p>6 Q. Why did you add Northland's name and phone number to</p> <p>7 the end of the video?</p> <p>8 A. Well, they're advertising for the services to do that</p> <p>9 to babies, so I thought it would be appropriate to</p> <p>10 connect the dots.</p> <p>11 Q. What effect did you intend your video, Exhibit 39, to</p> <p>12 have on Northland Family Planning Clinics?</p> <p>13 MR. MUISE: Objection, vague.</p> <p>14 You can answer.</p> <p>15 A. There was no express focus on Northland, it was more</p> <p>16 the video itself, the factual inaccuracies in the</p> <p>17 video, mischaracterizations of the thought processes</p> <p>18 that go into abortion, and so it was simply focused on</p> <p>19 the content and educating people in regard to the</p> <p>20 content of the video.</p> <p>21 BY MS. WILCOX:</p> <p>22 Q. And what leads you to believe that Northland's</p> <p>23 characterization of the thought processes of a woman</p> <p>24 who is deciding whether to have an abortion is not</p> <p>25 accurate?</p> <p>Page 78</p>	<p>1 we'd like in terms of additional searching.</p> <p>2 MR. MUISE: Okay. And I believe you have</p> <p>3 all the documents, that we produced that document that</p> <p>4 was missing that particular header, but we'll</p> <p>5 certainly await your document request and also he's</p> <p>6 going to request the right to review and sign the</p> <p>7 deposition, so if we can get a copy of the deposition</p> <p>8 for him to do that?</p> <p>9 MS. WILCOX: And then also a copy for</p> <p>10 plaintiffs.</p> <p>11 VIDEO TECHNICIAN: This concludes the</p> <p>12 deposition. The time is 1:28.</p> <p>13 COURT REPORTER: I need to get the orders on</p> <p>14 the record.</p> <p>15 MR. MUISE: I mean, it's her deposition</p> <p>16 obviously and I'm not ordering a copy now but I want</p> <p>17 the right to a copy to review and sign, so if she's</p> <p>18 going to use this deposition then he wants the</p> <p>19 right -- I'm not ordering a copy of it, but I want to</p> <p>20 ensure that he has the right under the rules to review</p> <p>21 it and sign any errata sheet for the deposition.</p> <p>22 That's all we're asking for.</p> <p>23 MS. WILCOX: And I am ordering a copy of the</p> <p>24 deposition.</p> <p>25 (The deposition was adjourned at 1:29 p.m.</p> <p>Page 80</p>
<p>1 A. Approximately 30 years of firsthand experience, not</p> <p>2 daily, but hundreds and hundreds of firsthand</p> <p>3 experiences with women outside of abortion clinics,</p> <p>4 talking to them as far as the notion that women do</p> <p>5 this -- as I believe the video says, it's a</p> <p>6 thoughtful -- something like that, they characterize</p> <p>7 it as a process that a lot of thought and reflection</p> <p>8 goes into, and then again, as far as the facts of</p> <p>9 abortion being a good act, so based upon science,</p> <p>10 personal interaction with women having abortions.</p> <p>11 Q. Has the Center for Bio-Ethical Reform promised to pay</p> <p>12 your attorney's fees in this matter?</p> <p>13 A. No.</p> <p>14 Q. Has the Center for Bio-Ethical Reform promised to</p> <p>15 indemnify you in this matter?</p> <p>16 A. Precisely meaning what?</p> <p>17 Q. Meaning that CBR would pay for any damages if you were</p> <p>18 held liable for copyright infringement.</p> <p>19 A. No.</p> <p>20 MS. WILCOX: Okay. At this time I don't</p> <p>21 have any more questions, however I would hold this</p> <p>22 deposition open pending resolution of our questions</p> <p>23 about the completeness of the document production, the</p> <p>24 missing headers and other missing e-mails, which I</p> <p>25 will send you a longer letter detailing exactly what</p> <p>Page 79</p>	<p>1 Signature of the witness was requested.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 81</p>

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