

# **EXHIBIT J**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

**CERTIFIED COPY**

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CALCAR, INC., a California corporation,  
Plaintiff,

vs.

Case No.  
SACV 07-00723  
AG (JWJx)

THE CALIFORNIA CARS INITIATIVE, INC.,  
an unknown business entity; and  
FELIX KRAMER, an individual;  
Defendants.

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VIDEOTAPED DEPOSITION OF LAWRENCE FELIX KRAMER  
WEDNESDAY, JUNE 25, 2008  
VOLUME II

Pages 254 - 586

1 what I think is Google's business in knowing.

2 Q. Well, I am asking.

3 A. I said that we -- we simply told them how

4 we allocated our expenditures from the funds we

5 received in the way that they asked for it.

10:38:18AM

6 Q. I understand. But if you could just answer

7 my question, I'd appreciate it.

8 A. I never thought it was a relevant fact

9 about how the funds that were described in bulk here,

10 the category allocations, how they were then

10:38:38AM

11 allocated by the individuals for the expense areas

12 they were allocated to.

13 Q. Did you in fact use some of the grant money

14 to go on a cruise?

15 A. Excuse me?

10:38:54AM

16 Q. Did you in fact use some of the grant money

17 to go on a cruise?

18 A. No.

19 Q. Did you use any of it to go on vacation?

20 A. No.

10:38:59AM

21 Q. How did you use the money?

22 A. I did not segregate these funds into a

23 personal checking account for Felix Kramer and spend

24 it on anything. I put it into my personal checking

25 account. So I did not allocate these funds to

10:39:12AM

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1 anything.

2 Q. So they were commingled with other funds  
3 that went into your checking account, correct?

4 A. These funds -- all the funds that Google  
5 gave us were transferred to the International  
6 Humanities Center. I bill the International  
7 Humanities Center, when we have the resources, for  
8 consulting fees, monthly consulting fees. There's no  
9 connection between those consulting fees and any

10 funds -- any allocations from Google, other than the 10:39:31AM  
11 fact that we told Google that \$72,000 of those funds 10:39:51AM  
12 went to Felix Kramer.

13 Q. I'm a little confused by that.

14 Did the Google funds go to the  
15 International Humanities Center or did they go to 10:40:09AM  
16 you?

17 A. All contributions to CalCars -- to  
18 California Cars Initiative go to the International  
19 Humanities Center.

20 Q. And the International Humanities Center 10:40:20AM  
21 then pays Felix Kramer?

22 A. The California Cars Initiative bills IHC  
23 for consulting or expenses.

24 Q. And how were the consulting services  
25 billed, are they on an hourly basis? 10:40:42AM

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1 back up.

2 If somebody is going onto the calcars.org  
3 Web site and they are doing research, they can find  
4 out about Hybrid Interfaces as somebody that is  
5 providing product that they may be interested in, 11:28:15AM  
6 correct?

7 A. Indirectly they will -- they can find that  
8 out.

9 Q. All right. And we've already seen that  
10 they can go to Hybrid Interfaces and find out about 11:28:24AM  
11 CalCars and go to the How To Get page, right?

12 A. Yes.

13 Q. So there is some symbiosis there, right?

14 A. Yes.

15 Q. Do you know whether these V3 and V4 systems 11:28:39AM  
16 have actually been commercialized?

17 A. When I described "commercialized," I talked  
18 about -- I used commercial -- I reserve that for mass  
19 production.

20 Q. Do you know whether someone could go and 11:28:58AM  
21 buy one of these systems right now?

22 A. I don't know that. I know that in the past  
23 they have been able to.

24 Q. And has CalCars received any money or has  
25 International Humanities group received any money in 11:29:11AM  
347

1 BY MR. BROOKEY:

2 Q. Okay. What do you mean then?

3 A. You said that if I am required to divert  
4 time and attention and resources to defending against  
5 a lawsuit, that that has a greater environmental 12:02:35PM  
6 impact than the -- than the environmental cost of  
7 defending myself.

8 Q. Again, just so I'm clear, we talked about  
9 the environmental impact of defending yourself,  
10 things like your lawyers filing thousand-page 12:03:09PM  
11 motions, flying all over the country and driving to  
12 court. So that's kind of one environmental cost of  
13 this litigation, right?

14 A. Yes.

15 Q. And in addition to that, you are saying the 12:03:20PM  
16 distraction of you taking your time and resources  
17 away from the mission of The California Cars  
18 Initiative is another type of environmental harm,  
19 correct?

20 A. Yes. 12:03:29PM

21 Q. So those are two areas in which continuing  
22 the litigation, in your mind, would be kind of  
23 hurting the planet, right?

24 A. Yes. And the first one is not simply our  
25 lawyers flying around, it is all the lawyers flying 12:03:41PM

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1 around and all the lawyers printing paper.

2 Q. But remember, we carpool in a hybrid when  
3 we go to court.

4 So you've identified all these areas of  
5 environmental harm. How would the environment be 12:04:03PM  
6 harmed if you simply were using your own name for the  
7 organization instead of using plaintiff's name?

8 MR. ROOKLIDGE: Objection. Argumentative.  
9 Assumes facts. He is using his own name.

10 MR. BROOKEY: Mr. Rooklidge, I am going to 12:04:20PM  
11 get the magistrate on the phone if you don't stop the  
12 speaking objections.

13 MR. ROOKLIDGE: Your line of questioning is  
14 abusive and it's based on doing nothing but twisting  
15 the facts in the record. 12:04:30PM

16 MR. BROOKEY: None of what you said is  
17 true. You need to stop the speaking objections.  
18 They are prohibited by the federal rules, the local  
19 rules and the civility and professional guidelines.  
20 And if you won't stop them voluntarily, I'd be happy 12:04:43PM  
21 to ask Magistrate Johnson to tell you to stop.

22 I don't think I've ever seen more flagrant  
23 coaching than I've seen here and in Mr. Pistorino's  
24 conduct at the Gremban deposition.

25 MR. ROOKLIDGE: I don't think I've ever 12:04:59PM  
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1 seen more incompetent questions or questions that are  
2 more intentionally misleading and distorting of the  
3 record.

4 MR. BROOKEY: That is the exact type of  
5 ad hominem that I've asked you repeatedly to stop 12:05:09PM  
6 doing. Do not sit here and --

7 MR. ROOKLIDGE: An ad hominem is an attack  
8 on the person. I am not attacking you and I have  
9 never attacked you. I am simply characterizing your  
10 questions. 12:05:24PM

11 MR. BROOKEY: So if I tell you that you did  
12 an incompetent job in the BMW litigation, you  
13 wouldn't consider that an ad hominem?

14 MR. ROOKLIDGE: No.

15 MR. BROOKEY: So you are not going to 12:05:33PM  
16 withdraw that personal attack?

17 You attacked me on the record at the last  
18 deposition. It's very unprofessional. It's very  
19 disappointing. And I would like to hope that it  
20 would be disappointing to Mr. Kramer, who is out 12:05:44PM  
21 there trying -- according to his testimony, trying to  
22 kind of save the world.

23 Q. So let's get back to the question,  
24 Mr. Kramer.

25 A. Would you repeat the question, please? 12:05:58PM

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1 International Humanities, correct?

2 A. Yes.

3 Q. And if you wanted to get at that money for  
4 the purposes of The California Cars Initiative, what  
5 would you need to do? 02:06:22PM

6 A. I would need to document what it was for  
7 and send an approved invoice to IHC that would be  
8 auditable and that could be put into IRS --  
9 categories for IRS tax reports.

10 Q. Who would approve the invoice? 02:06:41PM

11 A. I would approve the invoice.

12 Q. So if you said, "I need a million dollars  
13 because I want to buy a house," you could invoice  
14 them for that?

15 A. In that case, I would invoice it and IHC, 02:06:54PM  
16 as the fiscally responsible party, would say, "That  
17 is not an approved nonprofit activity or expenditure  
18 for a 501(c)3 organization."

19 Q. What if you say to your staff, "I'm going  
20 to increase my daily consulting fee from \$600 to 02:07:11PM  
21 \$6,000 a day," would that be acceptable?

22 MR. ROOKLIDGE: Objection. Incomplete  
23 hypothetical. Lack of foundation. Calls for  
24 speculation.

25 THE WITNESS: Nothing like that has ever 02:07:24PM  
417

1 come up.

2 BY MR. BROOKEY:

3 Q. I understand that, but would that be  
4 something that you could do?

5 MR. ROOKLIDGE: Objection. Lack of 02:07:29PM  
6 foundation. Calls for speculation. Incomplete  
7 hypothetical.

8 THE WITNESS: I have confidence that the  
9 IHC, whom I selected carefully, is doing its job in  
10 making sure that it can be confident that the 02:07:43PM  
11 expenditures it approves are those that fall within  
12 the guidelines that it has for valid nonprofit  
13 activities.

14 BY MR. BROOKEY:

15 Q. Have you seen those guidelines? 02:08:02PM

16 A. IHC has a manual which they distributed to  
17 us which is in the materials supplied to you.

18 Q. Do you have to explain to IHC what you've  
19 done with the money they give you?

20 A. Yes. 02:08:17PM

21 Q. How do you do that?

22 A. I submit an invoice for consulting  
23 services, that's one type of invoice. Or an invoice  
24 for expenses, that's a different form.

25 Q. How did you decide on the \$600-per-day 02:08:29PM  
418

1 consulting fee?

2 A. I don't recall.

3 Q. So -- but there isn't anything to stop you  
4 from saying, "You know what, now it's \$6,000 a day,"  
5 right?

02:08:47PM

6 MR. ROOKLIDGE: Objection. Misstates the  
7 testimony.

8 THE WITNESS: I don't know.

9 BY MR. BROOKEY:

10 Q. And you don't know if IHC would have any  
11 reason to object if you invoiced them at \$120,000 a  
12 month instead of \$12,000 a month, right?

02:08:56PM

13 A. Only my common sense.

14 Q. At the end of the day, money that is  
15 donated to the supposed nonprofit is going to end up  
16 in your personal bank account, right?

02:09:17PM

17 MR. ROOKLIDGE: Objection. Misstates the  
18 testimony. You are badgering the witness.

19 THE WITNESS: I object to your calling us a  
20 "supposed nonprofit."

02:09:31PM

21 BY MR. BROCKEY:

22 Q. If you can answer the question, though, I  
23 would appreciate it.

24 A. I don't know -- the answer is I object to  
25 your phrasing. That is not what we are.

02:09:40PM  
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1 International Humanities Center-CalCars.

2 Q. And in terms of disbursements, the check  
3 from International Humanities Center would go to  
4 Felix Kramer?

5 A. Would what? 02:11:01PM

6 Q. Would go to Felix Kramer.

7 MR. ROOKLIDGE: Objection. Incomplete  
8 hypothetical. Vague and ambiguous. Assumes facts.

9 THE WITNESS: Disbursements from  
10 International Humanities Center have gone to Felix 02:11:13PM  
11 Kramer.

12 BY MR. BROOKEY:

13 Q. And as long as you invoice International  
14 Humanities Center, they are not going to question  
15 what you are using the funds for, correct? 02:11:27PM

16 A. No.

17 Q. I'm sorry?

18 It's correct that they are not going to  
19 question you, right?

20 A. No. If I neglect to specify what it is or 02:11:35PM  
21 I don't sign the document, they are going to question  
22 it and make sure I give them the information they  
23 need.

24 Q. If you were to tell them, "I don't want it  
25 to be \$600 a day for 20 days a month, I want it to be 02:11:50PM  
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1 \$6,000 a day for 30 days a month," as long as you  
2 invoiced that and filled out the paperwork correctly,  
3 you'd get paid, right?

4 MR. ROOKLIDGE: Objection. Incomplete  
5 hypothetical. Lacks foundation. Calls for  
6 speculation.

02:12:06PM

7 THE WITNESS: I have received reimbursement  
8 for the invoices I've submitted to International  
9 Humanities Center.

10 BY MR. BROOKEY:

02:12:17PM

11 Q. Right. But in terms of not questioning,  
12 they are not going to cross-examine you and say did  
13 you really do that work. They are going to take your  
14 word for it once the invoice is approved and  
15 submitted. That's all I'm asking.

02:12:28PM

16 A. They rely on my signed approval of  
17 invoices.

18 Q. Have you ever invoiced them for consulting  
19 work you did not perform?

20 A. No.

02:12:37PM

21 Q. Do you keep track of how much consulting  
22 work you do?

23 A. No.

24 Q. You said, I think, a few times that you  
25 spend more than the 20 days a month consulting,

02:12:44PM  
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1 STATE OF CALIFORNIA )  
 ) ss.

2 COUNTY OF SAN FRANCISCO)

3

4 I hereby certify that the witness in the  
5 foregoing deposition, LAWRENCE FELIX KRAMER, was by  
6 me duly sworn to testify to the truth, the whole  
7 truth and nothing but the truth, in the  
8 within-entitled cause; that said deposition was taken  
9 at the time and place herein named; that the  
10 deposition is a true record of the witness's  
11 testimony as reported by me, a duly Certified  
12 Shorthand Reporter and a disinterested person, and  
13 was thereafter transcribed into typewriting by  
14 computer.

15 I further certify that I am not interested in  
16 the outcome of said action, nor connected with, nor  
17 related to, any of the parties in said action, nor to  
18 their respective counsel.

19 IN WITNESS WHEREOF, I have hereunto set my hand  
20 and affixed my signature this 28th day of June 2008.

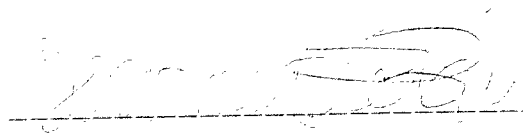
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DEBORAH LEE LUBIN, CSR No. 3234, RPR