

**EXHIBITS PART 2 of 5**

1 if I understand your question correctly.

2 Q. Make sure I do. So there's the purchase plan  
3 where you received the 505 shares at issue --

4 A. Correct.

5 Q. -- in this litigation?

6 And then there's what I'm calling the option  
7 program?

8 A. Right, which was the stock that was held for  
9 me by Paine Webber.

10 Q. Correct. And so when you say that Intel  
11 issued you additional stock certificates, is that with  
12 respect to the stock from the option program?

13 A. No, that's the stock purchase program.

14 Q. Okay.

15 A. Right.

16 Q. And do you recall how many -- did that occur  
17 more than once with respect to --

18 A. You know, I don't know.

19 Q. You don't know?

20 A. It may have done. I don't remember.

21 Q. So it happened at least once, maybe more?

22 A. Yes.

23 Q. And when it did happen, you received  
24 additional certificates?

25 A. Correct.

1 Q. Okay. Now, when the stock split occurred that  
2 you're saying may have occurred in 1994, did you receive  
3 additional certificates through --

4 A. No.

5 Q. Not -- well, you -- you did not receive  
6 additional certificates with respect to the stock  
7 addition in this litigation that you had purchased  
8 through the purchase plan --

9 A. Correct.

10 Q. -- correct?

11 Did you receive additional certificates for  
12 the stock that you got through the option program that  
13 Paine Webber handled?

14 A. Additional stock was issued to Paine Webber on  
15 my behalf.

16 Q. I see. And this was before you bought any  
17 additional Intel stock --

18 A. Correct.

19 Q. -- correct?

20 Okay. So once you found out in 1995 that your  
21 stock had escheated to the State of California, what did  
22 you do?

23 A. I contacted a lawyer, who was a friend of a  
24 family member, who on my behalf contacted Intel, who  
25 elected not to help me in any way.

1 Q. Intel elected not to help you in any way?

2 A. Correct.

3 Q. And did you contact that lawyer in 1995?

4 A. Yes.

5 Q. And is it your understanding that your  
6 lawyer's communication with Intel also occurred in 1995?

7 A. Yes.

8 Q. And so after that communication, do I  
9 understand correctly that it was your conclusion that  
10 Intel was not going to help you?

11 A. At that time it was my conclusion that Intel  
12 was not going to help me.

13 Q. Then what happened?

14 A. So then I guess I was just at a loss as to  
15 what I might do, and it was not clear to me what my next  
16 step should be. I knew that the State had my property.  
17 I didn't know whether that was still intact or whether  
18 it had been sold. And so I -- I was at a loss as to  
19 what to do next.

20 Q. Okay. What was this lawyer's name?

21 A. Good question.

22 Q. But it wasn't Bill Palmer, correct?

23 A. It was not Bill Palmer.

24 Q. And it wasn't one of the other lawyers  
25 associated with Tucker v. Intel?

1 A. It was not.

2 Q. Okay. And just "yes" or "no" -- I don't --  
3 I'm not asking about the substance of the conversation  
4 -- but "yes" or "no" did you discuss next steps with  
5 that lawyer?

6 MR. PALMER: Again, you know, I'm not that  
7 other lawyer, but I do have an obligation to protect the  
8 attorney-client privilege. So when you're getting into  
9 asking what about the next steps, that's attorney-client  
10 privileged information. So I'm going to instruct him  
11 not to discuss that.

12 MS. PRINZING: I --

13 MR. PALMER: You're not entitled to know  
14 general subject matter or content of discussions. You  
15 can -- you can know that he spoke with a lawyer, but you  
16 can't go into -- box in what the subject matter was that  
17 they discussed. So I'm raising that objection.  
18 Attorney-client privilege. Attorney work product  
19 privilege.

20 MS. PRINZING: Well, to a certain extent -- to  
21 a very vague extent subject matter isn't necessarily  
22 privileged. And so the question is very limited, and  
23 I'll rephrase it or restate it.

24 Q. And that is just "yes" or "no" did you discuss  
25 next steps --

1 MR. PALMER: And I'm going --

2 MS. PRINZING: Q. -- with this lawyer?

3 MR. PALMER: And I'm going to raise the  
4 objection. I'm going to stand by it. And I'm going to  
5 instruct the witness not to answer the question.

6 MS. PRINZING: Q. So are you going to comply  
7 with that instruction?

8 A. I will.

9 Q. Okay. That's fine. So tell me more, in 1995  
10 at this time, what you did to determine next steps other  
11 than any conversations with this attorney which may or  
12 may not have happened.

13 A. Well, I can tell you that another party, whose  
14 name we already mentioned, Chris Lusby-Taylor, who I  
15 worked with both at Intel and later at Digital Research,  
16 and I discussed what we might do and whether there was  
17 anything we could do legally in this matter. And we  
18 didn't know one way or another, and it was difficult  
19 because Chris was in the UK. I was in the US. I had no  
20 plans to stay in the US for any length of time. At that  
21 point I was a year away from returning to the UK, and  
22 that was my plan. Well, that's not how things  
23 transpired ultimately.

24 But -- so it was -- it was not clear what we  
25 would do. And over a course of several months, given

1 the time and distance between us, we discussed what  
2 might or might not be possible. And, you know, Chris  
3 looked at various things and I looked at various things,  
4 but it never really got very far with anything.

5 Q. So your first conversation with Chris Taylor  
6 about this subject -- that occurred in 1995?

7 A. It did.

8 Q. Okay. And what were some of the options that  
9 either you or Chris thought of as courses of action that  
10 you might take?

11 A. Well, obviously we -- we considered whether or  
12 not we might be able to get some legal assistance in  
13 returning our property, but, as I say, we didn't even  
14 know if our property still existed. And it seemed like  
15 the only way we could determine that is ask for it back,  
16 and in asking for it back, we would either get a check  
17 or our property, and we didn't know which would come in  
18 the mail. There was no way of knowing, and so we were  
19 actually quite reluctant to ask for our property back.

20 Q. Explain that more.

21 A. Because we felt that if we asked for our  
22 property back and they returned a check, it was -- it  
23 was all over.

24 Q. Did you know at that time that you could  
25 request the Controller to return something?

1           A.    We -- we speculated that we might be able  
2 to --

3           MR. PALMER:   Belated --

4           THE WITNESS:   -- but we didn't know.

5           MR. PALMER:   Belated objection.  Vague.

6           Ambiguous as to what "something" is.  But go ahead and  
7 answer at this point.

8           THE WITNESS:   So just to repeat my answer, we  
9 -- we had no clear knowledge that we could ask for our  
10 property back, although obviously that would be what we  
11 would try and do.  We had no way of knowing whether our  
12 property was even intact any longer.

13           MS. PRINZING:  Q.  Now, at some point you  
14 learned that you could file a claim for your property,  
15 correct?

16           A.    Yes.

17           Q.    Did you learn that back in 1995?

18           A.    I certainly knew in 1995 that I could claim my  
19 property from the State of California, although, as I  
20 repeat this, I didn't know if my property still existed.

21           Q.    Okay.  And did you take steps to try to find  
22 out whether your property still existed --

23           A.    I did.

24           Q.    -- at that time in 1995?

25           A.    I did.



1 Q. Okay. And what were the steps that you took?

2 A. Again, I contacted the Controller's office to  
3 ask if my stock certificates -- if my stock was still  
4 owned by the State of California, and they would not  
5 provide me with an answer.

6 Q. Did they -- when you say they didn't provide  
7 you with an answer, did they tell you they didn't know?  
8 Did they tell you that they couldn't -- do you -- do you  
9 know --

10 A. Yes, I think --

11 Q. -- what reason they gave you?

12 A. They said they couldn't tell me. They didn't  
13 know whether they still owned the stock or not.

14 Q. Do you remember, by any chance, who you spoke  
15 to?

16 A. No, I do not.

17 Q. Do you remember whether it was one  
18 conversation, more than one conversation?

19 A. I think it was more than one conversation.

20 Q. And I should -- I should clarify. Were these  
21 telephone conversations?

22 A. Yes, they were.

23 Q. Was there any written correspondence at this  
24 point?

25 A. At this point, no, there was not.

1 Q. We're still in 1995, correct?

2 A. Yes, we are.

3 Q. So then what did you do?

4 A. Chris and I just continued to discuss what we  
5 might do. We didn't, you know, take any specific action  
6 at that point. It was really honestly not clear to us  
7 what action we could take.

8 Q. And so am I correct that you did eventually  
9 file a claim in 1999?

10 A. I did.

11 Q. And what happened after what you just  
12 described and up until you decided to file a claim?

13 A. Very little in terms of any -- any, you know,  
14 specific action. As I said, Mr. Lusby-Taylor and I  
15 discussed what we might possibly be able to do over that  
16 period of time, but -- you know, but never were able to  
17 reach any conclusions.

18 Q. Okay. And at this period of time you were  
19 employed in California, correct?

20 A. I was, yes.

21 Q. For which company?

22 A. For Novell.

23 Q. For Novell. And you were running one of their  
24 divisions?

25 A. I was, yes.

1 Q. What was your job title?

2 A. I was vice president in Novell.

3 Q. That's right. You had said that. So what led  
4 you eventually to decide to file a claim?

5 A. Did you wish to say something, Bill?

6 MR. PALMER: Well, if there's -- if we're  
7 getting into attorney-client discussions, obviously  
8 those are privileged. But if you have an independent,  
9 you know, basis or -- you know, go ahead and discuss it.  
10 But if we're talking about specific advice from some  
11 attorney, then let's not get into that.

12 MS. PRINZING: All right.

13 Q. Let's -- I'm going to stop, and let's do some  
14 clarifying so we can be careful with that. After this  
15 lawyer that you initially contacted in '95 had that  
16 conversation with Intel, did he continue to represent  
17 you?

18 A. No, he did not.

19 Q. So that was it with him?

20 A. That was it, yeah.

21 Q. Okay. And then between that time and the time  
22 that you filed a claim for your unclaimed property in  
23 1999, did you have an attorney during that period of  
24 time?

25 A. No, I did not.

1 Q. So at least up until the time that you filed  
2 the claim you did not have an attorney?

3 A. I did not.

4 Q. Okay. So now that we've established that,  
5 what led you to eventually conclude to go ahead and file  
6 that claim?

7 A. I think I -- I had almost given up hope of  
8 finding any way of getting any representation of what I  
9 thought was an egregious act, and I actually filed a  
10 claim with the State of California for my property. So  
11 when I wrote the letter to the Controller, I asked for  
12 the return of my property.

13 Q. And this was in 1999?

14 A. This was in 1999. And in that letter I  
15 requested that they return my property and only my  
16 property, that being the Intel stock. I had no  
17 correspondence from the State Controller's office as to  
18 whether or not they were going to do that. And the next  
19 thing I got was a check in the mail.

20 Q. I -- see, I guess I'm confused about why you  
21 decided in 1995 not to seek to recover, but then you  
22 changed your mind in 1999. And what led you to do it?  
23 You just --

24 A. I think I just explained. I had at that point  
25 concluded that I probably didn't have any other course

1 litigation?

2 A. I want my property returned to me. That's  
3 what I want.

4 Q. We'll come back to that concept in just a  
5 moment. But first I wanted to ask you: Did you receive  
6 interest?

7 A. Yes.

8 Q. And is your understanding that you received  
9 interest in the amount of \$9,351.66 or that amount times  
10 two?

11 A. It's that amount times two.

12 Q. Okay. So that \$9,351 figure, in your  
13 understanding, is the interest that you received per 505  
14 shares; is that correct?

15 A. Yes.

16 Q. So you received slightly more than \$18,000  
17 worth of interest?

18 A. Yes.

19 Q. And how do you feel about the amount of  
20 interest the State provided to you?

21 MR. PALMER: Objection. Vague. Ambiguous,  
22 "how do you feel about interest." But go ahead and  
23 answer the question.

24 MS. PRINZING: Q. Would you like me to  
25 rephrase it?

1 Q. And how did you spell Stephen?

2 A. S-t-e-p-h-e-n.

3 Q. Did you try it with a "v"?

4 A. I don't think I did, actually.

5 MR. PALMER: Is there something there? You  
6 mentioned this -- I mean, I'm serious to some degree.  
7 You mentioned this Torrance or whatever it was earlier.  
8 Is there other property held for Mr. Tucker there?

9 MS. PRINZING: We can talk about this after  
10 the deposition if you'd like.

11 MR. PALMER: Okay. Sure.

12 MS. PRINZING: Q. Do you subscribe to any  
13 newspapers?

14 A. Yes.

15 Q. Which newspapers?

16 A. The San Francisco Chronicle.

17 Q. I'm most interested in whether you subscribed  
18 to any newspapers in the period 1989 to 1995. Do you  
19 remember?

20 A. I didn't subscribe to a newspaper. I bought  
21 newspapers.

22 Q. Did you buy any California newspapers during  
23 that time period?

24 A. No.

25 Q. Did you buy United States newspapers --

1 A. No.

2 Q. -- during that time period?

3 Did you ever read California newspapers during  
4 that time period?

5 A. Probably I read USA Today because that's  
6 usually what they give you for free at the hotel, but  
7 I'd hardly describe that as a newspaper. Sorry. I'm  
8 expressing an opinion.

9 Q. No objections. I don't even know whether they  
10 had newspapers online back then. Do you remember  
11 reading online papers back then?

12 A. I don't think they did. I don't think the --  
13 even the Mercury News didn't go online until about '96  
14 or '97. So --

15 Q. So it's safe to say you don't remember reading  
16 newspapers --

17 A. No.

18 Q. -- during that time period --

19 A. No.

20 Q. -- from California?

21 A. No.

22 Q. Do you currently use the Internet?

23 A. Yes.

24 Q. And do you currently read news on the  
25 Internet?

1 A. Yes.

2 Q. Do you use the Internet more as a source of  
3 news or newspapers?

4 A. I'd say it's about 50/50. I tend to just get  
5 headline news online. I don't read a lot of content  
6 online.

7 Q. What else do you use the Internet for?

8 A. Email mainly, researching, buying products.

9 Q. Researching what?

10 A. Well, mostly it's if I'm researching products  
11 that I'm going to buy. So that's the kind of research I  
12 do online.

13 Q. Do you ever do any financial research about  
14 your investments, for example, financial institutions?

15 A. Not a lot because it takes -- you know, it's  
16 -- the challenge with that is the amount of time it  
17 takes. So -- so we work with our brokerage, and they do  
18 all of that for us.

19 Q. I see. I see. But sometimes you might turn  
20 to the Internet for those purposes?

21 A. Oh, yeah. Sometimes I'll look and see, you  
22 know, how various stocks are doing and, you know, what  
23 is new in particular companies.

24 Q. And would you say in general you spend more  
25 time on the Internet for all purposes or looking at



1 newspapers for all purposes?

2 A. Oh. I would -- that's a hard question,  
3 actually. I'd say, actually, it's -- I probably spend  
4 more time on the Internet than I do reading newspapers.

5 Q. Okay. Did Intel ever provide any notice to  
6 you that they were going to escheat your stock?

7 A. No.

8 Q. Do you know whether they claim that they have  
9 sent you notice or -- excuse me. Do you know whether  
10 they claim that they provided you with notice that your  
11 stock might escheat?

12 A. I've never seen any claim.

13 Q. You don't know one way or the other?

14 A. No.

15 Q. They might claim it; they might not? You're  
16 not sure?

17 A. Exactly.

18 Q. But it's your position you never received such  
19 notice?

20 A. I never received any notice.

21 (Recess taken.)

22 MS. PRINZING: Q. So did you, review any  
23 documents in preparation for this deposition?

24 A. I tried to refresh my memory of certain  
25 things. So there were -- there was -- you know, I just

CERTIFICATE OF REPORTER

I, Catherine A. Ryan, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition, review of the transcript  was  was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: April 3<sup>rd</sup>, 2007

Catherine A. Ryan

(Catherine A. Ryan, CSR No. 8239)