

1                   IN THE UNITED STATES DISTRICT COURT  
2                                 FOR THE DISTRICT OF COLORADO

3  
4 Civil Action No. 10-CV-01546-REB-CBS

5  
6 The Direct Marketing Association,  
7                                 Plaintiff,

8                                 v.

9 Roxy Huber, in her capacity as Executive  
10 Director, Colorado Department of Revenue,  
11                                 Defendant.

12  
13                 DEPOSITION OF THOMAS J. ADLER, Ph.D. taken at  
14 Norwich, Vermont, on October 22, 2010.

15  
16 APPEARANCES:

17                 Matthew P. Schaefer, Esquire

                  Brann & Isaacson

18                 184 Main Street, Fourth Floor

                  P.O. Box 3070

19                 Lewiston, Maine, 04243-3070, on behalf of the

                  Plaintiff, The Direct Marketing Association.

20  
                  Jack Wesoky, Esquire

21                 Senior Assistant Attorney General

                  1525 Sherman Street, 7th Floor

22                 Denver, Colorado, 80203, on behalf of the Roxy

                  Huber in her capacity as Executive Director,

23                 Colorado Department of Revenue.

1 Q About Professor Keller commenting on the survey?

2 A Yes.

3 Q And that Mr. Schaefer will file the Keller  
4 affidavit and the survey report?

5 MR. SCHAEFER: Objection. Mischaracterizes  
6 the document.

7 A Yes.

8 Q Well, you were not going to file a Keller  
9 affidavit, were you?

10 A No.

11 Q I didn't think so. It says May 2 in effect. What  
12 does that mean? May 1 in effect.

13 A My recollection was that the law was in effect on  
14 May 1.

15 Q Okay. Next is May 19th. Can you tell me what  
16 that note is?

17 A So this looks like kind of a repeat of the  
18 specific objectives, what we wanted to find out.

19 Q So you wanted to find out whether turning over the  
20 information will cause people to not purchase?

21 A Right, versus not paying taxes. We wanted to  
22 avoid getting into the issue of people not liking  
23 to pay taxes because we know nobody does.