

## Exhibit 1

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1 A. Here's the analogy.

2 Q. Correct? Would you agree with me that people  
3 do that?

4 A. Yes.

5 Q. It's -- it's not unheard that people --

6 A. Oh, of course.

7 Q. -- come in and ask for things that they know  
8 they're not entitled to?

9 A. And there's people that file phony lawsuits  
10 also.

11 Q. People do that, too.

12 A. Every day they file frivolous lawsuits.

13 Q. And people -- and people could file Rip-Off  
14 Reports that they know are inaccurate --

15 A. Right.

16 Q. -- right?

17 And yet if I'm a CAP member under this  
18 program, no matter how -- a consumer may file a Rip-Off  
19 Report that that person knows is wrong and they're  
20 asking for something that's totally ridiculous, and yet  
21 in order for me to remain a CAP member I've got to make  
22 that person happy?

23 A. Umm, and I'm -- I'm going to say within --  
24 within reason. It is --

25 Q. Okay. Okay. But now --

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1 MS. SPETH: Wait, wait. Before you ask the  
2 next question, are you done with your answer?

3 THE WITNESS: I'm not sure.

4 MS. SPETH: Okay. Both of you, I'm just  
5 telling you right now you are killing this court  
6 reporter. Slow down.

7 THE WITNESS: She told us to give her us -- a  
8 run for her money.

9 MS. SPETH: You read that.

10 THE WITNESS: Okay.

11 MR. LIPPMAN: No, no, no, no. Wait a second.  
12 Read it.

13 MS. SPETH: He read it.

14 MR. LIPPMAN: No, read it out loud. What's on  
15 there?

16 MS. SPETH: Excuse me. Since when is there no  
17 longer attorney/client privilege?

18 MR. LIPPMAN: There's not a privilege when  
19 somebody's on the witness stand, ma'am. You're going to  
20 read that right now. You're going to read that into the  
21 record.

22 MS. SPETH: Can I just tell you something,  
23 Steven?

24 MR. LIPPMAN: You're going to read that into  
25 the record.

1 MS. SPETH: Can I just tell you something?

2 MR. LIPPMAN: You can tell me anything.

3 MS. SPETH: You do not tell me what to do.

4 MR. LIPPMAN: Okay.

5 MS. SPETH: There is certainly a privilege.

6 There was no question pending.

7 MR. LIPPMAN: Read that -- read that on the

8 record.

9 MS. SPETH: It's not going to happen.

10 MR. LIPPMAN: Fine. Then I would like that --  
11 then put it in an envelope and seal it and I want it  
12 part of the transcript.

13 MS. SPETH: It's attorney/client privilege.  
14 It's not going to happen.

15 MR. LIPPMAN: Put it in --

16 MS. SPETH: It's not going to happen.

17 MR. LIPPMAN: You have no right to speak to a  
18 witness while he's sitting there.

19 MS. SPETH: Show me a rule that says that.

20 MR. LIPPMAN: This is just like he's sitting  
21 on a witness stand.

22 MS. SPETH: Show me a rule that says that.

23 MR. LIPPMAN: Okay. Well, then you're going  
24 to -- you're going to explain to a federal judge that  
25 you're entitled to walk up to a witness in the middle of

1 his testimony and talk to him.

2 MS. SPETH: There was no question pending.

3 MR. BIRKEN: Once he's sworn in you lose that.

4 MS. SPETH: Show me a rule that says that.

5 MR. LIPPMAN: That's fine.

6 MS. SPETH: Once he's sworn in, you show me a  
7 rule that says that.

8 MR. LIPPMAN: Doesn't matter. That's fine.

9 MS. SPETH: Are you saying during the breaks I  
10 was not allowed to talk to my client?

11 MR. LIPPMAN: Absolutely not.

12 MS. SPETH: Okay. So, during the breaks when  
13 I depose your client you will not be talking to them  
14 during the breaks?

15 MR. LIPPMAN: Of course not.

16 MS. SPETH: You show me a rule that says that,  
17 because I've never heard of such a thing.

18 MR. LIPPMAN: You spoke to Mr. Magedson during  
19 the breaks about his testimony?

20 THE WITNESS: I made phone calls.

21 MR. LIPPMAN: You're telling me that you spoke  
22 to --

23 MS. SPETH: I am not going to speak to you  
24 about attorney/client privilege. It is outrageous for  
25 you to ask me to.

1 MR. LIPPMAN: You're telling me that you spoke  
2 to the witness --

3 MS. SPETH: I'm telling you --

4 MR. LIPPMAN: -- during the breaks about --  
5 about his testimony? I don't care what you -- you don't  
6 have to tell me what you said.

7 MS. SPETH: I'm telling you I'm not answering  
8 your questions --

9 MR. LIPPMAN: Okay.

10 MS. SPETH: -- because you're asking about  
11 attorney/client privilege.

12 MR. LIPPMAN: Fine.

13 MS. SPETH: I will not speak to a witness when  
14 there is a question pending, and I will not coach a  
15 witness on how to answer your question, of course.

16 MR. LIPPMAN: And you think it's appropriate  
17 to talk to a witness during the breaks even though  
18 there's no question pending?

19 MS. SPETH: My client?

20 MR. LIPPMAN: Yes, your client.

21 MS. SPETH: Do I think that's appropriate?

22 MR. LIPPMAN: Yes.

23 MS. SPETH: Of course.

24 MR. LIPPMAN: And have you done that in this  
25 instance?

1 MS. SPETH: Attorney/client privilege. I have  
2 no intent of --

3 MR. LIPPMAN: Don't tell me -- no, I don't  
4 want to know what the substance -- what you talked to  
5 him -- I just want to know --

6 MS. SPETH: I have no intention of answering  
7 your question.

8 MR. LIPPMAN: -- did you talk to him?

9 MS. SPETH: I have no intention of answering  
10 your question.

11 MR. LIPPMAN: Fine. We'll raise it with the  
12 judge.

13 I'm asking you for the third time now, I would  
14 like you to put what's on that piece of paper that you  
15 handed to Mr. Magedson and asked him to read just a few  
16 minutes ago while this deposition was going in an  
17 envelope, seal it so that I can't see it, so that it can  
18 be presented to the judge.

19 MS. SPETH: It's attorney/client privilege.

20 MR. LIPPMAN: You're refusing to do that?

21 MS. SPETH: I don't know if I'm refusing to do  
22 that. I have to think about it.

23 MR. LIPPMAN: Okay.

24 MS. SPETH: I'm certainly not reading it to  
25 you. It's attorney/client privilege.