

EXHIBIT E

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

ERICH SPECHT, an individual, and)
doing business as ANDROID DATA)
CORPORATION and THE ANDROID'S)
DUNGEON, INCORPORATED,)
Plaintiffs,) Case No.
vs.) 09 CV 2572
GOOGLE, INC.,)
Defendant.)

The deposition of MARTIN JOSEPH
MURPHY, called for examination, taken pursuant to
the Federal Rules of Civil Procedure of the
United States District Courts pertaining to the
taking of depositions, taken before DINA G.
VILLIS, a Certified Shorthand Reporter within and
for the State of Illinois, CSR No. 84-3400 of
said state, at Suite 3100, 77 West Wacker Drive,
Chicago, Illinois, on the 8th day of April, A.D.
2010, at 9:50 a.m.

Job No.: CS250606

2	<p>1 PRESENT:</p> <p>2</p> <p>3 NOVACK AND MACEY, LLP,</p> <p>4 (100 North Riverside Plaza,</p> <p>5 Chicago, Illinois 60606-1501,</p> <p>6 312-419-6900), by:</p> <p>7 MR. P. ANDREW FLEMING,</p> <p>8 andrewf@novackmacey.com,</p> <p>9 appeared on behalf of the Plaintiff;</p> <p>10</p> <p>11 GREENBERG TRAUERIG, LLP,</p> <p>12 (77 West Wacker Drive, Suite 3100,</p> <p>13 Chicago, Illinois 60601,</p> <p>14 312-456-8400), by:</p> <p>15 MR. HERBERT H. FINN,</p> <p>16 finnh@gtlaw.com,</p> <p>17 MR. CAMERON NELSON,</p> <p>18 nelsonc@gtlaw.com,</p> <p>19 appeared on behalf of the Defendant.</p> <p>20</p> <p>21</p> <p>22</p> <p>23 REPORTED BY: DINA G. VILLIS, CSR, RPR</p> <p>24 CSR No. 84-3400</p>	4
3	<p>1 INDEX</p> <p>2 WITNESS EXAMINATION</p> <p>3 MARTIN JOSEPH MURPHY</p> <p>4 By Mr. Nelson 6</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 NUMBER PAGE</p> <p>8 Murphy No. 1, Plaintiff's Answer to 8</p> <p>9 First Set of Interrogatories</p> <p>10 Propounded by Defendant Google,</p> <p>11 Inc.</p> <p>12 Murphy No. 2, Plaintiffs' Third 17</p> <p>13 Supplemental Answers to First</p> <p>14 Set of Interrogatories Propounded</p> <p>15 by Google, Inc.</p> <p>16 Murphy No. 3, Printout from Forbes.com 122</p> <p>17 dated April 30, 2009.</p> <p>18 Murphy No. 4, Printout from Media Post 122</p> <p>19 News Online Media Daily dated</p> <p>20 May 5, 2009.</p> <p>21 Murphy No. 5, Fax transmittal sheet 167</p> <p>22 with attachments from the Law</p> <p>23 Office of Martin J. Murphy.</p> <p>24</p>	5
2	<p>1 INDEX (Continued)</p> <p>2</p> <p>3 EXHIBITS</p> <p>4 NUMBER PAGE</p> <p>5 Murphy No. 6, Complaint for Trademark 176</p> <p>6 Infringement, Case No. 09 CV 2572.</p> <p>7 Murphy No. 7, E-mail chain. 188</p> <p>8 Murphy No. 8, Exhibit A containing 196</p> <p>9 various documents submitted as</p> <p>10 part of filings in the case.</p> <p>11 Murphy No. 9, Supplemental Response to 222</p> <p>12 Google, Inc.'s, Subpoena for</p> <p>13 Documents Directed to Plaintiffs'</p> <p>14 Counsel.</p> <p>15 Murphy No. 10, Subpoena to Testify at 226</p> <p>16 a Deposition in a Civil Action.</p> <p>17 Murphy No. 11, Subpoena in a Civil Case. 226</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	4
5	<p>1 (WHEREUPON, the witness was</p> <p>2 duly sworn.)</p> <p>3 MR. FLEMING: Before we get started, I</p> <p>4 just want to make an observation here.</p> <p>5 I think, as you know, Mr. Murphy</p> <p>6 is counsel of record for plaintiffs in this</p> <p>7 case.</p> <p>8 And so we want to make it very</p> <p>9 clear that we're not going to allow, you know,</p> <p>10 inquiry into any matters that would be covered</p> <p>11 by the attorney-client privilege or the work</p> <p>12 product doctrine.</p> <p>13 And so in that regard, we believe</p> <p>14 that the only two subjects that would be</p> <p>15 relevant to any inquiry today would be, first,</p> <p>16 services provided by the plaintiffs to Village</p> <p>17 Realty and Investments and, second, any</p> <p>18 statements that Mr. Murphy may have made to the</p> <p>19 media concerning this case.</p> <p>20 Those are the only two areas that</p> <p>21 we believe would constitute any appropriate</p> <p>22 level of inquiry at this deposition.</p> <p>23 And so we caution you not to stray</p> <p>24 beyond those because we will vigorously assert</p>	5

118	<p>1 the discovery were prepared, what those answers 2 mean.</p> <p>3 That's -- it's way beyond the 4 scope of what you are permitted to do here. So 5 he is not going to answer that question.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I refuse to answer it based upon 8 attorney-client privilege and work product.</p> <p>9 BY MR. NELSON:</p> <p>10 Q. Can you identify any custom 11 software solutions provided to Village Realty 12 and Investment Company?</p> <p>13 A. I would ask you to define that 14 term as you're using it.</p> <p>15 Q. So absent a definition from me, 16 you can't answer the question?</p> <p>17 A. I'm not going to answer -- I'm not 18 going to interpret a legal document for you and 19 tell you what that legal documents means.</p> <p>20 Q. Well, I'm not asking you to --</p> <p>21 A. Well, you're coming up with a 22 definition.</p> <p>23 Q. I'm asking you a different 24 question.</p>	120	<p>1 or otherwise affiliated with any of these 2 conditions.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Well, I mean, affiliation in terms 5 of as an officer, director or employee?</p> <p>6 MR. FLEMING: Right. I think that's 7 the question.</p> <p>8 Are you an officer, director or 9 employee?</p> <p>10 BY MR. NELSON:</p> <p>11 Q. Or otherwise affiliated?</p> <p>12 A. Well, I mean, I'm an attorney --</p> <p>13 MR. FLEMING: What does that mean?</p> <p>14 BY THE WITNESS:</p> <p>15 A. -- for some of these people. 16 So, yes. I mean, I -- to the 17 extent that I am an attorney, yes.</p> <p>18 BY MR. NELSON:</p> <p>19 Q. Which ones are you an attorney 20 for?</p> <p>21 A. Well, I mean, for Android Data 22 Corporation, which has an interest in some of 23 these.</p> <p>24 Q. Okay.</p>
119	<p>1 A. Yeah.</p> <p>2 Q. Please listen carefully to the 3 question.</p> <p>4 A. I'm listening.</p> <p>5 Q. As you sit here today, absent a 6 definition from me, you can't tell me whether or 7 not the plaintiffs provided any custom software 8 solutions to Village Realty and Investment 9 Company, is that correct?</p> <p>10 A. And I said I can't answer that 11 question without a definition of that term.</p> <p>12 Q. That was the question.</p> <p>13 Now, do you have -- turning back 14 to Page 27 of Exhibit 1 and looking at the 15 domain names listed, beginning on Page 26 and 16 going to Page 28.</p> <p>17 Separate from your knowledge 18 gained as counsel in this case, do you have any 19 involvement with any of those domain names, 20 starting on Page 26, please?</p> <p>21 MR. FLEMING: What do you mean by 22 "involvement in domain names"?</p> <p>23 MR. NELSON: I want to know if 24 Mr. Murphy is an officer, director or employee</p>	121	<p>1 A. The Android's Dungeon, 2 Incorporated, which has an interest in some of 3 these websites.</p> <p>4 Erich Specht, which has an 5 interest in some of these websites.</p> <p>6 So as an attorney, I do have.</p> <p>7 Q. Any other of these domain names 8 that you -- where you are affiliated with in any 9 which?</p> <p>10 A. Well, Wendymurphy.com. Wendy 11 Murphy is my wife. So I'm affiliated that way. 12 I'm affiliated with my relationship with Erich 13 Specht as his brother-in-law.</p> <p>14 So I have no interest -- Village 15 Investments, of course, Villageinvestments.com 16 we've discussed.</p> <p>17 Bonaparte Corporation, I've 18 represented them.</p> <p>19 Q. As a client?</p> <p>20 A. As a client. They were my --</p> <p>21 Q. They're your client?</p> <p>22 A. Right. That's -- that's basically 23 it. So either --</p> <p>24 Q. Okay.</p>

122	<p>1 A. Yeah.</p> <p>2 MR. NELSON: I would like to change</p> <p>3 subjects a little bit now and show you what will</p> <p>4 be marked as Exhibits 3 and 4, Murphy Exhibits 3</p> <p>5 and 4.</p> <p>6 Murphy Exhibit 3, it will be a</p> <p>7 Forbes article authored by Elizabeth Woyke,</p> <p>8 W-o-y-k-e, and dated April 30th, 2009.</p> <p>9 (WHEREUPON, a certain document</p> <p>10 was marked Murphy Deposition</p> <p>11 Exhibit No. 3, for</p> <p>12 identification, as of 4-8-10.)</p> <p>13 (WHEREUPON, the document was</p> <p>14 tendered to the witness.)</p> <p>15 MR. NELSON: And Exhibit 4 will be an</p> <p>16 article from Media Post News Online Media Daily</p> <p>17 written by a Wendy Davis, entitled "Paranoid</p> <p>18 'Android' sues Google," and that's dated</p> <p>19 May 5th, 2009.</p> <p>20 (WHEREUPON, a certain document</p> <p>21 was marked Murphy Deposition</p> <p>22 Exhibit No. 4, for</p> <p>23 identification, as of 4-8-10.)</p> <p>24</p>	124	<p>1 though?</p> <p>2 A. Probably not. I don't know.</p> <p>3 Q. Did she tell you that it was being</p> <p>4 published, or did you get an e-mail from Forbes</p> <p>5 saying, "Hey, the article is up now," anything</p> <p>6 along those lines?</p> <p>7 A. No.</p> <p>8 Q. How did you come to speak with</p> <p>9 Ms. Woyke?</p> <p>10 A. She had called my house and left a</p> <p>11 message for me to call her, return her phone</p> <p>12 call.</p> <p>13 Q. Do you know when that call took</p> <p>14 place?</p> <p>15 A. I don't.</p> <p>16 Q. Do you recall the date the</p> <p>17 complaint was filed in this case?</p> <p>18 A. I believe it was the 29th, 28th,</p> <p>19 29th. I don't remember exactly.</p> <p>20 Q. And this article is dated the</p> <p>21 30th.</p> <p>22 So your phone call with Ms. Woyke</p> <p>23 had to occur between those two dates, correct,</p> <p>24 sir?</p>
123	<p>1 (WHEREUPON, the document was</p> <p>2 tendered to the witness.)</p> <p>3 BY MR. NELSON:</p> <p>4 Q. Let's start with the Forbes</p> <p>5 article, which is Murphy Exhibit 3.</p> <p>6 Have you seen this article before?</p> <p>7 A. Yes.</p> <p>8 Q. When did you first see it?</p> <p>9 A. I don't recall. Sometime after</p> <p>10 April 30th.</p> <p>11 Q. Did you ever speak with Elizabeth</p> <p>12 Woyke?</p> <p>13 A. Yes.</p> <p>14 Q. Am I pronouncing her name</p> <p>15 correctly?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you recall if you read this</p> <p>18 article sometime shortly after its publication</p> <p>19 date of April 30th, 2009?</p> <p>20 A. I don't recall the exact date I</p> <p>21 read it. I'm sure it was, you know -- I mean,</p> <p>22 it may have been a day, a week, a month. I</p> <p>23 don't recall.</p> <p>24 Q. Probably not more than a month,</p>	125	<p>1 A. Yes.</p> <p>2 Q. And you returned her phone call</p> <p>3 then?</p> <p>4 A. Correct.</p> <p>5 Q. Did she answer when you called?</p> <p>6 A. Yes.</p> <p>7 Q. Where did you return her call</p> <p>8 from?</p> <p>9 A. My cell phone.</p> <p>10 Q. And you called the number that she</p> <p>11 left a message for her to call you back at?</p> <p>12 A. Yeah. That number was forwarded</p> <p>13 to me, yeah.</p> <p>14 Q. Did you write down that phone</p> <p>15 number anywhere?</p> <p>16 A. At the time maybe.</p> <p>17 Q. Do you have any notes regarding</p> <p>18 that conversation?</p> <p>19 A. No.</p> <p>20 Q. Did you take notes during the</p> <p>21 conversation?</p> <p>22 A. No.</p> <p>23 Q. Did you take notes at the initial</p> <p>24 message?</p>

126	<p>1 A. No. I mean, I got -- my wife 2 called me and said, "This person left a message 3 for you to call." 4 Q. Where was the message left? 5 A. My home voice mail. 6 Q. Tell me -- well, was anyone else 7 present on the phone besides Ms. Woyke? 8 A. Not to the best of my knowledge. 9 Q. And you've never met Ms. Woyke 10 before, have you? 11 A. No. 12 Q. Now, can you tell me how the -- 13 let me back up a second. 14 So this is a conversation. I'm 15 going to ask you a general question. You can 16 give me a very vague general answer if you like. 17 If I need more detail, I will ask 18 you for more detail so you don't feel like 19 you're obligated to instantly regurgitate the 20 entirety of the conversation. 21 Can you tell me generally what the 22 conversation was about? 23 MR. FLEMING: I will object to the 24 form of that question.</p>	128	<p>1 Q. Whose office is that? 2 A. That's mine. It's like an 3 apartment building. 4 I just have a small office at the 5 bottom. 6 Q. Is that an office for your law 7 business, or is that -- what is that office for? 8 A. It's just a desk and a chair, a 9 place I throw stuff. 10 Q. Morning or afternoon? Do you 11 recall the time of day this was? 12 A. I don't. 13 Q. Have you read this article 14 recently? 15 A. No. 16 Q. You didn't read it in preparation 17 for your deposition today? 18 A. No. 19 MR. FLEMING: I would object -- hang 20 on. I would object to the form of that 21 question. 22 I'm going to instruct you not to 23 answer that question on the grounds that it 24 invades the attorney-client privilege and work</p>
127	<p>1 What do you mean tell you 2 generally? 3 BY MR. NELSON: 4 Q. Give me a thumbnail sketch of the 5 conversation. 6 A. I don't -- I mean, you know, 7 there's -- I didn't take notes, you know. 8 I don't remember exactly what was 9 said. I don't, you know -- I mean, she just -- 10 she mentioned that she had saw the case online, 11 and she had some questions for me about it. 12 Q. Do you remember what questions she 13 asked? 14 A. I don't. 15 Q. Do you remember any specific 16 answers that you gave? 17 A. No. 18 Q. Do you have any recollection of 19 the conversation at all? 20 A. No. 21 Q. Where were you when you were 22 having this conversation? 23 A. I was in an office at 1222 Arthur 24 in Chicago.</p>	129	<p>1 product doctrine. 2 BY MR. NELSON: 3 Q. You understand that there are -- 4 (WHEREUPON, there was a 5 conference between the witness 6 and counsel.) 7 MR. FINN: Mr. Fleming, do you need a 8 minute? 9 MR. FLEMING: No. 10 MR. NELSON: Counsel, to the extent 11 you are showing notes to the witness in the 12 middle of questioning, I would like to see 13 those. 14 MR. FLEMING: It's not in the middle 15 of a question. 16 I'm entitled to confer with my 17 client anytime I want. 18 BY THE WITNESS: 19 A. And you guys were passing notes 20 back and forth. Can we see all your notes? 21 BY MR. NELSON: 22 Q. No. What did your counsel just 23 show you? 24 A. What did Mr. Finn just give you?</p>

33 (Pages 126 to 129)

130

1 Q. Mr. Murphy, what did your counsel
2 just show you?
3 MR. FLEMING: I instruct you not to
4 answer that question.
5 BY THE WITNESS:
6 A. I refuse to answer that question.
7 BY MR. NELSON:
8 Q. Did the note that your counsel
9 just showed you, Mr. Murphy, relate to the
10 questions I've been asking the last few minutes?
11 A. No.
12 MR. FLEMING: I will object and
13 instruct you not to answer the question.
14 BY MR. NELSON:
15 Q. Was that a "no"?
16 A. I said I don't know -- I don't
17 understand what --
18 Q. I'm sorry. Did the note, or
19 whatever your counsel just showed you on a pad
20 of paper, relate to the questions I've been
21 asking you over the last few minutes?
22 MR. FLEMING: I will object and
23 instruct you not to answer that question on the
24 grounds it invades attorney-client privilege.

131

1 MR. NELSON: Counsel, we ask that
2 you --
3 BY THE WITNESS:
4 A. I'll refuse to answer that
5 question based upon attorney-client privilege
6 and work product.
7 MR. NELSON: We ask that you mark and
8 preserve a copy of that. We will be seeking
9 that.
10 Can I have your assurance that --
11 MR. FLEMING: Absolutely not.
12 MR. NELSON: -- you will preserve a
13 copy?
14 MR. FLEMING: Absolutely not.
15 MR. NELSON: You're refusing to
16 preserve a copy of --
17 MR. FLEMING: I will absolutely
18 refuse.
19 MR. NELSON: Can I finish speaking,
20 please?
21 MR. FLEMING: Sure.
22 MR. NELSON: Okay. You're refusing to
23 preserve a copy of a note that you handed to the
24 witness in the middle of a question?

132

1 MR. FLEMING: I haven't handed any
2 note to the witness during the questioning.
3 BY MR. NELSON:
4 Q. Mr. Murphy, didn't your counsel
5 just hand you something written on a pad of
6 paper and point to it?
7 A. I'm going to refuse to answer that
8 question based upon attorney-client privilege.
9 Q. I'm not asking you the content of
10 the communication, sir.
11 I'm just asking whether it
12 occurred?
13 A. He didn't hand me anything. I
14 don't have anything.
15 Q. He held a pad of paper in his
16 hand, leaned over to you, pointed to something
17 on the pad of paper, correct?
18 MR. FLEMING: I'm going to object and
19 instruct the witness not to answer any question
20 concerning any communications I've had with the
21 witness.
22 BY THE WITNESS:
23 A. I'll refuse to answer based on
24 attorney-client privilege.

133

1 MR. NELSON: And counsel, you are
2 refusing to preserve what you just showed to
3 your witness.
4 MR. FLEMING: I'm refusing to do
5 anything that would invade the attorney-client
6 privilege.
7 If you want to ask him some
8 questions, ask him some questions. Now, I'm
9 entitled to confer with my client at any point
10 in time during the deposition.
11 MR. NELSON: Nothing that --
12 MR. FLEMING: No question was pending.
13 I conferred with my client.
14 I'm entitled to do that.
15 MR. NELSON: Counsel, I have asked
16 several times today for the common courtesy --
17 MR. FLEMING: You could ask whatever
18 you want.
19 MR. NELSON: -- of not interrupting me
20 while I speak.
21 MR. FLEMING: Okay. Go ahead.
22 MR. NELSON: Would it trouble you too
23 much to pay that courtesy today?
24 MR. FLEMING: No. I'd be happy to do

134

1 that.
2 MR. NELSON: Thank you. Now, I didn't
3 ask you to invade the attorney-client privilege.
4 I asked you if you would preserve
5 the note so we could discuss it later. Is that
6 too much to ask?
7 MR. FLEMING: I think what is too much
8 is you now raising your voice and screaming at
9 these proceedings and now turning this
10 proceeding into an oppressive form of harassment
11 against the witness and myself.
12 MR. NELSON: Is that too much to ask,
13 sir?
14 MR. FLEMING: I'm not answering any of
15 your questions.
16 MR. NELSON: Thank you.
17 MR. FLEMING: It's not my deposition.
18 BY MR. NELSON:
19 Q. Mr. Murphy, the statements in this
20 article, did you review them when you read the
21 article?
22 A. I read the article.
23 Q. You read the article, right?
24 A. I read the article.

135

1 Q. And there are statements in here
2 that are attributed to you, correct?
3 A. Yes.
4 Q. When you read the article, did any
5 of those statements strike you as things that
6 you didn't say or misquotes of things that you
7 said?
8 A. I don't recall.
9 Q. Well, please read the article.
10 It's not very long. It's all of a page and a
11 half.
12 A. Okay.
13 Q. Are there any statements in here
14 that you believe are misquotes of the things
15 that you said?
16 A. I don't recall my conversation
17 exactly with her.
18 So I can't state, you know -- I
19 don't know which -- which comments are
20 attributed to me or which comments are
21 attributed to information she picked up from the
22 docket.
23 Q. Are there any comments -- quotes
24 in here that strike you as things that you did

136

1 not say?
2 MR. FLEMING: Objection; asked and
3 answered.
4 BY THE WITNESS:
5 A. Either in the pleadings or in my
6 conversation with her?
7 BY MR. NELSON:
8 Q. Either.
9 A. I mean, I believe that some of
10 these things were somewhere.
11 I don't recall the exact, you
12 know, conversation I had with her. It was very
13 short.
14 Q. Are any of the quotations in this
15 article attributed to you -- did any of them
16 strike you as things you did not say or
17 misquotes of what you said?
18 MR. FLEMING: Objection; asked and
19 answered. He said he doesn't recall what he
20 said to this individual.
21 Are you going to ask the same
22 question over and over again? That's the third
23 time you've asked this question. He's already
24 answered the question.

137

1 He said he doesn't recall what he
2 specifically said.
3 BY THE WITNESS:
4 A. Do you have a specific comment you
5 want to ask me about?
6 BY MR. NELSON:
7 Q. After you read the article, did
8 any of the quotes that were attributed to you
9 strike you as misquotes of things that you said?
10 MR. FLEMING: Objection; asked and
11 answered.
12 You've asked him that now four
13 times. He testified he doesn't recall the
14 specific conversation he had with the reporter.
15 BY THE WITNESS:
16 A. Again, I will state that I don't
17 remember the exact specifics of the
18 conversation.
19 So if you've got a specific quote
20 you want to ask me about, I will do my best.
21 BY MR. NELSON:
22 Q. Well, you don't remember the
23 conversation, right?
24 A. I don't remember the conversation.

138

1 Q. So as you read through this
2 document just now during this deposition,
3 nothing struck you as wrong or a misquote, is
4 that correct?
5 A. Well, most of it was --
6 MR. FLEMING: Hold on. You have to
7 let me get the objection.
8 Objection. That's now the fifth
9 time he's asking the question. He's answered
10 the question five times. He's just told you he
11 does not recall the specifics of the
12 conversation with Elizabeth Woyke.
13 MR. NELSON: That's not what I've
14 asked him, though, Counsel, and you know that
15 MR. FLEMING: You've asked him if
16 there's something in this article that is
17 inconsistent with or inaccurate in terms of what
18 he said during the conversation.
19 MR. NELSON: No. That is not my
20 question.
21 Please do not mischaracterize my
22 question. That is not my question.
23 BY MR. NELSON:
24 Q. My question is, in reading the

139

1 article, does anything strike you -- do you
2 react in any way to any of these quotes? Does
3 anything strike you as untrue or a misquote of
4 what you said?
5 MR. FLEMING: Well, objection. He's
6 already answered that question. He's told you
7 he doesn't recall what he said.
8 So how on earth could he tell you
9 whether any of these quotes are accurate or not?
10 BY MR. NELSON:
11 Q. Can you answer my question, sir?
12 A. I can't answer that question, no.
13 Q. So because you don't recall the
14 conversation, nothing in this article strikes
15 you as a misquote of what you said, is that
16 correct?
17 A. That's not my answer.
18 MR. FLEMING: Objection. That's not
19 his answer.
20 BY MR. NELSON:
21 Q. So is there something in here that
22 you believe is misquoted?
23 A. Do you have a specific question
24 you want to ask me about? I can answer to the

140

1 best of my knowledge.
2 If I -- I don't even have a
3 recollection of the conversation. If you're
4 asking me whether it's true or not --
5 Q. That's not what I asked you, sir.
6 You just read the article.
7 A. Right.
8 Q. As you were reading the article
9 just now, was there any point where you said,
10 "Gee, that is not what I told her"?
11 A. I don't recall the conversation.
12 I don't recall this specific
13 conversation, No.
14 Q. So because you have no
15 recollection of the conversation, then you
16 couldn't have thought to yourself, as you were
17 reading this just now, "Gee, that's not what I
18 told her," correct?
19 A. That's not what you asked. I
20 mean --
21 Q. That's what I'm asking you now,
22 sir.
23 A. I don't recall the conversation.
24 Q. Can you answer the question I just

141

1 asked, though?
2 MR. FLEMING: He can't answer the
3 question.
4 How could he answer the question
5 if he doesn't recall the conversation?
6 BY MR. NELSON:
7 Q. The question is --
8 MR. FLEMING: Could you answer the
9 question?
10 THE WITNESS: I cannot answer the
11 question.
12 MR. FLEMING: Then that's your answer.
13 BY MR. NELSON:
14 Q. The question, sir --
15 MR. FLEMING: You're not going to ask
16 the question eight times --
17 MR. NELSON: Counsel --
18 MR. FLEMING: -- because you don't
19 like the answer.
20 MR. NELSON: Counsel --
21 MR. FLEMING: I'm going to instruct
22 him not to answer the question if you keep
23 asking the same question.
24 MR. NELSON: You are welcome to do