

IN THE UNITED STATES DISTRICT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

TODD JANSON, et al.,	)
	)
Plaintiffs,	)
	)
vs.	) No. 10-04018-CV-C-NKL
	)
LEGALZOOM.COM, INC.,	)
	)
Defendant.	)
_____	)

DEPOSITION OF EDWARD R. HARTMAN

Taken on behalf of Plaintiffs

August 3, 2010

9:25 a.m.

NAOLA C. VAUGHN, CCR, RPR, CRR, CCP

MO CCR #1052

KS CCR #0895

Exhibit C

1 A. No, sir.  
 2 Q. Did you say your job title was chief  
 3 strategic officer?  
 4 A. I did not, sir.  
 5 Q. What is your job title?  
 6 A. Chief strategy officer.  
 7 Q. Chief strategy officer?  
 8 A. Yes, sir.  
 9 Q. Could you describe for me, Mr. Hartman,  
 10 what your duties and responsibilities are as chief  
 11 strategy officer?  
 12 A. Yes, sir. I've been involved in the  
 13 technology of the web site and underlying company  
 14 for many years. Following that, I've transitioned  
 15 into issues involving the web site and also new  
 16 product development.  
 17 Q. Do you report to anyone at LegalZoom?  
 18 A. I do, sir.  
 19 Q. And who is it you report to?  
 20 A. John Suh.  
 21 Q. It sound like you said Johnson, but John  
 22 Sung; is that right?  
 23 A. No, sir.  
 24 Q. What is it?  
 25 A. John Suh.

1 LegalZoom?  
 2 A. I do.  
 3 Q. And you've reviewed the topics that are  
 4 listed on Deposition Exhibit 1, the various subjects  
 5 of testimony?  
 6 A. The document in front of me is  
 7 Exhibit A, sir?  
 8 Q. Yes. It says Exhibit A. It's Exhibit A  
 9 to -- of Plaintiff's Exhibit 1. Do you see that?  
 10 A. Yes, sir.  
 11 Q. And there are nine subject matters that  
 12 are listed on pages 4 and 5. Do you see that?  
 13 A. I do, sir.  
 14 Q. Are you prepared to offer testimony on  
 15 those subjects today?  
 16 A. Yes, sir.  
 17 MR. THOMPSON: And I would state within  
 18 reason they're pretty broad, and if examination  
 19 shows that you need somebody else, we can endeavor  
 20 to deal with that at that point, but he's prepared.  
 21 Q. BY MR. BUTSCH: I want to ask you --  
 22 thank you.  
 23 I want to ask you some background  
 24 information about LegalZoom, okay?  
 25 Where is the corporate headquarters of

1 Q. Can you spell that last name?  
 2 A. Yes, sir. S-u-h.  
 3 Q. And what is Mr. Suh's position at  
 4 LegalZoom?  
 5 A. He is the chief executive officer of  
 6 LegalZoom.com.  
 7 Q. How long has Mr. Suh held that position?  
 8 A. Since 1997, sir -- or, sorry, since  
 9 2007, sir.  
 10 Q. Was he associated with a company prior  
 11 to 2007?  
 12 A. He was, sir.  
 13 Q. Mr. Hartman, do you have any felony  
 14 convictions?  
 15 A. No, sir.  
 16 Q. Any misdemeanor convictions of any kind?  
 17 A. No, sir.  
 18 Q. We're not picking on you. We ask  
 19 everybody.  
 20 A. I appreciate that, sir.  
 21 Q. Let me hand you what we've marked as  
 22 Deposition Exhibit 1. I would draw your attention  
 23 to pages 4 and 5 of Exhibit 1.  
 24 Do you understand today, Mr. Hartman,  
 25 that you're testifying as a representative of

1 LegalZoom?  
 2 A. In Los Angeles.  
 3 Q. Is that the address that you provided to  
 4 us before on Hollywood Boulevard?  
 5 A. It is, sir.  
 6 Q. Does LegalZoom, as far as you know, have  
 7 company offices other than the location on Hollywood  
 8 Boulevard in Los Angeles?  
 9 A. Yes, sir.  
 10 Q. And where are those offices located?  
 11 A. Austin, Texas.  
 12 Q. How many employees approximately are in  
 13 the Los Angeles office of LegalZoom?  
 14 A. I do not know, sir.  
 15 Q. Is it more than 100?  
 16 A. I do not know that, sir.  
 17 Q. More than 50?  
 18 A. I do not know that, sir.  
 19 Q. You have no idea?  
 20 A. No, sir.  
 21 Q. How about in Austin? How many employees  
 22 are there? Did you want to say something?  
 23 A. I'm sorry, sir. I thought you had been  
 24 referring to the Austin office earlier.  
 25 Q. Okay. Let me ask the question again

1 just so the record's clear.  
 2 Do you know approximately, Mr. Hartman,  
 3 how many persons are employed by LegalZoom at its  
 4 Los Angeles office?  
 5 A. Approximately, yes, sir.  
 6 Q. How many?  
 7 A. Between 300 and 400, sir.  
 8 Q. Have you ever been to the Austin office  
 9 of LegalZoom?  
 10 A. No, sir.  
 11 Q. What functions occur at the Austin  
 12 office; do you know?  
 13 A. I'm aware of some of the functions at  
 14 the Austin office, but my knowledge is not complete,  
 15 sir.  
 16 Q. Can you tell me about that? What do you  
 17 know about what the Austin office of LegalZoom is?  
 18 A. I know that the Austin office does some  
 19 printing and shipping, sir.  
 20 Q. Printing and shipping of legal  
 21 documents?  
 22 A. Printing and shipping of LegalZoom  
 23 orders, sir.  
 24 Q. Of LegalZoom orders?  
 25 A. Yes, sir.

1 Q. When was LegalZoom founded?  
 2 A. In 2000, sir.  
 3 Q. Did they actually start to conduct  
 4 business in 2000?  
 5 A. If I take the conventional meaning of  
 6 that, then, yes, sir.  
 7 Q. What I mean by that is did they have  
 8 services or products that they sold to customers in  
 9 the year 2000?  
 10 A. Yes, sir.  
 11 Q. When did LegalZoom first have a presence  
 12 on the Internet, a web site; do you know?  
 13 A. In the year 2000, sir.  
 14 Q. Were you involved in the development of  
 15 that web site?  
 16 A. Yes, sir.  
 17 Q. Can you describe for me what you did in  
 18 terms of the development of that web site?  
 19 A. I oversaw most technical elements of the  
 20 construction of the web site.  
 21 Q. Who is currently at LegalZoom  
 22 responsible for the overall maintenance of the web  
 23 site?  
 24 A. Ultimate responsibility for technology  
 25 at LegalZoom rests with the CIO.

1 Q. Is that the chief information officer?  
 2 A. Yes, sir.  
 3 Q. Who is that?  
 4 A. Tracy Terrill.  
 5 Q. Is that a man or a woman?  
 6 A. It's a man.  
 7 MR. THOMPSON: Dave, I don't know where  
 8 this fits into your notice, but I won't be -- I'll  
 9 give you some leeway, but he's prepared to talk  
 10 about issues you noticed.  
 11 Q. BY MR. BUTSCH: This is just so we  
 12 know -- is it Mr. Terrill, Tracy Terrill, is that  
 13 what you said?  
 14 A. Terrill.  
 15 Q. How do you spell that?  
 16 A. T-e-r-r-i-l-l.  
 17 Q. How long has he been a chief information  
 18 officer at LegalZoom?  
 19 A. Since the year 2008, if memory serves.  
 20 Q. Who was his predecessor, if he had one,  
 21 as a CIO at LegalZoom?  
 22 A. There was no predecessor to him.  
 23 Q. Who had overall responsibility for the  
 24 web site prior to Mr. Terrill; do you know?  
 25 A. I did, sir.

1 Q. I would like you, if you could,  
 2 Mr. Hartman, to describe as best you can what the  
 3 business of LegalZoom.com is.  
 4 A. LegalZoom.com is a web site whereby  
 5 customers may, at their specific direction, create,  
 6 through our automated document technology, documents  
 7 that they select.  
 8 Q. What kind of documents?  
 9 A. Some of the document categories include  
 10 business formations, estate planning documents, such  
 11 as wills, and intellectual property documents, such  
 12 as copyrights.  
 13 Q. I'll get more into this later, but does  
 14 it also include bankruptcy documents?  
 15 A. It does not, sir.  
 16 Q. No documents that people would use in  
 17 the context of filing for bankruptcy?  
 18 A. It does not, sir.  
 19 Q. How about name changes?  
 20 A. It does, sir.  
 21 Q. Divorces?  
 22 A. It does, sir.  
 23 Q. Real estate transactions?  
 24 A. Could you be more specific, please?  
 25 Q. Deeds? Instruments of conveyance, real

1 estate contracts?  
 2 A. Real estate deeds, I do not know if they  
 3 are specifically handled by LegalZoom.com in a  
 4 document form.  
 5 Q. How about leases?  
 6 A. Yes, sir.  
 7 Q. How about contracts for sale of real  
 8 estate?  
 9 A. Not to the best of my knowledge, sir.  
 10 Q. Promissory notes?  
 11 A. Promissory notes are available as a  
 12 downloadable form.  
 13 Q. How about documents to be used in small  
 14 claims court, small claims proceedings?  
 15 A. In the state of Missouri, LegalZoom  
 16 offers no such document.  
 17 Q. Did they ever in Missouri?  
 18 A. No, sir. To the best of my knowledge,  
 19 sir.  
 20 Q. How about prenuptial agreements?  
 21 A. In the state of Missouri, LegalZoom  
 22 offers no such documents, sir.  
 23 Q. Where does LegalZoom do business?  
 24 A. LegalZoom does business in the  
 25 United States of America with its principal location

1 in California.  
 2 Q. Are there any states in which LegalZoom  
 3 does not conduct business?  
 4 MR. THOMPSON: Objection, calls for a  
 5 legal conclusion. You can answer.  
 6 A. To the best of my knowledge, no, sir.  
 7 Q. BY MR. BUTSCH: So as far as you know,  
 8 LegalZoom is currently doing business in all 50  
 9 states; is that correct?  
 10 MR. THOMPSON: Same objection.  
 11 A. To the best of my knowledge, sir.  
 12 Q. BY MR. BUTSCH: That's yes?  
 13 A. That's yes, within the bounds of my  
 14 knowledge, sir.  
 15 Q. How long, Mr. Hartman, has LegalZoom  
 16 been conducting business in the state of Missouri;  
 17 do you know?  
 18 A. I do not know, sir.  
 19 Q. Let me ask you this: When LegalZoom was  
 20 originally founded in 2000 and started to conduct  
 21 business, were they doing business in all 50 states  
 22 as of that time, or did you later expand to more  
 23 states than California?  
 24 A. In the year 2000 I do not know in which  
 25 states we had customers, sir.

1 Q. Do you know if LegalZoom did business  
 2 all over the United States from the time it was  
 3 founded?  
 4 A. I do not know if we had customers all  
 5 over the United States, as you say, sir.  
 6 Q. So you can't tell me how long LegalZoom  
 7 has been conducting business in Missouri?  
 8 A. Perhaps if you could be more specific  
 9 about the phrase "conducting business."  
 10 Q. I mean selling products to consumers.  
 11 A. LegalZoom operates as a web site  
 12 available to the people in Missouri. But the  
 13 specific question of selling to an individual in  
 14 Missouri is beyond the scope of my knowledge, sir.  
 15 Q. Has LegalZoom ever had offices other  
 16 than in Texas and California?  
 17 A. Not to the best of my knowledge, sir.  
 18 Q. Has LegalZoom ever been licensed to  
 19 practice law in the state of Missouri?  
 20 A. Not to the best of my knowledge, sir,  
 21 no.  
 22 Q. When you were responsible for the  
 23 maintenance of the web site, would you generally  
 24 review the content of the web site on a regular  
 25 basis?

1 A. If by content, sir, you mean the web  
 2 pages themselves?  
 3 Q. Yes.  
 4 A. In a technical sense, yes, I did.  
 5 Q. Before something is placed on the web  
 6 site, a text or a paragraph of information, what  
 7 have you, is that reviewed by a number of people at  
 8 LegalZoom before it actually gets to the web site?  
 9 How does that process work?  
 10 A. It is reviewed by a number of people,  
 11 sir.  
 12 Q. Who would have -- who would be the  
 13 people at LegalZoom who reviewed the content before  
 14 it actually appears on a web site?  
 15 MR. THOMPSON: Object to form. It's  
 16 vague. You can answer.  
 17 A. Members of the legal team would produce  
 18 the content. Members of marketing team would review  
 19 the copy.  
 20 Q. BY MR. BUTSCH: Is there someone who is  
 21 the head of the legal team; do you know?  
 22 A. There's a general counsel, sir.  
 23 Q. And who was that?  
 24 A. Charles Rampenthal.  
 25 Q. He is currently the general counsel?

1 A. Yes, sir.  
 2 Q. How long was Mr. Turner with LegalZoom?  
 3 A. Four years, sir.  
 4 Q. And do you know why he left the company?  
 5 A. He accepted a position at 1-800  
 6 Dentists, sir.  
 7 Q. 1-800 Dentists?  
 8 A. Yes, sir.  
 9 Q. Is Mr. Turner still in Los Angeles as  
 10 far as you know?  
 11 A. I have no knowledge of that, sir.  
 12 Q. You don't know where he -- do you know  
 13 if his job took him to another city?  
 14 A. I do not know, sir.  
 15 Q. Who is responsible for marketing  
 16 currently at LegalZoom.com?  
 17 A. That is an open position, sir.  
 18 Q. But although nobody's there, somebody  
 19 must be working on marketing or be ultimately  
 20 responsible for it; are they not?  
 21 A. Those are two separate questions, sir.  
 22 Q. Who is currently responsible for  
 23 marketing at LegalZoom?  
 24 A. Since it is an open position, sir, I  
 25 would believe the responsibility would lie upward.

1 A. Yes.  
 2 Q. It's not a current page from your web  
 3 site?  
 4 A. Yes.  
 5 Q. Is that correct?  
 6 A. Yes.  
 7 Q. I want to draw your attention to -- at  
 8 the fourth paragraph in the section titled Our  
 9 Story. Do you see that?  
 10 A. Yes.  
 11 Q. It starts with, "To make LegalZoom." It  
 12 says, "To make LegalZoom the best legal document  
 13 service on the web, we assembled a team of legal  
 14 experts including retired judges and law school  
 15 professors."  
 16 Is that accurate as far as you know?  
 17 That LegalZoom did, in fact, assemble a team that  
 18 included retired judges and law school professors?  
 19 A. Yes.  
 20 Q. Can you identify who the judges are that  
 21 were assembled on LegalZoom's team?  
 22 A. Our advisory board includes retired  
 23 judges and deans of law schools.  
 24 Q. Do you know who those individuals are by  
 25 name?

1 Q. And who would that person be?  
 2 A. The chief executive, sir.  
 3 MR. THOMPSON: When you find a place to  
 4 take a break, let me know.  
 5 MR. BUTSCH: Yeah, we can take one, Bob.  
 6 MR. THOMPSON: Won't be long.  
 7 (Recessed from 10:00 a.m. to  
 8 10:15 a.m.)  
 9 Q. BY MR. BUTSCH: Are we ready?  
 10 A. Yes, sir. Yes.  
 11 Q. Mr. Hartman, to your knowledge, has  
 12 LegalZoom ever marketed itself as a less expensive  
 13 alternative to attorneys?  
 14 A. I would have to speculate on that, sir.  
 15 I don't think we've ever specifically done that.  
 16 Q. Let me hand you what we've marked as  
 17 Exhibit 4.  
 18 A. Um-hum.  
 19 Q. Do you recognize Exhibit 4?  
 20 A. Yes.  
 21 Q. And how do you recognize it?  
 22 A. This appears to be a page from our web  
 23 site.  
 24 Q. And it was something that appeared on  
 25 your web site in the past; is that right?

1 A. I couldn't tell you by name.  
 2 Q. Can you identify any of those people?  
 3 A. I couldn't.  
 4 MR. THOMPSON: David, could you identify  
 5 for me what -- which of the nine paragraphs this is  
 6 within the scope of?  
 7 MR. BUTSCH: Bob, this is more or less  
 8 background information.  
 9 MR. THOMPSON: Okay.  
 10 MR. BUTSCH: I'm not going to have too  
 11 many more questions on this.  
 12 MR. THOMPSON: Okay.  
 13 Q. BY MR. BUTSCH: That paragraph goes on  
 14 to say, "All of our forms were developed by  
 15 experienced attorneys." You see that?  
 16 A. I do.  
 17 Q. Is that statement accurate as well,  
 18 Mr. Hartman?  
 19 A. It is.  
 20 Q. The attorneys that LegalZoom utilized to  
 21 develop its forms, were those attorneys that were  
 22 directly employed by LegalZoom or were those  
 23 attorneys that were hired from the outside, outside  
 24 attorneys that developed the forms? Can you tell me  
 25 that?

1 A. The attorneys were primarily employed by  
2 LegalZoom.

3 Q. And do you still employ attorneys that  
4 assist in the development of your legal forms?

5 A. We do.

6 Q. Is there a person that is responsible  
7 for the development of the legal forms that are used  
8 on your web site?

9 A. There is.

10 Q. Who is that individual?

11 A. Vanessa Butnick.

12 Q. Would you spell her name, please?

13 A. B-u-t-n-i-c-k.

14 Q. In the development of the forms,  
15 Mr. Hartman, is it true that some of the forms have  
16 to be tailored to suit the legal requirements in the  
17 particular state in which the form may be used?

18 MR. THOMPSON: Object to form. It's  
19 outside the scope of the deposition. Calls for an  
20 invasion of the attorney-client privilege with the  
21 attorney that works for LegalZoom. Would you read  
22 back the question, please?

23 (The reporter read the record as  
24 requested.)

25 MR. THOMPSON: You can answer that

1 order that they comply with the legal requirements  
2 of the various states; is that correct?

3 MR. THOMPSON: Object to the form of the  
4 question, and I will instruct you not to answer that  
5 question. I think it necessarily invades the  
6 attorney-client privilege in asking him to tell you  
7 what attorneys employed by LegalZoom did or did not  
8 do.

9 MR. BUTSCH: Well, he's already told me  
10 that they prepared the forms, Bob.

11 MR. THOMPSON: Well, I tried to give you  
12 some leeway on background that they have attorneys  
13 that help them prepare forms. Now you're asking  
14 specific advice about specific states, and I think  
15 it invades the attorney-client privilege, and so  
16 I'll instruct him not to answer that question.

17 Q. BY MR. BUTSCH: As far as you know,  
18 Mr. Hartman, has LegalZoom ever employed an attorney  
19 for the development of its forms that is licensed to  
20 practice law in the state of Missouri?

21 A. To the best of my knowledge, LegalZoom  
22 has not employed an attorney specifically licensed  
23 in the state of Missouri.

24 Q. Besides Bob Thompson?

25 A. Just so, sir.

1 question, if you can. I'm not going to instruct you  
2 not to answer.

3 A. Some forms must be or are tailored to  
4 specific states.

5 Q. BY MR. BUTSCH: Just as an example in  
6 Missouri, there are certain requirements to make a  
7 valid will. One of them being you have to have two  
8 disinterested witnesses sign the will as witnesses  
9 to its execution. Other states have different  
10 requirements for the valid execution of a will. Are  
11 you aware of that?

12 MR. THOMPSON: Objection, calls for a  
13 legal conclusion, outside the scope of the  
14 deposition notice. You can answer.

15 A. I have no specific knowledge of Missouri  
16 law.

17 Q. BY MR. BUTSCH: Okay. But what you're  
18 telling me is that LegalZoom does tailor its  
19 documents in order that they comply with the various  
20 requirements of the law in the various states; is  
21 that right?

22 A. LegalZoom has forms that are specific to  
23 specific states.

24 Q. And the attorneys employed by LegalZoom  
25 are the ones who would have developed those forms in

1 Q. I was talking about the development of  
2 the forms. You were telling me you haven't employed  
3 a Missouri attorney in the development of the forms;  
4 is that right?

5 A. Yes.

6 Q. Let me hand you what we've marked as  
7 Exhibit 5.

8 Mr. Hartman, do you recognize Deposition  
9 Exhibit 5?

10 A. I believe I do.

11 Q. And is that content that was on the web  
12 site of LegalZoom at some point in time?

13 A. Yes, sir.

14 Q. I'd like to refer you to the paragraph  
15 that says "Lawyer Free Pricing." Do you see that?

16 A. Could you show me where that is?

17 Q. It's about the third paragraph from the  
18 bottom of the page.

19 A. I'm sorry. I see "lawyer free service"  
20 in the paragraph. Oh, just above it, sir. Yes.

21 Q. It says "Lawyer Free Pricing." Am I  
22 reading that correctly?

23 A. Yes.

24 Q. And it says, "With LegalZoom's  
25 lawyer-free service, you can save up to 85 percent

1 state of Missouri?  
 2 A. There is an officer at the company  
 3 responsible for legal compliance. That is our  
 4 general counsel.  
 5 Q. But it is not broken down by geography,  
 6 this person's responsible for the Midwest, this  
 7 person's responsible for the West Coast in terms of  
 8 the legal compliance?  
 9 A. Not to the best of my knowledge, sir.  
 10 The general counsel has overall responsibility.  
 11 Q. Mr. Rampenthal?  
 12 A. Yes.  
 13 Q. Let's look at the last page of  
 14 Exhibit 12. That shows the makeup of the attorney  
 15 services division and you're showing yourself as the  
 16 profiler in chief; is that right?  
 17 A. It, once again, misstates my title.  
 18 Q. Should be strategy officer?  
 19 A. Chief strategy officer.  
 20 Q. Are there any changes or updates to that  
 21 structure as far as you know?  
 22 A. This structure is incomplete.  
 23 Q. In what way?  
 24 A. We have additional employees under Alan  
 25 Rodriguez.

1 Q. His title is director of business  
 2 development-ASD.  
 3 A. Yes.  
 4 Q. What does ASD stand for?  
 5 A. As it says at the top of the page.  
 6 Q. Oh, attorney services division.  
 7 What does Mr. Rodriguez do; do you know?  
 8 A. Mr. Rodriguez manages the phone support  
 9 team, which includes Mr. Vernsal.  
 10 Q. Is that customer service that people  
 11 call in with a question or something?  
 12 A. It will be.  
 13 Q. It's not currently?  
 14 A. Current demand for these new and  
 15 speculative products has not yet materialized.  
 16 Q. So this is the group that works on new  
 17 projects, the development of new products?  
 18 A. New products.  
 19 Q. Is that right?  
 20 A. Yes.  
 21 Q. I believe you said, Mr. Hartman, that  
 22 you were involved in the development of LegalZoom's  
 23 web site; is that correct?  
 24 A. Yes.  
 25 Q. Are you familiar with the operation of

1 that web site?  
 2 A. Yes.  
 3 Q. Are you conversant, knowledgeable about  
 4 how a customer or consumer interacts with the  
 5 LegalZoom web site?  
 6 A. Yes. With one caveat, if I may.  
 7 Q. Okay.  
 8 A. Since adopting the CIO role, since Tracy  
 9 Terrill's adoption of the CIO role, there have been  
 10 significant changes to the web site and the  
 11 underlying data. With that stipulation, yes, sir.  
 12 Q. Okay. I want to take you through a  
 13 typical customer experience, okay. And we'll just  
 14 use the development of a will as an example.  
 15 Let's say a customer decided that they  
 16 wanted a will and they decided to get on the  
 17 Internet and access LegalZoom's web site for that  
 18 purpose.  
 19 Can you describe for me what the  
 20 customer would do in order to obtain a will?  
 21 A. There is no uniform way, as you suggest.  
 22 I could describe several different ways.  
 23 Q. I just wanted Missouri. Just so you  
 24 understand. I'm a person in Missouri. I want a  
 25 will. Can you describe that?

1 MR. THOMPSON: You can finish your  
 2 answer.  
 3 A. Again, sir, I can't give you the one  
 4 single way, as your question would seem to suggest,  
 5 that a person could do what you say.  
 6 Q. BY MR. BUTSCH: Can you tell me if I was  
 7 interested in the will and I accessed LegalZoom's  
 8 web site, how would I go about obtaining that will?  
 9 A. The issue I'm having answering the  
 10 question is simply that there's no one way. I can  
 11 tell you a suggested way.  
 12 Q. Okay. Go ahead.  
 13 A. You might begin at the home page of  
 14 LegalZoom. On the home page of LegalZoom you might  
 15 then suggest last will and testament from the top  
 16 navigation. Then you would see a page describing  
 17 the LegalZoom process.  
 18 Q. Okay.  
 19 A. Then from there you might -- you also  
 20 might not -- click a link leading you to a page  
 21 whereby you would sign into LegalZoom.  
 22 Q. And when you say sign in, what does that  
 23 entail?  
 24 A. You would either create a membership  
 25 user record at LegalZoom or, if you were already

1 possessed of such a record, you would log in.  
 2 Q. So if you're a returning customer, you  
 3 would just log in?  
 4 A. You would recredential yourself, yes.  
 5 Q. Okay. And where would you take it from  
 6 there?  
 7 A. The site would automatically take you to  
 8 the first page of what we refer to as our branching  
 9 intake process. Sometimes called the questionnaire.  
 10 Q. And what sort of questions would I  
 11 expect to answer, if I was seeking to obtain a will  
 12 and I'm a person in Missouri?  
 13 A. On the first page you would be asked for  
 14 your first name and your last name and your state of  
 15 residence.  
 16 Q. Wouldn't that be on the registration  
 17 part of it?  
 18 A. It would not, sir.  
 19 Q. And then what? My name and address?  
 20 Telephone number?  
 21 A. Not telephone number.  
 22 Q. Name and address?  
 23 A. And not address. But name and state.  
 24 Then -- this is why we refer to it as the branch  
 25 intake process. What you would see would be

1 different depending on how you would answer the  
 2 questions on the first page.  
 3 Q. Okay. So I mean, if you were in a  
 4 different state, obviously, you might go somewhere  
 5 or -- what else would control where you wanted --  
 6 what characteristics?  
 7 A. Whether or not you were married.  
 8 Q. Married or single?  
 9 A. Whether or not you had children.  
 10 Q. Any other factors that might lead you  
 11 one way or the other?  
 12 A. Yes, sir.  
 13 Q. Could you identify those, please?  
 14 A. Not completely. There are a voluminous  
 15 number of decision points.  
 16 Q. And depending on how the individual  
 17 makes that -- or selects -- answers the question,  
 18 that will lead him to another branch.  
 19 A. And here the word branch is not really  
 20 precise, in that the branch itself may be different  
 21 depending upon how you have answered the preceding  
 22 question.  
 23 An example of this would be if you say  
 24 that you have 2 kids, you would be shown the same  
 25 branch, but it would be presented differently than

1 if you, say, have 12 children.  
 2 Q. So there's a -- as I understand it,  
 3 there's a sequence of questions that are asked, and  
 4 depending on those answers go one way or another way  
 5 or a third way or a number of different ways?  
 6 A. Yes.  
 7 Q. And approximately, say, I'm preparing a  
 8 simple will, have two or three children, are  
 9 married. About how many questions would I answer?  
 10 A. Taking the specific instance of you have  
 11 two children or three children and you are married,  
 12 you would -- and there are many other choices that  
 13 you would make, but you're asking for an average --  
 14 on averages, perhaps 50.  
 15 Q. 50 various questions?  
 16 A. (Witness nods.)  
 17 Q. In order to get a final and complete  
 18 will; is that right?  
 19 A. No. To complete the branching intake  
 20 process.  
 21 Q. After I answer those 50 or so questions,  
 22 maybe more or less --  
 23 A. Yes.  
 24 Q. -- what happens next?  
 25 A. You're shown a page whereby you can

1 review your answers.  
 2 Q. And then I either make corrections there  
 3 or move on to the next thing?  
 4 A. Yes. Well, that's not a precise answer.  
 5 The precise answer is you could either make  
 6 corrections there, you could move on to the next  
 7 thing, as you say, or you may make a change that  
 8 requires you to go back into the branching  
 9 questionnaire process.  
 10 Q. Assuming that everything is accurate and  
 11 according to what I answered, what would be the next  
 12 step?  
 13 A. Well, assuming that you go on to the  
 14 next step.  
 15 Q. Yes.  
 16 A. You would at that point be able to  
 17 choose from one of several packages that LegalZoom  
 18 provides.  
 19 Q. At some point am I required to put my  
 20 credit card information into the system?  
 21 A. Yes.  
 22 Q. Is that some point down the road or  
 23 before we start answering the questions?  
 24 A. It's on -- at a point down the road.  
 25 Q. So there would be various programs or



1 wanted to get a will, contacted LegalZoom through  
2 its web site.

3 You described how you would answer a  
4 series of questions. You'd put in your name and  
5 answer a series of questions, and then could select  
6 the manner of delivery of a will, correct?

7 A. Yes.

8 Q. You said that there were a couple of  
9 variables about how a person might obtain a will  
10 through LegalZoom, assuming a Missouri resident.

11 When you said that there were various  
12 ways, were you referring to the branching that you  
13 talked about before, where if you answered a  
14 question it might lead you one direction? If you  
15 answered it a different way, it would lead you in a  
16 different direction?

17 A. That's one part, sir, but not the  
18 totality.

19 Q. Well, can you give me more what the  
20 totality is?

21 A. I can give you some of the additional  
22 elements.

23 Q. Okay. Sure.

24 A. How they entered the web site might not  
25 be through the home page, as it was in the

1 Q. Are there other variables that you  
2 wanted to mention?

3 A. Many.

4 Q. Okay.

5 A. A customer could enter through a search  
6 engine and not enter on the home page, as I  
7 described in the illustration that we discussed  
8 earlier.

9 Q. What you're referring to is -- are  
10 various ways that people could access LegalZoom,  
11 right?

12 A. Yes. That might substantially change  
13 their experience.

14 Q. And how would that change their  
15 experience?

16 A. It would change whether or not they saw,  
17 for instance, the home page of LegalZoom.

18 Q. Okay. Are there any other variables  
19 that you can think of as to a person who wants to  
20 obtain a will through LegalZoom?

21 A. Yes. Many.

22 Q. Okay. Describe that for me, as best you  
23 can.

24 A. A customer might choose to go in to the  
25 law library, what we term the law library. It's

1 illustration that you and I discussed earlier.

2 Q. Could it be via a different web site  
3 than LegalZoom?

4 A. Yes, it could.

5 Q. What are those other web sites, if you  
6 know what those are, that would give it access?

7 A. LegalZoom has many affiliates from which  
8 a person could enter LegalZoom.

9 Q. Could you identify some of those,  
10 please?

11 A. Off the top of my head, sir, no.

12 Q. Is it like the LegalDocuments.com or  
13 something that sounds similar but is a different web  
14 site?

15 A. Frequently, sir, these would be going  
16 concerns that do not have names similar to  
17 LegalZoom.

18 Q. Okay. You can't identify any of those?

19 A. Not with accuracy, sir.

20 Q. So you have -- LegalZoom has some kind  
21 of a business relationship with these other web  
22 sites, and a person could access ultimately  
23 LegalZoom's products by going through a different --  
24 another web site; is that right?

25 A. It is.

1 just a term, which is an area that furnishes  
2 information that might be useful to a customer.

3 The customer might go into our legal  
4 articles, which are not -- legal articles might not  
5 be the right term. Articles which are articles  
6 designed to be potentially repurposed for other web  
7 sites, talking about interesting things happening in  
8 the world that pertain to the law. The customer in  
9 short might go to many different areas of the web  
10 site before going to the branching intake that we  
11 described.

12 Q. But ultimately everyone who is going to  
13 obtain a will is going to go through that branching  
14 mechanism?

15 A. Yes.

16 Q. Let me hand you what we've marked as  
17 Exhibit 13. It starts with a Bates stamp LZ48.  
18 This is a document provided to us by your attorneys.

19 Is this, Mr. Hartman -- and certain  
20 information is blacked out. Is this an example of a  
21 will that was prepared through the LegalZoom web  
22 site?

23 A. I have no way of specifically knowing  
24 that. It does appear similar to one. It does  
25 appear similar to a LegalZoom will product that

1 could be purchased by a customer.  
 2 Q. And how do you recognize it as being  
 3 similar to a product being purchased by a customer  
 4 of LegalZoom?  
 5 A. The font, in the words The Last Will and  
 6 Testament seem similar to a will document that could  
 7 be prepared by a customer.  
 8 Q. In this case, Mr. Hartman, did you look  
 9 at the will that a Mr. Janson obtained from  
 10 LegalZoom, Todd Janson?  
 11 A. I believe I did.  
 12 Q. I want to ask you a few questions about  
 13 some other documents that your attorneys produced to  
 14 us. Let me hand you what we've marked as Deposition  
 15 Exhibit 14.  
 16 Do you recognize Exhibit 14,  
 17 Mr. Hartman?  
 18 A. I don't specifically recognize  
 19 Exhibit 14, but it does appear similar to an email  
 20 that might be sent by LegalZoom.  
 21 Q. You testified that a person could select  
 22 the manner of the document delivery, right?  
 23 A. I did.  
 24 Q. And how long does it typically take --  
 25 if I'm ordering a will, how long does it take

1 LegalZoom to prepare that document?  
 2 MR. THOMPSON: Object to the form.  
 3 Q. BY MR. BUTSCH: I mean actually get the  
 4 final product together to be shipped to the  
 5 customer.  
 6 A. I have trouble with the word prepare.  
 7 Q. Yeah, I assume you do. But how long  
 8 does it take for LegalZoom to get the final document  
 9 in a final state ready to ship to the customer?  
 10 A. If I understand your meaning, the order  
 11 of a will document --  
 12 Q. Yeah.  
 13 A. -- is typically prepared -- is  
 14 typically -- I'm sorry. I'm using your word.  
 15 Is typically made ready to be shipped to  
 16 the customer within two or three business days.  
 17 Q. Two or three business days?  
 18 A. Depending on the packet selected by the  
 19 customer.  
 20 Q. If I didn't order the premium package  
 21 but got the lowest level package, no rush, how long  
 22 typically would that take, from the time I went to  
 23 LegalZoom web site, put in all the information that  
 24 was needed? How long would it take me to get my  
 25 will in my hand?

1 A. Depends upon the shipping method. It  
 2 could be variable depending upon the length of time  
 3 it would take to get from our place of shipment to  
 4 your residence.  
 5 Q. So it could be a week? Two weeks?  
 6 A. I imagine it could be a week or longer.  
 7 Q. After the documents have been shipped by  
 8 LegalZoom to the customer, does LegalZoom typically  
 9 have further contact with that customer or is that  
 10 the end of the business relationship unless the  
 11 customer would initiate another transaction?  
 12 A. LegalZoom will typically communicate  
 13 with a customer after transaction by email.  
 14 Q. And is this an example? Is Exhibit 14  
 15 the type of email that LegalZoom would send to a  
 16 customer?  
 17 A. I imagine that the email would arrive  
 18 prior to the physical order.  
 19 Q. Delivery of the order?  
 20 A. But I couldn't say that with any  
 21 certainty.  
 22 Q. After the delivery of the order, does  
 23 LegalZoom have any further contact with the  
 24 customer?  
 25 A. Yes. LegalZoom does.

1 Q. Can you describe that, please?  
 2 A. We send a regular newsletter to the  
 3 customer. We also send promotional emails, advising  
 4 the customer of discounts they may be eligible for.  
 5 Q. Do those newsletters -- is that an email  
 6 format, or is that hard mail?  
 7 A. It's an email format.  
 8 Q. Do you have any mail contact via the  
 9 mail system?  
 10 A. I don't believe we do.  
 11 Q. Let me hand you what we've marked as  
 12 Deposition Exhibit 15. Do you recognize this  
 13 document, Mr. Hartman?  
 14 A. While I do not recognize this specific  
 15 document, it does resemble the email -- an email  
 16 that would be sent by LegalZoom.  
 17 Q. Is that something that's sent -- it  
 18 refers to feedback and created a survey for you to  
 19 share your thoughts. Do you see that?  
 20 A. I do.  
 21 Q. Is that something that the survey  
 22 that -- do you send that to all the customers?  
 23 A. The survey you're referring to is termed  
 24 a willingness to refer survey, or WTR. It is one of  
 25 the best predictors of customer satisfaction. There

1 are many scholarly articles that support the use of  
 2 WTR and related statistics. We have one of the  
 3 highest WTR ratings in the industry. Actually we  
 4 have one of the highest WTR ratings of most  
 5 companies in business today.  
 6 Q. Willing to refer. That's WTR?  
 7 A. WTR.  
 8 Q. And what is that? Does a customer then  
 9 give you information about potential other  
 10 customers? Is that the idea?  
 11 A. It is not.  
 12 Q. What is it willing to refer -- what does  
 13 that mean?  
 14 A. It's a measure of the customer  
 15 satisfaction with the web site and the overall  
 16 business-like manner of the company.  
 17 Q. So it doesn't -- what does willing to  
 18 refer refer to? Are you willing to refer us to  
 19 other customers, or would you recommend us to other  
 20 customers? Is that what it's about?  
 21 A. It is. Although it is not a specific  
 22 request to refer us to anyone else. Instead it is a  
 23 gauge of customer satisfaction. One of a class of  
 24 statistics known as net promoter scores.  
 25 Q. Let me hand you what we've marked as

1 wills, this branching mechanism -- does that apply  
 2 as to other documents available through LegalZoom?  
 3 A. It does.  
 4 Q. And what are the types of other  
 5 documents that this -- it's called a question  
 6 branching mechanism? What other documents would  
 7 that apply to?  
 8 A. The question branching mechanism, as  
 9 you've termed it, applies to many documents.  
 10 Q. Would that include trusts?  
 11 A. It would apply to trust orders.  
 12 Q. How about powers of attorney?  
 13 A. It would apply to powers of attorney.  
 14 Q. Formation of business entities like  
 15 corporations and limited liability companies?  
 16 A. It would apply to the two business  
 17 entities that you have named.  
 18 Q. Are there others that you can think of,  
 19 Mr. Hartman, that it would apply to?  
 20 A. Yes.  
 21 Q. Can you identify those, please?  
 22 A. That would be a long list.  
 23 Q. I'd like you to do the best that you  
 24 can.  
 25 A. Would this be a good time to take a

1 Exhibit 16, and I'll also hand you what we've marked  
 2 as Exhibit 17. These are documents that were  
 3 produced to us by your counsel.  
 4 Do you recognize those, Mr. Hartman, as  
 5 wills that are LegalZoom products?  
 6 A. I don't specifically recognize these  
 7 documents, at they seem similar in form to a  
 8 LegalZoom order for a will document.  
 9 Q. Is that because of the font or how do  
 10 you recognize that?  
 11 A. Yes, in general, sir, font and other  
 12 structural similarities.  
 13 Q. If I had ordered my will through  
 14 LegalZoom like we discussed before, after it was  
 15 prepared in final format for use by the customer,  
 16 would an attorney at LegalZoom look at that final  
 17 form before delivery to the customer?  
 18 A. No, sir.  
 19 Q. As we discussed before, in preparation  
 20 of a will, you describe this branching procedure or  
 21 mechanism where a customer would go through and  
 22 answer a series of questions, and depending on that  
 23 answer may go in one direction on the web site or  
 24 may go in another direction.  
 25 Is that procedure or mechanism as to

1 recess?  
 2 Q. Well, can you answer the question and if  
 3 you can think of more during the break, then take it  
 4 up again.  
 5 A. Most of the documents available through  
 6 the menu of LegalZoom are available via the  
 7 questionnaire branching mechanism, as you've termed  
 8 it, but not all.  
 9 Q. Okay.  
 10 A. This is a set of certainly in excess of  
 11 50 document types.  
 12 Q. Let me ask you this: How about  
 13 copyrights?  
 14 A. Yes.  
 15 Q. Patents?  
 16 A. Patents have several different forms.  
 17 Q. We'll get back to that. Trademarks?  
 18 A. Yes.  
 19 Q. Bankruptcy?  
 20 A. No.  
 21 Q. Divorce?  
 22 A. Depending upon the divorce, generally,  
 23 yes.  
 24 Q. When you say depending upon the divorce,  
 25 what do you mean by that?

1 A. There was offered at LegalZoom a  
 2 divorce -- I suppose you could call it product, for  
 3 the customer, whereby they were -- their interest  
 4 was simply transferred to an attorney.  
 5 Q. Did you say before that LegalZoom never  
 6 did -- or offer divorce products in Missouri? Is  
 7 that right?  
 8 A. I did not state that.  
 9 Q. So they did offer that product in  
 10 Missouri, as far as you know?  
 11 A. I believe so.  
 12 Q. How about name changes?  
 13 A. Yes.  
 14 Q. The branching mechanism applies there?  
 15 A. LegalZoom offers name changes in  
 16 Missouri and the branching mechanism applies to a  
 17 name change.  
 18 Q. How about contracts?  
 19 A. LegalZoom does not offer contracts in  
 20 the state of Missouri.  
 21 Q. Prenuptial agreements?  
 22 A. LegalZoom does not offer prenuptial  
 23 agreements in the state of Missouri.  
 24 Q. How about immigration? Is that  
 25 something that --

1 A. LegalZoom does not offer immigration  
 2 services in the state of Missouri.  
 3 Q. Joint venture agreements?  
 4 A. I believe joint venture agreements do go  
 5 through the branching questionnaire mechanism.  
 6 Q. Partnership agreements?  
 7 A. I believe the partnership agreement does  
 8 go through the branching questionnaire mechanism.  
 9 MR. BUTSCH: Well, we can take a break  
 10 now, and if you can think of other areas or  
 11 documents that this branching mechanism would apply  
 12 to, then we can take that up.  
 13 (Recessed from 11:17 a.m. to  
 14 11:37 a.m.)  
 15 Q. BY MR. BUTSCH: Mr. Hartman, before we  
 16 took a break, I was asking you about various  
 17 categories of documents available through LegalZoom  
 18 in which this branching mechanism that you described  
 19 before applied.  
 20 Were you able to think of any other  
 21 types of documents that that would apply to?  
 22 A. It would apply to many other documents,  
 23 as I said. It would apply to a living will document  
 24 would be one. There'd be a living will document  
 25 order from a customer.

1 Q. Durable healthcare power of attorney, is  
 2 that what you're talking about?  
 3 A. It's a living will order from a customer  
 4 at their option. It may or may not include a  
 5 durable healthcare power of attorney.  
 6 I'm sure there are others.  
 7 Q. As far as small claims are concerned,  
 8 has LegalZoom offered any documents that relate to  
 9 small claims court in Missouri; do you know?  
 10 A. To the best of my knowledge, the answer  
 11 is no.  
 12 Q. You said that LegalZoom did offer a  
 13 divorce document in Missouri; is that right?  
 14 A. LegalZoom would allow customers to  
 15 order, at their specific direction, an uncontested  
 16 divorce document at one --  
 17 Q. Document or documents; do you know?  
 18 A. I don't know.  
 19 Q. Do you know if that includes things such  
 20 as parenting plans that are required under Missouri  
 21 law?  
 22 MR. THOMPSON: Object to the form, and  
 23 here's my objection. You say includes, and I think  
 24 he said used to. So I think it's a tense situation.  
 25 MR. BUTSCH: Okay. You -- let's try to

1 clarify it.  
 2 MR. THOMPSON: So clear it up. I'm not  
 3 trying to change --  
 4 Q. BY MR. BUTSCH: Did LegalZoom at one  
 5 point offer some kind of document that relates to  
 6 divorce in Missouri?  
 7 A. I believe that at one point LegalZoom  
 8 allowed customers at their specific direction to  
 9 order an uncontested divorce. Could have been a  
 10 document or documents, as you say. Customers from  
 11 the state of Missouri.  
 12 Q. When they did offer that product or  
 13 products, did that include a parenting plan; do you  
 14 know?  
 15 A. I don't know.  
 16 Q. Financial disclosure form?  
 17 A. I don't know.  
 18 Q. Does LegalZoom continue to offer any  
 19 divorce product or document in Missouri?  
 20 A. LegalZoom does not.  
 21 Q. And when did they stop offering such a  
 22 product?  
 23 A. I have no specific knowledge, but I  
 24 would estimate five years or more ago.  
 25 Q. So in 2005 or sometime prior to that

1 they stopped offering?  
 2 A. I imagine prior to that point.  
 3 Q. Do you know why that's no longer offered  
 4 in Missouri?  
 5 A. Every product carried by LegalZoom or  
 6 really any company takes a certain amount of  
 7 resource, and I suspect there just isn't enough of a  
 8 market.  
 9 Q. You mentioned immigration before, or  
 10 maybe I did.  
 11 Does LegalZoom offer any documents on  
 12 its web site that pertain to immigration,  
 13 immigration issues?  
 14 A. LegalZoom does not.  
 15 Q. In any state?  
 16 A. Not in any state.  
 17 Q. Let me hand you what we've marked as  
 18 LegalZoom Exhibit 18, which is a document provided  
 19 us by your counsel. Do you recognize the form of  
 20 that document?  
 21 A. The form of this document appears  
 22 similar and possibly is a trust ordered by a  
 23 LegalZoom customer.  
 24 Q. Would the terms of a trust, such as the  
 25 one in front of you, vary, depending on what state a

1 A. I said that they were on an advisory  
 2 board.  
 3 Q. Advisory board. And what's the function  
 4 of that advisory board?  
 5 A. To advise the company.  
 6 Q. On what?  
 7 A. General business matters.  
 8 Q. I want to hand you what we've marked as  
 9 Exhibit 19.  
 10 Mr. Hartman, do you recognize that as a  
 11 form for power of attorney available through the  
 12 LegalZoom web site?  
 13 A. I believe that I recognize this as a  
 14 power of attorney document which would be available  
 15 through the LegalZoom web site at a customer  
 16 specific direction.  
 17 Q. I'm going to hand you what we've marked  
 18 as Deposition Exhibit 20.  
 19 A. Yes, sir.  
 20 Q. Exhibit 20 seems to refer to copyright;  
 21 does it not?  
 22 A. I note that it has the URL at the  
 23 bottom, [eco.copyright.gov](http://eco.copyright.gov), and from that I would  
 24 conclude that it does have something to do with  
 25 copyright.

1 particular customer ordered from; do you know?  
 2 A. I believe that the text would differ.  
 3 Q. Depending on that particular state's  
 4 requirements; is that right?  
 5 A. I believe that it would.  
 6 Q. Just so I understand this, the forms or  
 7 the templates that are available through LegalZoom,  
 8 those were developed by attorneys employed by  
 9 LegalZoom; is that right?  
 10 A. As stated earlier, that is correct.  
 11 Q. And the folks that were referred to on  
 12 the web site page that we looked at earlier, the  
 13 judges and the law professors, did they have input  
 14 into the creation of the various templates for legal  
 15 documents that are available through LegalZoom?  
 16 MR. THOMPSON: Object to the form. You  
 17 can answer.  
 18 A. It's a very broad question.  
 19 Q. BY MR. BUTSCH: Can you answer that as  
 20 best you can?  
 21 A. To the best of my knowledge, there are  
 22 no judges or law professors with direct input into  
 23 these templates.  
 24 Q. You said that they were on an advisory  
 25 committee; is that right?

1 Q. Do you recognize this as a document that  
 2 would be used by a customer if they got -- contacted  
 3 LegalZoom in reference to obtaining a copyright?  
 4 A. I do not recognize this as a document  
 5 that would be used by a customer, no.  
 6 Q. Do you have knowledge about LegalZoom  
 7 offering copyright-related products or services to  
 8 the general public?  
 9 A. Yes.  
 10 Q. And what products or services does  
 11 LegalZoom offer to the general public in relation to  
 12 copyrighting?  
 13 A. LegalZoom offers a customer the access  
 14 to the branching intake questionnaire mechanism,  
 15 whereby they can, at their specific direction,  
 16 supply the information required for LegalZoom's  
 17 document automation software application to create  
 18 the necessary documents to allow the United States  
 19 copyright office to create a copyright registration  
 20 for the customer.  
 21 Q. So there were certain documents that  
 22 were needed by someone to register a copyright with  
 23 the United States government; is that right?  
 24 A. In general, that is correct.  
 25 Q. And LegalZoom can offer to have those

1 documents generated for a customer?  
 2 A. LegalZoom can allow the customer to  
 3 generate those documents themselves primarily  
 4 through the auspices of the web site and the  
 5 underlying document automation technology.  
 6 Q. So if I wrote a book and I wanted to  
 7 copyright that book, I could contact LegalZoom and,  
 8 through its web site, obtain the documents necessary  
 9 that I would need to obtain a copyright from the  
 10 United States government?  
 11 MR. THOMPSON: Object to the form. You  
 12 can answer.  
 13 A. Yeah, sir, I'm not sure what book it  
 14 would be or if that would be appropriate. I mean,  
 15 that's the sort of thing you would have to decide as  
 16 the customer yourself, but certainly through the  
 17 auspices of the LegalZoom web site, you could order  
 18 a copyright. You could gain access to the branching  
 19 intake mechanism, supply the necessary answers to  
 20 the questions you'd encounter there, and then at  
 21 that point the LegalZoom automated document  
 22 technology, which we call Legal Zip would produce  
 23 the documents you need.  
 24 Q. BY MR. BUTSCH: And those documents  
 25 would be delivered to me?

1 A. Actually I'd probably change the word  
 2 "need" to "order," and then those documents would be  
 3 delivered to the United States copyright office as  
 4 you directed in your order.  
 5 Q. So as to copyrights, LegalZoom would  
 6 send those copyright documents to the U.S.  
 7 government; is that right?  
 8 A. Loosely using the term document, yes.  
 9 Q. And why would that term be loosely?  
 10 A. Because the electronic registration is  
 11 more of an electronic record than a paper or  
 12 physical document, frequently.  
 13 Q. So the information is provided by the  
 14 customer as to a particular copyright. LegalZoom  
 15 gathers that information, and then that information,  
 16 with the various forms that the government requires,  
 17 those forms are electronically transmitted to the  
 18 government via electronic registration; is that  
 19 right?  
 20 A. If I -- and I'm -- now we're getting on  
 21 the fringe of my specific knowledge about exactly  
 22 how the registration process works, but, yes, I  
 23 believe that's correct.  
 24 Q. Can you identify for me, Mr. Hartman,  
 25 what particular documents are submitted to the U.S.

1 government in connection with a copyright? Would it  
 2 be a copyright application?  
 3 A. I believe that's correct.  
 4 Q. Any other documents that you know of?  
 5 A. Not to the government, no.  
 6 Q. Does LegalZoom offer to the general  
 7 public any products that relate to patents?  
 8 A. LegalZoom does provide orders --  
 9 LegalZoom does provide such a product to the  
 10 customer.  
 11 Q. Could you describe that product for me,  
 12 please?  
 13 A. Yes. LegalZoom offers a provisional  
 14 patent product. LegalZoom also offers a design  
 15 patent product, as well as a utility patent product.  
 16 Q. If I wanted to obtain -- let's just use  
 17 as an example a utility patent product, and I went  
 18 directly to the LegalZoom web site. How would that  
 19 work? Would it be the same as I -- as you described  
 20 before, where I enter my name and where I'm from and  
 21 then we go through this question and answer  
 22 branching mechanism?  
 23 A. In general, yes.  
 24 Q. And then what happens? What happens  
 25 from that point?

1 A. If you had begun the order, as I think  
 2 you're suggesting, as a provisional patent  
 3 application, you would go through the branching  
 4 questionnaire mechanism. You would furnish the  
 5 necessary information. You would select certain  
 6 particulars of the purchase, like the package. At  
 7 that point you would enter your payment information.  
 8 And once payment was cleared, Legal Zip, which is  
 9 our document automation technology at LegalZoom,  
 10 would, as you ordered, convert your information into  
 11 a set of forms -- I mean one or more forms that by  
 12 filling in blanks in a form template with your  
 13 answers and removing those blanks that remain blank.  
 14 Q. And that would include a patent  
 15 application that would be submitted to the U.S.  
 16 government?  
 17 A. That would create a document. I believe  
 18 it's a provisional patent application, which would,  
 19 at your direction, be submitted to the government.  
 20 Q. Let me hand you what we've marked as  
 21 Exhibit No. 21.  
 22 You have in front of you what we've  
 23 marked as Exhibit 21. Is that the provisional  
 24 patent application that you referred to before?  
 25 A. This appears to be a provisional patent

1 Q. So it's a government form?  
 2 A. I have no specific knowledge of this  
 3 form, but it certainly appears to be so, sir.  
 4 Q. And this is the type of form that could  
 5 be generated through LegalZoom's web site by a  
 6 customer if they want to obtain a trademark for  
 7 something; is that right?  
 8 A. A customer could, by availing themselves  
 9 in the branching intake process, purchase, pay  
 10 LegalZoom, the automated Legal Zip -- the Legal Zip  
 11 document automation software could then fill in the  
 12 blanks on a form such as this one.  
 13 Q. Let me ask you about these patent  
 14 copyright trademark applications.  
 15 Does the customer directly input the  
 16 information on to the government forms or is the  
 17 information gathered through the question and answer  
 18 process and then that information is downloaded or  
 19 transferred, imputed into the various forms?  
 20 A. We like to think that is the customer  
 21 inputting information into the forms via the  
 22 branching intake mechanism; although the way that  
 23 you've characterized it is, I believe, correct.  
 24 Q. It's not direct. It's somewhat  
 25 indirect?

1 A. There's intermediary steps.  
 2 Q. LegalZoom offers to its customers in  
 3 Missouri the ability to form a corporation; is that  
 4 right?  
 5 A. LegalZoom offers customers the ability  
 6 to create the documents that the customer can then  
 7 use to create a corporation. As well as certain  
 8 additional services.  
 9 Q. Are those documents that a customer  
 10 could obtain by using a LegalZoom web site would be  
 11 the things such as articles of incorporation,  
 12 incorporation bylaws, action by the consent of the  
 13 incorporator, documents of that nature; is that  
 14 right?  
 15 A. Yes. That is correct.  
 16 Q. LegalZoom, I assume, still conducts  
 17 business in Missouri, is that right, to this day?  
 18 A. LegalZoom does conduct business in  
 19 Missouri.  
 20 Q. Let me hand you what we've marked as  
 21 Exhibit No. 24. These are documents provided to us  
 22 by your attorneys.  
 23 A. Um-hum.  
 24 Q. On the first page, it says -- there's a  
 25 name, Emelda Vasquez. Does that name ring a bell

1 for you? Is she an employee of LegalZoom?  
 2 A. This suggests that she is; although I  
 3 have no specific knowledge of Ms. Vasquez.  
 4 Q. So if somebody were to incorporate in  
 5 Missouri, they could use a person who works at  
 6 LegalZoom as the incorporator, so to speak?  
 7 A. So to speak.  
 8 Q. Is that true?  
 9 A. I think that you're using the word  
 10 incorporator in a legal sense that I don't have  
 11 specific knowledge of, certainly not under Missouri  
 12 law.  
 13 Q. But she's identified as incorporator on  
 14 a document that was produced to us, and she's an  
 15 employee of LegalZoom, or was; is that right?  
 16 A. Well, again, I'm not sure the status of  
 17 Ms. Vasquez. I don't know that I've ever met her.  
 18 Q. Do employees of LegalZoom ever serve as  
 19 incorporators for customers in Missouri that are  
 20 forming corporations?  
 21 A. I'm not sure of the legal sense of the  
 22 word incorporator legal you're using, and I'm not  
 23 conversant in the laws of the state of Missouri to  
 24 respond.  
 25 Q. Looking at Exhibit 24, are these the

1 types of documents related to the formation of  
 2 corporations that are available to a customer  
 3 through the use of LegalZoom's web site?  
 4 A. Yes.  
 5 Q. And as we discussed before, this  
 6 branching method or mechanism would apply to the  
 7 formation of an incorporation?  
 8 A. It would apply to the method whereby the  
 9 customer would indicate their order for a  
 10 corporation.  
 11 Q. And some variables that might be  
 12 involved in that might include the number of  
 13 shareholders or the purpose of the corporation,  
 14 things of that nature; is that right?  
 15 A. Yes.  
 16 Q. Are you familiar with what were referred  
 17 to as professional corporations?  
 18 A. Yes.  
 19 Q. Is that a product that is offered  
 20 through LegalZoom in Missouri; do you know?  
 21 A. Not specifically sure if it's offered in  
 22 the state of Missouri.  
 23 Q. How about limited liability and  
 24 partnerships, that type of business entity? Is that  
 25 one that could be created through the use of

1 Q. Has LegalZoom, ever, as far as you know,  
 2 shared the identity of its customers with anybody  
 3 else or sold their customer list to anybody; do you  
 4 know?  
 5 A. LegalZoom has never, to the best of my  
 6 knowledge, sold its customer list to anybody.  
 7 Q. Has LegalZoom entered into agreements  
 8 with third parties who may market products unrelated  
 9 to LegalZoom; do you know?  
 10 A. Yes. LegalZoom has entered into such  
 11 arrangements.  
 12 Q. Do those persons try to solicit business  
 13 from those LegalZoom customers?  
 14 A. No. LegalZoom customers can  
 15 specifically state they wish to be contacted by such  
 16 parties that we've entered into relationships with.  
 17 For example, American Express. If a  
 18 customer who's ordering a business entity from  
 19 LegalZoom indicates that they wish to be contacted  
 20 or wish to apply for a credit card through American  
 21 Express for their business, we facilitate that.  
 22 Q. With respect to the database that's  
 23 referred to in paragraph 5 of your declaration of  
 24 February 3rd, 2010, Mr. Hartman, is there a person  
 25 at LegalZoom who is responsible for the maintenance

1 of that database?  
 2 A. Ultimately any technical structures at  
 3 LegalZoom are the ultimate responsibility of the  
 4 chief information officer.  
 5 Q. And that would be Tracy Terrill; is that  
 6 right?  
 7 A. Yes.  
 8 Q. On occasion, does LegalZoom refund money  
 9 to customers who previously paid them?  
 10 A. Yes.  
 11 Q. Under what circumstances would somebody  
 12 receive a refund from LegalZoom?  
 13 A. If a customer is dissatisfied, they  
 14 would receive a refund.  
 15 Q. Is that your policy, if somebody's  
 16 dissatisfied, to refund all their money?  
 17 A. In general we follow the terms of the --  
 18 what we call the satisfaction guarantee. I know  
 19 that those terms are stated on the web site. I'm  
 20 not 100 percent conversant with what they state  
 21 right now, but in general we strive for customer  
 22 satisfaction, and if the customer is deeply  
 23 dissatisfied, I believe it is our policy to refund  
 24 their money.  
 25 Q. Are there times when you refund only in

1 part, or when you make a refund, do you always  
 2 refund all of the money that would be paid to  
 3 LegalZoom for a particular product?  
 4 A. I believe there are certain  
 5 circumstances where we would only refund it in part.  
 6 Q. And under what circumstances would those  
 7 be?  
 8 A. I believe that if we've already paid  
 9 state fees on behalf of a customer, we might not  
 10 remit that money back to a customer. Again, I'm  
 11 going off my memory here, sir. The satisfaction  
 12 guarantee on the web site will tell you in more  
 13 detail.  
 14 Q. I'd like you, if you could, Mr. Hartman,  
 15 to refer to paragraph 13 of your declaration of  
 16 February 3rd, 2010.  
 17 A. Yes.  
 18 Q. It indicates there, does it not, that  
 19 LegalZoom received an estimated 14,000 orders for  
 20 documents by customers who provided a Missouri  
 21 shipping address between December 18, 2004, and  
 22 December 17, 2009; is that right?  
 23 A. That is right.  
 24 Q. It is now July -- I'm sorry. It is now  
 25 August of 2010, which is about 8-1/2 months or so

1 following December 17 of 2009.  
 2 Has your business in Missouri continued  
 3 at the same pace that it was occurring in 2009?  
 4 MR. THOMPSON: Object to the form. You  
 5 can answer.  
 6 A. I'm not sure if it's exactly at the same  
 7 pace. There's been a recession and so forth, but in  
 8 general, sure.  
 9 Q. BY MR. BUTSCH: So you think it's  
 10 probably similar or, if anything, its slowed down  
 11 since that time?  
 12 A. I couldn't necessarily say that it is --  
 13 those are the only two possibilities, but, yeah, in  
 14 general.  
 15 Q. But if you wanted to know for certain,  
 16 you could access your database and make that  
 17 determination?  
 18 A. We could.  
 19 Q. With respect to the \$14,000 -- or I'm  
 20 sorry, 14,000 customers who provided the Missouri  
 21 shipping address, does the 14,000 -- would that  
 22 include people who made multiple orders from  
 23 LegalZoom, or if a customer had three separate and  
 24 distinct orders from LegalZoom, would they be  
 25 counted once in that 14,000 or would they be counted



1 have a Missouri shipping address; is that right?  
 2 A. They would not necessarily have a  
 3 document shipped to a Missouri shipping address.  
 4 Q. So all the figures that are embodied in  
 5 Exhibit No. 27, the number of transactions and the  
 6 fees collected, those are all transactions in which  
 7 an actual final document was shipped to a customer  
 8 with a Missouri shipping address; is that right?  
 9 A. In that it's all orders from customers  
 10 with a Missouri shipping address, excluding these  
 11 non-document order types such as LegalZoom minutes  
 12 manager or logo design or trademark monitoring.  
 13 Q. I want to ask you about the transactions  
 14 of the plaintiffs involved in this particular case,  
 15 okay?  
 16 A. Yes.  
 17 Q. Have you looked at any records that  
 18 LegalZoom maintained in relation to its transaction  
 19 with Todd Janson?  
 20 A. Yes.  
 21 Q. And what documents have you looked at in  
 22 that regard, Mr. Hartman?  
 23 A. I looked at the documents that were  
 24 discovered in preparation for this deposition.  
 25 Q. What were those documents? Do you

1 recall what those were?  
 2 A. I believe I have those in front of me.  
 3 They were or appear to be a will, estate planning  
 4 document prepared by Todd Janson.  
 5 Q. When you say Todd Janson prepared it,  
 6 you mean he accessed LegalZoom's web site  
 7 apparently? He did the question and answer and  
 8 LegalZoom generated documents and they shipped that  
 9 document, his will to his shipping address; is that  
 10 right?  
 11 A. Yes. Todd Janson answered the questions  
 12 of the branching intake that were then automated  
 13 into documents by LegalZoom and then sent to  
 14 Mr. Janson.  
 15 Q. And the templates, the form of the  
 16 document, that was something that was created by  
 17 LegalZoom and Mr. Janson answered the questions.  
 18 His answers or at least portions of those were  
 19 imputed into that template created by LegalZoom; is  
 20 that right?  
 21 A. Um-hum.  
 22 MR. THOMPSON: Objection, asked and  
 23 answered.  
 24 Q. BY MR. BUTSCH: Yes?  
 25 MR. THOMPSON: You can answer.

1 A. The Legal Zip software put Mr. Janson's  
 2 answers into a template, and those templates that  
 3 were not filled in were removed.  
 4 Q. BY MR. BUTSCH: When LegalZoom delivers  
 5 the documents, in this case, a will, do they send a  
 6 cover letter along with it to the customer?  
 7 A. Yes.  
 8 Q. Let me hand you what we've marked as  
 9 Exhibit No. 28, and I'll ask you, Mr. Hartman, if  
 10 that is a copy of the cover letter that LegalZoom  
 11 sent to Todd Janson in connection with the delivery  
 12 of his will to Mr. Janson.  
 13 A. Yes. It appears to be so.  
 14 Q. Let me hand you what we've marked as  
 15 Exhibit No. 29, and I'll ask you, Mr. Hartman, if  
 16 that is a copy of a will that was delivered by  
 17 LegalZoom to Mr. Janson.  
 18 A. I believe so.  
 19 Q. I would direct your attention to -- I'm  
 20 not certain what this is, but it -- page -- what's  
 21 Bates stamped LZ 000035.  
 22 Obviously this document, Exhibit 29  
 23 includes more than just Mr. Janson's will, does it  
 24 not?  
 25 A. I'd like to make sure I'm looking at the

1 correct document.  
 2 Q. 35. I'll just ask you about this.  
 3 Do you recognize what this is?  
 4 A. This appears to be a customer support --  
 5 or sorry. A customer support team page used by a  
 6 customer support representative at LegalZoom.  
 7 Q. And what does this indicate to you in  
 8 relation to Mr. Janson's will that a customer  
 9 support representative had some role in Mr. Janson's  
 10 transaction?  
 11 A. A customer support or processing  
 12 representative is employed by LegalZoom to inspect a  
 13 document for issues such as pagination untidiness,  
 14 bad margins, and other errata that would make the  
 15 document look anything less than quality.  
 16 Q. So does that customer service  
 17 representative inspect that document online or on a  
 18 video screen, or do they have the actual hard copy  
 19 of a document that they examine? How does that  
 20 work?  
 21 A. They look at it on a screen.  
 22 Q. There are various entries, looks like,  
 23 on November 20th of 2004 and going to December 4th  
 24 of 2004. Do you see that?  
 25 A. I do.

1 Q. Do you know what the -- what does this  
 2 document indicate is taking place?  
 3 A. There's insufficient information on this  
 4 page to completely determine that. But I can step  
 5 you through some of it.  
 6 Q. Generally speaking.  
 7 A. Sure. These would be automatic  
 8 processing steps that the document took before it  
 9 went out to the customer. The dates in December,  
 10 I'm unclear. He -- the customer may have asked for  
 11 a revision. But certainly the dates in November  
 12 seem to indicate our standard automatic step-by-step  
 13 procedure.  
 14 Q. What does FN change refer to? Do you  
 15 see that?  
 16 A. I don't have specific knowledge of that,  
 17 but I'm going to guess it's the automated sort of  
 18 auto bot that sort of steps things through.  
 19 Q. Looking over the last column on the  
 20 right, Additional Info, do you see that?  
 21 A. Yes.  
 22 Q. What does W. Newby refer to? Does that  
 23 mean anything to you?  
 24 A. Undoubtedly the first initial and the  
 25 last name of a LegalZoom employee. You see it says

1 "Assigned to employee" next to that. I imagine that  
 2 Mr. or Mrs. Newby was responsible for the final  
 3 inspection of the document to make sure it was clean  
 4 and neat.  
 5 Q. So that was a customer service  
 6 representative? W. Newby would have been the one  
 7 examining the document?  
 8 A. Yes. And sending it to shipping.  
 9 Q. Let's look at the following page. It's  
 10 Bates stamped LZ 36. Do you recognize the form of  
 11 this particular document?  
 12 A. This would also seem to be a page within  
 13 the LegalZoom tool suite used by a customer support  
 14 rep or possibly a document rep.  
 15 Q. And it looks like it has his -- the  
 16 order number, the shipping address, and information  
 17 of that nature; is that right?  
 18 A. Yes, it does appear that way.  
 19 Q. Let's look at the following page, Bates  
 20 stamped LZ37.  
 21 Is that a copy of an email message that  
 22 was sent by LegalZoom to Mr. Janson on  
 23 September 17th, 2009?  
 24 A. Just a moment, please. Yes. It looks  
 25 like an automated email sent to Mr. Janson.

1 Q. The information on the left-hand column,  
 2 do you see that? Has a reference matter, status  
 3 assigned to it.  
 4 Would that be information that would be  
 5 contained in the email as well, or is that something  
 6 internal to LegalZoom?  
 7 A. I'm not sure that it would be in the  
 8 email. I know it would just be internal to  
 9 LegalZoom. You note that the signature says "The  
 10 LegalZoom Team."  
 11 Q. So in this instance, it appears that  
 12 Mr. Janson was sent his will by email and by hard  
 13 copy; is that right? You're sending a PDF  
 14 attachment of the documents?  
 15 A. I suspect that the PDF attachment would  
 16 contain the will document ordered by the customer.  
 17 Q. Is that typically how it's done?  
 18 A. No, that's not typically how it's done.  
 19 Q. Objection. How is it typically done?  
 20 A. It's typically only sent by hard copy.  
 21 I suspect, just to elaborate a little, that this  
 22 customer has ordered a premium package for same day,  
 23 and the easiest way to do that is to give the  
 24 customer an electronic copy. But that's not the  
 25 majority of orders.

1 MR. THOMPSON: Let's take two minutes.  
 2 MR. BUTSCH: Okay.  
 3 (Recessed from 12:51 p.m. to  
 4 1:00 p.m.)  
 5 Q. BY MR. BUTSCH: Mr. Hartman, we were  
 6 talking about the transaction Todd Janson had with  
 7 LegalZoom. He ordered a will from LegalZoom; is  
 8 that right? That was the product he obtained?  
 9 A. Yes, sir.  
 10 Q. As to LegalZoom's business, generally  
 11 speaking, are wills the single most largest product  
 12 in terms of sales?  
 13 A. Defining sales in terms of revenue  
 14 dollars versus defining them in terms of orders,  
 15 there are more will orders than any product at  
 16 LegalZoom.  
 17 Q. In terms of -- you're talking in terms  
 18 of dollar revenue, wills are number one; is that  
 19 right?  
 20 MR. THOMPSON: No. Object to the form  
 21 of the question.  
 22 Q. BY MR. BUTSCH: I didn't understand the  
 23 answer.  
 24 MR. THOMPSON: Go ahead.  
 25 A. My statement was that there are more

1 will units, more will orders placed than any other  
 2 document type.  
 3 Q. BY MR. BUTSCH: By volume?  
 4 A. Yes.  
 5 Q. How about in terms of dollar revenue?  
 6 What's the single biggest product?  
 7 A. I'm not sure. It might be wills. It  
 8 might be business formation, particularly LLCs.  
 9 Q. Let me hand you what has been marked as  
 10 Deposition Exhibit No. 30.  
 11 Do you recognize the form of this  
 12 document?  
 13 A. Yes.  
 14 Q. And what is it?  
 15 A. Internally we would refer to this as a  
 16 suitcase. That is an internal convention that we  
 17 have for this document.  
 18 Q. And what information does that suitcase  
 19 contain?  
 20 A. The suitcase contains the information  
 21 that the customer entered during the branching  
 22 questionnaire process.  
 23 Q. So the branching questionnaire process,  
 24 the information that, in this instance, would have  
 25 been provided by Mr. Janson, that's contained in

1 this document Exhibit 30; is that right?  
 2 A. If it was indeed Mr. Janson, yes.  
 3 Q. Assuming he put -- he imputed the  
 4 information, that would be the information that  
 5 Mr. Janson himself imputed?  
 6 A. Yes.  
 7 Q. And is this information retained by  
 8 LegalZoom? And I'm talking about customers in  
 9 general, not just Mr. Janson. Do you retain such  
 10 information?  
 11 A. Yes.  
 12 Q. Is there a time limit on how long you  
 13 retain such information, according to your document  
 14 retention policy?  
 15 A. There is not a time limit on the length  
 16 of time during which we preserve the answers of our  
 17 customers.  
 18 Q. If you skip ahead to LegalZoom 43, the  
 19 second-from-the-last page, is that something  
 20 separate from -- what did you call this before?  
 21 Bread basket or --  
 22 A. Suitcase.  
 23 Q. Suitcase. Sorry.  
 24 Is that separate from a suitcase, or is  
 25 that also part of the suitcase? It just appears to

1 be in a separate format?  
 2 A. This appears to be the same information  
 3 contained in the suitcase but in a prettier format.  
 4 Q. Okay. Mr. Janson paid LegalZoom for the  
 5 products that were provided to him?  
 6 A. Yes.  
 7 Q. And he paid by credit card?  
 8 A. Yes.  
 9 Q. And what date did he make payment? Is  
 10 that reflected there on Exhibit 30?  
 11 A. I don't believe that that's reflected in  
 12 this exhibit.  
 13 Q. As to the date of payment to customers  
 14 in Missouri -- as to customers in Missouri  
 15 generally, does LegalZoom have a record as to the  
 16 date payment was made?  
 17 A. Yes.  
 18 Q. As far as you know, did LegalZoom  
 19 provide any services or sell any products to an  
 20 individual named Chad Ferrell in Missouri?  
 21 Before I ask you about Mr. Ferrell, from  
 22 the documents that you've looked at, can you  
 23 determine whether or not Mr. Janson ever had any  
 24 contact with a customer service representative at  
 25 LegalZoom, by telephone or otherwise?

1 A. This document doesn't indicate any such  
 2 contact.  
 3 Q. If he had such contact, would that  
 4 document reflect that?  
 5 A. This document might not reflect that.  
 6 Q. How would you determine whether or not  
 7 Mr. Janson had any contact with -- direct contact  
 8 with a customer service representative at LegalZoom?  
 9 A. I would look at the customer support  
 10 tool suite, of which you have already furnished a  
 11 page.  
 12 Q. Did that -- do you recall looking at  
 13 that? Did that show Mr. Janson had any contact with  
 14 a customer service representative at LegalZoom?  
 15 A. That specific exhibit that you  
 16 furnished, it did not seem to. However, it might  
 17 not have. There are other portions of that tool  
 18 suite that could be examined.  
 19 Q. Assuming that he did have contact with a  
 20 customer service representative and it was reported  
 21 somewhere by LegalZoom, would that record indicate  
 22 what the subject matter, the contact was about, or  
 23 what was discussed?  
 24 MR. THOMPSON: Object to the form. You  
 25 can answer.

1 Q. And is this a document that was -- that  
 2 Mr. Janson obtained through use of a LegalZoom web  
 3 site?  
 4 A. This is a document that Mr. Janson would  
 5 have purchased through LegalZoom.  
 6 Q. And did LegalZoom submit this to the  
 7 Missouri Secretary of State or did Mr. Janson do  
 8 that? I'm sorry. Not Mr. Janson. Mr. Ferrell.  
 9 A. Yes. It is likely that Mr. Ferrell  
 10 requested, through his order, that LegalZoom submit  
 11 this to the secretary of state.  
 12 Q. And LegalZoom did that; is that right?  
 13 A. I believe so, yes.  
 14 Q. And as to these -- this particular form,  
 15 Mr. Federal, didn't, as I understand it, fill it out  
 16 himself, but he imputed information through the use  
 17 of LegalZoom's web site, and through the software at  
 18 LegalZoom this document was generated; is that  
 19 right?  
 20 A. When you say that Mr. Ferrell didn't  
 21 fill it in himself, Mr. Ferrell came to LegalZoom,  
 22 went through the branching intake questionnaire, put  
 23 in all the necessary information, requested this  
 24 specific set of, you know, documents, to which he  
 25 understood that his information would be placed

1 directly.  
 2 So there is the --  
 3 Q. That's --  
 4 A. There is that intervening step of the  
 5 software, the automated software, the Legal Zip  
 6 software placing the information that he had put  
 7 into the document.  
 8 Q. And the software takes the information  
 9 that he provided and inputs it into the fields in  
 10 the documents?  
 11 A. And removes the blank fields.  
 12 Q. Looking at Exhibit 33 is the organizer  
 13 identified there?  
 14 A. Yes.  
 15 Q. It's somebody by the name of Tamar  
 16 Beloshian who provided an address of 7083 Hollywood  
 17 Boulevard. That's LegalZoom's address, right?  
 18 A. That is LegalZoom's address.  
 19 Q. Is Tamar Beloshian an employee of  
 20 LegalZoom?  
 21 A. I do not believe that Tamar Beloshian is  
 22 a current legal employee, if I'm remembering the  
 23 correct individual.  
 24 Q. Was that individual employed at  
 25 LegalZoom in January of 2008?

1 A. Allowing for the fact that there are  
 2 hundreds of employees at LegalZoom, I believe that  
 3 this employee was employed at LegalZoom on this  
 4 date.  
 5 Q. Let's look at Exhibit 34. Mr. Hartman,  
 6 is that the certificate of organization that was  
 7 issued by the Missouri Secretary of State for C&J  
 8 Remodeling LLC?  
 9 A. Well, I don't have specific knowledge of  
 10 this document. It certainly has the seal of the  
 11 state of Missouri on it and says Certificates of  
 12 Organization. I believe it is exactly what you say  
 13 it is.  
 14 Q. Let me hand you what we've marked as  
 15 Exhibit No. 35. Mr. Hartman, is this a copy of the  
 16 Operating Agreement for C&J Remodeling LLC that  
 17 Mr. Ferrell obtained through the use of the  
 18 LegalZoom web site?  
 19 A. I believe it is.  
 20 Q. Looking at the second-to-the-last page  
 21 of the exhibit, Mr. Ferrell is identified as the  
 22 president of the company, and Mr. Gerald Ardray is  
 23 identified as the vice president; is that right?  
 24 A. Yes.  
 25 Q. And that would have been something that

1 Mr. Ferrell presumably -- or whoever was on the  
 2 computer, they selected that information?  
 3 A. Well, they would have input that  
 4 information, not selected it.  
 5 Q. And it would have been imputed into the  
 6 document by this Legal Zip software that you  
 7 referred to before?  
 8 A. Yes.  
 9 Q. If you can look at page -- what's marked  
 10 as LZ 14. Do you see that?  
 11 A. I do.  
 12 Q. And that then identifies the members of  
 13 the LLC, does it not?  
 14 A. This appears to do that, yes.  
 15 Q. It identifies the two members as Chad  
 16 Ferrell and Gerald Ardray; is that correct?  
 17 A. Yes, it does.  
 18 Q. Each having a 50 percent percentage  
 19 interest in the LLC; is that right?  
 20 A. That is exactly what it states.  
 21 Q. And that is information that would have  
 22 been imputed by Mr. Federal or someone else in the  
 23 branching process that you described earlier, and  
 24 then the Legal Zip software would have imputed that  
 25 information into this particular document; is that

1 right?  
 2 A. That is right.  
 3 Q. Let's look at Exhibit No. 36. Exhibit  
 4 No. 31, is that what you described as a suitcase in  
 5 relation to Mr. Ferrell's formation of the LLC?  
 6 A. This is what I would describe as a  
 7 suitcase if I were speaking internally to another  
 8 LegalZoom employee.  
 9 Q. And this contains all the answers that  
 10 Mr. Ferrell or someone on his behalf would have  
 11 imputed into the web site or the web page during the  
 12 question and answer or branching process?  
 13 A. It contains all that information from  
 14 the questionnaire branching process.  
 15 MR. WICKS: David, make sure the record  
 16 reflects you were referring to that as Exhibit 36.  
 17 MR. BUTSCH: Yeah. Let the record  
 18 reflect that we were referring to Exhibit 36, which  
 19 is Bates stamped LZ 20 through LZ 23.  
 20 Q. BY MR. BUTSCH: Let me hand you what we  
 21 marked as Exhibit No. 37. Do you recognize the form  
 22 of that document, Mr. Hartman?  
 23 A. I do.  
 24 Q. And what is this?  
 25 A. This would be internally referred to as

1 processor generated by an automated system.  
 2 Q. Would that indicate to you that  
 3 Mr. Ferrell or someone else on behalf of C&J  
 4 Remodeling would have initiated contact with  
 5 LegalZoom at that date, January 23rd, 2008?  
 6 A. It does not.  
 7 Q. So he could have initiated contact prior  
 8 to that time?  
 9 A. If the customer had, in our general  
 10 course of business, that would have been recorded.  
 11 I see no such note here.  
 12 Q. So when do you think -- based on this,  
 13 can you determine when this transaction was  
 14 initiated?  
 15 A. I'm sorry. By transaction, do you mean  
 16 when was the order placed?  
 17 Q. Yeah.  
 18 A. I can't tell from this.  
 19 Q. But presumably it would have been before  
 20 January 23rd of 2008 or not?  
 21 A. On or before.  
 22 Q. On or before January 23rd, 2008, is when  
 23 this transaction was initiated?  
 24 A. In general, although this is not the  
 25 best source to get that information.

1 a notepad.  
 2 Q. And are these notes of customer service  
 3 representatives as to the transaction involving  
 4 C&J Remodeling?  
 5 A. Generally, yes, these are notes taken by  
 6 LegalZoom employees.  
 7 Q. As to the status of the order and  
 8 contact with the customer?  
 9 A. In most cases, yes.  
 10 Q. At the very -- at the top it says Ryan  
 11 Moran, who I assume is the LegalZoom customer  
 12 service representative; is that right?  
 13 A. Yes.  
 14 Q. And there's a date of January 23rd,  
 15 2008, and it says, "File Net." Does that indicate  
 16 anything to you or convey any information?  
 17 A. It does. Earlier I said in general  
 18 these represent customer order work or contact, as  
 19 you said. The first one, though, does not. That  
 20 simply indicates that the File Net processing  
 21 system, which is an automated system of document  
 22 storage and management supplied by the IBM  
 23 corporation, assigned this file to Ryan Moran who  
 24 would have been responsible then for assigning it to  
 25 another available employee. In other words, it's a

1 Q. Looking at the fourth entry on that  
 2 document, do you see LVM for customer?  
 3 A. I do.  
 4 Q. And forming docs have been sent to the  
 5 state for -- what does LVM refer to?  
 6 A. I don't know specifically, but I would  
 7 suspect that that meant left a message.  
 8 Q. The next entry it says is dated 2/14 of  
 9 2008. Do you see that?  
 10 A. I do.  
 11 Q. It says "SOS sweep forward to do BCS."  
 12 A. Yes. Yes.  
 13 Q. Do you know what that means?  
 14 A. Yes, I do. You may recall earlier I  
 15 said some of these are processing steps. In this  
 16 case an SOS sweep refers to a general quality  
 17 assurance step to ensure that all documents have  
 18 been received back from the SOS. And here the fact  
 19 that the document is then forwarded to BCS, which is  
 20 a team of specialists that work directly in  
 21 contacting the secretary of state.  
 22 The fact that they forward this to the  
 23 BCS probably indicates that the document was not yet  
 24 received back from the secretary of state, which  
 25 would sort of be outside of the bounds of when you

1 would expect it to come back from the secretary of  
2 state.

3 Q. So what does BCS stand for? Is it an  
4 acronym for something?

5 A. I'm sure that it is. I don't actually  
6 know what BCS stands for myself.

7 Q. The last entry, it says, "Provided  
8 customer with status of order and turnaround time,  
9 20 to 35 business days."

10 Do you see that?

11 A. I do.

12 Q. Would that -- is that something that  
13 occurs online by email or does that indicate that  
14 they -- does it show whether they spoke to him  
15 directly; do you know?

16 A. This does not give sufficient  
17 information to determine whether or not it was done  
18 by email or by phone.

19 Q. Was LegalZoom paid for that transaction  
20 involving C&J Remodeling, the formation of that LLC?

21 A. Yes.

22 Q. Let me hand you what we marked as  
23 Exhibit No. 38.

24 Have you had a chance to look at  
25 Exhibit 38, Mr. Hartman?

1 A. I have.

2 Q. Do you recognize what this is?

3 A. I do.

4 Q. And what is it?

5 A. All customer care representatives at  
6 LegalZoom, and, indeed, all employees at LegalZoom  
7 to one degree or another, receive a great deal of  
8 training on ensuring that they do not cross the line  
9 into UPL, and this --

10 Q. You're referring to the unauthorized  
11 practice of law, when you say UPL?

12 A. Yes. They receive regular training, if  
13 they are on the customer care team.

14 This document appears to be a summary  
15 of -- in form of an FAQ, frequently asked question,  
16 about the appropriate responses to a customer that  
17 asks for legal advice. If I might add, we regularly  
18 inspect to ensure that our customer support reps  
19 comply with the letter of what we tell them in these  
20 regards, and they also are aware that it is a firing  
21 offense to cross that line or even come close to it.

22 Q. Does the training that they receive --  
23 is it particularized to individual states, that is  
24 in Massachusetts, you can do it this way, but in  
25 Georgia, you got to do it a different way, or is it

1 more or less the same across the board?

2 A. The training is conducted by the general  
3 counsel and his staff. I suspect it's quite  
4 comprehensive. I don't have specific knowledge.

5 Q. Do you know if it's particularized in  
6 individual states?

7 A. I don't have particular knowledge  
8 regarding that, but I do know it's extensive.

9 Q. Okay. What is this answer center --  
10 that's not something available to the general  
11 public, is it?

12 A. It is not.

13 Q. That's referred to on Exhibit 38. This  
14 is a tool that a customer service representative at  
15 LegalZoom could avail themselves to; is that right?

16 A. Yes, it is.

17 Q. If a person -- let's say a person from  
18 Missouri were to call up and ask some question that  
19 the person felt was a legal question that an  
20 attorney should answer, does legal LegalZoom have a  
21 service where they refer that person to a particular  
22 lawyer or a particular group of lawyers in that  
23 customer's geographic area?

24 A. In the state of Missouri, LegalZoom has  
25 no such service. However, in California, LegalZoom

1 is certified as a certified lawyer referral service.

2 Q. And that's some sort of state  
3 certification?

4 A. It is.

5 Q. And where is that certification  
6 obtained; do you know?

7 A. From the State of California directly.

8 Q. Some office in Sacramento?

9 A. Yes. From the state agency regulating  
10 lawyer referral services.

11 Q. Just so I'm clear, these are  
12 suggestions -- what appears on Exhibit 38 are  
13 suggested answers to a customer that needs legal  
14 advise; is that right?

15 A. A representative, in speaking with a  
16 customer, is instructed that they can make  
17 statements such as "Because we are not a law firm,  
18 our service is limited to legal document  
19 preparation. We are not licensed to practice law.  
20 Because we are not licensed to practice law, we  
21 cannot speak to your particular situation" and not  
22 wind up with the sort of warning that might lead to  
23 their immediate termination.

24 Q. Let me hand you what we've marked as  
25 Exhibit No. 39. Do you recognize Exhibit No. 39,