

EXHIBIT G

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID RUDOVSKY and : CIVIL ACTION
LEONARD SOSNOV :
 :
vs. :
 :
WEST PUBLISHING CORPORATION:
WEST SERVICES, INC., and :
THOMSON LEGAL AND :
REGULATORY, INC., t/a :
THOMSON WEST : NO. 09-CV-727

Philadelphia, Pennsylvania
February 22, 2010

Pretrial examination of
LEONARD SOSNOV, taken on behalf of the
Defendants at the offices of Klehr,
Harrison, Harvey, Branzburg & Ellers, LLP,
1835 Market Street, Philadelphia,
Pennsylvania, on the above date,
commencing at 11:00 a.m., before Linda A.
Ricciardi, Certified Court Reporter.

<p style="text-align: center;">Page 14</p> <p>1 directing him not to answer, but I</p> <p>2 am objecting to the improper</p> <p>3 question.</p> <p>4 BY MR. RITTINGER:</p> <p>5 Q. Is this the pocket part that is</p> <p>6 primarily the subject of your complaint in</p> <p>7 this action?</p> <p>8 A. Primarily subject to the complaint,</p> <p>9 yes, I would say it is primarily subject</p> <p>10 to the complaint, and the 2009 one is</p> <p>11 relevant also to the lawsuit probably.</p> <p>12 Q. Let me mark as West Exhibit 3 the</p> <p>13 pocket part that I started to mark before</p> <p>14 that is also entitled West Pennsylvania</p> <p>15 Practice Series, and it has both your</p> <p>16 names on it as read before.</p> <p>17 MR. CHARLSON: That is</p> <p>18 interesting.</p> <p>19 MR. RITTINGER: What do you</p> <p>20 mean?</p> <p>21 MR. CHARLSON: May I see it,</p> <p>22 Jim?</p> <p>23 MR. RITTINGER: Yeah, that is</p> <p>24 it. I was looking the prepared by</p>	<p style="text-align: center;">Page 16</p> <p>1 I think your understanding from what you</p> <p>2 said at the preliminary injunction hearing</p> <p>3 it is relevant to the lawsuit, and, yes, I</p> <p>4 do complain about it, whatever relevance</p> <p>5 it has to the lawsuit and otherwise I do</p> <p>6 complain about it, yes.</p> <p>7 Q. What do you complain about it?</p> <p>8 A. What do I complain about it?</p> <p>9 Q. Yeah.</p> <p>10 MR. CHARLSON: Let me just</p> <p>11 object for a second. I object to</p> <p>12 the extent you are calling for a</p> <p>13 legal conclusion, and to the</p> <p>14 extent that you are asking him as</p> <p>15 a plaintiff and what his</p> <p>16 understanding of what the lawsuit</p> <p>17 is about obviously that is fine,</p> <p>18 but in terms of what the actual</p> <p>19 grounds of the lawsuit are in</p> <p>20 terms of, you know, the legal</p> <p>21 implications, he is here not as a</p> <p>22 lawyer but simply a client.</p> <p>23 MR. RITTINGER: I think I</p> <p>24 understand that and I accept that</p>
<p style="text-align: center;">Page 15</p> <p>1 publishers staff, but it is up</p> <p>2 above. I knew it was on there,</p> <p>3 but I didn't know where.</p> <p>4 MR. CHARLSON: That is the</p> <p>5 one.</p> <p>6 BY MR. RITTINGER:</p> <p>7 Q. Now, this also has on the top</p> <p>8 before your names prepared by publishers</p> <p>9 editorial staff, and I would like to have</p> <p>10 this marked as defendant West Exhibit 3.</p> <p>11 (Whereupon pocket part was</p> <p>12 marked for identification as</p> <p>13 West-3.)</p> <p>14 BY MR. RITTINGER:</p> <p>15 Q. For the record because I don't</p> <p>16 remember, can you identify this once</p> <p>17 again?</p> <p>18 A. I don't think so. This is the 2009</p> <p>19 pocket part to our book that was issued by</p> <p>20 West.</p> <p>21 Q. Did you complain about this work at</p> <p>22 all in this lawsuit according to your</p> <p>23 understanding?</p> <p>24 A. According to my understanding, and</p>	<p style="text-align: center;">Page 17</p> <p>1 adaption although I think it was</p> <p>2 implicit in the question.</p> <p>3 BY MR. RITTINGER:</p> <p>4 Q. What is your understanding of what</p> <p>5 you are complaining about, West Exhibit 3?</p> <p>6 A. My understanding when I look at</p> <p>7 that and compared to what a competent</p> <p>8 pocket part would be, that is an</p> <p>9 incompetent work. It is not a complete</p> <p>10 fraud on the consumers like the 2008-2009</p> <p>11 Exhibit 2.</p> <p>12 Q. We can refer to them as West-2 and</p> <p>13 West-3, I think that would be easier.</p> <p>14 A. It is not a complete fraud like</p> <p>15 that one except it is an incompetent</p> <p>16 effort.</p> <p>17 Besides the fact it is an</p> <p>18 incompetent effort there is still a harm</p> <p>19 to me and Mr. Rudovsky, the fact that many</p> <p>20 users are not going to know that this</p> <p>21 wasn't prepared by us when they use this</p> <p>22 volume, and, therefore, we can be</p> <p>23 associated with this incompetent effort of</p> <p>24 a pocket part.</p>

<p style="text-align: center;">Page 38</p> <p>1 your co-plaintiff, how did you get to that</p> <p>2 point and how long did it take you to get</p> <p>3 there as best as you can recall?</p> <p>4 A. As best as I can recall I realized</p> <p>5 early on it was really bad.</p> <p>6 Q. Let me just stop you there. I am</p> <p>7 trying to get through this quickly, I</p> <p>8 really am. Did you reach that by yourself</p> <p>9 or had you had a discussion with your</p> <p>10 co-plaintiff at that time?</p> <p>11 A. I think, again, I can't remember</p> <p>12 the timing of this exactly what happened,</p> <p>13 but I think what happened is I first</p> <p>14 realized myself looking at it, and then I</p> <p>15 talked with him, and I believe, though I</p> <p>16 am not certain, that he was the first one</p> <p>17 to realize, and he told me that there only</p> <p>18 appeared three new cases in the</p> <p>19 supplement.</p> <p>20 So I believe that came from him</p> <p>21 rather than me, but I am not positive at</p> <p>22 this point.</p> <p>23 Q. Can you place that in any kind of</p> <p>24 context in terms of time? I could be</p>	<p style="text-align: center;">Page 40</p> <p>1 MR. CHARLSON: Object to form.</p> <p>2 I think the timing of the</p> <p>3 question, I am confused, you said</p> <p>4 before the first discussion I</p> <p>5 think. Can you rephrase it?</p> <p>6 BY MR. RITTINGER:</p> <p>7 Q. I want you to tell me all the</p> <p>8 discussions that you can recall you had</p> <p>9 about West Exhibit 2 up until the first</p> <p>10 time you discussed it with your lawyers?</p> <p>11 A. Well, I know, I do recall one</p> <p>12 discussion with Mr. Rudovsky when we</p> <p>13 realized how bad it was where I just said</p> <p>14 I can't believe they put out this piece of</p> <p>15 shit under our names, that it is</p> <p>16 unbelievable. I do remember I was really,</p> <p>17 I was really angry, I was very, very</p> <p>18 angry, and that I recall.</p> <p>19 And then he also was very upset and</p> <p>20 we talked about what, if anything, we were</p> <p>21 going to do about it.</p> <p>22 Q. What did you say, what did he say?</p> <p>23 A. Now, I can't recall everything, but</p> <p>24 I can tell you that at first I recall that</p>
<p style="text-align: center;">Page 39</p> <p>1 wrong, but I think the record reflects</p> <p>2 that that was received sometime in</p> <p>3 December of 2008.</p> <p>4 A. Yes, sometime in December.</p> <p>5 MR. CHARLSON: Right before</p> <p>6 the holidays I think is what came</p> <p>7 out of the hearing.</p> <p>8 THE WITNESS: I would say in</p> <p>9 January is my best estimate.</p> <p>10 BY MR. RITTINGER:</p> <p>11 Q. So it took you, whatever time you</p> <p>12 got it, it wasn't until January that you</p> <p>13 came to this recognition?</p> <p>14 A. Well, of how bad it was as far as</p> <p>15 only three new cases. If I got it a</p> <p>16 little before Christmas, again, I am not</p> <p>17 sure, but I am guessing that it was</p> <p>18 January. I just -- I don't recall.</p> <p>19 Q. Now, at some point in time you are</p> <p>20 going to have a discussion with Mr.</p> <p>21 Bazelon or somebody from his firm,</p> <p>22 correct, between when you realized this</p> <p>23 and you have your first discussion,</p> <p>24 correct?</p>	<p style="text-align: center;">Page 41</p> <p>1 he said why don't we write a letter to</p> <p>2 West, and I was the one that said I think</p> <p>3 that is really a waste of time. If they</p> <p>4 have the arrogance to put out this piece</p> <p>5 of crap under our names then us writing a</p> <p>6 letter, that showed such disregard for us</p> <p>7 in the first place, a letter is not going</p> <p>8 to accomplish anything as far as</p> <p>9 corrective action. So it was -- I do</p> <p>10 remember it was my idea instead of just</p> <p>11 writing a letter to West that we consult</p> <p>12 with counsel.</p> <p>13 Q. So let me back up a little bit.</p> <p>14 First of all, other than this West enjoys</p> <p>15 an excellent reputation in the legal</p> <p>16 publishing community; isn't that correct?</p> <p>17 A. I can't answer that. I don't know</p> <p>18 the reputation of West in the publishing</p> <p>19 community.</p> <p>20 Q. Have you ever talked to Professor</p> <p>21 Rudovsky about it?</p> <p>22 A. About West's reputation in the</p> <p>23 community?</p> <p>24 Q. Yeah.</p>

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<p>1 any of those matters that you can produce?</p> <p>2 A. Well, the only thing is reflected a</p> <p>3 little bit I think in some of the e-mails</p> <p>4 that were given to you, there wasn't a</p> <p>5 whole lot of e-mails, but there is one</p> <p>6 e-mail that refers to my ire, my anger,</p> <p>7 and I don't know whether there are other</p> <p>8 e-mails. There are a few e-mails maybe,</p> <p>9 but the rest of it would be verbal,</p> <p>10 verbal.</p> <p>11 Q. Do you recall what your ire was</p> <p>12 that that e-mail refers to?</p> <p>13 A. The particular one, I am not sure</p> <p>14 whether that was the referencing problem</p> <p>15 from the supplement to the book that a</p> <p>16 reader wouldn't be able to make the proper</p> <p>17 reference between that or maybe the lack</p> <p>18 of ability to edit or both, I don't recall</p> <p>19 at this time.</p> <p>20 Q. Do you have any other publications</p> <p>21 with West?</p> <p>22 A. No.</p> <p>23 Q. Professor Rudovsky does; is that</p> <p>24 correct?</p>	<p>1 position that we got to get a lawyer's</p> <p>2 letter out there, we can't go to our</p> <p>3 publisher of 20 years, did Mr. Rudovsky in</p> <p>4 any way attempt to dissuade you, say in</p> <p>5 words or substance look, I got another</p> <p>6 work I am publishing there, I deal with</p> <p>7 these people, I have been dealing with</p> <p>8 them for 20 years, I should go to them</p> <p>9 before we send a lawyer's letter?</p> <p>10 A. I don't recall him discussing the</p> <p>11 fact that he had another publication with</p> <p>12 West as far as, you know, our discussion</p> <p>13 about whether to contact a lawyer or not.</p> <p>14 Q. Did he in any fashion attempt to</p> <p>15 dissuade you and say let me go to them</p> <p>16 first and talk to them first?</p> <p>17 A. I wouldn't say dissuade because we</p> <p>18 discussed it. In other words, after I</p> <p>19 raised, you know, that, after I raised it</p> <p>20 I said I think we should talk to a lawyer,</p> <p>21 have a lawyer write a letter.</p> <p>22 Q. What did he say?</p> <p>23 A. I don't recall his initial</p> <p>24 response. I do recall that after we</p>
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<p>1 A. Yes.</p> <p>2 Q. Have you discussed with Professor</p> <p>3 Rudovsky the other work or works that he</p> <p>4 has with West?</p> <p>5 A. No.</p> <p>6 Q. Has he ever told you one way or the</p> <p>7 other that he is very satisfied with the</p> <p>8 publication of the other work or works</p> <p>9 that he does with West?</p> <p>10 A. I don't believe so, I don't recall</p> <p>11 any conversations.</p> <p>12 Q. Do you know what the work is?</p> <p>13 A. Yes, it is the civil rights actions</p> <p>14 book, I don't remember the title of it,</p> <p>15 but I know of the book.</p> <p>16 Q. Are you familiar with it at all?</p> <p>17 A. The best answer is probably not</p> <p>18 really. I have looked at it a few times,</p> <p>19 but I am not really a civil rights action</p> <p>20 lawyer so it is -- I have only been</p> <p>21 involved with a couple of cases over the</p> <p>22 years, a few cases so.</p> <p>23 Q. In your discussions or discussion</p> <p>24 with Professor Rudovsky where you took the</p>	<p>1 discussed it, you know, we were in</p> <p>2 agreement, but I don't recall what was</p> <p>3 said back and forth after I proposed it.</p> <p>4 Q. Now, up to the point of speaking to</p> <p>5 your lawyers did you have any discussions</p> <p>6 with anyone else prior to the discussions</p> <p>7 with your lawyers about the quality of</p> <p>8 West Exhibit 2?</p> <p>9 A. With anybody else?</p> <p>10 Q. Anybody else.</p> <p>11 A. What springs to mind my wife.</p> <p>12 Q. That is fine, I think that is</p> <p>13 privileged so I won't ask you about it,</p> <p>14 but I assume you expressed your view, but</p> <p>15 anyone other than your wife?</p> <p>16 A. What was the question again,</p> <p>17 expressed my view about what?</p> <p>18 Q. Did you talk about your position on</p> <p>19 the quality of West Exhibit 2 with anyone</p> <p>20 other than we now know you talked about it</p> <p>21 with Professor Rudovsky and your wife,</p> <p>22 prior to going and discussing it with your</p> <p>23 lawyers?</p> <p>24 A. I would think that I mentioned it</p>

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<p>1 to some friends; in other words, not</p> <p>2 discussing about going to a lawyer, but</p> <p>3 just discussing about how I felt about</p> <p>4 what had been done, but I can't recall</p> <p>5 specifically when and, you know, which</p> <p>6 friends I discussed it with, but I am sure</p> <p>7 that I mentioned it to some friends</p> <p>8 because I was pretty upset about it so if</p> <p>9 somebody asks me how are you doing and I</p> <p>10 see a friend I am sure it came up in</p> <p>11 conversation with someone, but I can't</p> <p>12 tell you specifically who I talked to.</p> <p>13 Q. So your next specific recollection</p> <p>14 other than your discussion with Professor</p> <p>15 Rudovsky and your discussion which you</p> <p>16 testified about, and your discussion with</p> <p>17 your wife which I am not going to ask you</p> <p>18 about, actually I am not sure if it is</p> <p>19 privileged, but I am not going to ask you</p> <p>20 about it anyway, your next recollection of</p> <p>21 any discussion about the quality is with</p> <p>22 your lawyers; is that correct, that you</p> <p>23 can specifically recall?</p> <p>24 A. Specifically identify a person,</p>	<p>1 Q. Can you identify that document?</p> <p>2 A. This is the agreement that we</p> <p>3 signed in 1987 with West Publishing</p> <p>4 Company.</p> <p>5 Q. Did you have this document in your</p> <p>6 files?</p> <p>7 A. When?</p> <p>8 Q. Well, at any time after the</p> <p>9 commencement of this lawsuit. No, let me</p> <p>10 take that back. At the time that you</p> <p>11 first consulted with your attorneys in the</p> <p>12 matter.</p> <p>13 A. I don't recall now which agreements</p> <p>14 I personally had. I don't recall which</p> <p>15 agreements I personally had.</p> <p>16 Q. When is the last time you saw that</p> <p>17 document before today, if you recall?</p> <p>18 A. Last night.</p> <p>19 Q. Before last night when is the last</p> <p>20 time you saw it, if you recall?</p> <p>21 A. At some point after the action was</p> <p>22 filed. The reason I can't recall now is</p> <p>23 because I have copies, there was a 1987, a</p> <p>24 2000 and 2007, three agreements, which</p>
Page 55	Page 57
<p>1 yeah. The only reason I am hesitating is</p> <p>2 I am thinking of one friend I am pretty</p> <p>3 sure I mentioned it to him, he is a</p> <p>4 lawyer, so I can't specifically identify</p> <p>5 individuals.</p> <p>6 Q. The lawyer that you do recall</p> <p>7 discussing it with is either Mr. Bazelon</p> <p>8 or someone at Mr. Bazelon's firm; is that</p> <p>9 correct?</p> <p>10 A. Yes. I didn't talk to any lawyers</p> <p>11 before I talked to -- and the first person</p> <p>12 I talked to at some point was Mr. Bazelon,</p> <p>13 at some point.</p> <p>14 Q. I just want your best recollection</p> <p>15 of anybody you talked to before that, I</p> <p>16 think you have given it to me?</p> <p>17 A. Okay.</p> <p>18 Q. Let me have marked as West Exhibit</p> <p>19 4 a document entitled publishing</p> <p>20 agreement, and it is dated July 31, 1987.</p> <p>21 (Whereupon agreement was</p> <p>22 marked for identification as</p> <p>23 West-4.)</p> <p>24 BY MR. RITTINGER:</p>	<p>1 ones I personally had at home I can't</p> <p>2 recall right now.</p> <p>3 I know I had at least one of them;</p> <p>4 in other words, before we went to a lawyer</p> <p>5 I think we collectively talked about, you</p> <p>6 know, what we had, and I can't recall</p> <p>7 because I didn't have the -- I should</p> <p>8 have, it would have been a good idea, I</p> <p>9 didn't have a folder that just had</p> <p>10 everything ever existed with West. So the</p> <p>11 answer is I do not recall whether I had</p> <p>12 this personally prior to the lawsuit.</p> <p>13 Q. Well, let me try to do it this way,</p> <p>14 you mentioned three agreements?</p> <p>15 A. Right.</p> <p>16 Q. The '87 agreement?</p> <p>17 A. Right.</p> <p>18 Q. We will call it the 2000 agreement?</p> <p>19 A. Right.</p> <p>20 Q. And the 2007, the '07 agreement?</p> <p>21 A. Right.</p> <p>22 Q. Did you have any of those in your</p> <p>23 files?</p> <p>24 A. My best recollection I think I had</p>

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<p>1 material so that the consumers wouldn't be 2 in effect ripped off by paying separately 3 for two things that were essentially the 4 same. 5 I do remember there was some 6 concern about that so the purchasers would 7 know and only purchase one if, in fact, 8 the form book was going to contain the 9 forms that were already in what has been 10 marked as Exhibit 1. 11 So there was a concern for people 12 that would buy the book that there were 13 two volumes that they would be alerted not 14 to pay for two of them. 15 Q. You specifically recall having 16 those discussions and that concern at that 17 time? 18 A. This refreshes my recollection, 19 this Exhibit 12, that we did have a 20 discussion along those lines. 21 Q. Why don't we take a half hour. 22 (Whereupon a lunch recess was 23 taken.) 24 MR. RITTINGER: We had a</p>	<p>1 for 2006, 2007 and 2008? 2 A. 2006 I don't recall, but the last 3 three years probably in the range of total 4 income is probably in the range of 155, 5 160, something like that. 6 Q. Of that 155 to 160 I am not 7 interested in any unearned income, so if 8 we put that aside, can you tell me how 9 much of the 155 to 160 is earned income? 10 A. It is all earned almost entirely 11 from my teaching, and it might be less 12 than 155. My teaching I get 130,000 plus 13 basic salary, usually teach during the 14 summer, it is about another 12, so we are 15 talking 145, 150 total, around there, and 16 my outside income the last, at least I 17 know the last two, three years has been 5 18 to \$10,000, it has been very low the last 19 two, three years. I have had other years 20 where it is more, but, again, I don't know 21 2006 offhand, but I would say probably 22 2007 and 2008 less than \$10,000 outside 23 income. 24 Q. Is that just from private practice</p>
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<p>1 discussion off the record, and in 2 an attempt to limit questions 3 about lost revenues as a result of 4 any claim in here, correct me if I 5 am wrong, it is my understanding 6 that there will be no specific 7 claim made with respect to any 8 lost opportunity, revenue as a 9 result of lost opportunity, lost 10 jobs, lost teaching assignments, 11 anything like that, there will be 12 no specific evidence offered in 13 that regard, however, you will be 14 making a claim for presumed injury 15 to reputation, and you are not 16 waiving your claim with respect to 17 a presumption that the jury should 18 be able to presume that some 19 income has been lost. 20 MR. CHARLSON: I could not 21 have said that better myself. 22 BY MR. RITTINGER: 23 Q. Let me just ask you this, can you 24 tell me what your income was in general</p>	<p>1 revenue? 2 A. Yes, that would be from private 3 practice income. 4 Q. Just in general what kind of work 5 do you do? 6 A. I do mostly -- I do legal work on 7 the side, but it is mostly pro bono. So 8 the legal work that I am doing mostly 9 generates no income and occasionally I 10 will have somebody who is paying me a 11 greatly reduced fee, what they can afford 12 or once in a while a court appointment, so 13 we are talking generally about a few 14 thousand dollars except for unusual 15 occasion when I accept a case that 16 generates more money than that. 17 People contact me, they want to 18 hire me, and I don't take cases generally 19 for money, I take cases that I believe in 20 for whatever reason. 21 Q. Is it fair to say that you are not 22 attempting to generate income as a result 23 of private practice? 24 A. I think that would be fair. In</p>

<p style="text-align: center;">Page 154</p> <p>1 Q. Are you aware of any other --</p> <p>2 MR. CHARLSON: He is the client</p> <p>3 not a lawyer.</p> <p>4 MR. RITTINGER: Off the</p> <p>5 record.</p> <p>6 (Whereupon a discussion was</p> <p>7 held off the record.)</p> <p>8 BY MR. RITTINGER:</p> <p>9 Q. Do you recall having any</p> <p>10 discussions with Mr. Rudovsky about the</p> <p>11 matter or matters conveyed in Mr.</p> <p>12 Wierzbicki's e-mail?</p> <p>13 A. About us possibly doing another</p> <p>14 supplement, yes, I did talk to him.</p> <p>15 Q. All right, tell me what was said</p> <p>16 there?</p> <p>17 MR. CHARLSON: I just caution</p> <p>18 you to the extent that the</p> <p>19 conversation involved counsel or</p> <p>20 reflected advice of counsel or</p> <p>21 discussions with counsel it is</p> <p>22 privileged.</p> <p>23 THE WITNESS: We did not want</p> <p>24 to enter into discussions about</p>	<p style="text-align: center;">Page 156</p> <p>1 MR. CHARLSON: I am objecting,</p> <p>2 I am realizing something that this</p> <p>3 discussion was after --</p> <p>4 MR. RITTINGER: Don't tell me</p> <p>5 that is a confidential settlement</p> <p>6 discussion.</p> <p>7 MR. CHARLSON: This discussion</p> <p>8 was after the lawsuit was filed, I</p> <p>9 believe.</p> <p>10 MR. RITTINGER: No, it is</p> <p>11 after the letter was written, it</p> <p>12 is before the lawsuit was filed,</p> <p>13 absolutely.</p> <p>14 MR. CHARLSON: All right, then</p> <p>15 I stand corrected. You can answer</p> <p>16 the question, if you are able to.</p> <p>17 THE WITNESS: I don't recall</p> <p>18 the exact words of the</p> <p>19 conversation or whether I was the</p> <p>20 main impetus, but we concluded we</p> <p>21 at least didn't want to work on</p> <p>22 this.</p> <p>23 So as far as him working with</p> <p>24 West on something else, I don't</p>
<p style="text-align: center;">Page 155</p> <p>1 the possible preparation of</p> <p>2 another supplement by myself and</p> <p>3 Mr. Rudovsky on behalf of West.</p> <p>4 BY MR. RITTINGER:</p> <p>5 Q. Did you say why you didn't want to</p> <p>6 do that?</p> <p>7 A. Yes, we agreed that we had lost</p> <p>8 faith. We were very angry about what</p> <p>9 happened and didn't have the time first of</p> <p>10 all because at that point to even consider</p> <p>11 doing another supplement, and we didn't</p> <p>12 want to work with West anymore. We were</p> <p>13 outraged at what had happened and we did</p> <p>14 not want to work with West.</p> <p>15 Q. Professor Rudovsky, he is still</p> <p>16 working with West?</p> <p>17 A. He might be. At least as far as</p> <p>18 this project, I didn't talk to him about</p> <p>19 his other book.</p> <p>20 Q. I know you didn't. I want to focus</p> <p>21 in on this. We don't want to work with</p> <p>22 West anymore but Rudovsky is working with</p> <p>23 West, does that in any way change your</p> <p>24 recollection as to what was discussed?</p>	<p style="text-align: center;">Page 157</p> <p>1 remember that entering into our</p> <p>2 discussion about this.</p> <p>3 BY MR. RITTINGER:</p> <p>4 Q. So as far as you recall there were</p> <p>5 no words or substance to the effect, look,</p> <p>6 they are willing to talk to us to</p> <p>7 reconcile this, you know, we have been</p> <p>8 dealing with them for 20 years, I had some</p> <p>9 minor problems with them, but nothing like</p> <p>10 this, of course, but gee, I got this book</p> <p>11 out there that I have been doing for 20</p> <p>12 years it is really successful, sells a lot</p> <p>13 better than the book at issue here that I</p> <p>14 wrote with you, maybe we ought to give</p> <p>15 them a second chance, nothing like that</p> <p>16 that you can recall?</p> <p>17 MR. CHARLSON: Objection to</p> <p>18 form.</p> <p>19 BY MR. RITTINGER:</p> <p>20 Q. You can answer.</p> <p>21 MR. CHARLSON: You are</p> <p>22 hypothesizing the conversation.</p> <p>23 MR. RITTINGER: I am not</p> <p>24 hypothesizing, I am asking if</p>

<p style="text-align: center;">Page 210</p> <p>1 was your question, you said that 2 is not my question. 3 MR. RITTINGER: I already got 4 an answer to that question. Now I 5 want to know if anybody made that 6 offer to him or made him aware 7 that that offer had been made to 8 him and his co-plaintiff other 9 than in the content -- any time, 10 anybody made it to him, if he 11 doesn't remember it in this 12 letter, in this interrogatory 13 answer. 14 I don't think there is 15 anything privileged about it, and 16 I think the answer is no, he 17 doesn't know. 18 MR. CHARLSON: My objection 19 and instruction stands. You can 20 answer the question subject to 21 that. 22 THE WITNESS: I don't recall 23 whether or not I read this, which 24 I told you before, and I don't</p>	<p style="text-align: center;">Page 212</p> <p>1 MR. RITTINGER: I am talking 2 about West Exhibit 2. 3 BY MR. RITTINGER: 4 Q. It is fair to say that you are the 5 author of the majority, the overwhelming 6 majority of the content of West Exhibit 2? 7 MR. CHARLSON: Meaning Mr. 8 Sosnov and Mr. Rudovsky. 9 MR. RITTINGER: And Mr. 10 Rudovsky. 11 THE WITNESS: Yes. 12 BY MR. RITTINGER: 13 Q. Give me a second. Thank you very 14 much, I have no further questions. 15 (Witness excused.) 16 (Deposition concluded at 4:10 p.m.) 17 18 19 20 21 22 23 24</p>
<p style="text-align: center;">Page 211</p> <p>1 recall reading it in any other 2 document or somebody other than 3 counsel talking about it, I don't 4 even recall my counsel mentioning 5 it to me at this time. 6 BY MR. RITTINGER: 7 Q. Thank you, we got it out exactly 8 what I wanted. Let me ask you one more 9 question about it. Do you recall 10 discussing it with Mr. Rudovsky? 11 A. I don't recall either way at this 12 point. 13 Q. If you don't recall either way then 14 you don't recall discussing it with him. 15 A. I don't recall whether or not I 16 discussed it with him. 17 Q. Let me just take a two minute 18 break, I think I am done, let me check my 19 notes. I did think of one thing I want to 20 ask you. I am trying not to get into any 21 kind of a contentious discussion about the 22 contents of this, but it is fair to say -- 23 MR. CHARLSON: What is this, 24 please identify?</p>	<p style="text-align: center;">Page 213</p> <p>1 CERTIFICATION 2 3 I, Linda A. Ricciardi, hereby 4 certify that the foregoing is a true and 5 accurate transcript of the deposition of 6 LEONARD SOSNOV, who was first sworn by me 7 at the time, place and on the date herein 8 before set forth. 9 I further certify that I am 10 neither attorney nor counsel for, not 11 related to or employed by any of the 12 parties to the action in which this 13 deposition was taken; further, that I am 14 not a relative or employee of any attorney 15 or counsel employed in this case, nor am I 16 financially interested in this action. 17 18 19 20 21 22 Linda A. Ricciardi 23 Court Reporter and Notary 24 Public</p>

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C E R T I F I C A T E

I, the undersigned, LEONARD SOSNOV,
do hereby certify that I have read the
foregoing deposition, and that to the best
of my knowledge, recollection and belief,
said deposition is true and correct with
the exception of the following corrections
listed below.

PAGE	LINE	REASON
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SIGNATURE

DATE