

Exhibit A

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF WASHINGTON
3 AT SPOKANE

4 SARAH BRADBURN, PEARL)
5 CHERRINGTON, CHARLES)
6 HEINLEN, and THE SECOND)
7 AMENDMENT FOUNDATION,)

8 Plaintiffs,)

9 vs.)

10 NORTH CENTRAL REGIONAL)
11 LIBRARY DISTRICT,)

12 Defendant.)

No. CV-06-327-EFS

COPY

13 DEPOSITION UPON ORAL EXAMINATION OF
14 ALAN MERRIL GOTTLIEB

15 September 12, 2007
16 Seattle, Washington

17 Taken Before:

18 Cheryl L Hendricks, CCR #2274
19 Certified Court Reporter
20 of

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1 Q Okay. Did you use a computer terminal in any of those
2 libraries?

3 A I can't say with certainty if I did or did not.

4 Q Are you aware of any other SAF representatives using a
5 computer at an NCRL library branch?

6 A No, I am not.

7 Q Okay. In the fifth paragraph on the first page of
8 Exhibit 18 there is a quote that is attributed to you.
9 Do you see that?

10 A Yes.

11 Q And it says that, "we," meaning the SAF I presume,
12 "entered this lawsuit because citizens are being denied
13 access to our website and information about our
14 organization and publication. That clearly violates
15 both the First Amendment of the U.S. Constitution and
16 the Washington State Constitution."

17 Do you see where I'm reading?

18 A Yes.

19 Q Okay. How did you determine that citizens were being
20 denied access to the SAF website and information
21 available through it and its sister publications?

22 A People who called our office and I also believe may have
23 called our New York office as well because one of our
24 publications is actually published out of there.

25 Q So SAF has a New York office?

1 A Mm-hmm.

2 Q Yes?

3 A Yes.

4 Q Who are these people that put in the calls?

5 A I'm assuming that some of them may have been members and
6 contributors and some of them may have been citizens
7 doing research.

8 Q So the calls didn't come to you personally?

9 A No. Through the receptionist at the office and were
10 referred to people on staff.

11 Q What people on staff? I just want to know about the
12 chain of custody of the communication, if you will.

13 A I really don't know with certainty. All I know is I've
14 had people on staff come to me to complain about the
15 fact that, hey, we have this problem in Central
16 Washington, people can't get to our publication on their
17 website.

18 Q When did this occur?

19 A Well before the suit was filed. I can't with
20 certainty -- with all the things that I do, I can't with
21 certainty tell you when.

22 Q What did you do in response?

23 A At the time initially nothing directly because --
24 because we were also getting calls from people in other
25 states having similar problems with libraries as well.

1 And somewhere down the line some people on staff would
2 call certain libraries, and I don't know if anybody ever
3 called NCRL for sure or not, and/or checked with people
4 who called in with us, had them go back and try to get
5 the library system to unblock sites.

6 Q Does SAF know today whether NCRL has a policy and a
7 procedure for reviewing blocked sites that citizens
8 think should not be blocked?

9 A Today, no, I do not.

10 Q Do you know if they've --

11 A I do not.

12 Q well, you're here as the designee --

13 A Yeah, so --

14 Q -- for SAF, so I ask it in that form.

15 A To my knowledge, no.

16 Q Okay. Does SAF know if a policy such as I just
17 described has ever been in place?

18 A Describe that policy again.

19 Q A policy pursuant to which a citizen, a user of a
20 library branch might say a website has been blocked that
21 I think it should be unblocked, would you review it.

22 A I guess we wouldn't know of a policy. We know of people
23 that have -- have -- has tried -- tried to get the
24 library to unblock it and were not successful. I don't
25 know if that means a policy or not.

1 Q Okay. Somebody tried to get a web -- the SAF website
2 unblocked or Women & Guns unblocked?

3 A It's my understanding that we've had people try to get
4 Women & -- people have tried to get the Women & Guns
5 website unblocked and they were told no.

6 Q Okay. Who were those people?

7 A I don't know at this juncture. It was, again, well
8 before the lawsuit was actually filed.

9 Q Okay. Do you know any of the other plaintiffs in this
10 lawsuit?

11 A No.

12 Q Okay. Have you ever spoken to any of these plaintiffs
13 at all?

14 A Not to my knowledge.

15 Q Okay.

16 A If people call on the telephone, I mean, you know, I
17 don't pay attention to everybody's name whose telephone
18 call I take. But to my knowledge I do not know any of
19 these people.

20 Q Does the SAF agree that not all speech is
21 constitutionally protected?

22 A Well, you say SAF. SAF doesn't have a position on all
23 speech. We deal with one issue, the right to keep and
24 bear arms. If you want my own personal opinion I can
25 give you that.

1 Q (By Mr. Adams) womenandguns.com is the only website in
2 the Complaint that you're making a claim about, though;
3 is that right?

4 A Yes. But I'm not sure. But I think we're also making
5 the -- the complaint, so to speak, that -- that our
6 members -- correct me if I'm wrong because I haven't
7 looked at the Complaint lately, but we may be making
8 complaint as well or in there that -- that our members,
9 supporters, gun enthusiasts in general and we were
10 presenting -- representing them as part of us.

11 THE WITNESS: Or are we or no? We had talked
12 about that.

13 MR. CAPLAN: Well, I'm not -- I'm not the one
14 testifying, so we can talk about that later.

15 A Okay. So, I mean, you know, I mean, our concern is that
16 gun owners in general can access gun-related websites.
17 One of them happens to be ours directly. But we'd be --
18 we're concerned about the others as well.

19 Q (By Mr. Adams) Okay. And it is those others that I'm
20 really trying to pinpoint. What others are out there as
21 just examples?

22 A Well, it -- I'm just -- you know, if Women & Guns are
23 blocked, it's our understanding that the word "guns" is
24 what was blocking it, not "women." That would mean that
25 other publications, like Gun World, you know, or Gun

1 Digest could be being blocked also.

2 Q (By Mr. Adams) That was a presumption?

3 A Yeah. It's one of our concerns.

4 Q Was it ever tested?

5 A No, we don't -- it -- it was not tested, to -- to my
6 knowledge. However, from people who called in our
7 office and made complaints, we had the general feeling
8 there were other things with the word "gun" being
9 blocked, but again, they weren't our publications.

10 Q would you agree that if womenandguns.com is not being
11 blocked today, you have no publications being blocked,
12 to the best of your knowledge?

13 A Today?

14 Q Today.

15 A If you tell me that, yeah, that would be the case.

16 Q Okay. And the same would be true as of the date the
17 lawsuit was filed, if womenandguns.com was not being
18 blocked as of that date, then as of that date you had no
19 websites that were being -- to which access was being
20 denied?

21 A At that date. But obviously, access was denied prior to
22 that, for sure.

23 Q You believe.

24 A We believe.

25 Q You were told.

1 A Mm-hmm.

2 Q You did not check?

3 A Personally I did not check.

4 Q Nor do you know of anyone within SAF's staff that
5 checked.

6 A I believe legal counsel checked and that would represent
7 us.

8 Q When you say legal counsel, are you referring to ACLU
9 counsel?

10 A I -- I'm not sure if it's ACLU or Manville.

11 Q Counsel in this case.

12 A Counsel.

13 Q Counsel of record representing plaintiffs.

14 A Counsel of record, correct.

15 MR. ADAMS: All right, Mr. Gottlieb. Thank you
16 for your time. That's all I have.

17 MR. CAPLAN: I have no questions.

18 (Concluded at 11:53 a.m.)

19 (Signature reserved.)

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C E R T I F I C A T E

I, CHERYL L. HENDRICKS, a duly authorized Court Reporter and Notary Public in and for the State of Washington, residing at Olympia, do hereby certify;

That the foregoing deposition of Alan Merrill Gottlieb was taken before me on September 12, 2007, and thereafter transcribed to the best of my ability by means of computer-aided transcription; that the deposition is a full, true, and complete transcript of the testimony of said witness;

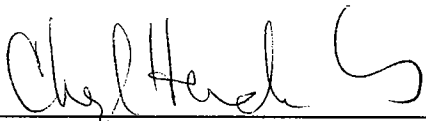
That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and the witness reserved signature;

That I am not a relative, employee, attorney, or counsel of any party to this action, or relative or employee of any such attorney or counsel, and I am not financially interested in said action or outcome thereof;

That upon completion of signature, if required, I shall herewith securely seal the original transcript and serve same upon Thomas D. Adams, counsel for the Defendants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 1st day of October, 2007.




Cheryl L. Hendricks,
CCR NO. 2274

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