

Patrick T. Bolen

Vol. 1

04/12/2006

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLORADO
3 Honorable Marcia S. Krieger
4

5 CAVITAT MEDICAL TECHNOLOGIES,)
INC.,)
6)
Plaintiff,)
7)
v.) No. 04-cv-01849-MSK-MEH
8)
AETNA, INC.,)
9)
Defendant.)
10 _____)

11
12 Deposition of PATRICK TIMOTHY BOLEN
13 taken on behalf of the Defendant
14 at 601 South Figueroa Street, 37th Floor,
15 Los Angeles, California on Wednesday,
16 April 12, 2006 at 10:00 a.m. before
17 Roya Sklar, Certified Shorthand Reporter
18 No. 11233.
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1 LOS ANGELES, CALIFORNIA;

2 WEDNESDAY; APRIL 12, 2006; 10:00 A.M.

3

4 THE VIDEOGRAPHER: Good morning. My name is
5 Lindsay Bates. I'm a certified legal video
6 specialist here today from Barkley Court Reporters.

7 Barkley Court Reporters is located at 1875
8 Century Park East, Suite 1300 in Los Angeles,
9 California.

10 Today is April 12, 2006. The time is
11 10:05 a.m. We are located today at 601 South
12 Figueroa Street on the 37th floor in Los Angeles,
13 California.

14 This deposition of Mr. Timothy Bolen is
15 being taken today on behalf of the defendant in the
16 case captioned Cavitat Medical Technologies, Inc.
17 versus Aetna Inc., et al., case number
18 04-CV-01849-MSK-MEH.

19 Will counsel for the parties please
20 identify themselves now for the record.

21 MR. SHELY: My name is John Shely with Andrews
22 Kurth. I represent Aetna, Inc. in this matter.

23 MR. NEGRETE: Carlos Negrete on behalf of
24 Cavitat Medical Technologies and Mr. Timothy Bolen.

25 THE VIDEOGRAPHER: Thank you. The court

1 reporter will now swear in the witness.

2

3

TIMOTHY BOLEN,

4

deponent, was sworn, examined,

5

and testified as follows:

6

7

THE REPORTER: You do solemnly state that the

8

evidence you shall give in this matter shall be the

9

truth, the whole truth, and nothing but the truth, so

10

help you God?

11

THE WITNESS: I do.

12

13

EXAMINATION

14

15

Q BY MR. SHELY: Is your name

16

Patrick Timothy Bolen?

17

A Yes.

18

Q What date were you born, sir?

19

A August 13, 1943.

20

Q State where you were born, sir.

21

A Michigan.

22

Q Where in Michigan, sir?

23

A Detroit area.

24

Q Do you have a high school degree, sir?

25

A Yes.

1 Q What year did you obtain that and from what
2 school?

3 A 1961 Rockford High School.

4 Q What was the high school, sir?

5 A Rockford.

6 Q Is that in the Detroit area?

7 A No.

8 Q Where is Rockford High School?

9 A Grand Rapids area.

10 Q Did you graduate from college, sir?

11 A No.

12 Q Did you attend any college, sir?

13 A Yes.

14 Q Where did you attend?

15 A Los Angeles area.

16 Q What school, sir?

17 A Community colleges. Four or five.

18 Q Do you remember the names of any of the
19 four or five community colleges that you attended?

20 A Cerritos, Antelope Valley, Saddleback. I
21 can't remember the others. There might have been
22 only four.

23 Q Over what period of time did you attend
24 these community colleges that you're referencing in
25 your answer?

1 A Probably over a period of 15 years.

2 Q When did you first attend community
3 college?

4 A Probably 1963.

5 Q How many total hours of college credits did
6 you obtain, sir, at the community colleges that you
7 referenced?

8 A Probably as I recall enough to get a degree
9 but not formally.

10 Q What does that mean?

11 A I had enough units to get a degree.

12 Q What were you studying, sir?

13 A Whatever interest me at the time.

14 Q What was that?

15 A I don't recall.

16 Q You don't recall anything that you studied
17 in college?

18 A Sure, but no particular -- I started out
19 with some math major and changed it to business I
20 think, and then I continued with business and --
21 mostly business.

22 Q Where do you live, sir?

23 A My official address is 31103 Rancho Viejo
24 Road, No. 2131 San Juan Capistrano, California.

25 Q I didn't ask you your official address.

1 I'd like to know where you live. Where is your
2 residence?

3 MR. NEGRETE: Objection. Invades privacy
4 relevance.

5 Go ahead.

6 THE WITNESS: Hot Springs Canyon, No. 26.

7 Q BY MR. SHELY: Where is Hot
8 Springs Canyon, No. 26, sir?

9 A In Orange County unincorporated.

10 Q Do you live in the Cleveland National
11 Forest?

12 A Yes.

13 Q Is Hot Springs Canyon, No. 26 in Orange
14 County your primary place of residence?

15 A I don't know what that means.

16 Q Do you have any other residences, sir,
17 other than Hot Springs Canyon, No. 26, Orange County?

18 A No, I don't.

19 Q So Hot Springs Canyon, No. 26 in Orange
20 County is your only residence. Is that correct?

21 MR. NEGRETE: Objection. Asked and answered.

22 THE WITNESS: Yes, I believe so.

23 Q BY MR. SHELY: Now, the address
24 that you gave me as your quote official address
25 closed quote on Rancho Viejo Road -- that's just a

1 post office drop box. Is that right?

2 A It's a private postal box, yes.

3 Q And which address do you have on your
4 California driver's license if you have one?

5 A That address.

6 Q Which one, sir?

7 A Rancho Viejo Road.

8 Q How long have you lived at Hot Springs
9 Canyon, No. 26 in Orange County?

10 A Seven or eight years.

11 Q Do you remember when you moved in, sir?

12 A Not exactly, no.

13 Q Do you remember the year in which you moved
14 into your residence at Hot Springs Canyon, No. 26?

15 A No, I don't offhand.

16 Q Did you -- can you explain for the jury
17 where Hot Springs Canyon, No. 26 in Orange County is?

18 MR. NEGRETE: Objection. Vague and ambiguous.

19 Q BY MR. SHELY: Well, describe for
20 the members of the jury here in Colorado, sir, where
21 that is in California.

22 A It's in Orange County.

23 MR. NEGRETE: Objection. He gave you the
24 address.

25 Q BY MR. SHELY: Where is that

1 located in the state, sir? You don't want to tell
2 the jury that?

3 A Well, it's in Orange County, California.

4 Q And where did you live before you lived in
5 Cleveland National Forest?

6 A I lived at 25101 Armagosa Drive, Laguna
7 Niguel.

8 Q And how long did you live there, sir?

9 A 20 some years.

10 Q I'm sorry?

11 A 20 some years.

12 Q Did you lose that house in a foreclosure
13 sale?

14 MR. NEGRETE: Objection. Relevance. Assumes
15 facts not in evidence.

16 Q BY MR. SHELY: I'm just asking
17 you, sir, did you --

18 A Yes, I did.

19 Q What year was that, sir?

20 A I don't recall.

21 MR. NEGRETE: Objection. Relevance. Excuse me,
22 Tim. When I make an objection, please pause a minute
23 so I can complete the record.

24 THE WITNESS: Okay.

25 MR. NEGRETE: Move to strike the answer as being

1 subject to an objection.

2 MR. SHELY: Please don't waste our time with
3 your motions. You can make those in due course with
4 the court.

5 MR. NEGRETE: Mr. Shely, please don't waste our
6 time with your irrelevant questions and we can take
7 that up with the court also.

8 MR. SHELY: That will be just fine, Mr. Negrete.

9 Q Where did you live before you lived at 2511
10 Armagosa Drive, sir?

11 MR. NEGRETE: Objection. Relevance.

12 THE WITNESS: Henderson, Nevada.

13 Q BY MR. SHELY: What was your
14 address in Henderson Nevada?

15 A I don't remember.

16 Q How long did you live there, sir?

17 A Three years.

18 Q I want to go back, sir, and ask you when
19 you got out of high school did you get a job or did
20 you go straight to community college?

21 MR. NEGRETE: Objection. Relevance.

22 THE WITNESS: I want in the Navy.

23 Q BY MR. SHELY: And for what period
24 of time were you in the Navy?

25 A Six years total service.

1 Q What does that mean total service? Is that
2 continuous or over periods of time?

3 A Two years of active duty and four years of
4 reserve.

5 Q What period of time were you on active
6 duty?

7 A Immediately after graduation two years.

8 Q And where did you serve, sir?

9 A On the east coast.

10 Q East coast of the United States. Correct?

11 A Yes.

12 Q You didn't go to Vietnam. Is that correct?

13 A Almost.

14 Q So it's correct you didn't go?

15 A No, I did not.

16 Q And did you get an honorable discharge from
17 the Navy?

18 A Yes.

19 Q Have you ever been convicted of a crime?

20 A No.

21 Q Have you ever been arrested?

22 MR. NEGRETE: Objection. Improper question.
23 Relevance.

24 THE WITNESS: I don't think so.

25 Q BY MR. SHELY: You don't remember

1 for sure whether or not you've been arrested?

2 A I don't think I've ever been arrested, no.

3 Q As you sit here today, you can't tell me
4 for sure whether or not you've been arrested in your
5 life before. Is that what you're saying?

6 MR. NEGRETE: Objection. Relevance.

7 Q BY MR. SHELY: When were you
8 arrested, sir?

9 MR. NEGRETE: Objection. Assumes facts not in
10 evidence. The deponent did not testify that he was
11 arrested. The question lacks any foundation.

12 Q BY MR. SHELY: Mr. Bolen, have you
13 ever been arrested in your life?

14 A Not that I know of.

15 Q What base did you serve at on the east
16 coast when you were in the Navy?

17 A Could you speak up a little bit?

18 Q Certainly. What base did you serve at when
19 you were on the east coast in the Navy?

20 A There's no particular base. The Navy moves
21 you around.

22 Q Do you remember what state you were based
23 in?

24 A There were several.

25 Q Do you remember them?

1 A First Anacostia which is Virginia, I
2 believe; and then New Orleans which is Louisiana;
3 then Norfolk, Virginia; then Newport, Rhode Island.

4 Q What was your rank in the Navy, sir?

5 A Different ranks. Started out -- I started
6 out of course in basic.

7 Q And what other ranks did you have?

8 A I left as a boatswan's mate third class.

9 Q Have you ever used a name other than
10 Patrick Timothy Bolen?

11 A I go by Tim Bolen.

12 Q Have you ever used any alias?

13 A No.

14 Q Are you married, sir?

15 A Yes.

16 Q Do you have any children?

17 A Yes.

18 Q How many children do you have?

19 A One.

20 Q Is your -- you have a daughter. Is that
21 correct?

22 A That's correct.

23 Q Is your daughter involved with your
24 business with JuriMed --

25 A No.

1 Q -- in any respect?

2 A No.

3 Q Is it correct, sir, that you've never had
4 any medical training or education? Is that right?

5 MR. NEGRETE: Objection. Relevance.

6 THE WITNESS: Could you define medical training
7 or education?

8 Q BY MR. SHELY: Have you ever had
9 any training in medicine, sir?

10 MR. NEGRETE: Objection. Relevance.

11 THE WITNESS: You mean like a medical degree?

12 Q BY MR. SHELY: Yes, sir. Do you
13 have a medical degree?

14 A No, of course not.

15 Q Have you ever had any education in seeking
16 a medical degree?

17 MR. NEGRETE: Objection. Relevance.

18 THE WITNESS: No.

19 Q BY MR. SHELY: You don't have a
20 law license either, do you, sir?

21 A Oh, no, no.

22 Q And you don't have any expertise in medical
23 devices. Is that correct?

24 MR. NEGRETE: Objection. Relevance. Calls for
25 a legal conclusion. Lacking in foundation. Calls

1 for expert testimony.

2 THE WITNESS: Could you ask the question again?

3 MR. SHELY: Court reporter, would you read it
4 back to him, please.

5 (RECORD READ)

6 THE WITNESS: That's correct.

7 Q BY MR. SHELY: Do you have any --
8 strike that.

9 Other than the classes that you testified
10 that you went to in community college over a period
11 of 15 years, do you have any other educational
12 background, sir?

13 MR. NEGRETE: Well, objection to the question as
14 to the form of the question. Overbroad.

15 THE WITNESS: Are you asking for formal
16 education?

17 Q BY MR. SHELY: However you would
18 define it, sir.

19 A I would prefer you define it.

20 Q I want to start with what you understand to
21 be formal education and then tell me anything that
22 you understand to be informal education.

23 MR. NEGRETE: Objection the question is vague
24 and ambiguous.

25 THE WITNESS: I don't see how I can answer that.

1 You're asking me for a definition.

2 MR. SHELY: Didn't you just tell me you wanted
3 to know whether it was formal education? Weren't
4 those your words, sir?

5 MR. NEGRETE: Objection. Argumentative.
6 Mischaracterizes testimony.

7 MR. SHELY: Please stay out of it. Do not
8 obstruct the deposition. You're already on watch for
9 this, Mr. Negrete. I'm not going to have you waste
10 time today. You can make your objection and then be
11 through with it.

12 MR. NEGRETE: Counsel this is a trial
13 deposition.

14 MR. SHELY: I'm aware of that, sir.

15 MR. NEGRETE: I can state my objection.

16 MR. SHELY: Then you do so at the risk of the
17 court's ruling on this, sir.

18 MR. NEGRETE: The court will rule.

19 Now, Mr. Shely, your questions are
20 improper. If you ask proper questions, then I won't
21 object. Please don't waste the time of the deponent.

22 Q BY MR. NEGRETE: Describe for me,
23 sir, any other educational background that you have
24 other than what you've already testified to in this
25 deposition.

1 A You need to define for me, Mr. Shely, what
2 you mean by educational. Can you be a little more
3 specific?

4 Q Have you ever been to any other classes
5 other than what you've described?

6 A Of course. Seminars.

7 Q Have you ever been to any other college
8 courses other than what you've described?

9 A Well, over 15 years I've continuously kept
10 up my education.

11 Q What do you mean by that?

12 A Well, I like to keep up on what's
13 happening. If something interests me at the time, I
14 take a course in it.

15 Q Tell me what you kept up with over those 15
16 years.

17 MR. NEGRETE: Objection. Vague and ambiguous.
18 Overbroad.

19 Q BY MR. SHELY: You can't come up
20 with anything that interested you over 15 years?

21 A You're talking 30 years ago, 35 years ago.
22 I'm sorry. 35 years ago.

23 Q You don't have any -- you don't have any
24 degree other than a high school degree, sir?

25 A That's correct, yes.

1 Q Do you have any licenses other than a
2 regular driver's license?

3 A I can't think of any, no.

4 Q Have you ever had any licenses other than a
5 driver's license?

6 A Hunting license. Whatever.

7 Q Nothing else that you can think of?

8 A I can't think of anything.

9 Q Now, I understand that you graduated from
10 high school, went into the Navy for two years. What
11 did you do after that, sir, in terms of making a
12 living?

13 A I came out of the Navy and started back
14 into community college and got a job.

15 Q When you were in the Navy, were you the
16 subject of any disciplinary proceeding?

17 MR. NEGRETE: Objection. Relevance.

18 THE WITNESS: No.

19 Q BY MR. SHELY: And after you went
20 to community college after you were in the Navy,
21 what did you do after that.

22 MR. NEGRETE: Objection. The question is
23 overbroad.

24 THE WITNESS: I already answered that question,
25 Mr. Shely.

1 Q BY MR. SHELY: Let me try to
2 rephrase it for you then, sir.

3 As I understand it, you were in the Navy
4 and then you went to community college after you got
5 out of the Navy. Is that correct?

6 A Yes.

7 Q How long did you go to community college?

8 A I told you over 15 years I went on and off.

9 Q And what else were you doing to make a
10 living, sir, if anything?

11 A I was working and going to college part
12 time.

13 Q What I'm getting at is what were you doing
14 when you were working.

15 A My first -- I think I worked in a gas
16 station for a while. I took painting jobs. Then I
17 got a job with a moving and storage company, and then
18 I went to work for the Orange County Sheriff's
19 Department.

20 Q What year did you go to work for the Orange
21 County Sheriff's Department?

22 A The year after the Watts Riot. What year
23 was that? I don't remember.

24 Q Now, when you worked at the gas station and
25 the painting job and the moving and storage, was that

1 in California or a different state?

2 A California.

3 Q What specific city, sir?

4 A Lancaster.

5 Q And did you work for a company with respect
6 to your painting job? Do you remember the name of
7 it?

8 MR. NEGRETE: Objection. Compound.

9 THE WITNESS: I worked for a guy that owned
10 houses.

11 Q BY MR. SHELY: What was his name?

12 A Jerry Kip.

13 Q Were you fired from that job?

14 MR. NEGRETE: Objection. Relevance.

15 THE WITNESS: No.

16 Q BY MR. SHELY: Have you ever been
17 fired from a job?

18 MR. NEGRETE: Objection. Relevance.

19 THE WITNESS: Yes.

20 Q BY MR. SHELY: How many jobs have
21 you been fired from, sir?

22 A One.

23 MR. NEGRETE: Objection. Relevance.

24 Q BY MR. SHELY: Which one have you
25 been fired from, sir?

1 A Southern California Edison Company.

2 MR. NEGRETE: Objection. Relevance. Move to
3 strike.

4 Q BY MR. SHELY: Now, how long did
5 you work for the Orange County Sheriff's Department,
6 sir?

7 A Less than a year. I'm not sure. Right
8 around a year. Somewhere in there.

9 Q And were you subject to a disciplinary
10 proceeding when you worked for the Orange County
11 Sheriff's Department?

12 MR. NEGRETE: Objection. Relevance.

13 Q BY MR. SHELY: Yes or no, sir?

14 A No.

15 Q Why did you leave the Orange County
16 Sheriff's Department?

17 A It wasn't what I thought it was going to.

18 Q What did you think it was going to be?

19 MR. NEGRETE: Objection. Relevance.

20 THE WITNESS: I had been led to believe it was a
21 more friendlier atmosphere and it wasn't.

22 Q BY MR. SHELY: What was your
23 position at the Orange County Sheriff's Department,
24 sir?

25 A Deputy Sheriff.

1 Q And you left that position voluntarily it's
2 your testimony?

3 A Yes.

4 Q Where did you go after the Orange County
5 Sheriff's Department?

6 A Southern California Edison Company.

7 Q And where were you based when you worked
8 for Southern California Edison Company?

9 A Quite a few places. I moved a lot.

10 Q Well, how long did you work for Southern
11 California Edison Company?

12 A Over 21, 22 years.

13 Q What was -- do you remember the year that
14 you started at Southern California Edison Company?

15 A '66.

16 Q What was your position or job at Southern
17 California Edison Company?

18 MR. NEGRETE: Objection. Relevance.

19 THE WITNESS: Primarily I was in power system
20 operation.

21 Q BY MR. SHELY: Explain to the jury
22 what power system operation is.

23 A It's a crisis management in the power
24 industry.

25 Q What is crisis management in the power --

1 tell me again. Crisis management what, sir?

2 A In the power industry.

3 Q What is crisis management in the power
4 industry? What do you mean by that?

5 A Perhaps a frame of reference would be -- do
6 you remember the north east power blackout on the
7 north east when everything went down at one time?
8 The power system operators were the people fixing
9 that. That's what they do. It's a 24 -- power
10 system is a 24 hour a day operation, and it requires
11 people with certain kinds of skills to deal with high
12 stress on the job.

13 Q What was the title of your job with
14 Southern California Edison Company or jobs if you
15 remember more than one?

16 A Power system operator.

17 Q Who was your supervisor during your time
18 there?

19 A Many different.

20 Q Who was your last supervisor at Southern
21 California Edison Company?

22 A Somebody not for very long. I don't
23 remember.

24 Q Do you own any guns, sir?

25 MR. NEGRETE: Objection. Relevance.

1 THE WITNESS: Yes.

2 Q BY MR. SHELY: How many guns do
3 you own?

4 MR. NEGRETE: Objection. Relevance.

5 THE WITNESS: I don't know. Five or six.

6 Q BY MR. SHELY: And do you
7 understand there's a requirement to have those
8 licensed with the state of California?

9 MR. NEGRETE: Objection. Calls for expert
10 testimony. Relevance.

11 THE WITNESS: Yes.

12 Q BY MR. SHELY: And do you have
13 them licensed, sir.

14 MR. NEGRETE: Objection. Relevance.

15 THE WITNESS: You're incorrect. Guns are not
16 required to be licensed.

17 Q BY MR. SHELY: So your guns are
18 not licensed with the state of California?

19 MR. NEGRETE: Objection. Assumes facts not in
20 evidence. Calls for a legal conclusion.
21 Mischaracterizes testimony. Improper question.

22 THE WITNESS: There is no licensing requirement
23 for guns in California.

24 Q BY MR. SHELY: And I'm just asking
25 you, sir, are your guns registered or licensed with

1 anybody?

2 MR. NEGRETE: Objection. Compound. Relevance.

3 THE WITNESS: Registered is the appropriate
4 word. Licensing is incorrect.

5 MR. SHELY: Okay.

6 THE WITNESS: All of any guns that I have that
7 are required to be registered are.

8 Q BY MR. SHELY: What do you mean by
9 that?

10 MR. NEGRETE: Objection. Relevance.

11 Q BY MR. SHELY: Where are your guns
12 that are registered? Which ones and where are they
13 registered?

14 MR. NEGRETE: Objection. Relevance. Compound
15 question. Improper question.

16 Q BY MR. SHELY: Mr. Bolen, do you
17 have some of your guns registered? Yes or no?

18 MR. NEGRETE: Objection. Question has been
19 asked and answered.

20 MR. SHELY: You keep interrupting him,
21 Mr. Negrete.

22 MR. NEGRETE: I'm not interrupting him,
23 Mr. Shely. Mr. Shely, stop interrupting me.

24 Q BY MR. SHELY: The answer is yes?

25 A Where are we?

1 Q The question is, sir, are any of the guns
2 that you own registered?

3 A Yes. I already answered that.

4 Q And where are the guns that you own that
5 are registered who are they registered with?

6 A Right this minute?

7 MR. NEGRETE: Objection. Compound question.

8 Q BY MR. SHELY: What state?

9 A California.

10 Q And what guns -- what type of guns do you
11 have that are registered with the state of
12 California?

13 MR. NEGRETE: Objection. Relevance.

14 Q BY MR. SHELY: You can go ahead
15 and answer, sir.

16 A Hand guns are required to be registered.

17 Q And do you have handguns, sir?

18 MR. NEGRETE: Objection. Relevance.

19 THE WITNESS: Yes, I do.

20 Q BY MR. SHELY: How many handguns
21 do you own?

22 MR. NEGRETE: Objection. Relevance.

23 THE WITNESS: I think three.

24 Q BY MR. SHELY: And are those three
25 handguns registered with the state of California?

1 MR. NEGRETE: I'm going to object to the
2 question and ask the court that this line of
3 questioning stop because it's not relevant nor is it
4 calculated to lead to relevant evidence with respect
5 to the deponent. It is not germane to any of the
6 issues in the case.

7 MR. SHELY: Well, we disagree with you,
8 Mr. Negrete. I know you're fairly recent to the
9 case. It is relevant to the case. You can certainly
10 make that argument down the line, but do not object
11 and obstruct the deposition.

12 MR. NEGRETE: Mr. Shely, I'd like to point out
13 to you that the counter claim in this case has been
14 dismissed. The affirmative defenses in Aetna's
15 answer is the subject of a motion. There is no
16 relevance to this line of questioning.

17 MR. SHELY: The difference is you don't get to
18 make that ruling. The judge does. So make your
19 relevance objection and stop and do not obstruct the
20 deposition.

21 MR. NEGRETE: Mr. Shely, you can make a record
22 and I ask the court --

23 MR. SHELY: You're making your own record right
24 now, sir.

25 MR. NEGRETE: Mr. Shely, please don't interrupt

1 me because this is a trial deposition I would assume.

2 MR. SHELY: It hasn't changed since the last
3 time you told me that. I'm aware of that, sir.

4 MR. NEGRETE: Mr. Shely, please, for the jury so
5 that they are not confused. I can have an ongoing
6 relevance objection with respect to the whole line of
7 questioning as to Mr. Bolen because this deposition
8 was scheduled prior to the dismissal of the counter
9 claim.

10 Since the dismissal of the counter claim,
11 this whole deposition is not relevant particularly
12 the line of questions that you have with Mr. Bolen
13 they're not at all relevant to any of the issues that
14 are germane to this case.

15 MR. SHELY: We disagree with your analysis.

16 Q And so, Mr. Bolen, I ask you -- let me ask
17 you this: What address did you put down when you
18 registered the three handguns in the state of
19 California?

20 MR. NEGRETE: Objection. Relevance.

21 THE WITNESS: Mr. Shely, you don't do your
22 research correctly. You don't register guns in the
23 state of California.

24 Q BY MR. SHELY: Where do you
25 register them, sir?

1 A The county in which you reside.

2 Q And so you've registered your guns in
3 Orange County?

4 MR. NEGRETE: Objection. Relevance.

5 THE WITNESS: I can't recall. I really don't.
6 It's been a long time since I bought a gun.

7 Q BY MR. SHELY: All I'm asking,
8 sir, is what county are your handguns registered in.

9 MR. NEGRETE: Objection. Relevance.

10 THE WITNESS: I know one is registered in Orange
11 County. I don't know where the others are.

12 Q BY MR. SHELY: And with respect to
13 the one that is registered in Orange County, what
14 address did you put down on the registration?

15 A I don't recall.

16 Q Did you put down the 31103 Rancho Viejo
17 Road 2131 address, sir, rather than where you live?

18 MR. NEGRETE: Objection. Relevance.

19 Tim, please wait until I've finished my
20 objection and then you can answer.

21 THE WITNESS: I've already answered your
22 question.

23 MR. SHELY: Okay.

24 THE WITNESS: You want to ask it again? I'll
25 try to answer it again.

1 MR. SHELY: Go ahead and read back the question,
2 please.

3 (RECORD READ)

4 MR. NEGRETE: Objection. The question is
5 argumentative. Relevance.

6 Q BY MR. SHELY: You can answer now,
7 sir.

8 A I have no idea. I don't recall. It's been
9 a long time since I bought a gun. I don't remember
10 where.

11 Q Have you ever been treated for a mental
12 nervous condition?

13 MR. NEGRETE: Objection. Relevance.

14 THE WITNESS: Yes.

15 Q BY MR. SHELY: When was that, sir?

16 MR. NEGRETE: Objection. Relevance. Invades
17 client's privacy -- excuse me. It invades the
18 deponent's privacy.

19 THE WITNESS: 1989.

20 Q BY MR. SHELY: Were you
21 hospitalized for that condition, sir?

22 MR. NEGRETE: Objection. Relevance.

23 THE WITNESS: I think so. I ended up in cardiac
24 care.

25 Q BY MR. SHELY: Describe for me,

1 sir, the mental nervous condition that you were
2 treated for in 1989.

3 MR. NEGRETE: Objection. Calls for expert
4 testimony. Also relevance.

5 THE WITNESS: Stress, stress related.

6 Q BY MR. SHELY: Did you have a
7 nervous breakdown, sir?

8 MR. NEGRETE: Objection. Relevance. Calls for
9 expert testimony.

10 THE WITNESS: I don't know what that is.

11 Q BY MR. SHELY: Have you ever heard
12 anyone say that they had a nervous breakdown?

13 MR. NEGRETE: Objection. Hearsay. Relevance.

14 Q BY MR. SHELY: Okay. Mr. Bolen.

15 A Yes.

16 Q In 1989 when you say you were under stress,
17 did you have a nervous breakdown?

18 MR. NEGRETE: Objection. Relevance.

19 THE WITNESS: I don't know what that is.

20 Q BY MR. SHELY: So you can't tell
21 the jury whether or not you had a nervous breakdown
22 in 1989?

23 MR. NEGRETE: Objection. Argumentative.

24 Q BY MR. SHELY: Is that correct?

25 MR. NEGRETE: Harassing the witness. Relevance.

1 Q BY MR. SHELY: Is that correct?

2 A I've already answered you. I don't know
3 what a nervous breakdown is. I've heard that term in
4 the movies and I don't know what it is.

5 Q All right, sir. How would you describe
6 what you were treated for in 1989?

7 MR. NEGRETE: Objection. Relevance.

8 THE WITNESS: Stress.

9 Q BY MR. SHELY: Stress. What was
10 causing you the stress, sir?

11 MR. NEGRETE: Objection. Relevance. Calls for
12 speculation.

13 Q BY MR. SHELY: Do you need to
14 speculate, sir, as to what was causing you stress or
15 can you answer that question?

16 MR. NEGRETE: Objection. Argumentative.

17 THE WITNESS: The -- yes. The rotating shifts.

18 Q BY MR. SHELY: Rotating shifts you
19 mean when you were working at Southern California
20 Edison Company?

21 A Yes.

22 Q What hospital were you admitted to for that
23 condition, sir?

24 MR. NEGRETE: Objection. Relevance.

25 THE WITNESS: I wasn't hospitalized for that

1 condition except I was taken to the emergency room at
2 first.

3 Q BY MR. SHELY: Describe for me how
4 that came about, sir.

5 A They thought I was having a heart attack.
6 Pardon me?

7 Q Who is they, sir?

8 A The people I work with.

9 Q So did you collapse on the job, sir?

10 MR. NEGRETE: Objection. Relevance.

11 THE WITNESS: I didn't collapse on the job.
12 Just something occurred. I don't know what. I was
13 exhausted.

14 Q BY MR. SHELY: Was there an
15 incident of some sort with you at the work site,
16 sir?

17 MR. NEGRETE: Objection. Relevance.

18 THE WITNESS: Well --

19 MR. NEGRETE: The question is vague and
20 ambiguous.

21 THE WITNESS: I remember being -- I remember not
22 feeling good and being taken to the hospital. They
23 took me off work, put me with a psychologist. I saw
24 a psychologist for several months.

25 Q BY MR. SHELY: What was the name

1 of the psychologist, sir?

2 A I don't remember.

3 MR. NEGRETE: Well, objection. Relevance.

4 Q BY MR. SHELY: Was the -- was it a
5 psychiatrist or a psychologist?

6 A Psychologist.

7 MR. NEGRETE: Objection. Relevance.

8 Q BY MR. SHELY: And how long did
9 you see the psychologist, sir?

10 MR. NEGRETE: Objection. Relevance.

11 THE WITNESS: About a year.

12 Q BY MR. SHELY: And is it your
13 testimony for this jury that you do not remember the
14 name of the psychologist that you saw for one year?

15 MR. NEGRETE: Objection. Relevance.

16 THE WITNESS: I could picture his face. I can't
17 remember the name.

18 Q BY MR. SHELY: Where was his
19 office, sir? Do you remember?

20 MR. NEGRETE: Objection. Relevance.

21 THE WITNESS: Orange County.

22 Q BY MR. SHELY: Can you be a little
23 more specific than Orange County, sir? There's
24 probably more than one psychologist in Orange
25 County.

1 MR. NEGRETE: Objection. Argumentative.

2 Compound. Relevance.

3 THE WITNESS: No. I can't remember his name.

4 Q BY MR. SHELY: Have you seen a
5 psychologist since 1989?

6 MR. NEGRETE: Objection. Relevance.

7 THE WITNESS: No.

8 Q BY MR. SHELY: Have you seen a
9 psychiatrist since 1989?

10 MR. NEGRETE: Objection. Relevance.

11 THE WITNESS: No.

12 Q BY MR. SHELY: Were you prescribed
13 drugs to address your mental nervous condition, sir?

14 MR. NEGRETE: Objection. Assumes facts not in
15 evidence. Relevance. Vague and ambiguous.

16 THE WITNESS: I don't think so. Maybe when I
17 first -- there must have been some drugs when I ended
18 up in cardiac care, but I don't recall drugs --

19 Q BY MR. SHELY: Did --

20 A -- not on a regular basis.

21 Q I didn't mean to interrupt you. Were you
22 finished with your answer?

23 A Yes.

24 Q Did what you described as stress at the
25 work site involve any violence or threat of violence,

1 sir?

2 MR. NEGRETE: Objection. Relevance. Assumes
3 facts not in evidence. Foundation.

4 THE WITNESS: You mean violence to me? Did
5 somebody hurt me?

6 Q BY MR. SHELY: Or a threat of
7 violence by you, sir.

8 A No.

9 MR. NEGRETE: Objection. Relevance.

10 Q BY MR. SHELY: Who was your
11 supervisor in 1989 when you were taken to the
12 hospital for your mental nervous condition, sir?

13 MR. NEGRETE: Objection. Relevance.

14 THE WITNESS: I can't remember his name.

15 Q BY MR. SHELY: Is that the same
16 person who you said was your last supervisor?

17 A Yeah.

18 Q At Southern California Edison Company?

19 A That's correct, yes.

20 Q Did you apply for disability of any sort
21 from Southern California Edison Company?

22 MR. NEGRETE: Objection. Relevance.

23 THE WITNESS: I don't think so.

24 Q BY MR. SHELY: Well, what was your
25 next job, if any, after -- let me ask you this --

1 let me back up here.

2 When you saw the psychologist for about a
3 year in Orange County around 1989, were you still
4 working at Southern California Edison Company?

5 MR. NEGRETE: Objection. Relevance.

6 THE WITNESS: I don't remember that. Was I
7 still working every day? No, I was off work.

8 Q BY MR. SHELY: And when you say
9 you were off work, you're saying you did not apply
10 for disability from Southern California Edison
11 Company of any sort?

12 MR. NEGRETE: Objection. Argumentative. The
13 question is compound. Relevance.

14 Mr. Shely, do you find something funny
15 about this?

16 MR. SHELY: I find your objection funny to say
17 that question was argumentative. But we'll deal with
18 that at a different time.

19 MR. NEGRETE: Mr. Shely, I am having a problem
20 and I will ask the court to stop this line of
21 questioning because it's not relevant. The court has
22 narrowly defined the issues in this case. All this
23 line of questioning goes well beyond any of the
24 defined issues that the court has set forth on the
25 pleadings.

1 MR. SHELY: We respectfully disagree. These
2 questions are calculated to lead to the discovery of
3 admissible evidence. They are relevant and we will
4 continue.

5 Q Mr. Bolen, when you had treatment for your
6 mental nervous disorder, were you still working after
7 the initial incident in which you were taken by an
8 ambulance to the hospital from your employer?

9 MR. NEGRETE: Objection. Compound. Relevance.
10 Mischaracterizes testimony. The question is vague,
11 ambiguous and overbroad.

12 THE WITNESS: Your definition of a mental
13 nervous condition is not what I was diagnosed with.

14 Q BY MR. SHELY: What were you
15 diagnosed with?

16 MR. NEGRETE: Objection. Relevance.

17 THE WITNESS: Stress.

18 Q BY MR. SHELY: Are you saying that
19 the medical diagnosis was stress?

20 A Yes.

21 MR. NEGRETE: Objection. Relevance. Calls for
22 speculation.

23 Q BY MR. SHELY: And that is the
24 diagnosis which caused you to see the psychologist
25 as you've described. Is that correct?

1 MR. NEGRETE: Objection. Mischaracterizes
2 testimony. Argumentative. Relevance.

3 THE WITNESS: Can you ask the question again,
4 please?

5 MR. SHELY: Sure.

6 Would you read it back to him?

7 (RECORD READ)

8 MR. NEGRETE: Same objection.

9 THE WITNESS: I think I already answered your
10 question.

11 Q BY MR. SHELY: Let me approach it
12 this way, Mr. Bolen. Do you recall any other
13 medical diagnosis that was made as to your condition
14 in 1989 when you were seeing a psychologist other
15 than stress?

16 MR. NEGRETE: Objection. Relevance.

17 THE WITNESS: I ended up in the cardiac care
18 unit for a day or two. I don't know what that --
19 they were testing me for a while.

20 Q BY MR. SHELY: And you said you
21 didn't remember the hospital that you were taken to.
22 Is that correct?

23 A Well, I was --

24 MR. NEGRETE: Objection. Relevance.

25 THE WITNESS: I think it was Mission Hospital.

1 Q BY MR. SHELY: Where is Mission
2 Hospital located, sir?

3 A Mission Viejo.

4 Q Is it still there Mission Hospital in
5 Mission Viejo? Do you know?

6 A Oh, yes.

7 Q Have you ever been a patient in a mental
8 hospital, sir?

9 MR. NEGRETE: Objection. Relevance.

10 THE WITNESS: No.

11 Q BY MR. SHELY: Are you taking any
12 drugs currently, sir?

13 MR. NEGRETE: Objection. Relevance.

14 THE WITNESS: No.

15 Q BY MR. SHELY: You're not taking
16 any drugs which could affect your ability to
17 remember things. Is that correct?

18 MR. NEGRETE: Objection. Vague and ambiguous
19 and relevance.

20 THE WITNESS: No.

21 Q BY MR. SHELY: With respect to
22 when you were at the Orange County Sheriff's
23 Department, is it your testimony that you were never
24 involved with an incident involving excessive force?

25 MR. NEGRETE: Objection. Relevance. Attempts

1 to mislead the witness. Mischaracterizes testimony.

2 THE WITNESS: I don't understand your question.

3 Could you clarify what you're asking me?

4 Q BY MR. SHELY: All right. You
5 worked at the Orange County Sheriff's Department.

6 Is that correct, sir?

7 A That's correct.

8 Q For about a year you said?

9 A Yeah, about a year.

10 Q During that one year period, were you ever
11 involved in an incident in which there was a charge
12 that you had engaged in excessive force?

13 MR. NEGRETE: Objection. Relevance.

14 THE WITNESS: That I did?

15 MR. SHELY: Yes, sir.

16 THE WITNESS: No.

17 Q BY MR. SHELY: Now, when you were
18 seeing the psychologist after 1989 or beginning of
19 1989, how were you making a living if you weren't
20 working full time?

21 MR. NEGRETE: Objection. Compound question.
22 Relevance. Mischaracterizes testimony.

23 THE WITNESS: At Edison I had accrued sick time.
24 I had been there 21 years. I had hardly taken any
25 sick time, so I used it.

1 Q BY MR. SHELY: And how long did
2 that get you to continue having paychecks, sir?

3 A I don't remember.

4 MR. NEGRETE: Objection. The question is vague
5 and ambiguous. Relevance.

6 Q BY MR. SHELY: After you had --
7 did you get paid for all your sick time, sir?

8 MR. NEGRETE: Objection. Relevance. Vague and
9 ambiguous.

10 THE WITNESS: I don't know.

11 Q BY MR. SHELY: When did you leave
12 the employment of Southern California Edison
13 Company?

14 MR. NEGRETE: Objection. Relevance.

15 THE WITNESS: '89 I think. Somewhere in there.

16 Q BY MR. SHELY: And is it your
17 testimony that you were not fired from that job?

18 MR. NEGRETE: Objection. Mischaracterizes
19 testimony. Relevance. Argumentative.

20 THE WITNESS: Yes, I was.

21 Q BY MR. SHELY: You were fired?

22 A Yes.

23 MR. NEGRETE: Objection. Relevance.

24 Q BY MR. SHELY: And what were the
25 issues behind being fired from Southern California

1 Edison Company, sir?

2 MR. NEGRETE: Objection. Relevance. Calls for
3 speculation. Foundation.

4 THE WITNESS: I had been released to go back to
5 work and they had assigned me to a job which I
6 refused to take so they terminated me.

7 Q BY MR. SHELY: What job were you
8 assigned to that you refused to take?

9 MR. NEGRETE: Objection. Relevance.

10 THE WITNESS: Some job a long, long ways from
11 where I lived.

12 Q BY MR. SHELY: I didn't hear the
13 last part of your answer. Long long way from --

14 A From where I lived.

15 Q Where did you live at the time?

16 MR. NEGRETE: Objection. Relevance.

17 THE WITNESS: In Laguna Niguel.

18 Q BY MR. SHELY: And did you ever
19 sue Southern California Edison Company related to
20 your employment?

21 MR. NEGRETE: Objection. Relevance. Assumes
22 facts not in evidence.

23 THE WITNESS: Yes.

24 Q BY MR. SHELY: And when was that
25 lawsuit brought, sir?

1 MR. NEGRETE: Objection. Relevance.

2 THE WITNESS: It was a workman's compensation
3 claim.

4 Q BY MR. SHELY: Did you bring a
5 workers' compensation suit against Southern
6 California Edison Company after you were fired?

7 MR. NEGRETE: Objection. Relevance.

8 THE WITNESS: No. It was done when I went off
9 work.

10 Q BY MR. SHELY: I'm sorry, sir?

11 A It was done when I went off work.

12 Q When you went off work in 1989?

13 A Whenever after I had the stress reaction.

14 Q And where was that lawsuit filed, sir?

15 MR. NEGRETE: Objection. Relevance.

16 THE WITNESS: I have no idea how workman's comp
17 works. I have no idea how workman's compensation
18 works. I couldn't tell you. The union got me an
19 attorney, and I did what he said and that was it. I
20 hardly ever saw him. It settled.

21 Q BY MR. SHELY: So the workers'
22 comp suit that you brought was settled and did not
23 go to trial. Correct?

24 MR. NEGRETE: Objection. Relevance.

25 THE WITNESS: Right.

1 Q BY MR. SHELY: How much did you
2 get in the settlement?

3 MR. NEGRETE: Objection. Relevance.

4 THE WITNESS: Not much. I'm going to guess
5 7,500 bucks.

6 Q BY MR. SHELY: And what was the
7 injury that you claimed in your workers'
8 compensation suit.

9 MR. NEGRETE: Objection. Relevance.

10 THE WITNESS: Stress, job stress.

11 Q BY MR. SHELY: And did you contend
12 in that lawsuit, sir, that you had a condition that
13 prevented you from being able to continue working at
14 the power company?

15 MR. NEGRETE: Objection. Relevance. Calls for
16 speculation. Interpretation of claims in the workman
17 compensation case.

18 THE WITNESS: I don't know that I ever saw the
19 paperwork until the end.

20 Q BY MR. SHELY: You did see it at
21 end though?

22 MR. NEGRETE: Objection. Relevance.

23 Q BY MR. SHELY: Do you think it's a
24 fair conclusion for the jury in Colorado to conclude
25 that you brought a suit against consumer power where

1 you worked -- or excuse me California power --
2 Southern California Edison Company claim that you
3 were unable able to work because of stress?

4 MR. NEGRETE: Objection. Relevance. Calls for
5 a legal conclusion. The question is improper.

6 THE WITNESS: I can't answer that. I have no
7 idea what you're talking about. I don't remember the
8 details of it. It was done like automatically.

9 Q BY MR. SHELY: Did you contend
10 that you were unable to work any more because of
11 stress, sir?

12 MR. NEGRETE: Objection. Relevance. Calls for
13 legal conclusion.

14 THE WITNESS: Again, I can't answer. I don't
15 know. I went to -- the company had me fill out
16 forms. I had no understanding of that. To me they
17 were just forms to fill.

18 Q BY MR. SHELY: What other lawsuits
19 have you brought as a plaintiff, sir?

20 MR. NEGRETE: Objection. Relevance. Vague and
21 ambiguous as to point in time.

22 THE WITNESS: Small claims actions.

23 Q BY MR. SHELY: What kind of small
24 claims actions?

25 A To recover money owed me.

1 Q Were they filed in a court of record?

2 MR. NEGRETE: Objection. Vague and ambiguous.

3 THE WITNESS: What's a court of record?

4 MR. SHELY: Where you file pleadings.

5 MR. NEGRETE: Objection. Vague and ambiguous.

6 Q BY MR. SHELY: Was it a small

7 claims court?

8 A Small claims.

9 Q Have you been a plaintiff in any other

10 cases other than your workers' compensation suit that

11 you described and small claims court actions?

12 A I don't think so. I don't think so.

13 Q How many times have you had your deposition

14 taken, sir?

15 MR. NEGRETE: Objection -- I'll withdraw that

16 objection.

17 THE WITNESS: I think this is the third time.

18 Q BY MR. SHELY: Do you remember

19 what the suits were with respect to the first two

20 times that you were deposed?

21 MR. NEGRETE: Objection. Assumes facts not in

22 evidence. Foundation. Relevance.

23 MR. SHELY: Let's start with the first one, sir,

24 that you remember.

25 THE WITNESS: The workers' compensation claim.

1 Q BY MR. SHELY: So you were deposed
2 in the workers' comp claim that you described. Is
3 that correct?

4 MR. NEGRETE: Objection. Relevance.

5 THE WITNESS: Yes, I was.

6 Q BY MR. SHELY: Do you have a copy
7 of that deposition?

8 A No.

9 Q What was the name of your lawyer?

10 A Somebody the union assigned.

11 Q Are you telling the jury that you do not
12 remember the name of your lawyer?

13 A That's correct.

14 Q And what was the second time that you
15 recall having your deposition taken, sir?

16 MR. NEGRETE: Objection. Relevance.

17 THE WITNESS: In a case called Barrett versus
18 Clark.

19 Q BY MR. SHELY: And who was your
20 attorney in Barrett versus Clark?

21 A Carlos Negrete.

22 Q What year were you deposed, sir?

23 A Three years ago maybe.

24 Q And does that refresh your recollection
25 whether you have been involved in any other lawsuits

1 other than what you've described in your deposition
2 today?

3 A As a plaintiff?

4 Q As plaintiff or defendant, sir.

5 A Well, you didn't ask me about defendant.

6 Q As a deposition I didn't limit it, sir. Go
7 ahead and tell me. I understood this is the third
8 time you've been deposed in your life. Is that
9 correct?

10 A Yes.

11 Q Now, have you described all of the matters
12 that you recall in which you have been a plaintiff --

13 MR. NEGRETE: Objection.

14 Q BY MR. SHELY: -- in your
15 deposition today?

16 MR. NEGRETE: Objection. The question has been
17 asked and answered.

18 THE WITNESS: To the best of my knowledge.

19 Q BY MR. SHELY: Now, how many suits
20 have you been a defendant in?

21 A Oh --

22 MR. NEGRETE: Objection. Relevance.

23 THE WITNESS: I'm sorry. Ask me again.

24 Q BY MR. SHELY: How many suits have
25 you been a defendant in, sir?

1 A Are you including small claims?

2 Q I'll let you organize it in any way you
3 can, sir, and just describe it for me.

4 A Other than small claims, two.

5 Q Let's put the small claims cases aside for
6 a moment. Can you describe for me the other two
7 cases to which you refer?

8 MR. NEGRETE: Objection. Relevance.

9 THE WITNESS: The one that I described earlier,
10 Barrett versus Clark.

11 Q BY MR. SHELY: In which
12 Mr. Negrete represents you. That's one case. That
13 case is still pending, isn't it?

14 A Yes, it is.

15 MR. NEGRETE: Objection. Relevance.

16 Q BY MR. SHELY: And that case comes
17 out of an allegation that you were involved in
18 bringing an improper RICO suit against Dr. Barrett.
19 Is that right?

20 MR. NEGRETE: Objection. Argumentative. Calls
21 for speculation. Relevance. Assumes facts not in
22 evidence. Foundation.

23 THE WITNESS: Are you asking about the Barrett
24 versus Clark case?

25 MR. SHELY: Yes, sir.

1 THE WITNESS: And are you asking me if it
2 involved an allegation of RICO?

3 MR. SHELY: No, sir. I'm asking you -- what is
4 your understanding of why you've been sued in Barrett
5 versus Clark?

6 MR. NEGRETE: Objection. Calls for speculation.
7 Foundation. Relevance.

8 THE WITNESS: Stephen Barrett claims falsely
9 that I defamed him and was hired by Hulda Clark to
10 defame him.

11 Q BY MR. SHELY: Have you ever
12 worked for Hulda Clark?

13 MR. NEGRETE: Objection. Relevance.

14 THE WITNESS: Not as an employee, no.

15 Q BY MR. SHELY: Well, whether you
16 limit it to an employee, sir, have you ever worked
17 for Hulda Clark as an employee otherwise?

18 MR. NEGRETE: Objection. Relevance.

19 THE WITNESS: Yes.

20 Q BY MR. SHELY: Would you describe
21 that experience for me, sir?

22 MR. NEGRETE: Objection. The question is
23 ambiguous, overbroad. Relevance. Lacking in
24 foundation.

25 THE WITNESS: I'm a public relations consultant

1 and Hulda Clark uses my services.

2 Q BY MR. SHELY: What is the name of
3 your company, sir?

4 A JuriMed Public Relations and Research
5 Group.

6 Q Is that a corporation, sir?

7 A Well, at one time it was a DBA and it's
8 been since turned into a corporation.

9 Q When did JuriMed start as a DBA? What
10 year, sir?

11 A Late '90s. I don't recall.

12 Q Let me ask you this: After you left
13 Southern California Edison Company, did you have
14 another job between that period and when you started
15 JuriMed?

16 MR. NEGRETE: Objection. Relevance.

17 THE WITNESS: I owned my own company.

18 Q BY MR. SHELY: What was the name
19 of the company, sir?

20 A Bolen Publishing.

21 Q What year did you start Bolen Publishing?

22 A Probably 1989, '90.

23 Q Is it accurate that after you left southern
24 Edison -- Southern California Edison Company and then
25 filed your workers' compensation suit against them

1 relating to stress that the next job you had was
2 Bolen Publishing?

3 MR. NEGRETE: Objection. Compound.
4 Mischaracterizes testimony. Assumes facts not in
5 evidence. Relevance.

6 THE WITNESS: I think that's -- well, you put
7 things together that don't fit very well. I started
8 Bolen Publishing. Started it, not went to work for
9 them. It was a DBA.

10 Q BY MR. SHELY: I asked you, sir,
11 earlier in your deposition you described your
12 employment with respect to the Orange County
13 Sheriff's Department. Do you recall that?

14 A Yes.

15 Q Okay. Did you have any job between the
16 time that you were working at the Orange County
17 Sheriff's Department and when you started Bolen
18 Publishing other than what you've described in this
19 deposition?

20 MR. NEGRETE: Objection. Ambiguous. Relevance.

21 THE WITNESS: You mean did I have a second job?

22 Q BY MR. SHELY: Any other job that
23 you haven't described in your deposition, sir, from
24 the period when you worked at the Orange County
25 Sheriff's Department to the time that you started

1 Bolen Publishing.

2 A I'm sorry. But the Southern California
3 Edison job was enough. I didn't need a second one.

4 Q All right, sir. So is it accurate that you
5 worked for Orange County Sheriff's Department and
6 Southern California Edison Company and then Bolen
7 Publishing and there were no employers or businesses
8 that you had?

9 A I did have a business, yes.

10 MR. NEGRETE: Objection. Mischaracterizes
11 testimony.

12 Q BY MR. SHELY: What was the
13 business that you had, sir?

14 A We bought some horses.

15 Q Who is we, sir?

16 A My wife and I.

17 Q How long have you been married, sir?

18 A Since October 23 of 1965.

19 Q Who are the officers of JuriMed now that it
20 is a corporation?

21 MR. NEGRETE: Objection. Relevance.

22 THE WITNESS: I think my wife and I. I don't
23 think there's anybody else.

24 Q BY MR. SHELY: You would know.

25 Right?

1 A I didn't file the forms, but I think so. I
2 had a company do it for me.

3 Q What do you understand your officer role at
4 JuriMed to be, sir?

5 A President.

6 MR. NEGRETE: Objection. The question is vague
7 and ambiguous. Relevance.

8 Q BY MR. SHELY: You understood the
9 question, didn't you, sir?

10 A My role is president.

11 Q And who are the other officers?

12 A My wife. We share the roles.

13 Q Did you have a company that you bought and
14 sold horses with or was it a DBA?

15 MR. NEGRETE: Objection. Relevance.

16 THE WITNESS: I don't think we had a name.

17 Q BY MR. SHELY: Well, what year did
18 Bolen Publishing start to the best of your
19 recollection, sir?

20 A 1989 or '90.

21 Q And what kind of matters did Bolen
22 Publishing publish, sir?

23 A We primarily published a newspaper magazine
24 monthly.

25 Q A single newspaper magazine monthly or a

1 variety --

2 A We took it over as a newspaper and
3 converted it to a magazine. It was a monthly
4 publication.

5 Q What was the subject matter? Was it a news
6 magazine or something different?

7 MR. NEGRETE: Objection. Vague and ambiguous.

8 THE WITNESS: A community news magazine.

9 Q BY MR. SHELY: For what community
10 sir?

11 A Southern Orange County.

12 Q And did that business fail, sir?

13 A No. We shut it down.

14 Q What year did you shut down Bolen
15 Publishing?

16 A I don't think we ever officially shut it
17 down. We went into JuriMed.

18 Q And tell me again the year that you think
19 that occurred. Namely, that you went into JuriMed
20 from Bolen Publishing.

21 A I don't remember. There's records of it.

22 Q As you sit here today, what is your best
23 recollection, sir, as to what year JuriMed started?

24 A I don't know. 1999 somewhere I think. The
25 two sort of merged for a while. We were shutting

1 down one and picking up the other.

2 Q What do you mean that the two merged?

3 A We were running the magazine and it was a
4 heavy load and it wasn't making us enough money so we
5 decided to shut it down.

6 Q And --

7 A Too much work.

8 Q The magazine at Bolen Publishing was too
9 much work?

10 A Yeah, it was a grinder.

11 Q Now, what training, if any, do you have in
12 public relations?

13 MR. NEGRETE: Objection. Relevance.

14 THE WITNESS: I don't know what I can tell you
15 about that. No official training.

16 Q BY MR. SHELY: Have you ever taken
17 any classes at all with respect to public relations?

18 A Yes.

19 Q What do you recall? Which classes did you
20 take, sir?

21 A I don't remember the names of them. That's
22 what they were for.

23 Q I didn't hear what you said.

24 A That's what they were for.

25 Q Was that before or after you started

1 JuriMed?

2 A Long before.

3 Q Long before when you were back in community
4 college?

5 A Right.

6 Q So and that was before you were in the
7 Navy?

8 A What?

9 Q When you were in community college you mean
10 you took classes right after you got out of the Navy.
11 What year did you take classes in public relations is
12 what I'm getting at.

13 A Would you like to try and start over? You
14 asked me about seven questions there.

15 Q Which one would you like to answer, sir?

16 MR. NEGRETE: Objection. Argumentative. The
17 prior questions were compound.

18 Q BY MR. SHELY: All right, sir.

19 What classes did you -- when did you take your
20 public relations classes that you referred to in
21 your last answer, sir?

22 A During the community college experience.

23 Q Does JuriMed have any employees?

24 A No.

25 Q And how are you -- are you paid? Do you

1 receive a check from JuriMed?

2 MR. NEGRETE: Objection. Relevance.

3 THE WITNESS: No.

4 Q BY MR. SHELY: Does JuriMed make
5 money?

6 MR. NEGRETE: Objection. Relevance.

7 THE WITNESS: Not enough.

8 Q BY MR. SHELY: How much does it
9 make, sir?

10 MR. NEGRETE: Objection. Relevance.

11 THE WITNESS: Not enough.

12 Q BY MR. SHELY: Well, when you say
13 not enough, sir, you must know how much JuriMed
14 makes. How much did it make last year?

15 MR. NEGRETE: Objection. Relevance. Vague and
16 ambiguous. Improper question.

17 THE WITNESS: I couldn't tell you last year. I
18 haven't finished the taxes yet.

19 Q BY MR. SHELY: How about the year
20 before?

21 A 60,000.

22 MR. NEGRETE: Objection. Relevance.

23 Q BY MR. SHELY: When you say
24 \$60,000, by that do you mean revenue into JuriMed or
25 that you took \$60,000 from your work at JuriMed?

1 A That's the total revenue.

2 MR. NEGRETE: Objection. Relevance.

3 Q BY MR. SHELY: And JuriMed is a
4 corporation now?

5 A Yes.

6 Q And what tax returns do you understand that
7 JuriMed is required to file?

8 MR. NEGRETE: Objection. Calls for a legal
9 interpretation. Expert analysis. Relevance.

10 THE WITNESS: I'm sure there's some.

11 MR. NEGRETE: Put the bottle down.

12 THE WITNESS: I'm sure there's some.

13 Q BY MR. SHELY: Did JuriMed file
14 tax returns for the 2004 year?

15 MR. NEGRETE: Objection. Relevance. Privacy.

16 THE WITNESS: I don't think we were
17 incorporated. I think we incorporated after.

18 Q BY MR. SHELY: So you think you
19 incorporated JuriMed after 2004?

20 A Right.

21 Q Did you incorporate JuriMed as a result of
22 being sued as a defendant in a case?

23 MR. NEGRETE: Objection. Argumentative.
24 Lacking in foundation. Mischaracterizes testimony.
25 Relevance.

1 THE WITNESS: No.

2 Q BY MR. SHELY: And in 2000 -- so
3 2005 you're sure is when JuriMed incorporated.

4 A I'm not sure.

5 Q Do you believe that it was 2004 or 2005 or
6 you're just not sure of that?

7 A It was towards the end of the year. I
8 don't remember which.

9 Q Well, do you get a paycheck from JuriMed?

10 MR. NEGRETE: Objection. Relevance. The
11 question has been asked and answered.

12 THE WITNESS: No.

13 Q BY MR. SHELY: How do you make
14 your money on JuriMed, sir? Tell me how the money
15 gets to you and your bank account.

16 MR. NEGRETE: Objection. Relevance. Compound
17 question. Assumes facts not in evidence.

18 THE WITNESS: We take out expenses.

19 Q BY MR. SHELY: What do you mean by
20 we take out expenses?

21 A Living expenses.

22 Q Now, when you say we, you mean you and your
23 wife. Is that correct?

24 A Yes.

25 MR. NEGRETE: Objection. Relevance.

1 Q BY MR. SHELY: So in -- you say it
2 was the 2004 year where the total revenue for
3 JuriMed was \$60,000?

4 A Yes.

5 MR. NEGRETE: Objection. Relevance.
6 Mischaracterizes testimony.

7 Q BY MR. SHELY: And what amount of
8 living expenses did you and your wife take out of
9 the \$60,000 for the 2004 year?

10 MR. NEGRETE: Objection. Relevance.

11 THE WITNESS: I don't remember. Whatever.

12 Q BY MR. SHELY: Do you have any
13 range of what percentage of the \$60,000 you and your
14 wife took out for living expenses?

15 MR. NEGRETE: You have to wait until --
16 objection. Relevance.

17 Q BY MR. SHELY: As you sit here
18 today, you can't -- you have no recollection of what
19 amount of money you and your wife took out of the
20 \$60,000 in revenue for 2004. Is that what your
21 testimony is?

22 MR. NEGRETE: Objection. Relevance.

23 THE WITNESS: You're correct. I don't.

24 Q BY MR. SHELY: Did you file a
25 federal tax return for 2004, sir?

1 MR. NEGRETE: Objection. Relevance. Privacy.

2 THE WITNESS: I hope so.

3 Q BY MR. SHELY: Are you testifying
4 that you don't know whether you did or didn't?

5 MR. NEGRETE: Objection. Relevance.
6 Argumentative.

7 THE WITNESS: You're correct. I don't know
8 what -- I think I did.

9 Q BY MR. SHELY: When is the last
10 year that you're sure you filed a federal tax
11 return.

12 MR. NEGRETE: Objection. Relevance. Privacy.

13 THE WITNESS: I really can't answer that. I
14 don't know where that's going. I can't answer that.
15 I don't know what you're talking about.

16 Q BY MR. SHELY: In the last five
17 years, sir, have you filed a federal income tax
18 return?

19 MR. NEGRETE: Objection. Relevance. Privacy.

20 THE WITNESS: Yes.

21 Q BY MR. SHELY: What year, sir?

22 MR. NEGRETE: Objection. Relevance.

23 THE WITNESS: I didn't come prepared to answer
24 those kinds of questions. I came prepared to talk
25 about the Cavitat case in which you said I'm a fact

1 witness.

2 MR. NEGRETE: Answer the question.

3 THE WITNESS: That's the answer. I don't know.

4 Q BY MR. SHELY: You don't recall
5 whether you filed a tax return in 2004? By tax
6 return I mean federal tax return. Do you recall if
7 you filed one in 2003?

8 MR. NEGRETE: Objection. Relevance. Privacy.

9 THE WITNESS: I think so.

10 Q BY MR. SHELY: Just not sure
11 though?

12 A Well, I -- I don't know. It sounds like a
13 strange question to be asking. I hope so.

14 Q Now, most people especially around this
15 time of year April remember where they are in their
16 taxes. You haven't filed your 2005 taxes yet, have
17 you?

18 MR. NEGRETE: Objection. Argumentative.
19 Relevance. Calls for speculation. Assumes facts not
20 in evidence.

21 THE WITNESS: You're correct. I have not filed
22 my returns yet. It's April 12th.

23 Q BY MR. SHELY: And as you sit here
24 today, you cannot testify and tell people in this
25 Colorado jury whether you filed a federal income tax

1 return for 2004. Is that correct?

2 MR. NEGRETE: Objection. Relevance.

3 THE WITNESS: That's the fourth or fifth time
4 you've asked me the same question.

5 MR. NEGRETE: The question has been asked and
6 answered.

7 Q BY MR. SHELY: And your answer is
8 you don't recall whether you filed a 2004 federal
9 income tax return. Is that correct?

10 MR. NEGRETE: Objection. Asked and answered
11 numerous times. Relevance. At this point badgering
12 the witness.

13 Q BY MR. SHELY: You need to answer
14 the question, sir.

15 A I've answered it four or five times.

16 Q What is your answer, sir?

17 A I don't recall.

18 Q Now, since you started JuriMed, have you
19 had any other source of income other than what you
20 get from JuriMed?

21 MR. NEGRETE: Objection. Relevance.

22 THE WITNESS: I have a retirement.

23 Q BY MR. SHELY: I heard you say
24 retirement --

25 A A retirement income from Edison Company.

1 Q How much a year do you get from your
2 retirement account at Edison, sir?

3 MR. NEGRETE: Objection. Relevance.

4 THE WITNESS: \$5,000.

5 Q BY MR. SHELY: Other than the
6 retirement account at Edison, do you have any other
7 source of income that you've received other than
8 JuriMed since you started JuriMed?

9 MR. NEGRETE: Objection. Relevance.

10 THE WITNESS: I can't think of any.

11 Q BY MR. SHELY: Do you keep records
12 of the living expenses that you take out of the
13 revenue stream of JuriMed?

14 MR. NEGRETE: Objection. Relevance.

15 THE WITNESS: Of course.

16 Q BY MR. SHELY: And those were not
17 among the documents that you produced in response to
18 the subpoenas that were served on you, were they,
19 sir?

20 MR. NEGRETE: Objection. Argumentative.
21 Relevance.

22 THE WITNESS: I don't -- I don't believe I was
23 asked for them.

24 Q BY MR. SHELY: You're at least
25 sure you didn't produce them. Is that correct, sir?

1 MR. NEGRETE: Objection.

2 THE WITNESS: I don't believe I was asked for
3 them.

4 Q BY MR. SHELY: And if you didn't
5 believe you were asked for them, you wouldn't have
6 produced them. Is that right?

7 MR. NEGRETE: Objection. Argumentative.

8 Q BY MR. SHELY: Is that right?

9 A I didn't produce them, no.

10 Q Does JuriMed have an accountant --

11 MR. NEGRETE: Objection. Relevance.

12 Q BY MR. SHELY: -- it uses?

13 A Not at the present time.

14 Q Has JuriMed ever had an accountant that it
15 used --

16 A Yes.

17 Q -- to help it with tax matters?

18 A Yes.

19 Q What was the name of that accountant, sir?

20 MR. NEGRETE: Objection. Relevance?

21 THE WITNESS: His name was Paul Brown.

22 Q BY MR. SHELY: And for what period
23 of time did JuriMed use Paul Brown as an accountant.

24 MR. NEGRETE: Objection. Relevance.

25 THE WITNESS: Three, four years.

1 Q BY MR. SHELY: When is the last
2 time Paul Brown provided accounting services to
3 JuriMed?

4 MR. NEGRETE: Objection. Relevance.

5 THE WITNESS: Maybe a year and a half, two years
6 ago.

7 Q BY MR. SHELY: Where is Paul
8 Brown's office, sir?

9 A Santa Ana, California.

10 Q Do you know the address?

11 A No.

12 Q Do you know the phone number?

13 A No.

14 Q You said it was in Santa Ana?

15 A Santa Ana.

16 Q Did JuriMed pay all of the bills of
17 Mr. Brown for the accounting services --

18 MR. NEGRETE: Objection. Relevance.

19 Q BY MR. SHELY: -- that it provided
20 to JuriMed?

21 A Yes.

22 Q Do you have tax liens pending against you
23 currently, sir?

24 MR. NEGRETE: Objection. Relevance. Assumes
25 facts not in evidence.

1 THE WITNESS: I'm not aware of any.

2 Q BY MR. SHELY: Have you ever
3 had -- strike that.

4 Have you ever been aware of any tax liens
5 pending against you, sir?

6 MR. NEGRETE: Objection. Relevance.

7 A Yes.

8 Q BY MR. SHELY: What do you recall
9 about those, sir?

10 MR. NEGRETE: Objection. Relevance.

11 THE WITNESS: The first one I ever got was when
12 I was living in Nevada and California kept sending me
13 tax bills and put a lien against me and I had to
14 explain to them carefully that I was living in Nevada
15 for three years.

16 After that when my house started to slide
17 down the hill and we lost it, I had problems with the
18 IRS then. We ran out of money period.

19 Q BY MR. SHELY: What year was that,
20 sir?

21 MR. NEGRETE: Objection. Relevance.

22 THE WITNESS: '94 maybe.

23 Q BY MR. SHELY: So the federal
24 government put a tax lien --

25 A Can we stop for a minute? I gotta call my

1 wife. You're aware she's in the hospital. I have to
2 keep track of her.

3 Q Sir, if you'd like to take a break --

4 A Please.

5 Q -- we can certainly do that.

6 A I have very much concern right now.

7 Q Do you have a phone that you can use or do
8 you need to use our office?

9 A I have one.

10 Q We'll just take a break. How long do you
11 need?

12 A I just want to check on her. Ten or
13 fifteen minutes.

14 Q Sure. You bet. You let us know when
15 you're ready.

16 THE VIDEOGRAPHER: We're going off the record.
17 The time is 11:18 a.m.

18 (RECESS TAKEN)

19 THE VIDEOGRAPHER: We are back on the record.
20 The time is 11:36 a.m.

21 Q BY MR. SHELY: Mr. Bolen, did you
22 have an opportunity to make the call that you wanted
23 to make?

24 A Yes. Thank you.

25 Q Before we broke, I was asking you a

1 question about the federal tax lien that was filed
2 and there was some break. Let me ask you, when was
3 the federal tax lien filed against you, sir?

4 A There was two that I recall. It was a
5 traumatic experience there. Two our house started
6 sliding down the hill, and we ended up giving the
7 house back to the bank, and we lost everything at
8 that time and we went under financially. That's what
9 I remember. What year it was I don't recall. '94 I
10 think.

11 Q And was that before you started JuriMed or
12 while you were doing JuriMed, sir?

13 A I think we were a DBA or just starting
14 right around that time.

15 Q And do you recall any other tax liens other
16 than what you've testified to that have been filed
17 against you or your wife?

18 MR. NEGRETE: Objection. Relevance. Calls for
19 speculation.

20 THE WITNESS: I don't think so.

21 MR. SHELY: Was the lien ever satisfied?

22 MR. NEGRETE: Objection. Relevance.

23 THE WITNESS: No.

24 Q BY MR. SHELY: So there is still
25 an outstanding tax lien against you, sir?

1 MR. NEGRETE: Objection. Relevance.

2 THE WITNESS: I am not sure. I got some
3 communication about that a couple of months ago, but
4 I've been very distracted with my wife in the
5 hospital.

6 And I think there's something pending --
7 there's some kind of negotiation going on or whatever
8 it is. We've been communicating and I don't know
9 what the last is.

10 Q BY MR. SHELY: When you say we've
11 been communicating, who do you mean, sir?

12 A The IRS.

13 Q So you've been communicating with the IRS?

14 MR. NEGRETE: Objection. Relevance.

15 THE WITNESS: We all communicate with the IRS
16 constantly and yes I am.

17 Q BY MR. SHELY: Do you have a
18 lawyer representing you in that matter, sir?

19 A No.

20 Q As you sit here today, can you think of any
21 other liens whether they be construction liens or tax
22 liens that have been filed against you, sir?

23 MR. NEGRETE: Objection. Relevance. Lack of
24 foundation.

25 A

1 THE WITNESS: I don't have any construction
2 liens.

3 Q BY MR. SHELY: Has there ever been
4 a construction lien filed with respect to your
5 residence in the Cleveland National Forest?

6 MR. NEGRETE: Objection. Relevance.

7 THE WITNESS: No. I filed the lien and Barrett
8 got it wrong.

9 Q BY MR. SHELY: I just asked you,
10 sir, has there ever been a lien filed against --

11 A Not that I know of. I filed a lien.

12 Q Did you ever have any work done on your
13 house in which a lawsuit arose out of thereafter?

14 A No.

15 MR. NEGRETE: Objection. Relevance.

16 MR. SHELY: I'm going to hand to the court
17 reporter what will be marked as Exhibit 1.

18 (Whereupon, the aforementioned document
19 was marked as defendant's exhibit 1 for
20 identification and is attached hereto.)

21 Q BY MR. SHELY: Mr. Bolen, I'd like
22 you to look at that. I have a courtesy copy for
23 Mr. Negrete. Tell me, Mr. Bolen, when you've had an
24 opportunity to review that document because I'm
25 going to ask you some questions about it.

1 A Okay. I'm going to read a few things here.

2 Q Sure. You're ready, sir?

3 A I'm ready.

4 Q All right. What is Exhibit 1?

5 MR. NEGRETE: Objection. The document speaks
6 for itself. Relevance.

7 THE WITNESS: The document speaks for itself.

8 Q BY MR. SHELY: What's the title of
9 the document, sir?

10 MR. NEGRETE: Objection. The document speaks
11 for itself.

12 THE WITNESS: "Private Communication from Tim
13 Bolen."

14 Q BY MR. SHELY: Did you write this
15 document, sir?

16 A Probably. I'm trying to -- I don't see any
17 addresses on here, Mr. Shely. It looks familiar, but
18 there are no addresses on it to identify it.

19 Q Do you recall whether you wrote any of this
20 document that's been marked as Exhibit 1?

21 A Well, as I said, it looks familiar. But
22 I'd feel better if there were identifying ID on here
23 from an internet site or something that would show
24 the date. The internet does that, Mr. Shely.

25 Q Why don't you, sir, go to the fifth

1 paragraph and read that into the record, sir.

2 MR. NEGRETE: Which fifth paragraph? Starting
3 from where?

4 MR. SHELY: From the beginning of the document.
5 It begins "What is important here."

6 THE WITNESS: Okay.

7 "What is important here, to
8 recognize, is that my newsletter
9 is separate from my business -
10 that of being a 'Crisis Management
11 Consultant' in the health care
12 industry. My business card says
13 'JuriMed - Public Relations &
14 Research Group.' Below the title
15 it says 'Strategies for Government
16 Besieged health Professionals.'"

17 Q BY MR. SHELY: Let me ask you,
18 sir, does that now refresh your recollection that
19 you in fact did write this document?

20 A Again, Mr. Shely, it doesn't have any
21 identifying characteristics. I'm not sure if all of
22 this or part of it is mine, but it looks familiar.

23 Q Is what you read an accurate statement as
24 far as you're concerned?

25 MR. NEGRETE: Objection. Relevance. Assumes

1 facts not in evidence. Lacking in foundation.

2 THE WITNESS: I'd say that's an accurate
3 statement.

4 Q BY MR. SHELY: Did you review any
5 documents before you came here for your deposition
6 or in preparation for your deposition to be more
7 specific, sir?

8 A Not recently. I sent all those documents.
9 You mean those that were asked in your subpoena?

10 Q We'll talk about those. Did you review
11 those documents at the time that you were collecting
12 them in response to the subpoena?

13 A No. Just in terms of the request of what
14 they were. I sent you 24,000 documents Mr. Shely.

15 Q You sent some hard copy documents and four
16 CDs. Is that correct?

17 A Something like that.

18 Q And you gave them to Mr. Negrete to send to
19 me. Is that correct?

20 A Mr. Negrete.

21 Q Excuse me. Mr. Negrete.

22 A Yes, I did.

23 Q So that it's no mystery to you then as to
24 why we have those e-mails because you meant to
25 produce them. Correct?

1 MR. NEGRETE: Objection. Argumentative.

2 Assumes facts not in evidence.

3 THE WITNESS: Which e-mails?

4 Q BY MR. SHELY: We can get to them.

5 When you say 24,000 documents, many of them were

6 e-mails. Is that correct?

7 MR. NEGRETE: Objection. Assumes facts not in

8 evidence.

9 THE WITNESS: Quite a few were e-mails, yes.

10 Q BY MR. SHELY: And a number of

11 them were e-mails between Mr. Robert Jones and you.

12 Is that correct?

13 MR. NEGRETE: Objection. Calls for speculation.

14 THE WITNESS: Well, what do you mean by a

15 number? I don't think there were that many.

16 Q BY MR. SHELY: Were any of the

17 e-mails --

18 A Yes.

19 Q -- between you and Robert Jones the

20 president of Cavitat? Is that correct?

21 A Yes. That's what you requested. That's

22 what you got.

23 Q And is JuriMed run out of your residence

24 that you've described in the Cleveland National

25 Forest?

1 A It's run out of my head.

2 Q I'm sorry?

3 A It's run out of my head.

4 Q Where is your computer for JuriMed located,
5 sir?

6 MR. NEGRETE: Objection. Assumes facts not in
7 evidence.

8 Q BY MR. SHELY: Do you have a
9 computer, sir, for JuriMed?

10 A Yes. Well, not for JuriMed but I have a
11 computer.

12 Q And where is that computer located?

13 A At my home.

14 Q And that's your home in the Cleveland
15 National Forest that you testified to earlier. Is
16 that correct?

17 A That's correct.

18 Q How many computer lines do you have?

19 A I'm sorry. Ask again.

20 Q How many computers do you have at your
21 residence in the Cleveland National Forest?

22 A Two.

23 Q Are they both used for JuriMed business?

24 A Yes.

25 Q Did you search both of those computers in

1 connection with obtaining the documents that you
2 produced to Mr. Negrete to send to me as Aetna's
3 counsel?

4 A Absolutely.

5 Q And describe for me the search that you
6 conducted for responsive documents, sir?

7 MR. NEGRETE: Objection. Vague and ambiguous.

8 THE WITNESS: Windows has a search function
9 where you can put in names for documents. You can
10 put in a name and it will give every document that
11 you have in your computer with that name. That's the
12 easiest way.

13 Q BY MR. SHELY: And you did that
14 for both of your computers. Is that correct?

15 A Oh, yeah.

16 Q How many cell phones do you have, sir?

17 A I have one.

18 Q And do you have a land line phone in your
19 residence?

20 A Yes.

21 Q How many lines? Just one or more than one?

22 A I have one phone line for regular house use
23 or regular use and I have a computer phone line,
24 dial-up.

25 Q Go to the next paragraph in Exhibit 1, sir,

1 and read that into the record. I want to ask you
2 some questions about it.

3 A Is this the one that starts with "I've been
4 in"?

5 Q Yes, sir.

6 A
7 "I've been in one form of
8 'crisis management' or another,
9 since 1966. I'm a strategist, and
10 tactician. Like Dwight David
11 Eisenhower organizing and
12 executing 'D-Day,' and the
13 successive campaign to take back
14 Europe, my business is organizing,
15 and executing, campaigns. Like
16 Eisenhower, I play to win."

17 Q What kind of campaigns are you organizing
18 and executing, sir?

19 MR. NEGRETE: Objection. Assumes facts not in
20 evidence. Lacking in foundation. Calls for
21 speculation.

22 THE WITNESS: I'm sorry. Would you reask the
23 question, please?

24 Q BY MR. SHELY: Sure. What kind of
25 campaigns do you organize and execute as you wrote

1 in this paragraph that you just read into the
2 record?

3 MR. NEGRETE: Objection. Assumes facts not in
4 evidence as to the writing. Lacking in foundation.
5 Mischaracterizes testimony. Mr. Bolen has testified
6 otherwise.

7 THE WITNESS: I get hired by clients to deal
8 with their public relations component of when they
9 may be attacked by a medical board or similar entity.
10 I specialize in that.

11 Q BY MR. SHELY: When you say you
12 specialize in that, is there any other kind of work
13 that you do at JuriMed other than what you've
14 described?

15 A That's kind of vague. Did you have
16 something in mind? I'm sorry. That's pretty
17 inclusive.

18 Q As I understood it, sir -- and correct me
19 if I'm wrong -- you said that you specialized in the
20 PR component when your clients are attacked by
21 medical boards, and you say you specialize in that.
22 I'm just wondering if there's anything else that you
23 specialize in.

24 A Let me clarify. Primarily my customer base
25 are cutting edge health professionals.

1 Q What do you mean by cutting edge health
2 professionals, sir?

3 A The healthcare system would be described as
4 mainstream. Those that are ahead of the approval
5 process which is extinct in the industry would be
6 described as cutting edge. They're outside of the
7 mainstream, and they have their own particular set of
8 problems due to the fact that they're new.

9 Q Does JuriMed provide any services to
10 Cavitat?

11 MR. NEGRETE: Objection. Vague and ambiguous.
12 Overbroad.

13 THE WITNESS: Yes.

14 Q BY MR. SHELY: What services does
15 JuriMed provide to Cavitat?

16 A Excuse me.

17 Q Yes, sir.

18 A The answer is JuriMed, no.

19 Q Does any officer of JuriMed provide any
20 services to Cavitat?

21 A Tim Bolen has a private contract with
22 Cavitat.

23 Q Describe for the jury, sir, what you mean
24 by private contract.

25 A Well, I think you have a copy of it. And I

1 don't have a copy of it, but you have a copy of the
2 agreement.

3 Q Can you describe for the jury, sir, what
4 you mean by private contract with Cavitat? I'm sure
5 we'll get a chance to look at that later.

6 A Mr. Jones and Cavitat were unable to pay my
7 fees and hire me on a regular basis and offered me to
8 be paid by an agreement as a part of any settlement.

9 Q And when you say as part of an agreement of
10 any settlement, do you mean with respect to the
11 settlement of the lawsuit in which your deposition is
12 being taken here today Cavitat versus Aetna?

13 A That's sort of a fair way of putting it. I
14 think that's close. I'd have to see --

15 Q Well, if not completely accurate, sir, can
16 you please tell me why you think that it isn't?

17 MR. NEGRETE: Object as being vague and
18 ambiguous.

19 THE WITNESS: Especially since I don't have a
20 copy of the agreement here and I haven't seen it in a
21 long time.

22 Q BY MR. SHELY: Do you understand
23 that you get a piece of the action if Cavitat is
24 successful in its suit against Aetna?

25 MR. NEGRETE: Objection. Mischaracterizes

1 testimony. Assumes facts not in evidence. The
2 question is argumentative. Improper as to form.

3 THE WITNESS: Yes, I do.

4 Q BY MR. SHELY: What do you
5 understand your interest in this lawsuit is if
6 Cavitat is successful against Aetna?

7 A What do you mean by interest?

8 Q Your financial interest, sir.

9 A Hopefully I'll recover my fees. That's the
10 purpose.

11 Q Putting aside your contract with Cavitat,
12 sir, when you say that you charge a fee, do you
13 charge by the hour for your services?

14 A Yes, I do.

15 Q And how much per hour do you charge?

16 A I charge \$125 an hour.

17 Q That \$125 is your current rate for
18 services?

19 A Yes.

20 Q Under the JuriMed banner or corporation?

21 A That's the general. There are some fees
22 for smaller things, some for larger things, but
23 that's general.

24 Q What's the highest amount per hour that
25 you've charged for JuriMed, sir?

1 A I don't recall.

2 Q Do you know if it was more or less than
3 \$200?

4 A I don't recall.

5 Q What's the lowest amount that you've ever
6 charged for your services of JuriMed?

7 A I think we billed something for Hana
8 Communications or something like that for \$35 an
9 hour.

10 Q Who are Jurimed's current clients?

11 MR. NEGRETE: Objection. Relevance.

12 THE WITNESS: You're asking me to reveal a trade
13 secret.

14 MR. NEGRETE: Objection. Trade secret.

15 Q BY MR. SHELY: Cavitat is one of
16 your clients, sir. Is that correct?

17 A That's correct.

18 Q And do you represent Hulda Clark?

19 MR. NEGRETE: Objection. Relevance.

20 THE WITNESS: From time to time.

21 Q BY MR. SHELY: Do you currently --
22 you understand when I say you it's either you as
23 Mr. Bolen individually or JuriMed?

24 A Sure.

25 Q Do you understand that, sir?

1 A Yes.

2 Q Do you currently represent Hulda Clark?

3 MR. NEGRETE: Objection. Relevance. Actually,
4 objection. The question was asked and answered.

5 THE WITNESS: From time to time.

6 Q BY MR. SHELY: I understand it's
7 from time to time, sir. Are you currently
8 representing Hulda Clark?

9 MR. NEGRETE: Objection. Relevance.

10 THE WITNESS: I do piece work for her. When she
11 needs something done, I do it.

12 Q BY MR. SHELY: Are you working on
13 any project right now?

14 A No.

15 Q What is the amount of your fees that you
16 believe Cavitat would owe you if they paid you by the
17 hour to date, sir?

18 MR. NEGRETE: Could you read back that question,
19 please?

20 (RECORD READ)

21 MR. NEGRETE: Objection. Relevance.

22 THE WITNESS: 15, \$20,000.

23 Q BY MR. SHELY: You don't send them
24 bills, do you, sir?

25 A No.

1 Q Have you kept track of the hours that you
2 have spent on the matter in writing?

3 A No.

4 Q So your 15 to \$20,000 is?

5 A A guesstimate.

6 Q Is a guesstimate?

7 A Uh-huh.

8 Q And in your guesstimate what is the hourly
9 rate that you believe is the rate that you would be
10 charging Cavitat if you had an hourly arrangement
11 with them?

12 A My original discussion with them was for
13 the \$125 an hour. But if I was required to testify
14 and prepare to testify, it would be more. And I
15 don't remember what that was, but I did talk to them
16 about it.

17 Q Who is them?

18 A Mr. Jones. It's a different thing to
19 prepare.

20 Q I didn't hear your last answer, sir.

21 A I'm sorry. It's a different thing than
22 what I normally do.

23 Q How is it different, sir?

24 A I don't usually testify. And if I were
25 going to be an expert, then I would prepare for that

1 and I'd charge more.

2 Q Did you know that Cavitat listed you as a
3 person with knowledge of relevant facts in its
4 discovery responses to Aetna?

5 MR. NEGRETE: Objection. Calls for speculation.

6 MR. SHELY: I'm just asking whether he knows.

7 THE WITNESS: They listed me as what?

8 MR. SHELY: As a person with knowledge of
9 relevant facts related to this lawsuit.

10 MR. NEGRETE: Objection -- same objection.
11 Relevance. Calls for speculation.

12 THE WITNESS: No. I'm unaware of that.

13 Q BY MR. SHELY: With respect to the
14 two paragraphs that you read into the record
15 momentarily or a few moments ago, sir, on Exhibit 1,
16 did you write those words or not?

17 MR. NEGRETE: Well, objection. Lacking in
18 foundation. Relevance. Lacking in foundation.
19 Assumes facts not in evidence.

20 THE WITNESS: Mr. Shely, again, this is not
21 identified and it sounds like something I would have
22 said.

23 Q BY MR. SHELY: Sounds familiar?

24 A Sounds familiar.

25 Q You've written this kind of thing many

1 times. Is that right?

2 MR. NEGRETE: Objection. Lacking in foundation
3 improper. Improper form. Calls for speculation.

4 THE WITNESS: I really can't speculate on that
5 basis.

6 Q BY MR. SHELY: You've compared
7 yourself Dwight David Eisenhower in other writings,
8 haven't you, sir?

9 MR. NEGRETE: Objection.

10 THE WITNESS: I think so, yes.

11 Q BY MR. SHELY: That's something
12 that you would remember. Correct?

13 A Oh, yes.

14 Q Is he a historical interest of yours?

15 A Oh, yes.

16 Q Turn the page if you would, sir. Do you
17 see there's some bold print, sir, "here is the point
18 of this communication"? Would you read into the
19 record, sir, the paragraph above that.

20 A Are you referring to the one where it says
21 "the quackbuster"?

22 Q It starts "the quackbuster operation," sir.

23 A "The quackbuster operation --

24 MR. NEGRETE: Hold on. Oh, you want him to read
25 it out loud?

1 MR. SHELY: Yes.

2 MR. NEGRETE: Go ahead.

3 THE WITNESS:

4 "The 'quackbuster' operation,
5 these days, is being run out of a
6 New York ad agency. Just accept
7 that statement for now. I'm not
8 naming the agency publicly, for I
9 don't want to get embroiled in
10 more litigation over that issue,
11 just yet. But they know I know,
12 and they know I know they know.
13 They've changed their methodology
14 since I exposed how they do
15 things. They know I want them
16 federally indicted - and they know
17 I'm gathering evidence - and that
18 there are many representatives of
19 government agencies on my
20 newsletter lists."

21 Q BY MR. SHELY: Are those the words
22 that you wrote, sir?

23 MR. NEGRETE: Objection. Calls for speculation.

24 THE WITNESS: Again, it sounds familiar, but
25 there's no ID on this page.

1 Q BY MR. SHELY: You've certainly
2 claimed that there's a New York ad agency running
3 the quackbuster operation in many of your writings,
4 haven't you, sir?

5 A Yes.

6 MR. NEGRETE: Objection. Assumes facts not in
7 evidence. Lacking in foundation.

8 Q BY MR. SHELY: What is the name of
9 the New York ad agency, sir?

10 MR. NEGRETE: Objection. Relevance.

11 THE WITNESS: The word I want is -- slipped my
12 tongue. It's a euphemism. The title New York ad
13 agency is a euphemism for the control group that
14 actually runs it.

15 Q BY MR. SHELY: What's the name of
16 the New York ad agency that you refer to in that
17 paragraph you read, sir?

18 MR. NEGRETE: Objection. Asked and answered.

19 THE WITNESS: There isn't.

20 Q BY MR. SHELY: So you just lied
21 that there was one?

22 MR. NEGRETE: Objection. Argumentative. Also
23 assumes facts not in evidence. Mischaracterizes
24 testimony.

25 THE WITNESS: It's a euphemism.

1 Q BY MR. SHELY: You've said before
2 there's a New York ad agency running the operation.
3 You just read it. Correct?

4 A That's correct.

5 Q But there really isn't a New York ad agency
6 running an operation. Correct?

7 MR. NEGRETE: Objection. The question has been
8 asked and answered. Assumes facts not in evidence.
9 Mischaracterizes testimony.

10 THE WITNESS: I've answered your question. The
11 term New York ad agency is a euphemism for the
12 control group which actually runs the quackbuster
13 operation.

14 Q BY MR. SHELY: I see. Which
15 bureau in New York is that ad agency located in,
16 sir?

17 MR. NEGRETE: Objection. Assumes facts not in
18 evidence. Also relevance in line of questioning.

19 Q BY MR. SHELY: You just made it
20 up. Right? Just one of the things you wrote in
21 this article and you just made it up.

22 MR. NEGRETE: Objection. Mischaracterizes
23 testimony.

24 A No. It's a euphemism.

25 MR. NEGRETE: Don't answer when I'm objecting.

1 Go ahead.

2 Q BY MR. SHELY: There's nothing in
3 there about it being a euphemism, is there?

4 MR. NEGRETE: Objection. Argumentative.
5 Relevance.

6 Q BY MR. SHELY: Is there, sir?

7 MR. NEGRETE: Objection. The document speaks
8 for itself.

9 THE WITNESS: The document speaks for itself.
10 Read the next word. "Just accept that statement for
11 now."

12 Q BY MR. SHELY: See that's what I
13 meant you to do. I meant you to tell me -- confirm
14 that there is no New York ad agency running a
15 quackbuster operation.

16 MR. NEGRETE: Objection.

17 Q BY MR. SHELY: Is that a true or
18 false statement, sir?

19 MR. NEGRETE: The question has been asked and
20 answered. Mischaracterizes testimony. Assumes facts
21 not in evidence. Lacking in foundation and
22 relevance.

23 THE WITNESS: The term is a euphemism for the
24 control group which runs the quackbuster operation I
25 believe.

1 Q BY MR. SHELY: What is your basis,
2 your factual basis for saying that, sir?

3 MR. NEGRETE: Objection. Relevance.

4 THE WITNESS: Each time a quackbuster operation
5 begins, press releases go out. Each time they can be
6 traced back to the ad agencies that sent them out.
7 There are different ad agencies that send out these
8 press releases when an attack is organized against a
9 product or a person. It's traceable. Generally
10 speaking the attack starts with the American Council
11 on Science and Health in Manhattan, the ACSH. They
12 use a number of ad agencies.

13 Q Can you name one of them?

14 A No, I can't.

15 Q You didn't produce any of these press
16 releases you're talking about, did you, in the
17 documents you produced --

18 MR. NEGRETE: Objection.

19 Q BY MR. SHELY: -- in response to
20 this case?

21 Let me finish my question.

22 MR. NEGRETE: I'm sorry.

23 Q BY MR. SHELY: You didn't produce
24 any of those documents, did you, sir?

25 A I wasn't asked for them.

1 Q Do you have them in your possession?

2 A No.

3 Q Have you ever seen them?

4 A Of course.

5 Q When was the last time you saw them? Did
6 you get rid of the documents?

7 MR. NEGRETE: Objection. Relevance.
8 Argumentative.

9 THE WITNESS: Why would I keep them?

10 MR. SHELY: Well, to support what you're saying
11 that you're asking the reader to take as a fact.
12 Right?

13 MR. NEGRETE: Objection. Argumentative.
14 Relevance.

15 THE WITNESS: I'd have to have a warehouse to
16 store the material.

17 Q BY MR. SHELY: You can't name a
18 single press release from a specific New York ad
19 agency, can you, sir?

20 MR. NEGRETE: Objection. Relevance.

21 You know, I might point out for the record
22 the whole line of questioning is not relevant to the
23 issues that are germane to this case. And I'd ask
24 the court to instruct the plaintiff's counsel stop
25 this line of questioning because it's just not

1 relevant to any of the issues.

2 MR. SHELY: Well, thank you for your advisory
3 ruling. We believe that it is of course relevant and
4 likely to lead to the discovery of admissible
5 evidence. And I represent the defendant, not the
6 plaintiff. You can make your motion down the line as
7 you deem fit.

8 I feel pretty comfortable when we get
9 through the day that this will all be tied together
10 for you so you'll understand some of the angles of
11 where we're going.

12 Q All I'm asking, sir, is you wanted a person
13 reading your article to believe there was a New York
14 ad agency and you knew who they were but you weren't
15 going to say. That's what you wanted to convey here.

16 Correct?

17 MR. NEGRETE: Objection. Argumentative.
18 Relevance. Lacking in foundation.

19 Q BY MR. SHELY: You just made it
20 up, didn't you, Mr. Bolen?

21 A No.

22 MR. NEGRETE: Objection. Compound question.

23 THE WITNESS: No.

24 Q BY MR. SHELY: If you didn't make
25 it up, what are the factual basis or bases for that

1 statement?

2 MR. NEGRETE: Objection. The question has been
3 asked and answered. Argumentative. Relevance.

4 THE WITNESS: I've already answered your
5 question.

6 Q BY MR. SHELY: What is the factual
7 basis for your statement that the quackbuster
8 operation these days is being run out of a New York
9 ad agency?

10 MR. NEGRETE: Objection. Asked and answered.
11 Relevance. Assumes facts not in evidence.

12 THE WITNESS: I'm an independent writer. That's
13 my opinion.

14 Q BY MR. SHELY: So you don't think
15 that's a statement of fact that the quackbuster
16 operation these days is being run out of a New York
17 ad agency. You think that's an opinion rather than
18 a fact. Is that your defense?

19 MR. NEGRETE: Objection. There is no defense.
20 Relevance. Argumentative. Seeks a legal
21 interpretation and a legal expert opinion.

22 Q BY MR. SHELY: You make up a lot
23 of stuff that you write in your postings, don't you,
24 sir?

25 A Absolutely not.

1 MR. NEGRETE: Objection. Argumentative.

2 Q BY MR. SHELY: One last chance,
3 sir. Can you name the ad agency that you're
4 referring to in that paragraph?

5 MR. NEGRETE: Objection. The question has been
6 asked and answered. It's not a question of last
7 chance, counsel. You've asked the question several
8 times. He's answered the question several times.
9 Also relevance.

10 THE WITNESS: I've answered the question.

11 Q BY MR. SHELY: You can't name the
12 ad agency that you referred to, can you, sir.

13 MR. NEGRETE: Objection. The question has been
14 asked and answered. Relevance.

15 THE WITNESS: I've already answered. The term
16 is a euphemism.

17 Q BY MR. SHELY: Euphemism for what,
18 sir?

19 A I don't know how much clearer I can make
20 it.

21 Q What is it a euphemism for?

22 MR. NEGRETE: Objection. The question has been
23 asked and answered. Counsel, please move on. You've
24 asked these questions and the question has been
25 answered.

1 Q BY MR. SHELY: What do you mean
2 when you say it's a euphemism, sir?

3 A Do you have a dictionary available? Look
4 it up.

5 Q No, sir. Just tell the jury unless you're
6 saying you won't tell the jury what you mean when you
7 say the New York ad agency is a euphemism.

8 MR. NEGRETE: Objection as to the question.
9 First of all, it's a compound question with respect
10 to the reference to the jury. Also relevance.

11 THE WITNESS: Would you like to ask it again?

12 MR. SHELY: Would you read it back to him,
13 please.

14 (RECORD READ)

15 THE WITNESS: The term a New York ad agency is a
16 euphemism for a control group which I believe runs
17 the quackbuster operation. That's the answer.

18 Q BY MR. SHELY: Would you list for
19 me, sir, everyone that you believe is in the control
20 groups you just identified in your last answer?

21 MR. NEGRETE: Objection. Assumes facts not in
22 evidence.

23 MR. SHELY: We're going to get them in evidence.
24 That's why we're asking.

25 Q What is the control group, sir?

1 MR. NEGRETE: Counsel, relax.

2 MR. SHELY: I'm not doing all the talking in
3 between questions, sir.

4 MR. NEGRETE: I know these objections make you
5 uneasy, counsel.

6 MR. SHELY: Very comfortable how they will come
7 out.

8 MR. NEGRETE: We are too, counsel, because
9 you're entering a line that is absolutely not
10 relevant to the issues in this case.

11 MR. SHELY: Stay tuned, counselor. Stay tuned.

12 MR. NEGRETE: Stay tuned to what, counselor?

13 MR. SHELY: I think even you will see the
14 connection as we get through the deposition.

15 MR. NEGRETE: Well, I haven't seen it yet,
16 counselor. Maybe you'd like to give the court or the
17 judge some sort of opportunity or some sort of
18 proffer as to where you're going.

19 MR. SHELY: Do you have any other objections,
20 sir?

21 MR. NEGRETE: No.

22 MR. SHELY: Read him back the question again,
23 please.

24 (RECORD READ)

25 THE WITNESS: Okay.

1 Q BY MR. SHELY: Start.

2 A The American Council on Science and Health.

3 Q American Council on Science and Health?

4 A Uh-huh.

5 Q Who else?

6 A The National Council Against Health Fraud.

7 Q Who else?

8 A Quackwatch.com.

9 Q Anybody else?

10 A Healthwatcher.net.

11 Q Healthwatcher what, sir?

12 A I think that's it. Healthwatcher.net.

13 Q Who else, sir?

14 A A group calling itself The Skeptics.

15 They're out of Albany, New York.

16 Q Anybody else that's in the control group as
17 you've used that term, sir?

18 A Permisius Press (phonetic).

19 Q Anybody else in the control group as you
20 have used that term, sir?

21 A Individuals associated with those
22 organizations.

23 Q List them, sir.

24 A I can't remember all the names.

25 Q List the ones that you do remember.

1 A Stephen Barrett.

2 Q And who else, sir?

3 A Robert Baratz.

4 Q Any other individuals that you believe are
5 involved or affiliated with this control group that
6 you have identified?

7 A Wallace Sampson. And there's another group
8 that I forgot. The Scientific Review of Alternative
9 Medicine.

10 Q We're going to break and change the tape,
11 sir. We'll take a short break and then start again.

12 THE VIDEOGRAPHER: This ends videotape number
13 one in the continuing deposition of Mr. Timothy
14 Bolen.

15 The time is 12:15 p.m. on April 12, 2006
16 and we are off the record.

17 (LUNCH RECESS TAKEN)

18 THE VIDEOGRAPHER: This begins videotape number
19 two in the continuing deposition of Mr. Timothy
20 Bolen.

21 The time is 1:25 p.m. on April 12, 2006 and
22 we are back on the record.

23 Q BY MR. SHELY: Mr. Bolen, did you
24 have an opportunity to get yourself some lunch?

25 A Yes. Thank you.

1 Q Very good. Let's go ahead and continue,
2 sir.

3 I'm going to hand the court reporter what
4 I'm going to ask her to mark as Exhibit 2. I have a
5 courtesy copy for Mr. Negrete also.

6 (Whereupon, the aforementioned document
7 was marked as defendant's exhibit 2 for
8 identification and is attached hereto.)

9 Q BY MR. SHELY: Before the break,
10 sir -- you know that this one is off of the internet
11 and has the internet markings that you had
12 complained or you had indicated were not on Exhibit
13 1, so I just wanted you to look at this document and
14 I'll ask you a few questions about it.

15 You've had a chance to look at Exhibit 2,
16 sir?

17 A Yes, I did.

18 Q What is it?

19 MR. NEGRETE: Objection. Relevance.

20 Foundation. Assumes facts not in evidence.

21 THE WITNESS: It appears to be a similar
22 document to Exhibit 1.

23 Q BY MR. SHELY: Did you have a
24 chance to compare the text of the paragraphs you
25 read into the record earlier off of Exhibit 1 to see

1 if they were identical?

2 MR. NEGRETE: Objection. Assumes facts not in
3 evidence. Argumentative.

4 Q BY MR. SHELY: If you need to
5 compare them, sir, feel free to compare the three
6 paragraphs that you read into the record off of
7 Exhibit 1 before lunch to Exhibit 2 and tell me if
8 you find any differences in the text.

9 MR. NEGRETE: Objection. The document speaks
10 for itself.

11 THE WITNESS: Would you mind if I mark on this?

12 MR. SHELY: No, sir. You can go ahead and mark.
13 Just tell the court reporter which one you're marking
14 on so she see knows.

15 THE WITNESS: I'm going to mark Exhibit No. 2 so
16 I can keep track of which paragraphs --

17 MR. NEGRETE: Don't. Unless there's a question
18 pending.

19 THE WITNESS: Okay.

20 MR. SHELY: There's a question pending.

21 MR. NEGRETE: There's not a question regarding
22 marking. With respect to the documents, those are
23 the court reporter's documents.

24 THE WITNESS: I'm sorry. Let me get my glasses
25 out. That will make it a lot easier.

1 Okay. I'm ready. What's your question?

2 Q BY MR. SHELY: My question, sir,
3 is I want you to compare the text on Exhibit 2 of
4 the three paragraphs that you marked and read before
5 the lunch break on Exhibit 1 and tell me if you find
6 any differences in the text.

7 MR. NEGRETE: Objection. The document speaks
8 for itself.

9 THE WITNESS: They appear to be the same.

10 Q BY MR. SHELY: Now, does Exhibit 2
11 now that you've had a chance to review that help you
12 confirm that those are in fact the words that you
13 wrote since it came off the internet --

14 MR. NEGRETE: Objection.

15 MR. SHELY: Let me finish, please.

16 Q -- off of one of your websites?

17 MR. NEGRETE: Objection. Calls for speculation.
18 Assumes facts not in evidence as to whether they came
19 off the internet or not. Lacking in foundation.
20 Relevance.

21 THE WITNESS: This has on it the address of one
22 of my websites and this data here I don't recognize.

23 Q BY MR. SHELY: What is the one
24 website you're referring to, sir?

25 A It says"

1 "http://northamericanconsumersagainsthealthfraud.org"
2 and some other things here.

3 Q But at least that is one of your websites
4 North American Consumers Against Health Fraud.
5 Correct?

6 MR. NEGRETE: Objection. Vague and ambiguous.
7 What is one of those websites?

8 Q BY MR. SHELY: Did you understand
9 the question, sir?

10 A You're asking me if that's my website --

11 Q Yes, sir.

12 A -- address?

13 Q Yes, sir.

14 A That is one of my websites.

15 Q And would you turn to the last page, sir.

16 A Well, there's a problem again.

17 Q Okay.

18 A This document appears to have been written
19 today.

20 Q It was run off today at lunch, sir. That's
21 when I ran it off the internet, at lunchtime.

22 A I didn't write this today.

23 MR. NEGRETE: Objection -- hold on. Objection.

24 Don't assume or speculate as to what Mr. Shely did.

25 It's calling for speculation. Relevance. Lacking in

1 foundation.

2 Q BY MR. SHELY: What I'm asking
3 you, sir, is now that you've had an opportunity to
4 see this text which I will represent to you was run
5 off a Google search at lunch after you said you
6 didn't know if it was from your website now that
7 you've seen a document that has your website on it
8 as well as your phone number and name on the last
9 page does that refresh your recollection as to
10 whether the words contained in Exhibit 2 were
11 written by you.

12 MR. NEGRETE: Objection. Relevance. Lacking in
13 foundation. Calling for speculation. Disregarding
14 Mr. Shely's representation, go ahead and answer.

15 THE WITNESS: Again, Mr. Shely, it appears to be
16 something I would have written. But it's dated
17 today, so I'm not following what you're saying. I
18 obviously didn't write this today.

19 Q BY MR. SHELY: Look right under
20 the headline, sir. See it says Sunday,
21 September 5, 2004?

22 A Yes, I do.

23 Q Does that refresh your recollection as to
24 whether you wrote this?

25 MR. NEGRETE: Objection. The question has been

1 asked and answered. Relevance. Lacking in
2 foundation.

3 THE WITNESS: Again, I'm just making my point
4 that this has today's date on it.

5 Q BY MR. SHELY: Yes, I understand
6 the bottom of the page does, sir. What I'm drawing
7 your attention to is under the headline "Private
8 Communication from Bolen." It says Sunday,
9 September 5, 2004.

10 Does that assist you in refreshing your
11 recollection as to whether you wrote these words
12 contained in Exhibit 2?

13 A I think I've answered this a number of
14 times Mr. Shely. It appears to be something that I
15 wrote. But again --

16 Q I'm going to let you finish. I didn't mean
17 to interrupt you.

18 A Again, I don't know if it is or not. It
19 could be.

20 Q You don't deny that this is something you
21 wrote at any rate. Is that correct, sir?

22 MR. NEGRETE: Objection. Improper question.
23 Relevance. Argumentative.

24 THE WITNESS: I don't deny it, no.

25 MR. SHELY: I'm going to hand to the court

1 reporter, Mr. Bolen, what's going to be marked as
2 Exhibit 3. I have a courtesy copy for your counsel
3 Mr. Negrete.

4 The court reporter will mark this as three.
5 I ask that you look at it and tell me whether you can
6 identify it, sir.

7 (Whereupon, the aforementioned document
8 was marked as defendant's exhibit 3 for
9 identification and is attached hereto.)

10 MR. NEGRETE: Objection. Relevance. Calls for
11 speculation, lacking in foundation. I would like to
12 point out Mr. Shely that there's an indication that
13 says document subject to protective order.

14 MR. SHELY: Yeah, that issue has been resolved
15 in the case.

16 MR. NEGRETE: I believe that issue is on appeal
17 right now before Judge Krieger, and Cavitat would
18 assert that pending the appeal all confidentiality --
19 confidential documents remain such.

20 Q BY MR. SHELY: Have you had a
21 chance to review that document, sir?

22 A Yes, I have.

23 Q Have you ever seen that document before,
24 sir?

25 A I have.

1 Q What is it?

2 MR. NEGRETE: Objection. Relevance.

3 THE WITNESS: It's titled Cavitat Legal Fund
4 Participating Agreement as Amended October 1st, 2004.

5 Q BY MR. SHELY: And beneath the
6 word subscriber, sir, it is printed Tim Bolen and
7 there's a signature. Is that your signature, sir?

8 MR. NEGRETE: Objection. Relevance.

9 THE WITNESS: Where is the word subscriber?

10 MR. SHELY: Your counsel can help you with that,
11 sir.

12 THE WITNESS: Oh, I see. Yes, that's my
13 signature.

14 Q BY MR. SHELY: And to the right of
15 there it has printed Jan Bolen and there's a
16 signature Jan Bolen. In your opinion, is that your
17 wife's signature?

18 A Yes.

19 MR. NEGRETE: Objection. Calls for an expert
20 opinion. Lacking in foundation. Relevance.

21 Q BY MR. SHELY: Did you see your
22 wife sign that document, sir?

23 A No, I did not.

24 Q Do you believe that based upon more than 40
25 years of marriage you would recognize your wife's

1 signature?

2 A Yes.

3 MR. NEGRETE: Objection.

4 Q BY MR. SHELY: And there's no
5 doubt in your mind at all, sir, is there, that that
6 is your wife's signature on the first page along
7 with yours?

8 A Correct.

9 Q Now, you signed it on February 3, 2005. Is
10 that correct, sir?

11 A It appears that way, yes.

12 Q All right, sir. Why don't you read into
13 the record the first paragraph after the word
14 subscription agreement in the title starting with "I
15 Tim Bolen."

16 MR. NEGRETE: Objection. Relevance. The
17 document speaks for itself.

18 THE WITNESS:

19 "I Tim Bolen hereby agree to
20 become participants under the
21 terms and conditions of CLFPA as
22 amended October 1st, 2004. For
23 public relations and consulting
24 services to CLFPA, I am granted
25 one quarter of one full share.

1 The present value basis is \$6,250.
2 CLFPA will consist of only six
3 full shares. One full share
4 equals \$25,000 and should the suit
5 be settled before six full shares
6 have been subscribed and paid or
7 vested, the total award amount
8 will be allowed to participants
9 and will be distributed on the
10 basis of amount of participant's
11 investment as related to one full
12 share. Example, a 12,500
13 investment will receive one half
14 of one full share of the reward."

15 Q BY MR. SHELY: Why don't you read
16 the next sentence also, sir.

17 MR. NEGRETE: Objection. Relevance. The
18 document speaks for itself.

19 THE WITNESS:

20 "It is understood that should
21 no financial award be received and
22 any remaining CLFPA legal funds
23 have been distributed this
24 participating agreement is
25 terminated."

1 Q BY MR. SHELY: All right.

2 Mr. Bolen, did you have any role with the formation
3 of the Cavitat Legal Fund Participating Agreement?

4 MR. NEGRETE: Objection. Relevance. Calls for
5 a legal conclusion. Ultimate fact. The question is
6 vague and ambiguous.

7 THE WITNESS: No, I did not.

8 Q BY MR. SHELY: Have you raised any
9 money on behalf of Cavitat --

10 MR. NEGRETE: Objection. Relevance.

11 Q BY MR. SHELY: -- since the filing
12 of the lawsuit on August 12, 2004?

13 MR. NEGRETE: Objection as to relevance.

14 THE WITNESS: No.

15 Q BY MR. SHELY: What public
16 relations services did you provide in connection
17 with the agreement marked as Exhibit 3?

18 MR. NEGRETE: Objection. Relevance.

19 THE WITNESS: I advised Mr. Jones to keep in
20 contact continuously with his Cavitat customers, and
21 I advised him on how to deal with press contacts and
22 I listened to him.

23 Q BY MR. SHELY: When did you first
24 meet Bob Jones the president of Cavitat?

25 MR. NEGRETE: Objection. Relevance.

1 THE WITNESS: I don't know the exact date, but
2 it was in Dallas, Texas at a dental meeting after
3 this agreement was signed.

4 Q BY MR. SHELY: Is that the dental
5 meeting where you were first served with subpoenas
6 to appear for deposition in this case?

7 MR. NEGRETE: Objection. Relevance. Assumes
8 facts not in evidence.

9 THE WITNESS: Yes. That's the one.

10 Q BY MR. SHELY: Now, had you spoken
11 to Mr. Jones on the phone before that date --

12 MR. NEGRETE: Objection. Relevance.

13 Q BY MR. SHELY: -- March 4, 2005?

14 MR. NEGRETE: Objection. Relevance.

15 THE WITNESS: Yes, of course.

16 Q BY MR. SHELY: So when you say
17 first time you met him is when you met him in
18 person. Is that what you meant?

19 A Correct.

20 Q When is the first time that you spoke with
21 Bob Jones the president of Cavitat?

22 MR. NEGRETE: Objection. Relevance.

23 THE WITNESS: I don't remember the exact time
24 when he first called me and told me that he was going
25 through the FDA approval process. That's when he

1 first told me. That's my earliest recollection.

2 Q Do you know the date which Cavitat sought
3 clearance for the Cavitat device from the FDA?

4 MR. NEGRETE: Objection. Calls for speculation.
5 Relevance. Assumes facts not in evidence.

6 THE WITNESS: No, I don't.

7 Q BY MR. SHELY: Can you as you sit
8 here today give the year in which you first spoke
9 with Bob Jones?

10 A No, I can't.

11 Q Do you know if it was before the year 2004
12 at any rate?

13 A I'm sorry over there. I have a back injury
14 and I can't sit still. I'm sorry.

15 Would you ask your question again?

16 Q Sure. Do you know if the first time you
17 spoke to Bob Jones was before 2004?

18 A Yes.

19 Q And you believe that it was prior to that
20 date. Is that what you mean by your answer?

21 A The best indication is when I told you
22 before that -- my earliest recollection is when he
23 called me and was going through his FDA clearance.

24 Q Had you heard of Bob Jones prior to the
25 time that you received that call from him, sir, the

1 very first call?

2 MR. NEGRETE: Objection. Vague and ambiguous.
3 Relevance.

4 MR. SHELY: Please let him answer the question.
5 There's nothing vague and ambiguous about that
6 question. You're obstructing the record
7 purposefully. It's going to be something that's
8 going to have to be addressed. If you want to have a
9 running relevance objection, I will give you that.
10 You are objecting on every single question
11 unnecessarily and obstructively.

12 MR. NEGRETE: I'm not objecting to every single
13 question. I'm objecting to every question that's not
14 relevant.

15 And as to your proposal to stipulate to
16 running objection as to relevance, I will accept
17 that. It would be subject to court approval, but I
18 do believe that the whole line of questioning -- in
19 fact, the deposition of Mr. Bolen himself is not
20 relevant or germane to any issues in this case.

21 And, Mr. Shely, I understand your desire to
22 object or to take exception to one of my objections,
23 but you don't have to get upset about it. You can
24 state a record.

25 MR. SHELY: I'm not upset about it at all. I'd

1 just like you to quit obstructing the deposition.

2 MR. NEGRETE: Mr. Shely, I take exception to
3 your representation that I'm obstructing. I'm doing
4 my job. I'm objecting to questions that are not
5 relevant.

6 As a matter of fact, Mr. Shely, I believe
7 you're being obstructive in this case by going into
8 lines of inquiry that are not relevant to this case.

9 MR. SHELY: Thank you for your opinion. We
10 respectfully disagree with it.

11 Q Mr. Bolen, can you answer the pending
12 question or do you need to hear it again?

13 A I'd like to hear it again. Thank you.

14 (RECORD READ)

15 THE WITNESS: Yes, I did -- I had.

16 Q BY MR. SHELY: And what was the
17 context or the circumstances that caused you to hear
18 of him before, sir?

19 A I had heard his name mentioned in the
20 dental world.

21 Q In what context, sir?

22 A I don't recall. It's too vague. I don't
23 remember.

24 Q And do you have -- do you know how long ago
25 you heard of Bob Jones even though you don't know

1 exactly when you first received a call from him?

2 A I don't know, no.

3 Q Do you consider the Cavitat to be a cutting
4 edge health professional?

5 MR. NEGRETE: Objection. Calls for a legal
6 conclusion and expert testimony. Lacking in
7 foundation. The question is vague and ambiguous.

8 THE WITNESS: I have no knowledge of the Cavitat
9 instrument whatsoever.

10 Q BY MR. SHELY: You don't claim to
11 know how the Cavitat purports to work. Is that
12 correct?

13 A That's correct.

14 Q What does NICO stand for?

15 MR. NEGRETE: Objection. Calls for speculation.
16 Lacking in foundation. Calls for expert testimony.

17 THE WITNESS: I'd have to think about it. Let
18 me think what NICO is.

19 MR. SHELY: Sure.

20 THE WITNESS: The first word is neuralgia. I
21 think the second word is induced. The third word is
22 cavitational. The "O" word escapes me.

23 Q BY MR. SHELY: Is it fair to say
24 that you don't hold yourself out as having any
25 knowledge regarding the controversy whether NICO

1 exists or not?

2 MR. NEGRETE: Objection. Assumes facts not in
3 evidence. Lacking in foundation.

4 THE WITNESS: Ask the question again, please.

5 MR. SHELY: Yeah. Would you read it back to
6 him, please.

7 (RECORD READ)

8 MR. NEGRETE: Objection. Assumes facts not in
9 evidence. Calling for speculation.

10 THE WITNESS: It is too vague, Mr. Shely. I
11 have read some things, but I can't -- your question
12 is too vague.

13 Q BY MR. SHELY: You don't consider
14 yourself an expert on the issue of NICO, do you,
15 sir?

16 MR. NEGRETE: Objection. Assumes facts not in
17 evidence. Lacking in foundation as to issue.

18 THE WITNESS: Again, would you clarify a little
19 more for me where you're going with that? I -- I
20 really need you to focus that just a little bit more.

21 Q BY MR. SHELY: Let me try to
22 rephrase it. You haven't done any studies about
23 NICO, have you?

24 MR. NEGRETE: Objection. Assumes facts not in
25 evidence. Lacking in foundation as to NICO.

1 THE WITNESS: I have read about NICO and the
2 arguments.

3 Q BY MR. SHELY: Have you done
4 anything other than read about the arguments and
5 read articles?

6 A Like what?

7 MR. NEGRETE: Objection. Vague and ambiguous.

8 Q BY MR. SHELY: Anything else, sir.

9 MR. NEGRETE: Objection. Vague and ambiguous.
10 Overbroad.

11 THE WITNESS: I would need some kind of idea
12 where -- what you meant. I don't know what you mean
13 by that.

14 Q BY MR. SHELY: What is Big Pharma?

15 MR. NEGRETE: Objection. Calls for speculation.
16 Assumes facts not in evidence. Lacking in
17 foundation.

18 THE WITNESS: Big Pharma is the term commonly
19 used for the pharmaceutical industry.

20 Q BY MR. SHELY: And you use that
21 term in your postings, don't you, sir?

22 A Yes, I do.

23 Q Do you remember comparing Big Pharma to
24 Nazies?

25 MR. NEGRETE: Objection.

1 THE WITNESS: I don't remember.

2 MR. NEGRETE: Assumes facts not in evidence.

3 Q BY MR. SHELY: Have you ever
4 compared anybody to Nazis in your postings, sir?

5 MR. NEGRETE: Objection. Calls for -- the
6 question is vague and ambiguous. Also relevance.

7 My understanding is we've got a standing
8 relevance objection. Is that true, counsel?

9 MR. SHELY: As noted earlier, sir.

10 MR. NEGRETE: Thank you.

11 THE WITNESS: Have I ever compared anyone to
12 Nazis?

13 MR. SHELY: Yeah, in your postings.

14 THE WITNESS: I think I may have said something
15 acts like Nazis.

16 Q BY MR. SHELY: Who did you say
17 acts like Nazis?

18 A I don't recall at this time.

19 Q I'm going to hand to the court reporter,
20 sir, what's going to be marked as Exhibit 4. I have
21 a courtesy copy for Mr. Negrete.

22 (Whereupon, the aforementioned document
23 was marked as defendant's exhibit 4 for
24 identification and is attached hereto.)

25 Q BY MR. SHELY: When you get it,

1 sir, I'd like to draw your attention to the first
2 page. Underneath, sir, the heading "But this time
3 Big Pharma is in a death struggle." Do you see that
4 near the bottom of the page, sir?

5 MR. NEGRETE: What was that again? Where were
6 you reading from?

7 Q BY MR. SHELY: Sir, the last line
8 at the bottom of the page starting "In actuality."
9 Will you read that into the record, sir? It goes
10 over to the next page.

11 MR. NEGRETE: Well, first of all, object. The
12 document speaks for itself. There's no question
13 pending.

14 Q BY MR. SHELY: Will you read that
15 into the record, sir, so I can ask you some
16 questions about it so the jury can have an
17 understanding what the document says.

18 A Okay. "But this time Big Pharma is in a
19 death struggle."

20 Q What I was drawing your attention to was
21 the line that started with "In actuality" at the
22 bottom of the page.

23 A Okay. Thank you.

24 "In actuality Big Pharma
25 itself is under siege. Their

1 murderous policies have gotten
2 them attention they should have
3 avoided. An attention that isn't
4 going to go away. Their policies
5 have gained attention the same way
6 the Nazi war machine got the free
7 world's attention and they are
8 going to see a similar result."

9 Q Does that refresh your recollection as to
10 whether you've compared entities or persons to Nazis
11 in at least some of your postings?

12 MR. NEGRETE: Objection. Lacking in foundation.

13 THE WITNESS: Can you ask the question again,
14 please.

15 MR. SHELY: Would you read it back to him
16 please.

17 (RECORD READ)

18 MR. NEGRETE: Objection. Assumes facts not in
19 evidence. Lacking in foundation as to postings.

20 THE WITNESS: I think you're attempting to
21 mischaracterize what I said here, Mr. Shely. It
22 speaks for itself.

23 Q BY MR. SHELY: You did write it
24 though. Correct, sir?

25 A It appears that I did. Could be if we're

1 using the same guidelines we used before.

2 Q You don't deny that you wrote it. Is that
3 correct?

4 A No.

5 Q And actually don't you as you think about
6 it you've made a number of other postings comparing
7 persons to Nazis.

8 MR. NEGRETE: Objection. Calls for speculation.
9 Lacking in foundation.

10 MR. SHELY: He can tell me what he knows,
11 counsel.

12 THE WITNESS: Other postings you're assuming
13 that -- this is a reference that talked about the
14 Nazi war machine. That's a totally different issue.
15 And so but you're trying to mischaracterize what I
16 said here.

17 Q BY MR. SHELY: Let's go back to
18 Exhibit 3, sir, if you would. If I do the math
19 right -- you tell me if you do it differently --
20 based upon your quarter of a share of six full
21 shares, you're entitled to 1/24th of any amount that
22 Cavitat is awarded in this suit. Is that correct?

23 MR. NEGRETE: Objection.

24 Q BY MR. SHELY: Per this agreement.
25 Is that your understanding of it?

1 MR. NEGRETE: Objection. Improper question as
2 to form. The question is argumentative.

3 THE WITNESS: I don't think that's right.

4 Q BY MR. SHELY: Why isn't that
5 right based upon your understanding?

6 A As a matter of fact, 1/24th. I didn't look
7 at it like that.

8 Q All I'm saying, sir, is there's six total
9 shares per this agreement. Do you agree with that?

10 MR. NEGRETE: Objection. The document speaks
11 for itself.

12 Q BY MR. SHELY: Is that your
13 understanding?

14 A Yes. There's six full shares.

15 Q Okay. And you have a quarter of a full
16 share. Is that correct?

17 A Yes.

18 Q So that would be 1/24th of the total
19 shares. Is that correct?

20 MR. NEGRETE: Objection. The document speaks
21 for itself.

22 THE WITNESS: Well, you're not taking into
23 consideration page two.

24 Q BY MR. SHELY: All right, sir. So
25 you don't agree that you're entitled to 1/24th?

1 MR. NEGRETE: Objection. Mischaracterizes
2 testimony.

3 Q BY MR. SHELY: Is that what you're
4 saying, sir?

5 MR. NEGRETE: Argumentative.

6 THE WITNESS: My -- I don't agree, no.

7 Q BY MR. SHELY: Tell me, sir, how
8 much you understand you get out of any recovery that
9 Cavitat gets in this lawsuit.

10 MR. NEGRETE: Objection. Calls for speculation.

11 THE WITNESS: I can speculate, but by the way I
12 had it explained to me I would get 1/96th.

13 Q BY MR. SHELY: Who explained to
14 you that you got 1/96th?

15 A Well, perhaps Mr. Jones. But I didn't get
16 it right. I mean I don't know if I got it right.

17 Q So is it fair to say that you don't know
18 how much of the percentage of any recovery by Cavitat
19 that you would get based upon this agreement?

20 A Yes. That's correct. I am not positive of
21 how that would work because things have changed.

22 Q And how have things changed, sir?

23 A You'd have to ask Mr. Jones. I don't know
24 that.

25 Q What is your factual basis for saying

1 things have changed? What makes you say that?

2 A I believe they changed the accounting rules
3 somewhere since I signed this and they had to vote on
4 it or something, so I don't know what it is.

5 Q You still own whatever percent of the
6 lawsuit that this document gives you. Isn't that
7 correct? You haven't given it back to Cavitat.

8 MR. NEGRETE: Objection. Lacking in foundation.
9 Privacy.

10 THE WITNESS: That's correct. Again, there's
11 more here.

12 Q BY MR. SHELY: So you would agree
13 then that you have a financial interest in the
14 lawsuit brought by Cavitat against my client Aetna.
15 Correct?

16 MR. NEGRETE: Objection -- withdraw the
17 objection other than relevance.

18 THE WITNESS: Yes, I agree.

19 Q BY MR. SHELY: That of course puts
20 you in a biased position as to giving any testimony
21 in the case, doesn't it?

22 MR. NEGRETE: Objection. Mischaracterizes
23 testimony. Lacking in foundation. Argumentative.
24 Improper form.

25 THE WITNESS: I have never been asked to give

1 testimony nor would I be expected to.

2 Q BY MR. SHELY: All I'm asking,
3 sir, is you're giving testimony in your deposition.
4 You understand that. Correct?

5 A Not by their request, not by the
6 plaintiff's request, by yours.

7 Q You understand that you'll be entitled to
8 financial gain if Cavitat wins this lawsuit based
9 upon this agreement. Is that correct?

10 A Yes, I do.

11 Q Turn if you would, sir, to the last page of
12 Exhibit 3, sir. And did you receive that letter from
13 Sara Jones?

14 A Yes, I was faxed a copy of this.

15 Q And what does the one sentence of the text
16 of the letter say, sir?

17 A
18 "Enclosed is Cavitat Legal
19 Fund Participating Agreement,
20 CLFPA, awarding you one full share
21 for your public relations and
22 consulting contributions to the
23 partnership."

24 Q Now, have you posted on any internet site
25 any descriptions of the lawsuit of Cavitat versus

1 Aetna?

2 MR. NEGRETE: Objection. Vague. Overbroad.

3 Ambiguous.

4 THE WITNESS: What do you mean by a description?

5 Q BY MR. SHELY: Have you made any

6 postings referencing the Cavitat versus Aetna

7 lawsuit?

8 A Yes.

9 Q And are those postings a part of your role

10 as a crisis management consultant?

11 A No, they're not.

12 Q Is your -- has Cavitat asked you to make

13 those postings?

14 A No.

15 Q And are you saying that -- has Cavitat

16 asked you not to make the postings?

17 MR. NEGRETE: Objection. Argumentative.

18 Improper as to form.

19 THE WITNESS: No.

20 Q BY MR. SHELY: When you're

21 posting, is that part of the public relations

22 services that you're providing to the partnership

23 based upon page three of Exhibit 3?

24 MR. NEGRETE: Objection. Calls for a legal

25 interpretation.

1 THE WITNESS: I'd like to refer you to Exhibit 2
2 which you asked me about. And paragraph five says:

3 "What is important here to
4 recognize is that my newsletter is
5 separate from my business that of
6 being a crisis management
7 consultant in the healthcare
8 industry. My business card says
9 'JuriMed Public Relations and
10 Research Group' below the title is
11 says 'strategist.'"

12 Q BY MR. SHELY: Are you providing
13 crisis management services to Cavitat.

14 MR. NEGRETE: Objection. Vague and ambiguous.

15 THE WITNESS: Yes.

16 Q BY MR. SHELY: Describe those
17 services, please.

18 A I -- my primary function these days is to
19 listen to Mr. Jones blow off steam.

20 Q Describe for me what you mean by your
21 primary -- you said role or task -- whatever your
22 word was was to Mr. Jones blow off steam. What's he
23 blowing off stream about, sir?

24 A His frustrations in this case.

25 Q And were you involved in any way in working

1 on the original complaint filed in this case?

2 MR. NEGRETE: Objection. Lacking in foundation.

3 Calls for speculation.

4 THE WITNESS: No, I was not. It came as a

5 surprise to me.

6 Q BY MR. SHELY: What do you mean it

7 came as a surprise to you?

8 A Bob Jones called me one day and says, well,

9 we did it. And I said did what? And he said we

10 filed our complaint.

11 And I had to think about what -- what it

12 was he was talking about because I get a lot of

13 calls. And I had to ask him what specifically he was

14 talking about.

15 Q To the best of your recollection, sir, when

16 did you receive that call from Mr. Jones in which you

17 stated he told you that the lawsuit had been filed?

18 A Either day of or the day after.

19 Q And is it your testimony that you were not

20 involved in any way with the lawsuit prior to that

21 time because you didn't know it was going to be

22 filed?

23 MR. NEGRETE: Objection. The question has been

24 asked and answered. It's a compound question.

25 THE WITNESS: That's correct.

1 Q BY MR. SHELY: Did you have any
2 communication with the Walter Gerash law firm, the
3 Colorado firm that formerly represented Cavitat in
4 this suit --

5 MR. NEGRETE: Objection.

6 Q BY MR. SHELY: -- prior to the
7 suit being filed?

8 MR. NEGRETE: Well. Objection. Lacking in
9 foundation.

10 THE WITNESS: Mr. Shely, I remember some
11 communications around that time, but I don't think
12 they were before the suit. I think they were after.

13 Q BY MR. SHELY: And you're pretty
14 sure that you didn't know Cavitat was going to file
15 suit until after that event had occurred. Is that
16 your testimony?

17 A Excuse me a second here. That's correct.
18 I -- I -- Mr. Jones had said he was thinking about
19 it, but I get a lot of calls with people thinking
20 about doing things. And I hadn't -- so when he said
21 he did it, I went what and I want to see it right
22 now, where can I get a copy.

23 Q Did you provide -- let me ask you this:
24 Have you ever spoken with Walter Gerash on the phone
25 or in person?

1 MR. NEGRETE: The person or the firm?

2 Q BY MR. SHELY: Walter Gerash the
3 individual.

4 A No, but I'd like to.

5 Q And did you have any communication with
6 Mr. Andy Reid who works at the Walter Gerash law firm
7 before the suit was filed on August 12, 2004?

8 MR. NEGRETE: Objection. Assumes facts not in
9 evidence. Foundation.

10 THE WITNESS: I don't believe so, no. I had
11 communication -- the first communication I ever had
12 with Andrew Reid was I believe where can I get a copy
13 of this.

14 Q BY MR. SHELY: So in other words
15 your first communication to the best of your
16 recollection with Andy Reid of the Walter Gerash law
17 firm was after the lawsuit was filed?

18 A Yes. Right at the time the lawsuit was
19 filed. Bob was eager to tell me right at that time.

20 Q Did you provide any information to
21 Cavitat's then lawyers in connection with the
22 preparation of the suit?

23 MR. NEGRETE: Objection. The question has been
24 asked and answered. Assumes facts not in evidence.
25 Lacking in foundation.

1 THE WITNESS: No, I didn't. I was disappointed
2 that he didn't ask me.

3 Q BY MR. SHELY: Why were you
4 disappointed?

5 A Well, I don't know. It just was a great
6 suit, and I wished they had asked me in the first
7 place.

8 Q And did you understand when he told you
9 that he had filed suit that it was a RICO suit?

10 MR. NEGRETE: Objection. Lacking in foundation.
11 Assumes facts not in evidence. Seeks a legal
12 interpretation.

13 THE WITNESS: Yes, I did.

14 Q BY MR. SHELY: And did you know
15 what a RICO suit was at that time?

16 A I had certainly heard the name. And I did
17 some research right away about RICO.

18 Q Had you been involved with a RICO suit
19 prior to August of 2004?

20 MR. NEGRETE: Objection. Vague and ambiguous.
21 Lacking in foundation.

22 THE WITNESS: Only as a journalist. I had
23 written about one before.

24 Q BY MR. SHELY: Which suit do you
25 claim that you wrote about before, sir?

1 A Can you give me a minute here? There might
2 be more than one. I can only remember one. I
3 remember one.

4 Q What is the one that you remember, sir?

5 A There was a counter suit in an Oakland
6 Superior Court case in the Barrett versus Clark case.

7 Q And who brought the suit against whom, sir?

8 MR. NEGRETE: Objection. Calls for speculation.
9 Lacking in foundation. Assumes facts not in
10 evidence.

11 THE WITNESS: One of the defendants. And I
12 honestly don't remember. I just don't recall who it
13 was specifically.

14 MR. NEGRETE: Do you mind if we take a quick
15 break right now?

16 MR. SHELY: If you need to.

17 MR. NEGRETE: Yes, I need to.

18 MR. SHELY: All right.

19 MR. NEGRETE: Thank you.

20 THE VIDEOGRAPHER: We are going off the record.
21 The time is 2:10 p.m.

22 (RECESS TAKEN)

23 THE VIDEOGRAPHER: We are back on the record.

24 The time is 2:24 p.m.

25 Q BY MR. SHELY: Mr. Bolen, I'm

1 going to hand to the court reporter what will be
2 exhibit number five. I have a courtesy copy for
3 your counsel.

4 Mr. Bolen, I'm going to ask you about some
5 names, whether you've ever worked for certain
6 individuals. I thought it might be useful to you to
7 be able to see the names in writing. That's why I
8 have handed to you Exhibit No. 5.

9 (Whereupon, the aforementioned document
10 was marked as defendant's exhibit 5 for
11 identification and is attached hereto.)

12 MR. NEGRETE: I'm going to object to the use of
13 the document for purposes of names. This is not a
14 document prepared by Mr. Bolen and would call for
15 speculation.

16 If there are questions concerning names,
17 that just simply those questions be asked with
18 respect to names rather than having Mr. Bolen
19 speculate into the document that is being presented
20 to him unless there's some sort of foundation.

21 Q BY MR. SHELY: Mr. Bolen, have you
22 ever -- you or JuriMed -- you understand when I say
23 you --

24 A Sure.

25 Q -- I mean you individually and/or JuriMed?

1 Have you ever done any work for Boyd Haley?

2 A No.

3 Q Have you ever done any work for Jerry
4 Bouquot?

5 MR. NEGRETE: Objection. Calls for -- lacking
6 in foundation.

7 THE WITNESS: No, I never have.

8 Q BY MR. SHELY: Have you ever
9 spoken with Jerry Bouquot?

10 A Yes.

11 Q On what occasion, sir?

12 A He was testifying in a case.

13 Q What case was he testifying in, sir?

14 A In Wisconsin a dentist there named
15 Venderheiden.

16 Q I'm sorry. What was the last name?

17 A Venderheiden.

18 Q Is that the first time that you spoke with
19 Jerry Bouquot?

20 A Yes.

21 Q Is that the only occasion on which you have
22 spoken with Jerry Bouquot?

23 A I've spoken to him one other time I think.
24 I think I've spoken to him twice. I don't remember
25 the substance of the second one.

1 Q Have you ever talked to Jerry Bouquot about
2 Cavitat or NICO?

3 A No.

4 MR. NEGRETE: Objection. Assumes facts not in
5 evidence.

6 Q BY MR. SHELY: Have you ever
7 talked to Boyd Haley about Cavitat or NICO?

8 A What did I talk to Boyd Haley about? I
9 don't think so. I don't believe so, no. I believe I
10 talked to him about something else.

11 Q Have you ever talked to Dr. Bouquot about
12 this lawsuit Cavitat versus Aetna?

13 A No, not yet.

14 Q I didn't hear your last answer.

15 A No, not yet.

16 Q Do you intend to?

17 A No.

18 Q Have you ever talked to Wesley E. Shankland
19 II about Cavitat or NICO?

20 MR. NEGRETE: Objection. Assumes facts not in
21 evidence. Lacking in foundation.

22 THE WITNESS: I have never met Wesley Shankland,
23 and I don't think I've talked to him on the
24 telephone. But I do believe I've got an e-mail from
25 him once.

1 Q BY MR. SHELY: What was the
2 subject of the e-mail?

3 A I have no idea. I just think I might have.

4 (TELEPHONIC INTERRUPTION)

5 THE WITNESS: Excuse me. Let me just turn that
6 off.

7 MR. NEGRETE: Is everything okay?

8 THE WITNESS: I have to monitor.

9 MR. SHELY: If you'd like to take a break to
10 look at your call, that's okay.

11 THE WITNESS: That wasn't it. I meant to leave
12 it on vibrate. I got critical things happening.

13 It's okay. I'm sorry. What was your question again?

14 Q BY MR. SHELY: What was the
15 subject of the e-mail you received from Wesley
16 Shankland?

17 A Something minor. I believe I gave a copy
18 of it. I think it was in one of those e-mails.

19 Q You believe it was in the documents that
20 you produced in response to the subpoena?

21 A Yes. It was minor. Nothing. I don't
22 remember. Nice article or something like that he
23 said. Something like that. Innocuous.

24 Q Who is Frank Recker?

25 MR. NEGRETE: Objection. Assumes facts not in

1 evidence. Lacking in foundation.

2 THE WITNESS: Frank Recker --

3 MR. NEGRETE: The question is vague and
4 ambiguous too.

5 THE WITNESS: Frank Recker is an attorney
6 dentist -- dentist and attorney out of both Ohio and
7 Florida. I think he lives in Florida now.

8 Q BY MR. SHELY: Have you and
9 including in that question of course JuriMed ever
10 provided any services to or worked for Frank Recker
11 or any of his clients?

12 MR. NEGRETE: Objection. Compound question.

13 THE WITNESS: You want to break that up?

14 Q BY MR. SHELY: Sure. Have you
15 including JuriMed ever provided services to Frank
16 Recker?

17 A No.

18 Q Have you including JuriMed ever provided
19 services to anybody that you knew was Frank Recker's
20 client?

21 A Yes.

22 MR. NEGRETE: Excuse me a minute, please. I've
23 got a note here to call the Judge's office. Is there
24 something scheduled?

25 MR. SHELY: Not that I know of.

1 MR. NEGRETE: Do you mind if I call him?

2 MR. SHELY: No, I don't. Let's take a break.

3 THE VIDEOGRAPHER: We are going off the record.

4 The time is 2:30 p.m.

5 (RECESS TAKEN)

6 THE VIDEOGRAPHER: We are back on the record.

7 The time is 2:39 p.m.

8 Q BY MR. SHELY: Mr. Bolen, before
9 the break that we just took, you had indicated that
10 you had previously provided services to persons that
11 you knew were lawyer Frank Recker's clients.

12 Do you remember that?

13 A Yes.

14 Q Could you tell me who those individuals or
15 entities were, please?

16 A An M.D. in Wisconsin named Eleazar,
17 E-l-e-a-z-a-r, Kadile, K-a-d-i-l-e.

18 Q Let me stop you there. What services did
19 you or JuriMed -- we still have this understanding I
20 gather like we did before the break. If I say you
21 you understand it's you individually or anyone on
22 JuriMed's behalf?

23 A Yes, sir.

24 Q What services did you provide in connection
25 with Kadile -- Dr. Kadile?

1 A Public relations services.

2 Q What did you do in terms of providing
3 public relations services?

4 A I organized his patient support group
5 and --

6 Q What kind of support group, sir?

7 A Patient support group.

8 Q What was Dr. Kadile charged with?

9 A Charge is not the right term.

10 Q All right.

11 A He had -- it was an administrative hearing
12 over professional standards. I'm sorry. You
13 interrupted my question. Let's go back and --

14 Q Yeah, sure.

15 A Where did you want to go? Ask me again,
16 please.

17 Q Well, why don't you go ahead and list each
18 of the clients of Frank Recker who you have provided
19 services to and I'll go back and ask you questions
20 about them individually.

21 A That's the only one.

22 Q Have you reviewed any depositions that were
23 taken in this case Aetna -- or excuse me -- Cavitat
24 versus Aetna?

25 MR. NEGRETE: Objection. Assumes facts not in

1 evidence. Calls for speculation. I guess the
2 question is if you had received any.

3 THE WITNESS: I -- I don't think so. Maybe, but
4 I don't think so because weren't they sealed or
5 something for -- I don't think I -- they were sealed
6 or something, so I couldn't have done it.

7 Q BY MR. SHELY: Have you seen the
8 deposition of Dr. Robert Baratz, sir, taken in this
9 case?

10 A You know I -- Mr. Shely, I've seen so many
11 depositions of Barrett that I don't recall which --
12 if I've seen the one in this case. I really don't.

13 Q I'm not sure I understood your answer.
14 Were you talking about Barrett or Baratz, t-z, with
15 respect to your last answer?

16 A Barrett. Isn't that who you were referring
17 to, Stephen Barrett?

18 Q Well, let's start over, sir. With regard
19 to Dr. Stephen Barrett, have you seen the deposition
20 of him that was taken in this case?

21 MR. NEGRETE: Well, objection. Foundation.

22 THE WITNESS: I don't know if I have.

23 Q BY MR. SHELY: Do you recall
24 whether you've reviewed any of the depositions taken
25 in the case of Cavitat versus Aetna?

1 A I honestly -- I don't think so. I don't
2 really know that. Depositions in this case. Could
3 you give me some examples of some names?

4 Q Have you seen the deposition of Dr. Robert
5 Baratz, B-a-r-a-t-z, taken in this case?

6 A No.

7 Q Have you seen the deposition of Dr. John
8 Dodes, D-o-d-e-s, taken in this case?

9 MR. NEGRETE: Objection. Lacking in foundation.
10 Assumes facts not in evidence.

11 THE WITNESS: No, I have not.

12 Q BY MR. SHELY: Have you reviewed
13 any of the discovery responses involved in the
14 Cavitat versus Aetna case whether they be
15 interrogatories, request for admissions or documents
16 produced by the parties?

17 MR. NEGRETE: Objection. Calls for speculation.

18 THE WITNESS: I am not familiar with all of your
19 terminology. Would you break it down -- I'm not an
20 attorney, so what are you asking me?

21 Q BY MR. SHELY: Let's break it down
22 then. Have you reviewed any of the depositions
23 taken in this case other than what I've asked you
24 about individually a moment or two ago.

25 MR. NEGRETE: Objection. Calls for speculation.

1 The question is vague and ambiguous. Overbroad.

2 THE WITNESS: Not that I know of.

3 Q BY MR. SHELY: And did you review
4 anything in preparation for your deposition here
5 today in the way of depositions of anybody?

6 MR. NEGRETE: Objection. The question has been
7 asked and answered in the beginning as to any
8 documents.

9 THE WITNESS: No.

10 Q BY MR. SHELY: Now, Dr. Kadile in
11 Wisconsin ended up pleading out. Is that right?

12 MR. NEGRETE: Objection. Calling for
13 speculation. Lacking in foundation. Vague and
14 ambiguous.

15 Q BY MR. SHELY: Just tell me if you
16 know, sir.

17 A Pleading out -- I don't think that's the
18 term. I think they settled the case.

19 Q Entered into a stipulation with the board.
20 Is that right?

21 A Yes.

22 MR. NEGRETE: Objection. Calls for speculation.

23 Q BY MR. SHELY: Have you ever done
24 any lobbying for passage of what are sometimes
25 called health freedom bills?

1 MR. NEGRETE: Objection. Assumes facts not in
2 evidence. Lacking in foundation.

3 THE WITNESS: Lobbying is the wrong term.

4 Q BY MR. SHELY: What have you done
5 in connection with health freedom bills then if you
6 don't think it's called lobbying?

7 MR. NEGRETE: Objection. Overbroad. Vague and
8 ambiguous. Assumes facts not in evidence. Also
9 objection as to point in time. Jurisdiction.

10 Q BY MR. SHELY: You can answer,
11 sir.

12 A I've been a proponent of health freedom
13 bills all over the country.

14 Q When you say you're a proponent of health
15 freedom bills, what action have you taken as a
16 proponent of health freedom bills? Let's limit it
17 first as to Wisconsin.

18 A You mean am I a proponent for a health
19 freedom bill in Wisconsin?

20 Q Yes, sir. Have you ever been?

21 A I don't believe there's a health freedom
22 bill on the table in Wisconsin.

23 Q Has there ever been in the past, sir?

24 A Possibly. I wasn't involved then.

25 Q Do you recall lobbying for legislation in

1 Wisconsin in 2003?

2 MR. NEGRETE: Objection. Assumes facts not in
3 evidence as to -- also lacking in foundation.

4 THE WITNESS: I am not a lobbyist, and I am not
5 involved in lobbying.

6 Q BY MR. SHELY: You're not a
7 registered lobbyist. Is that correct?

8 MR. NEGRETE: Objection. Mischaracterizes
9 testimony. Assumes facts not in evidence. Lacking
10 in foundation.

11 Q BY MR. SHELY: Is that correct?

12 A That's correct.

13 Q In Wisconsin or anywhere. Correct?

14 A Lobbying is not part of my service.

15 Q Have you ever visited the residence of an
16 attorney prosecuting an administrative proceeding
17 against one of your clients?

18 MR. NEGRETE: Objection. Vague and ambiguous.
19 Overbroad. Lacking in foundation.

20 THE WITNESS: You mean as a social guest?

21 Q BY MR. SHELY: No, sir. Just have
22 you ever gone to their house to let them know that
23 you knew where they lived?

24 MR. NEGRETE: Objection. Calls for speculation.
25 Lacking in foundation as to identity of the

1 prosecutor.

2 THE WITNESS: No, absolutely not.

3 Q BY MR. SHELY: Have you ever
4 appeared at Stephen Barrett's residence?

5 MR. NEGRETE: Objection. Calls for speculation.
6 Lacking in foundation.

7 THE WITNESS: Appeared. Define appeared.

8 Q BY MR. SHELY: You went to his
9 house and took a picture?

10 A Yes.

11 Q And then did you then post that picture on
12 the internet?

13 A Yes.

14 Q Have you ever done any similar action with
15 respect to any attorney prosecuting either an ALJ
16 proceeding or a case against one of your clients?

17 A No.

18 MR. NEGRETE: Objection. Vague and ambiguous.
19 Overbroad.

20 Q BY MR. SHELY: Who is Owen Fonero?

21 A He is a man in Illinois.

22 Q And how do you know him?

23 A I met him a couple of times personally and
24 talked to him on the phone at length, and he used to
25 do a website called Bolenreport.com.

1 Q How long did he do a website called
2 Bolenreport.com?

3 A Two or three years.

4 Q What time period did that occur, sir?

5 A It ended last year.

6 Q Why did it end, sir?

7 A He wanted to move on to other things.

8 Q Did he not want to be affiliated with your
9 Bolenreport.com subject matter?

10 MR. NEGRETE: Objection. The question is
11 argumentative.

12 THE WITNESS: No. He invented it. He asked to
13 use my name.

14 MR. SHELY: I'm sorry, sir?

15 THE WITNESS: He invented it.

16 Q BY MR. SHELY: He invented the
17 Bolenreport.com?

18 A Yeah, he did.

19 Q Tell me how that came about as you
20 understand it, sir.

21 A He called me up and said he wanted to do a
22 copy of a drudge report for healthcare, and I told
23 him that was a good idea, and he says there's just
24 one thing, I need somebody that everybody knows and
25 that's you, can I use your name, I thought okay,

1 yeah, okay.

2 Q And when did that occur, sir? When did the
3 Bolen Report first appear.

4 A Three years or four. Whatever. Something
5 like that. It's on the internet. Check it out.

6 Q And what financial gain, if any, did you
7 benefit from the Bolenreport.com website?

8 A None. No gain. There was no financial --
9 he paid all the --

10 Q Tell me how that worked. Would you write
11 the pieces or did you not even write the pieces that
12 were contained in the Bolenreport.com?

13 A Are you familiar with a drudge report? He
14 did a drudge report copy called the Bolen Report,
15 Bolen for Healthcare. They're just little summaries
16 of health news.

17 Q And what I'm asking you is on the articles
18 or postings that you posted on Bolenreport.com that
19 said written by Tim Bolen did you write those or did
20 someone else ghost write them for you?

21 MR. NEGRETE: Objection. Calls for speculation.
22 Lacking in foundation.

23 THE WITNESS: There were two parts to it as I
24 recall -- well, there were three or four parts. But
25 he posted my articles on there.

1 Q BY MR. SHELY: And you would
2 prepare the articles and send them to Mr. Fonero and
3 then they would appear on the Bolen Report. Is that
4 how it would work?

5 A He was just on my mailing list. He would
6 pick them up.

7 Q How many other websites do you have, sir?
8 Can you list them for me?

9 A I think I have four total.

10 Q I'm sorry?

11 A I think I have four, maybe five.

12 Q Can you list them, sir?

13 A Bolenreport.net and dot com now and --
14 although dot com is not up, Quackpotwatch.org.

15 Q And can you --

16 A How many is that?

17 Q I think that was three, sir. But the
18 record will reflect.

19 A And North American Consumers Against Health
20 Fraud.

21 Q That's the one we looked at earlier as an
22 exhibit. Is that right? Exhibit 2?

23 A It could be. I think so, yes. Part of it.

24 Q All right. Now, do you receive any revenue
25 from any hits, if you will, to those websites?

1 MR. NEGRETE: Objection. Privacy.

2 THE WITNESS: That's a trade secret.

3 Q BY MR. SHELY: Well, sir, do you
4 receive any -- let's start this way: Do you receive
5 any revenue based upon those websites?

6 A This -- about four months ago we put Google
7 ads on Bolenreport.net.

8 Q And explain how you would receive money
9 from that action.

10 MR. NEGRETE: Objection. Assumes facts not in
11 evidence. Lacking in foundation.

12 THE WITNESS: I believe that the ads that are up
13 there are dependent upon key words in the text.

14 Q BY MR. SHELY: And who sends you
15 some money, if anybody, sir?

16 A Google.

17 Q And have you received money from Google?

18 A Yes.

19 Q How much money have you received from
20 Google?

21 MR. NEGRETE: Objection. Privacy.

22 THE WITNESS: Not a lot. \$140 a month.

23 Q BY MR. SHELY: Now, did you
24 receive that for each of the websites that you
25 listed or only for the Bolen.com website?

1 A I only have Google ads on that one site.

2 Q And in addition to the Google revenue that
3 you receive from the websites, do you receive any
4 other revenue from the websites?

5 A No.

6 Q Do you request contributions for your
7 clients' defense funds on your websites?

8 MR. NEGRETE: Objection.

9 THE WITNESS: I think I did have one once where
10 I requested contributions.

11 Q BY MR. SHELY: Who was that for,
12 sir?

13 A I believe that was for Hulda Clark. It was
14 some time ago.

15 Q And how much money did you raise for Hulda
16 Clark?

17 A I never saw it. It didn't go to me.

18 Q You're saying you don't know how much money
19 was raised for Hulda Clark based upon your --

20 A Right. It went to a defense fund.

21 Q And did you have control of any of the
22 defense fund proceeds?

23 A No.

24 Q Who did?

25 A I don't remember. Somebody else though.

1 Somebody.

2 Q Mr. Negrete represents Hulda Clark also,
3 doesn't he?

4 MR. NEGRETE: Objection. Calls for speculation.
5 Not relevant. Assumes facts not in evidence.

6 Tim, give me the bottle.

7 THE WITNESS: Oh, sorry. Yes.

8 Q BY MR. SHELY: And Mr. Negrete
9 represented Hulda Clark in a RICO action that she
10 brought against Stephen Barrett and others, didn't
11 he?

12 MR. NEGRETE: Objection. Calls for speculation.
13 Assumes facts not in evidence. Not relevant. Not
14 calculated to lead to relevant evidence. Lacking in
15 foundation.

16 THE WITNESS: I believe so, yes, yes.

17 Q BY MR. SHELY: What do you recall
18 about that, sir?

19 MR. NEGRETE: Objection. Lacking in foundation.
20 Assumes facts not in evidence. The question is vague
21 and ambiguous.

22 THE WITNESS: I remember writing about it after
23 it happened.

24 Q BY MR. SHELY: What do you recall
25 about the circumstances of the RICO suit, sir,

1 against Stephen Barrett in which Hulda Clark was
2 represented by your attorney Carlos Negrete?

3 MR. NEGRETE: Objection. Lacking in foundation.
4 Assumes facts not in evidence. Seeks legal
5 interpretation. Calls for speculation.

6 THE WITNESS: Ask me again.

7 MR. SHELY: The court reporter will read it back
8 to you.

9 (RECORD READ)

10 MR. NEGRETE: Also I'd add to that objection the
11 question is vague and ambiguous.

12 THE WITNESS: I don't recall much at all.

13 Q BY MR. SHELY: Do you recall that
14 the RICO suit that Hulda Clark brought against
15 Stephen Barrett was dismissed when Hulda Clark could
16 not produce any evidence to support the RICO charges
17 against Dr. Barrett? Do you recall that, sir?

18 MR. NEGRETE: Objection. Assumes facts not in
19 evidence. Calling for speculation. Lacking in
20 foundation. Not relevant.

21 THE WITNESS: Your question is kind of strange.
22 Could you rephrase it for me?

23 Q BY MR. SHELY: Dr. Hulda Clark's
24 RICO suit against Stephen Barrett was dismissed,
25 wasn't it?

1 MR. NEGRETE: Well, objection. Calls for
2 speculation, legal interpretation. Assumes facts not
3 in evidence. Also relevance.

4 THE WITNESS: I've never seen any of the
5 documentation.

6 Q BY MR. SHELY: The RICO suit
7 didn't succeed, did it?

8 MR. NEGRETE: Objection. Calls for speculation.
9 Assumes facts not in evidence. I might add that case
10 is still pending.

11 THE WITNESS: I don't remember the reasons,
12 but -- let's see. What was the reason? I don't
13 think it was your reason.

14 Q BY MR. SHELY: Do you remember
15 that in that suit Hulda Clark testified that she had
16 absolutely no evidence supporting the RICO
17 allegations against Dr. Stephen Barrett? Do you
18 recall that?

19 MR. NEGRETE: Objection. Assumes facts not in
20 evidence. Calls for speculation. Lacking in
21 foundation.

22 THE WITNESS: I'm not aware of any.

23 Q BY MR. SHELY: Didn't you tell me
24 earlier I think it was this morning that you were a
25 defendant in a lawsuit in which Stephen Barrett has

1 brought against you and Mr. Negrete?

2 MR. NEGRETE: Objection. Mischaracterizes
3 testimony. Lacking in foundation. Assumes facts not
4 in evidence.

5 Q BY MR. SHELY: Do you know that
6 Mr. Negrete is a defendant in a lawsuit brought by
7 Stephen Barrett based upon the failed RICO
8 allegations that he brought on behalf of Hulda Clark
9 against Stephen Barrett four years or so ago?

10 MR. NEGRETE: Objection. Mischaracterizes the
11 record, a record. Assumes facts not in evidence.
12 Lacking in foundation. Calling for speculation.

13 THE WITNESS: Please the question one more time.

14 MR. SHELY: She'll read it back to you, sir.

15 (RECORD READ)

16 THE WITNESS: The answer is yes.

17 Q BY MR. SHELY: Now, have you
18 ever -- do you know what a case runner is?

19 A No, I don't.

20 Q Have you ever gone out and looked for cases
21 that could be brought by Mr. Negrete in connection
22 with what you characterized as cutting edge
23 healthcare professionals?

24 MR. NEGRETE: Objection. Assumes facts not in
25 evidence. Lacking in foundation.

1 THE WITNESS: Have I ever gone out and found
2 cases?

3 MR. SHELY: Yes, sir.

4 THE WITNESS: I don't think that's a good
5 terminology, no.

6 Q BY MR. SHELY: Have you ever been
7 involved in getting cases or potential plaintiffs to
8 Mr. Negrete in connection with what you've
9 characterized as cutting edge healthcare providers?

10 MR. NEGRETE: Objection. Lacking in foundation.
11 Assumes facts not in evidence.

12 THE WITNESS: I think I recommended some people.

13 Q BY MR. SHELY: Who have you
14 recommended Mr. Negrete to, sir?

15 A Well, let's see.

16 MR. NEGRETE: Objection. Lacking in foundation.
17 Relevance.

18 THE WITNESS: Let me think about that. I can't
19 think of any right now. I think so. I think I have.

20 Q BY MR. SHELY: Did you
21 represent -- excuse me. Did you recommend
22 Mr. Negrete to Hulda Clark, sir?

23 MR. NEGRETE: Objection. Relevance.

24 THE WITNESS: No. That's not the way it
25 happened.

1 Q BY MR. SHELY: Tell me the way it
2 did happen, sir, as you understand.

3 A Hulda Clark needed a new attorney and I
4 told her she needed a more aggressive one and I asked
5 Carlos to --

6 MR. NEGRETE: Objection as to -- I instruct you
7 not to testify as to any communications between
8 yourself and myself.

9 THE WITNESS: Okay. Hulda Clark picked him
10 herself.

11 Q BY MR. SHELY: Is it fair to say
12 you suggested to Hulda Clark that she have Carlos
13 Negrete represent her?

14 A No. I didn't do that.

15 Q What did you do then, sir, with respect to
16 advising her of Mr. Negrete as a more aggressive
17 attorney?

18 MR. NEGRETE: Objection. Assumes facts not in
19 evidence. Lacking in foundation.

20 THE WITNESS: Mr. Negrete was my attorney at the
21 time.

22 Q BY MR. SHELY: When did this occur
23 then, sir?

24 A Whenever she hired him. And I asked him as
25 a personal favor to speak to her about what she might

1 need in the way of an attorney with the understanding
2 that Dr. Clark and I had a financial arrangement and
3 there might be a conflict and he agreed to do that.

4 Q What was your financial arrangement with
5 Hulda Clark?

6 A The same as every other client.

7 Q And by that you mean you had an hourly
8 arrangement with her?

9 A That's correct.

10 Q Have you ever charged or told anybody that
11 you charge \$500 an hour for your time?

12 A Yes.

13 Q Who have you told that to?

14 A I don't remember. But I know that I have.
15 That's what I would charge if I had to testify.

16 Q Has anybody ever paid \$500 an hour?

17 A No.

18 Q What is the most per hour anyone has ever
19 paid you?

20 MR. NEGRETE: Objection. I believe that's asked
21 and answered.

22 THE WITNESS: 125.

23 Q BY MR. SHELY: Is the most?

24 A Yeah. I think so.

25 Q Did you recommend Mr. Negrete to Bob Jones?

1 A No.

2 Q Did you recommend Walter Gerash or Andrew
3 Reid to Bob Jones?

4 A No.

5 Q Did you have any communications with any of
6 the other attorneys at the Walter Gerash law firm
7 other than Andy Reid regarding the Cavitat suit?

8 MR. NEGRETE: Objection. Foundation.

9 THE WITNESS: I didn't know there were any.

10 Q BY MR. SHELY: So you don't recall
11 that you had any communications with Andy Reid?

12 A I did with Andy Reid. I already described
13 those to you.

14 Q Did you have any other communications with
15 any other lawyer at the Walter Gerash law firm with
16 respect to the Cavitat matter?

17 A I answered that I didn't know that there
18 were any others besides Andrew Reid.

19 Q Did you find in your experience with Andrew
20 Reid that he was truthful?

21 MR. NEGRETE: Objection. Calls for speculation.
22 Improper question. Argumentative.

23 Q BY MR. SHELY: You can answer,
24 sir.

25 A I didn't have enough communication with him

1 to make that kind of determination.

2 Q Is it fair to say that you don't have an
3 opinion one way or another?

4 A I don't have an opinion.

5 Q You do not?

6 A I don't have an opinion about whether he's
7 truthful.

8 Q And is the same true with respect to Walter
9 Gerash?

10 MR. NEGRETE: Objection. Assumes facts not in
11 evidence.

12 MR. SHELY: I can ask him if he has an opinion.

13 MR. NEGRETE: Well, how can he have an opinion
14 if he testified that he never talked to him?

15 MR. SHELY: He can say he doesn't have an
16 opinion.

17 THE WITNESS: I don't have an opinion.

18 Q BY MR. SHELY: Thank you, sir.

19 Who is Jim Turner?

20 MR. NEGRETE: Objection. Foundation.

21 THE WITNESS: The Jim Turner I know is an
22 attorney in Washington DC from Swank and Turner.

23 Q BY MR. SHELY: And has he ever
24 hired you including JuriMed?

25 A No.

1 Q Have any of Jim Turner's clients ever hired
2 you?

3 MR. NEGRETE: Objection. Calls for speculation.

4 THE WITNESS: I don't think so. I don't think
5 so.

6 Q BY MR. SHELY: How do you know Jim
7 Turner?

8 A He's a leader in the North American Health
9 Freedom Movement.

10 Q What is the North American Health Freedom
11 Movement?

12 A It is a loose conglomeration of activists
13 involved in health and health related issues in North
14 America.

15 Q What is the Zapper?

16 MR. NEGRETE: Objection. Calls for speculation.
17 Seeks expert testimony. Lacking in foundation.
18 Relevance.

19 THE WITNESS: Could you be more specific?

20 Q BY MR. SHELY: What is the Zapper
21 recommended by Hulda Clark?

22 MR. NEGRETE: Objection. Calls for speculation.
23 Assumes facts not in evidence. Relevance.

24 THE WITNESS: It's a little black box about this
25 size, about that thick. It holds a 9-volt battery.

1 It has two flexible leaves that come off the end that
2 puts out a frequency. It's a frequency generator or
3 something like that. That's what I know.

4 Q BY MR. SHELY: And have you ever
5 used one?

6 A Yes.

7 Q What did you use it for?

8 A To try it out.

9 Q What did you understand it could do for
10 you, sir?

11 A Dr. Clark believes that it does something
12 in terms of -- I'm not sure what it does. I'm not
13 technical.

14 Q Did you try the Zapper not knowing what it
15 was supposed to do, sir?

16 MR. NEGRETE: Objection. Mischaracterizes
17 testimony. Assumes facts. Foundation.

18 THE WITNESS: Well, I guess if you put it that
19 way, yeah. What is it supposed to do?

20 Q BY MR. SHELY: You're saying that
21 you used the Zapper without knowing what it was
22 supposed to do for you, sir? Is that your
23 testimony?

24 MR. NEGRETE: Objection. Argumentative.

25 THE WITNESS: I don't know where you're going --

1 what is it that you think it's supposed to do for
2 you, Mr. Shely? I'm at a loss here.

3 Q BY MR. SHELY: I'm asking you,
4 sir, what do you think the Zapper is supposed to do?
5 What does Hulda Clark say it does?

6 MR. NEGRETE: Objection. Calls for speculation.
7 Assumes facts not in evidence. Lacking in
8 foundation. Relevance.

9 THE WITNESS: I don't know what it does.

10 Q BY MR. SHELY: Do you agree with
11 Hulda Clark's view that all cancers can be cured?

12 MR. NEGRETE: Objection. Calls for speculation.
13 Assumes facts not in evidence. Lacking in
14 foundation. Seeks expert opinion and testimony.

15 THE WITNESS: I hope she's right.

16 Q BY MR. SHELY: Do you think that
17 she is?

18 MR. NEGRETE: Same objection.

19 THE WITNESS: In my opinion she's right.

20 Q BY MR. SHELY: And so in your
21 opinion all cancers are curable?

22 MR. NEGRETE: Objection. Mischaracterizes
23 testimony.

24 Q BY MR. SHELY: Is that right?

25 MR. NEGRETE: Objection. Assumes facts not in

1 evidence.

2 THE WITNESS: I hope so.

3 MR. NEGRETE: Mischaracterizes testimony.

4 Q BY MR. SHELY: And what kind of

5 treatment does she provide to cure cancers today?

6 Are you aware of that with her being your client?

7 MR. NEGRETE: Objection. Speculation. Compound

8 question. Assumes facts not in evidence. Relevance.

9 Q BY MR. SHELY: Have you ever had

10 any treatment from Hulda Clark to address the liver

11 flukes?

12 MR. NEGRETE: Objection. Assumes facts not in

13 evidence. Lacking in foundation. Relevance.

14 Q BY MR. SHELY: Do you believe

15 there's a treatment for liver flukes?

16 A I'm not following you. Would you give me

17 something to look at? That's kind of silly what you

18 just said.

19 Q Do you know whether your client Hulda Clark

20 treats people for what she believes are liver flukes?

21 MR. NEGRETE: Objection. Assumes facts not in

22 evidence. Lacking in foundation. Relevance.

23 THE WITNESS: I'm sorry. Could you show me some

24 documentation where Hulda Clark treats people for

25 liver flukes?

1 Q BY MR. SHELY: You've never heard
2 that before?

3 A I've heard it from the quackbusters and
4 that's the only source.

5 Q What's the Rife machine?

6 MR. NEGRETE: Objection. Calls for expert
7 testimony. Relevance. Assumes facts not in
8 evidence. Lacking in foundation.

9 Q BY MR. SHELY: You can answer,
10 sir.

11 A What about the Rife machine?

12 Q What is it?

13 A It's a frequency generator with variable
14 frequency settings.

15 Q And what's it supposed to do as you
16 understand it?

17 MR. NEGRETE: Objection. Calls for speculation.
18 Assumes facts not in evidence. Foundation.
19 Relevance. Seeks an expert opinion.

20 THE WITNESS: I am not an electronics or
21 biomedical person. I could not explain that to you,
22 but I could find somebody who could.

23 Q BY MR. SHELY: Do you know whether
24 Cavitat manufacturers a Rife machine?

25 MR. NEGRETE: Objection. Calls for speculation.

1 THE WITNESS: That would be a good product line.

2 Q BY MR. SHELY: Do you know whether

3 Cavitat is in that product line, sir?

4 A You know I gotta think about that. He
5 could be doing some research on that, but I don't
6 know. You know what? It sounds familiar, Mr. Shely.
7 But I don't have anything on that.

8 Q Have you ever had any clients that have
9 used or have been proponents of the Rife machine that
10 you know of?

11 MR. NEGRETE: Objection. Calls for speculation.
12 Lacking in foundation. Assumes facts not in
13 evidence. Relevance.

14 Q BY MR. SHELY: You don't need to
15 speculate to answer that question, do you,
16 Mr. Bolen?

17 A You asked me a second question. Let me
18 focus on the first one. Have I ever had a client
19 that does something with the Rife machine?

20 Q Yes.

21 A Hulda Clark doesn't use a Rife machine. I
22 think you're confused.

23 Q I'm asking if you've ever had any other
24 client other than Hulda Clark just so it's clear that
25 uses the Rife machine.

1 A No.

2 Q Who is Michael Forrest?

3 MR. NEGRETE: Objection. Relevance. Calls for
4 speculation. The question is vague and ambiguous.
5 Assumes facts not in evidence.

6 THE WITNESS: Michael Forrest is a person whom
7 I've never met but recently spoke to on the telephone
8 who was not convicted. He settled a case in
9 Milwaukee Federal Court.

10 Q BY MR. SHELY: He went to prison,
11 didn't he?

12 MR. NEGRETE: Objection. Calls for speculation.
13 Assumes facts not in evidence.

14 Q BY MR. SHELY: He went to prison,
15 didn't he?

16 A Yes, he did.

17 Q And you were raising money for him, weren't
18 you?

19 A He was not my client.

20 Q I asked you whether you were raising money
21 for him, sir --

22 A No.

23 Q -- whether you consider him your client or
24 not.

25 A No, I wasn't.

1 Q Do you consider Michael Forrest a cutting
2 edge healthcare professional?

3 MR. NEGRETE: Objection. Seeks expert
4 testimony.

5 THE WITNESS: No.

6 MR. NEGRETE: Please let me finish. Seeks
7 expert testimony. Assumes facts not in evidence.
8 Lacking in foundation.

9 MR. SHELY: I'm going to hand to the court
10 reporter what's going to be the next exhibit. I
11 believe it's six. And I have a courtesy copy for
12 your lawyer Mr. Negrete.

13 (Whereupon, the aforementioned document
14 was marked as defendant's exhibit 6 for
15 identification and is attached hereto.)

16 Q BY MR. SHELY: Turn to page 3 of
17 14 if you would on that, sir. At item number four
18 it says:

19 "Several manufacturers with
20 the types of devices Michael made
21 and sold donated 1,000 to 2,000
22 each to pay Tim Bolen a fraction
23 of what his time was worth."

24 Is that a true statement?

25 MR. NEGRETE: Objection. Calls for speculation.

1 Lack of authentication. Assumes facts not in
2 evidence. Foundation. Relevance. Hearsay.

3 Where are you reading from? I didn't get
4 that again.

5 MR. SHELY: Mr. Bolen will show you.

6 Q Is point number four a true statement, sir?

7 A I don't know if it's a true statement.
8 Possibly though.

9 Q Well, are you telling me that you do not
10 recall whether or not you were paid money by
11 manufacturers of the Rife machine ever?

12 MR. NEGRETE: Objection. Mischaracterizes
13 testimony. Argumentative.

14 THE WITNESS: I'm sorry. I do not recall.

15 Q BY MR. SHELY: Were you ever paid
16 any money by manufacturers of Rife machines?

17 A No.

18 Q So are you saying that point number four --
19 that you were in no way paid any money as reflected
20 in point number four on page 3 of Exhibit 6?

21 MR. NEGRETE: Objection. Hearsay. Assumes
22 facts not in evidence. Foundation.

23 Q BY MR. SHELY: That's just not a
24 true statement in your view?

25 A That's not a true statement.

1 Q You didn't accept any money from
2 manufacturers of Rife devices ever. Is that what
3 your testimony is?

4 MR. NEGRETE: Objection. Calls for speculation.

5 THE WITNESS: Not under these circumstances.

6 Q BY MR. SHELY: Under any
7 circumstances.

8 A I gotta think about that. It's possible,
9 but I don't recall.

10 Q Okay.

11 A But not under these circumstances.

12 Q You do raise money for cutting edge
13 healthcare practitioners though, don't you?

14 MR. NEGRETE: Objection. Vague and ambiguous.

15 THE WITNESS: I don't raise money, no. I'm not
16 a fundraiser.

17 Q BY MR. SHELY: Have you ever heard
18 of a Dr. Sinaiko, S-i-n-a-i-k-o?

19 A Yes.

20 Q Who is that?

21 A Robert Sinaiko M.D. is one of the most
22 famous cases in California. It was responsible for
23 changing the healthcare paradigm in the state his
24 case.

25 Q And do you know whether or not it's true

1 that there was a defense fund that raised hundreds of
2 thousands of dollars for Dr. Sinaiko?

3 MR. NEGRETE: Objection. Assumes facts not in
4 evidence.

5 THE WITNESS: Yes, there was a defense fund.

6 Q BY MR. SHELY: And do you know how
7 much money it raised for him?

8 A I think about \$800,000.

9 Q And what was your role in connection with
10 raising money for that defense fund, sir, if any?

11 A The defense fund was my client.

12 Q What was the name of the defense fund?

13 A I believe it was Sinaiko defense fund. I
14 don't know.

15 Q Was there ever any accounting done of the
16 moneys raised for the Sinaiko defense fund?

17 A I have no idea. I was a consultant. I
18 believe they did. I believe they kept very adequate
19 records.

20 Q Who is they in that answer?

21 A The people who ran the defense fund.

22 Q Who were the people who ran the defense
23 fund?

24 MR. NEGRETE: Objection. Calls for speculation.
25 Assumes facts not in evidence.

1 THE WITNESS: Let's see. A defense fund was --
2 I believe they were incorporated. You could look it
3 up. I think -- I don't know who the founders were,
4 but there were like five or six people on the board.

5 Q BY MR. SHELY: Did you get paid
6 from proceeds raised through the Sinaiko defense
7 fund?

8 MR. NEGRETE: Objection. Calls for speculation.
9 Assumes facts not in evidence. Foundation.

10 THE WITNESS: Yes.

11 Q BY MR. SHELY: How much were you
12 paid, sir?

13 A I don't recall. It was ten years ago.

14 Q As you sit here today -- you're saying it
15 was one of the most famous cases in California
16 history -- you don't remember how much money you were
17 paid in connection with the Sinaiko defense fund?

18 A Not much.

19 Q How much is not much?

20 A I don't remember. Maybe eight or \$10,000.

21 Q It's your testimony that you were paid no
22 more than \$10,000?

23 A I don't remember.

24 Q How did you receive the money?

25 A How did I receive the money?

1 Q Yes, sir. Were checks cut to you?

2 A Yeah.

3 Q And who were they made out to?

4 A Me.

5 Q Individually?

6 A I think so. Probably. A long time ago. I
7 don't even know if I had JuriMed at the time.

8 Q Did you ever receive any sort of 1099 from
9 the defense fund?

10 A I don't know.

11 Q Did you report that income on your taxes,
12 sir?

13 MR. NEGRETE: Objection. Privacy. Relevance.

14 THE WITNESS: You're asking a lot of questions
15 from a long time ago for details. I don't know.
16 Probably.

17 Q BY MR. SHELY: Who is Dr. Sika?

18 MR. NEGRETE: Objection. Calls for speculation.

19 Q BY MR. SHELY: If you know, sir.

20 A Can you spell it for me?

21 Q I think it's S-i-k-a.

22 A Oh, Sica?

23 Q Could be. Who is that?

24 A Client of mine -- was a client in
25 Connecticut.

1 Q And what kind of cutting edge healthcare
2 did Dr. Sika provide?

3 MR. NEGRETE: Objection. Calls for speculation.
4 Assumes facts not in evidence. Lacking in
5 foundation.

6 THE WITNESS: I think one of her things is
7 kelation therapy.

8 Q BY MR. SHELY: What is kelation
9 therapy as you understand it, sir?

10 A It's something being tested by the NIH with
11 a 30 million-dollar grant right now. It has to do
12 with arteriosclerosis or something like that,
13 cleaning out the arteries so that the body functions
14 better.

15 Q Do you know how the treatment proceeds?

16 A I've never had it done. I've had it
17 offered to me. I've never had it done.

18 Q Who offered to give you kelation therapy?

19 MR. NEGRETE: Objection. Mischaracterizes
20 testimony.

21 THE WITNESS: A doctor in Wisconsin.

22 Q BY MR. SHELY: Who is that?

23 A I think it was Dr. Kadile.

24 Q Who you talked about earlier in your
25 deposition?

1 A Yes.

2 Q You would agree that krelation therapy is
3 not broadly accepted in the medical community
4 currently. Is that right?

5 MR. NEGRETE: Objection. Calls for speculation.
6 Expert testimony. Assumes facts not in evidence.
7 Argumentative.

8 Q BY MR. SHELY: You can answer the
9 question, sir.

10 A Well, I'd say it's an emerging paradigm.

11 Q If it's emerging then it's not generally
12 accepted. Would you agree with that?

13 MR. NEGRETE: Objection. Argumentative. Seeks
14 expert testimony. Foundation. Relevance. Assumes
15 facts not in evidence.

16 Q BY MR. SHELY: Would you agree
17 with that, sir?

18 A That what?

19 MR. SHELY: Read back my question before to him,
20 please.

21 (RECORD READ)

22 THE WITNESS: Yeah, I would.

23 Q BY MR. SHELY: Have you ever heard
24 of a Bob Beck Blood Electrifier also called a Sota,
25 S-o-t-a?

1 MR. NEGRETE: Objection.

2 Q BY MR. SHELY: If you want to look
3 at where I'm getting at it's on page six of the
4 exhibit in front of you.

5 A Where are you looking?

6 Q In the second paragraph.

7 MR. NEGRETE: What page?

8 MR. SHELY: Page 6 of 14.

9 MR. NEGRETE: Objection as to the use of the
10 document which has been unauthenticated. Assumes
11 facts not in evidence. Improperly used for
12 refreshing of recollection as not having a
13 foundation.

14 Q BY MR. SHELY: The question, sir,
15 was have you ever heard of a Bob Beck Blood
16 Electrifier.

17 A I don't think so. I may have, but it
18 doesn't look familiar.

19 Q It's not one of the products of any of your
20 clients to the best of your recollection?

21 MR. NEGRETE: Objection. Calls for speculation.

22 THE WITNESS: Is this all about Michael Forrest?

23 Q BY MR. SHELY: I'm just asking,
24 sir, whether you've ever heard of that document.
25 That is an exhibit about Michael Forrest where he

1 admitted breaking the law. But I'm just asking if
2 you've ever heard of this.

3 MR. NEGRETE: Well, objection to the
4 characterization of a document that's been
5 unauthenticated. No foundation laid. Not authored
6 by this deponent. Calling for speculation. Assumes
7 facts not in evidence.

8 THE WITNESS: It's possible I've heard of it,
9 but it doesn't ring a bell.

10 Q BY MR. SHELY: What about a
11 magnetic pulser?

12 MR. NEGRETE: Same objection.

13 Q BY MR. SHELY: Have you ever heard
14 of that before, sir?

15 A It sounds familiar. I go to a lot of
16 shows. I don't know.

17 Q Other than the Zapper, have you ever used
18 any treatment that you consider done by cutting edge
19 healthcare practitioner personally?

20 MR. NEGRETE: Objection. Vague and ambiguous.
21 Calling for expert testimony. Point of time.

22 THE WITNESS: Are you asking me if I have used
23 what now?

24 Q BY MR. SHELY: In addition to the
25 Zapper which you talked about earlier that you've

1 used, have you used any product that has been --
2 whose proponent has been what you described earlier
3 in your deposition as a cutting edge healthcare
4 practitioner?

5 MR. NEGRETE: Same objection as to vague and
6 ambiguous. Calling for speculation. Assuming facts
7 not in evidence. Overbroad. Vague. Ambiguous.

8 THE WITNESS: One more time. Ask me the
9 question again. Have I ever gone to a health
10 practitioner that uses one of these? Is that what
11 you're asking?

12 Q BY MR. SHELY: Earlier in your
13 deposition, sir, you used the phrase cutting edge
14 health professionals.

15 A Right.

16 Q And as I understand it from your earlier
17 testimony, you consider Hulda Clark one of those.
18 Correct?

19 MR. NEGRETE: Objection. Mischaracterizes
20 testimony.

21 THE WITNESS: Not exactly correct, no.

22 Q BY MR. SHELY: How is it not
23 exactly correct, sir, in your view?

24 MR. NEGRETE: Objection. Argumentative.

25 THE WITNESS: Dr. Clark is a research scientist

1 who writes books. She's an author and research
2 scientist. I don't believe she considers herself to
3 be a health professional. That would infer something
4 different.

5 Q BY MR. SHELY: Doesn't she have a
6 clinic in Tijuana, Mexico?

7 MR. NEGRETE: Objections. Calls for
8 speculation. Assumes facts not in evidence.
9 Relevance.

10 THE WITNESS: I don't believe that's true.

11 Q BY MR. SHELY: You don't believe
12 she has a clinic in Tijuana, Mexico?

13 MR. NEGRETE: Objection. Asked and answered.

14 Q BY MR. SHELY: Does she have any
15 facility in Tijuana, Mexico that you're aware of,
16 sir?

17 MR. NEGRETE: Objection. Calls for speculation.
18 The question is vague and ambiguous. Overbroad.
19 Relevance.

20 THE WITNESS: I'm not privy to her business
21 interests in Mexico.

22 Q BY MR. SHELY: In connection with
23 her role as your client, has she ever advised you
24 that she has any sort of facility or office in
25 Tijuana, Mexico?

1 MR. NEGRETE: Objection. Hearsay. Relevance.
2 Assumes facts not in evidence. Foundation.

3 THE WITNESS: In exactly that context the answer
4 is no.

5 Q BY MR. SHELY: In any context,
6 sir.

7 MR. NEGRETE: Objection. Overbroad. Vague and
8 ambiguous. Also seeks hearsay testimony.

9 THE WITNESS: Again, please. What are you
10 asking?

11 Q BY MR. SHELY: Do you know whether
12 Hulda Clark has any office or facility in Tijuana,
13 Mexico or whether she ever has?

14 MR. NEGRETE: Objection. Compound question.
15 The question has been asked and answered.

16 THE WITNESS: I can't actually -- I don't know
17 enough about what Dr. Clark does in Mexico. I've
18 answered your question. I don't know what the
19 situation is.

20 Q BY MR. SHELY: Do you know that
21 she fled to Mexico to escape an arrest warrant from
22 Indiana? Do you know that?

23 MR. NEGRETE: Objection.

24 THE WITNESS: I don't know that.

25 MR. NEGRETE: Assumes facts not in evidence.

1 Lacking in foundation. And I can say a false
2 representation by counsel.

3 MR. SHELY: I'm just asking him if he knows.

4 THE WITNESS: That didn't happen. That never
5 happened.

6 Q BY MR. SHELY: She never went to
7 Tijuana?

8 MR. NEGRETE: Objection. Calls for speculation.
9 Assumes facts not in evidence.

10 Q BY MR. SHELY: What was your
11 answer, sir?

12 A Of course she went to Tijuana. Everyone
13 goes to Tijuana in California.

14 Q Do you know if she had patients go down to
15 Tijuana for her treatment?

16 MR. NEGRETE: Objection. Assumes facts not in
17 evidence. Calls for speculation. Relevance.

18 THE WITNESS: It's not an area that I deal with
19 Dr. Clark in at all.

20 Q BY MR. SHELY: Do you get any
21 money from the sale of Dr. Clark's products?

22 MR. NEGRETE: Objection. Assumes facts not in
23 evidence. Lacking in foundation. Relevance.

24 Q BY MR. SHELY: What is Dr. Clark's
25 son's name?

1 MR. NEGRETE: Objection. Relevance. I don't
2 know if it calls for speculation.

3 THE WITNESS: She has three sons that I recall.
4 I don't recall all the names.

5 Q BY MR. SHELY: Are any of them
6 involved with selling her products --

7 MR. NEGRETE: Objection. Assumes facts.

8 Q BY MR. SHELY: -- that you know
9 of?

10 MR. NEGRETE: Objection. Assumes facts not in
11 evidence. Lacking in foundation. Relevance.
12 Argumentative.

13 Q BY MR. SHELY: Do you know, sir?

14 A Your question again.

15 Q He doesn't want you to remember it.

16 Can you read it back for him.

17 MR. NEGRETE: Counsel, that's a
18 misrepresentation. Your question, if you knew
19 anything about this, is improper.

20 MR. SHELY: Thank you for your ruling, counsel.

21 (RECORD READ)

22 Q BY MR. SHELY: Who is Jeffrey
23 Clark?

24 A I'm sorry. There's a question already.

25 Q Let's just move on. Who is Jeffrey Clark?

1 A Jeffrey Clark is Hulda Clark's second
2 oldest son I believe.

3 Q And do you know whether he is involved in
4 selling any of her products?

5 MR. NEGRETE: Objection. Assumes facts not in
6 evidence. Lacking in foundation. Relevance.

7 THE WITNESS: You keep throwing this outright
8 lie on the table. You have to be aware that Hulda
9 Clark does not sell any products, and it's offensive
10 that you keep saying it.

11 Q BY MR. SHELY: Is it your
12 testimony that she does not sell Zappers?

13 MR. NEGRETE: Objection. Calls for speculation.
14 Lacking in foundation. Assumes facts not in
15 evidence.

16 Go ahead.

17 Q BY MR. SHELY: Does Jeff -- your
18 answer is, sir?

19 A Again, you're assuming that Hulda Clark
20 sells products. Hulda Clark does not sell products
21 to my knowledge. She has told me she does not sell
22 products and wishes to clearly make that distinction.
23 She does not sell products or receive any funds from
24 the sale of products anywhere.

25 Q Do you know whether her son Jeffrey Clark

1 is involved with any business in which products are
2 sold?

3 MR. NEGRETE: Objection. Calls for speculation.
4 Assumes facts not in evidence. Relevance.

5 THE WITNESS: I would assume Mr. Shely that
6 Jeffrey Clark has a business.

7 Q BY MR. SHELY: What is his
8 business?

9 MR. NEGRETE: Objection. Calls for speculation.
10 Assumes facts not in evidence. Relevance.

11 THE WITNESS: I'm not sure. I think he
12 manufacturers certain kinds of products having to do
13 with healthcare.

14 Q BY MR. SHELY: They do have to do
15 with healthcare?

16 A I believe they do.

17 Q What kind of products if you know, sir?

18 MR. NEGRETE: Objection.

19 THE WITNESS: I don't know. Vitamin C.

20 Q BY MR. SHELY: Do you have any --
21 do you sell vitamin supplements?

22 A No.

23 Q Do you have any advertisements on any of
24 your websites for vitamin supplements?

25 A We had a holding pattern there for one

1 where we just needed to put a shopping cart. And I
2 hope -- I mean they were ludicrous whatever we put up
3 there. I don't sell vitamins.

4 MR. NEGRETE: Do you mind if we take a little
5 brief break here?

6 MR. SHELY: Sure.

7 THE VIDEOGRAPHER: We are going off the record.
8 The time is 3:34 p.m.

9 (RECESS TAKEN)

10 THE VIDEOGRAPHER: This begins videotape number
11 three in the continuing deposition of Mr. Timothy
12 Bolen.

13 The time is 3:48 p.m. on April 12, 2006 and
14 we are back on the record.

15 MR. SHELY: All right. Let me hand to the court
16 reporter what I believe is the next exhibit. I
17 believe we're up to seven. She sell mark that. I
18 have a courtesy copy for Mr. Negrete.

19 (Whereupon, the aforementioned document
20 was marked as defendant's exhibit 7 for
21 identification and is attached hereto.)

22 Q BY MR. SHELY: The exhibit is
23 right there, sir.

24 A Hold on a second.

25 Q Take a look at that document, sir, and see

1 if you can identify it for me.

2 MR. NEGRETE: I have a question. I think this
3 came up in Washington DC about the Bates stamp
4 reference, and I think Mr. Carothers indicated what
5 the Bates stamp reference refer to is EDO.

6 MR. SHELY: Electronic document produced by
7 Cavitat.

8 THE WITNESS: I have some questions.

9 Q BY MR. SHELY: I have some
10 questions too, sir. What is Exhibit 7?

11 A Pardon me?

12 Q What is Exhibit 7?

13 MR. NEGRETE: Objection. Calls for speculation.
14 Assumes facts not in evidence. Lacking in
15 foundation.

16 THE WITNESS: That's my question. What is it?

17 Q BY MR. SHELY: You don't know what
18 it is?

19 A No. It's got some number down here at the
20 bottom. Great News Wes. What is that? What is
21 this?

22 Q I will tell you this is a document that has
23 been produced by your client Cavitat in this
24 litigation. And my question for you is did you ever
25 write Quackbuster sued for \$10 million on any of your

1 websites?

2 MR. NEGRETE: Objection as it relates to the
3 document. Calls for speculation. Assumes facts not
4 in evidence. An improper document if it's used to
5 refresh recollection.

6 THE WITNESS: Clearly, Mr. Shely, this was not
7 originated by me. Somebody is making comments on
8 here. This is not familiar to me. I remember
9 writing about that case, but I don't know whether
10 this is it or not. This is somebody else's writing
11 here. That's it. It looks like somebody else's.

12 Q BY MR. SHELY: So do you deny that
13 you wrote anything that is contained in Exhibit 7?

14 MR. NEGRETE: Objection. Calls for speculation.
15 The question is vague, ambiguous, overbroad.
16 Objection as to point in time.

17 THE WITNESS: I'd feel better if you went and
18 got the original document or a copy of it and asked
19 me about it rather than somebody else's inclusion or
20 e-mail. I don't know who wrote what on this. This
21 goes back to 2001. That's five years ago. A lot of
22 miles and a lot of water under the bridge.

23 Q BY MR. SHELY: Do you recall
24 writing about the RICO suit that Hulda brought,
25 don't you, sir?

1 MR. NEGRETE: Objection. The question has been
2 asked and answered. Lacking in foundation.
3 Mischaracterizes testimony. Assumes facts not in
4 evidence.

5 Go ahead.

6 THE WITNESS: Yes, I recall writing about it.
7 And I'd like to help you. But again, this material
8 up here is not me. This is someone else in an e-mail
9 sending somebody something. It could be that some of
10 this is mine. But where is the original document? I
11 mean this is somebody else's e-mail. I don't feel
12 good about commenting on what somebody else says.

13 Q BY MR. SHELY: Let me draw your
14 attention to the fifth paragraph on the first page.
15 You see where it says the legal -- it starts with
16 "The legal action claims that Stephen Barrett and
17 other parties named have engaged in," and there's a
18 long list of alleged crimes that they have allegedly
19 engaged in.

20 Do you see that paragraph?

21 A I do, yes.

22 Q All right. Is it accurate that you have
23 absolutely no evidence that Stephen Barrett or the
24 other parties named engaged in any of those crimes?

25 MR. NEGRETE: Objection. Seeks a legal

1 conclusion. Lacking in foundation. Assumes facts
2 not in evidence. Improper use of hearsay document.
3 Calling for speculation.

4 Q BY MR. SHELY: You can answer the
5 question, sir.

6 A You're asking me if I have any evidence of
7 these things?

8 Q Yes, sir.

9 A Well, maybe.

10 Q Tell me what you think you maybe have.

11 A I think I sent you 24,000 documents
12 which -- many of which -- probably 14,000 of them
13 related to Stephen Barrett.

14 Q All I'm asking you, sir, is what facts, if
15 any, do you contend that you know that Stephen
16 Barrett committed any of the crimes listed in the
17 fifth paragraph, page one, Exhibit 7.

18 MR. NEGRETE: Objection. Improper use of an
19 unauthenticated document. Lacking in foundation.
20 Calls for speculation. Improper use of document to
21 refresh recollection. Relevance. Hearsay.

22 Q BY MR. SHELY: You don't have any
23 facts that Dr. Stephen Barrett has ever committed a
24 crime, do you, sir, separate and apart from this
25 document?

1 MR. NEGRETE: Objection. Relevance. Calls for
2 speculation. Mischaracterizes testimony.

3 THE WITNESS: I believe I did provide you with
4 some documentation that shows that he did.

5 Q BY MR. SHELY: Tell me what you
6 think you provided or just tell me what facts you
7 contend --

8 A I sent you some 27,000 documents. I'd
9 appreciate it if you would give me something to work
10 with.

11 Q Sir, you're under oath. What facts, if
12 any, do you have that Dr. Stephen Barrett has ever
13 committed a crime?

14 MR. NEGRETE: Objection. Argumentative. Not
15 relevant. Assumes facts not in evidence. The
16 question has been asked and answered.

17 THE WITNESS: I sent you an awful lot of
18 documents about Barrett. And you know you're asking
19 me to verify these things here and now. Well, that's
20 interesting. I mean it takes court cases years to
21 put that kind of information together and you want it
22 in seconds.

23 Q BY MR. SHELY: Sir, I just want to
24 know whether you under oath can testify that Stephen
25 Barrett has ever committed a crime and if so what

1 facts do you have to support such a contention.

2 MR. NEGRETE: Objection as to assumes facts not
3 in evidence. Calls for speculation. Seeks a legal
4 conclusion in a case that's still pending. Improper
5 use of an unauthenticated document. Seeks expert
6 testimony of a lay witness. Argumentative.

7 MR. SHELY: You're going to see all these
8 objections back in a motion if you keep this up on
9 every question just so you're forwarned.

10 MR. NEGRETE: Counsel, you can be forwarned
11 because your questions are improper. They're not
12 relevant to any of the issues in this case.

13 MR. SHELY: We respectfully disagree with that
14 conclusion, sir.

15 MR. NEGRETE: Perhaps you can give a proffer to
16 the court of how you see another independent third
17 party action as being relevant to this case.

18 Q BY MR. SHELY: You can answer the
19 question Mr. Bolen.

20 A Ask it again.

21 Q Separate and apart from Exhibit 7, if you
22 don't want to be tied to it, as you sit here under
23 oath today, do you have any facts to support an
24 allegation that Dr. Stephen Barrett has ever
25 committed a crime? Yes or no? And if the answer is

1 yes, what are those facts?

2 MR. NEGRETE: Same objection.

3 THE WITNESS: I've seen evidence of perjury.

4 Q BY MR. SHELY: All right. Tell me
5 everything you know about that, sir.

6 A Stephen Barrett testified in a case in
7 Washington as an expert claiming he was a licensed
8 M.D. under penalty of perjury. He was caught at it
9 about seven years after he turned in the license.

10 Q Are you contending that Dr. Barrett doesn't
11 have a license, sir?

12 A That's correct.

13 MR. NEGRETE: Objection. Calls for speculation.

14 THE WITNESS: To my knowledge.

15 Q BY MR. SHELY: Anything else, sir,
16 that you contend are facts to support that
17 Dr. Stephen Barrett has ever committed a crime other
18 than what you just testified to?

19 A A crime. Let's see. Do we have any facts?
20 I sent you some interesting things about that.

21 Q I'm not interested in interesting things.
22 I want to know under oath today in your deposition
23 whether you have any facts or not to support an
24 allegation.

25 A I believe I do.

1 Q Well then say what they are, sir.

2 A I believe I do.

3 MR. NEGRETE: You've asked and he's answered the
4 question.

5 MR. SHELY: He hasn't answered the question.

6 MR. NEGRETE: Counsel, please don't argue the
7 point. He's answered the question.

8 Q BY MR. SHELY: You don't have any
9 fact that you can provide. Isn't that the truth,
10 sir?

11 MR. NEGRETE: Objection. The question is
12 argumentative.

13 Q BY MR. SHELY: If you do, tell me
14 what they are.

15 A I've tried to answer your question,
16 Mr. Shely. You keep running around in the same
17 circle. I sent you an awful lot of documents about
18 Stephen Barrett and many of them are relating to
19 Stephen Barrett I think probably close to 15,000
20 documents about his activities and I think they're
21 all very informative.

22 Q It's interesting, sir, that they're
23 informative.

24 You understand that mail fraud is a crime?
25 Do you understand that?

1 MR. NEGRETE: Objection. Seeks legal
2 conclusion.

3 MR. SHELY: Mark these objections for this
4 question for me, please.

5 MR. NEGRETE: Relevance.

6 THE WITNESS: I understand that mail fraud is a
7 crime.

8 Q BY MR. SHELY: Do you have any
9 evidence that Dr. Barrett has ever committed mail
10 fraud?

11 MR. NEGRETE: Objection. Relevance.

12 THE WITNESS: I don't know that I do right at
13 this moment.

14 Q BY MR. SHELY: This is your
15 opportunity, sir, to tell me whether you do or
16 don't.

17 MR. NEGRETE: Objection. Mr. Bolen is not on
18 trial. It is not his opportunity. The issues that
19 you're seeking in these questions have nothing to do
20 with the issues that are before the court in this
21 case.

22 Q BY MR. SHELY: Mr. Bolen, I'm
23 going to give you one more opportunity. Other than
24 the claim that Dr. Barrett somehow as you said
25 committed perjury with respect to testimony in a

1 case in Washington DC --

2 A No. Washington state.

3 Q Washington state, do you have any other
4 facts to support a conclusion --

5 A That's the only one I remember right now.

6 Q As you sit here today, that's the only one
7 you remember?

8 A Well, yes. I didn't come expecting to
9 answer questions about 14,700 documents and you
10 didn't send me anything to review.

11 Q A lot of those have been -- those documents
12 have been written by you, haven't they, sir?

13 A No.

14 MR. NEGRETE: Objection. Calls for speculation.
15 Vague and ambiguous.

16 Q BY MR. SHELY: With respect to
17 Dr. Robert Baratz, do you have any facts to support
18 an allegation that he has ever committed a crime?

19 MR. NEGRETE: Objection. Assumes facts not in
20 evidence. Foundation.

21 THE WITNESS: I'm sorry. Are you making a
22 relation to some specific document where I accused
23 him of committing a crime?

24 Q BY MR. SHELY: I'm asking if you
25 have an answer to my question, sir.

1 A I don't -- at the moment I can't recall
2 any. Maybe I do. I haven't thought about it.

3 Q You don't recall, maybe you do and you
4 haven't thought about it?

5 A That's correct.

6 Q As you sit here today, sir, can you testify
7 under oath that you have any facts to support an
8 allegation that Dr. Robert Baratz has ever committed
9 a crime? Yes or no?

10 MR. NEGRETE: Objection. Relevance. Assumes
11 facts not in evidence. Lacking in foundation.

12 THE WITNESS: It's not a yes or no answer.

13 Q BY MR. SHELY: What is your
14 answer, sir?

15 A I can't answer that question right now. I
16 didn't expect to answer that. I put together a file
17 on Baratz. There's files circulating around the
18 country.

19 Q Tell me about that. What document did you
20 put together that's circulating around the country?

21 A I don't have a copy of it or I would have
22 sent you one. I think you have parts of it, but it
23 circulates around the country.

24 Q So you circulate a file relating to Stephen
25 Barrett (sic) around the country. Who do you send it

1 to?

2 MR. NEGRETE: Objection. Mischaracterizes
3 testimony. Assumes facts not in evidence that he's
4 circulating a file.

5 Q BY MR. SHELY: Who did you send
6 the file to, sir?

7 A I haven't sent the file to anybody. I said
8 it's circulating around the country.

9 Q It didn't originate with you, sir?

10 A No.

11 Q Who did it originate from if you know?

12 MR. NEGRETE: Objection. Calls for speculation.
13 Assumes facts not in evidence.

14 Q BY MR. SHELY: If you know.

15 A It came from probably ten different
16 sources.

17 Q What were the ten sources?

18 A People involved in cases got together with
19 files on his depositions where he said one thing one
20 time and something else the next.

21 Q Did you ever have a copy of that file that
22 you refer to, sir?

23 A No. I never actually had a copy, but I've
24 seen it.

25 Q Where -- what was the opportunity where you

1 saw it?

2 A I saw it in a hearing about Baratz's
3 credibility in Madison, Wisconsin.

4 Q And who had the file that you saw, sir?

5 A Attorney Frank Recker.

6 Q Did you provide any of the materials for
7 that file that was in the possession of Frank Recker?

8 A It's possible.

9 Q Do you have any recollection whether you
10 did or did not, sir?

11 A I think I did, but I don't know what.

12 Q You don't have a recollection as to whether
13 you -- whether you -- any specific thing that you
14 added to that file. Is that correct?

15 A That's right. No. I'm sorry. I do. I
16 just now remembered. I think I gave them a file from
17 a Florida case for a dentist named Phillips.

18 Q And with respect to Phillips what did you
19 give him?

20 A An investigative file copy of a transcript
21 from Baratz's testimony in a deposition and an
22 analysis of his resume.

23 Q You've referred to Dr. Robert Baratz as a
24 liar for hire, haven't you, sir?

25 MR. NEGRETE: Objection.

1 THE WITNESS: That's possible.

2 Q BY MR. SHELY: As you sit here
3 today, do you have any definitive answer whether
4 you've done that or not, sir, or is it possible?

5 A It's possible.

6 Q You don't deny that you've done that?

7 A I don't deny it. I think he is.

8 Q And what is your factual basis for that
9 conclusion, sir?

10 A Probably two to four boxes of documents
11 circling around the United States where he's to
12 testify.

13 Q Is there any facts that you're aware of
14 such that you would conclude and publish that
15 Dr. Robert Baratz is a liar for hire?

16 A I've seen voluminous information enforcing
17 that easily usable in court.

18 Q Tell me about it. What do you recall?

19 A If you would like I could send you a copy.

20 Q Oh, you do have a copy?

21 A I do not, but I can probably arrange it.

22 Q Who has it?

23 A I don't know right now, but I could make
24 some calls.

25 Q Who would you call?

1 A Probably Frank Recker.

2 Q Who else would you call?

3 A The last attorney that I know that used it
4 in Massachusetts.

5 Q Is that Claudia Hunter?

6 A Yes.

7 Q Did you send it to her also?

8 A No.

9 MR. NEGRETE: Objection. Assumes facts not in
10 evidence. Mischaracterizes testimony.

11 Q BY MR. SHELY: Do you know that
12 Claudia Hunter had such a file?

13 A Yes, she did.

14 Q Who was Claudia Hunter representing at that
15 time?

16 MR. NEGRETE: Objection. Calls for speculation.

17 THE WITNESS: David Sadaloff D.D.S.

18 Q BY MR. SHELY: And was that in
19 connection with a dental board proceeding against
20 him?

21 A Yes.

22 Q And what were the allegations in the
23 complaint against Dr. Sadaloff as you understand
24 them?

25 A There were seven allegations, and I don't

1 know exactly what they were, but they were all
2 dismissed.

3 Q Who paid you to attend part of the hearing?

4 A David Sadaloff.

5 Q How much did David Sadaloff pay you?

6 A \$2,500.

7 Q Did you provide any materials to David
8 Sadaloff or his attorney Claudia Hunter?

9 A Conversation.

10 Q What did you tell them?

11 A Where to find the information on Baratz's
12 testimony, how he testifies and how to trip him up,
13 catch him in a lie.

14 Q What lie did you tell them you could catch
15 him in, sir?

16 A I can't remember specific examples. But I
17 remember that he testified for -- something about he
18 testified for six and a half hours about how a
19 dentist improperly installed a bridge and he never
20 installed one himself.

21 Q You're saying that's a lie? You have an
22 expert opinion? Is that what you're saying?

23 MR. NEGRETE: Objection. Mischaracterizes
24 testimony. Argumentative. Improper question as to
25 form.

1 Q BY MR. SHELY: Are you saying that
2 testimony regarding how to install a bridge was a
3 lie?

4 A The testimony itself I don't think was a
5 lie. The fact that he claimed he had expertise to
6 testify on that was.

7 Q Do you even know anything about
8 professional degrees that Dr. Baratz has, sir?

9 A Yes.

10 Q What are they?

11 A He's an M.D., a D.D.S. and a Ph.D. Triple
12 doctor.

13 Q You don't believe those are adequate
14 credentials to testify regarding a bridge, sir?

15 MR. NEGRETE: Objection. Calls for a legal
16 conclusion. Expert testimony. Assumes facts not in
17 evidence. Lacking in foundation.

18 THE WITNESS: The AMA, American Medical
19 Association, has guidelines for testimony which are
20 accepted by the court system in this country and he
21 doesn't qualify.

22 Q BY MR. SHELY: You have never
23 testified as an expert, have you, sir?

24 A No.

25 Q Have you ever testified in court at all as

1 a fact witness?

2 A No.

3 MR. NEGRETE: Objection. Calls for
4 speculation -- excuse me. Withdraw that. Seeks a
5 legal conclusion. Relevance.

6 THE WITNESS: Wait. I may have testified once.
7 Small claims. Stuff like that.

8 Q BY MR. SHELY: Did you ever
9 testify in a court relating to anything about
10 JuriMed?

11 A No. I've been asked to but never.

12 Q Who asked you to testify?

13 A In the Sieger case Connecticut, state and
14 federal.

15 Q Have you ever represented any of
16 Mr. Negrete's clients?

17 MR. NEGRETE: Excuse me a minute. Hold on.
18 Objection. Calls for speculation. Vague and
19 ambiguous. Lacking in foundation. Relevance?

20 A Hulda Clark and Cavitat.

21 Q Are those the only clients of Mr. Negrete
22 that JuriMed has represented?

23 MR. NEGRETE: Same objection. Calling for
24 speculation. Assumes facts not in evidence.

25 THE WITNESS: I think so, yeah.

1 Q BY MR. SHELY: Has Mr. Negrete or
2 his law firm ever paid you money --

3 MR. NEGRETE: Objection. Relevance.

4 Q BY MR. SHELY: -- for any
5 services?

6 A No.

7 Q I'm going to hand you the next exhibit,
8 sir. I think we're up to 8. I'll hand it to the
9 court reporter. She will mark it and hand you a
10 copy. I have a courtesy copy for Mr. Negrete.

11 (Whereupon, the aforementioned document
12 was marked as defendant's exhibit 8 for
13 identification and is attached hereto.)

14 Q BY MR. SHELY: Tell me when you've
15 reviewed that document, sir.

16 A Okay. I'm through with it.

17 Q What is that document, sir, that's been
18 marked as Exhibit 8?

19 A It says it's "More on Quackbusters Accused
20 of Racketeering (RICO) in Colorado."

21 Q And that's off of one of your websites,
22 isn't it?

23 A Appears to be, yes.

24 Q And you wrote that piece, didn't you?

25 A It appears I did, yes.

1 Q You're not denying that you wrote it, are
2 you?

3 A No, I'm not. I remember something like
4 this, yes.

5 Q Seems familiar to you?

6 A It sure does.

7 Q Let me go ahead and hand you, sir, also so
8 you can look at these in tandem another exhibit which
9 will be number nine. I'll hand a copy to the court
10 reporter as well as a courtesy copy to Mr. Negrete.

11 (Whereupon, the aforementioned document
12 was marked as defendant's exhibit 9 for
13 identification and is attached hereto.)

14 Q BY MR. SHELY: Let me have you
15 look at Exhibit 9, sir. And I'd like to ask you
16 some questions about both of them.

17 Have you finished reviewing that, sir?

18 A Yes.

19 Q Now, with respect to Exhibit 9, that's also
20 a posting that you put up on August 12, 2004 entitled
21 "Quackbusters Accused of Racketeering (RICO) in
22 Colorado." Is that right?

23 MR. NEGRETE: Objection. Assumes facts not in
24 evidence.

25 MR. SHELY: Well, let him answer.

1 MR. NEGRETE: Excuse me, counsel. You can
2 relax? You're making statements here that you
3 haven't laid a foundation for.

4 Q BY MR. SHELY: Did you write
5 Exhibit 9, sir?

6 A It looks like something I wrote, yes.

7 Q And did you post it on your quackpotwatch
8 website?

9 A Yes, I would have.

10 Q And now that you look at this document, you
11 recall that you wrote this. Is that correct?

12 A Yes, I believe so.

13 Q And is this Exhibit 9 still posted on the
14 quackpotwatch website?

15 A Well, if you took it off of there today,
16 Mr. Shely, it is.

17 Q You see that it's printed out at least
18 today. Is that right?

19 A Yes, I see that.

20 Q What's the status of Mr. Jones' RICO suit
21 against Aetna, sir?

22 MR. NEGRETE: Objection. Calls for speculation
23 and a legal conclusion. Assumes facts not in
24 evidence. Foundation.

25 THE WITNESS: I believe -- I don't exactly know

1 that. I think it's partially dismissed to be
2 reactivated another time. I don't know. I don't
3 understand it. I haven't been communicating.

4 Q BY MR. SHELY: I didn't hear what
5 you said, sir.

6 A I haven't had the data of what the status
7 of that is. I know there's been a change and I'm not
8 sure exactly what it is.

9 Q Is it news to you that Mr. Jones' RICO suit
10 was dismissed in its entirety?

11 MR. NEGRETE: Objection. Calls for speculation.
12 Assumes fact knots in evidence?

13 THE WITNESS: That's not my understanding.

14 Q BY MR. SHELY: What is your
15 understanding, sir, of the RICO allegations against
16 Aetna?

17 A Well, I'm not an attorney, so I understand
18 that -- let's see. From what I remember the RICO
19 allegation against the defendants was dismissed by
20 the plaintiff without prejudice. Is that correct?

21 Q You didn't see the order from Judge Krieger
22 dismissing the RICO allegation of Mr. Jones and
23 Cavitat. Is that correct?

24 A No, I haven't seen it.

25 Q So you don't know whether that order exists

1 or not. Is that correct?

2 A I don't know if that order exists.

3 Q If it turns out, sir, that the RICO suit
4 has been dismissed -- because I'll represent to you
5 that it has -- then your continuing to have this on
6 your website is misleading, isn't it?

7 MR. NEGRETE: Objection. Argumentative.
8 Assumes facts not in evidence. Foundation.

9 THE WITNESS: Well, Mr. Shely, I've not been
10 informed of that. But if you'd like to send me a
11 memorandum, I'll certainly take that into
12 consideration.

13 Q BY MR. SHELY: Didn't you do a
14 posting saying that you were obtaining information
15 regarding the lawsuit off of the Pacer Electronic
16 System where you can view pleadings through the
17 computer?

18 A Yes.

19 Q Are you saying you missed the order in
20 which all the RICO claims were dismissed?

21 MR. NEGRETE: Objection. Argumentative.

22 THE WITNESS: I don't access Pacer every day.
23 This case is -- it's important to you. It's a case
24 that I may never get paid for for me.

25 Q BY MR. SHELY: Did you know that

1 all of Mr. Jones' claims against Aetna were
2 dismissed including the RICO case?

3 MR. NEGRETE: Objection. Foundation. Assumes
4 facts not in evidence.

5 THE WITNESS: I'm sorry. Are you telling me
6 that the Cavitat case has been dismissed?

7 Q BY MR. SHELY: All of Mr. Jones'
8 claims against Aetna have been dismissed in the RICO
9 claim. Do you know that or not?

10 A You're referring to Mr. Jones himself?

11 Q Yes, sir.

12 A Oh, yes.

13 Q All five of his claims were dismissed. You
14 at least know that?

15 A I heard something about that, yes.

16 Q Who did you hear it from?

17 A I think I heard it from Bob Jones. But
18 again, I thought they were without prejudice meaning
19 they can refile them.

20 Q You're just not sure one way or the other.
21 Is that right?

22 A Well, no. The case is active. I have no
23 idea what's going to happen next.

24 Q You at least agree that there's no RICO
25 allegations left in the case against Aetna. Is that

1 right?

2 MR. NEGRETE: Objection. Calls for speculation.

3 Assumes facts not in evidence. Foundation.

4 THE WITNESS: RICO allegation.

5 Q BY MR. SHELY: The ones that you

6 wrote about in these posting Exhibits 8 and 9.

7 A Again, I'm not sure what the status of that
8 is because my recollection is Mr. Jones told me that
9 it was dismissed by the plaintiff without prejudice
10 and that it could be refiled at any time. That was
11 my information at the time.

12 Q You didn't go verify that with respect to
13 the court record. Is that correct?

14 A No.

15 Q Now, in Exhibit 9 the first line says "It
16 happened today." And then you said "Delicensed M.D.
17 Stephen Barrett."

18 What's your basis for saying he doesn't
19 have a license?

20 A He admits that he gave it up in 1993.

21 Q Are you saying delicensed is equivalent
22 with an inactive license? Is that what you're
23 saying?

24 MR. NEGRETE: Objection. Calls for speculation.

25 Assumes facts not in evidence. The question is

1 argumentative.

2 Q BY MR. SHELY: Why did you use the
3 word delicensed?

4 MR. NEGRETE: Seeks a legal conclusion. Seeks
5 an expert testimony as to the etymology of the word.

6 THE WITNESS: It's important that Dr. Barrett
7 puts on his website Stephen Barrett M.D. and I don't
8 want people to assume that he's a practicing M.D.
9 It's very important.

10 Q BY MR. SHELY: You wrote that he's
11 a delicensed M.D. even though that's not true. Is
12 that right?

13 A It is.

14 MR. NEGRETE: Objection. Assumes facts not in
15 evidence. Seeks a legal conclusion. Lacks
16 foundation. I might add it was the subject of a
17 recent action in a court finding as against
18 Dr. Barrett.

19 MR. SHELY: We'll get to those rulings later.

20 Q You said that Dr. Barrett and Baratz -- I'm
21 using your words now -- got themselves named in a
22 lawsuit in Colorado and then went on to say that it
23 was for RICO. That's what that paragraph says.

24 Is that correct?

25 MR. NEGRETE: Objection. The document speaks

1 for itself.

2 Q BY MR. SHELY: Let's look at your
3 words, sir.

4 A Where are you reading now?

5 Q Where you first said Delicensed's M.D.
6 Steve Barrett." Second line there says "Dr. Barrett
7 and Baratz got themselves named in a lawsuit in
8 Colorado for" then you went on and listed RICO.

9 Isn't that what that says?

10 A Yes.

11 Q It's not true though, is it?

12 A Of course it's true.

13 Q Well, how come you had to clarify your
14 statement on the next day?

15 A The names in the lawsuit.

16 Q Oh, but you wanted to make it clear that
17 they weren't named as defendants?

18 A That's correct.

19 MR. NEGRETE: Objection. Argumentative.

20 Q BY MR. SHELY: Now, when you wrote
21 the August 12 posting which is Exhibit 9, you were
22 trying to imply that they were named in the lawsuit,
23 weren't you?

24 MR. NEGRETE: Objection. Mischaracterizes
25 testimony. Assumes facts not in evidence. The

1 question is argumentative. Reasserting that this is
2 all not relevant.

3 Q BY MR. SHELY: When you wrote that
4 they got themselves named in a lawsuit, you wanted
5 people to believe, didn't you -- and if you don't,
6 tell me you didn't -- that they had been named as
7 defendants in a lawsuit?

8 A That -- they are named in the lawsuit.

9 Q Not as defendants though are they, sir?

10 A Does it say they were named as defendants?
11 Are you trying to read something into what I wrote?

12 Q Just tell me if you didn't mean for people
13 to say that they had been named as defendants.

14 A Mr. Shely, as you can see, I'm a fluent
15 writer. I would have said they were named as
16 defendants. I mean that's pretty clear.

17 Q Go to Exhibit 8 then, sir. And under
18 important point to make in bold you wrote, "I need to
19 make an important clarification." What was that
20 clarification, sir?

21 A I spoke to Mr. Reid and he thought it was
22 important to emphasize that just what it says here,
23 just exactly what it says. That's the important
24 point.

25 Q And do you have any evidence at all that

1 Aetna, Quackwatch, NCAHF, Barrett, Baratz, Dodes or
2 Schissel ever committed a crime? And if so, please
3 tell me what it is.

4 MR. NEGRETE: Objection. Assumes facts not in
5 evidence.

6 MR. SHELY: I agree they're not in evidence. I
7 just want confirmation of that.

8 MR. NEGRETE: Lacking in foundation. Seeks a
9 legal conclusion.

10 THE WITNESS: I wasn't part of this action. I
11 never -- not part of it.

12 Q BY MR. SHELY: You posted the
13 lawsuit the same day it was filed, didn't you?

14 A I think so.

15 Q So you were a part of it, weren't you?

16 MR. NEGRETE: Objection. Argumentative.
17 Assumes facts not in evidence. Lacking in
18 foundation. Mischaracterizes testimony. The
19 question has been asked and answered.

20 THE WITNESS: Part of what?

21 Q BY MR. SHELY: Broadcasting that a
22 lawsuit had been filed alleging RICO allegations
23 against Aetna and others named in your article.

24 A What does that mean -- part of it? I don't
25 get it. This is an article on a website that a

1 lawsuit had been filed. How does that make it part
2 of it?

3 Q In a lawsuit in which you have an interest
4 in if Cavitat succeeds. Isn't that right, sir?

5 MR. NEGRETE: Objection. Argumentative as to
6 point in time. Lacking in foundation.

7 THE WITNESS: You're well aware, Mr. Shely, that
8 I at this time had no interest in it and I did not
9 for six months later. You're well aware of that.
10 You're attempting to misconstrue this information and
11 you're not doing well.

12 Q BY MR. SHELY: And so you deny
13 that you had any involvement with Cavitat's lawyers
14 prior to August 12, 2004. Is that correct, sir?

15 MR. NEGRETE: Objection. The question has been
16 asked and answered.

17 Q BY MR. SHELY: Is that correct,
18 sir?

19 A I don't believe I had any communication
20 with them. I don't think so. If there was, it was
21 right at the time they were filing the suit or
22 something, but I don't think so.

23 Q And --

24 A Never knew them. Never heard of them.

25 Don't know them. I had read about them. I had to do

1 the research on who Walter Gerash was. Like that.

2 Q You don't claim to know anything about
3 Cavitations, do you, sir?

4 MR. NEGRETE: Objection. The question has been
5 asked and answered I believe.

6 THE WITNESS: Just on a personal note.

7 Q BY MR. SHELY: What do you know on
8 a personal note?

9 A I've had three teeth removed from
10 Cavitations.

11 Q When did you have that done?

12 A Probably three years ago.

13 Q Did you have a Cavitat scan?

14 A No. Never heard of it.

15 Q What was the -- was your dental surgeon one
16 of your clients?

17 A No.

18 Q Have you ever had a root canal?

19 A Unfortunately.

20 Q Have you had those teeth removed?

21 A All but one.

22 Q Do you believe that NICO -- let me ask you
23 this: Do you recall that you wrote that NICO can
24 stop a beating heart?

25 MR. NEGRETE: Objection.

1 Q BY MR. SHELY: Do you remember
2 that?

3 A I remember something about it, yes.

4 Q You don't really believe that, do you?

5 A I think -- I think there's a good case to
6 be made for that.

7 Q What is that case, sir?

8 A Well, I don't remember now. I read the
9 literature at the time.

10 Q How were your Cavitations diagnosed?

11 A X-ray. They were that bad.

12 Q So you could see the Cavitations on an
13 x-ray in your instance, sir?

14 MR. NEGRETE: Objection. Calls for expert
15 testimony. Assumes facts not in evidence. Lacking
16 in foundation.

17 THE WITNESS: We could see something on x-ray.
18 A lot -- it was a lot of infection.

19 Q BY MR. SHELY: Who is the we?

20 A The dentist.

21 Q What is his name?

22 A Benjamin Arrichika.

23 Q Do you know how to spell his last name?

24 A A-r-r-i --

25 Q Where is his office?

1 A Tijuana, Mexico.

2 Q You've had treatment in Tijuana?

3 A Yes.

4 Q Have you had any other treatment in Tijuana
5 other than for Cavitations, sir?

6 A I had a broken tooth removed.

7 Q And was that at the same time or different
8 time?

9 A Different time.

10 Q And is your dentist -- I will not attempt
11 to repeat his name because I don't have the spelling.
12 Is he in any way involved with Hulda Clark?

13 MR. NEGRETE: Objection. Calls for speculation.
14 Assumes facts not in evidence. Foundation. Vague
15 and ambiguous.

16 THE WITNESS: I believe she mentions him in one
17 of her books.

18 Q BY MR. SHELY: Do you recall in
19 what context he is mentioned?

20 A That he was a good oral surgeon.

21 Q And do you know whether he had a Cavitat
22 device?

23 MR. NEGRETE: Objection. Calls for speculation.

24 THE WITNESS: I don't think so.

25 Q BY MR. SHELY: And is it fair to

1 say, sir, you don't have any personal knowledge of
2 any alleged prospective customers that Cavitat
3 didn't sell the Cavitat device to as a result of
4 Aetna's CPB 642?

5 A Please rephrase that for me.

6 Q You understand, sir, from these writings
7 Exhibits 8 and 9 that Cavitat is contending that it
8 lost prospective sales of the Cavitat device because
9 of Aetna's publishing of CPB 642?

10 MR. NEGRETE: Objection. The writings speak for
11 themselves. Calls for speculation. Assumes facts
12 not in evidence.

13 THE WITNESS: I think you asked if I know
14 anybody that didn't buy a Cavitat. If I personally
15 know anybody?

16 Q BY MR. SHELY: Do you have any
17 personal knowledge of any sales that Cavitat didn't
18 make as a result of the allegations that they make
19 against Aetna in their suit?

20 MR. NEGRETE: Objection. Calls for speculation.
21 Assumes facts not in evidence. Improper as to form.

22 Q BY MR. SHELY: I assume, sir, that
23 you don't.

24 A I have heard a name, but I don't remember
25 if -- I've heard a name or two about people who have

1 rejected it, but I don't remember their names at this
2 time.

3 Q And who told you about the person or two
4 who didn't buy the Cavitat device in what you just
5 referenced in your answer, sir?

6 A I believe Bob Jones.

7 Q You don't have any knowledge independent of
8 what Mr. Jones told you -- is that correct? -- with
9 respect to that topic.

10 A I don't think I do, no.

11 Q As you sit here today, you can't say that
12 you have any personal knowledge of anyone who didn't
13 buy the Cavitat based upon anything Aetna did or
14 didn't do. Is that a fair statement?

15 A From a public relations viewpoint, they
16 couldn't sell a Cavitat after your crap anywhere and
17 you know it.

18 Q Move to strike that as nonresponsive.

19 Do you have any personal knowledge of any
20 person or entity that did not buy a Cavitat as a
21 result of what Cavitat alleges Aetna did or did not
22 do?

23 MR. NEGRETE: Objection. Calls for speculation.
24 Assumes facts not in evidence. Lacking in foundation
25 as to the allegations.

1 A You've already asked me several times.
2 I've answered your question several times.

3 Q All you know is what Mr. Jones told you
4 with respect to that topic. Is that a fair
5 statement?

6 A I'm not sure of that. But I never thought
7 of that question before. I know that somebody said
8 something to me other than Mr. Jones, but I don't --
9 I don't recall.

10 Q You can't provide any specifics as you sit
11 here today. Is that correct?

12 A That's right. I can't provide any
13 specifics.

14 Q And whatever you do know is based upon what
15 somebody else told you. Is that correct?

16 A Well, yes, of course. That's the nature
17 of --

18 Q Go to Exhibit 9, sir, if you would. The
19 fifth paragraph starting with "I have a copy of the
20 lawsuit on my desk."

21 A I'm sorry. Nine?

22 Q Exhibit 9, sir.

23 A Yes. Okay.

24 Q August 12, 2004. Fifth paragraph starting
25 with "I have a copy of the lawsuit on my desk" and

1 where you wrote that.

2 A Yes.

3 Q Why don't you read those two sentences into
4 the record and then I'll ask you some questions about
5 them.

6 A

7 "I have a copy of the lawsuit
8 on my desk (12 pages), and I love
9 the way it reads. I've put a copy
10 on my website. It's a model as
11 far as I'm concerned of the way a
12 hundred other lawsuits should be
13 filed against the quackbuster all
14 over North America."

15 Q Okay. Have you attempted to have any
16 additional suits filed including RICO allegations
17 with respect to any of your clients?

18 A No.

19 Q Have you taken any action with respect to
20 being -- strike that.

21 Are you involved in any other lawsuits
22 involving RICO allegations other -- through your
23 clients other than Cavitat versus Aetna?

24 A No.

25 Q Go to page two if you would, sir.

1 A The same Exhibit?

2 Q Exhibit 9. Yes, sir.

3 A Yes.

4 Q And in the last -- next to last

5 paragraph -- by the way, is stay tuned kind of your

6 signature sign off for your postings?

7 A Yes.

8 Q Is that what you use?

9 A Yes.

10 Q Does that help you understand that this is

11 something that you wrote? That gives you

12 confirmation of that?

13 A I've heard other people use it too. But

14 yes, this looks like something I wrote. It looks

15 familiar.

16 Q You wrote, "I won't be truly happy until I

17 see on the nightly TV news the quackbusters all of

18 them taken away in shackles by the federal marshals.

19 So are you saying -- you say, "I work on

20 that every day and I'm getting closer."

21 So are you saying that the persons that you

22 characterize as quackbusters have committed crimes?

23 A I believe so, yes.

24 Q What crimes do you believe the persons that

25 you characterize as quackbusters have committed?

1 MR. NEGRETE: Objection. Assumes facts not in
2 evidence. Lacking in foundation.

3 Q BY MR. SHELY: I wanted to confirm
4 that.

5 A I think that -- it is my opinion that there
6 is a conspiracy here to -- in North America to
7 suppress cutting edge healthcare in favor of the
8 status quo. And personally I think that's a criminal
9 act. I'm appalled at the number of people dying from
10 the lack of healthcare in this country.

11 Q Who's involved in this conspiracy that you
12 see, sir?

13 A That's a -- that's a matter for
14 speculation. You're asking me to speculate, but I
15 think I've already named them.

16 Q Nobody else other than who you've named
17 earlier in your deposition. Is that right?

18 A Probably. But you know I came here today
19 to answer questions about the Cavitat case,
20 Mr. Shely. And you have spent maybe ten minutes on
21 the Cavitat case today, so I wasn't prepared.

22 And I'm very tired. I've been up almost
23 every night. My wife is in serious condition and I
24 wasn't prepared to think about these things.

25 MR. NEGRETE: Do you need to take a break?

1 Q BY MR. SHELY: Would you like to
2 take a break, sir?

3 A No. I'm okay. Let's just finish up. I'm
4 just getting very tired. I was thinking of having
5 some caffeine. Maybe not.

6 MR. NEGRETE: Do you need some?

7 THE WITNESS: No.

8 MR. SHELY: Why don't we take a short break and
9 let him collect himself and then we'll start again.

10 Mr. Bolen, if at any time through the
11 remainder of the deposition you would like to take a
12 break of course as you've done all day just let us
13 know.

14 THE VIDEOGRAPHER: We are going off the record.
15 The time is 4:40 p.m.

16 (RECESS TAKEN)

17 THE VIDEOGRAPHER: We are back on the record.
18 The time is five injury 5:00 p.m.

19 MR. NEGRETE: Mr. Shely, I'd like to point out
20 for the record that we only wanted five minutes and
21 we've been waiting here almost 20 minutes. We'd like
22 to conclude this deposition today.

23 MR. SHELY: You know I didn't know that you were
24 waiting. I understood from Mr. Bolen that he was
25 tired and needed a break, but we can certainly move

1 along now.

2 MR. NEGRETE: Actually, I talked to your
3 receptionist about 15 minutes ago indicating that we
4 were ready. That's okay. Let's keep on going.

5 Q BY MR. SHELY: All right, sir.
6 Mr. Bolen, Cavitat filed its suit against Aetna on
7 August 12, 2004. We're on agreement on that?

8 MR. NEGRETE: Objection. Lacks foundation.
9 Assumes facts not in evidence. Calls for
10 speculation.

11 Q BY MR. SHELY: Isn't that what you
12 said in your posting, sir?

13 A You're asking me if that's when they filed
14 their suit?

15 Q Yes.

16 A Yes.

17 Q Do you have any evidence, any facts at all
18 that there was any communication between Aetna and
19 Quackwatch relating to the Cavitat device prior to
20 that date?

21 MR. NEGRETE: Objection. Calls for speculation.
22 Assumes facts not in evidence. The question is
23 argumentative.

24 THE WITNESS: I was never asked by anyone to
25 provide any information, so I don't think I do. If I

1 do, I wouldn't recognize it.

2 Q BY MR. SHELY: As you sit here
3 today, sir, under oath, do you have any facts to
4 support a contention there was any communication
5 between Aetna and Quackwatch relating to Cavitat
6 prior to August 12, 2004?

7 MR. NEGRETE: Objection. Assumes facts not in
8 evidence. Lacking in foundation. Relevance.

9 THE WITNESS: Do I know of any facts? Is that
10 what you're asking me? They're on your website.
11 There's a big connection there. On your website
12 you're using them as your reference -- excuse me --
13 your client's website. It's pretty clear.

14 Q BY MR. SHELY: Mr. Bolen, are you
15 aware of any facts that Aetna and Quackwatch had any
16 communication at all regarding Cavitat prior to
17 August 12, 2004?

18 A I just answered your question.

19 MR. NEGRETE: Same objection.

20 Q BY MR. SHELY: And what are those
21 facts, sir?

22 A I just answered your question. You have
23 them on Aetna's website repeatedly probably -- I
24 don't know -- 37, 47 times. They're a regular
25 resource.

1 Q Are you contending that those references
2 relate to the Cavitat device, sir?

3 MR. NEGRETE: Objection. Improper question as
4 to form with respect to the contention. Not
5 relevant.

6 THE WITNESS: Your question was out there. I
7 don't think you're relating it to -- would you
8 clarify it for me a little bit, please? I can't get
9 what you were going with.

10 Q BY MR. SHELY: All right, sir.
11 Let me try it again. Do you have any evidence of
12 any communication between Aetna and Quackwatch
13 relating to the Cavitat device prior to August 12,
14 2004?

15 A It's -- again, it's all over Aetna's
16 website. That's a communication. That's
17 communication to the public, the relationship between
18 the two right there. Very clear.

19 Q And is it your contention that there's
20 anything on there relating to the Cavitat prior to
21 August 12, 2004?

22 A Well, actually I never looked before that.
23 I looked after I got -- I was doing the article about
24 the lawsuit. Then I looked and I read it.

25 Q So you don't have any -- other than any

1 reference by Aetna to the Quackwatch website, are you
2 aware of any communications between Aetna and
3 Quackwatch relating to Cavitat?

4 MR. NEGRETE: Same objection as before. It
5 calls for speculation. Improper as to form.

6 MR. SHELY: It's not speculation if he knows.
7 I'm asking if he knows.

8 MR. NEGRETE: It's not relevant.

9 MR. SHELY: We'll get that ruled on later. You
10 have a running objection. You know that's
11 obstructionist for you to continue to do that.

12 MR. NEGRETE: I apologize, counselor.

13 THE WITNESS: It's the same question and the
14 same answer. The relationship between Quackwatch and
15 Aetna is as clear as the nose on your face. It's
16 right there on Aetna's website and it's on
17 Quackwatch's website. It's right there.

18 Q BY MR. SHELY: Other than what you
19 contend is on Aetna's website, are you aware any of
20 communications between Aetna and Quackwatch relating
21 to the Cavitat prior to August 12, 2004 other than
22 what you say is on the website?

23 A I don't understand what you're getting at.
24 You mean do I have copies of letters?

25 Q Anything, sir. Anything at all. Letters,

1 e-mails, phone calls. Anything at all. Do you have
2 anything or not?

3 A I'm awfully tired.

4 MR. NEGRETE: Counsel, the question is improper
5 as to form.

6 Q BY MR. SHELY: It's all right if
7 yo don't sir. Just tell me you don't and we'll move
8 on to the next topic.

9 MR. NEGRETE: Counsel, this deponent is not a
10 party. It's not time for him to put up.

11 THE WITNESS: I've never been involved in
12 anything having to do with that. Why would I know
13 that?

14 Q BY MR. SHELY: Tell me, sir, that
15 you don't and we'll move on.

16 A I don't know that I don't know that. I
17 don't know the answer to that. Had somebody asked me
18 that, I'd say I'll look into it.

19 Q So as you sit here today you can't provide
20 any evidence of any communication between Aetna and
21 Quackwatch prior to August 12, 2004 relating to
22 Cavitat. Right?

23 A Mr. Shely, that's a silly question. I came
24 here today to be asked specific questions of you.
25 Had you asked me to provide anything, I would have

1 researched it. I can't possibly do that here in a
2 few seconds.

3 Q You don't have anything that you're
4 withholding from me, sir?

5 A You didn't ask me to bring anything.

6 Q You don't have any knowledge that you can
7 say you have regarding any alleged communications.
8 Is that right?

9 A Alleged communications between --

10 Q Aetna and Quackwatch prior to August 12,
11 2004 relating to the Cavitat device.

12 MR. NEGRETE: Objection. Calls for speculation
13 as to allegations.

14 THE WITNESS: I don't have any information one
15 way or the other. That's my answer.

16 MR. SHELY: All right, sir.

17 THE WITNESS: Thank you.

18 MR. SHELY: I'm going to hand you what is going
19 to be marked as Exhibit 10 by the court reporter, and
20 I have a courtesy copy for Mr. Negrete.

21 (Whereupon, the aforementioned document
22 was marked as defendant's exhibit 10 for
23 identification and is attached hereto.)

24

25 Q BY MR. SHELY: Would you review

1 Exhibit 10, sir, and tell me whether you can
2 identify it.

3 You tell me when you've had a chance to
4 review that, sir, and I'll ask you some questions
5 about it.

6 A Okay. I'm ready.

7 Q Did you write that, sir? What is Exhibit
8 10 if you know?

9 A It appears I did, yes.

10 Q And you wrote it on Sunday, January 3,
11 2005?

12 A Looks like it.

13 Q And having read it is there anything in
14 there that you now disagree with having had a little
15 more than a year go by?

16 A I can't find anything that I would disagree
17 with.

18 Q Would you turn to page two of the exhibit,
19 please. At the top of that page it says: "(1) The
20 Racketeering (RICO) Prosecutions." Why don't you
21 read after that, sir, that paragraph.

22 A

23 "On March 5, 2005 in Dallas,
24 Texas at 5:00 p.m. a meeting will
25 be held where famous civil rights

1 attorney Walter Gerash, RICO
2 expert attorney Andrew Reid,
3 Washington DC health advocate
4 attorney Jim Turner and some
5 others will be laying out how to
6 attack the quackbuster conspiracy
7 in your area using the Federal
8 Racketeering Influenced and
9 Corrupt Organization Act (RICO)."

10 Q Now, you attended that meeting in Dallas,
11 didn't you, sir?

12 A Yes, I did.

13 Q Describe for me how it was, quote, laid out
14 how to attack the quackbuster conspiracy using the
15 Federal Racketeering Influenced and Corrupt
16 Organization Act.

17 A It didn't actually happen that way once I
18 got there. Walter Gerash didn't show up. Andrew
19 Reid was there part time and talked about something
20 different. And I'm not sure -- I think Turner was
21 there, but it didn't come out that way.

22 Q Did you speak at that meeting?

23 A Yes.

24 Q What was the topic of your speech, sir?

25 A The quackbusters.

1 Q And what did you say about the
2 quackbusters?

3 A Whatever I usually say.

4 Q Tell me what that is.

5 A There's no particular thing. That's it. I
6 talk about how the quackbusters knock on my website.

7 Q Can you be any more specific, sir, as to
8 what you -- what topics you covered in your speech at
9 the meeting on March 5, 2005 in Dallas Texas?

10 A I talked about -- no, I can't. I can't be
11 specific. I don't remember the details.

12 Q How long did you speak?

13 A I don't remember that either. Fifteen
14 minutes maybe.

15 Q Were you paid to speak?

16 A No.

17 Q Sorry, sir?

18 A No.

19 Q Did you have your hotel room paid for?

20 A Yes, I believe so.

21 Q Who paid for that?

22 A I think so. It would have been Bob Jones.

23 Q Cavitat?

24 A Could be, yeah. I never saw the bill that
25 I can recall. I may have paid for it myself, but I

1 don't know.

2 Q Do you know that Cavitat paid for your
3 hotel room?

4 A I hope it did. I think it did.

5 Q You don't have any recollection whether it
6 did or didn't?

7 A No.

8 Q Now, there's a reference a couple
9 paragraphs below that there are going to be
10 successive meetings held in various locations
11 throughout America. Do you see that?

12 A I'm sorry. Where are you reading?

13 Q The fourth paragraph on that page, sir.
14 Second line.

15 A I see it, yes.

16 Q Were there any successive meetings that
17 were held at various locations throughout North
18 America that you're aware of?

19 A No, didn't come about.

20 Q Do you do a lot of travel in connection
21 with JuriMed?

22 A Quite a bit.

23 Q What do you travel to do?

24 A Speak at places or take clients somewhere.

25 Q What kind of organizations have you spoken

1 at regarding RICO prosecutions?

2 A None.

3 Q Is it your testimony that you've never
4 spoken about RICO prosecutions at any meeting since
5 August 12, 2004?

6 A I don't think I've spoken about RICO
7 prosecutions per se unless I mentioned that there was
8 a RICO case going on anywhere. I'm not an expert on
9 RICO.

10 Q You acknowledge you're not an expert on
11 RICO. Correct?

12 A Right.

13 Q And have you given any speeches since
14 August 12, 2004 regarding the Cavitat lawsuit against
15 Aetna?

16 A You mean about it? I'm not sure if I have.
17 Possibly I mentioned it in passing.

18 Q If you mentioned it in passing, what would
19 you have said? What's your recollection?

20 A I don't know. That it was in existence and
21 get the details on my website.

22 Q And you've got that mentioned that
23 quackbusters run out of a New York ad agency, but you
24 said this morning there isn't really an ad agency.
25 Right?

1 A That's a euphemism. The term a New York ad
2 agency is a euphemism.

3 Q Do you think that the American Dental
4 Association is involved in any conspiracy, sir?

5 MR. NEGRETE: Objection. Calls for speculation.

6 THE WITNESS: Could be. I don't have any
7 evidence of that.

8 Q BY MR. SHELY: Do you have any
9 evidence that there is any conspiracy of the State
10 Board of Dental Examiners with respect to
11 prosecuting what you've described as cutting edge
12 healthcare professionals?

13 A Did you say the state board as in
14 individual states?

15 Q Yes, sir.

16 A I suspect there is. I do.

17 Q Putting aside whether you suspect there is,
18 do you have any evidence or facts in support of that
19 suspicion, sir, or would you have to speculate?

20 A I'd say that it's certainly an avenue that
21 needs to be explored.

22 Q Whether or not it's to be explored another
23 day, as you sit here today, do you have any evidence
24 that you contend supports such a conspiracy?

25 A You know over the years I've seen a lot of

1 material about that, but I don't -- for right now and
2 late in the day I don't remember that. But that's a
3 good idea. I think I'll do an article on it.

4 Q But as you sit here today you can't provide
5 and facts under oath?

6 A Not right this minute.

7 Q Well, are you saying that you're too tired
8 to proceed with the deposition such as you can't do a
9 recollection?

10 A No. I just don't remember right now.

11 Q Okay.

12 A And but I'm making a mental note to look
13 into it because I think that would be a very good
14 article for my readers.

15 Q Do you think that there is any conspiracy
16 at all with respect to -- in which Cavitat is an
17 alleged target of that conspiracy?

18 A Yes.

19 Q And would you describe that, sir.

20 A I can't describe it. I think Cavitat has
21 described it. I think Cavitat -- I think there's
22 some writing that they did. That sounds about right.
23 So whatever that was that they said I agreed with it.
24 I thought it was about right.

25 Q Object to the response.

1 Can you tell me whether you believe whether
2 Cavitat is a target of a conspiracy and if so what
3 facts or evidence you have to reach that conclusion.

4 A Again, I haven't been asked to provide any
5 information on that so I haven't researched it.

6 Q And because you haven't researched it, you
7 don't have any. Is that correct?

8 A Not at this time, no.

9 Q And you've never had any, have you, sir?

10 A Possible that I have.

11 Q You might have forgotten it?

12 A Mr. Shely, I get -- some days I have -- my
13 phone rings at 6:30 in the morning and quits at 9:00
14 at night. An awful lot of people talk to me.

15 Q So any evidence you would have would be
16 based upon what someone told you then?

17 A Well, people give me clues on where to look
18 to see if I'm interested in some issue, et cetera, et
19 cetera. They want my help or to guide them through
20 an issue, or they'll tell me that there's something
21 interesting happening and that I ought to look into
22 it or this is out there.

23 My wife is in the hospital serious. I
24 deleted her bulk folder. She's still 6,000 e-mails
25 behind. I'm going to have to take a -- I don't know

1 what I'm going to do. We -- that's why I sent you
2 24,000 communications because we're inundated. We
3 have to throw out things. We get so much material
4 that -- that's it. I get so much. So I'm not
5 avoiding your question. I'm just telling you it's
6 possible.

7 Q But as you sit here today under oath you
8 can't provide any such evidence. Is that a fair
9 statement, sir?

10 A At the moment. That's correct. For the
11 moment I cannot, not to say that I couldn't if I had
12 to.

13 Q Have any of your clients -- well, let me
14 ask you this: Are you aware of any other persons or
15 entities who have told you they want to bring a RICO
16 suit modeled after the one in Cavitat versus Aetna?

17 A Yes.

18 Q And would you describe that for me, sir.

19 A There's a chiropractor in Florida that
20 wants to do it, but he wants somebody else to fund
21 it.

22 Q What's the chiropractor in Florida's name?

23 A I don't remember his name. There were some
24 others, but they don't understand what it is.

25 Q When you listed your websites this

1 morning -- correct me if I'm wrong here, but I don't
2 recall that you listed the Save Dr. Clark website.
3 Have you ever had such a website?

4 A Yes, I did.

5 MR. SHELY: Let me hand to the court reporter
6 what will become Exhibit No. 11.

7 (Whereupon, the aforementioned document
8 was marked as defendant's exhibit 11 for
9 identification and is attached hereto.)

10 MR. SHELY: And I have a courtesy copy for
11 Mr. Negrete.

12 MR. NEGRETE: Object to this document. It's
13 something that's not been disclosed previously.

14 THE WITNESS: There's more than one document
15 here. Are you aware of that?

16 Q BY MR. SHELY: Well, just tell me
17 what it is, sir. Let me make sure. These are pages
18 from your website Save Dr. Clark. Is that correct?
19 Exhibit 11.

20 A Appear to be, yes.

21 Q And it says opinion by Tim Bolen up there,
22 doesn't it?

23 A Yeah, it does.

24 Q And it says that the reason for this
25 website is because you believe that there is a

1 blatant outright attempt to stop a cure for cancer
2 and other diseases from becoming mainstream.

3 You wrote that. Correct?

4 A Yes, I did.

5 Q And you said that you're part of the Clark
6 team of which you are proud to be a member. Is that
7 correct?

8 A This was written in 1999.

9 Q Is it correct that that's what you wrote?

10 A Where do you see that?

11 Q At the bottom of the first page, sir, under
12 the word solutions.

13 A Yes.

14 Q And with respect to the Save Dr. Clark
15 website of yours, one of the goals of that was to
16 raise money for Dr. Clark. Is that correct?

17 A For her defense, yes.

18 Q And how much money was raised, sir?

19 A I have no idea. You already asked me that
20 earlier today.

21 Q Are you saying that the money -- none of
22 the money for Dr. Clark's defense fund came to you?
23 Is that your testimony?

24 A I don't know if it did or not. It might
25 have.

1 Q If some of it might have, how much might
2 have come to you?

3 A From this? I don't know. Might have. I
4 don't know.

5 Q What percentage of the total fund for
6 Dr. Clark's defense came to you, sir?

7 A I have no idea.

8 Q Did you keep any of it?

9 A Keep any of what?

10 Q Of the money that came from Dr. Clark's
11 defense fund.

12 A I may have a quarter in my pocket.

13 Q How much did you have to start with, sir?

14 A I have no idea.

15 Q Would that have been something that was
16 reported on your tax return?

17 A Could be.

18 MR. NEGRETE: Objection.

19 Q BY MR. SHELY: Go, sir, to the
20 third page of Exhibit 11. And you wrote, didn't
21 you, that Hulda Clark's basic theory is simple?

22 A Where are you going?

23 Q Page three. Third page of Exhibit 11.

24 A It's also marked page one of one you mean?

25 Q Yeah, there's some overlap on the printout.

1 It's a four page exhibit.

2 A The second page one of one?

3 Q Yes, sir.

4

5 "Hulda Clark's basic theory

6 is simply. She says the toxins

7 and parasites in our bodies are

8 responsible for the occurrence of

9 disease. Remove she says those

10 toxins and parasites and keep them

11 out and you can defeat any

12 disease."

13 Did you write that?

14 A Yes.

15 Q Do you believe it?

16 A Yes.

17 Q Under Dealing With Problems did you write

18 "Hulda Clark has gained fame with her startling

19 method to the discover which toxins and parasites

20 have invaded the body and the means to rid the human

21 body of the interference" --

22 A I'm sorry. Where are you?

23 Q Under the right hand column dealing with

24 problems. The first paragraph which says:

25 "Hulda Clark has gained fame

1 with her startling method to
2 discover which toxins and
3 parasites have invaded the body
4 and the means to rid the human
5 body of interferences."

6 Did you write that?

7 A Yes, I did.

8 Q Do you believe it?

9 A Yes.

10 Q Do you still believe it?

11 A Yes.

12 Q Go down four paragraphs if you would, sir.

13 And it says "The Zapper." We talked about that

14 earlier in the deposition. Do you recall that?

15 A Yes, I do.

16 Q

17 "The Zapper, another
18 controversial device is meant for
19 a different purpose. The Zapper's
20 basic principal is that the
21 frequencies it gives off tuned to
22 be within a specific range can
23 kill a host of body invaders
24 without harming the human body."

25 Is that what you wrote?

1 A That's correct.

2 Q Did you believe it when you wrote it?

3 A I believe that when I wrote it it was
4 correct.

5 Q And do you believe it still today?

6 A You know I'm not a Clark expert, so I was
7 just quoting from other documents.

8 Q Based upon your personal experience from
9 using the Zapper, do you agree with what you wrote in
10 1999?

11 A I'd say it's substantially the same.

12 Q Did your health improve after you used the
13 Zapper?

14 MR. NEGRETE: Objection. Calls for expert
15 testimony.

16 THE WITNESS: I didn't use -- I haven't used the
17 Zapper for health improvement.

18 MR. SHELY: I didn't hear what you said.

19 THE WITNESS: I haven't used the Zapper for
20 health improvement.

21 Q BY MR. SHELY: Why did you use it?

22 A I tried it out to see if it -- what if
23 anything it would do. But I couldn't make any
24 scientific judgement about it.

25 Q It didn't do anything for you. Is that a

1 fair statement, sir?

2 A It would be a fair statement to say that if
3 I were in trouble I would definitely try it
4 definitely because it does make sense to me. But I
5 can't explain it here. I'm not a scientist, but the
6 way Clark explains it I like.

7 Q There's also, sir, if you turn the page,
8 the fourth page of Exhibit 11, there's some -- do you
9 see there's some testimonials? Did you post those on
10 the Save Dr. Clark website?

11 A Yeah.

12 MR. NEGRETE: Excuse me a minute, counsel. I
13 show this as page 29 of 45 pages. I'd object to this
14 document as not being a complete document. As a
15 matter of fact, it has -- the deponent has testified
16 it seems like there's four different documents in
17 this exhibit. This one indicates 29 of 45.

18 Q BY MR. SHELY: Mr. Bolen, you
19 agree that the fourth page of Exhibit 11 is from the
20 SaveDr.Clark.net website, don't you?

21 A I couldn't -- I haven't looked at this
22 website in a very long time. This is a 1999 website.

23 Q Okay. Did you -- earlier this morning I
24 asked you about whether Dr. Clark's treatment was
25 used for liver flukes. And I didn't know whether you

1 had any -- my recollection is -- correct me if I'm
2 wrong -- you didn't know one way or the other on
3 that. Is that correct?

4 MR. NEGRETE: Objection. Mischaracterizes
5 testimony.

6 MR. SHELY: Just tell me what you said.

7 THE WITNESS: Something about liver flukes. I
8 didn't know that you -- you had suggested that liver
9 flukes itself was a disease, and I questioned that.
10 How do you treat liver flukes?

11 Q BY MR. SHELY: Do you at least
12 agree that in a testimonial on the Save Dr. Clark
13 website of yours that someone wrote -- and I'm on
14 the right hand column, sir -- "When I did her
15 parasite cleans, kidney cleans and liver cleans, I
16 passed many parasites from my body and even kept a
17 sample in a specimen bottle. They were clearly the
18 ones she shows in her books."

19 A Where exactly are you reading.

20 Q You see under Arthur Lloyd on the right
21 hand column? If you go to the last two sentences of
22 that is what I just read.

23 A Yes. What was your original question this
24 morning? Do you recall?

25 MR. NEGRETE: Objection. The record speaks for

1 itself.

2 Q BY MR. SHELY: I'm just saying,
3 sir, does this refresh your recollection as to
4 whether Dr. Clark's theories involve ridding the
5 human body of liver flukes.

6 MR. NEGRETE: Objection. Calls for speculation.

7 THE WITNESS: I don't think you're quite on the
8 same page as Clark is. I think you're using two
9 different references out of context, Mr. Shely. You
10 had suggested I thought that liver flukes were a
11 disease of some kind. That was the recollection I
12 have. And here this person is clearly talking about
13 doing some kind of cleans to rid themselves of flukes
14 out of their intestines. Everybody does that. You
15 do that to your dogs and cats twice a year. Your
16 horses the same. So it's nothing unusual. I don't
17 know how to answer.

18 MR. SHELY: We'll go to the next exhibit which
19 by my count will be 12. I'm going do hand it to the
20 court reporter for marking. I have a courtesy copy
21 for Mr. Negrete.

22 (Whereupon, the aforementioned document
23 was marked as defendant's exhibit 12 for
24 identification and is attached hereto.)

25 Q BY MR. SHELY: Have you had a

1 chance to look at Exhibit 12, sir?

2 A Yes.

3 Q What is it?

4 A It says "Support the Millions of Health
5 Freedom Fighters Newsletter."

6 Q And is this something that you've posted on
7 one of your websites?

8 A Yes.

9 Q And how much money has been sent to you in
10 response to your request for funds to be sent to you?

11 A I'm going to guess \$150.

12 Q Did it all come in at once, sir?

13 A I don't think so.

14 Q And how many honorary certificates have you
15 sent out?

16 A I have no idea.

17 Q Have you sent out one?

18 A Well, I haven't sent them out, not me.

19 Q Who would?

20 A My wife would.

21 Q So do you have any other methods in which
22 you're trying to raise funds other than what we've
23 talked about in the deposition to date with respect
24 to defense funds or requests for a money be sent in
25 to support you as reflected on Exhibit 12?

1 MR. NEGRETE: Objection. Compound question.

2 THE WITNESS: Not that I know of.

3 Q BY MR. SHELY: What were JuriMed's
4 revenues for 2005?

5 A I haven't done my taxes.

6 Q Was it more or less than 2004, sir?

7 A Probably the same.

8 Q And by same you mean \$60,000 of revenue?

9 A I think so, yeah.

10 Q From which you and your wife have taken out
11 your expenses. Is that correct?

12 A Yes.

13 Q And what percentage of the \$60,000 were
14 expenses in your view, sir, for 2005?

15 A For expenses? For personal expenses?

16 Q Whatever you mean by expenses.

17 A Well, we take out personal expenses. We
18 can't afford to take a salary out of the company yet.

19 Q How much were the personal expenses that
20 you took out of revenues of JuriMed for 2005?

21 A I haven't done that yet. Food. Clothing.

22 Q Does JuriMed keep a record as to the money
23 that you take out of the revenues?

24 A Sure.

25 Q Yes or no?

1 A Yes, of course.

2 Q And are you saying that you can't tell me
3 how much money you and your wife took out for
4 expenses out of revenue for JuriMed in 2004 or 2005?

5 A No.

6 MR. NEGRETE: Objection. Asked and answered.

7 Q BY MR. SHELY: You can't?

8 A No. I wasn't prepared to answer those
9 questions.

10 Q How many people do you really send your
11 newsletter to, sir? Do you have a list?

12 A Trade secret here.

13 Q Certainly not millions, is it?

14 A Oh, I don't think so, no.

15 Q And how many people is your newsletter sent
16 out to?

17 A Roughly -- well, I have different ones.

18 Q Can you describe for me what you know as to
19 the newsletters that you send out?

20 A 275,000.

21 Q For which of your publications?

22 A Millions of Health Freedom Fighters
23 Newsletters.

24 Q You're saying that every time you send out
25 a Millions of Health Freedom Fighters Newsletter you

1 send it to 275,000 e-mail addresses?

2 A No.

3 MR. NEGRETE: Objection. Mischaracterizes
4 testimony.

5 Q BY MR. SHELY: Tell me what you
6 mean, sir.

7 A It changes. Subscribers come and go.
8 Grows.

9 Q Have you ever been asked to cease and
10 desist from sending your Millions of Health Freedom
11 Fighters Newsletters to certain recipients?

12 MR. NEGRETE: Objection. Seeks a legal
13 conclusion, legal interpretation.

14 THE WITNESS: Well, not cease and desist. You
15 make it sound like you will cease and desist sending
16 me some legal -- never.

17 Q BY MR. SHELY: Have you ever lost
18 your privileges on any of the internet services that
19 you use to send newsletters because you're sending
20 newsletters to persons who didn't want it?

21 MR. NEGRETE: Objection. Calls for speculation.
22 Vague and ambiguous.

23 THE WITNESS: I pursue those people who accuse
24 me of spamming and I go after them and warn them. And
25 I think once that did occur but they didn't remove

1 me. I removed myself.

2 Q BY MR. SHELY: Where did you move?

3 From what to what, sir?

4 A I moved servers.

5 Q From what server to what server?

6 A I don't know what you mean by that.

7 Q What did you mean when you said you moved
8 from one to the other?

9 A Let's see. One of the quack dots
10 threatened to sue my server, and they're a small
11 company and so I moved to a bigger company.

12 Q You don't remember the names of the
13 companies?

14 A No, I don't remember them.

15 Q Have you ever had anyone linked to one of
16 your websites and then use some of your material on
17 their website without first communicating with you?

18 MR. NEGRETE: Objection. Calls for speculation.
19 Lack of foundation.

20 Q BY MR. SHELY: If you know.

21 A Probably.

22 Q That's not unusual, is it, in your
23 experience?

24 MR. NEGRETE: Objection. Vague and ambiguous.

25 A Yeah, I can't think of any. It sounds

1 familiar, but usually people ask me for permission.

2 Q Doesn't always happen though. Is that
3 correct?

4 A Correct.

5 MR. SHELY: Let me mark, sir, the next exhibit,
6 what will be Exhibit 13. I'm handing a copy to the
7 court reporter to mark and a courtesy copy to
8 Mr. Negrete.

9 (Whereupon, the aforementioned document
10 was marked as defendant's exhibit 13 for
11 identification and is attached hereto.)

12 THE WITNESS: Yeah, I read it.

13 Q BY MR. SHELY: Is Exhibit 13 one
14 of your postings, sir?

15 A Sure looks like it.

16 Q You don't deny it, do you?

17 A No, of course not.

18 Q And what is the date of your posting, sir?

19 A Looks like April 14, 2005.

20 Q Almost exactly a year ago. Right?

21 A How about that?

22 Q Now, what was your source of information
23 for this posting, sir?

24 A Bob Jones.

25 Q What precisely did Bob Jones tell you --

1 A I'm not sure of that come to think of it.
2 I think so. Go ahead.

3 Q When you say you're not sure of it, do you
4 think you talked to somebody else?

5 A I think so. I can't remember who else I
6 talked to.

7 Q Who else did you talk to besides Bob Jones
8 if anyone, sir?

9 A I don't think anybody.

10 Q All right. So are you saying that your
11 sole source of information for this posting was Bob
12 Jones?

13 MR. NEGRETE: Objection. Mischaracterizes the
14 testimony.

15 Q BY MR. SHELY: Sir, I don't want
16 to mischaracterize your testimony. Just tell me who
17 your sources were if you would for the information
18 that caused you to post Exhibit 13.

19 A My recollection is it was Bob Jones.

20 Q Now, you certainly weren't at this
21 deposition, were you?

22 A No. I wish I had been.

23 Q And Mr. Jones wasn't at the deposition
24 either, was he?

25 MR. NEGRETE: Objection. Calls for speculation.

1 THE WITNESS: I don't know. I don't know.

2 Wasn't he?

3 Q BY MR. SHELY: Is that not
4 something you discussed when Mr. Jones called you
5 and told you to post something about the deposition?

6 A He didn't tell me to post anything.

7 Q Why did you post this, sir?

8 A Well, it was interesting. It's dues.

9 Q And this was part of your public relations
10 service for Cavitat. Is that right?

11 A No. This was my newsletter and that's not
12 part of my -- it's not part of my services.

13 Q And you were also attempting to intimidate
14 the witnesses who were coming up after Dr. Barrett's
15 deposition, weren't you?

16 MR. NEGRETE: Objection. Argumentative.
17 Improper question.

18 THE WITNESS: I was attempting to intimidate
19 them?

20 MR. SHELY: Yes.

21 MR. NEGRETE: Also calls -- assumes facts not in
22 evidence. Lacks foundation.

23 Q BY MR. SHELY: Have you ever
24 written that Dr. Baratz has good reason to fear you
25 physically?

1 MR. NEGRETE: Wait a minute. Objection. Vague
2 and ambiguous.

3 Q BY MR. SHELY: There's nothing
4 vague and ambiguous about it. Yes or no?

5 A It sounds familiar. You got something?
6 Show me.

7 Q Sounds like something you'd say?

8 A He fears me period. He dives over the
9 table. He runs across the hall. He acts like a
10 child. It's amazing. Or he acts like he does.
11 Could be an act.

12 Q Why do you say "We are heading for a
13 healthcare Nuremberg, sir?"

14 A Nuremberg was an examination of the
15 problems of World War Two, and I think that's what's
16 necessary in healthcare. I think that North America
17 needs to carefully examine what's happening in
18 healthcare so that we can improve the situation in
19 North America because the facts and statistics are
20 showing that a healthcare crisis in America is
21 causing serious problems to our economy, Canada. And
22 I believe that we need to examine it as a society, as
23 a government and as people.

24 And I am disappointed that the people
25 within the structure are not doing any

1 self-examination which they should be doing because
2 healthcare is horrible in this country compared to
3 what it could offer. And it's vital that we make
4 those changes now. And I'm very concerned as an
5 activist which I am that those changes and those
6 people who are attempting to make the changes are
7 under assault by the quackbusters. I don't find that
8 to be amusing or a good thing for America.

9 Q Are the people that you believe are trying
10 to change the healthcare system persons that you
11 refer to as cutting edge health professionals like
12 Hulda Clark?

13 A The cutting edge health professionals are a
14 part of the system attempting to make change.
15 They're personally involved in that issue. They're
16 the ones taking the majority of the heat for the
17 change unrealistically I believe. But they're
18 certainly not all of those attempting to make change.
19 The change is going on in the legislatures which you
20 asked me if I was involved in. The change is going
21 on in the media. The change is coming and it's
22 coming at us very hard and very fast but not fast
23 enough to suit me.

24 Let me explain this: Five and a half weeks
25 ago, I took my wife to the best hospital in southern

1 California, Mission Hospital, with a staff infection.
2 And they managed to save her life over four or five
3 days.

4 But the doctor -- he was wonderful. He's
5 an internist. And he and I had a talk about the
6 quality of healthcare. And he said this is a great
7 hospital. I said I agree with you. It's very good.
8 I've known the originators. I know it well. But the
9 problem that you have -- he says, oh, we don't have
10 any problems. I said, yes, you do. You are only
11 allowed to offer in this hospital that which an
12 insurance company will pay for. That means to me
13 that you're 15 years behind the times. And he said
14 are we on the same page.

15 So what's happening here is there needs to
16 be a coordination between the people who are
17 attempting to make that change and the people who are
18 in the power structure like Aetna Insurance. And
19 it's being blocked by these people who tend to
20 characterize all of the people in the change agent as
21 something less than human and I don't approve of
22 that.

23 I am on the opposite side as an activist
24 and all of my writings reflect my upset with that
25 situation and they will continue to do so. I am

1 reaching a larger and larger audience. I am getting
2 more and more radio time and television time and I've
3 just started. I insist on change.

4 Q Thank you, Mr. Bolen. I'm sure you'll
5 understand for the record I need to object to that as
6 nonresponsive for purposes of court rules?

7 MR. NEGRETE: And I oppose that objection.

8 MR. SHELY: I would think nothing else.

9 MR. NEGRETE: Okay.

10 Q BY MR. SHELY: Do you think, sir,
11 that what you characterize as the North American
12 medical community should approve the, quote, cutting
13 edge technologies, close quote, that you've
14 described such as the Zapper?

15 A I'm sorry. Again.

16 Q Do you think that the North American
17 medical community should approve as a cutting edge
18 technology the Zapper?

19 A I think that a simpler method of testing
20 new devices needs to be in place other than an FDA
21 800 million-dollar study which is the norm for
22 devices like the Zapper needs to be in place.

23 Q Do you believe that the FDA is engaged in
24 any conspiracy against any of your clients, sir?

25 A No. I don't have any evidence of that.

1 But the FDA is a bureaucracy that's hard to deal
2 with.

3 Q Do you have any evidence that anyone at the
4 FDA has done anything illegal or improper with
5 respect to any application for clearance of any
6 medical device?

7 MR. NEGRETE: Objection. Calls for speculation.
8 Assumes facts not in evidence. Seeks expert
9 testimony.

10 THE WITNESS: I have not personally been
11 involved in anything having to do with any of that.

12 Q And do you believe that the North American
13 medical community should approve what you
14 characterize as the cutting edge technology of the
15 Cavitat?

16 MR. NEGRETE: Objection. Calls for expert
17 testimony. Assumes facts not in evidence.
18 Foundation.

19 THE WITNESS: I believe it has.

20 Q BY MR. SHELY: I didn't hear your
21 answer.

22 A I believe it has.

23 Q What's your basis for that statement, sir?

24 A The FDA website clearly talks about the
25 approval of the 510K and gives a description of it

1 and talks about the testing. In fact, the newest
2 website is very good. They've made some changes in
3 the last few weeks.

4 Q Do you believe that the North American
5 medical community should approve the cutting edge
6 technology of the Syncrometer?

7 MR. NEGRETE: Objection. Calls for speculation.
8 Seeks a legal conclusion. Expert testimony.

9 THE WITNESS: The answer is the same as the
10 Zapper. There needs to be a clearer, simpler, easier
11 process to test and approve devices like that other
12 than an 800 million-dollar testing process through
13 the FDA.

14 Q BY MR. SHELY: Do you believe that
15 the North American medical community should approve
16 what you characterize as the cutting edge technology
17 for the Rife Machine?

18 MR. NEGRETE: Objection. Foundation calls for.
19 Expert testimony.

20 THE WITNESS: Same answer as the last answer.
21 Do you need me to repeat it again?

22 Q BY MR. SHELY: Was that a yes you
23 think?

24 A It's the same answer I believe that there
25 needs to be a testing for each of these. The Rife

1 unit I believe will be soon approved in this country.

2 Q You agree that it hasn't yet accepted or
3 gained widespread acceptance, sir?

4 MR. NEGRETE: Objection. Calls for speculation.
5 Seeks expert testimony. Assumes facts not in
6 evidence. Lacking in foundation.

7 THE WITNESS: To my knowledge it has not
8 received widespread acceptance in the United States
9 but clearly in other countries it has.

10 Q BY MR. SHELY: Do you have health
11 insurance, sir?

12 A No.

13 Q Have you ever had health insurance?

14 A Yes.

15 Q When was the last time that you had health
16 insurance?

17 A Southern California Edison.

18 Q And how are you paying for your wife's
19 current treatment, sir?

20 MR. NEGRETE: Objection. Privacy. Assumes
21 facts -- excuse me. Privacy.

22 THE WITNESS: Do I have to answer that?

23 Q BY MR. SHELY: You did raise the
24 issue of your wife being in the hospital, did you
25 not, sir?

1 MR. NEGRETE: That's not raising an issue,
2 counselor.

3 Q BY MR. SHELY: You referenced your
4 wife's stay in the hospital. You told me you don't
5 have the health insurance. Are you getting the
6 treatment for free or are you paying for it, sir?

7 MR. NEGRETE: Counselor, that doesn't give you
8 the right to invade his privacy. It's not germane to
9 any of the issues in this case.

10 THE WITNESS: I've applied for MSI and
11 qualified.

12 Q BY MR. SHELY: What is MSI, sir?

13 A Medical Services for the Indigent.

14 Q And did you say you have or have not
15 qualified?

16 A I have.

17 Q Tell me again, sir, if you have told me
18 maybe I haven't asked the question, but exactly what
19 PR service you provide for Cavitat if it's not your
20 newsletter.

21 MR. NEGRETE: Objection. The question has been
22 asked and answered.

23 THE WITNESS: Helping with media and having
24 contact with his support base.

25 Q BY MR. SHELY: Okay. What -- when

1 you say help him, you mean Mr. Jones?

2 A Yes.

3 Q All right. What help have you provided
4 Mr. Jones with respect to what you characterize as
5 his media?

6 A Well, when Aetna put that article in
7 Business Week about the counter suit that was dropped
8 a week later or dismissed by the judge a week later,
9 I helped him -- advised him how to set up the
10 interviews on their site to make the story balanced.

11 Q Did you know that the lawyers for Cavitat
12 called Business Week initially?

13 MR. NEGRETE: Objection, calls for speculation,
14 assumes facts not in evidence.

15 MR. SHELY: He can tell me if knows.

16 THE WITNESS: I don't know that.

17 Q BY MR. SHELY: And what other
18 services have you provided to Cavitat with its media
19 other than what you just described?

20 A I've counseled Mr. Jones on what he might
21 have to do to counteract the Barrett strategy, the
22 posting of -- the posting of the counter suit and
23 Barrett's commentaries on his website that has
24 7 million hits.

25 Q What did you tell Mr. Jones in that regard?

1 A That he needed to communicate again with
2 his support network. That was his primary worry was
3 that he would lose his support network of expert
4 witnesses and customers.

5 Q What is your understanding of the Cavitat
6 or Mr. Jones' support network? What is that?

7 A His customer base and his dentists in the
8 biological dentistry movement.

9 Q Do you know how many Cavitats Mr. -- or
10 excuse me. Do you know how many Cavitat devices
11 Cavitat has sold in its history?

12 A I have no idea.

13 Q And you don't know how much they sell for
14 either, do you?

15 A I heard once, but I don't know. I heard it
16 was like \$17,000 or something like that. Maybe more.

17 Q Mr. Jones ever tell you when he started
18 selling his Cavitat devices, what year?

19 A No. I don't have any assumption.

20 Q Is it a fair statement you don't know when
21 Cavitat started selling its Cavitat devices? Is that
22 a fair statement?

23 MR. NEGRETE: Objection. The question has been
24 asked and answered.

25 THE WITNESS: I don't know.

1 MR. SHELY: I am going to hand to the court
2 reporter, sir, what is going to be marked as Exhibit
3 15, and I have a courtesy copy for Mr. Negrete.

4 (Whereupon, the aforementioned document
5 was marked as defendant's exhibit 14 for
6 identification and is attached hereto.)

7 THE WITNESS: I need to take two or three
8 minutes to get rid of this.

9 MR. SHELY: Absolutely, sir. We'll take a
10 minute and come back.

11 THE VIDEOGRAPHER: This ends videotape number
12 three in the continuing deposition of Mr. Timothy
13 Bolen.

14 The time is 6:04 p.m. on April 12, 2006 and
15 we are off the record.

16 (RECESS TAKEN)

17 THE VIDEOGRAPHER: This begins videotape number
18 four in the continuing deposition of Mr. Timothy
19 Bolen.

20 The time is 6:13 p.m. on April 12, 2006 and
21 we are back on the record.

22 Q BY MR. SHELY: Mr. Bolen, did you
23 have an opportunity to look at Exhibit 14 yet?

24 A No, I have not.

25 Q Would you look at that for me, sir. I'm

1 going to ask you about the first two pages, sir, but
2 you're free to review it all if you like.

3 A I've read the first two pages.

4 Q I'm going to ask you one thing about the
5 back page, but I'll let you read that when we get to
6 that. What is Exhibit 14, sir?

7 A It's -- this is the first time I've
8 actually seen this in print.

9 Q You mean you published it and you don't go
10 see what it looks like?

11 A I'm not a subscriber to the magazine. They
12 haven't yet sent it to me. Maybe they did. I didn't
13 see it yet.

14 Q Did you write this article which is called
15 "The State Versus an Advocate for the Little Guy"?

16 A Well, that wasn't the title that I gave it.
17 It's been -- it looks like it's from editing, but it
18 looks like I did.

19 Q You at least wrote the article?

20 A Yes, I did.

21 Q And in the introduction where they gave
22 your background it says that you are a crisis
23 management consultant and that you also direct the
24 operations of JuriMed Public Relations and Research
25 Group which provides strategies for government

1 besieged health professionals. Right?

2 A That's what it says.

3 Q That's what it says on your business card?

4 A Strategies for government besieged health
5 professionals is on my card.

6 Q And you say that you're an expert in
7 healthcare politics. Do you see that, sir?

8 A I've been called that, yes.

9 Q Do you think that you're an expert on
10 healthcare politics?

11 A I think that's a little bit of a stretch
12 but not far. I'm pretty well recognized.

13 Q At least would you agree that your
14 expertise is more in healthcare politics than in the
15 science of medicine?

16 A Yes.

17 Q In the first paragraph of your article,
18 sir -- and this was posted March 21, 2006?

19 A You got me.

20 Q It says it is.

21 A Okay. Good.

22 Q And --

23 A Was this on the internet? Is that where
24 you got this?

25 Q You can look at the bottom of --

1 MR. NEGRETE: Well, objection as to calling for
2 speculation. An unauthenticated document. Lacking
3 in foundation.

4 MR. SHELY: It is. I will represent to you,
5 sir, that we got it off the internet.

6 MR. NEGRETE: Objection because it makes no
7 difference whether you make that representation. It
8 lacks in foundation.

9 MR. SHELY: We'll take a break.

10 MR. NEGRETE: No, we're not taking a break.
11 We're not going off the record.

12 MR. SHELY: Yes, we are. I'm not going to have
13 an objection to the document on that basis. If you
14 want to make the objection --

15 MR. NEGRETE: We're not going off the record. I
16 don't want to waste more time.

17 MR. SHELY: You're the one making the
18 objections, so we'll go ahead and do that.

19 MR. NEGRETE: That doesn't allow you to go off
20 the record. We are not going to go off the record.

21 MR. SHELY: Yes, it does. It's my deposition.
22 We are going to go off the record until we get the
23 exhibit which will be the next exhibit. It will not
24 take long. It's your objection.

25 MR. NEGRETE: We're not going off the record.

1 The record still stands.

2 MR. SHELY: Go off the record.

3 MR. NEGRETE: No, you can't instruct her to go
4 off the record.

5 MR. SHELY: I certainly can instruct her to go
6 off the record.

7 MR. NEGRETE: I certainly disagree with you,
8 counsel.

9 MR. SHELY: Back on, please.

10 MR. NEGRETE: We never were off.

11 MR. SHELY: That's fine. I'm going to hand to
12 the court reporter what is going to be Exhibit 15.
13 And we've just run it off the internet to address the
14 objection of Mr. Negrete. I have also run off a
15 courtesy copy for Mr. Negrete. And so let's let the
16 court reporter mark it and I will ask you some
17 questions about it.

18 (Whereupon, the aforementioned document
19 was marked as defendant's exhibit 15 for
20 identification and is attached hereto.)

21 MR. NEGRETE: Lacking in foundation. Whether
22 you ran it off or not is of no consequence. It lacks
23 foundation.

24 MR. SHELY: I understand your objection. You
25 must be concerned about it. Let's just let the

1 witness get it in front of him.

2 Q All right. Mr. Bolen, when you've had an
3 opportunity to look at Exhibit 15 the first two pages
4 and have convinced yourself that the text is the same
5 as 14, then I'll go ahead and ask my questions.

6 MR. NEGRETE: Objection. The document speaks
7 for itself. Lacking in foundation as to whether he
8 convinces himself or not.

9 THE WITNESS: It appears to be similar.

10 Q BY MR. SHELY: Thank you,
11 Mr. Bolen. In the first paragraph, sir -- and just
12 as to Exhibit 15, you wrote this article. Right?
13 There's no dispute about that?

14 MR. NEGRETE: Well, objection. Lacking in
15 foundation. Calls for speculation.

16 Q BY MR. SHELY: I don't want you to
17 speculate. Just tell me whether you wrote the
18 article or not, sir.

19 A I wrote an article like this. And the
20 reason I say like this is because this is the first
21 time I've seen it in print and I wrote it some time
22 ago. And I did find some obvious things that I think
23 were edited. That isn't the way I write things. So
24 it may have been edited. That's my point.

25 Q You haven't seen the published version of

1 this article that you wrote before today. Is that a
2 correct statement?

3 A That's correct.

4 Q All right, sir. Let me ask you about the
5 first paragraph of the article. It says:

6 "Almost all of my crisis
7 management" -- and crisis
8 management is in quotes -- "work
9 in North America surrounds unique
10 problems of cutting edge
11 healthcare professionals
12 representing them before the press
13 and public and when their right to
14 practice their paradigm is
15 challenged by public agencies
16 organizing their defense and
17 offense and helping their legal
18 defense teams by providing
19 experts, et cetera."

20 Did I read that correctly, sir?

21 MR. NEGRETE: Objection. Calls for speculation.
22 Lacking in foundation. Lacking authentication of
23 this document.

24 Q BY MR. SHELY: Did I read that
25 correctly, sir?

1 A You read that correctly.

2 Q And do you believe, sir, based on your best
3 recollection whether anything that you wrote as to
4 that sentence was edited from when you submitted it
5 to the way that it read?

6 MR. NEGRETE: Objection. Improper use of this
7 document which has been unauthenticated and lacking
8 in foundation.

9 MR. SHELY: Stop it. Stop it. This is
10 ridiculous. Anything can refresh a recollection.
11 Anything. It doesn't have to be admissible or not.

12 MR. NEGRETE: Counsel, please let me finish my
13 objection.

14 MR. SHELY: You're just obstructing.

15 MR. NEGRETE: No, I'm not, counsel.

16 MR. SHELY: You're obstructing.

17 MR. NEGRETE: This is a document that he did not
18 author.

19 MR. SHELY: Why does it say by Tim Bolen on it?

20 MR. NEGRETE: This is not his website. You ran
21 off there and you get angry and you make it want to
22 appear that it's his website or his posting.

23 MR. SHELY: I never said it's his website. It's
24 never been said. Check the record.

25 Q Mr. Bolen, did you write this article or

1 not?

2 A I honestly don't know if this is the
3 version that I wrote, Mr. Shely. You know I haven't
4 seen it in a while, but it sounds a little like me.

5 Q Sounds like you because it talks about your
6 crisis management work in North America. Right?

7 A Exactly.

8 Q What we've been talking about almost all
9 day here.

10 A Sure.

11 Q Is doesn't seem like an impostor wrote this
12 article -- right? -- to you.

13 A Probably not.

14 Q Now, when you say that you organize their
15 defense in referring to cutting edge healthcare
16 professionals, what do you mean by that?

17 A Public relations.

18 Q In what respect, sir?

19 A Well, one of the primary issues for cutting
20 edge health professionals is the fact that when a
21 state agency makes an accusation against them they
22 frequently put it in the newspaper and the cutting
23 edge health professional patient base drops to zero.

24 So and it's a tactic that many states use.
25 Many states have adopted rules and regulations not

1 allowing that. In fact, in many states the courts
2 have ordered them not to do that. And that's an
3 incredibly important thing for them to be able to
4 defend their reputations, not just their legal
5 defense.

6 In fact, it's more important I think in the
7 beginning to defend their reputation than it is to
8 defend the case because that will take a year.
9 They've got to stay stable with their patient base.
10 They've got to stay stable in their own hometown.
11 They've got to stay stable with their peers so their
12 peers don't shun them. And that's a very important
13 aspect of public relations, and we go right at that
14 quickly to establish it.

15 Q Do you only do that if something has
16 appeared publicly regarding the charge?

17 A Not necessarily. Sometimes we anticipate
18 if there is the possibility -- well, if it's a state
19 where they don't allow an accusation to be filed, I
20 mean to be put in the newspaper where there's a
21 regulation against it, it's not necessary. There's
22 many states where it's standard for them to put an
23 accusation in the paper. California was that way.
24 It isn't any more.

25 Q Is there anything else that you believe is

1 a part of what you said is organizing their defense
2 other than the public relations work that you just
3 described?

4 A Well, let's see. I think it's important
5 sometimes when I set up the strategy teams and that's
6 what I do is set up a strategy team within it and
7 then they -- I show them how to deal with the press.
8 So I teach people how to organize their own campaign
9 and maintain their own campaign for a long period of
10 time.

11 Q Now, did you do that for Cavitat?

12 A I wish I had. I did not. Cavitat got me
13 in the case six months after the case was filed, and
14 I would have loved to be in it six months before.

15 Q When you wrote that you organize the
16 cutting edge healthcare professionals offense, what
17 do you mean by that?

18 A Well, in many states we do the same thing.
19 You asked about Wisconsin, but we don't actually have
20 a bill there. But in Connecticut you asked about the
21 Sieger case there. We organized an offense there to
22 make the case important to the media to get some
23 regulations and some laws changed and we consider
24 that to be offense rather than defense.

25 And we'll take a case against a cutting

1 edge health professional and -- I realize that
2 85 percent -- I think 88 percent of all U.S. adults
3 now use something alternative in their daily life,
4 alternatives of medical paradigm and believe in it.

5 So consequently I know that 88 percent of
6 the media is using something. 88 percent of the
7 legislature is using something because they're
8 adults.

9 So the reality shift in the health paradigm
10 is going on in this country on a day to day basis.
11 More and more people are using supplements and things
12 to stay healthy. I'd say here in California we
13 prefer to be healthy -- we'd rather be healthy than
14 medicated. I think that's an important aspect.

15 When I say offense we'll take the situation
16 and say here is what's happened to the legislature.
17 And then we'll take the people involved in the case,
18 the patients which can be 2500 patients -- and in the
19 mid western states they all know their legislators,
20 and they all over the state personally go and see
21 their legislators and they tell them what's going on
22 and they ask for change right now. And that's an
23 offensive thing not a defensive thing.

24 They personally -- once you get the story
25 out to them and they understand the issues and they

1 can relate the story themselves -- Mary and Bob can
2 relate the story to Senator John or Senator Paul or
3 whatever they are, then we get things done on a state
4 level.

5 In Connecticut we had some successes there,
6 and we're having successes in a lot of places. As
7 you're probably aware the Health Freedom Law are
8 extensive. Not just Health Freedom but laws -- like
9 in California the Unlicensed Health Professional
10 Bill. The only way we were able to get that bill
11 passed was to take cases of where people,
12 practitioners have been prosecuted and make the
13 legislators aware. And here the largest -- I think
14 it's the largest population state in the union we
15 have more health freedom here than in most other
16 places because this is an aware state.

17 That's what I mean by offense. We take the
18 cases and the horror stories and the wrongness of the
19 issue and what needs to be changed and present it.
20 And when I say -- there are hundreds of thousands of
21 people, activists in this country right now trying to
22 make healthcare change whether they're in issues --
23 that's an offense.

24 The anti-amalgam people. They're huge.

25 Q Who are those? What are the anti-amalgam

1 people?

2 A They're against mercury amalgams in teeth.
3 They explain to the public that amalgam is mercury
4 and there's 52 percent mercury in there and that we
5 need to deal with that issue.

6 There's the anti-fluoride people. They
7 explain to people that that's not good for the in the
8 water. We can't keep this up. There's problems with
9 it.

10 There's the anti-vaccination people. And
11 those are the people who are against certain things.
12 There's just literally so many right now and of
13 course many of them are my readers or send me
14 readers.

15 And then on the other hand there's the
16 issue people, like multiple chemical sensitivity
17 people. These are people who -- the first time I
18 ever had lunch with them it was horrible. I thought
19 was a tough guy, but I couldn't understand the
20 problems of these people who have allergies to
21 multiple chemicals and they can't make their bodies
22 work correctly and they're always in bed and they
23 don't get adequate understanding. But they're
24 getting stronger, the advocacy is better and they're
25 getting more powerful.

1 The chronic fatigue people. The chronic
2 fatigue people have done wonders in state politics in
3 an offensive way to educate the public and
4 legislators and educate the establishment that
5 chronic fatigue is an issue.

6 So offense -- when I say offense, it's
7 proactive. It's a proactive stance about health
8 issues. And I show people how to do it, how to do it
9 in their own state or their own case. I'm very good
10 at it.

11 Q Is part of your offense calling people liar
12 for hire?

13 A Only when it's necessary. Only when it's
14 true.

15 Q You've certainly done it before, haven't
16 you?

17 A Yes, I have.

18 Q And you've told me all that you could early
19 in the deposition as to what you claim that
20 Dr. Barrett or Dr. Baratz were liars. Correct?

21 A I'm sorry. You asked me about Dr. Baratz.

22 Q And that's who you've said is a liar for
23 hire?

24 A Who is that?

25 MR. NEGRETE: Objection. Mischaracterizes

1 testimony.

2 MR. SHELY: I'll start over.

3 THE WITNESS: Please be specific.

4 Q BY MR. SHELY: You've called

5 Dr. Baratz a liar for hire. Correct?

6 A You know you're crossing the names the

7 same. Is that how you pronounce his name?

8 Q B-a-r-a-t-z.

9 A Okay. That name I've heard him say his

10 name was Baratz. That's a significant difference

11 from Barrett. I've heard him testify to that. He

12 said his name was Baratz. My name is Robert Baratz.

13 So that's who I know him as, not Barrett. It's

14 Stephen Barrett, Robert Baratz.

15 Q Okay. Anyway, Robert Baratz as you said is

16 the person you've called a liar for hire. Correct?

17 A That's correct.

18 Q And you haven't thought of any additional

19 facts to support that statement other than what

20 you've testified to earlier in your deposition. Is

21 that right?

22 A I don't remember exactly what, but there's

23 plenty of files that show that to be true.

24 Q But you couldn't present any facts in your

25 deposition. You just said it was in a file

1 somewhere.

2 A You didn't ask me to provide those for this
3 deposition, Mr. Shely. I mean I didn't have them to
4 provide at the time, but they're definitely out
5 there.

6 Q You told me everything that you knew in
7 support of that charge -- is that a fair
8 statement? -- as you sit here today.

9 A Yes, at this time. But I think you'll --
10 if you like I could get you a package.

11 Q Why don't you tell me what you mean when
12 you say helping their defense team. Is that like
13 Mr. Negrete?

14 MR. NEGRETE: Objection. Calls for -- excuse
15 me. Assumes facts not in evidence. Would cross over
16 to attorney-client privilege, attorney work product.

17 THE WITNESS: It says right there. You did read
18 the whole sentence.

19 Q BY MR. SHELY: It's organizing
20 their defense and offence and helping their legal
21 defense teams by providing experts, et cetera.

22 A That's correct.

23 Q Do you provide any assistance to legal
24 defense teams such as Mr. Negrete other than
25 providing experts?

1 A I don't think I've provided any assistance
2 to Mr. Negrete under any circumstances.

3 Q Did you used to work with a lawyer named
4 Mr. Beninghoff.

5 A Yes.

6 Q Is that Charles Beninghoff?

7 A Yes.

8 Q Was he also a lawyer from San Juan
9 Capistrano?

10 A Yes.

11 Q And he was disbarred, wasn't he?

12 A Yes, he was.

13 MR. NEGRETE: Objection. Calls for speculation.

14 Q BY MR. SHELY: And he pled guilty
15 to income tax evasion, didn't he?

16 A I believe so, yes.

17 Q And he was the lawyer that you worked with
18 before you worked with Mr. Negrete. Is that correct?

19 MR. NEGRETE: Objection. Assumes facts not in
20 evidence. Lacking in foundation. Mischaracterizes
21 testimony. He never testified that he worked for me.

22 Q BY MR. SHELY: When is the first
23 time that you've worked with Mr. Negrete on a case,
24 sir? What year?

25 MR. NEGRETE: Objection. Assumes facts not in

1 evidence. Lacking in foundation.

2 THE WITNESS: I don't believe I've worked with
3 him on a case yet. I don't think so. I mean we know
4 each other and he's my attorney, but I don't believe
5 I've worked on cases with him.

6 Oh, wait. Hulda Clark.

7 Q You told me about Hulda Clark, haven't you?

8 A Yeah. But the problem is that I'm sporadic
9 with Hulda Clark and I don't always work with her or
10 for her.

11 There was a couple year period that I
12 didn't do anything for her. I'd see her but I didn't
13 do anything. So now I just do minor stuff for her.
14 I take her to conferences, set up speaking engagement
15 and that sort of thing. So I get a fee for that and
16 then I don't see her again for three or four or five
17 months.

18 So it's not at the same time if you're
19 trying to think that I'm at the same time. I know
20 that Mr. Negrete is her attorney, but I would say
21 that's a different relationship. He's probably all
22 the time. That's a different thing for me. I'd love
23 to get a retainer from clients that go on for years
24 but I don't. I get paid for my work when I work.

25 Q Did you not introduce Hulda Clark to

1 Mr. Negrete?

2 MR. NEGRETE: Objection. The question has been
3 asked and answered.

4 THE WITNESS: Yes, I did.

5 Q BY MR. SHELY: And what year was
6 that?

7 A I don't remember.

8 Q Did you ever work with Mr. Negrete during
9 the same period that you worked with Mr. Beninghoff
10 or did you finish working with Mr. Beninghoff and
11 start working with Mr. Negrete?

12 MR. NEGRETE: Objection. Assumes facts not in
13 evidence. Lacking in foundation. Mischaracterizes
14 testimony.

15 THE WITNESS: I don't recall -- I don't think
16 I've ever worked with Mr. Negrete on anything. We
17 don't work with each other. We have the same client.
18 I mean to me that's like a plumber and a roto roter
19 guy have the same client. They don't work together.

20 Q BY MR. SHELY: Which one are you?

21 MR. NEGRETE: Objection.

22 THE WITNESS: I think I'm a plumber.

23 MR. SHELY: Let me hand to the court reporter
24 what will be Exhibit 16. I have a courtesy copy for
25 Mr. Negrete.

1 (Whereupon, the aforementioned document
2 was marked as defendant's exhibit 16 for
3 identification and is attached hereto.)

4 Q BY MR. SHELY: Before you look at
5 that, sir, let me ask you one more question. Is
6 Mr. Negrete representing you currently in any legal
7 proceeding?

8 A This one.

9 Q Any others?

10 A The Barrett versus Clark.

11 Q Any other besides those two?

12 A I don't think so.

13 Q I recognize, sir, that Exhibit 16 is in
14 fairly small print, but what I'm really going to ask
15 you about is the first two paragraphs and ask you
16 whether after you read that you can tell me what
17 meeting you introduced Dr. Clark at.

18 A What is this from? I've never seen this
19 before.

20 Q Take a look and see if you can tell me?

21 MR. NEGRETE: Give me a second. Let me read it
22 first.

23 Q BY MR. SHELY: Feel free to read
24 as much as you want. I have questions I'm going to
25 ask you on the first page.

1 MR. NEGRETE: You're just going to limit it to
2 the first page?

3 MR. SHELY: Right now. He can read more if I
4 move on.

5 Q Did you have a chance to look at that, sir?

6 A Yeah, sort of. I didn't bring strong
7 enough glasses for that.

8 Q Can you tell me, sir, what meeting you were
9 producing Dr. Clark at?

10 A I really don't know what you're talking
11 about here. This is not familiar to me at all. I
12 don't remember anything like this. What is this?
13 Can you give me some idea what it's supposed to be?

14 Q All I can ask you, sir, is do you recall
15 introducing Dr. Clark at any meeting where you were
16 there with Mr. Negrete?

17 A I've introduced Dr. Clark at meetings for
18 years.

19 Q Do you recall whether Mr. Negrete was ever
20 there at any meeting?

21 A He certainly was.

22 Q The third line, third sentence.

23 A Can you give me some idea what this is?

24 Q Let me ask you, are these your words:

25 "I am a crisis management

1 consultant. I arrange cases like
2 this and I hire for my clients the
3 very best attorney and someone I
4 am going to introduce to you here
5 one of the finest attorneys in the
6 country and also my friend is
7 Carlos Negrete standing right over
8 there"?

9 Does that sound familiar to you?

10 A No, none of this does. I don't have any
11 idea what the reference is here. I mean there's
12 nothing about -- am I supposed to introduce? Is that
13 what you're suggesting, that I introduced her and
14 these are my words? I don't get it. I mean what is
15 this? Where is this from? Is it from a book?

16 Q I'm just asking you, sir, do you recall
17 making those remarks?

18 A No, I don't. This is really odd.

19 MR. NEGRETE: It's okay. You've answered the
20 question.

21 Q BY MR. SHELY: You mentioned a
22 little earlier that you had a file or a package
23 regarding Dr. Robert Baratz. Does anything in that
24 file mention Aetna?

25 MR. NEGRETE: Objection. Mischaracterizes

1 testimony. He did not testify that he has a file.

2 Q BY MR. SHELY: Sir, I don't want
3 to mischaracterize your testimony. Do you recall
4 your testimony regarding the file on Dr. Robert
5 Baratz that you said you had seen before?

6 A Yes.

7 Q Do you know whether there's anything in
8 that file that mentions Aetna?

9 A Mr. Shely, I haven't seen the file in a
10 while. And it's probably been enlarged because
11 everybody enlarges it and passes it on to the next.
12 So I don't know where it's at. I asked to get a copy
13 and I didn't follow up on it. And I actually -- I
14 actually tried to get a copy when you first wanted
15 the information that I was going to see that you got
16 a box of that stuff. And I -- and I couldn't run it
17 down at the time. I mean I guess I didn't work that
18 hard at it. It wasn't -- I was only required to give
19 you what I had. And I thought it would be
20 interesting reading for you and Aetna to know what
21 Baratz is all about. I suggest you get a copy for
22 yourself.

23 Q All I'm asking you, sir, is is it a fair
24 statement that you can't testify that anything in
25 that file that you described even mentions Aetna.

1 MR. NEGRETE: Objection. Calls for speculation.

2 THE WITNESS: You're asking me to speculate. I

3 have no idea at this point what's in that file.

4 Q BY MR. SHELY: Okay. And who
5 would you ask if you wanted to get a copy of it?

6 Who would you call?

7 A I'd ask Claudia Hunter where it went.

8 Q Was she the last person you know who had
9 it?

10 A Somebody else had it since then, somebody
11 that's doing a case with Baratz as a witness. I
12 gotta think about that.

13 Q Let me give you a minute.

14 A I'm trying to think right now. It would be
15 safe to say that there's -- that anywhere these days
16 where Baratz goes to testify that file is going to
17 follow him.

18 Q Can you testify, sir, who had the file
19 after Claudia Hunter?

20 MR. NEGRETE: Objection. Calls for speculation.

21 THE WITNESS: I suspect an attorney in
22 California, but I don't know for sure.

23 Q BY MR. SHELY: Have you ever -- do
24 you know whether Mr. Negrete has a copy of that
25 file?

1 A He does not. Not that I know of.

2 MR. NEGRETE: Objection. Calls for speculation.

3 Q BY MR. SHELY: Do you know who
4 provided the file to Claudia Hunter? Did you say
5 Frank Recker or somebody else?

6 MR. NEGRETE: Objection. Mischaracterizes his
7 testimony. He didn't say.

8 THE WITNESS: I don't think I said --

9 Q BY MR. SHELY: Let me withdraw it.
10 Do you know who provided the file on Robert Baratz
11 to Claudia Hunter, sir?

12 A You know, I don't recall. I'm sorry.

13 Q I'm sorry?

14 A Somebody did. I don't know.

15 Q Did you have any involvement in providing
16 that file to Claudia Hunter?

17 A Yes.

18 Q What involvement did you have, sir?

19 A I think I told her that it was available
20 and gave her some places to call to look for it who
21 had a copy.

22 Q What places did you tell her?

23 A Probably Frank Recker and some other
24 attorney.

25 Q What other attorneys? Do you recall their

1 names?

2 A I gotta think about that. Let's see. It
3 was that guy in Texas. I don't remember his name.
4 First name was Tim like mine. I remember that.
5 There was a case involving Baratz was a witness
6 against Ephedra. So it was Ephedra case.

7 Q Do you know whether Jim Turner has ever had
8 a copy of that file?

9 A He might. If not he should have one. I
10 think he might.

11 Q When you say he might, have you discussed
12 it with him before? Did you see him with it? What
13 makes you say that?

14 A He and I have talked about it.

15 Q When did you last talk about it?

16 A Probably -- I don't know -- a year and a
17 half ago, a year ago.

18 Q So did Mr. Turner have a copy of that file
19 as of a year, year and a half ago?

20 A I don't know.

21 MR. NEGRETE: Objection. Calls for speculation.

22 Q BY MR. SHELY: Did he tell you
23 that he had it?

24 A I don't know, no. I don't remember. I
25 know he knows about the file.

1 Q Mr. Robert Jones president of Cavitat --
2 did he ever tell you that he testified in front of a
3 grand jury?

4 A Grand jury. I believe he mentioned that,
5 yes.

6 Q What did he mention?

7 A Just that he testified in front of a grand
8 jury I think in Colorado perhaps.

9 Q And did he tell you the reason that he had
10 to testify in front of a grand jury?

11 MR. NEGRETE: Objection. Hearsay.

12 THE WITNESS: It wasn't involving him. I
13 remember that. Somebody else.

14 Q BY MR. SHELY: Did Mr. Jones ever
15 tell you that he was being investigated in
16 connection with the unauthorized practice of
17 medicine?

18 MR. NEGRETE: Objection. Just answer the
19 question.

20 THE WITNESS: No.

21 Q BY MR. SHELY: He didn't tell you
22 that? You don't know that. Is that right?

23 A It sounds like something Baratz would say.
24 I don't know that, no.

25 Q Would it surprise you if Mr. Jones said

1 that?

2 A Mr. Jones -- I don't believe Mr. Jones ever
3 told me that, no.

4 Q Based upon what you know about Mr. Jones,
5 would it surprise you if he had told somebody that?

6 A That what?

7 Q That he had testified in front of a grand
8 jury in connection with authorized practice in
9 medicine?

10 MR. NEGRETE: Objection. Calls for speculation.
11 Argumentative.

12 THE WITNESS: He was testifying on -- about
13 something else entirely is what I remember. It
14 didn't have to do with him practicing medicine or
15 anything else.

16 Q BY MR. SHELY: What was the
17 subject matter?

18 A No accusations that I know of have ever
19 been filed against him by any agency.

20 Q What is the subject matter of what you
21 understand his grand jury testimony was about?

22 MR. NEGRETE: Objection. Calls for speculation.
23 Assumes facts not in evidence. Foundation. Hearsay.

24 Q BY MR. SHELY: What did he tell
25 you?

1 A Some other guy -- some doctor was under
2 investigation and they were asking him about
3 information about some M.D. or something.

4 Q Did it relate to the Cavitat device in any
5 way?

6 A I don't believe it did. I don't know.

7 Q You don't know?

8 A I just remember a conversation where he
9 said he had to be in Denver or something or he was in
10 Denver testifying in front of a grand jury for -- oh,
11 wait a minute. Some guy. I don't remember the guy's
12 name. I mean I remember the name, but I don't
13 remember the name, that a grand jury was looking at
14 something and I believe it was all dropped. The
15 investigation was dropped.

16 Q Do you know that certain practitioners that
17 use the Cavitat advocated pulling all of the
18 patients' teeth to cure multiple sclerosis?

19 MR. NEGRETE: Objection. Calls for speculation.

20 Q BY MR. SHELY: Have you ever heard
21 that?

22 MR. NEGRETE: Assumes facts not in evidence.
23 Hearsay.

24 Q BY MR. SHELY: Have you ever heard
25 that, sir?

1 A I've never heard that.

2 Q Does that make sense to you based on your
3 experience?

4 MR. NEGRETE: Objection. Seeks expert testimony
5 of a lay witness. Lacking in foundation. Assumes
6 facts not in evidence.

7 THE WITNESS: I've heard that from a lot of
8 difference sources over the years that teeth -- what
9 happens in your mouth affects your whole body.
10 That's a pretty common -- the anti-amalgam people
11 talk about that all the time.

12 Q BY MR. SHELY: Do you have any
13 fillings in your mouth, sir?

14 A Yes, one or two.

15 Q Have you ever had any fillings pulled out?

16 A No, just with the teeth. My fillings are
17 40 years old.

18 Q Have you ever -- do you know that certain
19 users of the Cavitat advocate having teeth removed to
20 cure headaches?

21 MR. NEGRETE: Objection. Calls for speculation
22 and seeks expert testimony. Assumes facts not in
23 evidence. Foundation.

24 THE WITNESS: I haven't heard that.

25 Q BY MR. SHELY: Have you ever heard

1 that certain users of the Cavitat device advocate
2 the removal of healthy teeth to prevent cancer?

3 MR. NEGRETE: Same objection.

4 THE WITNESS: I don't think I've heard that
5 either.

6 Q BY MR. SHELY: Has Dr. Michael
7 Margolis ever been a client of yours?

8 A No.

9 Q Have you ever spoken with Dr. Margolis?

10 A If he was at the conference in Dallas I may
11 have, but I met an awful lot of people.

12 Q You don't recall anything other than the
13 conference in Dallas in terms of having any meetings?

14 A Nothing of any note that I would remember.

15 Q Nothing relating to Cavitat or NICO. Is
16 that a fair statement?

17 A Right. Is he in Arizona? Is that who he
18 is?

19 Q Dr. Margolis is in Arizona, sir?

20 A Yeah. I don't think so.

21 MR. SHELY: I'm going to hand to the court
22 reporter, sir, the next Exhibit which is going to be
23 number 17 I believe, and I have a courtesy copy for
24 Mr. Negrete.

25

1 (Whereupon, the aforementioned document
2 was marked as defendant's exhibit 17 for
3 identification and is attached hereto.)

4 Q BY MR. SHELY: Sir, I'm going to
5 ask you some questions about that document in a
6 moment. Is Dr. Medlock one of your clients?

7 A How do you spell that?

8 Q M-e-d-l-o-c-k.

9 A No.

10 Q Do you know that he's one of your Cavitat
11 legal fund partners?

12 A I don't know that.

13 Q Has Dr. Culpits ever been a client of
14 yours?

15 A I don't know that name either.

16 Q Has Dr. Galeros ever been a client of
17 yours, sir?

18 A No.

19 Q Have you ever seen what is marked as
20 Exhibit 17 before, sir?

21 A No, I haven't.

22 Q Do you know that -- have you ever heard
23 that the Ninth Circuit Court of Appeals last year
24 wrote:

25 "When called on to put up or

1 shut up they shut up. Negrete and
2 Clark voluntarily dismissed their
3 cross-complaint rather than
4 respond to Barrett's discovery
5 request for proof of the
6 allegations. This creates a
7 strong inference that Negrete and
8 Clark lacked probable cause for
9 the accusations"?

10 Have you ever heard that before --

11 A No, I haven't.

12 Q -- with respect to the RICO suit that
13 Mr. Negrete was representing Dr. Clark in against
14 Dr. Barrett?

15 MR. NEGRETE: Objection. Assumes facts not in
16 evidence. Seeks a legal interpretation of an opinion
17 and a document lacking in foundation. Assumes facts
18 not in evidence.

19 Could you please read the question back
20 again?

21 THE WITNESS: Yeah. What was the question? I'm
22 sorry.

23 MR. SHELY: Go ahead and read it back.

24 THE REPORTER: Counsel, can you be kind enough
25 to repeat it?

1 MR. SHELY: Certainly.

2 Q Have you ever heard, sir, that the Ninth
3 Circuit Court of Appeals concluded:

4 "When called on to put up or
5 shut up that they shut up.
6 Negrete and Clark voluntarily" --

7 A Excuse me. Where are you reading from?
8 What page?

9 Q I'm going to let you follow along. Third
10 page, sir.

11 A Where on the third page?

12 Q Do you see where it says "Lack of probably
13 cause" --

14 A Yes.

15 Q -- "Can be inferred from the severity and
16 the sensational nature of the crimes alleged by
17 Negrete and Clark"? Do you see that?

18 A Yes.

19 Q Okay. And then below there:

20 "When called on to put up or
21 shut up, they shut up. Negrete
22 and Clark voluntarily dismissed
23 their cross-complaint rather than
24 respond to Barrett's discovery
25 request for proof of their

1 allegations. This creates a
2 strong inference that Negrete and
3 Clark lack probable cause for
4 their accusations."

5 Have you ever heard that before?

6 MR. NEGRETE: Objection. Hearsay. Also assumes
7 facts not in evidence. Lacks foundation. Calls for
8 speculation.

9 Q BY MR. SHELY: Have you ever heard
10 that before, sir?

11 A Not in those words. I've never seen this
12 before.

13 Q Has Mr. Negrete ever told you that he lost
14 in the Ninth Circuit Court of Appeals?

15 A Yes.

16 MR. NEGRETE: Objection. Objection.
17 Attorney-client privilege with respect to
18 communications between Mr. Bolen and myself.

19 Q BY MR. SHELY: Turn to the last
20 page, sir. I asked you earlier in your deposition
21 whether you were aware that Hulda Clark had admitted
22 that despite her investigation of Dr. Barrett that
23 she was not aware of any illegal conduct by him.

24 Does that sound familiar to you, sir?

25 MR. NEGRETE: Objection. Calls for speculation.

1 Calls for interpretation of a document.

2 THE WITNESS: Yeah. Where are going with that?

3 I don't get it. What are you asking me?

4 Q BY MR. SHELY: Have you ever heard
5 that before?

6 MR. NEGRETE: Objection. Hearsay. Vague and
7 ambiguous as to point in time.

8 MR. SHELY: You're nervous about this, aren't
9 you?

10 MR. NEGRETE: Not at all.

11 MR. SHELY: You're talking too fast.

12 MR. NEGRETE: Not at all because the case is
13 stayed, Mr. Shely.

14 MR. SHELY: Give the court reporter a break.
15 I'm only asking what the opinion says. Do you want
16 to stipulate to it?

17 MR. NEGRETE: Relax, Mr. Shely. You're talking
18 a little fast for the reporter.

19 MR. SHELY: Right. I know you always do the
20 opposite.

21 Q Mr. Bolen, all I'm asking you is do you
22 know that the case in which this opinion is written
23 was the RICO counter claim that Hulda Clark
24 represented by Mr. Negrete brought against
25 Dr. Barrett?

1 A Well, thank you for informing me of what I
2 wasn't -- like I said, I have not seen this before,
3 but I have some idea.

4 Q And we know that you publicized the filing
5 of that RICO suit when Hulda Clark sued Dr. Barrett
6 for RICO. You recall we talked about that?

7 A I believe so, yes.

8 Q And have you ever heard that the Ninth
9 Circuit ruled that: "The scurrilous nature of the
10 defendants' allegations of wrong doing" -- and you
11 understand that's the RICO allegations, don't you,
12 sir?

13 MR. NEGRETE: Objection.

14 A I don't know anything of the sort.

15 MR. SHELY:

16 "And their efforts," meaning
17 Mr. Negrete's and Ms. Hulda
18 Clark's efforts, "to publicize
19 them widely on the internet when
20 coupled with their utter failure
21 to offer any proof of their
22 charges give rise to a compelling
23 inference of malice."

24 Have you ever heard that before?

25 MR. NEGRETE: Objection. Calls for hearsay

1 testimony and interpretation of a legal document.

2 Lacking in foundation.

3 THE WITNESS: I'm sorry. Where are you reading?

4 MR. SHELY: I'm on page three, sir, of the
5 opinion.

6 THE WITNESS: These pages aren't numbered. Are
7 your pages numbered?

8 MR. SHELY: I just counted one, two, three,
9 four, sir.

10 THE WITNESS: Okay. Where you reading now,
11 please? Do it again.

12 Q BY MR. SHELY: It starts "The
13 scurrilous nature, Barrett prevails under either
14 standard," about an inch and a half up from the
15 bottom.

16 A I see it now.

17 Q Okay. Read that into the record and I want
18 to ask you a question about it.

19 A I'm sorry. Where do you want me to start?

20 Q Starting at Barrett prevails.

21 A Barrett prevails under either standard.

22 "The scurrilous nature of the
23 defendants' allegations of
24 wrongdoing and their efforts to
25 publicize them widely on the

1 internet when couple with their
2 uter failure to offer any proof of
3 their charges gives rise to a
4 compelling inference of malice.
5 The district court's judgment is
6 reversed and this case is remanded
7 for further proceedings."

8 Q And do you understand, sir -- have you
9 previously heard that the Ninth Circuit Court of
10 Appeals of Federal Court held that the effort of
11 Dr. Clark and Mr. Negrete to publicize widely on the
12 internet the RICO allegations gave rise to a
13 compelling inference of malice?

14 MR. NEGRETE: Objection. Calls for speculation.
15 Assumes facts not in evidence. Calls for hearsay
16 testimony.

17 THE WITNESS: I don't understand any of what
18 you're talking about. I don't know the legal
19 inference that's here, not at all.

20 Q BY MR. SHELY: We at least know
21 that you were the one that publicized the RICO
22 allegations that Hulda Clark brought against
23 Dr. Barrett when it was filed in 2001. We know
24 that, don't we?

25 MR. NEGRETE: Objection. Assumes facts not in

1 evidence.

2 Q BY MR. SHELY: Well who else did

3 it? You were one of the persons.

4 A Stephen Barrett did.

5 Q Oh, okay. But you did it first on the date
6 the suit was filed, didn't you?

7 MR. NEGRETE: Objection. Calls for speculation.
8 Assumes facts not in evidence.

9 Q BY MR. SHELY: Is that true, sir?

10 MR. NEGRETE: Is what true?

11 Q BY MR. SHELY: Did you publicize
12 the filing of the RICO suit against Stephen Barrett
13 by Dr. Hulda Clark on the date that it was filed?

14 A I don't know that. I don't know that. I
15 remember writing an article about it.

16 Q You publicized it on the day of or the day
17 after, didn't you?

18 MR. NEGRETE: Objection as to point in time.

19 THE WITNESS: I don't remember.

20 Q BY MR. SHELY: You don't remember?
21 You don't think it's important?

22 MR. NEGRETE: Objection. Mischaracterizes his
23 testimony. He didn't testify at all as to its
24 importance.

25 Q BY MR. SHELY: Now, you also

1 publicized Cavitat's RICO suit against Aetna on the
2 internet the day it was filed, didn't you, sir?

3 A Or the day after.

4 Q We looked at I think it was Exhibit 8 and 9
5 where you posted on August 12 and August 13. Isn't
6 that right?

7 A Okay.

8 Q You don't deny that. You can go back and
9 look if you want.

10 A Thank you.

11 Q And are you denying that you publicized the
12 RICO lawsuit against Dr. Stephen Barrett filed in
13 2001 on the day that it was filed?

14 A I'm not denying anything of the sort.

15 Q You did publicize it. Correct?

16 MR. NEGRETE: Objection. Mischaracterizes
17 testimony. It's really bordering on harassing the
18 witness.

19 Q BY MR. SHELY: Did you publicize
20 the lawsuit that Dr. Hulda Clark filed against
21 Stephen Barrett for RICO when it was filed?

22 MR. NEGRETE: The question has been asked and
23 answered. Objection.

24 THE WITNESS: Possibly.

25 Q BY MR. SHELY: And Mr. Negrete was

1 the --

2 A How long ago was that? Five years ago?
3 You want me to remember what day and what minute I
4 publicized something or put something on the internet
5 five years ago?

6 Q If you can't remember the day of --
7 Mr. Negrete asked you to publicize that lawsuit in
8 2001, didn't he?

9 A No.

10 MR. NEGRETE: Objection as to any communications
11 between myself and Bolen.

12 THE WITNESS: I don't think it was now that I
13 recall. I don't think it was right away. I don't
14 think it was. I think it was a while before I found
15 out. I'm not sure. I don't believe at the time that
16 Dr. Clark was a client of mine. I think I was
17 involved in something else.

18 Q BY MR. SHELY: Did Mr. Negrete ask
19 you to publicize that lawsuit that Hulda Clark filed
20 against Dr. Stephen Barrett?

21 A No.

22 MR. NEGRETE: Objection. Attorney-client
23 privilege.

24 MR. SHELY: There's nothing privileged about
25 that. You know better than that.

1 Q Yes or no, sir?

2 A No.

3 Q Who asked you to publicize it?

4 A No one.

5 MR. NEGRETE: Objection. Assumes facts not in
6 evidence.

7 THE WITNESS: No one asked me to.

8 Q BY MR. SHELY: How did you learn
9 of the filing of the suit by Dr. Hulda Clark against
10 Stephen Barrett in 2001, sir?

11 A I'm not sure. Maybe I was keeping up with
12 the filings at the time. After all I was a defendant
13 in the case. I was keeping up with that case.

14 Q Well, who asked you to publicize the RICO
15 lawsuit against Aetna on August 12 and August 13, if
16 anybody?

17 A No one asked me to publish it.

18 Q But you became aware of it through
19 Cavitat's attorneys. Was that your testimony?

20 A I believe Bob Jones told me that he had
21 finally filed it, and I asked him for a copy and he
22 told me to get ahold of his attorney and I got it
23 from them.

24 Q Have you ever retracted anything that
25 you've written on your postings?

1 A I believe so, yes.

2 Q What?

3 A I don't recall.

4 Q Have you ever posted anything that you --
5 excuse me.

6 Have you ever retracted anything that you
7 have written about persons you call the quackbusters?

8 MR. NEGRETE: Objection. The question is vague
9 and ambiguous and overbroad.

10 THE WITNESS: I don't believe I've ever been
11 asked to do so.

12 Q BY MR. SHELY: Do you agree that
13 accusing someone of a crime via a RICO suit is a
14 serious matter and could harm that person's
15 reputation and business?

16 MR. NEGRETE: Objection. Calls for a legal
17 conclusion and legal interpretation. Expert
18 testimony. The question is argumentative.

19 Q BY MR. SHELY: You can answer,
20 sir.

21 A I am not an attorney. I have no knowledge
22 of that.

23 Q Well, what would be your layperson view of
24 accusing somebody of a federal crime? Would that
25 likely help their reputation or hurt it?

1 MR. NEGRETE: Objection. Calls for speculation.
2 Improper hypothetical. Seeks expert testimony of a
3 lay person.

4 Q BY MR. NEGRETE: What would you
5 say, sir?

6 A I have no idea. I have no idea.

7 Q If someone accused you of a crime, do you
8 think that would help your reputation?

9 MR. NEGRETE: Objection. Improper hypothetical.
10 Calls for speculation.

11 THE WITNESS: If someone accused me of a crime,
12 would it help my reputation?

13 MR. SHELY: Yes, sir.

14 THE WITNESS: I don't know. I guess if I want
15 to get a job with the mafia it might.

16 Q BY MR. SHELY: So I guess from
17 your attempted humor you would agree that accusing
18 someone of racketeering would not help their
19 reputation?

20 MR. NEGRETE: Objection. Calls for expert
21 testimony. Calls for speculation.

22 THE WITNESS: You keep asking the same question.
23 It's the same answer. I don't know that. I wouldn't
24 know. It would --

25 Q BY MR. SHELY: It doesn't bother

1 you to accuse someone of a crime as to what effect
2 that might have on someone's reputation. Is that
3 what you're saying? You don't worry about that?

4 MR. NEGRETE: Objection. Calls for speculation.

5 THE WITNESS: I'm not aware that a criminal RICO
6 action has been filed against anyone. I believe a
7 civil RICO action was filed and that's not an
8 accusation of crime.

9 Q BY MR. SHELY: Exhibits 8 and 9,
10 sir.

11 A What about it?

12 Q Take a look at it. Look at your posting.

13 A Okay. Eight.

14 Q You include the allegation in the Cavitat
15 lawsuit against Aetna and others verbatim in your
16 posting on August 13, 2004 what is Exhibit 8, didn't
17 you?

18 A Appears that way, yes.

19 Q And then you said that RICO is a law
20 designed to attack organized criminal activity and
21 preserve marketplace integrity by investigating,
22 controlling and prosecuting persons who participate
23 or conspire to participate in racketeering.

24 You wrote that, didn't you?

25 A Right out of Black's Law.

1 Q All right. Now, do you think there's
2 anything in there that could help somebody's
3 reputation if they were accused of that?

4 MR. NEGRETE: Objection. Compound.

5 THE WITNESS: I didn't make that accusation.
6 That's a court document -- any court document. There
7 it is. That's a court document. That's what was
8 said in court. That's what happened.

9 Q BY MR. SHELY: What I'm asking
10 you, sir, is if you know that the RICO case has been
11 dismissed which it has --

12 MR. NEGRETE: Objection. Assumes facts not in
13 evidence.

14 MR. SHELY: Please don't misrepresent. There is
15 no pending RICO case against Aetna.

16 THE WITNESS: That wasn't my understanding.

17 Q BY MR. SHELY: But if you check it
18 out, sir, with Pacer, are you going to retract those
19 postings tomorrow?

20 MR. NEGRETE: Objection. Mischaracterizes
21 testimony. The question is argumentative.

22 Q BY MR. SHELY: Doesn't a good
23 reporter retract something that he knows is wrong?

24 MR. NEGRETE: Objection. Seeks expert testimony
25 of a lay witness. Calls for speculation.

1 THE WITNESS: Perhaps I could follow the lead of
2 your public relations person Stephen Barrett and I
3 would follow his lead in withdrawing the complaint
4 from his website after it was thrown out by the
5 judge -- dismissed by the judge. He's an older, more
6 seasoned advocate than I, and what should I do but
7 follow his lead in the way he would do it.

8 But Mr. Shely if you have a commentary that
9 you'd like to make about the case and you'd like to
10 forward it to me, I'll print it. How is that? Or if
11 Aetna would you like to make a commentary I'll print
12 it verbatim.

13 Q Why didn't you report to your readers that
14 the RICO case has been dismissed?

15 MR. NEGRETE: Objection. Argumentative.

16 THE WITNESS: No one asked me to.

17 Q BY MR. SHELY: And you came in
18 today not even knowing that was the case. Right?

19 A Knowing what was the case?

20 Q You came into the deposition today not even
21 knowing that the RICO case had been thrown out last
22 Spring. Right?

23 A My information wasn't that it was thrown
24 out, that it was sort of stayed. That's what I
25 heard.

1 Q And you didn't check that out as a good
2 reporter and go look at the court's orders, did you?

3 A I'm not going to look at your case every
4 day. Why would I?

5 Q You never looked at it. Right?

6 A Why don't you send me a memorandum and I
7 will clear it up. You are on my mailing list, are
8 you not? Why didn't you correct me?

9 Q No, sir. I've been fortunate not to be on
10 it. But all I'm saying is if you learn that
11 something is wrong that you posted why don't you
12 retract it.

13 A Absolutely --

14 MR. NEGRETE: Objection. Argumentative
15 overbroad. Vague and ambiguous.

16 THE WITNESS: Sure. I'll be glad to.

17 Q BY MR. SHELY: You agree with
18 that?

19 A Absolutely. Please correct me. Please do.

20 MR. SHELY: Let's take a break. I think we're
21 relatively close.

22 MR. NEGRETE: No. I don't want to take a break
23 at this time. I'd like the deposition concluded.

24 MR. SHELY: Well, I know you'd like to and I'd
25 like to also. But I'm going to take a break and put

1 together hopefully the last of my questions and it
2 won't take long and then we'll be back and finish it.

3 MR. NEGRETE: How long are you going to be? I
4 don't agree to taking a break at this time. We'd
5 like the deposition to be completed.

6 MR. SHELY: Feel free to sit here if you'd like.
7 We'll be back momentarily.

8 MR. NEGRETE: I might add for the record that
9 today is Passover and we'd like to have this
10 deposition completed as soon as possible and
11 certainly before sunset which is just about to be.

12 MR. SHELY: Back on.

13 MR. NEGRETE: We weren't off.

14 MR. SHELY: Great. Let me hand to the court
15 reporter the next Exhibit which I think is 18, and I
16 have a courtesy copy for Mr. Negrete.

17 (Whereupon, the aforementioned document
18 was marked as defendant's exhibit 18 for
19 identification and is attached hereto.)

20 Q BY MR. SHELY: Mr. Bolen, have you
21 ever seen that document before?

22 A No, I've never seen it before.

23 Q Are you aware of any campaign by Cavitat to
24 contact the State Board of Dental Examiners?

25 A I've heard something about that.

1 Q What have you heard about it, sir?

2 A That --

3 MR. NEGRETE: Objection. Hearsay.

4 THE WITNESS: It is hearsay. That some letters
5 were sent out.

6 Q BY MR. SHELY: Who do you
7 understand the letters were sent out to, sir?

8 A I don't know. I know they were sent out --
9 I believe they were sent out by Jim Turner.

10 Q Who told you that letters were sent out by
11 Jim Turner?

12 MR. NEGRETE: Objection. Hearsay?

13 THE WITNESS: Possibly Bob Jones. I remember
14 some letters. This is something about it that
15 letters were sent out to the board. I don't know the
16 subject of it. Something about I don't know what.

17 Q BY MR. SHELY: Have you ever
18 spoken with Jim Turner about the letters that have
19 been sent out on Cavitat's behalf?

20 A Briefly. Sending a letter or something
21 like that. He said, yeah, I'm sending out a letter.

22 Q When did that conversation occur?

23 A Whenever during the process.

24 Q Do you know when the letters were sent out?

25 A It was -- I have no idea.

1 Q Was it in 2005?

2 MR. NEGRETE: Objection. Calls for speculation.

3 Q BY MR. SHELY: Is your testimony
4 you don't recall when you talked to Jim Turner about
5 sending letters out to state board of dental
6 examiners on behalf of Cavitat?

7 A Mr. Shely, I'm sure if you get a copy there
8 will be dates on them. That will be better to answer
9 your questions than me.

10 Q Actually, Mr. Bolen, we've been waiting for
11 Cavitat to produce those.

12 A I see. I don't have copies.

13 MR. SHELY: Mr. Negrete, do you have copies?

14 MR. NEGRETE: Not that I'm aware that you're
15 referring to. I don't.

16 Q BY MR. SHELY: But were you --
17 other than speaking with Mr. Turner about the
18 letters being sent out to Cavitat -- excuse me -- to
19 state dental boards on behalf of Cavitat, did you
20 have any other involvement with that initiative?

21 A No. After the fact I would just mention it
22 in passing and it's something familiar. I had heard
23 it a couple of times, but I didn't see any copies of
24 anything.

25 Q Did you ever review a draft of such letter?

1 A No.

2 Q Is part -- are part of your crisis
3 management services that you provide to Cavitat
4 assisting in sending out such types of letters?

5 MR. NEGRETE: Objection. Calls for speculation
6 and assumes facts not in evidence. Lacking in
7 foundation.

8 THE WITNESS: This appears to be like a legal
9 letter, and I wouldn't send out a legal letter. I
10 might send a letter to a patient support group
11 informing them of the problem. But I wasn't involved
12 in anything legal because I have no expertise in
13 that -- you know, that's not a good thing. Anybody
14 would rely on anything legal from somebody who is not
15 is -- and I'm certainly not going to give legal
16 advice.

17 Q BY MR. SHELY: Do you know who
18 came up with the idea to send letters to state
19 boards of dental examiners on behalf of Cavitat?

20 A No, I don't.

21 Q It at least wasn't your idea. Is that your
22 testimony?

23 A No. I found out about it after the fact or
24 during the fact or something -- somebody said
25 something to me about sending out letters to the

1 dental board. I wasn't involved in it. I didn't
2 actually understand what the reasoning for it was,
3 Mr. Shely. I to this day don't.

4 MR. SHELY: Let me hand to the court reporter
5 the next exhibit which is No. 19. I have a courtesy
6 copy for Mr. Negrete.

7 (Whereupon, the aforementioned document
8 was marked as defendant's exhibit 19 for
9 identification and is attached hereto.)

10 Q BY MR. SHELY: Can you identify
11 Exhibit --

12 A I haven't finished reading it.

13 Q Oh, okay. Tell me when you have.

14 A Okay. I've read it.

15 Q What is Exhibit 19, sir?

16 A It's an article called "Black Days for
17 Quackbusters."

18 Q Did you write that article, sir?

19 A I believe I did, yes.

20 Q Do you see the paragraph that starts under
21 the "Warrior Class," sir?

22 A Yes.

23 Q Why don't you read that into the record.

24 I'm going to ask you a question about it.

25 A

1 "Since the beginning of time
2 there have been those of us who
3 thrive on conflict. Those who
4 keep their sword razor sharp and
5 train endlessly making contingency
6 plans for the next assault even
7 though it may not happen. There
8 are those of us who understand
9 quite well the psyche and the
10 methodology of Attila the Hun the
11 reasoning and execution of
12 Attaturk, Charlemagne and the old
13 master Sun Tzu. There are those
14 of us who understand war quite
15 well."

16 Q Are you one of those persons, sir?

17 A Yes.

18 Q Even though you've never been in combat?

19 MR. NEGRETE: Objection. Assumes facts not in
20 evidence.

21 THE WITNESS: What makes you think I haven't
22 been in combat?

23 Q BY MR. SHELY: Have you been in
24 combat, sir?

25 A Yes.

1 Q On what occasion?

2 A I was in the Cuban Blockade.

3 Q And what was your role in that, sir?

4 A Combatant.

5 Q And what was your role?

6 A What do you mean my role?

7 Q What rank did you have?

8 A I was a sailor on a ship in the conflict --

9 Q Anything else?

10 A -- where shots fired.

11 Q Anything else, sir?

12 A That's conflict if you ask me.

13 Q Read a little bit -- on the next paragraph

14 you wrote that:

15 "The Bob Jones Cavitat device

16 shows that dentistry's highly

17 profitable root canal method is

18 and always has been an oral

19 cess-pool of bacteria of the worst

20 kind, the kind that can, will and

21 does literally stop the human

22 heart from beating."

23 What was your factual basis for that

24 statement, sir?

25 A Let's see. You had a source for that back

1 in one of these things. Rather than me looking for
2 it, there's a number of authoritative writeups from
3 scientists on the internet that were my source for
4 that. One I remember is Bernie Windham from the
5 university of Florida. But there's quite a few.
6 There's probably 25 or 30 sources for this.

7 Q Has Christopher Husser ever been one of
8 your clients?

9 A No.

10 Q What about Michael R. Jackson in Texas?

11 A I don't know that name.

12 Q What about Stephen Evans? Has he ever been
13 a client of yours?

14 A That name is familiar. He's not my client.

15 Q Has Tony Lim ever been a client of yours?

16 A Who?

17 Q Tony Lim, L-i-m.

18 A No. It sounds like a potential client list
19 for me. Thank you.

20 Q Has Heather Harris ever been a client of
21 yours?

22 A No.

23 Q Has Aida Frazier ever been a client of
24 yours?

25 A No.

1 Q Has Nick Meyer ever been a client of yours?

2 A No.

3 Q Has Sheldon Katz, K-a-t-z, ever been a
4 client of yours?

5 A No.

6 Q Has Alex Pana, P-a-n-a, ever been a client
7 of yours?

8 A No.

9 Q Has Dr. Shen ever been a client of yours?

10 A Shen?

11 Q Shen.

12 A S-h-e-n?

13 Q Yes, sir.

14 A No.

15 Q Has Dr. Larry Bennett ever been a client of
16 yours?

17 A No.

18 Q Has Dr. David Angelsberg ever been a client
19 of yours?

20 A No.

21 Q Has Dr. Richard Keller ever been a client
22 of yours?

23 A No.

24 Q Have you ever heard of Dr. Robert Grier?

25 A No.

1 Q Has Dr. Michael G. Rehme, R-e-h-m-e, ever
2 been a client of yours?

3 A No.

4 Q Has Dr. Pamela Lilly ever been a client of
5 yours?

6 A No, sir.

7 Q Has Dr. Martha Cortez ever been a client of
8 yours?

9 A No.

10 Q Has James Murphy ever been a client of
11 yours?

12 A No.

13 Q I think I asked you this morning, but I
14 want to make sure. Jerry Bouquot has never been a
15 client of yours. Is that correct?

16 A No, he never has.

17 MR. NEGRETE: I'd like to ask the reporter at
18 what time are we now in the deposition? How many
19 hours have gone by.

20 THE VIDEOGRAPHER: I question that because
21 although we were on the record --

22 MR. NEGRETE: We were on the record. Up to now
23 what is the time count pursuant to the tapes.

24 Q BY MR. SHELY: Has Dr. John Tate
25 ever been a client of yours, sir?

1 A No.

2 Q Has Robert Stephen ever been a client of
3 yours?

4 A No.

5 Q Has Dr. John Laughlin, L-a-u-g-h-l-i-n,
6 ever been a client of yours?

7 A No.

8 Q Has Dr. Thompson in Arora, Colorado ever
9 been a client of yours?

10 A No.

11 Q Has Phillip Sukel ever been a client of
12 yours?

13 A How do you spell that?

14 Q S-u-k-e-l, sir.

15 A No.

16 Q Has Dr. Robert Kulas ever been a client of
17 yours?

18 A No.

19 Q Let me hand you what will be the next
20 exhibit, please.

21 MR. NEGRETE: Madam reporter, videographer, how
22 much time have we gone so far?

23 THE VIDEOGRAPHER: I show my log as being six
24 hours and 52 minutes.

25 MR. SHELY: Can you mark the next document as an

1 exhibit, please.

2 (Whereupon, the aforementioned document
3 was marked as defendant's exhibit 20 for
4 identification and is attached hereto.)

5 Q BY MR. SHELY: Have you seen
6 Exhibit 20 before, sir?

7 MR. NEGRETE: First of all, let me object. This
8 is potentially attorney-client privilege.

9 MR. SHELY: Mr. Bolen produced it.

10 MR. NEGRETE: Mr. Bolen is my client.

11 Q BY MR. SHELY: Thanks for
12 producing it. Have you ever seen the document
13 before, sir?

14 MR. NEGRETE: Well, even if it's produced it's
15 still attorney-client privilege. I'd object to its
16 use.

17 MR. SHELY: Objection is noted.

18 THE WITNESS: I don't believe I've ever seen
19 this.

20 Q BY MR. SHELY: You don't believe
21 you have. Does this at least refresh your
22 recollection that you and Mr. Negrete and Mr. Turner
23 have been working together since at least 2001?

24 MR. NEGRETE: Objection.

25 THE WITNESS: I've known Mr. Turner for probably

1 longer than that.

2 Q BY MR. SHELY: And so you have
3 been working with Mr. Turner and Mr. Negrete since
4 at least 2001 as reflected by this e-mail. Isn't
5 that right?

6 MR. NEGRETE: Objection. Mischaracterizes the
7 document.

8 THE WITNESS: Knowing somebody and working with
9 them are different things.

10 Q BY MR. SHELY: I'm just asking you
11 have you worked with Mr. Turner and Mr. Negrete
12 since 2001?

13 A I've known them both, yes.

14 Q Have you known them both since 2001?

15 A I never officially worked with Carlos
16 Negrete official or received any money from him or
17 been involved in any -- we've had common clients any
18 time and the same thing with Turner. Tim Turner is
19 an activist I know and an attorney. Yes, of course I
20 know him.

21 Q Who is David Amrine?

22 A David Amrine is the owner of a website and
23 a business called -- I think it's Dr. Clark dot net.

24 Q Does he work with Jeffrey Clark --

25 A No.

1 Q -- in that business?

2 A No. He has his own company and he's
3 independent completely. There's no relationship to
4 Clark at all either one that I know of.

5 MR. SHELY: I'll pass the witness.

6 MR. NEGRETE: Sorry?

7 MR. SHELY: I said I pass the witness.

8

9 EXAMINATION

10

11 Q BY MR. NEGRETE: Mr. Bolen, did
12 you have any participation in the design of the
13 Cavitat?

14 A No.

15 Q Mr. Bolen, did you participate in any way
16 in development of legal strategies of the Cavitat
17 litigation with Aetna?

18 MR. SHELY: Objection. Leading.

19 THE WITNESS: No.

20 MR. NEGRETE: I have no further questions.

21 MR. SHELY: Thank you for your time, Mr. Bolen.

22 THE VIDEOGRAPHER: This ends videotape number
23 four and this ends the deposition of Mr. Timothy
24 Bolen.

25 The time is 7:40 p.m. on April 12, 2006 and

1 we are off the record.

2

3 (Deposition session concluded at 7:40 p.m.)

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1 I certify (or declare) under penalty of perjury
2 under the laws of the State of California that the
3 foregoing is true and correct.

4
5 Executed at _____ on _____.
6 (Place) (Date)

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8 _____
9 (Signature of Deponent)

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