

TRANSPERFECT
LEGAL SOLUTIONS



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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TRITA PARSI :

and :

NATIONAL IRANIAN AMERICAN :

COUNCIL : Civil Action No.

Plaintiffs, :

v. : 08 CV 00705 (JDB)

DAIOLESLAM SEID HASSAN, :

Defendant. :

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Deposition of DAVID ELLIOTT

VOLUME I

Washington, D.C.

Monday, October 5, 2009

2:19 p.m.

* * * *

Reported by: Okeemah S. Henderson, LSR

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2 Deposition of DAVID ELLIOTT, held at the

3 offices of:

4

5 SIDLEY AUSTIN, LLP

6 1501 K Street, Northwest

7 Washington, D.C. 20005

8 (202) 736-8533

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12 Pursuant to agreement, before Okeemah S.

13 Henderson, Licensed Shorthand Reporter and

14 Notary Public in and for The District of

15 Columbia.

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1 A P P E A R A N C E S

2

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I-N-D-E-X

Deposition of DAVID ELLIOTT

October 5, 2009

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(Exhibits included with transcript.)

1 P-R-O-C-E-E-D-I-N-G-S

2 (2:19 p.m.)

3 Whereupon,

4 DAVID ELLIOTT,

5 called as a witness, having been first duly

6 sworn to tell the truth, the whole truth, and

7 nothing but the truth, was examined and

8 testified as follows:

9 EXAMINATION BY COUNSEL FOR DEFENDANT

10 BY MR. ROGERS:

11 This is the deposition of David Elliott,
12 employee for plaintiff, NIAC being taken in the
13 case of Parsi, et al V. Hassan. Case No. 08
14 705 in the Federal District Court for the
15 District of Columbia.

16 It's being held at the Law Offices of
17 Sidley Austin, LLP, 1501 K Street, Northwest,
18 Washington, D.C. 20005. Present in addition to
19 Mr. Elliott are myself, HL Rogers, attorney for
20 the defendant and Eric Galvez, also attorney
21 for defendant and both with Sidley Austin, LLP;
22 A.P. Pischevar, Patrick Parsa and --

1 MS. PARTOVI: Pargol Partovi.

2 MR. ROGERS: Attorneys for plaintiffs
3 and the certified Court Reporter and notary
4 public.

5 Mr. Elliott, you were just sworn to tell
6 the truth by the Court Reporter; is that
7 correct?

8 A. Yes.

9 Q. And you understand there's severe
10 penalties for violating that oath to tell the
11 truth?

12 A. Yes.

13 Q. Great. All right. Let's go ahead
14 and get started. I have a couple of
15 preliminary things to run through, then we'll
16 get into the questioning. First of all, this
17 deposition is being done to pursuant to the
18 Federal Rules of Civil Procedure. Do you
19 understand that you're here today as a fact
20 witness, as an individual that the plaintiff's
21 counsel identified as being knowledgeable about
22 the IT systems of NIAC and about the electronic

1 **discovery that is taking place in this case?**

2 A. Apparently.

3 Q. **So that is correct?**

4 A. To the best of my knowledge.

5 Q. **Before we get started, let me run**

6 **through just a couple of ground rules for**

7 **taking a deposition. First of all, have you**

8 **had your deposition taken before?**

9 A. No.

10 Q. **Let me run through just a couple of**

11 **basics. In order for your responses to be**

12 **recorded properly, you'll need to give verbal**

13 **responses. So nodding, sort of grunting,**

14 **things like that won't be picked up. So just**

15 **make sure your response is verbal. You'd be**

16 **surprised as we get into things the tendency to**

17 **start nodding like you would in a normal**

18 **conversation. Just make it verbal.**

19 **If you don't understand a question, just**

20 **let me know and I'll try to rephrase it. If**

21 **you get any question about what I have asked or**

22 **what I'm trying to get at, just go ahead and**

1 ask me to clarify and I'll happy to do that.
2 Some of the subjects we discuss today may be
3 complex or use specialized language. If
4 there's any confusion about the term or
5 definition of the term, just go ahead and raise
6 it. If you feel I'm using a term in the wrong
7 way, go ahead and correct me.

8 A. Actually, that first question, can
9 we go over that again?

10 Q. Which one?

11 A. The very question about the IT --

12 Q. The IT systems in NIAC and
13 electronic discovery?

14 A. Yeah. Can you read that question
15 again?

16 Q. So do you understand that you're
17 here today as a fact witness?

18 A. What does that mean to be a fact
19 witness?

20 Q. That means you'll be testifying
21 about factual issues as opposed to legal
22 issues? Do you want me to keep going?

1 A. Please.

2 **Q. As an individual the plaintiff's**
3 **counsel identified as being knowledgeable about**
4 **the IT systems at NIAC and about the electronic**
5 **discovery that takes place.**

6 A. Thank you.

7 **Q. From time to time, Mr. Pischevar may**
8 **object to the question that I raise or some**
9 **other aspect of the proceeding. Objections are**
10 **made largely for the record, to preserve legal**
11 **issues and will be preserved later by the**
12 **judge.**

13 MR. PISHEVAR: One thing I'm hearing
14 you say mm-hmm and uh-uh, so please say yes or
15 no.

16 THE WITNESS: Okay.

17 BY MR. ROGERS:

18 **Q. Unless you're specifically**
19 **instructed not to answer, once the objection is**
20 **made, go ahead and answer the question fully**
21 **unless Mr. Pischevar instructs you not to**
22 **answer. Does that make sense?**

1 A. Yes.

2 Q. If at some point you need to take a
3 break, just let me know and I'll try to reach a
4 convenient break point. I would ask you not to
5 take a break while the question is still
6 pending. Try to finish up the question and
7 then take a break. It's not a marathon or
8 endurance test, so let me know if you need to
9 take a break and I'll try to stay cognizant of
10 that and try to take a break every half an hour
11 or so. Does that work?

12 A. Yes.

13 Q. Then there's a couple of questions
14 regarding your capacity to testify. Are you on
15 any sort of medication right now?

16 A. Nothing that would impair my ability
17 to answer these questions.

18 Q. Have you had any alcohol in the last
19 eight hours?

20 A. No.

21 Q. Anything else that you believe would
22 impede your ability to give clear and complete

1 **answers today?**

2 A. This is my first deposition, so I
3 might be a little nervous but otherwise no.

4 Q. That is understood and we'll try to
5 make this as painless as we can. So if at any
6 time you want me to clarify an earlier question
7 just go ahead, even if I'm in the middle of the
8 next question. If you remember something later
9 on and want me to go back and clarify
10 something, that's fine, too.

11 A lot of times what happens is as we get
12 going, 5 minutes after you ask a question you
13 might think there is one more aspect I should
14 say to clarify it, go ahead and let me know
15 that.

16 Q. If at any point today you think you
17 answered incorrectly, just go ahead and kind of
18 clarify it and correct it, that's not a problem
19 at all. Hold on one second. Off the record.

20 (Off record discussion was held.)

21 BY MR. ROGERS:

22 Q. In preparation for the deposition

1 **today, did you review any documents?**

2 A. Can you be more clear in that

3 question?

4 **Q. In order to prepare for the**

5 **deposition today, did you look through any**

6 **documents from NIAC, any documents that helped**

7 **you prepare for today's deposition?**

8 A. No.

9 **Q. Did you look through your office**

10 **files or bring any documents with you today?**

11 A. No.

12 **Q. Did you meet with anyone in order to**

13 **prepare you for this deposition?**

14 A. I met with the lawyers.

15 **Q. When did you meet with them?**

16 A. I couldn't tell you the date.

17 Recently.

18 **Q. Was it more than two weeks ago, less**

19 **than two weeks ago?**

20 A. About a couple of weeks ago perhaps.

21 The dates I don't know.

22 **Q. Would you say it was more than a**

1 **month ago? Less than a month ago?**

2 A. Less than a month ago.

3 **Q. Less than a week ago? More than a**
4 **week ago?**

5 A. I do believe it was more than a week
6 ago.

7 **Q. More than a week ago, less than a**
8 **month ago. Good enough. Did you meet with**
9 **anyone else to discuss your deposition?**

10 A. No.

11 **Q. Who was at this meeting where you**
12 **were discussing with your attorneys?**

13 A. AP and Patrick.

14 **Q. Anybody else?**

15 A. At the meeting?

16 **Q. Yes.**

17 A. No.

18 **Q. Have you discussed your deposition**
19 **with anyone else?**

20 A. Not in a serious way.

21 **Q. What do you mean by serious?**

22 A. Not in any attempt to prepare.

1 **Q. Mr. Elliott, how old are you?**

2 A. 23.

3 **Q. Can you quickly run through your**
4 **educational background?**

5 A. How far back would you like to go?

6 **Q. Why don't you just start with high**
7 **school graduation and run forward?**

8 A. I graduated top of my class from
9 Summertown High School in Summertown, Tennessee
10 and I graduated top of my class from the
11 University of Tennessee at Chattanooga.

12 **Q. When did you graduate from high**
13 **school?**

14 A. 2000.

15 **Q. When did you graduate from the**
16 **University of Tennessee?**

17 A. At Chattanooga?

18 **Q. Yes.**

19 A. 2004.

20 **Q. What was your degree in at the**
21 **University of Tennessee?**

22 A. Political science.

1 **Q. Do you have any formal technical**
2 **training?**

3 A. Formal? No.

4 **Q. So informal?**

5 A. Yes.

6 **Q. Can you describe that?**

7 A. I have taught myself how to use
8 computers pretty well and.

9 **Q. Describe what that means? What do**
10 **you feel that you've taught yourself to do that**
11 **you know how to do?**

12 A. I have a decent working knowledge of
13 computer troubleshooting and web design and a
14 strong working knowledge of computers,
15 information technology in general.

16 **Q. Do you have any information**
17 **technology degrees or certificates?**

18 A. No.

19 **Q. Did you attend any professional**
20 **seminars for IT-related activities?**

21 A. No.

22 **Q. Can you list your work experiences**

1 **for us?**

2 A. I have sent you my resume as part of
3 the discovery.

4 **Q. Do you mind listing it today at the**
5 **deposition?**

6 A. All of my prior work experiences?

7 **Q. Why don't you start from 2000 going**
8 **forward?**

9 A. Why don't we go the opposite way,
10 that might be easier.

11 **Q. If that's easier for you, that's**
12 **great.**

13 A. I have worked at NIAC since January,
14 2009. Prior to that, I was a paid research
15 intern at the Center for Strategic and
16 International Studies, Middle East program that
17 was in the fall of 2008. Prior to that I was
18 an intern at the United States Embassy in New
19 Delhi, India. Prior to that --

20 **Q. When did you start at the U.S.**
21 **Embassy?**

22 A. Fall of 2007. Prior to that, I

1 worked for the mail order catalog based out of
2 Summertown, Tennessee, and I worked on a
3 continuing basis for them as a consultant and
4 previously part time, the time range would have
5 to be, I couldn't give you exactly because that
6 was another period of time. I was a head
7 counselor at Kids to the Country, a nonprofit
8 organization. Those are my primary work
9 experiences.

10 **Q. Why don't we start with your work**
11 **experience prior to NIAC?**

12 A. I was a paid research intern.

13 **Q. And what sort of issues did you**
14 **research?**

15 A. Every area from North Africa to Iran
16 to Greater Middle East excluding Turkey.

17 **Q. What sort of issues did you research**
18 **regarding those areas?**

19 A. Anything and everything. Economics,
20 politics were probably the two main things.

21 **Q. Did you do any IT work when you were**
22 **there?**

1 A. Only some database management.

2 Otherwise no, they had a dedicated information
3 technology team.

4 **Q. Describe what database -- what did**
5 **you call it?**

6 A. I don't remember what it was
7 called --

8 **Q. Database support? Can you read that**
9 **back to us?**

10 A. Database entry.

11 **Q. Just describe what that was?**

12 A. Simple data entry.

13 **Q. When you were interning at U.S.**
14 **Embassy in India?**

15 A. Yes.

16 **Q. That was fall of '07 to fall of '08?**

17 A. No. I did this during school. So
18 it was the fall of 2007, September through
19 December.

20 **Q. What was you're role at the U.S.**
21 **Embassy?**

22 A. I was an intern in the Office of

1 Environment Science Technology and Health.

2 **Q. So what did you do?**

3 A. I researched many issues and
4 reported on them for the Department of State.

5 **Q. What type of issues were they?**

6 A. They focused on environmental health
7 issues.

8 **Q. And specifically in India?**

9 A. Yes.

10 **Q. Anything outside of environmental**
11 **health?**

12 A. Yes.

13 **Q. Such as?**

14 A. Such as coral reefs in the Indian
15 Ocean.

16 **Q. So other environmental issues?**

17 A. Other issues in the field of
18 environmental scientific technology and health.

19 **Q. Any political issues you were asked**
20 **to research or cover?**

21 A. Not in so far as -- let me rephrase.
22 I did within those issues, so I would cover the

1 politics of those issues.

2 **Q. But politically nothing outside of**
3 **environmental political issues you would say?**

4 A. Environmental scientific technology
5 and health.

6 **Q. Then next was mail order catalog?**

7 A. Yes.

8 **Q. Just a quick question. Did you do**
9 **any IT work?**

10 A. Yes.

11 **Q. And you served also as consultant**
12 **later on?**

13 A. Yes. I was something of an IT
14 consultant for them afterwards.

15 **Q. What kind of IT work did you do for**
16 **them?**

17 A. Web design.

18 **Q. Was it solely web design or**
19 **primarily web design?**

20 A. Primarily web.

21 **Q. What other issues did you work on?**

22 A. General optimization of the software

1 that we were using.

2 **Q. Troubleshooting?**

3 A. Troubleshooting also making sure we
4 had sufficient workloads.

5 **Q. And head counselor at Kids for the
6 Country, any IT work while you were there?**

7 A. No.

8 **Q. What software did you work with at
9 mail order catalog when you were doing the web
10 design?**

11 A. Make media Dreamweaver and Microsoft
12 front page.

13 **Q. What about when you were doing
14 optimization and work flow?**

15 A. Mozilla and the CMS program we had.
16 I don't recall the name.

17 **Q. What does CMS stand for?**

18 A. Content Management Systems.

19 **Q. Now, moving to NIAC, you have been
20 with NIAC since January of '09?**

21 A. Yes.

22 **Q. What positions have you held since**

1 **being there?**

2 A. My formal title has, is policy
3 associate. When I was hired, it was
4 legislative associate.

5 **Q. When did that change?**

6 A. About one or two months ago.

7 **Q. Why don't you describe to me what**
8 **your job responsibilities were when you were**
9 **legislative associate?**

10 A. I handle -- can you repeat the
11 question?

12 **Q. Can you describe for me your job**
13 **responsibilities when you were legislative**
14 **associate? So the first couple of months when**
15 **you were working for them?**

16 A. My responsibilities include Hill
17 outreach. My responsibilities include the web
18 upkeep and web optimization. My
19 responsibilities include researching policy
20 questions and responding to questions from
21 members, at times communications, drafting
22 statements.

1 **Q. Now, were you hired to do -- to work**
2 **on the web page or is that a responsibility you**
3 **got after you started?**

4 A. The ladder.

5 **Q. So how did that come about?**

6 A. We did not have a dedicated person
7 and I knew that I had those skills.

8 **Q. So did you volunteer those skills or**
9 **did they ask?**

10 A. I volunteered those skills.

11 **Q. Did that start in January?**

12 A. Relatively soon after.

13 **Q. Was it a couple of weeks?**

14 A. I wouldn't want to quantify it.

15 **Q. Was it in the late of January?**

16 A. I don't know.

17 **Q. I believe you said part of your**
18 **responsibility was it House outreach or Hill**
19 **outreach?**

20 A. Hill?

21 **Q. What does that entail?**

22 A. It entails making constructive work

1 relationships with members, with the staff for
2 members of Congress.

3 **Q. Does that include lobbying**
4 **activities?**

5 A. It does.

6 **Q. How much of your time would you say**
7 **is spent doing House outreach?**

8 A. Less than 20 percent.

9 **Q. Would you consider all of the House**
10 **outreach that you do to be lobby?**

11 A. No.

12 **Q. How much would you say is lobby?**

13 A. I don't know as a percentage. I
14 don't track that.

15 **Q. I totally understand. I'm not**
16 **trying to catch you in anything, just give me a**
17 **feel. Would you say half, less than half, more**
18 **than half?**

19 A. More than a quarter. Less than
20 three quarters.

21 **Q. Then you said you work on policy?**

22 A. Yes.

1 **Q. Describe that for me?**

2 A. That is being very knowledgeable of
3 the issues that are concerned for our
4 organization.

5 **Q. Which issues would those be?**

6 A. They include but are not limited to
7 immigration, the instance of the Persian
8 artifact, U.S. Iran relations, the small
9 business administration and that is all that I
10 can recall at this moment.

11 **Q. Let me ask a question that comes**
12 **back, that comes to me back from your**
13 **education. You received a bachelor's degree in**
14 **political science, correct?**

15 A. Yes.

16 **Q. Did you have any emphasis in an**
17 **area?**

18 A. International relations.

19 **Q. And within that did you have an**
20 **emphasis or a specialty within any part of the**
21 **world?**

22 A. My school did not offer

1 subspecialties.

2 **Q. Did you take classes on Middle East**
3 **or Iranian issues?**

4 A. Yes.

5 **Q. On both. Were there classes**
6 **specifically in Iran?**

7 A. I had a self-taught class. It was
8 an independency class on Iran.

9 **Q. Was that overseen by a professor?**

10 A. Yes, of course.

11 **Q. Now, with policy you said being**
12 **concerned about the policy issues. What were**
13 **the -- where did the actual tasks that entails,**
14 **such as policy papers, research?**

15 A. Could you rephrase that question?

16 **Q. You said you worked on policy, what**
17 **specifically does that entail as far as the**
18 **tasks that you do? Is it research and between**
19 **that research is policy papers? Is it**
20 **something else ?**

21 A. It involves research. It involves
22 writing. It involves editing. Yes. All those

1 things.

2 **Q. So research in a policy issue and**

3 **then turning that into a position paper?**

4 A. At times.

5 **Q. As part of it?**

6 A. That is. Yes.

7 **Q. Then what are those position papers**

8 **used for?**

9 A. They are used to help communicate --
10 or excuse me, they are used to help educate the
11 general American public. They are used to help
12 educate the Iranian American community and they
13 are used to help educate members of Congress
14 and their staff.

15 **Q. What percentage of your policy time**

16 **would you say involves interacting with**

17 **Congress members or staff?**

18 A. Less than 20 percent.

19 **Q. Is that less than 20 percent in**

20 **addition to what you would call House outreach?**

21 A. Excuse me, no -- let's re-ask that

22 question. Sorry.

1 **Q. How much of the time when you're**

2 **doing policy includes dealing with**

3 **congressional members or their staff?**

4 A. How much of my policy time involves

5 dealing with congressional members or their

6 staff?

7 **Q. Yes.**

8 A. Less than 20 percent.

9 **Q. Is that less than 20 percent in**

10 **addition to what you would call Hill outreach**

11 **or is that subsumed under the same thing?**

12 A. Those are different points of --

13 those are not in addition to each other.

14 **Q. So basically it's when your policy**

15 **responsibilities basically merge into your Hill**

16 **outreach?**

17 A. Yes.

18 **Q. And some of your Hill outreach is**

19 **policy oriented?**

20 A. It is all policy oriented or excuse

21 me. I shouldn't say it's all policy oriented.

22 There's a certain level of education on simple

1 facts that are not related to policy.

2 **Q. And I assume simple facts having to**
3 **do with Iran?**

4 A. Often times.

5 **Q. And the Iranian American community?**

6 A. Yes.

7 **Q. Anything else?**

8 A. I don't believe so.

9 **Q. Middle East issues generally?**

10 A. We don't deal with issues outside of
11 our mandates.

12 **Q. So nothing outside of -- would that**
13 **be Iran and the Iranian community? Would that**
14 **be fair?**

15 A. Issues of concern, they are -- our
16 mandates consist of issues of concern.

17 **Q. So that could include broader issues**
18 **if they are concerns (inaudible).**

19 A. Would you care to give an example of
20 what you're meaning?

21 **Q. Sure. Such as issues dealing with**
22 **Iraq, for instance, or Israel?**

1 A. Those are only a matter that we
2 cover in so far as they are directly related to
3 the issues we cover.

4 **Q. What would you mean directly related**
5 **to Iran or directly related to issues that the**
6 **Iranian American community cares about and**
7 **those may be the same thing and if they are, go**
8 **ahead and tell me about it?**

9 A. Will you rephrase that question?

10 **Q. I'll try. So I believe it was**
11 **predicated by you saying that you only deal**
12 **with broader Middle Eastern issues when they**
13 **relate directly to the issues that you guys are**
14 **involved in. Would that be a fair restatement?**

15 A. Let me rephrase what I said.

16 **Q. Okay.**

17 A. We deal with issues, in your example
18 you were referring to the Middle East. We deal
19 with issues of -- we deal with issues in the
20 Middle East only if and when they are related
21 to U.S. Iranian relations.

22 **Q. Okay. Off the record.**

1 (A break was taken at 2:51 p.m.)

2 (Deposition resumed at 2:59 p.m.)

3 BY MR. ROGERS:

4 **Q. It's my understanding we've been**
5 **discussing your responsibilities when you were**
6 **a legislative associate?**

7 A. Yes.

8 **Q. At what point did your title change**
9 **to policy associate?**

10 A. Within the last two months
11 approximately.

12 **Q. Did your responsibilities change?**

13 A. No.

14 **Q. What was the reason for the --**

15 A. We believed that the title policy
16 associate more accurately reflected the
17 (inaudible).

18 **Q. Were there discussions surrounding**
19 **that change?**

20 A. Yes.

21 **Q. To who?**

22 A. Between Trita Parsi, Patrick Disney

1 and perhaps Kevin Cowl.

2 **Q. When did those discussions start?**

3 A. Probably three months ago.

4 **Q. What prompted them?**

5 A. We had a general discussion about
6 our titles and that's what prompted them.

7 **Q. Who initiated the conversation, the**
8 **discussion?**

9 A. I believe it was Patrick Disney.

10 **Q. Did his title change (inaudible)?**

11 A. Patrick Disney's title changed.

12 **Q. What did it change from and to?**

13 A. He went from being assistant
14 legislative director to acting policy director.

15 **Q. Did any other titles change besides**
16 **yours and Patrick's?**

17 A. Yes. The office manager position
18 became the office administrator position.

19 **Q. Anything else?**

20 A. Yes. Michelle, her title went from
21 director of community outreach to director
22 community outreach and programming.

1 **Q. Anything else?**

2 A. No.

3 **Q. Are there any legislative titles**
4 **left in NIAC?**

5 A. No.

6 **Q. So all of the legislative titles**
7 **have been changed to policy titles?**

8 A. All two of them.

9 **Q. Have you been instructed to only**
10 **spend 20 percent of your time on lobbying**
11 **activities?**

12 A. I have been instructed to spend no
13 more than 20 percent of my time.

14 **Q. By whom?**

15 A. By -- it's just a rule.

16 **Q. How was the rule communicated to**
17 **you?**

18 A. I don't recall.

19 **Q. Has it been communicated more than**
20 **once?**

21 A. We have had discussions to make sure
22 that no one has gone above that threshold.

1 Yes.

2 **Q. And who is the we?**

3 A. Patrick, Trita and sometimes Kevin.

4 **Q. And you?**

5 A. And me. Yes.

6 **Q. When was the last such discussion?**

7 A. Probably about a month ago.

8 **Q. Is there any mechanism for recording**

9 **or maintaining that you're spending less than**

10 **20 percent?**

11 A. Yes.

12 **Q. What is that?**

13 A. We record our hours and how many

14 hours we spend lobbying.

15 **Q. You record them on time sheets?**

16 A. Yes.

17 **Q. Do you know if those time sheets**

18 **have been produced in this litigation?**

19 A. They have not been produced

20 because -- I'll just leave it at that.

21 **Q. Go ahead. Because of what?**

22 A. Because that system was implemented

1 after we sent the first batch of responses to
2 the discovery.

3 **Q. Do you recall when it was**
4 **implemented?**

5 A. About two months ago.

6 **Q. Prior to that, what was the**
7 **mechanism for maintaining that people spend**
8 **less than 20 percent of their time on lobbying?**

9 A. Prior to that we were cognizant that
10 we work nowhere close to 20 percent and thus I
11 do not, people individually maintained their
12 lobbying time in their calendars and this was
13 before we implemented the time sheets, so we
14 still recorded it, but it was less formalized.

15 **Q. Did someone check on that recording?**

16 A. I'm sure people if it was ever a
17 concern did.

18 **Q. Were you ever asked to show those**
19 **records to anyone at NIAC?**

20 A. No.

21 **Q. Any other system for monitoring how**
22 **much of NIAC's employee time was spent on**

1 **lobbying besides the two that we've talked**

2 **about?**

3 A. Not to my knowledge.

4 **Q. How often do you fill out those time**

5 **sheets?**

6 A. Nightly.

7 **Q. Then does someone review them at the**

8 **end of a week or a month?**

9 A. Kevin Cowl reviews all the time
10 sheet.

11 **Q. How often?**

12 A. You would have to ask him.

13 **Q. How many hours did you spend on**

14 **lobbying activities in September?**

15 A. I don't have that total.

16 **Q. But you kept track of it on a daily**

17 **basis?**

18 A. Yes.

19 **Q. Did you ever go back and look at**

20 **your time sheet any days after you filled one**

21 **out?**

22 A. Of course. I mean, yes. It is an

1 Excel spreadsheet, so I can only see how much
2 time I spent lobbying.

3 **Q. How much time does the Excel**
4 **spreadsheet cover?**

5 A. Monthly.

6 **Q. So it's a different spreadsheet for**
7 **each month?**

8 A. Yes.

9 **Q. Does it tally the time? Do you have**
10 **the spreadsheet set up so it tallies the time?**

11 A. I do.

12 **Q. Does it tally the time that you**
13 **spent lobbying?**

14 A. Yes.

15 **Q. But you don't recall what that is?**

16 A. I don't recall what the cumulative
17 number of hours are.

18 **Q. Do you remember what it is for your**
19 **total time spent working in September?**

20 A. Cumulative number of hours?

21 **Q. Yes.**

22 A. No.

1 **Q. How much of your time is spent on**
2 **IT-related activities?**

3 A. I don't know. I don't quantify
4 that.

5 **Q. Do you have a rough feeling? Can**
6 **you give an estimate?**

7 A. It varies too much. I don't know.

8 **Q. What about -- I totally understand**
9 **it varying. How much time did you spend in the**
10 **month of September?**

11 A. I don't know.

12 **Q. Was it roughly a quarter of your**
13 **time, half of your time?**

14 A. I would say it was probably about
15 15 percent of my time give or take.

16 **Q. What kind of IT activities did those**
17 **include?**

18 A. Making sure that people have E-mail
19 systems working properly for new employees, new
20 interns. Making sure the website is
21 functioning correctly.

22 **Q. Anything else?**

1 A. Not at the moment.

2 **Q. General troubleshooting?**

3 A. Yes.

4 **Q. With the website does that include**
5 **updating the website and designing the website?**

6 A. At one point it did.

7 **Q. Meaning you designed the website so**
8 **that you wouldn't have to design it again?**

9 A. Meaning that I redesigned aspects of
10 the website but no longer have that on my
11 plate.

12 **Q. Is that because someone else has**
13 **taken that over or because there's no redesign**
14 **going on right now?**

15 A. It's because someone else has taken
16 that over.

17 **Q. Who does that now?**

18 A. Convio.

19 **Q. What is that?**

20 A. An organization called Convio.

21 **Q. So that's been contracted out to an**
22 **outside company?**

1 A. Yes.

2 **Q. Do they do anything else besides**

3 **maintain and design the website?**

4 A. At the moment they don't do

5 anything. We've just signed the contract with

6 them.

7 **Q. When was it signed?**

8 A. I don't know. Last week perhaps.

9 **Q. Is it contract for anything else**

10 **besides website upkeep and design?**

11 A. Yes.

12 **Q. What else does it include?**

13 A. Database management. All of our IT.

14 **Q. All of your IT?**

15 A. I mean, yes, all of our online

16 information technology.

17 **Q. Does it include things like backing**

18 **up servers and maintaining E-mail?**

19 A. E-mail, no.

20 **Q. But everything else I have asked**

21 **you, yes?**

22 A. What was the other thing?

1 **Q. I don't remember. Let her read it.**

2 (The last question was read back by the

3 Reporter.)

4 BY MR. ROGERS:

5 **Q. I would assume that they would**
6 **provide a backup of the website. So is the**
7 **contract website focused then or is it --**

8 A. Not entirely.

9 **Q. What else does it cover besides the**
10 **website?**

11 A. Database management.

12 **Q. What does that mean?**

13 A. Membership database, advocacy tools.
14 I guess it would include the E-mail management
15 for E-mails from us to our members.

16 **Q. So advocacy E-mails?**

17 A. Yes. It would maintain. Yes.

18 **Q. Do you know how long the contract is**
19 **set to run?**

20 A. Three years.

21 **Q. Who do you report to at NIAC?**

22 A. Who is my immediate superior?

1 Q. Yes.

2 A. Patrick Disney.

3 Q. Do you report to others besides
4 Patrick?

5 A. Trita.

6 Q. Anyone else?

7 A. We don't have a formal chart but I'm
8 assuming Kevin Cowl would be my superior as
9 well.

10 MR. PISHEVAR: Don't assume or
11 speculate.

12 MR. ROGERS: What was that?

13 MR. PISHEVAR: I said don't assume or
14 speculate. If you know the answer to the
15 question, answer the question.

16 THE WITNESS: Okay.

17 MR. ROGERS: And don't instruct the
18 witness during the deposition, Mr. Pischevar.

19 MR. PISHEVAR: I'm allowed to do
20 that. I'm going to object to the question
21 then. It calls for speculation.

22 MR. ROGERS: That's great.

1 BY MR. ROGERS:

2 Q. Job responsibilities of Kevin Cowl.

3 What's his position?

4 A. He is the chief operating officer.

5 Q. Anybody else that you report to?

6 A. No.

7 Q. Who do you report to specifically on

8 IT issues?

9 A. Trita.

10 Q. Anybody else?

11 A. No.

12 Q. This will probably be a pretty

13 simple answer but describe your IT department

14 structure?

15 A. There is no structure.

16 Q. You are the IT person?

17 A. I am the person who more often than

18 not deals with IT problems.

19 Q. Who else deals with them as IT

20 issues arise?

21 A. Any person who believes they have

22 the ability to fix it, whatever problem that it

1 may be.

2 **Q. What's your role been in responding**
3 **to the electronic discovery requests?**

4 MR. PISHEVAR: Objection to the form
5 of the question.

6 A. Will you repeat the question?

7 BY MR. ROGERS:

8 **Q. What has your role been in**
9 **responding to the electronic discovery**
10 **requests?**

11 A. My role has been in providing my
12 documents that pertain to the discovery and
13 other documents that I had responsibility to
14 evaluate for purposes of discovery.

15 **Q. What did you do in responding to the**
16 **electronic discovery in relation to your**
17 **documents?**

18 A. Could you clarify the question?

19 **Q. What steps did you undertake to**
20 **respond to the electronic document discovery as**
21 **regards to your documents?**

22 A. I compared my documents versus what

1 was requested and then provided the documents
2 that were applicable.

3 **Q. Did you go document by document?**

4 A. Yes.

5 **Q. Did you run any searches across your
6 E-mail inbox, outbox?**

7 A. I did both.

8 **Q. Did you run searches across your
9 hard drive?**

10 A. Yes.

11 **Q. How did you structure the searches?**

12 A. What do you mean?

13 **Q. What terms did you use in running
14 the search?**

15 A. I am using the terms that were given
16 to us from the defendant minus the terms that
17 were so broad as to not be useful.

18 **Q. Do you recall what those terms were?**

19 A. I believe you can get that from my
20 lawyer.

21 MR. PISHEVAR: If you know the
22 answer.

1 THE WITNESS: I don't know the
2 answer, not in full.

3 BY MR. ROGERS:

4 Q. Do you recall any of the terms that
5 were too broad?

6 A. National Iranian American Council.

7 Q. What else?

8 A. Trita Parsi.

9 Q. Anything else?

10 A. Patrick Disney, Michelle Moghtader.

11 Q. What else?

12 A. Emily Blout.

13 Q. What else?

14 A. [Www.niacouncil.org](http://www.niacouncil.org).

15 Q. What else?

16 A. NIAC.

17 Q. Anything else?

18 A. There were others but I don't recall
19 them.

20 Q. And you said you also responded to
21 document requests for documents you had
22 responsibility for?

1 A. Yes.

2 **Q. Which documents were those?**

3 A. A portion of the documents on our
4 share drive.

5 **Q. Which portion?**

6 A. We divvied it up alphabetically. I
7 don't recall.

8 **Q. Who all had responsibility to look
9 at the share drive?**

10 A. The staff.

11 **Q. Which would be you and who else?**

12 A. Me, Patrick Disney, Michelle, Pam,
13 Hormoz and myself obviously.

14 **Q. And you said you broke it up
15 alphabetically?**

16 A. Yes.

17 **Q. How did that work?**

18 A. By folder within the main folders of
19 the share drive.

20 **Q. Do you recall about how many folders
21 you had responsibility for?**

22 A. No.

1 Q. Roughly?

2 A. I have no idea.

3 Q. Were there a lot of folders?

4 A. Yes.

5 Q. Do you know roughly how many

6 folders?

7 A. No.

8 Q. More than a hundred?

9 A. Yes. For me personally?

10 Q. No. Get a clarification for total?

11 A. More than 100. Yes.

12 Q. More than 200?

13 A. I believe so.

14 Q. Less than 1,000?

15 A. I don't know.

16 Q. It could be more than 1,000?

17 MR. PISHEVAR: Asked and answered.

18 A. It could be more than 1,000. Yes.

19 BY MR. ROGERS:

20 Q. How many did you have responsibility

21 for?

22 A. I do not know.

1 **Q. More than 100?**

2 MR. PISHEVAR: Asked and answered.

3 BY MR. ROGERS:

4 **Q. Go ahead.**

5 MR. PISHEVAR: Calls for speculation.

6 A. Possibly.

7 BY MR. ROGERS:

8 **Q. How did you look for these share**
9 **drive folders?**

10 A. I looked at each content item.

11 **Q. Meaning you scrolled through every**
12 **document that was in each folder or each item**
13 **in each folder?**

14 A. Yes.

15 **Q. Did you run keyword searches in the**
16 **folders?**

17 A. Yes.

18 **Q. But just the folders that you were**
19 **responsible for?**

20 A. I did not do -- I have not yet done
21 keyword searches on share drive.

22 **Q. Has anyone done keyword searches?**

1 A. I do not know the answer to that
2 question.

3 **Q. Has anyone told you they have done**
4 **keyword searches?**

5 A. Not to my recollection.

6 **Q. Has any one instruction been made**
7 **for someone to do keyword searches?**

8 A. Yes.

9 **Q. When was that decision made?**

10 A. Approximately two weeks ago.

11 **Q. And who was given the responsibility**
12 **to do that?**

13 A. The responsibilities have not yet
14 been divided.

15 **Q. So what was the decision two weeks**
16 **ago?**

17 A. The decision was that in addition
18 to, as we have already done, going through each
19 document individually, that we would run the
20 keyword searches.

21 **Q. To your knowledge that hasn't**
22 **happened yet?**

1 A. I have answered that question.

2 **Q. Go ahead.**

3 A. Correct.

4 **Q. And the tasks haven't been separated**
5 **yet, haven't been assigned yet?**

6 A. What tasks are you referring to?

7 **Q. You stated that the responsibilities**
8 **haven't been set out yet; is that right?**

9 A. Yes. I would refer to the Court
10 Reporter.

11 MR. ROGERS: Can you read it.

12 (The last question was read back by the
13 Reporter.)

14 BY MR. ROGERS:

15 **Q. So the responsibilities have not yet**
16 **been divided. What does that mean?**

17 A. Which documents or which parts of
18 the share drive or which keywords, the way in
19 which we are going to apply those keywords to a
20 search of the share drive in addition to the
21 searches that have already taken place, that
22 decision has not yet been made.

1 **Q. Has the schedule been set out for**
2 **making that decision?**

3 A. I would refer you to someone else.
4 I don't know.

5 **Q. You don't know.**

6 A. (No response.)

7 **Q. Any reason you know of that these**
8 **responsibilities haven't been divided yet?**

9 A. Because we've been busy.

10 **Q. Fair enough.**

11 A. And I should clarify that I do not
12 know that that determination has not been met.

13 **Q. But you have not been a part of it**
14 **if that decision has been met?**

15 A. Correct.

16 **Q. We talked about your docs, the**
17 **documents you had responsibility for which were**
18 **on the share drive. Were there other documents**
19 **that were searched?**

20 A. Paper documents.

21 **Q. Who had the responsibility for that?**

22 A. Myself and others in the office.

1 **Q. How was that done?**

2 A. One folder at a time.

3 **Q. Did other people take part in that?**

4 A. Most people on staff did.

5 **Q. Who didn't? I think that would be**
6 **easier?**

7 A. I do believe that everyone who was
8 an employee of NIAC while the discovery was
9 taking place took part in that process.

10 **Q. You said you looked through your**
11 **electronic documents, so I assume everybody was**
12 **instructed to look through their electronic**
13 **documents?**

14 A. Yes.

15 **Q. Did everyone then look through their**
16 **electronic documents?**

17 A. To the best of my knowledge, yes.

18 **Q. Do you know of anyone who didn't?**

19 A. No.

20 **Q. Do you know of any files on the**
21 **share drive that didn't get reviewed?**

22 A. No.

1 **Q. Who was coordinating that process?**

2 A. Define coordination, please.

3 **Q. How would you define coordination?**

4 A. I'm not using the word coordination.

5 **Q. But you have an understanding of the**
6 **word coordination, right?**

7 A. Yes.

8 **Q. Go ahead and define it according to**
9 **your understanding of the word coordination?**

10 A. Coordination would be --

11 MR. PISHEVAR: I'm going to object to
12 if that's a question, a test or what. I'm
13 going to object. Try to answer it.

14 MR. ROGERS: Yeah. Go ahead.

15 A. Coordination would be the process of
16 communicating with others to ensure that the
17 task is done.

18 BY MR. ROGERS:

19 **Q. Who did that role?**

20 A. Trita Parsi and myself and possibly
21 others, but primarily I would say the two of us
22 did the bulk of the coordination.

1 **Q. Did you report on everything to**
2 **Trita Parsi?**

3 A. Anything worth reporting on?

4 **Q. What would you define as worth**
5 **reporting on?**

6 A. Status updates.

7 **Q. For instance, which set of files**
8 **gotten through or who had completed doing their**
9 **review, things like that?**

10 A. Yes.

11 **Q. Did people report to you or did you**
12 **have to go ask them?**

13 A. I believe I asked them.

14 **Q. Did you ask everybody?**

15 A. Everyone who was in the office.

16 **Q. Were there any outstanding tasks?**

17 A. All the tasks were completed.

18 **Q. Were all of the paper documents**
19 **reviewed?**

20 A. Yes.

21 **Q. Are there any paper documents**
22 **off-site that are in the back offices?**

1 A. I wouldn't be in the offices and
2 off-site at the same time.

3 **Q. Are there any NIAC documents that**
4 **are off-site that are not in the office?**

5 A. They would either be in possession
6 of our lawyer or you.

7 **Q. Anything else; people keeping**
8 **documents at home?**

9 A. Not to my knowledge.

10 **Q. Did you ask anyone if they kept**
11 **documents at home?**

12 A. No.

13 **Q. Do you know if anyone reviewed the**
14 **documents they had at home relating to NIAC?**

15 A. No.

16 **Q. Do you know if anyone searched their**
17 **home computers?**

18 A. I don't know who did or did not.

19 **Q. Do you know of anyone who did or if**
20 **anyone did?**

21 A. No.

22 **Q. Can you describe to me all of your**

1 **lobbying-related duties? I know you explained**
2 **them but let's try to get all of them?**

3 A. Can you be more specific?

4 **Q. More specific than lobbying-related**
5 **activities?**

6 A. No. The first part of your
7 question.

8 **Q. Go ahead and withdraw your**
9 **lobbying-related activities?**

10 MR. PISHEVAR: This question has been
11 asked and answered already.

12 MR. ROGERS: Go ahead.

13 A. I again -- what do you mean or what
14 are you asking me for?

15 BY MR. ROGERS:

16 **Q. Which part don't you understand?**

17 A. I don't understand what you're
18 asking me for.

19 **Q. Do you understand what**
20 **lobbying-related activities are?**

21 A. Yes.

22 **Q. Can you describe what those**

1 **activities are that you engage in?**

2 A. On a continuing basis?

3 **Q. Anything you have done since being**
4 **at NIAC that's lobbying related?**

5 A. Are you asking me what specific
6 issues or actually, correction, what specific
7 bills or solutions I have lobbied on?

8 **Q. Sure.**

9 A. I have partaken in activities that
10 would constitute lobbying on the incidents at
11 Sea Resolution, on Mark Kirk's Baha'i bill, on
12 Mike Honda's Nowruz resolution, N-O-W-R-U-Z, on
13 the Burris amendment to the defense
14 authorization, the same provision on the health
15 side, the question is sufficiently broad. It
16 takes me a lot of time to answer it.

17 **Q. No problem. I totally understand**
18 **it.**

19 A. A resolution introduced by Senator
20 Koffman and another individual who I can't
21 recall.

22 **Q. Maybe this will help, would you say**

1 **that this is everything that you have worked**
2 **on; every lobbying issue that you have worked**
3 **on?**

4 A. I don't believe so. I believe there
5 are others. Excuse me. The Iran Refined
6 Petroleum Sanctions Act, the Iran Sanctions
7 Enabling Act and SWIPA. There may be others,
8 they are not coming to mind at the moment.

9 Q. **That's actually a very impressive**
10 **list to come up with off the top of your head.**
11 **So you're doing very well in answering that. I**
12 **would not be able to give a similar list for**
13 **what I have been doing the last six to eight**
14 **months.**

15 **Now, what kind of activities did you**
16 **engage in with these issues that you would**
17 **consider lobbying activities?**

18 A. Banking someone for co-sponsoring,
19 banking someone for not co-sponsoring,
20 providing documents on those resolutions or
21 bills in support or opposition to them,
22 discussions with staff about those resolutions

1 or bills and asking members to write letters on
2 those bills or resolutions.

3 **Q. What about attending meetings up at**
4 **the Hill?**

5 A. Yes.

6 **Q. And other functions such as speakers**
7 **forums, receptions?**

8 A. I don't understand. Could you
9 clarify the activity?

10 **Q. Sure. Why don't we do it this way.**
11 **Were there -- you stated that you attended**
12 **activities at the Hill, meetings on the Hill?**

13 A. Yes.

14 **Q. What were those meetings?**

15 A. Meetings I set up with staff.

16 **Q. Did you attend other source**
17 **activities on the Hill?**

18 A. In order to lobby?

19 **Q. Yes. They would be lobbying**
20 **related. Anything else.**

21 A. I don't want to use the word
22 lobbying related because I don't know what that

1 means but I have not gone to events other than
2 meetings that I have set up for the purpose of
3 lobbying.

4 **Q. So cabinetng that, have you**
5 **attended other activities on the Hill that you**
6 **wouldn't consider lobbying, for instance, going**
7 **to receptions or speakers forums?**

8 A. I have gone to hearings. Yes. Or
9 other events.

10 **Q. What types of events?**

11 A. On Capitol Hill I have gone to
12 hearings and I have gone to briefings and I
13 have gone to conferences.

14 **Q. Now, let's get back to the question**
15 **you raised which is when you said you didn't**
16 **understand what lobbying related meant. What**
17 **do you consider to be lobbying activity?**

18 MR. PISHEVAR: Objection to the
19 extent it calls for a legal conclusion. You
20 can answer.

21 A. Lobbying -- let me clarify my
22 previous statement that I was unclear in what

1 you meant by lobbying-related activities. When
2 I say lobbying, I mean activities related to
3 support or oppose legislation, bills or
4 resolutions in the United States Congress or
5 efforts in preparation to support those
6 activities.

7 BY MR. ROGERS:

8 **Q. What activities then have you done**
9 **to do that?**

10 A. What activities have I done to
11 support any lobbying activities? I have
12 conducted research for the specific purpose of
13 coming to the conclusion whether we should
14 support or oppose. I have done research to
15 hold together documents in support or
16 opposition to those causes. I have again had
17 meetings and provided that information to the
18 staff.

19 **Q. What do you do that you don't**
20 **consider lobbying activity?**

21 A. Everything that's not lobbying
22 activities.

1 **Q. What would that -- besides the IT**
2 **stuff you do, what would that entail?**

3 A. Writing and editing articles that
4 are not for the purpose of lobbying but rather
5 for the purpose of general education would be
6 the primary task. Also as I said earlier,
7 writing press releases or statements from our
8 organization or editing those documents, those
9 would be the primary things that I can think of
10 at this time.

11 **Q. Do you send out those educational**
12 **pieces that you draft?**

13 A. To whom?

14 **Q. Do you send them out?**

15 A. We post them for the public more
16 often than not.

17 **Q. And by post them for the public, do**
18 **you mean on your website?**

19 A. On the website or on the blog or
20 otherwise communicating that to people.

21 **Q. Such as the E-mail server?**

22 A. Yes.

1 **Q. Do you generally send those to**
2 **congressional offices, staffers?**

3 A. Sometimes.

4 **Q. How often?**

5 A. When I do that, when I make the
6 decision that the staffer on the receiving end
7 will be interested and would like to see that
8 information.

9 **Q. When you make that determination, do**
10 **you then consider that a lobbying activity? Do**
11 **you send that to a congressional staffer?**

12 A. Only if it is pertinent to a piece
13 of legislation before congress.

14 **Q. When you make that determination, do**
15 **you then consider the time that you spent doing**
16 **lobbying activities or just the time you spent?**

17 A. Can you repeat the question?

18 **Q. You do consider that lobbying**
19 **activity when you're sending it to a**
20 **congressional staffer at the congressional**
21 **office and there's a pending bill or**
22 **resolution, correct?**

1 A. When there is pending legislation
2 and I send them information about that, that is
3 either in support or opposition, then yes.

4 **Q. When that happens, what time do you**
5 **count as lobbying, the time you spend**
6 **considering that and sending it to the**
7 **congressional office or do you also include the**
8 **time you spent researching and writing the**
9 **piece?**

10 A. If I wrote something for the purpose
11 of lobbying, then yes, I include that as in my
12 lobbying time.

13 **Q. Are there instances where you wrote**
14 **it for the purpose of educating and then it**
15 **became relevant to legislation, sent to a**
16 **staffer for that reason?**

17 A. If that is the case, that is counted
18 as lobbying time.

19 **Q. Including the time that you**
20 **researched, you drafted the piece?**

21 A. Yes.

22 **Q. What about when you're sending**

1 **pieces to congressional offices whether you've**
2 **written or researched them or not and they have**
3 **to do with pending legislation but don't openly**
4 **advocate a position one way or the other, do**
5 **you consider that lobbying?**

6 A. Only if I sent it for the explicit
7 purpose of lobbying.

8 **Q. What about a piece that's advocating**
9 **a certain position but there's no pending**
10 **legislation at the time?**

11 A. That's not lobbying.

12 **Q. Have you modified your electronic**
13 **mail backups to comply with the requests?**

14 A. Can you repeat that question?

15 **Q. Have you modified your electronic**
16 **mail backup procedures to comply with recent**
17 **discovery requests?**

18 A. I do not know the answer to your
19 question. I have not taken any measures to
20 change our E-mail system in response to the
21 discovery.

22 **Q. Are you aware of a litigation hold**

1 **being placed?**

2 A. Yes.

3 **Q. When was that put in place?**

4 A. I do not know the date when I was
5 informed of the litigation hold.

6 **Q. Were you given responsibilities**
7 **related to the litigation hold?**

8 A. No. Other than my own personal
9 responsibilities.

10 **Q. Was anyone given overarching**
11 **responsibility for litigation hold?**

12 A. Everyone was given individual
13 responsibility to adhere to the hold.

14 **Q. Has everyone adhered to that**
15 **litigation hold?**

16 A. To the best of my recollection.

17 **Q. Have any documents been destroyed or**
18 **deleted since litigation started?**

19 A. No business documents have been
20 deleted.

21 **Q. How do you define business**
22 **documents?**

1 A. If I have a personal document, maybe
2 unrelated to my activities, then I'll hold that
3 for the purposes that I have relayed the policy
4 (inaudible).

5 **Q. Is that the practice of others in**
6 **the office?**

7 A. You would have to ask them.

8 **Q. Has anyone told you that that's what**
9 **they do?**

10 A. I haven't had any occasions.

11 **Q. You've had no communications about**
12 **the litigation hold?**

13 A. Other than being informed of it and
14 saying I'll follow it.

15 **Q. Who informed you of it?**

16 A. Trita.

17 **Q. Do you remember roughly when you**
18 **were informed of it?**

19 A. No. I get many E-mails.

20 **Q. Had you deleted documents prior to**
21 **receiving litigation hold?**

22 A. I don't think so.

1 **Q. Aside from personal documents?**

2 A. I don't believe so.

3 **Q. Any?**

4 A. I don't believe so.

5 **Q. Was the litigation hold communicated**
6 **to you just that once?**

7 A. It was communicated via E-mail and
8 may have been reiterated orally. I don't
9 recall but I believe it was communicated
10 orally.

11 **Q. Do you remember when it was**
12 **communicated orally?**

13 A. Shortly after the electronic
14 notification.

15 **Q. Do you remember what the setting**
16 **was?**

17 A. I believe it was at a staff meeting.

18 **Q. How often do you have staff**
19 **meetings?**

20 A. Once a week generally.

21 **Q. Has it come up in more than one**
22 **staff meeting?**

1 A. No, not to my knowledge.

2 Q. Let's see if I can get a little more
3 understanding of the times of the litigation.
4 Would you say that it was communicated to you
5 more than a month ago or less than a month ago?

6 A. More than a month ago.

7 Q. More than two months ago?

8 A. I have no idea.

9 Q. That would put us in the beginning
10 of August?

11 A. I do not know. We've been busy. I
12 don't know.

13 Q. I understand. And I know it seems
14 tedious trying to cabinet these but we're just
15 trying to get an understanding. Would you say
16 it was communicated to you before February?

17 A. I don't believe so.

18 Q. What about before March?

19 MR. PISHEVAR: Calls for speculation.

20 A. I would say that I had a general
21 understanding that any documents related to
22 this lawsuit needed to be kept and I followed

1 that.

2 BY MR. ROGERS:

3 Q. Was that prior to receiving
4 instruction on litigation hold?

5 A. Yes. That was my personal
6 understanding. I cannot speak to anyone else.

7 Q. Then was the timing of the
8 litigation hold before March?

9 A. I don't know.

10 MR. PISHEVAR: Asked and answered.

11 THE WITNESS: May I request a break
12 to use the bathroom?

13 MR. ROGERS: Yeah. Why don't we take
14 a break.

15 (A break was taken at 3:43 p.m.)

16 (Deposition resumed at 3:48 p.m.)

17 (Defendant's Deposition Exhibit No. 1 was
18 marked for identification.)

19 BY MR. ROGERS:

20 Q. Have you seen this document before?

21 A. Yes.

22 Q. When did you see it?

1 A. Towards the beginning of this year.

2 **Q. How did you become aware of this**
3 **document?**

4 A. When Trita informed us of our
5 obligations for the discovery. He provided
6 this stuff.

7 **Q. Did he provide it to everyone?**

8 A. Staff.

9 **Q. So each staff member was given a**
10 **copy?**

11 A. Yes.

12 **Q. What instructions did he give when**
13 **he gave this to you?**

14 A. I couldn't -- I mean, my
15 recollection of the instructions were given
16 quite some time ago would be that he said that
17 we need to go through our documents, the shared
18 documents and produce, pull out any documents
19 that would fit the criteria laid out here in
20 this document.

21 **Q. Just so we're clear, this is**
22 **defendant's first request for production and it**

1 was issued February, filed February of '09.

2 You said it was shown to you around the

3 beginning of this year. Would you say it was

4 shown to you around February of '09, the date

5 it was filed?

6 A. I believe but I am not certain that

7 it was shown to me in February.

8 Q. Why don't you turn to page 6, the

9 list of documents to be produced? Did

10 Mr. Parsi give you a copy of the entire

11 document?

12 A. He gave us the documents to be

13 produced at the beginning. Later on I received

14 a full copy.

15 Q. Do you remember roughly when you

16 received a full copy?

17 A. No.

18 Q. Why did you receive a full copy?

19 A. Because he sent me an E-mail.

20 Q. You said he sent it out to everyone?

21 A. I have no idea.

22 Q. Do you know if it was sent out to

1 **more people than just you?**

2 A. I don't recall.

3 **Q. Did it have specific instructions**
4 **for you?**

5 A. The E-mail?

6 **Q. Yes.**

7 A. Nothing beyond the basic these are
8 the documents that need to be discovered.

9 **Q. Why don't we look on page 6 and**
10 **quickly go through this. No. 1 is "All**
11 **documents relating to NIAC's articles of**
12 **incorporation, by-laws, annual reports, board**
13 **meeting minutes or meeting minutes of any**
14 **committees." Did you search for these**
15 **documents?**

16 A. Yes.

17 **Q. How did you go about searching for**
18 **these documents?**

19 A. In the same way that I searched for
20 all the documents as I described earlier.

21 **Q. So did you look through documents**
22 **one by one, certain documents one by one and**

1 **also run keyword searches?**

2 A. Yes.

3 **Q. Were others doing the same thing?**

4 A. To the best of my recollection.

5 **Q. And the responsibilities were**

6 **divvied out for everyone to look at their own**

7 **electronic document and their assigned portions**

8 **of shared drives, and it's my understanding and**

9 **correct me if I'm wrong, that they then used**

10 **this document to search those files?**

11 A. This was the guide that we used to

12 determine what files were subject to the

13 discovery.

14 **Q. I assume search terms were used**

15 **because there were too many documents to scroll**

16 **through everything one by one?**

17 MR. PISHEVAR: Objection to the form

18 of the question. Contains a presumption or an

19 assumption.

20 THE WITNESS: And your assumption is

21 false.

22 BY MR. ROGERS:

1 **Q. So why were the search terms used?**

2 A. Because -- let's step back. Repeat
3 the previous question.

4 BY MR. ROGERS:

5 **Q. How about this: What assumption is**
6 **incorrect?**

7 A. The assumption that we did not go
8 through each document one by one.

9 **Q. So did you go through every document**
10 **one by one?**

11 A. I personally did.

12 **Q. You personally did?**

13 A. Yes.

14 **Q. Every document in the shared drive?**

15 A. I personally went through every,
16 single document that I was responsible for.

17 **Q. So you went through every document**
18 **in their inbox?**

19 A. In addition. Yes.

20 **Q. I'm going to go through them one by**
21 **one?**

22 A. Yes.

1 Q. You went through every single
2 document in your inbox?

3 A. Yes.

4 Q. Every single document in your sent
5 box?

6 A. Yes.

7 Q. What about every document in your
8 deleted box?

9 A. Yes.

10 Q. Is your E-mail separated into
11 folders where you've got certain ones that are
12 archived, filed away?

13 A. I have subfolders. Yes.

14 Q. Did you go through every document in
15 your subfolder?

16 A. Yes.

17 Q. Any other E-mail documents that you
18 went through besides the ones that I just went
19 through?

20 A. I went through every file I had.

21 Q. Shared drive, you were given an
22 alphabetical set of folders?

1 A. Yes.

2 Q. You went through every document in
3 every folder?

4 A. Yes.

5 Q. Do you have a rough idea of how many
6 documents that was?

7 A. No.

8 Q. Was it more than 100?

9 A. Yes.

10 Q. Was it more than 1,000?

11 A. I don't know.

12 Q. How much time did you spend going
13 through the shared drive documents?

14 A. A significant amount of time. I
15 don't know the number of hours.

16 Q. A full day, more than a full day?

17 MR. PISHEVAR: Asked and answered.

18 A. My recollection is that I spent -- I
19 did not do it. I did not complete the task in
20 any one, single day. It was held over several
21 days and I couldn't answer how many hours in
22 total it took.

1 BY MR. ROGERS:

2 Q. Did you spend any day where you
3 spent the entire day looking at documents?

4 MR. PISHEVAR: Objection to the form
5 of the question.

6 A. I never spent the entire sum of all
7 the days -- of the entire day going through
8 documents. No.

9 BY MR. ROGERS:

10 Q. Would that be the same for the
11 E-mail documents that you looked through?

12 A. The task was too great to be
13 complete in one day.

14 Q. What about the paper documents?

15 A. What about them.

16 Q. Did you go through every single one
17 of those?

18 A. As I explained before responsibility
19 was divvied out folder by folder for the paper
20 documents.

21 Q. For the folders that were your
22 responsibility, did you go through every

1 **document in those folders?**

2 A. Yes.

3 **Q. Was everyone else doing the same**
4 **task?**

5 A. You would have to ask them but to
6 the best of my knowledge, yes.

7 **Q. Do you know of anyone who wasn't**
8 **doing it that way?**

9 A. No.

10 **Q. So what was the purpose or the**
11 **search terms?**

12 A. To satisfy the defendant.

13 **Q. What do you mean by satisfy the**
14 **defendant?**

15 A. We were provided a list of search
16 terms and we were using them to satisfy the
17 defendant and to go back and make sure that we
18 did not miss any documents, so it's a
19 redundancy measure essentially.

20 **Q. Were any documents located in the**
21 **through the word search process that hadn't**
22 **been located in the main search?**

1 A. Personally for me, no.

2 **Q. Do you know for others?**

3 A. I do not know.

4 **Q. Were any additional documents**
5 **produced after you ran search terms that**
6 **weren't produced before you ran them?**

7 A. Will you repeat the question?

8 **Q. Were any additional documents**
9 **produced after running the search terms that**
10 **were not produced before running the search**
11 **terms?**

12 A. The time periods of the documents
13 covered were different because the search terms
14 were run after the individual search was done,
15 so that all of the individual documents were
16 filed. Yes.

17 **Q. Did you do a manual search in that**
18 **later time frame?**

19 A. Clarify, please.

20 **Q. You said you did an initial search**
21 **when you went through every document one by one**
22 **that you had responsibility for?**

1 A. Right.

2 **Q. Did you do a second search where you**
3 **went through every document one by one?**

4 A. No.

5 **Q. Is one planned to happen?**

6 A. Do I plan on doing it? I believe.

7 Yes. We intend to comply with the continuing
8 discovery obligations.

9 **Q. Has any been scheduled?**

10 A. Yes.

11 **Q. For when?**

12 A. The keywords we are hoping to finish
13 by the end of next week.

14 **Q. When did that search begin?**

15 A. Last week.

16 **Q. Was this the first time keyword**
17 **searches were done?**

18 A. For me personally? Let me step
19 back. It's the first time that the defendant
20 keyword search was done for me personally.

21 **Q. So was there an earlier keyword**
22 **search that was done?**

1 A. I used when useful, searches to find
2 documents, for example, if .gov would
3 correspond to all government correspondences on
4 E-mail. So when useful, I used a search with
5 .gov within my E-mail. That is not in
6 defendant's search terms.

7 **Q. Did you use your other search terms**
8 **aside from that one, I assume that is an**
9 **example?**

10 A. That is an example but that is in
11 addition to going through every document one by
12 one.

13 **Q. So why did you run keyword searches**
14 **in addition to going through them one by one?**

15 MR. PISHEVAR: Asked and answered.

16 A. I already answered that question.

17 BY MR. ROGERS:

18 **Q. Well, go ahead.**

19 A. To repeat myself.

20 MR. PISHEVAR: You can ask the
21 Reporter to reread the answer.

22 A. Will you reread my answer, please?

1 MR. PISHEVAR: You can't keep
2 asking -- you keep asking him for a different
3 answer.

4 MR. ROGERS: Please stop making
5 objections in violation of Rule 30D1 that are
6 instructing the witness as to actions.

7 MR. PISHEVAR: I'm going to make my
8 objection.

9 MR. ROGERS: That's fine but if you
10 continue then --

11 MR. PISHEVAR: You can call the judge
12 and get a clarification. We can do that now if
13 you want.

14 MR. ROGERS: Well, I'm hoping you'll
15 desist from instructing the witness.

16 MR. PISHEVAR: I'm not doing anything
17 in violation of the rules.

18 MR. ROGERS: Let me just object to
19 you making objections that instruct the
20 witness --

21 MR. PISHEVAR: You're making an
22 objection in the deposition.

1 MR. ROGERS: Hold on. Mr. Pischevar,
2 please let me finish. I'm objecting to you
3 making objections that are in violation of 30
4 D1 and I'm objecting to you making objections
5 that instruct the witness how to respond.

6 MR. PISHEVAR: Your questions are a
7 violation of the rules. You're asking the same
8 question over and over again, this is going to
9 prolong this deposition and also it's a
10 violation of the rules because you want to get
11 a different answer to the same question, that's
12 a violation of the rules. If you're going to
13 him the same question, you are going to get the
14 same answer.

15 MR. ROGERS: And as you well know,
16 that's not a violation of the rules. Let's go
17 ahead and continue.

18 What was the last question before we got
19 into this colloquy?

20 (The requested question was read back by the
21 Reporter.)

22 A. To --

1 MR. PISHEVAR: Objection. Same
2 objection.

3 A. The reason why that was done again
4 was to be as certain as possible that all the
5 relevant documents were produced.

6 BY MR. ROGERS:

7 **Q. But those search terms were not done**
8 **at the defendant's request?**

9 A. Correct.

10 **Q. Do you have a home computer?**

11 A. Yes.

12 **Q. Did you search the files on your**
13 **home computer?**

14 A. No.

15 **Q. Do you use any portable media, thumb**
16 **drives, disks, CDs?**

17 A. Do I use them? Yes. I use CDs and
18 thumb drives and the rest. Are you asking
19 specifically for work-related activities.

20 **Q. Well, first did you search any of**
21 **these portable media?**

22 A. I don't have work-related documents

1 on any of those media.

2 **Q. Did you search them?**

3 A. I didn't. No.

4 **Q. Do you keep any work-related**
5 **documents on your home computer?**

6 A. Not any documents that wouldn't be
7 contained elsewhere. So to clarify, if there's
8 a work document on my home computer it's also
9 on a server or somewhere else.

10 **Q. Did you do any search to verify that**
11 **that's the case?**

12 A. I didn't need to.

13 **Q. But did you?**

14 A. No.

15 **Q. Portable media, do you keep any**
16 **work-related documents on a portable media?**

17 A. No.

18 **Q. Not at all?**

19 A. No.

20 MR. ROGERS: Mark this, please.

21 (Defendant's Deposition Exhibit No. 2 was
22 marked for identification.)

1 A. Is this the same document?

2 Q. It is not. This is Defendant's
3 Exhibit 2 and this is Defendant's second
4 request for production. Mr. Elliott, have you
5 seen this document before?

6 A. I would have to review it.

7 Q. Go for it.

8 A. (The witness complies.) I do believe
9 I have seen this document.

10 Q. When did you see it?

11 A. Some time ago.

12 Q. Do you remember at all?

13 A. No.

14 Q. If you'll look on page 8 it's dated
15 March 3rd, 2009. Would you say you saw it
16 before or after March 3rd?

17 A. After.

18 Q. How long after?

19 A. I have no idea.

20 Q. Did you see it before last week?

21 A. Yes.

22 Q. Last month?

1 A. Did I see it prior to last month?

2 Yes.

3 **Q. Prior to June?**

4 A. I don't recall.

5 **Q. When did you -- how did you receive**
6 **this document?**

7 A. I believe I received this in an
8 E-mail from Trita or received it in paper copy.

9 **Q. Do you recall which one?**

10 A. No.

11 **Q. Were you given instructions when you**
12 **received it?**

13 A. I was asked to produce documents
14 relevant to this that we were not intending to
15 object to.

16 **Q. Did you then do that?**

17 A. Yes.

18 **Q. Was the task once again parceled out**
19 **to members of the staff?**

20 A. No, not to my knowledge. I don't
21 know how they were parceled out.

22 **Q. Or if they were parceled out?**

1 A. You would have to ask Trita.

2 Q. Do you know if you were given sole
3 responsibility for looking these up?

4 A. I was given sole responsibility for
5 looking at my documents pertaining to this.

6 Q. Including your E-mails, a portion of
7 share drive and a portion of the paper
8 documents?

9 A. I don't recall about the share
10 drive.

11 Q. Do you know if the share drive was
12 searched again after the second request was
13 made?

14 A. I don't recall.

15 Q. Did you search your E-mails again
16 after the second request was made?

17 A. Yes.

18 Q. Did you once again go through every
19 E-mail?

20 A. I do not fully recall.

21 Q. What do you recall?

22 A. Most of these points were not

1 related to me in any way, shape or form, so I
2 provided the documents that were related to me.

3 **Q. And how did you go about searching**
4 **to find the documents that were related to you?**

5 A. As you'll notice that most of those
6 don't pertain to me, so and are asking very
7 specific things. So I was able to provide
8 those documents in a fairly quick time frame.

9 **Q. So for instance No. 5 on page 7, all**
10 **documents relating to NIAC's reputation of**
11 **public estimation. Did you have documents**
12 **responsive to this request?**

13 A. I don't recall if we objected to
14 this question or not.

15 **Q. What about No. 6, all documents**
16 **related to NIAC's care or reputation?**

17 A. Again, I don't recall.

18 **Q. Do you recall any of these that you**
19 **did respond to, that you know for certain you**
20 **did respond to?**

21 A. I know for certain I responded to
22 point No. 11.

1 **Q. How did you find those documents?**

2 A. And point number 10.

3 **Q. How did you find those documents?**

4 **So No. 10 is all calendars, diaries or other**
5 **documents relating to the time keeping records**
6 **of NIAC and its employees and No. 11 is**
7 **personnel files and all documents related to**
8 **the hiring responsibilities of Emily Blout,**
9 **Patrick Disney and David Elliott. What did you**
10 **do to find these documents?**

11 A. I am not finished reviewing.

12 **Q. So what are you doing?**

13 A. I'm sorry.

14 **Q. What are you doing to find documents**
15 **responsive to those?**

16 A. I'm not done listing the one that I
17 was answering.

18 **Q. Go for it?**

19 A. I believe I answered No. 9.

20 **Q. For the record, that one is all**
21 **documents related to NIAC's document retention**
22 **policies or litigation hold policies?**

1 A. No. 8 was not applicable to me.
2 No. 7 was not applicable to me. No. 6 was not
3 applicable to me as they all relate to Dr.
4 Parsi. No. 5 I believe I responded to. No. 4
5 I believe we objected to for being overly
6 broad. No. 3 I believe we objected to. No. 2
7 are not my responsibility and No. 1 I believe
8 Dr. Parsi handled.

9 **Q. How did you go about searching for**
10 **the ones that you did respond to?**

11 A. I searched out specifically the
12 documents that I knew related to those
13 questions.

14 **Q. How did you go about doing that?**

15 A. I think I did it question by
16 question.

17 **Q. So for instance question No. 9?**

18 A. So for example, point No. 11
19 specifically all I had to do was pull out my
20 personnel file and I was finished because it
21 was about my hiring. For question No. 10 it's
22 related to my time keeping so I provided my

1 calendar.

2 **Q. What about your time sheets?**

3 A. Are you referring to the time sheets
4 we discussed earlier?

5 **Q. Yes.**

6 A. Those were not in existence at that
7 time.

8 **Q. Did you run any keyword searches for
9 these responses?**

10 A. It was not necessary. There was a
11 small limited -- there were a limited number of
12 documents of which I was aware.

13 **Q. So is that answer no?**

14 A. The answer is that I knew of all of
15 the documents that needed to be provided and so
16 I sought them out and provided them.

17 **Q. So did you run keyword searches?**

18 A. Probably.

19 **Q. In specific instances?**

20 A. Probably.

21 **Q. Is probably because you don't
22 recall?**

1 A. Correct. It was a long time ago.

2 **Q. For these requests, did you look on**

3 **your home computer?**

4 A. I didn't need to, there were no

5 relevant documents on my home computer.

6 **Q. So no?**

7 A. No.

8 **Q. Portable media?**

9 A. Again, for the same reason, no.

10 **Q. Besides home computer and portable**

11 **media, was there any source that was excluded?**

12 A. Not to my knowledge.

13 **Q. Same question for the first request**

14 **for production, any source that was excluded?**

15 A. Not other than what we've discussed.

16 **Q. Does NIAC have a network?**

17 A. Define a network.

18 **Q. Computer network, online network,**

19 **data network?**

20 A. Yes.

21 **Q. Can you describe it to me?**

22 A. We have one central share drive,

1 hard drive where documents are stored.

2 **Q. Are documents backed up on that**

3 **shared drive?**

4 A. Yes.

5 **Q. How long are they backed up for?**

6 A. What do you mean?

7 **Q. Do you have a destruction policy**

8 **after a certain date some E-mails are destroyed**

9 **routinely?**

10 A. Our share drive, there is no

11 document destruction or whatever your policy.

12 The documents are held indefinitely.

13 **Q. So all E-mails that have ever gone**

14 **through the network meaning that have been in**

15 **your E-mail, in your personal E-mail or anyone**

16 **else's would be on the shared network?**

17 A. You're describing something

18 different. You're describing our E-mail

19 servers and those are not centrally located.

20 **Q. Where are those located?**

21 A. Wherever our service provider

22 locates them.

1 **Q. Who is your service provider?**

2 A. I don't know. I believe it's Dream

3 Host.

4 **Q. Do you know if they have a**
5 **destruction policy?**

6 A. I don't.

7 **Q. Did you search those off-site E-mail**
8 **servers?**

9 A. Of course not.

10 **Q. Of course not?**

11 A. Correct.

12 **Q. Did anyone search those?**

13 A. The documents are -- all documents
14 in our possession were stored on the computers
15 themselves. Do you understand what I mean?

16 **Q. I think so. Can you describe it in**
17 **a little more detail? I'm not an IT guy, so I**
18 **apologize.**

19 A. The computers downloads the E-mails
20 and stores them on the local computer, thus it
21 wasn't necessary to go to the remote server.

22 **Q. So anything that was not on the hard**

1 **drives was on the remote server; is that right?**

2 A. No.

3 **Q. The remote server had both?**

4 A. I do not know what the remote server
5 contains.

6 **Q. But it contained documents that
7 weren't downloaded to anyone's hard drive?**

8 A. Not to my knowledge.

9 MR. PISHEVAR: Calls for speculation.

10 BY MR. ROGERS:

11 **Q. So the hard drives contain all of
12 the E-mails that have been through your
13 possession?**

14 A. Can you repeat the question?

15 **Q. Yes. And I apologize because I'm
16 not an IT person, so correct me if this
17 question doesn't make any sense. Does your
18 hard drive contain all of the E-mails that you
19 have sent or received?**

20 A. Yes.

21 **Q. Is that the case for everyone else
22 in the office?**

1 A. To the best of my knowledge.

2 **Q. Is there a way that those E-mails**
3 **can be permanently deleted?**

4 A. What E-mails?

5 **Q. The E-mails on your hard drive?**

6 A. You can permanently break a hard
7 drive but other than this, not to my knowledge.

8 **Q. If it's not on your hard drive,**
9 **would it be on your remote server?**

10 A. Probably not after a certain period
11 of time.

12 **Q. Do you know what time frame that is?**

13 A. You would have to ask the server.

14 MR. PISHEVAR: Calls for speculation.

15 BY MR. ROGERS:

16 **Q. Were any inquiries made to the**
17 **service provider along those lines?**

18 A. It wasn't necessary the documents
19 were on the local computer.

20 **Q. So is the answer no?**

21 A. The answer is no, to the best of my
22 knowledge.

1 MR. ROGERS: Why don't we go ahead
2 and take a 5 minute break.

3 (A break was taken at 4:21 p.m.)

4 (Deposition resumed at 4:26 p.m.)

5 BY MR. ROGERS:

6 **Q. Let's go back just one more question**
7 **on the issue of the server, the onsite E-mail**
8 **server. Did you ever download E-mails off the**
9 **server and then delete the server copy?**

10 A. Most E-mail systems are set up so
11 that after a certain period of time, those
12 E-mails are deleted.

13 **Q. Did you ever do that -- do you know**
14 **how yours is set up?**

15 A. It would vary depending on E-mail
16 accounts and different software does it
17 different ways.

18 **Q. And do you know specifically how**
19 **it's done with yours?**

20 A. With my computer?

21 **Q. With your computer and your E-mail**
22 **server that NIAC uses.**

1 A. I believe my computer retains
2 documents for 10 days, the central server while
3 they're retained forever on my computer.

4 **Q. So the server retains them for 10**
5 **days and they're retained indefinitely on your**
6 **computer?**

7 A. Yes. That's very standard.

8 **Q. Are you aware of a request that was**
9 **made for congressional E-mails?**

10 A. Clarify, please.

11 **Q. A request made to get all E-mails**
12 **between NIAC and congressional employees**
13 **whether members or staffers?**

14 A. There was a request made for all
15 documents related to United States political
16 officials and damage and that's page 7.

17 **Q. Is that the first or second request?**

18 A. First.

19 **Q. Did you produce all of those**
20 **documents?**

21 A. We produced all -- because that
22 request was overly broad, we provided all

1 documents. We produced all documents that
2 related -- we produced all documents relating
3 to communications with political officers and
4 their staff for the purpose of lobbying.

5 **Q. A couple of quick follow up**
6 **questions. One, when the documents -- how were**
7 **the document produced? Speaking of all the**
8 **documents that NIAC produces, what was the**
9 **actual process in producing them?**

10 A. To whom?

11 **Q. That's actually my question. So you**
12 **looked through the documents and decided which**
13 **ones were responsive, right?**

14 A. Right.

15 **Q. Then what did you do at that point?**

16 A. We gave them to our lawyers.

17 **Q. Did you directly send your E-mails**
18 **to your lawyers?**

19 A. They were given to the lawyers
20 multiple times because there were multiple
21 deliveries made and those were made directly to
22 the lawyers. Yes.

1 **Q. Did somebody in the office serve the**
2 **function of gathering them all up and sending**
3 **them on to the lawyers?**

4 A. One person each time delivered them.
5 Yes.

6 **Q. Who was it each time?**

7 A. It varied.

8 **Q. How many deliveries were made to the**
9 **lawyers?**

10 A. More than three or four.

11 **Q. How did the person who was**
12 **coordinating the delivery get the documents?**

13 A. They picked them up and took them.

14 **Q. Did somebody put them in a central**
15 **room? What this termed electronic?**

16 A. They collected the CDs or box of
17 document and delivered them.

18 **Q. Did every staffer create a CD then**
19 **one person gathered up all the CDs and took**
20 **them to the lawyers?**

21 A. All the electronic documents were
22 stored on electronic server and then sent to

1 lawyer.

2 Q. How did you get them to the central
3 server? For instance, was there a file folder
4 in the share drive that everyone knew when you
5 got something responsive, drop it in my folder?

6 A. Yes.

7 Q. And then the contents of the folder
8 were burned to a CD and that's how you gave
9 them to the lawyers?

10 A. Yes. Though I believe other times
11 they may have been other E-mail. There were
12 multiple deliveries made.

13 Q. Were they always correlated? Were
14 they always gathered in one of the file folders
15 of the shared server?

16 A. Could you clarify that question?

17 Q. So before you said there was a
18 folder on the shared server, documents that
19 were responsive were dropped into that. Every
20 time there was a delivery was it out of a
21 folder or, for instance, were there times where
22 an individual employee just forwarded the

1 **E-mails on?**

2 A. I never did that. You would have to
3 ask the other employees that did that.

4 **Q. Are you aware of anyone doing that?**

5 MR. PARSA: Asked and answered.

6 A. Again, I'm not aware of how other
7 people.

8 MR. PARSA: Calls for speculation.

9 BY MR. ROGERS:

10 **Q. And how were the paper documents**
11 **gathered and delivered?**

12 A. They were put in a box and delivered
13 via the metro or via car.

14 **Q. Did you make those deliveries?**

15 A. I made one of them.

16 **Q. Who else made those deliveries?**

17 A. I do not recall.

18 **Q. But there were others who made**
19 **deliveries?**

20 A. Yes. I believe an intern made one
21 of the deliveries. Nashap (phonetic).

22 **Q. Were there any later searches or**

1 collections or deliveries that had to do just
2 with the congressional E-mails?

3 A. Can you repeat that question?

4 Q. Were there any other -- let's do it
5 one at a time. Were there any other
6 collections aside from the general collections
7 that were done specifically for congressional
8 E-mails?

9 A. Were there any collections?

10 Q. Searches that you guys did for
11 congressional E-mails aside from when you were
12 doing your searches for anything responsive to
13 the production request?

14 A. They were all part of the same
15 response.

16 Q. So you never came back, you were
17 never instructed in addition to go back and
18 make sure we've delivered all of the
19 congressional E-mails?

20 A. The question is unclear to me.

21 Q. Okay. Fair enough. Was there ever
22 a specific request made to produce all of the

1 **congressional E-mails aside from what's in the**
2 **production list?**

3 A. We went back and clarified the
4 definition so that everyone would be on the
5 same page how we responded to that question.

6 **Q. To the congressional E-mail?**

7 A. Yes.

8 **Q. When was that? When did that**
9 **clarification happen?**

10 A. I don't recall.

11 **Q. Was it recently? Was it close to**
12 **March?**

13 MR. PARSA: Asked and answered.

14 A. Yes.

15 BY MR. ROGERS:

16 **Q. Yes. Close to March?**

17 A. I believe so. In that general time
18 frame.

19 **Q. Were any E-mails between anyone at**
20 **NIAC and congressional members or staff**
21 **destroyed?**

22 A. Were any E-mails between us and

1 staff destroyed? No.

2 **Q. Or members?**

3 A. Not to my knowledge.

4 **Q. The congressional E-mails we**
5 **received only go back to 2007. Do you know why**
6 **that is?**

7 A. That calls on me to speculate
8 because I wasn't there prior but I would --

9 MR. PARSA: Calls for speculation.

10 A. I do not know why that is.

11 BY MR. ROGERS:

12 **Q. Is it your understanding that were**
13 **E-mails to congressional staffers prior to**
14 **2007?**

15 A. I was not present.

16 **Q. Is it your understanding that there**
17 **were?**

18 A. There may have been.

19 MR. PARSA: Calls for speculation.

20 BY MR. ROGERS:

21 **Q. Based on your understanding of the**
22 **IT systems at NIAC, if there were E-mails prior**

1 to 2007, do you know why they would have been
2 produced?

3 MR. PISHEVAR: I'm going to object to
4 that. I'm not so sure that's to the -- form of
5 the question.

6 A. Can you repeat your question?

7 BY MR. ROGERS:

8 Q. E-mails -- let's see. Based on your
9 knowledge of the IT systems and NIAC if there
10 were E-mails before 2007, was there any reason
11 why they wouldn't have been produced?

12 A. I believe we did turn over the
13 E-mails that were dated prior to 2007 so I
14 believe your assumption is false.

15 Q. If my assumption is correct, would
16 there be any reason based on your knowledge of
17 the IT systems as to why that would be the
18 case?

19 A. Due to the technical aspects of the
20 IT system?

21 Q. Yes.

22 A. No.

1 **Q.** **For instance, could they have been**
2 **deleted from the computers prior to 2007 or**
3 **prior to the time of the document request? I'm**
4 **not trying to be fancy or anything, so let me**
5 **say exactly what I'm trying to get at. Is it**
6 **possible that documents that date before 2007**
7 **could have been destroyed before, for instance,**
8 **this year, could have been deleted before this**
9 **year?**

10 **A.** **It's unlikely but it's possible.**

11 **Q.** **But there's no policy of deleting**
12 **older E-mails; is that right?**

13 **A.** **There's no policy to the best of my**
14 **recollection.**

15 **Q.** **If an individual at NIAC did delete**
16 **an E-mail, could that person delete it**
17 **completely?**

18 **A.** **Are you asking the technical**
19 **possibilities?**

20 **Q.** **Right. Based on what I think and**
21 **what you know of NIAC's IT system, for**
22 **instance, could it get deleted from the remote**

1 **server, from the E-mail server in the normal**
2 **course than a person that has it on their hard**
3 **drive but then they delete it, goes to their**
4 **delete box?**

5 A. You're asking me if someone can
6 delete a file from the computer?

7 **Q. Yes.**

8 A. That is a feature on every computer.
9 You can delete files, however, those files are
10 normally recoverable until otherwise
11 overwritten but that's strictly a technical
12 response to a technical question.

13 **Q. Did you do anything to recover**
14 **E-mails that were deleted?**

15 A. That assumes that E-mails were
16 deleted.

17 **Q. Did you do anything to recover?**

18 A. Again, you're assuming E-mails were
19 deleted.

20 **Q. That's your answer. Did you do**
21 **anything to look to see if E-mails had been**
22 **deleted and then try to recover them?**

1 A. That was beyond the scope of what
2 was requested and beyond my technical know how.

3 **Q. So is the answer to that no?**

4 A. No one is capable of doing that
5 search, so the answer is no.

6 **Q. No one is capable of going through a
7 hard drive and looking for files that have been
8 deleted but you say are recoverable, right?**

9 A. An IT expert could recover in theory
10 documents that were deleted.

11 **Q. Yeah. I'm not trying to be fancy.
12 You just said E-mails that are deleted can be
13 recoverable?**

14 A. In theory.

15 **Q. So I'm just chasing down that loose
16 end to cordon it off. Were any searches made
17 to look for those types of documents, documents
18 that were deleted but could be recoverable?**

19 A. We do not have the technical know
20 how nor the technology to do that.

21 **Q. So the answer to that is no, right?**

22 MR. PISHEVAR: Asked and answered.

1 A. No.

2 BY MR. ROGERS:

3 Q. Has NIAC produced all of the
4 communications to and from congressional
5 members and staffers?

6 A. We provided all communications
7 between members and staffers that are related
8 to lobbying activities.

9 Q. What kind of E-mails then were
10 produced? What under your definition is not
11 lobbying E-mails to a congressional staffer?

12 A. An E-mail that says hypothetically,
13 I hope you feel better soon.

14 Q. So personal E-mails between NIAC and
15 staffers and members?

16 A. Yes. That would be one example.

17 Q. Any other category?

18 A. It would be information -- again
19 anything that's not lobbying.

20 Q. Give me an idea of what that would
21 be as an example besides personal?

22 MR. PARSA: Asked and answered.

1 A. I have provided an example.

2 BY MR. ROGERS:

3 **Q. Besides personal?**

4 A. You would like another example?

5 **Q. Yes.**

6 A. You might like to look at this
7 article. It's interesting. That sort of
8 thing. Activities that are not lobbying or can
9 you get us a room for an event. Again, not
10 lobbying.

11 **Q. Did you when you were looking for**
12 **documents responsive to any of the requests and**
13 **you recall looking through your E-mails, did**
14 **you go through your deleted E-mail file?**

15 THE WITNESS: I answered that
16 question.

17 MR. PARSA: Asked and answered.

18 BY MR. ROGERS:

19 **Q. And what's the answer?**

20 A. The answer is yes.

21 **Q. What about places like the recycle**
22 **bin on your hard drive?**

1 A. Yes.

2 MR. PARSA: Asked and answered.

3 MR. ROGERS: I appreciate your
4 patience with these questions.

5 BY MR. ROGERS:

6 **Q. Did you collect documents from**
7 **Mr. Mansouri's computer?**

8 A. Who?

9 **Q. Mansouri?**

10 A. What's the first name?

11 **Q. Do you know more than one Mansouri?**

12 A. No.

13 MR. PISHEVAR: Do you want a break?

14 MR. ROGERS: Yes.

15 (A break was taken at 4:44 p.m.)

16 (Deposition resumed at 4:47 p.m.)

17 BY MR. ROGERS:

18 **Q. Let me start over with this line of**
19 **questioning. Do you know a Dr. Mansouri?**

20 A. Who is Dr. Mansouri?

21 **Q. Do you know Dr. Mansouri?**

22 A. I don't believe so.

1 Q. Do you know Mohammed Mansouri?

2 A. Doesn't ring a bell.

3 Q. Do you know anyone with the sir name
4 Mansouri?

5 A. I don't believe so.

6 Q. Did you collect documents from
7 Mansouri's computer?

8 A. I don't believe so.

9 Q. Request them?

10 A. I don't believe so.

11 Q. Are you aware of anyone at NIAC who
12 did?

13 A. Not to my knowledge but they may
14 have.

15 Q. NIAC produced a survey, a member
16 survey from 2009 but we requested one from
17 January, 2006. Do you know where that member
18 survey is?

19 A. No.

20 Q. Are you aware of that member survey
21 having taken place?

22 A. I am aware of it.

1 Q. Have you seen it?

2 A. I have seen the results.

3 Q. Do you know why -- have you looked
4 for it?

5 A. I was not aware it was requested.

6 Q. So no one has asked you to look for
7 it?

8 A. No one has asked me to look for it.

9 Q. Do you know anyone by the name of
10 Tasslimi, T-A-S-S-L-I-M-I?

11 A. Can you repeat that?

12 Q. T-A-S-S-L-I-M-I?

13 A. What was the first name?

14 Q. Don't have it. Just got the last
15 name.

16 A. That does not ring any bells.

17 Q. Are you aware of any minutes or
18 communications of Ms. Tasslimi?

19 A. I'm not aware of any.

20 Q. I'm going to ask about someone named
21 Edalat, E-D-A-L-A-T?

22 A. Can you spell that again?

1 Q. E-D-A-L-A-T?

2 A. Is that the first name?

3 Q. I believe it's the last name but I'm
4 not sure. Does that name ring any bells?

5 A. No.

6 Q. Do you know anyone by that name?

7 A. I don't believe so.

8 Q. Are you aware of any communications
9 or minutes by that person?

10 A. I don't believe so.

11 Q. How often would you say that you
12 call congressional offices?

13 A. How often do I call them, not very
14 often.

15 Q. How often do you E-mail them?

16 A. Somewhat often. Fairly often.

17 Q. How often is not often when talking
18 about calling then you said not often. How
19 often is not often?

20 A. I probably call a congressional
21 office -- I do most of my communication by
22 E-mail. I probably call them once a month

1 maybe.

2 Q. What about E-mail? How often do you

3 E-mail?

4 A. It varies per month.

5 Q. Is it sometimes daily?

6 A. Sometimes.

7 Q. Do you ever go a week without

8 E-mailing congressional office?

9 A. Yes.

10 Q. Two weeks?

11 A. Probably.

12 Q. A month?

13 A. No.

14 Q. How often are you up on the Hill?

15 A. Depends on what our priorities are.

16 Q. So for instance, in September how

17 many times were you up on the Hill or

18 congressional office or any one of the

19 congressional buildings?

20 A. Probably eight times maybe.

21 Q. Eight times in September?

22 A. Maybe less than that, five to eight

1 times.

2 **Q. Is that heavier than normal, about**
3 **average, less heavier than normal?**

4 A. It's about average, perhaps. It's
5 about average.

6 **Q. How often do you attend a function**
7 **that has congressional involvement meaning**
8 **there's a staffer there or there's a member**
9 **there?**

10 A. How often do I attend what types of
11 functions?

12 **Q. Any type of function that has**
13 **congressional involvement, meaning there's a**
14 **staffer there or a member's in attendance?**

15 A. To answer that question I would
16 actually have to ask you to define a staffer.

17 **Q. Anyone who works for a congressional**
18 **member as a paid member of their staff or an**
19 **intern or anyone who works on a committee.**

20 A. I live with somebody who works on
21 the Hill, so that might skew the answer.

22 **Q. About how often do you attend those**

1 **functions when it's NIAC related?**

2 A. A function not counting meetings,

3 one-on-one meetings?

4 **Q. Let's say not counting one-on-one**

5 **meetings?**

6 A. Maybe once a month.

7 **Q. Then how often are you at these**

8 **one-on-one meetings or small group meetings?**

9 A. A few a month.

10 **Q. How often are you preparing**

11 **documents related to congressional activities?**

12 A. Fairly often.

13 **Q. Would you say daily?**

14 A. I would say weekly. Daily is it

15 would depend on the day-to-day duties that I

16 need to carry out. So I can't say that it's

17 daily.

18 **Q. But you said that at least weekly?**

19 A. Yes. In general. At least weekly.

20 **Q. What percentage of NIAC's time is**

21 **spent on lobbying activities?**

22 A. I cannot speak for the entire

1 organization.

2 MR. PISHEVAR: Asked and answered.

3 A. I can only speak for myself.

4 BY MR. ROGERS:

5 Q. **How often does someone at NIAC call**
6 **the offices of a member or staff?**

7 A. I can only speak for myself.

8 Q. **How often is someone from NIAC on**
9 **the Hill?**

10 A. Again, I can only speak for myself.

11 Q. **Do others from NIAC go to the Hill**
12 **besides you?**

13 A. Patrick does as well.

14 Q. **Anyone else?**

15 A. For purposes other than our events
16 that we hold. No.

17 Q. **Okay. So who else does -- what do**
18 **you mean by events that we hold?**

19 A. We hold briefings on the Hill.

20 Q. **Does that include one-on-one**
21 **meetings?**

22 A. No.

1 **Q. Describe what a briefing is?**

2 A. A briefing is a briefing where we
3 bring in an outside expert to discuss an issue.

4 **Q. So aside from you and Patrick, no**
5 **one attends those other meetings aside from**
6 **those on the hill?**

7 A. Trita sometimes attends but not
8 frequently.

9 **Q. How often does Trita attend?**

10 A. Infrequently.

11 **Q. Can you quantify that at all?**

12 A. I would say much less than one
13 quarter of the time. Much less.

14 **Q. How often does NIAC have these**
15 **briefings?**

16 A. We have a set number. I can't
17 recall. I believe in the range of about six a
18 year, but that's give or take a few. I don't
19 know exactly.

20 **Q. Is that about how often NIAC has**
21 **organized events that have congressional**
22 **involvement?**

1 A. Could you clarify that?

2 Q. Yes. How often is NIAC organizing
3 events that have congressional involvement
4 where they're involved by a staff or a member?

5 A. Events on the Hill.

6 Q. Not necessarily on the Hill. Any
7 time there's a congressional call where NIAC
8 has organized a function. Could be at a
9 meeting, one-on-one meeting, briefing, some
10 other type of --

11 A. So you're asking me the cumulative
12 number of meetings and briefings and
13 conferences, etc.?

14 Q. Yes. On average?

15 A. In what time period?

16 Q. In a year. Would it be easier in a
17 month?

18 A. We have two conferences a year.
19 I've already said how many briefings we have
20 and the meetings, that varies greatly depending
21 on the person and what activities are involved.

22 Q. Does anyone at NIAC have more

1 **meetings on the Hill than you do?**

2 A. Patrick.

3 **Q. How much more?**

4 A. You'll have to ask him.

5 **Q. How often is NIAC preparing**

6 **documents relating to congressional activities?**

7 A. I would say the answer is the same
8 as my personal answer because I'm involved in
9 the drafting of those documents.

10 **Q. Is there any drafting of documents**
11 **like that that you're not involved in?**

12 A. I am almost always -- I'm always
13 aware of the documents.

14 **Q. You're always involved with the**
15 **documents in some way?**

16 A. At least possibly reviewing them.
17 Yes.

18 **Q. Who else is involved in that?**

19 A. Patrick and Trita.

20 **Q. Anybody else?**

21 A. Not generally. They might have an
22 opinion but they're not part of the formal

1 process.

2 Q. Did your time at NIAC overlap with

3 Emily Blout?

4 A. Yes.

5 Q. What was the relationship between

6 your two positions?

7 A. She was the director, I was the

8 associate.

9 Q. So she was -- by director you mean
10 legislative director, correct?

11 A. Correct.

12 Q. And you were the legislative

13 associate?

14 A. Correct.

15 Q. Who took her position when she left?

16 A. It has not been filled.

17 Q. Is it actively being sought to be

18 filled?

19 A. Yes.

20 Q. Are you being considered for that

21 position?

22 A. No.

1 **Q. Why not?**

2 A. You'll have to ask someone else.

3 **Q. How often does Parsi spend on the**
4 **lobbying activities?**

5 A. You'll have to ask him.

6 **Q. How often does he call the offices**
7 **of members or staffers that you're aware of?**

8 A. You'll have to ask him.

9 **Q. That you're aware of?**

10 A. How often does he call them that I'm
11 aware of? I'm aware of at least a phone call a
12 month.

13 **Q. Is there a specific reason why you**
14 **don't recall -- is there a phone call that**
15 **happens every month?**

16 A. No. Just on average that's what I'm
17 aware of. It could be for more. I don't know.

18 **Q. Now, are you involved in setting up**
19 **meetings for Parsi?**

20 A. Yes. Sometime.

21 **Q. What kind of meetings are those?**

22 A. What do you mean what kind of

1 meetings are they?

2 **Q. Who are they with? What are they**
3 **about?**

4 A. Could you ask a more specific
5 question?

6 **Q. Yes. That's a great idea. When was**
7 **the last meeting that you set up for Dr. Parsi?**

8 A. It was -- the last meeting I set up
9 for Dr. Parsi was last month I believe.

10 **Q. What was the meeting?**

11 A. It was a meeting with staff.

12 **Q. Which staff and what was the issue?**

13 A. Senate foreign relations staff and I
14 wasn't present.

15 **Q. Did he tell you the subject of the**
16 **meeting?**

17 A. You would have to ask Patrick or
18 Trita.

19 **Q. But did anyone tell you the subject**
20 **of that meeting?**

21 A. I don't recall what it was.

22 **Q. Is it common for you to set up**

1 **meetings where you don't know the subject of**
2 **them? I don't mean to sound derogative?**

3 A. I would dispute your
4 characterization. I'm aware of the general
5 subject matter. I don't know exactly what is
6 said at meetings I'm not present at but I am
7 aware of the general subject.

8 **Q. So what was the general subject**
9 **matter at this particular meeting?**

10 A. U.S. Iran relations.

11 **Q. Is that what it is for all of the**
12 **meetings?**

13 A. No.

14 **Q. How often are you in contact with**
15 **people in Iran?**

16 A. Directly?

17 **Q. Sure. Directly.**

18 A. I'm not.

19 **Q. Have you ever been in contact**
20 **directly with anyone in Iran?**

21 A. I may know a person who went to Iran
22 and sent an E-mail or has gotten a list serve

1 from E-mails from someone physically located in
2 Iran.

3 **Q. But nothing specific comes to mind?**

4 A. No.

5 **Q. So when you say direct contact,**
6 **you're including phone calls, E-mails?**

7 A. Right.

8 **Q. What would be indirect contact?**

9 A. If I know someone who had contact
10 with a person.

11 **Q. Do you know of anyone who's had**
12 **contact with someone in Iran?**

13 A. Yes.

14 **Q. Who?**

15 A. One of our interns, her parents
16 lived in Iran.

17 **Q. Anyone else?**

18 A. Another one of her summer interns
19 had a friend who was in Iran.

20 **Q. Anyone else?**

21 A. Over the summer we had, we received
22 some E-mails that were forwarded to us from

1 people who were present in Iran giving accounts
2 of what was taking place.

3 **Q. What kind of accounts?**

4 A. Personal accounts.

5 **Q. Related to?**

6 A. The post election part.

7 **Q. What about Dr. Parsi's contact with**
8 **people in Iran?**

9 A. You would have to ask him.

10 **Q. Any that you're aware of?**

11 A. Not beyond public knowledge or what
12 I have already described.

13 **Q. What's public knowledge that you**
14 **haven't already described?**

15 A. Look at treatise, footnotes in his
16 book.

17 **Q. I know. I'm asking you?**

18 A. That was my answer is the footnotes
19 of his book, former officials and what not.

20 **Q. What about specific examples? I**
21 **realize you can't recant everything in his**
22 **footnotes?**

1 A. There's absolutely nothing that
2 comes to mind. You'd have to look at his
3 footnotes.

4 **Q. So you can't think of any specific**
5 **contact with the specific individuals?**

6 A. Correct.

7 **Q. Have you been to Iran?**

8 A. No.

9 **Q. Have you been involved in any**
10 **meetings with officials of the Iranian**
11 **government?**

12 A. No.

13 **Q. I'm going to ask a bunch of**
14 **technical questions. You realize I'm not a**
15 **technical person. So if my questions don't**
16 **make sense, let me know.**

17 A. Okay.

18 **Q. What back room hardware is in your**
19 **organization mainframes, mini computers,**
20 **electronic mail servers, file servers, anything**
21 **like that?**

22 A. Nothing beyond what I have already

1 described here.

2 **Q. Meaning the shared server?**

3 A. Correct.

4 **Q. Is there a schedule on the shared**
5 **server for things when deleted?**

6 A. No.

7 **Q. What about workstation hardware?**

8 A. What about it?

9 **Q. What kind of computers do you guys**
10 **use?**

11 A. Regular computer.

12 **Q. What brand?**

13 A. Dell, Laveni (phonetic), and there
14 might be an HP but mostly Dells.

15 **Q. Were those issued to you when you**
16 **start?**

17 A. Some were purchased while I was
18 there.

19 **Q. What about yours?**

20 A. Mine was purchased while I was
21 there.

22 **Q. Is it a laptop or a desktop?**

1 A. It's a desktop.

2 **Q. Do you have a laptop?**

3 A. Not for work.

4 **Q. What operating system?**

5 A. Windows XP.

6 **Q. Do some people use laptop notebooks?**

7 A. There are two functional laptops in
8 the office.

9 **Q. Whose are they or who uses them?**

10 A. They're both being used by interns.

11 **Q. What about personal digital**
12 **assistants?**

13 A. PDAs. No one has PDAs that I'm
14 aware of.

15 **Q. Does that include BlackBerries?**

16 A. Not in my definition.

17 **Q. Does anyone use BlackBerries?**

18 A. Yes.

19 **Q. Who uses BlackBerries?**

20 A. Myself, Trita, Patrick, Michelle,
21 Kevin.

22 **Q. Did you search your BlackBerry for**

1 **responsive documents?**

2 A. No.

3 **Q. What backup systems are in use?**

4 A. For the BlackBerry?

5 **Q. For any systems. What hardware?**

6 **What type formats?**

7 A. External hard drive.

8 **Q. Anything except for the external**

9 **hard drive?**

10 A. No.

11 **Q. Any backup for the shared server?**

12 A. The external hard drive backs up the

13 shared server.

14 **Q. How often does that backup process**

15 **happen, do you know?**

16 A. I laugh because we should have an
17 automated system but we don't. It's whenever
18 we, someone does it.

19 **Q. Is that mainly you? Is that mainly**
20 **your responsibility?**

21 A. That is something I do more often
22 than the other employees.

1 **Q. Has the shared server ever crashed?**

2 A. Yes.

3 **Q. You needed to use the backup?**

4 A. Correct.

5 **Q. When was the last time that**

6 **happened?**

7 A. A few months ago.

8 **Q. Is that the only time it's happened?**

9 A. To my knowledge. During my
10 employment.

11 **Q. Was there a backup -- when was the**
12 **backup -- do you know when the backup was made**
13 **before that crash?**

14 A. One week prior and the documents
15 were restored from that computer, so all the
16 files remained in tact.

17 **Q. So was any data lost to your**
18 **knowledge?**

19 A. No.

20 **Q. That's pretty good?**

21 A. Lucky.

22 **Q. What optical storage devices are**

1 **used?**

2 A. Are you referring to CD ROM drives?

3 **Q. Yes. CDRs, CDR-Ws?**

4 A. We don't use them for backups.

5 **Q. But the computers generally have --**

6 **what kind of optical drives do they generally**

7 **have?**

8 A. Most have CD, either CD readers or

9 CD burners or in my case, I have a DVD burner.

10 **Q. What office machines are used aside**

11 **from computers, desktops, laptops, such as**

12 **faxes, fax machines, things like that?**

13 A. We do not have a fax machine. We

14 have phones. We have a copier and we have two

15 printers.

16 **Q. Do you use a copier that has a hard**

17 **drive?**

18 A. No.

19 **Q. Does your printer have a hard drive?**

20 A. Not to my knowledge.

21 **Q. Do you have a voice mail system?**

22 A. We do.

1 **Q. How long are voice mails saved?**

2 A. They are not generally saved.

3 They're after whatever message is transcribed
4 they're usually deleted.

5 **Q. Is there a system that deletes them**
6 **after so long?**

7 A. I have no idea.

8 **Q. Did you voice mail search for**
9 **anything responsive?**

10 A. There wasn't anything responsive so
11 I don't believe so.

12 **Q. How much memory is in the external**
13 **hard drive? Do you know?**

14 A. I believe it has about 300 gigabytes
15 but don't quote me on that. I'm not sure
16 enough to do the back up.

17 **Q. Do you know how full it is? How**
18 **much of that is being used?**

19 A. It's less than half full.

20 MR. ROGERS: Should we take a 5
21 minute break?

22 (A break was taken at 5:13 p.m.)

1 (Deposition resumed at 5:17 p.m.)

2 BY MR. ROGERS:

3 **Q. How do you determine what issues**
4 **you're going to work on, what position papers**
5 **you're going to work on?**

6 A. How do I determine? You asked two
7 questions. Can you break that down?

8 **Q. Sure. How do you determine what**
9 **projects you're working on?**

10 A. That depends on the coordination
11 between Patrick and I and it depends on the
12 assignments we get from Trita or Kevin. So
13 it's a give and take. I have a significant
14 amount of autonomy working with Patrick.

15 **Q. So what form does that autonomy**
16 **take, I guess is what I mean by that. Do you**
17 **raise policy issues with him that you want to**
18 **look into and then he says, sure, go for it?**

19 A. We have a constant conversation of
20 what events or what topics we need to cover.

21 **Q. Sometimes you're proposing requests**
22 **and sometimes he's proposing ideas?**

1 A. Correct.

2 Q. **And sometimes those come from Dr.**

3 **Parsi?**

4 A. Yes.

5 Q. **Sometimes those come from Kevin?**

6 A. Yes. And sometimes they come from

7 Patrick and sometimes they come from me.

8 Q. **And then --**

9 A. And sometimes they come from other
10 staff members.

11 Q. **Is that the same for policy papers**
12 **that you're working on?**

13 A. Policy papers are normally just born
14 out of whatever other topics we are covering.

15 Q. **Then obviously in a policy paper you**
16 **take a position, right?**

17 A. Normally.

18 Q. **Who determines what position you're**
19 **going to take? Same process?**

20 A. It's a give and take.

21 Q. **The individuals that we talked about**
22 **just previously, you and Patrick, Kevin, Dr.**

1 **Parsi, other members of the staff?**

2 A. Anyone can express their opinion.

3 **Q. Does someone have the ultimate**
4 **decision making authority?**

5 A. Trita is ultimately the president of
6 us.

7 MR. ROGERS: Mark this, please.

8 (Defendant's Deposition Exhibit No. 3 was
9 marked for identification.)

10 MR. ROGERS: Take a look at that and
11 see what it is.

12 A. (The witness complies.) I have read
13 the document.

14 BY MR. ROGERS:

15 **Q. Do you recall this meeting?**

16 A. Yes.

17 **Q. Did you attend this meeting?**

18 A. Yes.

19 **Q. What was the purpose of this**
20 **meeting?**

21 A. The purpose of this meeting was to
22 get Todd Aiken, Congressman Todd Aiken to

1 co-sponsor a resolution.

2 **Q. Did he end up co-sponsoring?**

3 A. He did not.

4 **Q. Who wanted him to co-sponsor the**
5 **Incidents at Sea resolution?**

6 A. We all did.

7 **Q. Was it a decision that was made**
8 **between everyone?**

9 A. Define everyone.

10 **Q. Everyone we discussed earlier, you,**
11 **Patrick, Dr. Parsi?**

12 A. No. Dr. Parsi is not involved in
13 that level of -- it was a decision made by the
14 policy team.

15 **Q. At the time who was that then?**

16 A. Patrick, Emily, myself.

17 **Q. Patrick was not in attendance at**
18 **this meeting?**

19 A. Correct.

20 **Q. The first line says -- did you craft**
21 **this document?**

22 A. I did.

1 **Q. The first line says, well, the**
2 **second half, "Emily made the beginning pitch**
3 **for the resolution," correct?**

4 A. Correct.

5 **Q. What does that mean?**

6 A. It means she presented the
7 resolution and described what it was about.

8 **Q. And I assume argued for, stated the**
9 **position that NIAC wanted the representative to**
10 **co-sponsor?**

11 MR. PISHEVAR: Objection.

12 A. She said we would like the
13 congressman to co-sponsor this.

14 BY MR. ROGERS:

15 **Q. Toward the bottom the paragraph that**
16 **begins Justin stated clearly, if you go down**
17 **three lines, the end of the third line right**
18 **after the bracket, "He noted it would help if**
19 **we could get someone from the "far right" to**
20 **support the bill.**

21 In particular, a "big hawk" like Trent
22 **Franks could provide cover for Republicans if**

1 **he signed onto the bill, he said." Were you**
2 **able to find someone from the far right?**

3 A. Can I ask how this is related to
4 anything?

5 **Q. You can.**

6 MR. PISHEVAR: No, you can't. Just
7 answer.

8 A. Did we find anyone from the far
9 right to support the bill?

10 **Q. Yes.**

11 A. We found solid republican member of
12 the congress who supported the bill.

13 BY MR. ROGERS:

14 **Q. You say that Representative Aiken**
15 **did not co-sponsor the bill. Did you find**
16 **anyone to co-sponsor the resolution?**

17 A. Yes. Other people signed on to the
18 resolution.

19 **Q. But my question was specifically**
20 **that you guys worked with to have them**
21 **co-sponsor the resolution?**

22 A. Yes. Now, ultimately of course that

1 decision was made by their office.

2 **Q. I understand. That's not what I'm**
3 **getting at.**

4 MR. ROGERS: Mark this, please.

5 (Defendant's Deposition Exhibit No. 4 was
6 marked for identification.)

7 BY MR. ROGERS:

8 **Q. Are you familiar with this document?**

9 A. Yes.

10 **Q. Did you draft this E-mail?**

11 A. Yes.

12 **Q. If you look at the first line it**
13 **states, "I am writing on behalf of Dr. Trita**
14 **Parsi, president of National Iranian American**
15 **Council, to request a meeting with --" I assume**
16 **that's Admiral or "Ambassador Burns."**

17 A. Yes.

18 **Q. "To discuss important matters in**
19 **US-Iran relations." Did that meeting take**
20 **place?**

21 A. This meeting as requested did not
22 take place.

1 **Q. Were there other meetings between**
2 **Dr. Parsi and Ambassador Burns?**

3 A. There has been a meeting between the
4 two of them.

5 **Q. Do you know what they discussed?**

6 A. That is privileged by the exhibit
7 range.

8 **Q. At the end of the paragraph you**
9 **state, "In particular, Dr. Parsi would like to**
10 **share with Ambassador Burns what he has learned**
11 **from all sides in recent Track II talks he**
12 **attended." You say you're referring to someone**
13 **attended the Track II talks. Who are you**
14 **referring to?**

15 A. I am referring to Track II diplomacy
16 talks.

17 **Q. Are those talks that Admiral Burns**
18 **attended or talks that Dr. Parsi attended?**

19 A. Talks that Dr. Parsi attended.

20 **Q. What was his role in attending these**
21 **talks?**

22 A. Do you know what Track II diplomacy

1 is?

2 **Q. I don't.**

3 A. Track II diplomacy is where
4 nonofficial -- where persons who are not
5 currently in government from different
6 countries go and discuss issues of the
7 (inaudible) for the purpose of clarifying
8 issues for relevant parties who are experts on
9 these types of issues so that when actual
10 government talks begin, people have an
11 understanding of those different positions.

12 **Q. So what were the recent track II**
13 **talks that he attended?**

14 A. It's called pug wash.

15 **Q. Pug wash?**

16 A. Correct.

17 **Q. Does it stand for something?**

18 A. I don't know what it stands for.
19 It's an organization in Europe.

20 **Q. In Europe?**

21 A. Correct.

22 **Q. Do you know who attended those Track**

1 **II talks?**

2 A. No.

3 **Q. Aside from Dr. Parsi?**

4 A. Correct.

5 **Q. Do you know if anyone from Iran**

6 **attended those?**

7 A. Yes.

8 **Q. Do you know who from Iran attended**

9 **those?**

10 A. No.

11 **Q. Do you know if anyone from the**

12 **Iranian government attended those?**

13 A. I do not know that.

14 MR. ROGERS: Mark this, please.

15 (Defendant's Deposition Exhibit No. 5 was

16 marked for identification.)

17 MR. ROGERS: Let me know when you've

18 had a chance to look at it.

19 A. (The witness complies.) I have seen

20 it.

21 **Q. Do you recognize the document?**

22 A. I do.

1 **Q. Did you receive this document?**

2 A. Yes.

3 **Q. If you look at the bottom, Dr. Parsi**
4 **writes ledge team. Do you see that, ledge**
5 **team?**

6 A. Yes.

7 **Q. "Could we get a law maker to sponsor**
8 **a resolution congratulating the Iranian making**
9 **on Nowrus." Did Dr. Parsi often make requests**
10 **like this to the ledge team?**

11 A. To get us to introduce the
12 resolution?

13 **Q. Yes.**

14 A. No. That's not a common request.

15 **Q. Are there any other times besides**
16 **this one that you recall where Dr. Parsi**
17 **requested, made a similar request?**

18 A. I don't believe so. Not during my
19 tenure.

20 **Q. Were you guys able to find someone**
21 **to co-sponsor the resolution?**

22 A. Again, this is public data.

1 **Q. That's fine.**

2 A. Yes.

3 **Q. What did you do to in order to -- I**
4 **don't want to -- I'm pausing because I don't**
5 **want to misconstrue what you guys were doing.**
6 **I realize it's going to these offices and**
7 **advocating to get them to co-sponsor a**
8 **resolution. What did you do in that process**
9 **for this specific one?**

10 A. I would request that you ask a more
11 clear question.

12 **Q. Let's see if I can. Would you term**
13 **this lobbying-related activities?**

14 A. Yes.

15 **Q. What kind of lobbying-related**
16 **activities did you guys do in order to find**
17 **someone to co-sponsor this resolution?**

18 A. We reached out to our contacts
19 contacts and asked them if they would be
20 interested in introducing a resolution such as
21 this one on behalf of the Iranian constituency.

22 **Q. Which contacts did you reach out to?**

1 A. Personally this was very shortly
2 after I had begun and I didn't reach out to
3 contacts.

4 **Q. Who reached out to contacts?**

5 A. Emily.

6 **Q. Do you know which contacts she**
7 **reached out to?**

8 A. Emily reached out to multiple
9 individuals.

10 **Q. Being different congressional**
11 **offices?**

12 A. Yes.

13 **Q. Do you know which congressional**
14 **offices?**

15 A. You would have to ask her.

16 **Q. Are you aware of which congressional**
17 **offices?**

18 A. I'm -- she reached out to several.
19 I don't recall.

20 **Q. Who that you contacted ended up**
21 **co-sponsoring the resolution?**

22 A. Mike Honda introduced the resolution

1 for that notice, celebrating the new year.

2 **Q. And how did you go about the process**

3 **of dealing with his staffers in order to --**

4 A. I didn't.

5 **Q. How did Emily go about it?**

6 A. You would have to ask her.

7 **Q. That you're aware of?**

8 A. You would have to ask her.

9 **Q. You're not aware of what she did?**

10 A. No.

11 **Q. You were not involved in any of the**

12 **decisions around that?**

13 A. The actual outreach she did.

14 **Q. Did she discuss it with you?**

15 A. She discussed the results.

16 **Q. But not the process?**

17 A. I mean, it's pretty straightforward.

18 **Q. I know, but did she discuss it with**

19 **you?**

20 A. There wasn't anything really to

21 discuss.

22 **Q. Do you know how many times she met**

1 **with them?**

2 A. With whom?

3 **Q. With staffers from Representative**
4 **Honda's office?**

5 A. No, I'm not aware.

6 **Q. But at least one?**

7 A. For this bill?

8 **Q. Right.**

9 A. I'm not sure about that.

10 MR. ROGERS: Mark this, please.

11 (Defendant's Deposition Exhibit No. 6 was
12 marked for identification.)

13 BY MR. ROGERS:

14 **Q. Have you had a chance to take a look**
15 **at this?**

16 A. Yes.

17 **Q. Do you recognize this?**

18 A. Yes.

19 **Q. Is this an E-mail exchange that you**
20 **were involved in?**

21 A. Yes.

22 **Q. If you look at the second page, the**

1 **last two sentences appear you're writing to**

2 **Jennifer Krimm?**

3 A. Yes.

4 Q. **Do you recall who Jennifer Krimm is?**

5 A. Yes.

6 Q. **Who is she?**

7 A. She's a communications person.

8 Q. **It may help. She's got a title on**

9 **page 1.**

10 A. She's the communications person for

11 Congress Ben Chandler is what it says.

12 Q. **Is that your understanding?**

13 A. Yes.

14 Q. **You state at the end of this, "Did**

15 **the LD express an interest in co-sponsoring the**

16 **resolution? We have lots of resources we can**

17 **share with your offices if you have any further**

18 **questions." What are those resources?**

19 A. Information.

20 Q. **Such as?**

21 A. Such as talking points, such as

22 quotes in support of the resolution. All of it

1 is contained under the umbrella information.

2 **Q. Position policy papers?**

3 A. Yes.

4 **Q. Is that what you routinely provide**
5 **to congressional offices?**

6 A. It's support documents.

7 **Q. Is that what you routinely provide**
8 **is support documents?**

9 A. Not exclusively. No.

10 **Q. But these would include some of the**
11 **routine things that you supply that you provide**
12 **to congressional offices?**

13 A. When it's relevant.

14 **Q. There's nothing tricky here. I'm**
15 **asking this is more getting into what you do?**

16 A. Okay.

17 **Q. If you can look at the first page,**
18 **the E-mail from Jennifer where she says "Hi,**
19 **David. Thanks for getting in touch so quickly**
20 **and thank you for offering the bill." Do you**
21 **know what she meant by that?**

22 A. For presenting it to her, making her

1 aware of it.

2 **Q. Does this mean that you guys -- that**
3 **NIAC had drafted the bill?**

4 A. No. What she is saying is when she
5 says thank you for offering the bill she means
6 thank you for bringing it to our attention and
7 offering it to us as or encouraging us to
8 co-sign.

9 **Q. If you look at your response, the**
10 **second paragraph?**

11 A. Which page?

12 **Q. The first page starting at the end**
13 **of the first line of the second paragraph where**
14 **it says, "But if she didn't," meaning if the**
15 **foreign policy LA didn't get a chance to look**
16 **at the Incidents at Sea Resolution, "If she**
17 **didn't, here's a little more info you could**
18 **pass on to her. John Conyers, Geoff Davis, the**
19 **original cosponsors, will be releasing it**
20 **Tuesday and another four Dems and one more**
21 **Republican are lined up to sign on after that.**
22 **If she has any questions, Mike Darner is the LA**

1 **handling this for Conyers and she can always**
2 **contact me. The text is available at." And I**
3 **assume you mean the text of the proposed**
4 **resolution?**

5 A. Yes.

6 Q. **Is this the kind of lobbying-related**
7 **activity that you would routinely be involved**
8 **in?**

9 A. What do you mean by this?

10 Q. **This what I just read?**

11 A. Providing information and resources.

12 Q. **Right. In this manner?**

13 A. Yes.

14 Q. **And this type of information.**

15 **Here's where you can find the language of the**
16 **draft resolution, here's who you can talk about**
17 **it, they know what's going on, this staffer,**
18 **talk to me, I have done research on it, things**
19 **like that?**

20 A. That's all very routine.

21 Q. **How was NIAC's network configured?**

22 A. You'll have to be more clear.

1 **Q. For instance, is there a router or**
2 **hubs? Do you have firewalls in place?**

3 MR. PISHEVAR: If I may, can I have a
4 continuing objection since this is a fact
5 witness and you're asking technical expert
6 witness type questions, for what it's worth.

7 MR. ROGERS: And be aware that these
8 are questions related to your experience with
9 IT at NIAC and in so far as you don't have the
10 experience or information, just go ahead and
11 tell me.

12 A. Okay.

13 MR. ROGERS: That's no problem.

14 A. Will you repeat the question perhaps
15 listing one system at a time.

16 BY MR. ROGERS:

17 **Q. So how are the company's network,**
18 **how is NIAC's network configured, for instance,**
19 **the router?**

20 A. It's connected.

21 **Q. Beyond that the hubs?**

22 A. There's a router.

1 **Q. Hubs?**

2 A. I don't -- I think there's an
3 ethernet hub that is not in use.

4 **Q. Are there firewalls in place?**

5 A. Hardware fire walls?

6 **Q. Yes. Both either hardware or
7 software firewalls?**

8 A. There are no hardware firewalls that
9 I'm aware of. Software, the software comes
10 with Windows XP software firewall.

11 **Q. Do you use any non-ethernet
12 connectivity?**

13 A. Like the internet?

14 **Q. Well, but are you connected to the
15 internet via ethernet?**

16 A. Yes.

17 **Q. Any other way that you're connected
18 to?**

19 A. We have a wireless router.

20 **Q. Is it encrypted?**

21 A. It is now.

22 **Q. As of?**

1 A. As of I don't know, shortly after I
2 started.

3 **Q. Was this a change that you**
4 **implemented?**

5 A. Yes.

6 **Q. Are you aware of any employees of**
7 **NIAC using home computers for business**
8 **purposes?**

9 A. Can you repeat that question?

10 **Q. Are you aware of any NIAC employees**
11 **who use home computers for business purposes**
12 **for NIAC purposes?**

13 A. I mean, some. Somewhat to a limited
14 extent.

15 **Q. Do you know if those were searched?**

16 A. I answered that question previously.

17 **Q. For others?**

18 A. For others you would have to ask
19 them.

20 **Q. Are you aware of any that were**
21 **searched?**

22 A. We didn't discuss it.

1 **Q. Would you say that you're the person**
2 **responsible for the ongoing operation,**
3 **maintenance, expansion, backup, upkeep of**
4 **NIAC's network services?**

5 A. Let's take that one at a time.

6 **Q. Okay. The ongoing operation?**

7 A. Of our network?

8 **Q. Yes.**

9 A. No. I wouldn't say that. I would
10 say Comcast is.

11 **Q. What about the maintenance?**

12 A. No maintenance required.

13 **Q. Comcast?**

14 A. Comcast again.

15 **Q. Expansion?**

16 A. None planned.

17 **Q. Backup?**

18 A. There is no such thing.

19 **Q. What about for your internal server,**
20 **your shared drive?**

21 A. There's not really a person
22 designated to do that but.

1 **Q. And that was specifically for the**

2 **backup of the shared drive. What about the**

3 **ongoing operation of the shared drive?**

4 A. It runs just fine by itself.

5 **Q. When there's problems, for instance,**

6 **when it crashed, are you the one that's**

7 **responsible for dealing with it?**

8 A. So long as I am adequately capable

9 of handling the situation. Yes.

10 **Q. What happens when you're not**

11 **adequately capable?**

12 A. If I'm not, then we call someone

13 else, an expert.

14 **Q. Same thing with maintenance?**

15 A. Of?

16 **Q. Of the shared drive?**

17 A. Again, there's no continued

18 maintenance necessary.

19 **Q. Expansion?**

20 A. There is unplanned.

21 **Q. Upkeep?**

22 A. It could probably use more upkeep.

1 **Q. Would that fall on you?**

2 A. I don't believe that falls on
3 anyone. Could you clarify/define maintenance?
4 What do you mean by that?

5 **Q. I don't know what the means would
6 involve. The upkeep?**

7 A. I don't know if I would put it
8 that --

9 **Q. What does it normally involve? Do
10 you know what upkeep normally involves?**

11 A. I'm saying there shouldn't be any
12 maintenance required. Troubleshooting that
13 would be separate but there's no ongoing
14 maintenance unless there is trouble.

15 **Q. So what about the troubleshooting?**

16 A. I would probably be the first line
17 of defense.

18 **Q. What about same questions with the
19 workstations, meaning the individual employee's
20 computers. Do you have any responsibility for
21 upkeep of those, maintenance of those,
22 troubleshooting?**

1 A. Let's take that one at a time.

2 **Q. Upkeep?**

3 A. No.

4 **Q. Maintenance?**

5 A. No.

6 **Q. Troubleshooting?**

7 A. Staff usually comes to me.

8 **Q. But that wouldn't be an official**
9 **position, it's not part of your official title?**

10 A. Correct.

11 **Q. It's because you're the most**
12 **capable, you got the expertise?**

13 A. Correct.

14 **Q. Are the workstations backed up?**

15 A. Most data is kept on the shared
16 drive rather than personal computer.

17 **Q. Is data that's stored on the hard**
18 **drives, is that backed up in any way?**

19 A. On the individual computers?

20 **Q. Yes.**

21 A. No.

22 **Q. What's the backup procedure on the**

1 **shared drive? I mean, I know you've got the**
2 **external hard drive. How often does the backup**
3 **take place; as often as you do it in advance of**
4 **that one?**

5 A. Yes.

6 MR. PISHEVAR: Just a clarification,
7 a few questions back when you said the
8 individual computers, was that a question you
9 were asking or was that an answer you were
10 giving?

11 THE WITNESS: I believe the question
12 was do we have a backup policy on the
13 individual computers. Is that what you were
14 talking about?

15 MR. PISHEVAR: Yes.

16 THE WITNESS: The answer is no, there
17 is not a backup policy. That the common
18 documents are shared -- excuse me, are saved on
19 the shared drive.

20 BY MR. ROGERS:

21 **Q. Have you modified your backup**
22 **procedures to comply with any of the recent**

1 **discovery requests?**

2 A. There was no modification necessary.

3 **Q. So no?**

4 A. So no.

5 **Q. Are files archived off the system?**

6 A. What is the system?

7 **Q. Well, my understanding, and correct**

8 **me if I'm wrong, the system is the shared**

9 **drive, the network; is that right?**

10 A. The network is a storage facility,
11 the share drive is and things are saved on the
12 share drive.

13 **Q. And the hard drive anywhere else?**

14 A. Are they saved in other places?

15 **Q. Yes. I mean, archive. Let me break**
16 **that up. We've got everyone's hard drives?**

17 A. Yes.

18 **Q. We've got the shared server?**

19 A. Correct.

20 **Q. And we've got the backup external**

21 **hard drive that backs it up. Anywhere else**

22 **where electronic documents are stored or**

1 **archived in some way?**

2 A. Not to my knowledge.

3 **Q. For instance, do you have backup**
4 **tapes?**

5 A. Not to my knowledge.

6 **Q. Backup CD?**

7 MR. PISHEVAR: Asked and answered.

8 A. That has been answered. No, not to
9 my knowledge.

10 BY MR. ROGERS:

11 **Q. Have you had to restore data to a**
12 **workstation from a backup system recently?**

13 A. To an individual workstation?

14 **Q. Yes. So for instance, if someone's**
15 **computer crashed you had to go ahead and back**
16 **that up to get their data back?**

17 A. No.

18 **Q. Does anyone at NIAC have**
19 **responsibility for administering the E-mail**
20 **system?**

21 A. Define administering the E-mail
22 system. What do you mean? Could you clarify?

1 **Q. What normally needs to be**
2 **administered with the E-mail system. Do you**
3 **know?**

4 A. Yes. In general.

5 **Q. What is it?**

6 A. Making sure that people's inboxes
7 aren't full. Making sure that new interns or
8 employees have E-mail addresses. Making
9 sure -- that's it.

10 **Q. Are you the one that does that?**

11 A. I am now.

12 **Q. As of?**

13 A. As of some time this summer.

14 **Q. But the E-mail server is all**
15 **off-site at another company?**

16 A. Correct.

17 **Q. Aside from the BlackBerries that we**
18 **discussed, can users access their E-mail**
19 **remotely?**

20 A. Yes.

21 **Q. They can access them from their home**
22 **computers?**

1 A. Uh-huh. Yes.

2 Q. Have you instructed the company that
3 maintains your E-mail server to change any of
4 its procedures to comply with recent discovery
5 requests?

6 A. No, not to my knowledge, that
7 wouldn't be necessary.

8 Q. Anything to comply with the
9 litigation hold?

10 A. Not to my knowledge.

11 Q. Do you prepare any reports related
12 to IT systems at NIAC?

13 A. No.

14 Q. Are there any other systems at NIAC
15 that have backup procedures that we haven't
16 discussed?

17 A. I don't believe so.

18 Q. Are you aware of the production of
19 electronic documents in other litigation or
20 legal proceedings with NIAC?

21 A. I'm sorry. Could you --

22 Q. Are you aware of the production of

1 **electronic documents and other litigation or**
2 **legal proceedings?**

3 A. You're asking me if we've produced
4 documents for other litigation?

5 **Q. Right.**

6 A. Not to my knowledge.

7 **Q. Have you modified the use of any**
8 **computers since notice before litigation or**
9 **comply with litigation hold?**

10 A. Have I modified the use of any
11 computer?

12 **Q. Right.**

13 A. That's a very ambiguous question. I
14 don't believe I can answer that.

15 **Q. Fir instance, have you locked people**
16 **out of folders or disabled delete functions on**
17 **folders?**

18 A. No.

19 **Q. Anything -- have you changed**
20 **anything?**

21 A. No. We just changed the rules.
22 We've notified everyone of the policies.

1 **Q. The policies?**

2 A. The document.

3 **Q. What steps have you taken to ensure**
4 **that electronic data was preserved, aside from**
5 **what we've already talked about. You've**
6 **already explained several. Anything that we**
7 **haven't talked about and maybe it will help to**
8 **give you some examples; perform mirror image**
9 **backups?**

10 A. We do that as part of our normal
11 backup of the shared drive.

12 **Q. You say you do that as part of the**
13 **normal procedure but there's not a routine**
14 **schedule for it?**

15 A. Correct. It's what you do when you
16 do it.

17 **Q. Disconnected unnecessary network**
18 **connections?**

19 A. I don't believe we've done that.

20 **Q. Stopped hardware or software**
21 **updates?**

22 A. We have not done that.

1 **Q. Saved broken drives in the media?**

2 A. I have not thrown away any hard

3 drives.

4 **Q. Anything else? Any other steps to**
5 **ensure that electronic data was preserved?**

6 A. No, just this.

7 **Q. Who does the image back up?**

8 A. When we do a back up, I generally

9 perform it.

10 **Q. Does anyone else?**

11 A. Not since I've joined NIAC.

12 **Q. Do you know if someone was doing it**
13 **before you got there?**

14 A. There was an instruction sheet on

15 how to do it on the wall. I don't know if

16 anyone did it.

17 **Q. Do you know who prepared that?**

18 A. No.

19 MR. ROGERS: Why don't we take a 2

20 minute break.

21 (A break was taken at 5:56 p.m.)

22 (Deposition resumed at 6:02 p.m.)

1 MR. ROGERS: We have no further
2 questions.

3 MR. PISHEVAR: No questions here.
4 We'll read.

5 (Signature having not been waived, the
6 deposition of DAVID ELLIOTT was concluded at
7 6:03 p.m.)

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1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2 I, Okeemah S. Henderson, LSR and Notary
3 Public, the officer before whom the foregoing
4 deposition was taken, do hereby certify that
5 the foregoing transcript is a true and correct
6 record of the testimony given; that said
7 testimony was taken by me stenographically and
8 thereafter reduced to typewriting under my
9 direction and that I am neither counsel for,
10 related to, nor employed by any of the parties
11 to this case and have no interest, financial or
12 otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and affixed my notarial seal this
15 day of , 2009.

16

17 My Commission Expires:
February 28, 2010.

18

19

Okeemah S. Henderson, LSR
20 NOTARY PUBLIC IN AND FOR
THE DISTRICT OF COLUMBIA

21

22

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