

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TRITA PARSI and NATIONAL IRANIAN AMERICAN
COUNCIL,

Plaintiffs,

vs. No. 08 CV 00705 (JDB)

DAIOLESLAM SEID HASSAN,

Defendant.

DEPOSITION OF PATRICK DISNEY

New York, New York

Friday, October 29th, 2010

Reported by:
Jeremy Frank, MPM
JOB NO. 4506

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October 29th, 2010
2:14 p.m.

Deposition of PATRICK DISNEY, held at
the offices of Sidley Austin, LLP, 787 7th
Avenue, New York, New York, pursuant to Notice
and Agreement, before Jeremy Frank, a Notary
Public of the State of New York.

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A P P E A R A N C E S:

PISHEVAR & ASSOCIATES, P.C.

Attorneys for Plaintiffs

Jefferson Plaza, Suite 316

600 East Jefferson Street

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BY: ADRIAN V. NELSON, II, ESQ.

A.P. PISHEVAR, ESQ.

PATRICK PARSA, ESQ.

SIDLEY AUSTIN LLP

Attorneys for Defendant

1501 K Street, N.W.

Washington DC 20005

BY: PETER G. JENSEN, ESQ.

JOSH FOUGERE, ESQ.

ALSO PRESENT:

AYDALINE GARCIA, videographer

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IT IS HEREBY STIPULATED AND AGREED, by
and between counsel for the respective
parties hereto, that the filing, sealing and
certification of the within deposition shall
be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form
of the question, shall be reserved to the
time of the trial;

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
before any Notary Public with the same force
and effect as if signed and sworn to before
the Court.

1
2 THE VIDEOGRAPHER: This is tape
3 number one in the videotaped deposition
4 of Patrick Disney in the matter of Trita
5 Parsi and National Iranian American
6 Council versus Daiouleslam Seid Hassan in
7 the United States District Court for the
8 District of Columbia. This deposition is
9 being held at Sidley Austin, 787 7th
10 Avenue, New York, New York on October
11 29th, 2010 at approximately 2:14 p.m. My
12 name is Aydaline Garcia and I'm the video
13 specialist, and the court reporter is
14 Jeremy Frank.

15 Will counsel please introduce
16 themselves beginning with the party
17 noticing this proceeding.

18 MR. JENSEN: My name is Peter
19 Jensen, I'm counsel for the defendant
20 with the law firm of Sidley Austin.

21 MR. FOUGERE: Josh Fougere also for
22 the defendant with Sidley Austin.

23 MR. NELSON: Adrian Nelson with
24 Pischevar & Associates on behalf of NIAC
25 and Dr. Trita Parsi.

1 Disney

2 MR. PARSA: Patrick Parsa for the
3 plaintiffs with Pischevar & Associates.

4 THE VIDEOGRAPHER: Will the court
5 reporter please swear in the witness.

6 P A T R I C K D I S N E Y, called as a
7 witness, having been duly sworn by a Notary
8 Public, was examined and testified as follows:

9 EXAMINATION BY

10 MR. JENSEN:

11 Q. Before we get started, I just want
12 to go over a few ground rules. Before we do
13 that, one question.

14 Have you ever been deposed before?

15 A. No.

16 Q. Well, I think as the court
17 reporter noted, it is important for you to
18 speak clearly and enunciate. Try not to speak
19 over me when I'm asking a question and I'll
20 try not to speak over you when you're giving
21 an answer, that will make his job a lot
22 easier. And also it is important that you
23 verbalize your answers, shrugs and nods of the
24 head won't be captured by his transcript. If
25 you don't understand a question, please don't

1 Disney
2 hesitate to ask me and I can reclarify. If
3 I'm using a word you don't understand why or
4 how I'm using that particular word, ask me to
5 define it and we will try to work through
6 that.

7 Also from time to time Mr. Nelson
8 or Mr. Parsa might object to one of my
9 questions, if they do that you should then
10 proceed to answer my question unless they
11 otherwise instruct you not to answer.

12 Does that make sense?

13 A. Yes.

14 Q. Okay.

15 Also from time to time you need to
16 take a break, let me know, we have got a
17 restroom down the hall, we have got
18 refreshments here, feel free to make use of
19 those.

20 What's your time like, are you --

21 A. I'm, within reason I'm at your
22 disposal.

23 Q. Okay.

24 Under the Federal Rules of Civil
25 Procedure depositions can take up to seven

1 Disney
2 hours not including breaks, I'm hoping that we
3 won't need that full seven hours, but are you
4 prepared to be here until I guess it might be
5 9:15 or 9:30 --

6 A. I am.

7 Q. -- or 10:00, great.

8 Have you had anything to drink in
9 the last eight hours?

10 A. No.

11 Q. Are you on any medications?

12 A. No.

13 Q. Any reason to believe that you
14 wouldn't be able to give clear and honest and
15 complete answers today?

16 A. No.

17 Q. If at any time as we are
18 discussing if you think of an answer that you
19 previously gave that you would to like
20 clarify, just go ahead and stop us, we can go
21 back and address that.

22 Does that make sense to you?

23 A. Yes.

24 Q. Do you have any questions about
25 anything --

1 Disney

2 A. No.

3 Q. -- before we get started?

4 Did you review any documents in
5 preparation for this deposition?

6 A. I did not.

7 Q. Did you look through any of your
8 office files before you came?

9 A. No.

10 Q. Did you meet with anyone to
11 prepare for this deposition?

12 A. Counsel right here.

13 Q. By counsel right here you're
14 referring to Mr. Nelson?

15 A. Mr. Nelson and Mr. Parsa.

16 Q. Anyone other than Mr. Nelson and
17 Mr. Parsa?

18 A. No.

19 Q. When did you meet with them?

20 A. Last evening.

21 Q. Had you met with them prior to
22 last evening in preparation for this
23 deposition?

24 A. No.

25 Q. Did you have any conversations

1 Disney
2 with them prior to last evening in preparation
3 for this deposition?

4 A. No.

5 Q. Anyone other than Mr. Nelson or
6 Mr. Parsa?

7 A. Anyone --

8 Q. Did you meet to prepare for this
9 deposition other than, with anyone other than
10 Mr. Nelson or Mr. Parsa?

11 A. No.

12 Q. Okay.

13 What did you discuss?

14 MR. NELSON: Objection, that's
15 privileged.

16 Q. The general nature, did you
17 discuss just generally preparing for this
18 deposition?

19 MR. NELSON: You can only answer to
20 the extent that you are telling him
21 generally, nothing specifically that we
22 discussed.

23 A. Given that this is my first
24 deposition, we went over what to expect, what
25 sort of ground rules there would be, what

1 Disney
2 types of matters would be discussed, that sort
3 of thing.

4 Q. Mr. Nelson is right, I don't want
5 to get into specifics, but just generally was
6 it just to discuss your preparations for our
7 meeting today, the deposition today?

8 A. Yes.

9 Q. Okay.

10 How long did you meet for?

11 A. A matter of a couple hours, two
12 hours.

13 Q. Okay.

14 Do Mr. Nelson and Mr. Parsa
15 represent you?

16 A. Yes.

17 Q. Does anyone else represent you?

18 A. No.

19 Q. To clarify, is it the Pischevar law
20 firm or Mr. Nelson and Mr. --

21 A. As a former employee of NIAC it is
22 my understanding that NIAC has retained the
23 Pischevar law firm to represent the
24 organization, and by connection me.

25 Q. So the Pischevar law firm

1 Disney
2 represents you individually?

3 A. That's my understanding.

4 Q. Have you ever contacted any other
5 lawyers about representing you?

6 A. My father is an attorney, but no.

7 Q. How long has Pischevar & Associates
8 represented you?

9 A. I'm not certain how long the
10 relationship between NIAC and Pischevar &
11 Associates has been in place.

12 Q. I'm not asking, you personally,
13 how long have they represented you?

14 A. I'm sorry, I'm not quite certain
15 specifically what it would formally entail.

16 Q. Do you have a written retention
17 agreement?

18 A. Not me personally, no.

19 Q. So when did you understand that
20 Pischevar & Associates began representing you
21 personally?

22 A. Last evening.

23 Q. Have they represented you in any
24 other matters?

25 A. No.

1 Disney

2 Q. Can you give me your full name and
3 date of birth.

4 A. Patrick Charles Disney,
5 October 1st, 1985.

6 Q. What is your educational
7 background?

8 A. I have a bachelor's degree from
9 Trinity University in San Antonio, Texas, I'm
10 currently enrolled in a masters of
11 international relations program at Yale
12 University.

13 Q. What was your undergrad degree in?

14 A. Political science.

15 Q. Did you have any minors?

16 A. I had three majors, political
17 science, economics and international studies.

18 Q. Can you please describe your work
19 experience prior to beginning your time at
20 NIAC.

21 A. The only full-time employment I
22 had had prior to working at NIAC was as a high
23 school teacher in Texas, in Fort Worth, Texas.

24 Q. And for how long did you do that?

25 A. One year.

1 Disney

2 Q. Immediately after getting your
3 bachelors degree?

4 A. Yes.

5 Q. Let's talk about your time with
6 NIAC.

7 When did you first begin
8 employment with that organization?

9 A. I joined NIAC in May 2008.

10 Q. When did you end your employment
11 with NIAC?

12 A. I left in July 2010.

13 Q. You left because your studies at
14 Yale commenced?

15 A. Yes.

16 Q. What positions have you held at
17 NIAC?

18 A. Are you asking my formal job
19 titles?

20 Q. Yes.

21 A. Formally my job title began as
22 assistant legislative director.

23 Q. How long did you have that title?

24 A. There was a period in which we
25 were discussing making a change to the name

1 Disney

2 only of my work and my colleagues, my team
3 changing from legislative director or
4 assistant legislative director what we called
5 the legislative team, we changed it to the
6 policy team. And so I then became the
7 assistant policy director, it was a very vague
8 process and never very formal. And to the
9 extent even my business cards never really
10 changed, so I don't know precisely when that
11 change happened. But that change took place
12 and then starting in May 2009 I served
13 formally as the acting policy director until
14 November 2009, at which point I reverted back
15 to assistant policy director.

16 Q. You said November 2009?

17 A. Yes.

18 Q. You said you couldn't remember the
19 exact time that you switched from legislative,
20 assistant legislative director to assistant
21 policy director.

22 Is that some time in 2008?

23 A. There was never a flip of the
24 switch, it was sometime in 2009, I believe,
25 yes.

1 Disney

2 Q. Would that have predated May 2009?

3 A. It is hard for me to say, like I
4 said it was a long process of convincing my
5 superiors that this was a necessary change.

6 Q. Tell me about that, what was the
7 process, why did you have that?

8 A. It was my belief that the title
9 legislative director, assistant legislative
10 director or the legislative team was
11 inaccurate given that a large section of my
12 work and my immediate colleagues' work dealt
13 with nonlegislative matters. In particular
14 dealing with other branches of the government
15 besides Congress, but also a very large
16 portion of it was dealing with the American
17 public and our community, the Iranian-American
18 community in particular.

19 Q. When that change happened did your
20 responsibilities change at all?

21 A. No, not officially.

22 Q. Just the title?

23 A. Just the title.

24 Q. Were you the instigator for that
25 change, is that a fair characterization?

1 Disney

2 A. Yes.

3 Q. Who did you talk to about making
4 that change?

5 A. I spoke with Trita Parsi and Kevin
6 Cowl.

7 Q. What was Kevin's position at the
8 time?

9 A. Kevin was the chief operating
10 officer.

11 Q. What was their reaction to your
12 desire to change the title?

13 A. Kevin deferred to Trita, Trita has
14 historically always been somewhat unconcerned
15 with titles and he did not initially see it as
16 an important change. But over time I think it
17 would be accurate to say he made it clear he
18 had no objections to the change. If we wanted
19 to pursue it, we could.

20 Q. Why did it take, you said he
21 wasn't that concerned, why it did take him a
22 period of time to make that decision?

23 MR. NELSON: Objection, calls for
24 speculation.

25 A. You would have to ask him.

1 Disney

2 Q. To the extent you know, did he
3 ever communicate that to you why he was
4 thinking about it instead of just giving you
5 the green light to go ahead and make the
6 change?

7 A. In my dealings with him he's never
8 been particularly, never really cared about
9 titles.

10 Q. Was it your impression that it was
11 just something he wasn't concerned about or
12 was it your impression that he didn't feel
13 comfortable with making that title change?

14 A. I wouldn't want to speculate on
15 his comfort, but he never communicated any
16 sort of any interest in the matter really.

17 Q. You were discussing this directly
18 with him.

19 Is that correct?

20 A. Yes.

21 Q. Okay.

22 Approximately how long did those
23 conversations take place? Let me rephrase.
24 When did the first conversation about changing
25 your title take place and to the extent you

1 Disney

2 can recall, when did that change eventually?

3 A. I don't recall even what month it
4 may have been when I first brought the idea
5 up. I do recall very clearly that when I took
6 on the position of acting director within the
7 organization from the first time I started
8 identifying myself as the acting director, I
9 considered, I referred to myself as the acting
10 policy director, that was around May 2009.

11 Q. Did Trita say it was okay for you
12 to use that title?

13 A. To the best of my recollection
14 there was never an official directive handed
15 down from Trita, but it was communicated in
16 one way or another that that would be okay.

17 Q. Did anyone else share your desire
18 to make that change?

19 A. I never got any complaints, I
20 never in speaking with my colleagues, no one
21 ever expressed disapproval of the idea, I --

22 Q. Other than your title, who else's
23 title changed at that point in time?

24 A. At that point in time there were
25 only, it would have been us on the policy

1 Disney
2 team, it was me and David Elliott, his title
3 changed to policy associate.

4 Q. Was David a part of the
5 discussions about changing the title?

6 A. I don't know what discussions
7 David had about the matter with Trita or
8 anyone else at NIAC, but I don't know what
9 discussions David had with anyone else about
10 the matter, but my discussions were generally
11 one-on-one with Trita.

12 (Whereupon Mr. Pischevar entered the
13 room.)

14 Q. Who did you report to when you
15 first started?

16 A. Say that again.

17 Q. Who did you report to when you
18 first started at NIAC?

19 A. Trita was my ultimate boss, I had
20 an immediate supervisor between me and Trita,
21 that was Emily Blout.

22 Q. When you say immediate supervisor,
23 did you report to her?

24 A. Yes.

25 Q. She supervised your work and said

1 Disney
2 what you should be doing and what you
3 shouldn't be doing, things of that nature?

4 A. That's correct.

5 Q. Okay.

6 Who else was on the legislative
7 team for the policy team during your tenure at
8 NIAC?

9 A. When I began it was only me and
10 Emily, in January 2009 we brought on David
11 Elliott and in May 2009 Emily left, and it was
12 back to, it was back to a two-person team with
13 me and David. And in November 2009 we hired
14 Jamal Abdi, J-A-M-A-L A-B-D-I to be the policy
15 director making it a three-person team for the
16 remainder.

17 Q. So you initially reported to
18 Emily, when she left you reported directly to
19 Trita.

20 Is that correct?

21 A. When she left --

22 Q. As acting policy director?

23 A. When she left I became acting
24 policy director reporting to Trita and Kevin
25 as the chief operating officer as well.

1 Disney

2 Q. When Jamal came on board you
3 reported to Jamal?

4 A. Yes.

5 Q. Until you left your employment at
6 NIAC in July 2010?

7 A. That's correct.

8 Q. What are duties that were
9 associated with your position?

10 A. When I began as assistant
11 legislative director my duties focused mostly
12 on analyzing major issues that had some
13 relevance to the Iranian-American community.
14 And that could include anything from civil
15 rights and discrimination issues. I remember
16 working extensively on a state law in Florida
17 about Iranians traveling outside of the
18 country. My particular niche when I was
19 working directly with Emily was I did a lot of
20 the writing for our issues, writing letters to
21 members, letters to other organizations,
22 reaching out to other NGOs, Nongovernmental
23 organizations, and writing blog posts or
24 articles or op-eds.

25 There was outreach to members of

1 Disney

2 the Congress and their staffs, and I also
3 played a supporting role in our programing
4 events and which included briefings on the
5 Hill and conferences. And for the most part
6 if I had to summarize my duties it was
7 providing educational resources to the
8 American public and the U.S. government about
9 relevant issues for Iranian-Americans.

10 Q. All right, we will get into that
11 in a little bit more specificity later on.

12 I would like to turn to just the
13 general staff at NIAC. When you first began
14 how many total employees were there and who
15 were they to the extent you can remember?

16 A. Would you like me to list them?

17 Q. Yes, if you can remember.

18 A. When I began it was me and Emily,
19 Trita as president, Babak Talebi as our
20 communications, as our community outreach
21 director, Sara Shokravi was our director of
22 programing. These titles are to the best to
23 my recollection, they are probably not
24 accurate, we had an office manager Shami
25 Sahandy (phonetic). Over time people came and

1 Disney
2 went, and when Sara left Hormoz Rashidi
3 (phonetic) was brought on, and like I said
4 again David Elliott was brought on, Kevin Cowl
5 was brought on, Michelle Moghtader replaced
6 Babak and we had a number of office managers
7 including in addition to a large number of
8 interns over time.

9 Q. I just want to make sure I got
10 that right, you listed six individuals when
11 you first began, is that correct, including
12 yourself?

13 A. I didn't count them, I'm sorry.

14 Q. So Trita, you, Emily, Babak, Shami
15 and then last one Sara?

16 A. Sara.

17 Q. Any others?

18 A. We had a board of directors and
19 advisory board and communications consultants,
20 there was actually a communications director
21 whose last day at NIAC was my first day.

22 Q. So six, that's fair to say, six
23 full-time employees --

24 A. It is fair to say.

25 Q. -- at NIAC?

1 Disney

2 A. Six full-time employees.

3 Q. Which left how many employees were
4 there?

5 A. Let me count again, sorry, Trita,
6 Kevin, Michelle, Arsalan who I didn't name
7 previously but was brought on recently within
8 the past year or so.

9 Q. Okay.

10 A. Me, David, Jamal, Sebiday
11 (phonetic), Sebiday was our office manager
12 when I left.

13 Q. I have one, two, three, four,
14 five, six, seven, eight.

15 A. I believe that's eight.

16 Q. Eight, okay.

17 Was everyone housed in the same
18 space, were their offices all located in the
19 same?

20 A. For a few months we maintained an
21 office in California, that project was
22 unsuccessful, and we called it our West Coast
23 office. Sara Shokravi was our West Coast
24 director, and I don't recall exactly how long
25 that was, but it was a short period of time.

1 Disney

2 Q. Do you recall approximately when
3 that was, 2008-2009?

4 A. It had to have been 2008 around
5 summertime.

6 Q. Was it for several months?

7 A. It was a matter of months, yes.

8 Q. Okay.

9 So other than the California
10 office where Sara --

11 A. Sara.

12 Q. -- was located, was everyone else
13 located in the same space in Washington D.C.?

14 A. Yes.

15 Q. Did everyone have a desktop?

16 A. Do you mean a computer?

17 Q. A computer, yes.

18 A. Everyone of the full-time
19 employees was given a computer, most of them
20 were desktops. Overtime I can recall at least
21 one or two people having laptop computers and
22 either in addition to their desktop or in
23 place of their desktop computer.

24 Q. Do you remember who those one or
25 two people were?

1 Disney

2 A. When Sara was in the West Coast
3 she worked out of a laptop, Arsalan Barmand
4 who was on the community outreach team
5 operated on his laptop frequently, I don't
6 recall if that was his personal choice or if
7 it was provided to him. When I left, I would
8 leave it at that, that's all I can recall.

9 Q. Do you remember if Trita Parsi was
10 given a laptop?

11 A. I do remember him having a laptop
12 for his travels. Also in addition to his
13 desktop I also recall it being stolen on one
14 of his trips and he came back with a
15 replacement laptop.

16 Q. Were these computers were they
17 Macs, PCs, what kind of computers were they?

18 A. All of the desktop computers were
19 PCs, I don't recall specifically but I have a
20 hunch that our Arsalan's was a Mac laptop, and
21 I don't know what make or model Trita's laptop
22 was that he got after his previous one was
23 stolen.

24 Q. Did you think it could be a Mac?

25 A. I honestly, I don't remember.

1 Disney

2 Q. You don't remember.

3 And were these computers connected
4 in any way?

5 A. All of the desktop computers in
6 the office were connected via what we called
7 the share drive which was a location in which
8 one user could store a file that could then be
9 accessed by any of the other computers in the
10 office.

11 Q. Was that via a share drive housed
12 on a server?

13 A. I'm not knowledgeable at all about
14 the terminology and so I'm not comfortable
15 calling it a server or anything like that, I
16 called it a share drive.

17 Q. Do you remember seeing like a
18 central processing unit, a central computer
19 that connected everyone's computer?

20 MR. NELSON: Objection, he's
21 already answered he's not familiar with
22 the technological aspects of the
23 configuration.

24 You can answer if you're able to.

25 A. There was a corner back at our

1 Disney
2 office that had a number of computer devices
3 that I know were relevant to our network, the
4 only one I recognized was a wireless router.

5 Q. Were there wires coming in and out
6 of those --

7 A. Yes.

8 Q. -- machines?

9 Did you have a wire connecting
10 your machine to that machine or to one of
11 those machines?

12 A. I had a wire connecting my
13 computer to an internet jack in the wall.

14 Q. Did you use Outlook?

15 A. I used Microsoft Outlook.

16 Q. Microsoft Outlook.

17 Did you use that for e-mail?

18 A. Yes.

19 Q. Did you use the calendar function
20 on Microsoft Outlook?

21 A. Yes.

22 Q. Was that a standard install in
23 everyone's machine?

24 A. Yes.

25 Q. As far as you're aware did

1 Disney

2 everyone use the Microsoft calendar function?

3 A. I couldn't say with certainty that
4 everyone used it, it was available for
5 everyone to use.

6 Q. Was the Outlook function or the
7 calendar function connected to other people in
8 any way?

9 A. Can you explain that?

10 Q. Yes.

11 If someone sent you a meeting
12 invitation and you clicked accept, would it
13 automatically populate the meeting time on
14 your calendar?

15 A. What you just described was
16 possible, I don't know if that means two
17 peoples' calendars were connected in any way.
18 Those meeting requests were sent via e-mail
19 and as the file, as the e-mail included when
20 you clicked accept, it would populate your
21 calendar, yes.

22 Q. Do you recall if you could open up
23 someone else's calendar and look and see if
24 they had availability or if they were busy at
25 certain times in the day?

1 Disney

2 A. I recall thinking a number of
3 times that would be very useful. I also
4 recall a number of attempts to set something
5 like that up that were unsuccessful, and there
6 were times in which for example, Trita's
7 calendar would be shared with us, and it was
8 never clear to me whether that was dynamically
9 updated wherein if he were to make a change to
10 his home calendar it would be reflected on
11 what I was seeing. I know we attempted to set
12 something like that up and I never depended on
13 it.

14 Q. All right.

15 When you say the calendar was
16 shared with you, how was that shared?

17 A. Via e-mail.

18 Q. Someone would send you an e-mail
19 listing his appointments, is that how it would
20 work?

21 A. My recollection is a little fuzzy.

22 I remember a process by which
23 Trita could send the staff, us any an e-mail
24 that would convey to us his appointments over
25 the next couple of days, but again I don't

1 Disney
2 know for certain whether that was dynamically
3 updated as his calendar changed it was
4 reflected in what he sent us.

5 Q. So it was, his calendar entries
6 were text within e-mails?

7 A. I couldn't say for certain.

8 Q. You can't, all right.

9 Let's shift gears a little. I
10 would like to talk about CNAPI. Are you
11 familiar with that, CNAPI?

12 A. Yes.

13 Q. Can you tell me what CNAPI is?

14 A. CNAPI stands for The Campaign for
15 a New American Policy on Iran, it is a
16 coalition of nongovernmental organizations
17 with a common interest in U.S.-Iran relations,
18 specifically a peaceful resolution to the
19 U.S.-Iran conflict, it is a coalition that
20 predated my coming to NIAC.

21 After I began at NIAC and became
22 involved with a number of people involved in
23 this coalition, I was asked to, I was
24 approached with a request that I take on a
25 leadership role within the coalition and

1 Disney
2 coordinated monthly meetings of the NGOs as
3 part of that coalition.

4 Q. You say it predated your coming to
5 NIAC, do you remember when it was founded?

6 A. Sometime in 2007.

7 Q. Who founded it?

8 A. The original leader of the
9 coalition was Carah Ong, O-N-G. She worked
10 out of the Center for Arms Control and
11 nonproliferation, I don't know who explicitly
12 founded it, but she was the first leader.

13 Q. Other than Carah was anyone else
14 employed by CNAPI?

15 A. I don't know the specific details
16 about how it was arranged before I started.

17 Q. Okay.

18 How was that organization funded?

19 A. Again I couldn't speculate how it
20 was funded prior to my involvement. When I
21 was approached to take on a leadership role I
22 was approached by Mike Amitay, A-M-I-T-A-Y
23 from The Open Society Institute offering a
24 fellowship or a grant of sorts which would be
25 given to NIAC to employ me as the coordinator

1 Disney

2 of this coalition.

3 Q. Do you know why Mike approached
4 you about doing that?

5 A. We worked together on these
6 issues.

7 Q. Did Mike know that you were
8 employed by NIAC at the time?

9 A. He did.

10 Q. What are the agendas or goals of
11 CNAPI?

12 A. The mission statement of the
13 coalition came about before I joined it.
14 Again, its founding purpose was to, was to do
15 what, sorry, let me start over. Its founding
16 purpose was to try to avoid military conflict
17 between the U.S. and Iran, and when I became
18 active in the organization in the coalition,
19 under my leadership the organization mission
20 was to facilitate communication and
21 cooperation among nongovernmental
22 organizations working on U.S.-Iran relations.

23 Q. Was that agenda, were there any
24 conflicts between that agenda and NIAC's
25 agenda as far as you were aware?

1 Disney

2 A. Were there any, are you asking if
3 there were any conflicts between the mission
4 of the coalition and the mission of NIAC?

5 Q. Yes.

6 A. In general I would say no.

7 MR. JENSEN: I'll hand you what we
8 will mark as Defendant's Exhibit Number
9 1.

10 (Defendant's Exhibit 1, e-mail,
11 marked for identification, as of this
12 date.)

13 Q. Take a look at that and tell me if
14 you recognize that document.

15 A. I recognize it, yes.

16 Q. Okay.

17 It says at the top this is an
18 e-mail from you to Kevin Martin. Do you know
19 who Kevin Martin is?

20 A. Yes.

21 Q. Whose Kevin Martin?

22 A. He's from the organization known
23 as Peace Action, I don't know his title, I
24 believe it is executive director.

25 Q. What is that organization's

1 Disney

2 mission or goals?

3 A. I'm not very closely familiar with
4 their mission, but it is to promote peace and
5 avoid war.

6 Q. Specifically toward promoting
7 peace and avoiding war in Iran?

8 A. I couldn't speculate.

9 Q. It looks like this is an e-mail
10 sent on January 23rd, 2009, does that look
11 right to you?

12 A. That's what it says.

13 Q. You don't have to read it out
14 loud, read the first paragraph, the first two
15 sentences there. "It is not necessarily
16 NIAC's agenda, but a pretty good list." And
17 this appears to be an agenda describing the
18 legislative goals for the 111th Congress, the
19 subject says for 2K9.

20 Do you see that?

21 A. I do.

22 Q. Was is 2K9?

23 A. The year 2009.

24 Q. And for what organization is this
25 the legislative agenda for the year 2009?

1 Disney

2 A. I don't recall the context in
3 which this middle section which is highlighted
4 which is italicized came from, but according
5 to this e-mail this is a list that emerged out
6 of a meeting of The Campaign for New American
7 Policy on Iran in discussing aspirations for
8 the year 2009.

9 Q. So the italicized list that you
10 were just describing appears that it is the
11 legislative goals for CNAPI for that year, is
12 that a fair statement, a fair characterization
13 of what you just said?

14 A. Again I don't recall the context
15 of this list, this is a list of items which
16 members of the coalition would have liked to
17 have seen happen.

18 Q. Then at the top where it says, "It
19 is not necessarily NIAC's agenda," in what
20 ways does NIAC's agenda differ from the
21 legislative goals for CNAPI for 2009?

22 A. If I recall correctly, this e-mail
23 originated from a request from Kevin Martin to
24 myself asking for NIAC's legislative agenda
25 for the year. My meeting was not to say that

1 Disney
2 that this list is in contravention to NIAC's
3 agenda, but to say that this is not NIAC's,
4 this list is not to be interpreted as NIAC's
5 official legislative agenda.

6 Q. This list is not, the italicized
7 list one through five is not CNAPI's
8 legislative agenda, you think this is NIAC's
9 agenda?

10 A. No, you misunderstood.

11 Q. Okay.

12 A. As to the question of whether this
13 list is CNAPI's official legislative agenda, I
14 don't recall the context of this list. My
15 previous characterization I think is the most
16 accurate, that this is a list of items which
17 coalition members agreed would, they would
18 like to have seen in the year 2009.

19 As to the question of this
20 sentence, "It is not necessarily NIAC's
21 agenda," that was in reference to I believe a
22 request from Kevin for a reproduction of
23 NIAC's agenda which I don't believe we had at
24 the time. And so my purpose in saying, "It is
25 not necessarily NIAC's agenda," is to say that

1 Disney
2 this should not, this list should not be
3 interpreted as NIAC's official legislative
4 agenda for the year 2009.

5 Q. Did you feel you needed to say
6 that because NIAC's agenda differed from this
7 agenda?

8 A. I felt the need to say that
9 because it wouldn't be accurate to produce a
10 document saying this is NIAC's official
11 legislative agenda because that's not
12 something we did.

13 Q. Okay.
14 So he was asking you for that list
15 and you sent him the list not of NIAC's
16 legislative agenda, you sent him a list of
17 CNAPI's legislative agenda, and you said this
18 is not NIAC's legislative agenda.

19 Is that what you're saying?

20 A. Not necessarily.
21 The way I would characterize it is
22 Kevin asked for a document that didn't exist,
23 to the best of my knowledge.

24 Q. What document is that?

25 A. A formal organizational

1 Disney
2 legislative agenda for the year.

3 Q. For which organization?

4 A. For NIAC.

5 Q. For NIAC.

6 A. I sent him this e-mail saying this
7 is not that, and but that this is a list of
8 goals discussed in the previous coalition
9 meeting, CNAPI coalition meeting that may
10 satisfy whatever his purposes were in
11 requesting it.

12 Q. Where are you reading that, that
13 last part, this is a list of CNAPI's proposed
14 legislative goals?

15 MR. NELSON: Objection, mischarac-
16 terizes his testimony.

17 A. I'm not reading.

18 Q. Where do you read CNAPI on this?

19 A. The very first sentence says,
20 "This came out of our last coalition meeting."

21 Q. That coalition would be CNAPI?

22 A. That's correct.

23 Q. Okay.

24 MR. JENSEN: Let's show you what we
25 will mark as Defendant's Exhibit 2.

1 Disney
2 (Defendant's Exhibit Number 2,
3 e-mail, marked for identification, as of
4 this date.)

5 Q. Do you recognize this document?

6 A. I do.

7 Q. What is this document?

8 A. This is an e-mail from me to Carah
9 Ong whose the original coordinator of CNAPI.

10 Q. Do you know what the extensive
11 conversations about the position, what that's
12 in reference to?

13 A. Would you mind if I read the whole
14 document?

15 Q. Take your time.

16 A. Can you ask your question again?

17 Q. The sentence in the second
18 paragraph where it says, "We've had extensive
19 conversations about it," that appears to be in
20 reference to you talking to Mike about leading
21 the coalition.

22 Is that a fair characterization of
23 what that paragraph says?

24 A. That's fair.

25 Q. What did those extensive conversa-

1 Disney

2 tions entail?

3 A. I was referring especially to the
4 first conversation in which Mike approached me
5 with the idea. I then conveyed that
6 conversation I had with Mike to my colleagues
7 at NIAC. We had another conversation about
8 that. Then at some other point Mike came to
9 NIAC's office to speak with all of us at once,
10 and I recall that being a very productive
11 conversation.

12 Q. What was discussed?

13 A. What he was proposing what our
14 thoughts were, what our reaction was, and how
15 we thought it might work and --

16 Q. When you say we are you referring
17 to --

18 A. NIAC.

19 Q. -- employees of NIAC?

20 A. Yes, NIAC.

21 Q. How did the employees of NIAC
22 receive Mike's proposal?

23 A. It was a collaborative discussion
24 where Mike offered his suggestions and the
25 employees of NIAC offered their suggestions,

1 Disney
2 consensus emerged from that discussion and we
3 went forward with the plan.

4 Q. Did anyone object to Mike's plan?

5 A. There were a number of concerns
6 but no overall objections to say we should not
7 do this.

8 Q. What were those concerns?

9 A. Regarding the makeup of the
10 coalition what groups would be involved in the
11 coalition, what the objective of the coalition
12 should be practically. These were areas in
13 which individuals at NIAC, myself included
14 felt the coalition previously could have done
15 better. And when I said people expressed
16 concerns I think I was referring to an attempt
17 on the part of individuals at NIAC to improve
18 upon the previous model.

19 Q. Were there any concerns about
20 having you run this organization or were the
21 concerns solely addressed to the structure of
22 the organization?

23 MR. NELSON: Object to the term,
24 "run the organization."

25 You can answer.

1 Disney

2 A. You would have to ask my
3 colleagues if they felt uncomfortable about
4 me.

5 Q. Did anyone express concerns about
6 having you run the organization?

7 A. Not to me.

8 Q. And was Carah Ong, is that how you
9 say it?

10 A. Yes.

11 Q. Was Carah Ong involved in the
12 extensive conversations between you and Mike?

13 A. No, in none of our conversations
14 was she involved.

15 Q. Do you know why not?

16 A. She had suffered an accident and
17 had left Washington to pursue graduate
18 studies, to the best of my knowledge.

19 Q. If you look down in the third
20 paragraph, the second sentence, the middle of
21 that it says, "Despite whatever disagreements
22 there may have been in the past," what
23 specifically are you referring to there?

24 A. I'm specifically referring to
25 event that took place prior to my coming to

1 Disney
2 NIAC in which there were disagreements that I
3 believe caused some emotions between people
4 within the coalition.

5 Q. What were those disagreements
6 regarding?

7 A. I have no idea, it was before my
8 time.

9 Q. So you just knew that those
10 disagreements had taken place, you didn't know
11 what they were about?

12 A. I might have known more details at
13 that time I wrote this, but --

14 Q. You don't recall that sitting here
15 today?

16 A. That's correct.

17 Q. Okay.

18 Why did Mike speak to all of NIAC?

19 A. Mike did not speak to all of NIAC,
20 he came to our office and spoke with me and my
21 colleagues at the same time.

22 Q. When your say your colleagues, is
23 that the staff of NIAC as we talked about
24 earlier, the six or eight people who were
25 employed full-time?

1 Disney

2 A. I don't recall who all was in that
3 meeting but it was myself and Trita and I
4 would imagine the other people in the
5 organization who were relevant to the
6 discussion. I don't recall specifically who
7 it was, but there are people who it wouldn't
8 have been relevant for, for example, our
9 office manager to be involved in that meeting.

10 Q. Why would it be relevant to them
11 if you were the one who had sole responsi-
12 bility for managing the CNAPI relationship?

13 A. Can you rephrase the question?

14 Q. What I'm, I guess my question is,
15 if you were the one who was in charge of
16 CNAPI, was that fair to say, you were in
17 charge of CNAPI or you were running CNAPI; is
18 that --

19 A. It is fair to say that I
20 coordinated the efforts of the coalition.

21 Q. Was anyone else at NIAC involved
22 with coordinating those efforts?

23 A. The ultimate responsibility fell
24 to me, I was supported by my coworkers at
25 NIAC.

1 Disney

2 Q. So it was more of in coming to
3 talk to you and your colleagues at NIAC, Mike
4 was asking for their assistance in running
5 CNAPI or managing the coalition?

6 A. No, that's not accurate.

7 It was, when I say my colleagues
8 supported me, it is, I mean in a way of saying
9 that my colleagues and I discussed a number of
10 matters, I sought their advice for issues,
11 when I was particularly busy they would do
12 what they could to lighten my workload just
13 like I would for them.

14 When Mike came to NIAC's office
15 for this meeting about the new model for the
16 coalition it was to speak with me and Trita
17 and anyone else in NIAC who would be involved
18 in that decision. We were a small organi-
19 zation and decisions like that were taken with
20 the advice and counsel of nearly everyone in
21 the organization.

22 Mike was not seeking to present
23 this to everyone at NIAC, Mike came to our
24 office to have a conversation and come up with
25 a proposal that was agreeable to all of us.

1 Disney

2 As an organization NIAC has to consider the
3 effects on our community outreach work, on our
4 administrative work, on all of our other
5 operations from a significant proposal like
6 this.

7 Q. You may have said this before, if
8 you did, forgive me, when did this take place,
9 when did the transition of having you manage
10 the coalition occur?

11 A. It was the Fall of 2008, I to the
12 best of my recollection I formally began as
13 the coordinator of the coalition in November
14 of 2008.

15 Q. How much of your time was spent
16 managing the coalition?

17 A. That's impossible for me to say
18 because so much of the work relevant to the
19 coalition coincided with my work relevant to
20 NIAC. So I would not be able to put any sort
21 of a percentage on it.

22 Q. Did you view those two organiza-
23 tions as having the same objectives or the
24 same goals?

25 A. As is the case with every two

1 Disney

2 organizations in existence on, at some level
3 there will be differences, I think on the most
4 general level the coalition and NIAC were in
5 agreement.

6 Q. When those conflicts did occur,
7 how did you handle those?

8 MR. NELSON: I object, that's kind
9 of a vague question.

10 You can answer if you're able to.

11 Q. To restate, I think you said that
12 just like any organizations they have times
13 where they might disagree.

14 What I'm trying to ask and I'm not
15 trying to be tricky is when those times did
16 occur, how did you handle that, is it --

17 A. I guess I should be a little
18 clearer about what I meant by differences, I
19 said differences, not disagreements.

20 A difference, for example, would
21 be NIAC going ahead with a project that the
22 coalition, if faced with a choice of pursuing
23 that same project would not. So for example,
24 NIAC works very hard to combat discrimination
25 against Iranian-Americans, that is not part of

1 Disney
2 the coalition's mission.
3 And so when the opportunity came
4 up for me as a NIAC employee to work on issues
5 of discrimination, that could be seen as in
6 conflict with my role also as coordinating the
7 coalition. It was never a difficult task to
8 balance the two for me, so the two never came
9 into direct conflict, it was just a matter of
10 I would focus on one at one time and another
11 at another time.

12 Q. Did you have a CNAPI e-mail
13 address?

14 A. No.

15 Q. When you would send you out
16 e-mails on behalf of the coalition, would you
17 send that from your NIAC account?

18 A. That's correct.

19 Q. Would you, did you track your time
20 in any way how much time was spent for
21 coalition work, how much time was spent for
22 CNAPI work?

23 A. If we are going to talk about
24 tracking my time I need to make it clear that
25 the process of again, speaking only for

1 Disney

2 myself, my process of tracking my time
3 developed over my tenure at NIAC, on my first
4 day I did not track my time, on my last day I
5 tracked every minute of my time. In between I
6 developed a process for that, but it took the
7 entire time to develop that process. So your
8 question is did I, when I tracked my time did
9 I distinguish between coalition work and NIAC
10 work?

11 Q. Yes.

12 A. When it was possible to.

13 For example, when we had monthly
14 coalition meetings, I marked that time as
15 coalition meetings, but I would not say that I
16 had one column for coalition time and one
17 column for NIAC time and separated out the
18 two.

19 Q. Where did you track this?

20 A. In my, again, when I developed an
21 effective tracking process it was in my
22 Outlook calendar.

23 Q. Did you track it anywhere else?

24 A. Not that I recall.

25 Q. I think you said that you had

1 Disney

2 different columns?

3 A. I said I did not have different
4 columns for coalition.

5 Q. Did you have any columns at all?

6 A. Columns would not be the right
7 word, no.

8 Q. I was a little confused when you
9 said different columns.

10 So the only way you're tracking
11 your time is in your Outlook calendar, is this
12 a fair statement?

13 A. Yes, that's fair.

14 Q. And how would you do it, would you
15 within the entry write whether it was CNAPI or
16 whether it was NIAC?

17 A. The process that I developed was
18 to categorize events in my calendar in
19 Microsoft Outlook, you can color code events
20 in a calendar. I did that, I also would make
21 a note in the event on the calendar, either
22 with regard to what the certain event was or
23 which category it would be.

24 Q. Approximately when did you start
25 employing the color categorization of your

1 Disney

2 calendar entries?

3 A. I honestly don't recall.

4 Q. Sometime in 2008?

5 A. The only thing I can say with
6 confidence is I did not have that process
7 regularized in 2008. I would hesitate to get
8 any more specific than that.

9 Q. In 2009 did you have that process
10 regularized?

11 A. Again it is difficult to say, I
12 don't recall specifically so I wouldn't want
13 to hazard a guess.

14 Q. Okay.

15 MR. JENSEN: I'll show you what we
16 will mark as Exhibit Number 3.

17 (Defendant's Exhibit Number 3,
18 e-mail, marked for identification, as of
19 this date.)

20 Q. Do you recognize this document?

21 A. I do.

22 Q. Whose Nahzi Nikki?

23 A. She was for a time was the NIAC
24 accountant.

25 Q. Pam Maeda?

1 Disney

2 A. For a time she was the NIAC office
3 manager.

4 Q. It appears that this is an e-mail
5 from Trita Parsi to Ms. Nikki.

6 Is that correct?

7 A. Yes.

8 Q. He's discussing your salary saying
9 that, I'm reading the third paragraph, "This
10 position is currently fully funded through a
11 grant from Open Society Policy Center,
12 (\$22,500 for the first three months, a full
13 90,000 per year)."

14 Why was your salary paid by the
15 Open Society Policy Center?

16 A. You would have to ask Trita or
17 Nahzi specifically why the decision was made
18 to cut my salary check out of that fund, but
19 NIAC was awarded a grant from Open Society and
20 for the work on the coalition, and I would
21 leave it at that.

22 Q. And did you feel any conflict in
23 being paid by an organization that was
24 different from the organization that employed
25 you?

1 Disney

2 A. My salary checks were issued on
3 behalf of NIAC, so I never saw a conflict, no.

4 Q. You were aware the funding for
5 your salary came directly from the Open
6 Society.

7 Is that correct?

8 A. Yes.

9 Q. Okay.

10 Did Open Society fund your
11 position before you assumed that position as
12 managing the coalition?

13 A. Can you rephrase.

14 Q. Did Open Society fund Carah Ong's,
15 Carah's position as manager of CNAPI?

16 A. I don't know.

17 Q. To clarify, even though Open
18 Society was paying your salary, you were a
19 NIAC employee.

20 Is that correct?

21 A. That's correct.

22 Q. Okay.

23 MR. JENSEN: Let's hand you what we
24 will mark as Defendant's Exhibit Number
25 4.

1 Disney
2 (Defendant's Exhibit Number 4,
3 e-mail, marked for identification, as of
4 this date.)

5 Q. Do you recognize this document?

6 A. I do.

7 Q. What is this document?

8 A. This is an e-mail regarding a set
9 of recommendations that I and members of the
10 coalition submitted under a program that the
11 Obama transition team put in place to solicit
12 advice on policy matters.

13 Q. If you look down at the second to
14 last paragraph, it says, "There has been some
15 concern about two groups being listed as
16 coalition partners."

17 Do you see that?

18 A. Yes.

19 Q. What are those two groups?

20 A. CAIR, The Council on American
21 Islamic Relations, and CASMII, The Campaign
22 Against Sanctions and Military Involvement in
23 Iran, I believe.

24 Q. Why was the decision made to
25 delist them from the list of coalition

1 Disney

2 partners?

3 A. I should be clear first, that
4 though I attempted in the past to develop a
5 formal membership component to the coalition,
6 that never really got off the ground, and so
7 there was always a question of official versus
8 unofficial members of the coalition. And for
9 a time we did have a website, the coalition
10 did have a website. On that website it listed
11 organizations taking part in the coalition's
12 activities including CAIR and CASMII. The
13 concerns I was referencing here was in two
14 parts, one that these organizations simply did
15 not participate in coalition activities, and
16 which was true, and while they may have at
17 some point it was before my time. The second
18 concern was that these two organizations were
19 viewed by many people within the coalition as
20 not contributing positively to the reputation
21 of the coalition. With those two concerns,
22 those two concerns advised the decision to
23 remove them from the website.

24 Q. In what way were they not
25 contributing positively to the reputation of

1 Disney

2 the organization?

3 A. They are controversial
4 organizations.

5 Q. What's controversial about them?

6 A. A number of critics publicized
7 articles or various other things in opposition
8 to those organizations, that's as much as I
9 can say really.

10 Q. What's the basis for that
11 opposition? What, let me ask that in a
12 different way.

13 Do other members of the coalition
14 also receive opposition from other parties?

15 A. Every organization has its
16 critics, some more than others.

17 Q. So what, if every organization had
18 it critics, what was the basis for the
19 controversy with CAIR and CASMII?

20 A. The coalition from its founding
21 and during my time coordinating it took pains
22 not to be branded as a partisan or somehow
23 biased group. We sought to include as many
24 different perspectives as possible along the
25 political spectrum. We felt that these two

1 Disney

2 groups being listed publicly on the website as
3 part of our efforts despite their not being
4 actively involved in contributing to the
5 activities of the coalition brought negative,
6 had a negative impact on the coalition
7 reputation as this, as a nonpartisan,
8 nonbiased group.

9 Q. Who was involved in the decision
10 to delist them?

11 A. I don't recall what discussions I
12 had with other people, but the ultimate
13 decision was mine.

14 Q. Okay.

15 Did anyone object to that decision
16 that you're aware of?

17 A. To my knowledge no one responded
18 to this e-mail saying they objected to this
19 decision.

20 Q. Other than responding to this
21 e-mail did you hear any objections to that
22 decision?

23 A. I don't recall any objections, I
24 don't recall any objections.

25 Q. Do you know who Alex Paddico

1 Disney

2 (phonetic) is?

3 A. Yes, I met him once or twice.

4 Q. Whose Alex Paddico?

5 A. He's an, I believe one of the
6 cofounders of NIAC and served in various
7 capacities on NIAC's board.

8 Q. Do you know what else he did?

9 A. That's to the extent of my
10 knowledge.

11 Q. Do you know about if he has any
12 relationship to CASMII?

13 A. I'm not aware of any.

14 Q. You're not aware that he's the
15 number two person for CASMII, the CASMII
16 organization?

17 MR. NELSON: Objection, no
18 foundation.

19 You can answer.

20 A. I'm aware of no connection between
21 Alex and CASMII.

22 Q. If, that's fine.

23 Let's talk about the Legislative

24 Watch program. Can you tell me about that?

25 It is not in the e-mail, just shifting gears.

1 Disney

2 A. Okay, LegWatch as we called it was
3 another program that began before my time
4 started at NIAC, but that was the grant
5 essentially under which the legislative team
6 and later the policy team operated at NIAC.

7 Q. How much of your time was spent on
8 that program?

9 A. Again, I couldn't speculate a
10 percentage of my time given that there is such
11 vast overlap between a lot of my activities.

12 Q. Did you note how much of your time
13 was spent on that program when you were
14 recording this in your calendar?

15 A. When I recorded it in my calendar
16 I never noted which grant my activities would
17 fall under, but I maintained a record of my
18 activities.

19 Q. Back up a little bit, do you
20 recall the different colors that you used for
21 CNAPI and NIAC?

22 A. No, I'm actually color-blind, I
23 remember --

24 Q. How were you able to record it if
25 you are color-blind?

1 Disney

2 A. Microsoft is very useful for that
3 sort of thing. It was, what I remember is it
4 was a control F4, control F-something process.

5 Q. Okay.

6 Then if you went back to look at
7 it, how would you be able to tell?

8 A. I'm not.

9 Q. How much time was spent?

10 A. It is not black and white, I can
11 distinguish between colors, so I would have no
12 problem with that.

13 Q. You went back and reviewed, you
14 would be able to look at the calendar to see
15 whether a particular event had the CNAPI color
16 or whether it had the NIAC color?

17 A. If you're interested in the
18 categories I used, to the best of my recollec-
19 tion they were such things as programing,
20 administrative, community outreach activities,
21 activities that could be classified as
22 lobbying under legal regulations. And there
23 were a number of varying, for example,
24 legislative lobbying, nonlegislative lobbying.
25 According to the regulations distinction have

1 Disney
2 to be made even further down, those were the
3 categories that I used.

4 Q. By categories you mean colors?

5 A. Correct.

6 Q. How many colors in total did you
7 use on your calendar?

8 A. Seven or eight.

9 Q. All right.

10 But you did not have a color
11 specifically devoted to Legislative Watch?

12 A. Specifically devoted to the
13 Legislative Watch grant program, no.

14 Q. But you did have one specifically
15 devoted to CNAPI.

16 Is that correct?

17 A. That's not correct.

18 Q. That's not correct.

19 A. Previously when I said there
20 weren't columns nor were there colors for
21 coalition activities versus noncoalition
22 activities.

23 Q. So how would you track your CNAPI
24 time?

25 A. I don't believe I said I tracked

1 Disney

2 specifically time according to grants. Again,
3 I noted in my calendar what types of
4 activities I was doing, for example, lobbying
5 activities or community outreach activities or
6 administrative activities, when it was
7 necessary to distinguish between coalition
8 activities or LegWatch activities for purposes
9 of reporting on a grant, that was possible
10 given the thorough records that I had made.

11 Q. So I must have misunderstood, you
12 were talking about recording your CNAPI time
13 versus recording your NIAC time and that's
14 when you said, "I didn't use columns, I used
15 colors." You introduced us to this color
16 scheme at that point in time, in fact you had
17 no CNAPI color, you weren't using that to
18 denote your CNAPI time, but you did say you
19 would note, you would type in to the entries,
20 there was a way to track your CNAPI time?

21 A. You did misunderstand.

22 What I said previously was
23 occasional events in my calendar, for example
24 coalition meetings which were held every month
25 for a time, I would have in my calendar

1 Disney

2 coalition meeting. I remember putting it in
3 as a recurring monthly thing as it was always
4 the same time, the same day every month.

5 Insofar as that is concerned I
6 could tell if I had my Outlook calendar in
7 front of me today this was a coalition meeting
8 because it would say coalition meeting. There
9 were, I'm certain there were coalition
10 activities that I did not mark as coalition
11 activities, again because of this overlap, and
12 at no point I believe in this conversation did
13 I ever say there was columns or colors or
14 anything to denote specifically a category of
15 coalition meetings or coalition activities.

16 Q. So what color would the coalition
17 meetings have gotten?

18 A. It depends on the activity.

19 I generally marked coalition
20 meetings as legislative lobbying because a
21 number of those discussions dealt with
22 Congressional sanctions bills, but again under
23 our system it was such that the topic of the
24 event, the purpose of doing an activity
25 determined the category.

1 Disney

2 Q. Determined which color got it.

3 Do you know if LegWatch was also
4 funded by OSI?

5 A. There were differences within OSI,
6 but in the large Open Society Institute, yes.

7 Q. It was funded by OSI?

8 A. Yes.

9 Q. What was Iran Legislative Working
10 Group?

11 A. That is an e-mail listserv that
12 again preceded my coming to NIAC. From what I
13 recall there were separate meetings between,
14 there was a large coalition meeting held once
15 a month, and occasionally there would be a
16 meeting held separate from that with many of
17 the same people involved with a particular
18 emphasis on legislative issues. And I
19 remember under my coordination there were a
20 handful of those meetings, maybe a few of
21 those meetings, but in my judgment it became
22 not redundant, it in my judgment it was not
23 necessary.

24 Q. When did you become, when did you
25 begin managing that organization or that I

1 Disney
2 guess it is a listserv it sounds like, when
3 did you take on the responsibility?

4 A. It sort of came with the job of
5 coordinating the coalition.

6 Q. Okay.
7 Are the members of the Iran
8 Legislative Working Group different from the
9 members of the coalition?

10 A. Again, the only formal list of
11 people involved in the Iran Legislative
12 Working Group are people who subscribed to
13 this e-mail list, in the handful of times I
14 attended meetings under that sort of rubric it
15 was a voluntary arrangement.

16 Q. How much of your time would you
17 say was spent working on that?

18 A. Very little, I couldn't say, like
19 I said it was never a formal arrangement, and
20 so I wouldn't say I devoted much time to it.

21 Q. Is there, you said there were some
22 overlap, I think.

23 Was there any connection between
24 that working group and the Legislative Watch
25 program?

1 Disney

2 A. You're asking was there any
3 connection between the Legislative Working
4 Group and Legislative Watch program, no.
5 There were, actually it was important to us to
6 distinguish our Legislative Watch program,
7 that was a purely educational program where
8 under that program it was, our activities
9 involved educating members of Congress and the
10 public about important issues, not any sort of
11 advocacy.

12 Q. Would you say that the Legislative
13 Watch program engaged in lobbying activities?

14 MR. NELSON: Objection.

15 You can answer if you're qualified
16 to do so.

17 A. The purpose of the Legislative
18 Watch program was not to engage in lobbying
19 activities, the purpose was to engage in
20 educational activities.

21 Q. What do you mean by educational
22 activities?

23 A. Meeting with Members of Congress
24 or their staffs about Iran-related issues and
25 informing them on Iran-related issues and

1 Disney

2 issues related to the Iranian-American
3 community and making them more informed about
4 those issues in addition to public education
5 to the broader public.

6 Q. What do you mean, give me an
7 example of issues that are of concern to the
8 Iranian-American community that you're
9 communicating to Members of Congress?

10 A. Discrimination, civil rights,
11 immigration, as well as the opinions of the
12 Iranian-American community. Not many Members
13 of Congress know about Iranian-Americans, and
14 we took it upon ourselves to inform them about
15 this community.

16 Q. Was you said it was educational,
17 did you ever inform them about the opinions of
18 Iranian-Americans in regard to specific policy
19 issues or legislation?

20 A. Yes.

21 Specifically we generally educated
22 Members of Congress and their staffs about
23 Iranian-Americans' views on issues such as
24 war, diplomacy, sanctions, and the Iranian
25 government, these sorts of things.

1 Disney

2 Q. You said war, diplomacy,
3 sanctions, would you express to Members of
4 Congress that the Iranian-American community
5 opposed sanctions against Iran, is that the
6 type of thing you would be doing?

7 A. We attempted to convey the, we
8 attempted to convey the perspective of
9 Iranian-Americans who, many of whom have
10 family members still in Iran, many of whom
11 attempt to travel back and forth to and from
12 Iran frequently, and many of whom have various
13 interests in both The United States and Iran.
14 And we tried to inform Members of Congress
15 about how proposed legislation or issues of
16 the day would affect our community.

17 We occasionally would take polls
18 of our members and of the larger community
19 about their opinions about these matters, we
20 would convey that to the Members of Congress,
21 their staffs as well as the public.

22 Q. Do you view that as being
23 different from advocacy positions that NIAC
24 would take in regard to the same legislation?

25 A. Can you rephrase?

1 Disney

2 Q. So if you go up there under the
3 Legislative Watch program and tell a
4 particular Member of Congress that Iranian-
5 Americans, let's stick with the sanctions
6 example, oppose sanctions against Iran, as
7 NIAC you would also go up and meet with
8 Members of Congress and say, "Our organization
9 opposes sanctions against Iran."

10 How would you distinguish between
11 those two, how would you know which is a
12 Legislative Watch program and which is you
13 advocating on behalf of your organization?

14 MR. NELSON: Object to the form of
15 the question.

16 You can answer.

17 A. On the specific question of
18 advocacy versus education versus legislative
19 lobbying versus nonlegislative lobbying, in my
20 time I came to understand that it is an
21 extraordinary complex question. It often came
22 down on to a matter of interpretation and
23 intentions behind certain activities.

24 In my experience, I had meetings
25 and engaged in activities that were

1 Disney
2 categorized as education and I had other
3 activities that I categorized as advocacy and
4 other activities that I categorized as
5 lobbying.

6 Q. What was your basis for getting to
7 that categorization?

8 A. We had in our office we had over
9 quite a long period of time we gathered as
10 much information as we could about the
11 relevant definitions of these activities as
12 well as the relevant legal regulations that
13 govern those activities.

14 Q. Whose gathering those?

15 A. A number of people in NIAC worked
16 on gathering the information for this
17 question. To the extent we also approached
18 legal experts around town in D.C. for their
19 interpretations.

20 Q. Who at NIAC specifically was
21 involved with that, those efforts and which
22 legal experts did you consult?

23 A. Specifically I know I was involved
24 in researching this issue, I know my
25 colleagues David Elliott and Trita Parsi were

1 Disney
2 involved in researching this issue, I don't
3 know the names or the names of the firms of
4 the legal experts we consulted.

5 Q. Did you see a memo or any work
6 product from any of those firms?

7 A. We had a number of resources.

8 There was a packet of information
9 that was pulled off of the internet that
10 answered a number of frequently asked
11 questions on this issue. We also had a packet
12 of information provided to us from legal
13 experts again on frequently asked questions.
14 We had other --

15 Q. When you say other?

16 A. We had other documents answering
17 specific questions that individuals at NIAC
18 posed to these legal experts, we consulted all
19 of these.

20 Q. Okay.

21 Who were those legal experts?

22 A. I don't know.

23 Q. Do you remember the packets, do
24 you remember that people consulted with them?

25 A. I remember the packets, I remember

1 Disney
2 having one meeting outside of our office with
3 a legal expert, but I don't recall the name of
4 the person or the firm.

5 Q. When did that meeting occur?

6 A. I don't know precisely, Kevin Cowl
7 was with NIAC at the time so it was after
8 Summer '09, it was before, I believe it was
9 before Jamal started so it was sometime
10 mid-2009.

11 Q. And when did people begin
12 consulting legal experts?

13 A. That's difficult for me to say, I
14 didn't begin the process.

15 Q. When did you become aware people
16 were consulting the legal experts?

17 A. Sometime in 2009.

18 Q. The beginning of 2009?

19 A. I couldn't specify.

20 Q. Do you know if people began
21 consulting legal experts before Kevin started
22 working at NIAC?

23 A. Its, I couldn't say what other
24 people did at what time, I'm not aware.

25 Q. Were you aware that anyone was

1 Disney

2 consulting legal experts prior to Kevin
3 starting?

4 A. I'm not aware of specific
5 instances, but that doesn't mean it didn't
6 happen.

7 Q. And how was this, these policies
8 conveyed to members of NIAC staff?

9 A. Which policies?

10 Q. The policies or how was the legal
11 advice you were getting from these legal
12 experts conveyed to members of NIAC staff
13 specifically in regards to what, how to
14 categorize these different activities you're
15 engaged in?

16 A. Like I said there were a number of
17 attempts to put a finer point to the question,
18 and we brought in a representative from an
19 organization that specializes in this sort of
20 issue who was wholly unhelpful. We consulted
21 a number of websites and other organizations
22 online, with information the IRS puts out
23 information on their website, the House of
24 Representatives and the Senate even have
25 information on their websites. Then the

1 Disney

2 packets of information were presented to us
3 sometimes through Kevin, sometimes through
4 various other ways, and then the one document
5 where we actually as an employees of NIAC
6 drafted questions, specific questions that
7 would be relevant to this issue of categori-
8 zation that we then sent to experts, and they
9 replied with answers.

10 Q. Do you remember who the
11 organization or the individuals you said were
12 was unhelpful who came in to speak to you was?

13 A. If I recall correctly it was from
14 CLIPI, The Center for Lobbying in the Public
15 Interest, I believe C-L-I-P-I is the acronym,
16 this was a person Kevin arranged to have come
17 into our office.

18 Q. So this would have been sometime
19 after the Summer 2009 --

20 A. Or during.

21 Q. -- or during the Summer 2009.

22 Do you remember?

23 A. Kevin was there so it was after
24 Kevin began, but I'm not even certain of
25 Kevin's first day.

1 Disney

2 Q. Okay.

3 And did you consider yourself a
4 lobbyist?

5 A. No.

6 Q. Did you think you were engaging in
7 lobbying?

8 A. Can you refine the question a
9 little bit.

10 Q. Did you lobby Members of Congress?

11 A. There are activities that I
12 participated in that fit the legal definition
13 of lobbying, yes.

14 Q. At the time did you consider
15 yourself to be engaged in lobbying?

16 MR. NELSON: Asked and answered.

17 A. At the time when I had developed a
18 conception of the legal term lobbying and then
19 developed a process by which I could catego-
20 rize my activities, occasional activities of
21 mine that I engaged in were categorized as
22 lobbying under the legal definition, yes.

23 Q. And when did you come to
24 understand what the legal definition of
25 lobbying was and how?

1 Disney

2 A. Like I said before --

3 MR. NELSON: I note an objection,
4 you're answering based on your personal
5 knowledge, not as an expert in this area.

6 A. Like I said before, it is an
7 extraordinarily complicated legal definition,
8 and one that I to this day do not have a
9 complete grasp of and nor do I have
10 qualifications to have a complete grasp of it.
11 And rather than say there was a point at which
12 I developed an understanding of the term, I
13 would say it was an ongoing process of
14 developing a way of interpreting the term.

15 Q. At some point in time you
16 developed sufficient comfort with the term to
17 be able to implement this color categorization
18 of your activities to determine what was
19 lobbying and what was not.

20 Is that a fair statement about
21 what you were doing?

22 MR. NELSON: Object to the form of
23 the question.

24 You may answer if you're able.

25 A. There was a point at which I

1 Disney
2 became comfortable with my process for
3 categorizing my activities. At no time did I
4 depend only on myself and my interpretation,
5 but I had a process that allowed me to perform
6 my duties with confidence.

7 Q. How would you determine how to
8 categorize those different activities?

9 A. On various activities I would
10 consult the documents that we had obtained and
11 the records that we had built up over time to
12 help with this interpretation. And oftentimes
13 I would, I and my colleagues would discuss it.
14 And if I or any of my colleagues were unsure
15 about a certain activity, I would turn to, for
16 example, David and say, "What do you think
17 about this?" He would do the same for me, we
18 would think through the question and arrive at
19 a decision.

20 Q. The decision was whether or not a
21 particular activity was or was not lobbying?

22 A. Or some other activity categori-
23 zation.

24 Q. What were the categorizations that
25 you had? I think you said seven or eight

1 Disney

2 different categories?

3 A. Yes.

4 MR. NELSON: Note an objection,
5 asked and answered.

6 You can answer again.

7 A. Administrative work, community
8 outreach work, programing, public outreach,
9 legislative lobbying, nonlegislative lobbying,
10 and then what I categorized as LDA lobbying
11 under the Lobbying Disclosure Act definition.

12 Q. Any others?

13 A. I don't recall any others.

14 Q. And what's the difference between
15 legislative lobbying and LDA?

16 A. Again under my nonexpert
17 understanding --

18 Q. I'm asking how you categorize
19 this.

20 A. Sure.

21 It is a difference of you said
22 legislative and LDA?

23 Q. Yes, legislative lobbying and LDA.

24 A. Legislative lobbying under my
25 categorization was a meeting with a lobbying

1 Disney

2 contact under the definition of a lobbying
3 contact regarding expressing a position on a
4 particular piece of legislation. LDA lobbying
5 was a lobbying contact in which I expressed an
6 opinion about a position or policy of the U.S.
7 government that is not a piece of legislation.

8 Q. Community outreach, how would you
9 define that?

10 A. I have public outreach and public
11 outreach was one category. I had another
12 category that involved community outreach work
13 that I'm probably getting that one wrong.

14 Q. Okay.

15 A. There was a category that I
16 created to fall under work that fell under
17 Michelle and Arsalan's side of the organi-
18 zation which involved dealing with membership,
19 dealing with NIAC's membership, I don't recall
20 exactly what I labeled that category.

21 Q. Okay.

22 And nonlegislative lobbying?

23 A. Nonlegislative lobbying fell under
24 the IRS definition of lobbying as opposed to
25 the LDA definition of lobbying. Activities

1 Disney
2 that met the definition of a lobbying contact
3 under the IRS regulations but that was not
4 specifically related to a piece of
5 legislation.

6 Q. How would you handle it if an
7 activity fell under more than one category?

8 A. I remember in my categorization
9 scheme on Outlook there were activities that I
10 marked as two categories.

11 Q. Okay.

12 So there was a mechanism within
13 Outlook to mark multiple, could you do more
14 than two if it fell into more than one
15 category?

16 A. I believe you could, I don't
17 recall specifically doing that.

18 Q. It didn't meld the colors?

19 A. There was a box that would show
20 that color.

21 MR. JENSEN: Let's take a short
22 break and we will reconvene as soon as
23 possible.

24 THE VIDEOGRAPHER: The time is
25 3:56, this ends tape number one of the

1 Disney
2 video deposition of Patrick Disney.

3 Off the record.

4 (Whereupon, an off-the-record
5 discussion was held.)

6 MR. JENSEN: Mark this Defendant's
7 Exhibit 5.

8 (Defendant's Exhibit Number 5,
9 meeting notes, marked for identification,
10 as of this date.)

11 THE VIDEOGRAPHER: The time is
12 4:04. This begins tape number two of the
13 videotaped deposition of Patrick Disney.

14 Q. We were talking about the
15 color-coding system that you had for your
16 calendar entries.

17 Were you part of the production
18 that went back and forth in this matter?

19 A. Which matter are you referring to?

20 Q. In the case that we are discussing
21 here, NIAC and Parsi versus Hassan, did you
22 participate in any of the responding discovery
23 requests from the defendant?

24 A. I was ordered to collect and turn
25 over documents for the discovery process, yes.

1 Disney

2 Q. Was part of that going through
3 your calendar entries?

4 A. Yes, part of that was going
5 through my calendar entries.

6 Q. And did you participate in
7 preparing or collecting your calendar entries
8 for production to the defendant?

9 A. Yes.

10 Q. Okay.

11 In doing that did you capture the
12 color-coding system that you described to us
13 here today?

14 A. I don't recall specifically the
15 state the calendar was in when we turned it
16 over, so I couldn't say.

17 Q. Do you recall if you had been
18 using this color-coding system when you turned
19 over calendars initially, I think which was in
20 December 2009?

21 A. It is hard to me to say because I
22 don't recall whether I had the color-coding
23 system the entire time or if it began after
24 the first documents were turned over in
25 discovery, it is difficult to say.

1 Disney

2 Q. You don't remember when you
3 started using this calendar?

4 A. Again, it was a process of
5 developing a technique and it took quite a lot
6 of time to go from day one to the ultimate
7 process I had.

8 Q. When did you first start using
9 colors to categorize your --

10 A. I couldn't say, I don't know.

11 Q. Would it have been 2008?

12 MR. NELSON: Objection.

13 A. I don't think it was 2008, no.

14 Q. Was it 2009?

15 MR. NELSON: Same objection.

16 A. I couldn't say.

17 Q. All right.

18 I'm showing you what's been marked
19 as Defendant's Exhibit 5. Do you recognize
20 this document?

21 A. I do.

22 Q. If you flip over to page three do
23 you see where it says, "Introducing
24 legislation to support beginning negotiations
25 with Iran and to provide the administration

1 Disney

2 the tools it needs to go forward?"

3 A. Yes, I see it.

4 Q. Would you characterize, how would
5 you characterize that based on your color-
6 coding?

7 A. I'm sorry?

8 MR. NELSON: Object to the form of
9 the question.

10 Q. This activity, "Introducing
11 legislation to support beginning negotiations
12 with Iran to provide the administration the
13 tools it needs to go forward," based on the
14 seven color codes that you described to me,
15 which one of those would you have used to
16 categorize this particular activity?

17 MR. NELSON: Objection, lack of
18 foundation.

19 A. This isn't an activity that I'm
20 capable of participating in, I'm not a Member
21 of Congress.

22 Q. What about activities to influence
23 the introduction of legislation, how would you
24 characterize that?

25 A. Hypothetically?

1 Disney

2 Q. No, specifically how would you
3 categorize activities to influence the
4 introduction of legislation?

5 MR. NELSON: Objection to
6 foundation.

7 A. But the activity, it is a
8 hypothetical activity.

9 Q. Yes.

10 Let's say introduction of
11 legislation regarding to abolish the trade
12 sanctions against Iran.

13 A. Like I said before, the legal
14 classifications of these types of activities
15 are extraordinarily complex, and in order to
16 categorize any sort of activity dealing with
17 legislation in the right spot, I would need to
18 know a lot more details than what you just
19 said.

20 Q. Okay.

21 Whose Lara Friedman, is she a
22 Member of Congress?

23 A. No, she represents Americans for
24 Peace Now.

25 Q. Why is her name behind that entry

1 Disney

2 underneath setting the new agenda?

3 A. To be honest, I don't recall.

4 Q. Did you draft this document?

5 A. I did draft this document.

6 Q. What is this document?

7 A. This is a document recapping a
8 meeting of the coalition.

9 Q. What specifically is number four,
10 "Setting the new agenda," what is that list?

11 A. I'm sorry, I don't recall. It
12 says here, "Brainstorming our priorities for
13 the coming months," this was a discussion that
14 we had about potential activities.

15 Q. Okay.

16 Underneath that section where it
17 says "Recap: Actions requested, Lara Friedman
18 is working on a piece of legislation to
19 provide the administration the tools it needs
20 for negotiations to succeed. She's in need of
21 information about the current body of U.S.
22 sanctions in Iran. Once introduced this could
23 be a piece of legislation we all support."

24 Would you categorize that as
25 lobbying under your understanding of that

1 Disney

2 term?

3 A. Which part?

4 MR. NELSON: Objection, vague.

5 Q. The description of what Lara
6 Friedman's activities are.

7 MR. NELSON: Before you answer, are
8 you asking him whether or not Lara
9 Friedman was lobbying or whether or not
10 he was lobbying?

11 Q. I'm asking whether or not the
12 activity that's described in this bullet point
13 right here you would categorize that as
14 lobbying. What Lara Friedman is doing or what
15 this bullet point says Lara Friedman will be
16 doing?

17 A. Again, I can't stress enough that
18 there are a number of factors that need to be
19 taken into account in determining whether an
20 activity is legally classified as lobbying,
21 and there are a lot of them. And without
22 knowing the specifics I wouldn't be able to
23 make a judgment.

24 Q. What about drafting a piece of
25 legislation that you were going to give to a

1 Disney
2 Member of Congress with the intent to have
3 them introduce that as a bill?

4 MR. NELSON: Object to the form of
5 the question.

6 You can answer the hypothetical if
7 you're able.

8 A. Again, there are circumstances
9 under which that could be lobbying, there are
10 other circumstances under which that would not
11 be lobbying.

12 Q. What about the circumstances under
13 which it would be lobbying?

14 A. I would hesitate to rattle things
15 off the top of my head, but there are a number
16 of activities and circumstances that a number
17 of criteria need to be met for an activity
18 such as that to be categorized as lobbying.

19 Q. And did CNAPI draft proposed
20 legislation?

21 A. CNAPI was an informal working
22 group of individuals, so as an organization
23 CNAPI didn't do anything of the sort.

24 Q. Did the coalition CNAPI discuss
25 having its members draft legislation that it

1 Disney

2 would submit to Members of Congress?

3 A. Individuals who participated in
4 CNAPI, for example Lara Friedman drafted
5 pieces of legislation and informed others in
6 CNAPI they were doing that.

7 Q. Did anyone at NIAC draft
8 legislation that was submitted to Members of
9 Congress?

10 A. People at NIAC worked on draft
11 pieces of legislation from time to time, yes.

12 Q. When you say worked on, what do
13 you mean by that?

14 A. A range of things, offering
15 suggestions for already drafted pieces of
16 legislation that are yet to be introduced,
17 thinking creatively and drafting potential
18 pieces of legislation ourselves, we did that
19 very infrequently but there were times when we
20 did that.

21 Q. How would you categorize that
22 particular activity?

23 MR. NELSON: Which activity?

24 MR. JENSEN: The one that he
25 described where they would draft

1 Disney
2 legislation that they would submit to
3 Members of Congress.

4 A. I would never make a definitive
5 categorization about such an activity without
6 knowing the details of the specific nature of
7 that activity, so unless you want to speak
8 about a specific instance, I wouldn't want to
9 generalize.

10 Q. Under your definition would
11 drafting a piece of legislation that you
12 submit to a Member of Congress, would that be
13 lobbying as far as you understand the term?

14 MR. NELSON: Objection, calls for
15 speculation.

16 A. Can you rephrase it?

17 Q. Yes.

18 If you were to draft a piece of
19 legislation to submit to a Member of Congress,
20 based on your understanding of the term would
21 you categorize that as lobbying?

22 A. Without speculating about the
23 large number of other details that would be
24 involved in making that classification, it is
25 very difficult to generalize.

1 Disney

2 In my activities at NIAC I was
3 very hesitant to make a definitive categori-
4 zation about any activity without basing it on
5 a very solid foundation. Again, I lack of
6 qualifications to make a definitive legal
7 judgment on something like that, I depend on a
8 number of different resources, so that's as
9 far as I can go.

10 MR. JENSEN: I show you what we
11 will mark as Defendant's Exhibit 6, for
12 identification.

13 (Defendant's Exhibit Number 6,
14 meeting notes, marked for identification,
15 as of this date.)

16 Q. Do you recognize this document?

17 A. Yes, I do.

18 Q. What is this document?

19 A. This is meeting notes following a
20 different meeting of the coalition.

21 Q. Did you draft this document?

22 A. I believe I did.

23 Q. If you look on the first page
24 underneath legislative update, down at the
25 bottom it says, "We decided to push Berman,

1 Disney
2 others in the House to write a letter to Obama
3 endorsing an interests section. Also, getting
4 the 7 senators who wrote the letter to Bush to
5 resubmit it to Obama."

6 Who was Berman?

7 A. Howard Berman who was the Chair of
8 the House Foreign Affairs Committee.

9 Q. What is the interest section that
10 is referenced here?

11 A. Toward the end of the Bush
12 administration there was an idea circulating
13 in the Bush administration to open some sort
14 of U.S. office in Iran that could serve as not
15 as official embassy but a place to represent
16 American diplomatic interests with a different
17 diplomatic classification from an embassy.

18 Q. And where it says, "We decided to
19 push Berman to write a letter endorsing that
20 section," would you categorize that as
21 lobbying under your understanding of the term?

22 A. I don't recall the conversation.

23 I also don't recall any activities
24 following this conversation that, I just don't
25 remember participating in any of those

1 Disney

2 activities. The decision to at a future date
3 do this sort of activity, that decision
4 wouldn't be categorized as a lobbying
5 activity.

6 Q. What does, "Decided to push Berman
7 mean?"

8 A. Again I don't recall the
9 conversation, but based on this document, I
10 would say this was a conversation within the
11 coalition meeting in which consensus emerged
12 that individuals would in their dealings with
13 Chairman Berman, would urge him to do what
14 this says.

15 Q. So urging Chairman Berman trying
16 to influence him to take a particular
17 approximation on legislation, is that an
18 accurate statement?

19 A. No, it is not because this is not
20 dealing with a particular piece of legis-
21 lation.

22 Q. The interest section --

23 A. That's the idea in the Bush
24 administration to open an office, that's not a
25 piece of legislation.

1 Disney

2 Q. Well, flip over to the second
3 page, the section Coalition Hill Reception.

4 A. Yes.

5 Q. It looks like that's discussing an
6 event to reintroduce our coalition to
7 lawmakers and staff.

8 How would you categorize your time
9 spent organizing something like this?

10 A. Let me read the rest of it, one
11 second.

12 Q. Sure.

13 A. Can you ask your question again.

14 Q. How would you categorize your time
15 spent on efforts to host this reception?

16 A. Under my color scheme?

17 Q. Yes.

18 A. Again, with the understanding that
19 this event never actually took place though I
20 did spend time working on trying to organize
21 it, this would be the intention in my working
22 on this event was to organize a social
23 gathering on Capitol Hill to publicize the
24 fact that there is this coalition of
25 organizations that exists. If I had the

1 Disney
2 color-coding scheme at the time, I don't
3 recall if I did, I most likely would have
4 categorized a lot of that work as programing.

5 Q. Would it have received any of the
6 legislative lobbying or the LDA or nonlegis-
7 lative lobbying categories?

8 A. It depends on the activity again,
9 but in general if I were to engage in activity
10 trying to organize a reception, no, it would
11 not.

12 Q. Look down at the bottom of that
13 page which says, "Our legislative goals for
14 the 111th Congress."

15 Do you see that?

16 A. Yes.

17 Q. Did you consider your work in
18 developing and carrying out those legislative
19 goals to be lobbying?

20 A. Let me read this section.

21 Q. Sure.

22 A. I'm sorry, can you repeat the
23 question.

24 Q. Could you describe, would you
25 consider your work developing, carrying out

1 Disney

2 these legislative goals to be lobbying?

3 A. Once again that's too vague of a
4 question to answer with specificity. I'm not
5 even confident I could say I participated in
6 any activities pursuing all of these goals.

7 Q. Okay.

8 MR. JENSEN: Let's show you what we
9 will mark as Defendant's Exhibit Number
10 7.

11 (Defendant's Exhibit Number 7,
12 meeting notes, marked for identification,
13 as of this date.)

14 Q. Do you recognize this document?

15 A. I do.

16 Q. What is this document?

17 A. This is a document with meeting
18 notes following a coalition meeting.

19 Q. Okay.

20 Did you author this document?

21 A. I believe I did.

22 Q. If you look at the bottom of page
23 one, do you know what this is in reference to?

24 A. What are you pointing to, I'm
25 sorry.

1 Disney

2 Q. The incidents at sea resolution,
3 S-E-A.

4 A. Yes.

5 There was a piece of legislation
6 introduced in The House of Representatives
7 expressing the sense of Congress that The
8 United States military should negotiate with
9 the Iranian military called an incidence at
10 sea agreement.

11 Q. What was your role in developing
12 that piece of legislation?

13 A. I took part in some discussions
14 with Representative Conyers' office, specifi-
15 cally his staff prior to the resolution being
16 introduced. I offered suggestions and advice
17 on details. I provided some information about
18 an incident that had occurred the year
19 previously, that was sort of the impetus for
20 this proposal. And then in this particular
21 coalition meeting I informed other members of
22 the coalition about this resolution.

23 Q. How would you describe or how
24 would you categorize your efforts in getting
25 this piece of legislation passed?

1 Disney

2 A. Well, the piece of legislation
3 never did pass.

4 Q. Your efforts to try to get it
5 passed.

6 A. Following its introduction, I
7 don't recall if this meeting took place before
8 or after it was, the legislation was
9 introduced, but following its introduction I
10 remember a handful of times in which I urged
11 Members of Congress or their staff to
12 cosponsor the legislation.

13 Q. Would you describe those
14 activities as lobbying?

15 A. Depending on the details of the
16 activities, some of them would be lobbying,
17 yes.

18 Q. What about efforts to try to get
19 the bill to mark up by a committee?

20 A. Are you asking if --

21 Q. If you would consider that
22 lobbying.

23 A. Again, you have to be more
24 specific about what that is.

25 Q. If you meet with a particular

1 Disney
2 Member or their staff and encourage them to
3 attend a committee hearing where this bill is
4 going to be marked up and ask that they
5 propose amendments or object to certain
6 amendments, how would you categorize those
7 efforts?

8 MR. NELSON: Object to the form of
9 the question, hypothetical.

10 You may answer.

11 A. Urging a Member of Congress to
12 attend a committee hearing under my
13 understanding off the top of my head is not
14 categorized as lobbying. There are other
15 activities such as urging a Member of Congress
16 to vote a certain way or offer amendments that
17 again could possibly be classified as
18 lobbying.

19 Q. Whose Jill Parillo (phonetic)?

20 A. Parillo?

21 Q. Parillo.

22 A. She was an employee of Physicians
23 for Social Responsibility and participated in
24 the coalition.

25 MR. JENSEN: Let's mark this as 8.

1 Disney
2 (Defendant's Exhibit Number 8,
3 e-mail, marked for identification, as of
4 this date.)

5 Q. I show you what's been marked as
6 Defendant's Exhibit Number 8.

7 Do you recognize this document?

8 MR. NELSON: Take a minute to
9 review it.

10 A. It is a little fuzzy but I
11 recognize the document, yes.

12 Q. What is this document, what does
13 it appear to be?

14 A. It appears to be an e-mail from me
15 to these two listservs of other NGO
16 organizations recapping a conference call that
17 took place on I guess this day regarding the
18 news accounts of Dennis Ross being appointed
19 as the envoy to Iran in the new Obama
20 administration.

21 Q. Take a look at item number four,
22 the last sentence in that paragraph. "Also
23 explore option of submitting questions for
24 confirmation hearings."

25 A. Where are you?

1 Disney

2 Q. The last, do you see item number
3 four which says strategy?

4 A. Yes.

5 Q. The last sentence of that first
6 paragraph. Do you see that, "Also explore
7 option of submitting questions for confirma-
8 tion hearings."

9 A. Yes.

10 Q. "(Clinton: 1/13 and 1/15. Susan
11 Rice possibly 1/16.)"

12 A. Yes, I see that.

13 Q. Do you know if you ever submitted
14 questions for those confirmation hearings?

15 A. I don't recall.

16 Q. Okay.

17 Do you recall discussing whether
18 you should submit questions?

19 A. I don't recall the conversation,
20 no.

21 Q. Do you recall ever submitting
22 questions for any hearing?

23 A. Yes.

24 Q. How would you categorize submit-
25 ting questions?

1 Disney

2 A. I don't remember how I actually
3 categorized those activities, it was something
4 I participated in infrequently, it wasn't an
5 everyday activity, it was sort of a contingent
6 on the Congressional calendar so there wasn't
7 a lot of regularity to it, I don't recall how
8 I categorized those activities.

9 MR. NELSON: Were you asking him
10 about submitting any questions for
11 confirmation hearings or hearings in
12 general?

13 MR. JENSEN: Hearings in general.

14 Q. That's what you answered?

15 A. My answer stays.

16 Q. And so we are clear, when you
17 talked about submitting questions, these are
18 drafting questions that you submitted to a
19 Member or Member's staff with the intent of
20 having a Member read those questions or a form
21 of that question at a hearing.

22 Is that your understanding of what
23 we are talking about?

24 A. That's accurate.

25 Q. What you said you recall a few

1 Disney

2 instances, not many that you did do, what were
3 those instances?

4 A. I don't remember the specific
5 topics of the hearings, but in the course of
6 my tenure at NIAC various committees and
7 Congress held hearings relevant to some issue
8 or another that we were working on. And
9 oftentimes Members of Congress and their staff
10 don't have time to develop questions to ask a
11 witness in these hearings and it has been
12 communicated to us that a useful, it would be
13 helpful to them if groups like us would
14 provide them with some questions for them to
15 consider asking.

16 Q. Communicated by whom?

17 A. Members of Congress and their
18 staff.

19 Q. Would communicate to you it would
20 be helpful to have you draft these?

21 A. Yes.

22 MR. JENSEN: I'll show you what we
23 are going to me marking an Exhibit Number
24 9, for identification.

25 (Defendant's Exhibit 9, notes,

1 Disney

2 marked for identification, as of this

3 date.)

4 THE WITNESS: Can I mark on this?

5 MR. NELSON: No.

6 Q. We will give you another copy if

7 you want to mark it.

8 MR. NELSON: I'd prefer you not

9 write on the documents.

10 A. Okay.

11 Q. Are you done reviewing it?

12 Do you recognize this document?

13 A. I recognize this, yes.

14 Q. What is this document?

15 A. I don't recall the specific

16 context it was in, we did a number of

17 brainstorming sessions about different types

18 of projects NIAC could participate in, this is

19 a product of one of those sessions.

20 Q. Did you draft this document?

21 A. I don't recall, yeah, I don't

22 know.

23 Q. Will you read to yourself the

24 third sentence in the first paragraph where it

25 starts, "Regardless of how hardworking or

1 Disney
2 talented NIAC's Washington DC legislative
3 staff may be, the demands of the political
4 system requires something more -- a huge
5 amount of political capital in order to
6 effectively pull the levers of power within
7 the U.S. government."

8 Do you remember drafting that
9 sentence?

10 A. No, I don't.

11 Q. What does mean to, "Effectively
12 pull the levers of power within the U.S.
13 government?"

14 MR. NELSON: Objection, calls for
15 speculation if he doesn't recall drafting
16 the document.

17 Q. I'll represent to you that the
18 metadata that came with the document as
19 produced electronically by the plaintiffs
20 indicates that you're the author of this
21 document.

22 MR. NELSON: Same objection.

23 Q. What's your understanding of
24 "effectively pull the levers of power?"

25 A. In the context of this document I

1 Disney
2 couldn't say. In general, my understanding of
3 the phrase is that getting something done
4 within The United States government.

5 Q. Why was NIAC striving to pull the
6 levers of power within the U.S. government?

7 A. I wouldn't say that's a fair
8 characterization of what NIAC in general
9 strove to do.

10 Q. This is an inaccurate statement?

11 A. Again, not recalling, not
12 remembering drafting this, not remembering my
13 motivation for drafting that if I did, I
14 couldn't speak to the specifics about that
15 phrase.

16 Q. Let's flip down to the problem,
17 right, as described in the section. If you
18 look to the second section where it says
19 solution.

20 A. Yes.

21 MR. NELSON: I would appreciate it
22 if you can read the complete statement
23 that's in section one. You only read
24 part of what is here, it left an
25 incomplete impression about the document.

1 Disney

2 MR. JENSEN: What particular
3 section are you talking about?

4 MR. NELSON: Section one, the
5 problem. The rest of the statement
6 reads, "The task for NIAC is to translate
7 our biggest asset -- our nationwide
8 membership -- into that type of political
9 capital. Only then will be able to
10 advance our agenda satisfactorily."
11 That's a complete statement.

12 MR. JENSEN: Okay.

13 As far as complete, that does not
14 include either the beginning or end of
15 that section entitled problem for the
16 record.

17 Q. Turning down to the section
18 entitled solution, if you look down into the
19 third sentence it reads, "Therefore, NIAC must
20 devote significant resources to establishing a
21 network of highly effective, motivated and
22 capable NIAC members in key congressional
23 districts that we can call upon to influence
24 their Representatives and Senators on
25 important issues."

1 Disney

2 What is that in reference to?

3 A. That's in reference to the next
4 sentence actually which reads, "This will at
5 once establish a strong relationship between
6 lawmakers and their Iranian-American
7 constituencies while also cementing NIAC as
8 the recognized liaison between the Iranian-
9 American community and Members of Congress."

10 Our purpose was to reverse the
11 historical noninvolvement of the Iranian-
12 American community in American civic life and
13 motivate Iranian-Americans to participate in
14 democracy.

15 Q. And so influence Representatives
16 and Senators on important issues; is that
17 accurate?

18 A. It is accurate to say that our
19 purpose in doing this was to have Iranian-
20 Americans better represent themselves to their
21 government.

22 Q. And how did NIAC determine what
23 was an important issue to the Iranian-American
24 community?

25 A. I don't think it's a valid

1 Disney

2 assumption to say that we did. The purpose of
3 this program is to have Iranian-Americans have
4 a stronger louder voice in representing
5 important issues to them to their government.

6 Q. So this is just generally to
7 ensure that Iranian-American members voice
8 their opinion and are participating in the
9 political process.

10 Is that a fair statement of what
11 you're saying in this document?

12 A. A central component of NIAC's
13 mission was to strengthen the voice of the
14 Iranian-American community to government. And
15 we did that both by representing the community
16 with our voice and empowering the community to
17 speak with its own voice.

18 Q. Let's turn down to implementation,
19 reading the last complete sentence on page
20 one, "These relationships should be developed
21 through in-person meetings with Congressional
22 staff and Members of Congress themselves."

23 Whose participating in those
24 in-person meetings?

25 A. If you don't mind, I'll read the

1 Disney

2 rest.

3 Q. Sure.

4 A. Can you repeat the question.

5 Q. Whose to be attending these
6 in-person meetings with Congressional staff
7 members?

8 A. Not fully understanding the
9 context of all of this, I believe the people
10 who are to be participating in these meetings
11 with Congressional staff would be NIAC
12 members.

13 Q. And flip over to the next page,
14 the last sentence before the cost section
15 says, "Additionally NIAC staffers should
16 attend nearly all meetings with lawmakers and
17 staffers to ensure consistency and quality."

18 What does consistency and quality
19 mean there?

20 A. Having no recollection of drafting
21 this document, I couldn't say for sure what
22 those two words mean, but NIAC's staffers'
23 interest in attending a meeting like this
24 would be just to ensure that proper protocols
25 were followed, that the conversations didn't

1 Disney

2 veer off topic, and that the focus of the
3 meeting was consistent with what was
4 advertised to the staff. And that it was of a
5 good quality and that the participants were
6 well prepared and clear with what they were
7 expressing.

8 Q. Do you categorize that as
9 lobbying?

10 A. I wouldn't make a general
11 categorization without more specific details.

12 Q. The work, if you attend one of
13 these meetings with one of your members, how
14 would you categorize that?

15 A. It always depends on the specific
16 the meeting. It is possible to have a meeting
17 with NIAC staff and NIAC members to meet with
18 a Member of Congress and not have that meeting
19 be lobbying, and so you couldn't pigeonhole it
20 one way or another.

21 Q. Do you remember doing this?

22 A. Doing --

23 Q. Meeting with Members of Congress
24 and NIAC members.

25 A. I personally never attended

1 Disney

2 meetings with NIAC members and a Member of
3 Congress, myself, I did not.

4 Q. Were others in your office doing
5 that?

6 A. I don't remember specific
7 instances, but it is possible.

8 Q. In the section below, "100
9 districts times six meetings per year equals
10 600 meetings," do you know if that was
11 implemented, were there 600 meetings a year
12 taking place?

13 A. I couldn't say for sure given that
14 I didn't directly supervise a project like
15 this, but I would say it is very doubtful 600
16 meetings of this kind took place.

17 Q. The next sentence, "Each meeting
18 takes approximately 15 hours of NIAC staff
19 time to prepare, execute and follow-up."

20 What preparation time would go
21 into accompanying a NIAC member to meet with a
22 Member of Congress to ensure they followed
23 adequate protocols and that the conversation
24 didn't stray off topic?

25 A. Again it is tough to generalize

1 Disney

2 because every meeting is different, and
3 without any more specific details, I can't. I
4 can say though that it was standard practice
5 if a member, NIAC member was going to meet
6 with a Member of Congress, prior to that
7 meeting NIAC staff would organize a conference
8 call with those people who would be
9 participating in that meeting. And so for the
10 dress rehearsal we would sort of map out what
11 would be said, what would be covered, and how
12 the meeting would go, those sorts of things.

13 Q. So a conference call, what else,
14 15 hours?

15 A. Recruitment of other Iranian-
16 Americans in the area that may be interested
17 in participating in that meeting, that was a
18 component.

19 MR. JENSEN: I am handing you what
20 is been marked as Defendant's Exhibit
21 Number 10.

22 (Defendant's Exhibit Number 10,
23 e-mail chain, marked for identification,
24 as of this date.)

25 Q. What's The Democracy Fund?

1 Disney

2 A. The Democracy Fund is what we
3 called a Congressional appropriation that
4 originated in the Bush administration, during
5 the Bush administration for regime change
6 activities in Iran.

7 Q. Did you lobby on behalf of The
8 Democracy Fund or in opposition to The
9 Democracy Fund?

10 A. I personally don't remember
11 participating in any specific meeting that
12 would legally be classified as lobbying, that
13 the purpose of meeting was to lobby The
14 Democracy Fund, but I couldn't speak to
15 anybody else at NIAC.

16 Q. Take a look at Exhibit Number 10.
17 Do you recognize this document?

18 A. Yes.

19 Q. What does this document appear to
20 be?

21 A. This appears to be an e-mail that
22 I forwarded from a listserv that I was on to
23 my colleagues, Emily and David regarding the
24 federal budget and the timing of the federal
25 budget being introduced.

1 Disney

2 Q. Is it fair to say that this e-mail
3 indicates that the introduction or the release
4 of the budget had been delayed or postponed?

5 A. That's fair.

6 Q. Then what was your response to
7 that as you forward it to Emily and to
8 Elliott?

9 MR. NELSON: The document speaks
10 for itself.

11 A. I --

12 Q. Read that, please.

13 A. My e-mail says, "This gives us
14 more time to lobby on Democracy Fund."

15 Q. Why do you think you use that word
16 lobby?

17 A. I used that word lobby under the
18 colloquial usage of the word which means to
19 one way or another influence government
20 policies.

21 Q. And what's the date of this
22 e-mail?

23 A. January 29th, 2009.

24 Q. Do you know if at this point in
25 time you were using your color-coding system?

1 Disney

2 A. I have no idea.

3 Q. Do you think if you were using
4 your color-coding system, it sounds like
5 that's very nuanced, that you understand a lot
6 of subtleties of the definition of lobbying
7 that you would have used lobbying in
8 colloquial terms in this e-mail as you did
9 here?

10 A. Over time as I gained a better
11 conception of the legal definition of the word
12 lobbying I became more cautious in using it
13 haphazardly, but I couldn't speculate about
14 whether I would have or would not have used it
15 colloquially at any other time.

16 Q. Did you have efforts in relation
17 to The Democracy Fund that weren't lobbying,
18 activities relating to it you would not
19 categorize as lobbying?

20 MR. NELSON: Objection, same
21 objection as to his understanding of what
22 constituted lobbying.

23 You can answer.

24 A. Again, under my understanding of
25 the term lobbying it is it a certain type of

1 Disney
2 activities involving The Democracy Fund, could
3 include anything under the sun, and if I were
4 to speak with my cousins about The Democracy
5 Fund that would not be lobbying.

6 Q. All right.

7 MR. JENSEN: I hand you what we
8 will mark as Defendant's Exhibit Number
9 11.

10 (Defendant's Exhibit Number 11,
11 spreadsheet, marked for identification,
12 as of this date.)

13 Q. What is this?

14 A. It appears to be a spreadsheet
15 with the names of Members of Congress and
16 staff tracking various activities that people
17 had done with those offices.

18 Q. Do you know what specifically
19 piece if, do you know if there is a specific
20 piece of legislation that these activities
21 listed on this spreadsheet are in relation to?

22 A. It doesn't say anywhere on this,
23 if I, I have a hunch I know what this is in
24 regard to, I don't want to guess.

25 Q. I'm not trying to trick you, I'll

1 Disney
2 tell you the name of the document based on the
3 metadata that was provided us to by
4 plaintiff's counsel, it says HConRes 94
5 meetings.

6 Does that confirm your guess about
7 what this is in relation to?

8 A. It does.

9 Q. Tell me what HConRes 94 is.

10 A. HConRes 94 is the official
11 legislative number for the resolution on the
12 incidents at sea agreement.

13 Q. What's the resolution to the
14 incidents at sea agreement?

15 A. It's a piece of legislation that
16 John Conyers and Jeff Davis introduced in The
17 House of Representatives.

18 Q. What would it do?

19 A. It is a sense of Congress
20 resolution expressing support for the
21 negotiation of an incidents at sea agreement
22 between the U.S. and Iran.

23 Q. Would you categorize the
24 activities in this list as lobbying? Let's
25 take the first one which says e-mailed, on the

1 Disney
2 side we have a bunch of names, who are these
3 individuals on the left-hand side?

4 A. On the far left-hand side those
5 are Members of Congress.

6 Q. And do you see the first column
7 e-mailed?

8 A. I do.

9 Q. Would you categorize e-mailing
10 these Members of Congress about HConRes 94 as
11 lobbying?

12 A. Again it depends on what the
13 e-mail says. Under definitions of lobbying
14 there are certain things that need to be
15 included in an e-mail for that e-mail to be
16 lobbying.

17 Q. Do you recall e-mailing Members of
18 Congress about HConRes 94?

19 A. In general I recall doing that, I
20 don't remember specifically.

21 Q. Do you remember what you would
22 have been e-mailing them about in relation to
23 HConRes 94?

24 A. Based on my recollection and based
25 on the other information on this document,

1 Disney

2 first of all I'm not sure whether this
3 represents my activities or activities of
4 other people together, that was something we
5 also would have had in a document similar to
6 this.

7 MR. NELSON: So that we can get
8 through his testimony on this, I am just
9 going to note a continuing objection to
10 any question that asks him whether or not
11 something indicated on this document
12 constitutes lobbying. He can answer
13 based on his own personal understanding
14 but it is not a legal conclusion. You
15 can just ask the rest of your questions.

16 MR. JENSEN: Fair enough.

17 A. Can you repeat the question.

18 Q. Yes.

19 Based on your understanding of
20 lobbying, would e-mailing these Members of
21 Congress about, my question was, before we get
22 there, why you would be e-mailing these
23 Members of Congress about HConRes 94?

24 A. I suspect I would have e-mailed
25 Members of Congress or their staff about

1 Disney

2 HConRes 94 with the intention of meeting with
3 them to discuss the specifics of the
4 resolution. And I think it would be fair to
5 say I did encourage them to cosponsor that
6 resolution.

7 Q. NIAC supported that resolution?

8 A. We did.

9 Q. And did NIAC undertake efforts to
10 get various Members of Congress to both
11 cosponsor and support that resolution?

12 A. We participated in those types of
13 activities, yes.

14 Q. And so e-mailing Members of
15 Congress with that intent would that
16 constitute lobbying under your understanding
17 of the term?

18 A. Again, I would need more specific
19 details about what was included in the e-mail
20 to determine that.

21 Q. Would you have categorized that if
22 you e-mailed these members and say, "We would
23 like you to support HConRes 94," which of your
24 categories would you have put that under?

25 A. Again, if an e-mail I wrote

1 Disney

2 satisfied the criteria for legislative
3 lobbying, I would have categorized it as
4 legislative lobbying.

5 Q. Would that satisfy the criteria of
6 legislative lobbying as far as you understand,
7 sending an e-mail to a Member of Congress
8 asking them to either cosponsor or support
9 HConRes 94?

10 A. Once again it depends what is
11 included in the e-mail, there is a list of
12 criteria that would have to be met.

13 Q. What are those criteria?

14 A. Off the top of my head I wouldn't
15 be list them exhaustively, but when I engaged
16 in efforts to similar to this one when I sent
17 an e-mail to a Member of Congress or their
18 staff, I would have consult that list of
19 criteria. If all of them were met I would
20 have categorized it as legislative lobbying.

21 Q. Would you have done that in 2008?

22 A. Again, I don't believe I had a
23 color-coded system in 2008, and so I would not
24 have used the color-coded system in 2008.

25 Q. Did you have any other way of

1 Disney
2 tracking your time in 2008 without tracking
3 what time was spent on all these different
4 lobbying activities?

5 A. It was a process of, a long drawn
6 out process of developing a technique, so
7 unless you can specify a specific time --

8 Q. In 2008 at any time did you have a
9 mechanism for categorizing how much of your
10 time was spent on lobbying and how much was
11 not?

12 A. Like I said, my mechanism
13 developed over time, throughout the year 2008
14 I'm certain I developed a more cohesive
15 mechanism.

16 Q. I don't understand what you mean
17 by developed a more cohesive mechanism, what
18 mechanism in 2008 are we talking about?

19 A. I don't recall the specific
20 technique I used or even whether I had a
21 consistent technique in 2008.

22 Q. Do you recall having any technique
23 in 2008?

24 A. I don't recall, no.

25 Q. You don't recall that you had one

1 Disney

2 or you don't recall?

3 A. I don't recall.

4 I remember being cognizant of the
5 differences among my activities but I don't
6 recall any sort of mechanism for putting that
7 down on record.

8 Q. Was anyone asking you in 2008 how
9 much time you spent on lobbying?

10 A. Not the way you're asking me, no.

11 Q. Probably not.

12 Who was asking you to, was someone
13 asking at all?

14 A. That's not accurate, no, I don't
15 recall at any time in 2008 an individual
16 asking me how much time I spent lobbying.

17 Q. In 2009 did somebody ask you how
18 much time you spent lobbying?

19 A. I would hesitate to guess, it is
20 possible, I don't recall any specific
21 instances.

22 Q. In 2010 did anyone ask you how
23 much time you spent lobbying?

24 A. Again I don't recall specific
25 instances when that question was asked to me,

1 Disney
2 but it was I think it is safe to say in 2010 I
3 paid attention to the, not, I was, your
4 question is in 2010 did anyone ask me how much
5 time I spent lobbying, and I don't recall
6 specific times being asked that question.

7 Q. Okay.

8 You started to say in 2010 you
9 paid attention --

10 A. What I was getting to is I know
11 for a fact in 2010 I had the color-coded
12 system in place, that's what I was getting to.

13 Q. Do you feel you weren't paying
14 close attention to it in 2009?

15 A. No, that's not accurate, that's
16 why I stopped myself, the reason I said pay
17 attention to was in reference to the
18 color-coded system.

19 Q. I seem to remember you saying you
20 had discussions, you specifically referenced
21 David Elliott when you weren't sure about how
22 to categorize something.

23 Was it your understanding David
24 was also employing a similar categorization as
25 you were?

1 Disney

2 A. Understanding that none of us had
3 legal qualifications or expertise to the
4 matter, my consultations with David were of a
5 nature of not only thinking out loud but also
6 hearing a second perspective on an issue. For
7 me it helped to verbalize the question that I
8 was faced with the categorization problem.

9 I understood that David from time
10 to time was in similar situations where he had
11 to make a categorization for some of his
12 activities, and that's the nature of that
13 consultation.

14 Q. Do you remember those consulta-
15 tions, those conversations taking place in
16 2009?

17 A. Yes.

18 Q. You remember discussing with David
19 in 2009 how to categorize various activities?

20 A. Without knowing specific dates, I
21 would think it would be accurate to say I
22 discussed matters of types of different types
23 of activities with David, yes.

24 Q. Is it your impression he was
25 recording how much time he was spending

1 Disney

2 lobbying in 2009?

3 A. I couldn't say for certain what he
4 was doing when, but he --

5 Q. He reported to you, right, at
6 least for a period of time?

7 A. Yes.

8 Q. From May 2009 to approximately
9 November 2009 you were the acting policy
10 director?

11 A. That's correct.

12 Q. David was your subordinate?

13 A. That's correct.

14 Q. Did you ever ask him how much time
15 he was spending lobbying?

16 A. I don't recall asking him that.

17 Q. Okay.

18 Do you recall reporting how much
19 time the policy department or how do you
20 categorize it, the department?

21 A. We said the policy team.

22 Q. The policy team, reporting to
23 Trita or later Kevin, how much time the policy
24 team had spent lobbying?

25 A. That's not how we did it.

1 Disney

2 Each individual was responsible
3 for recording their own time, and we would
4 never group them together based on the team
5 that that individual was on and report them
6 directly, each person would report their own
7 times.

8 Q. To whom would you report?

9 A. Trita and/or Kevin, those two.

10 Q. How did that reporting occur, was
11 that --

12 A. It was actually at some point, I
13 don't recall when it began formally, we
14 instituted an electronic timesheet and we
15 input our activities and the categories of
16 those activities in this electronic timesheet,
17 and I believe Kevin and Trita both had access
18 to those.

19 Q. Do you recall having a similar
20 conversation with Emily Blout about how to
21 categorize search activities?

22 A. Not of the precise same nature
23 with David. I remember having conversations
24 with Emily about lobbying activities versus
25 nonlobbying activities, but just by virtue of

1 Disney
2 having different resources, having different
3 familiarity with the legal principles, the
4 type of conversation I would have had with
5 Emily were different from the type of
6 conversations I would have had with David.

7 Q. It was your impression she was
8 recording her time as well?

9 A. I remember you asked was it my
10 impression Emily was also recording her time?

11 Q. Yes.

12 A. I don't know what sort of
13 categorization or classifications she recorded
14 her time, but I know she was in some way
15 recording her activities.

16 Q. Was she recording them in 2009?

17 A. Without knowing any specific
18 details, I would, I'm relatively confident
19 that she was keeping track of her time, I
20 don't know how.

21 Q. Keeping track of her lobbying time
22 in 2009?

23 A. Again I don't know the specifics
24 of her technique but I would say she kept
25 track of her activities in 2009.

1 Disney

2 Q. I think I asked you about David in
3 2009 but I don't think I asked in 2008. Were
4 you aware David was monitoring his time spent
5 lobbying in 2008?

6 A. David's first day was
7 January 21st, 2009.

8 Q. Okay.

9 How about Emily, in 2008 was she
10 monitoring her time?

11 A. I wouldn't be able to say if it
12 was in the calendar year 2008 just because I
13 was still relatively new to the organization,
14 I wouldn't say with any confidence precisely
15 what she was doing in 2008, but it is
16 possible.

17 Q. Other than time was anyone
18 monitoring expenditures spent on lobbying?

19 A. I'm not very knowledgeable about
20 that aspect of the organization, Trita, Kevin
21 and our accountants pretty much took care of
22 that themselves so I don't really know what
23 was in place.

24 Q. Did they ever come to you and ask
25 Patrick, "How much money did you spend on

1 Disney
2 lobbying, what were your lobbying expenditure
3 in 2009?"

4 A. No, the only relevant financial
5 accounting activities I did was turn in
6 expense reports, floor reimbursements.

7 Q. No one was asking you to track
8 what your lobbying expenditures were and
9 you're not reporting those expenditures to
10 anyone?

11 A. I don't know if that's taking it a
12 little too far, just because my activities
13 that I classified as lobbying were also
14 company expenditures just by virtue of my
15 getting a salary and overhead costs and
16 heating and light, that sort of thing. So
17 insofar as I tracked my time doing lobbying
18 activities that was simultaneously tracking
19 expenditures, but I wasn't taking anyone out
20 for lobster dinners saying this is a lobbying
21 expenditure, if that's the question.

22 Q. What about your cab fare up to
23 Capitol Hill to go to meetings that you're
24 categorizing as lobbying, how would you track
25 that, would you have reported that?

1 Disney

2 A. When I took cabs, I generally rode
3 my bike to the Hill. When I took cabs to the
4 Hill I would make a note on the taxi receipt
5 of the date, the fare, the location that I
6 went to. And if you're asking did I ever mark
7 lobbying LDA, IRS, legislative, nonlegislative
8 on the receipts, no, I did not.

9 Q. Or lobbying at all in general.

10 Is there any way to know that the
11 expenditure of the taxicab going up to the
12 Hill was an activity of lobbying versus one of
13 not lobbying?

14 A. In my opinion, it was a necessary
15 distinction between the types of lobbying,
16 LDA, IRS, all of those things, it is not
17 enough to say lobbying expenditure.

18 Q. It sounds like that was something
19 that was developed later.

20 I'm asking in 2008, 2009 even then
21 was there any way to indicate on that receipt
22 or on that taxi receipt that the activity that
23 you incurred that expenditure for was for
24 lobbying?

25 A. I'm a little fuzzy on the specific

1 Disney
2 nature of the question. Given that speaking
3 only for myself, it wasn't a very regular
4 thing for me to take taxis to the Hill, I
5 can't specifically say.

6 Q. Let's focus on any expenditure at
7 all.

8 A. Sure.

9 Q. I understand we have lobbying
10 reform and you weren't doing lobster dinners,
11 but there are certain exceptions, you buy
12 somebody coffee in the Senate cafeteria, is
13 there any way to track that? That's really,
14 I'm not trying to be clever, that's what I'm
15 trying to get at.

16 Did NIAC have a mechanism to track
17 any expenditure spent on what you would
18 categorize clearly as lobbying activities?

19 A. I hear what you saying.

20 One instance that I can say
21 confidently that we had a mechanism in place
22 for coalition meetings that I categorized as
23 lobbying activities. Oftentimes we provided
24 coffee and bagels for those meetings or lunch.
25 Given that NIAC received a grant to coordinate

1 Disney

2 the coalition activities, we made a special
3 mark of accounting for those expenditures for
4 the coffee and bagels or lunch, at those
5 meetings which were lobby activities as
6 lobbying expenditures.

7 Does that answer your question?

8 Q. What about everything else, what
9 about the time when you did take a taxi or
10 Emily took a taxi, David took a taxi, did you
11 have any mechanism when you were the acting
12 policy director for a point in time or he
13 reported to you, did you instruct him, "Look,
14 this is something that's important we need to
15 track, our expenditures that are spent on
16 lobbying and this is how you do it and then we
17 report this to Ms. Nikki or the accountant or
18 whoever it is so that NIAC knows what are our
19 lobbying expenditures?"

20 A. We were all very aware, myself,
21 David, Trita, everyone was aware of the
22 requirements for tracking lobbying
23 expenditures. And our mechanism that was in
24 place focused on, centered around categorizing
25 our activities. And when we had a meeting on

1 Disney

2 the Hill, we determined whether or not that
3 meeting was a lobbying activity, if it was
4 categorized that way, everything we did in
5 connection with that meeting we categorized in
6 some way or another as lobbying. I couldn't
7 speak to specifics about cups of coffee in the
8 House cafeteria, but we had a mechanism in
9 place whereby it centered around the activity
10 and whether the activity was or was not
11 classified as lobbying and recording it as
12 such.

13 Q. I'm not sure I understand the
14 mechanism that we are talking about.

15 If you spent that, bought that cup
16 of coffee at the House cafeteria, how would
17 you know when you submit that receipt that
18 that cup of coffee is tied to a lobbying
19 activity versus buying a cup of coffee meeting
20 with somebody which wasn't for, a meeting that
21 wasn't lobbying?

22 A. It is getting a little fuzzy now
23 examples of cups of coffee and receipts and
24 whatnot. In my experience I paid for my own
25 coffee so it wasn't an organization expense.

1 Disney

2 Q. You had expenditures that were
3 related to lobbying activities; is that
4 correct?

5 A. It is the only thing I'm
6 comfortable saying we actually had
7 expenditures, we certainly for lobbying would
8 be the things that I mentioned earlier, we
9 took as a percentage of the overall overhead
10 cost of the organization for the rent, for the
11 electricity, things like that. And we, my
12 time spent lobbying was a percentage of my
13 time, my percentage of the overall
14 organization's expenditures that were my
15 responsibility, we can extrapolate from that
16 we used a percentage for accounting for that.
17 It was, I'm not confident that I could say
18 that there were any other expenditures that
19 were lobbying expenditures beyond the ones
20 that we categorized as such, it is difficult
21 to say.

22 Q. How about mailings, if you sent
23 out a mailing with the purpose of lobbying,
24 how would you have accounted for that
25 expenditure?

1 Disney

2 A. I don't recall any mailings that
3 we sent out that were lobbying activities, our
4 lobbying activities generally focused on
5 either electronic communication or in-person
6 communication.

7 Q. All right.

8 MR. JENSEN: I'm going to hand you
9 what we will mark as Defendant's
10 Exhibit 12, for identification.

11 (Defendant's Exhibit Number 12,
12 payroll summary, marked for identifi-
13 cation, as of this date.)

14 Q. And also --

15 A. Can we take a bathroom break?

16 Q. We can do that.

17 MR. JENSEN: Is that all right?

18 THE VIDEOGRAPHER: The time is
19 5:17. We are going off the record.

20 (Whereupon, an off-the-record
21 discussion was held.)

22 MR. JENSEN: Mark this Defendant's
23 Exhibit 13.

24 (Defendant's Exhibit Number 13,
25 federal tax return, marked for

1 Disney
2 identification, as of this date.)
3 THE VIDEOGRAPHER: The time is
4 5:22. We are back on the record.
5 Q. So you have in front of you 12 and
6 13.
7 Do you see number 12?
8 A. Yes.
9 Q. Do you recognize this document?
10 A. I can't say if I have seen it
11 before.
12 Q. What this document?
13 A. Appears to be NIAC's payroll
14 summary for the year 2008.
15 Q. Then grab Exhibit 13, keep 12
16 handy, we will go back to this.
17 Have you seen this document
18 before?
19 A. I can't say I have, no.
20 Q. What does this document appear to
21 be?
22 A. Appears to be NIAC's federal tax
23 returns for the year 2008.
24 Q. Earlier you said that as far as
25 lobbying expenditures when it comes to

1 Disney
2 mailings you don't think that NIAC would have
3 any mailings lobbying expenditures; is that an
4 accurate characterization of what you were
5 saying?

6 A. Again, under my understanding of
7 the legal term lobbying, I do not recall any
8 specific mailings that satisfied the criteria
9 for that categorization.

10 Q. And so any particular mailings
11 that would have been lobbying under the legal
12 definition of that term as far as you
13 understand it?

14 A. I don't recall any specifically,
15 generally our mailings went out to our members
16 asking them for their feedback to a poll or
17 informing them of a development, it is not the
18 type of thing that would generally be
19 categorized as lobbying.

20 Q. Flip over to there is an
21 attachment at the back, schedule C.

22 A. This is 13?

23 Q. This is 13, page three.

24 A. What's at the top schedule C, page
25 three?

1 Disney

2 Q. You will see part II-B.

3 A. Okay.

4 Q. At the top that says, "To be
5 completed by organizations exempt under
6 501(c)(3) that have not filed this form 5768
7 (election under 501(h)." Then it asks number,
8 one, "During the year did the filing
9 organization attempt to influence foreign,
10 national, state or local legislation including
11 any attempt to influence public opinion on a
12 legislative matter or referendum through the
13 use of." If you look down at D it says,
14 "Mailings to members, legislators or the
15 public." It is marked as yes, then the amount
16 there.

17 Do you see that?

18 A. I do.

19 Q. \$3,934.

20 Do you what that \$3,934 what that
21 is?

22 A. No, I don't.

23 Q. How about the next one where it
24 says, "Publications, or published or broadcast
25 statements?" It looks like NIAC spent \$1,996

1 Disney
2 for publications for published or broadcast
3 statements that were lobbying in 2008.

4 Do you know what that nearly
5 \$2,000 was spent on?

6 A. No, I don't.

7 Q. Okay.

8 The last one, "For direct contact
9 with legislators, their staffs, governmental
10 officials or a legislative body," NIAC lists
11 \$8,841.

12 Do you know what that \$8,841 is
13 spent on?

14 A. No.

15 Q. Keeping that open, will you flip
16 over to Exhibit 12, find your name on there, I
17 think that's, let's see, page three.

18 A. Okay.

19 Q. Do you see where it says, lists
20 your salary for January to December 2008?

21 A. I see total gross pay, adjusted
22 gross pay.

23 Q. That is 19,958.

24 Is that, are we looking at the
25 same number?

1 Disney

2 A. Yes.

3 Q. If you flip back over to line
4 number D, line item E on Exhibit 13, 1,996.

5 A. Yes.

6 Q. Is that number 10 percent of your
7 salary?

8 MR. NELSON: Objection to the
9 question. Can you rephrase the question.
10 Are you asking whether or not \$1,996 is
11 10 percent of his salary?

12 MR. JENSEN: Yes, in 2008 as listed
13 on this payroll summary.

14 MR. NELSON: Objection because
15 you're asking him to indicate whether or
16 not that is the basis for it being put in
17 that.

18 MR. JENSEN: I'm not asking that,
19 I'm asking if it is 10 percent.

20 A. Mathematically?

21 Q. Yes.

22 A. Not precisely but very close.

23 Q. Let's flip over to Emily Blout's
24 salary which I believe is on page one, what
25 was her salary for 2008?

1 Disney

2 A. On Emily Blout it says \$39,339.71.

3 Q. And flip over to line item D.

4 A. On?

5 Q. On page three of Exhibit 13.

6 That number there is \$3,934. Is
7 that number 3,934 10 percent of her salary as
8 listed on the payroll summary?

9 A. If you're asking mathematically it
10 is very close.

11 Q. Then flip over to Trita Parsi's
12 salary on page four, 88,416. Is that what you
13 see?

14 MR. NELSON: We have an incomplete
15 document, we have the odd-numbered pages,
16 there might have been a back and front,
17 we have pages one, three and five.

18 MR. JENSEN: If you want to see the
19 full thing I will show you. All I am
20 going to ask is on page three.

21 MR. NELSON: I don't think he has
22 that either.

23 MR. JENSEN: I'll give him a copy
24 too.

25 I was referring to page two, you

1 Disney

2 don't need to see that. Take a look, I'm
3 going to ask him about page four. If you
4 can pass that over. Let's go ahead and
5 replace that 12 with that one.

6 Q. Do you see page four, Trita
7 Parsi's salary?

8 A. I see that.

9 Q. 88,416?

10 A. I see that.

11 Q. If you flip back over to 13,
12 Exhibit 13, column B, line J, the number there
13 is 8,851, mathematically is that exactly 10
14 percent of Trita Parsi's salary in 2008?

15 A. Again not exactly, but close.

16 Q. 8,841?

17 A. Mathematically it is not exactly
18 the --

19 MR. NELSON: The math speaks for
20 itself, counsel.

21 Q. So were you involved with
22 calculating how much lobbying expenditures
23 were spent on either of these three items in
24 2008?

25 A. Which three items?

1 Disney

2 Q. D, E and G.

3 A. I was not involved in the
4 production of this document, no.

5 Q. Do you know who would have
6 calculated D, E and G for 2008?

7 A. I don't.

8 Q. Did anyone ask you how much you
9 personally spent on mailings to members,
10 legislators or the public on publications or
11 publicized or broadcast statements or direct
12 contact with legislators, their staffs,
13 government officials or legislative body in
14 2008?

15 A. Given that I within the
16 organization wasn't empowered to authorize
17 expenditures of that nature, no one would have
18 asked me that question.

19 Q. All right.

20 MR. JENSEN: Let's flip over to, I
21 hand you what we will mark as Defendant's
22 Exhibit 14.

23 (Defendant's Exhibit Number 14,
24 e-mail and lobbying disclosure act
25 guidance, marked for identification, as

1 Disney

2 of this date.)

3 Q. Are you done?

4 What is this document?

5 A. This is an e-mail and attached

6 document that I produced to Emily Blout

7 regarding the Lobbying Disclosure Act.

8 Q. What prompted you to create this
9 document?

10 A. I don't remember precisely, but I
11 know that around the time I began working for
12 NIAC, I had asked a question of Emily what the
13 legal requirements were governing an
14 organization such as ours, engaging in
15 lobbying activities. And she not being a
16 lawyer herself was not able to give a
17 comprehensive answer to that question. And
18 around this time I began researching the
19 question for myself and put together this
20 document based on that research.

21 Q. Why did you feel a need to ask her
22 how to research this issue?

23 A. I remember distinctly a friend of
24 mine asked me what the laws were, and I didn't
25 know so I asked my colleagues.

1 Disney

2 Q. You felt it was important to
3 understand what the laws were governing
4 lobbying?

5 A. It is always important to
6 understand what the law is.

7 Q. Had Emily done any research as to
8 what the laws were regarding lobbying at the
9 time that you spoke to her?

10 A. I don't know.

11 Q. You don't know that she did or did
12 you ask her?

13 A. I don't remember if I asked her or
14 not and I don't know if she said she had done
15 any research or if she had done any research
16 for herself.

17 Q. Were you satisfied with the answer
18 that she gave when you asked her what lobbying
19 was?

20 A. I think I said before that I don't
21 remember her specific answer to my specific
22 question, it was clear that further research
23 on the question was warranted, so I don't
24 think she had a comprehensive understanding.

25 Q. You were not satisfied with her

1 Disney

2 understanding?

3 A. That's probably fair to say.

4 Q. Okay.

5 And where did you get the
6 information that went into this document?

7 A. I couldn't say with certainty, but
8 I did list my sources at the top of this
9 attachment. From the clerk of House of
10 Representatives and from a website that I
11 stumbled across with frequently asked
12 questions from this organization, Lichtman,
13 Trister and Ross.

14 Q. I'll refer back to this.

15 MR. JENSEN: Mark this 15, for
16 identification.

17 (Defendant's Exhibit Number 15,
18 calendar, marked for identification, as
19 of this date.)

20 Q. The e-mail on the cover sheet of
21 the document we were just looking at, what was
22 that Exhibit?

23 A. 14.

24 Q. What's the date on that?

25 A. July 23rd, 2008.

1 Disney

2 Q. And I just handed you what's been
3 marked Exhibit 15, is that right?

4 Do you know what this is?

5 A. It says here it is my Outlook
6 calendar produced April 2010.

7 Q. Without going through the entire
8 voluminous document, you can flip through it
9 and tell me if that looks like these are in
10 fact your calendar entries?

11 A. I have never seen it in this
12 format --

13 MR. NELSON: Objection.

14 A. -- so --

15 MR. NELSON: You certainly don't
16 think that he can vouch for all of these
17 calendar entries?

18 MR. JENSEN: Not all of them.

19 Q. Do some of these look like they
20 would be your calendar entries? I'll
21 represent to you this is produced to us on
22 April 2010 by plaintiffs' counsel as your
23 calendar entry Outlook calendar entries.
24 Let's turn to the very first entry on the
25 first page.

1 Disney

2 A. Okay.

3 Q. What is the subject of that entry?

4 A. The very first one?

5 Q. Yes.

6 A. Worry Free Advocacy for Nonpro-
7 fits.

8 Q. And the date?

9 A. July 16th, 2008.

10 Q. The description?

11 A. "This full day workshop will cover
12 rules for lobbying, electoral activities," and
13 does it continue on the line below that?

14 Q. If looks like it does to me.

15 A. "NM state guidelines."

16 Q. Is that, do you know what NM is?

17 A. I don't know what NM is.

18 Q. Does this refresh your
19 recollection, do you remember attending this
20 all-day workshop?

21 A. I don't recall specifically but I
22 don't believe I attended this workshop. I put
23 it on my calendar as an opportunity, but that
24 doesn't mean that I attended.

25 Q. Do you know why you would have put

1 Disney

2 it on there?

3 A. I remember the organization that I
4 believe put this event on. I subscribe to
5 their newsletter because every week they send
6 out frequently asked questions related to this
7 topic of nonprofits engaging in lobbying
8 activities, and I found the information
9 useful. And when I received a newsletter that
10 had this event on it, I must have put it in my
11 calendar as a potential thing to attend, but I
12 don't believe I attended it.

13 Q. Okay.

14 What was the organization that you
15 referenced that had sent around the weekly
16 e-mail that you referenced?

17 A. I don't recall the name of the
18 organization.

19 Q. Was it The Alliance For Justice?

20 A. That sounds right but I'm not
21 100 percent certain, it sounds right.

22 Q. All right.

23 MR. JENSEN: Handing you what's
24 been marked Defendant's Exhibit 16.

25 (Defendant's Exhibit Number 16,

1 Disney

2 e-mails, marked for identification, as of
3 this date.)

4 Q. Do you recognize this document?

5 A. No, I don't.

6 Q. It is dated February 6th, 2008,
7 probably predates your time at NIAC, doesn't
8 it?

9 A. It does.

10 Q. Whose Ali Scotten?

11 A. Ali Scotten was a person whose
12 connected to NIAC prior to my coming there. I
13 believe he was an intern but he was, he may
14 have served in some other capacity.

15 Q. Was Emily employed at this time,
16 do you know?

17 A. I believe so, I couldn't say for
18 certain.

19 Q. And Sara was she in California or
20 she in D.C. at this time?

21 A. You would have to ask her
22 specifically, but the time when she began
23 opening the West Coast office was not in
24 February '08.

25 Q. What does this document appear to

1 Disney

2 be?

3 A. The subject is lobbying and such.

4 Q. When you brought up lobbying in
5 July of this year, did anyone reference this
6 document?

7 A. In July?

8 Q. July 2008 when you brought it up
9 to --

10 A. When I produced this document?

11 Q. That memo, yes.

12 A. Your question?

13 Q. When you discussed did you discuss
14 this with Emily in July 2008?

15 A. Yes, according, I sent this e-mail
16 to Emily.

17 Q. And did Emily or did anyone
18 reference this document when you were having
19 those conversations about lobbying in July?

20 A. It is possible but I don't recall
21 this specific document.

22 Q. You don't recall if anyone gave it
23 to you as you were doing your work to analyze?

24 A. It is possible, I don't recall
25 specifically, it could have, could have not.

1 Disney

2 Q. Okay.

3 Flipping back to the previous one,
4 the memo that you drafted, was this your final
5 analysis, did you draft a more formal memo or
6 was this your final?

7 A. I'm not sure I got the question.

8 Q. It says --

9 A. This is --

10 Q. This is your analysis, right, "My
11 analysis is in the brackets," was this your
12 final analysis or did you do any anything
13 further with this particular document?

14 A. This document was not my
15 definitive conclusion on the subject nor was
16 it my next conclusion on the subject. It was
17 one of the first of many discussions and
18 various formats we had about this question, so
19 I wouldn't characterize it in any way as
20 final.

21 Q. Final analysis.

22 Did you use this particular
23 analysis to generate any other work product,
24 the final memo that had conclusions about
25 whether or not NIAC was complying with the

1 Disney
2 lobbying definition as you have outlined in
3 this document?

4 A. Did I or my colleagues use this
5 document to produce any other discussions,
6 yes, to produce a final definitive conclusion,
7 I don't believe such a document exists.

8 Q. Was there a verbal final
9 conclusion about --

10 A. As I said before, there was less--

11 MR. NELSON: Are you asking him
12 whether was a verbal final conclusion
13 about whether NIAC was lobbying under the
14 various laws of The United States?

15 MR. JENSEN: In 2008, yes.

16 Q. I'm trying to get, you raised some
17 issues here.

18 Was there a final determination
19 about whether or not your analysis was right
20 or wrong?

21 A. I can't, I wouldn't say, I am not
22 quite sure I understand the word final here,
23 but I can tell you what there was.

24 Q. Okay.

25 A. Following this document, soon

1 Disney

2 after this document was produced which was my
3 own opinion based on my initial research and
4 my interpretation of again this extraordi-
5 narily complicated legal principles, I
6 produced this document, then had a discussion
7 with Trita and I believe Emily but I don't
8 believe specifically about this document,
9 those conversations about our activities and
10 how our activities fall under the legal
11 requirements for lobbying continued for the
12 remainder of my time at NIAC until July 2010,
13 and I'm sure those conversations are ongoing.
14 So in that respect, was there a final end of
15 the conversation, no. That's how complicated
16 the matter was for us.

17 Q. Those were verbal conversations,
18 do you remember any other work product that
19 came out of this analysis?

20 A. I remember at another time tasking
21 an intern to produce a document with even more
22 research on it, that was one other work
23 product, but like I said before we had a
24 number of documents that we used as resources
25 with different ways of interpreting the legal

1 Disney

2 rules.

3 Q. Ms. Blout indicated she remembered
4 another memo, a more final memo after this
5 one.

6 Does that refresh your
7 recollection about whether or not this memo
8 actually made it, or this analysis made it
9 into another work product?

10 MR. NELSON: Objection, no
11 foundation.

12 You can answer.

13 A. That confirms my point about these
14 conversations continued extensively over the
15 next couple of years, a number of documents
16 were produced, memos, e-mails, verbal
17 communications, all of the above.

18 Q. Let's look at the bottom of the
19 second page, the first page of the memo.
20 "Under this expansive view of "lobbying," I
21 find it hard to believe Emily and I devote
22 less than 20 percent of our time to lobbying
23 activity. I believe we fall under this
24 definition of "lobbyist."

25 Why did you think that you spent

1 Disney

2 more than 20 percent of your time lobbying
3 under this definition of lobbying?

4 A. Going back to when I drafted this
5 document, it was my interpretation that any
6 activity performed by any individual who had
7 any hope of affecting any government policy
8 was engaging in lobbying. That is why I said,
9 "Under this expansive view of loaning, it was
10 essentially my interpretation that harboring
11 the desire for government policies to change
12 made it lobbying." That was what I was
13 conveying that the legal definition of this
14 term is almost limitless.

15 I expressed that opinion here, but
16 again this was my preliminarily opinion and I
17 had no legal qualifications to make a
18 definitive judgment. It wasn't even a
19 definitive judgment for me, like I said, as
20 the conversations continued, as we gathered
21 more information about the subject, my
22 opinions, my analysis and those of my
23 colleagues all evolved.

24 Q. But at this point it seems it is
25 pretty clear that you felt like you were a

1 Disney
2 lobbyist, you were exceeding this 20 percent
3 time allotment under the Lobbying Disclosure
4 Act?

5 MR. NELSON: I note the same
6 objection, he is not an expert on
7 lobbying, but you can answer the
8 question.

9 Q. I'm asking you what your opinion
10 was at the time, and your opinion was that you
11 were a lobbyist.

12 Is that accurate?

13 A. It is again my interpretation of
14 the legal term lobbying was that it was a term
15 that was exceedingly broad, and that it was
16 actually impractically broad. And my point in
17 saying this sentence right here was to say
18 that the legal term is so exceedingly broad
19 that it is difficult not to interpret a lot of
20 our activities as falling under that broad
21 definition.

22 Q. So did you view the 20 percent
23 limit as outlined here as you being in excess
24 of that 20 percent limit as violating the
25 Lobbying Disclosure Act?

1 Disney

2 A. No.

3 It was my understanding that,
4 sorry this is a very complicated issue, I want
5 to get things right, can you restate the
6 question?

7 Q. Sure.

8 You say in here that you find it
9 hard to believe that Emily and I devote less
10 than 20 percent of our time for lobbying.
11 There is 20, if you exceed 20 percent under
12 this, under this definition as you have listed
13 here, you're a lobbyist.

14 Is that fair?

15 MR. NELSON: Objection, calls for a
16 legal conclusion.

17 Q. That was your conclusion, "I
18 believe that we fall under this definition of
19 lobbyist?"

20 A. There are requirements for anyone
21 who exceeds this 20 percent level that include
22 registering with the clerk of The House and
23 The Senate.

24 Q. Had you registered with the clerk
25 of The House and Senate as a lobbyist?

1 Disney

2 A. My conclusion was based on this
3 interpretation of the term, which again was I
4 believe inaccurate.

5 Q. You believe that now?

6 A. I believe that now, not at the
7 time, obviously it was a mistaken legal
8 conclusion.

9 Q. Right.

10 But at the time you felt that the
11 legal conclusion was that you needed to
12 register with the clerk of The house and The
13 Senate as a lobbyist?

14 MR. NELSON: Objection, that is not
15 his testimony.

16 A. At no time did I presume to have
17 the definitive answer, but based on my
18 research based on my limited understanding of
19 the legal principles, my interpretation of it
20 was that at that time was that our activities
21 exceeded the threshold beyond which we as
22 individuals would have to register as lobbyist
23 under LDA.

24 Q. You as individuals to the best of
25 your knowledge at the time were not

1 Disney

2 registered?

3 A. Speaking only for myself I was not

4 registered.

5 Q. Do you know that Emily was

6 registered?

7 A. I wouldn't speculate about what

8 Emily did.

9 Q. Did you have knowledge that she

10 was?

11 A. I had never seen any proof one way

12 or the other.

13 Q. Did you have knowledge that Trita

14 was registered?

15 A. Again, I had no proof one way or

16 another.

17 Q. Then on the last page you say,

18 "Even though Emily and I are classified as

19 lobbyists under this definition, if NIAC does

20 not meet the \$10,000 threshold we do not have

21 to register as a lobbying firm."

22 Do you know if NIAC was meeting

23 the \$10,000 threshold?

24 A. That's not what was taken under

25 account when I wrote this, I knew next to

1 Disney

2 nothing about the finances of the organiza-
3 tion.

4 This was a generalization about
5 requirements and that there is a difference
6 between an individual registering as a
7 lobbyist and an organization registering under
8 LDA, and I was trying to draw a distinction
9 between those two.

10 Q. Then the last one where it says
11 penalties, "Penalties for violating lobbying
12 disclosure requirements cannot exceed five
13 years in prison or a fine of \$2,000 or both."

14 How did you feel when you were
15 writing that knowing, at least you did or
16 thinking at least as you did at the time that
17 you were in violation of the LDA?

18 MR. NELSON: Objection.

19 A. I wasn't worried because I knew
20 that this wasn't the end all be all definitive
21 answer for us as an organization, this was my
22 contribution to a discussion about a very
23 complicated question.

24 Q. Did you have concern that you were
25 in violation of LDA?

1 Disney

2 MR. NELSON: Asked and answered.

3 A. I had concerns that we didn't have
4 a comprehensive and definitive interpretation
5 of the requirements.

6 Q. What was Trita's reaction to this
7 memo?

8 A. His reaction was that we needed to
9 discuss it more. That we needed to find out
10 more information that we as not being
11 qualified legal experts would need to consult
12 other people.

13 Q. So what specifically in the wake
14 of this, by wake I mean within the next few
15 weeks or few months was done to further that
16 analysis?

17 A. All I know is we continued
18 discussing this and continued trying to find
19 out more information. I wouldn't speculate
20 about specific steps we took, but I know we
21 kept the book open and tried to find out more
22 information.

23 Q. Did you take any specific steps in
24 the two or three months following this memo?

25 A. Again, we continued producing

1 Disney

2 research, we continued informing ourselves, we
3 continued communicating to each other through
4 memos or e-mails or verbal discussions about
5 the question, it was an ongoing conversation.

6 Q. Okay.

7 So within the next two or three
8 months after this memo was, you shared this
9 memo, what specific research did you do to
10 determine whether or not you were in
11 compliance with the LDA?

12 A. I couldn't speak to specifics, I
13 continued receiving those e-mail newsletters
14 from groups like Alliance For Justice.

15 Q. What specifically did Emily do?

16 A. You would have to ask her.

17 Q. Trita?

18 A. You would have to ask him.

19 Q. Your conversations, do you
20 remember them coming to you and saying, "I saw
21 your memo, you got me nervous so I went down
22 and talked to lawyers at this law firm, they
23 told me we are okay," anything like that?

24 A. I don't think that would be an
25 accurate, I wouldn't want to speculate about a

1 Disney

2 conversation like that happening. We had a
3 number of discussions about this subject over
4 the two and a half years I worked at NIAC.

5 Q. You said this was a very nuanced
6 issue, a very complex issue, so to answer that
7 very nuanced and complex and legalistic issue
8 you conducted your own research and talked
9 among yourselves, you didn't have any
10 recollection of anyone asking a lawyer whether
11 or not this complex, whether you were
12 complying with this complex law?

13 MR. NELSON: He has already
14 answered this question, counsel.

15 A. Over time we consulted outside
16 experts.

17 Q. You keep saying over time, can you
18 be more specific?

19 A. During my two and a half years at
20 NIAC I remember a number of different
21 approaches that we took in finding out
22 information about this subject. We approached
23 an organization called CLIPI, The Center For
24 Lobbying and Public Interest.

25 Q. When was that?

1 Disney

2 A. Mid-2009.

3 Q. Okay.

4 A. We approached an outside law firm
5 that I don't recall the name of.

6 Q. When was that?

7 A. Around the same time, it was after
8 the CLUPI meeting, it was around the same
9 time. And we continued to have, I think I
10 mentioned one of our interns pulled some
11 resources off the internet.

12 Q. When was that?

13 A. If I had to guess I think it was
14 2008, I couldn't be more specific than that.

15 Q. You blow the whistle in July 2008?

16 A. Blow the whistle?

17 MR. NELSON: Objection to the term
18 blow the whistle.

19 Q. We have an issue, we have a
20 problem?

21 A. I couldn't, I wouldn't even say I
22 was the first to bring the matter up, I
23 contributed this document to the discussion.

24 Q. You realized that you exceeded the
25 20 percent limit that required you to register

1 Disney

2 as a lobbyist. You knew you weren't a
3 registered lobbyist under LDA, you list the
4 penalties which are up to five years in prison
5 and/or \$200,000. The next thing you do is,
6 you're not really sure, you think you have
7 some conversations somewhere maybe at the end
8 of that year, maybe 2009, you have an intern
9 look into this what you described as a very
10 complex and nuanced issue and have an intern
11 do some web research and write a memo?

12 MR. NELSON: I object to the form
13 of the question and mischaracterization
14 of your testimony. And counsel, if you
15 want to testify as to your belief, that's
16 fine, but that's not his testimony at
17 all.

18 A. You were asking about specific
19 instances. One specific instance was an
20 intern performed some research, to generalize
21 based on that that we didn't take the matter
22 seriously is a gross mischaracterization.

23 Q. Where are the memos, where are the
24 documents, what are the conversations,
25 specific conversations that you were having,

1 Disney

2 where are the lawyers?

3 MR. NELSON: Asked and answered.

4 Do you have some other questions
5 you want to ask, you have asked this two
6 times now. He's given you his best
7 recollection, so do you have something
8 you want to present him with, go ahead.

9 MR. JENSEN: Not specific, he keeps
10 talking over time.

11 MR. NELSON: He said he doesn't
12 recall.

13 Q. In 2008, in the immediate
14 aftermath of this memo, what specifically was
15 done?

16 MR. NELSON: Asked and answered.

17 Can you answer the question?

18 A. In the immediate aftermath, I
19 can't speak to specific documents and other
20 conversations that took place, I know the
21 investigation, the consultation, the
22 discussions continued extensively.

23 Q. Were those via e-mail?

24 A. They were via a number of various
25 means.

1 Disney

2 Q. Do you remember sending or
3 receiving an e-mail, any e-mails about this
4 issue?

5 A. I am confident I did.

6 MR. JENSEN: Let's go ahead and
7 take a break.

8 THE VIDEOGRAPHER: The time is
9 6:01. This ends tape number two of the
10 deposition of Patrick Disney.

11 Off the record.

12 (Whereupon, an off-the-record
13 discussion was held.)

14 THE VIDEOGRAPHER: The time is
15 6:09. This begins tape number three of
16 the videotaped deposition of Patrick
17 Disney.

18 MR. JENSEN: Handing you what we
19 will mark as Defendant's Exhibit 17, for
20 identification.

21 (Defendant's Exhibit Number 17,
22 e-mail chain, marked for identification,
23 as of this date.)

24 Q. What is this document?

25 A. This is an e-mail thread between

1 Disney

2 me and Babak Talebi.

3 Q. At the top it says, "I think we
4 have answered it for now," do you know what
5 the it is there?

6 A. Not specifically, no.

7 Q. You say, "We need to keep an eye
8 out for when we may cross that \$10,000
9 threshold on lobbying."

10 What's that in reference to?

11 A. I think in reference to some of
12 the requirements for organizations engaging in
13 lobbying activities under various regulations.

14 Q. Do you know why you said that you
15 thought you answered that for now?

16 A. Like I said, I don't know what I
17 referred to in saying we had answered it.

18 Q. What the it is.

19 What is this e-mail that he's
20 forwarding you?

21 A. This is an announcement from the
22 Alliance For Justice about web workshops.

23 Q. It also includes if you look at
24 the different dates, strategies for
25 coalitions, this is on page two of three,

1 Disney
2 August 14th election rules for nonprofits,
3 August 19th Federal Lobbying Disclosure Act
4 rules for nonprofits, and August 26th lobbying
5 rules for nonprofits web workshop.

6 Does that help refresh your
7 recollection if you look at what the document
8 is that he's forwarding you why you might have
9 responded that you think you answered it for
10 now?

11 MR. NELSON: The document speaks
12 for itself, form of the question.

13 MR. JENSEN: I'm asking if it
14 refreshes his recollection about what the
15 it is.

16 A. It does not give me any specific
17 recollection about what it is in this
18 document, no.

19 Q. All right.

20 Let's flip over to this exhibit
21 which, which one is this?

22 A. 15.

23 Q. 15, the calendar entries.

24 You said earlier that you don't
25 remember specifically when you specifically

1 Disney
2 started recording your time, is that correct,
3 am I remembering right?

4 A. That's correct, I don't remember
5 specifically dates on a lot of those sorts of
6 things.

7 Q. David Elliott in his deposition of
8 October last year said he had just started two
9 months prior recording his time spent
10 lobbying.

11 Do you have any reason to believe
12 that what he said is accurate or inaccurate?

13 A. I have no reason to believe either
14 one way or the other.

15 Q. Okay.

16 Does that help to refresh your
17 recollection, do you think you might have
18 started recording your time in August '09?

19 A. What it helps me refresh my
20 recollection about is that in August '09,
21 August of '09 was a certain step in the
22 development of my technique of recording time.
23 I wouldn't say that in July '09, for example,
24 I had no mechanism for recording my time so it
25 doesn't do a whole lot to refresh my

1 Disney

2 recollection.

3 Q. Are you aware that NIAC reported
4 that exactly 10 percent of your time was spent
5 lobbying in 2008?

6 A. I'm not aware of what you're
7 referring to.

8 Q. Okay.

9 MR. JENSEN: Handing you what we
10 will mark as Defendant's Exhibit Number
11 18, for identification.

12 (Defendant's Exhibit Number 18,
13 spreadsheet, marked for identification,
14 as of this date.)

15 Q. Have you ever seen this document
16 before?

17 A. I have.

18 Q. What is this document?

19 A. This is a timesheet for year 2009
20 divided by quarters and for my lobbying
21 activities.

22 Q. How did you compile the data in
23 this document?

24 A. It was a complicated process but I
25 went through all of my records, all of my

1 Disney
2 recollection, and anything I could to
3 determine what percentage of my time was spent
4 on lobbying activities.

5 Q. When did you do that?

6 A. Doesn't have a date on this, I
7 don't know precisely.

8 Q. November 2009, would that seem
9 accurate to you?

10 A. That seems accurate.

11 Q. So in November you went back to
12 figure out in quarter one, the first week of
13 January how much time you spent on lobbying?

14 A. Actually, you can tell because
15 there is two weeks of December here that it
16 must have been at or around the third week of
17 December.

18 Q. Okay.

19 So does that seem right in some
20 time in December you went back and calculated
21 how much time you had spent on lobbying for
22 every week throughout the year 2009?

23 A. That's accurate.

24 Q. You remember doing that?

25 A. I do.

1 Disney

2 Q. Your basis for doing that is you
3 looked at your calendars, what else did you do
4 to figure out how much time was spent on
5 lobbying?

6 A. I very thoroughly went through my
7 calendar. I remember I also looked at my
8 e-mails and divided up by the e-mails that I
9 sent to get a grasp on more a granular detail
10 of what I worked on at any given day. So for
11 example, if I had a very long e-mail that I
12 drafted, I could determine from that sort of
13 basis for how much time I spent on a certain
14 issue.

15 Q. Did you include your preparation
16 time?

17 A. What are you referring to?

18 Q. For example, if you're meeting
19 with a Member of Congress you determined that
20 a meeting was lobbying, so you would enter the
21 time you meet with the Member of Congress, did
22 you also include the time that you spent
23 preparing for that meeting with the Member of
24 Congress in your lobbying calculation?

25 A. According to the criteria that I

1 Disney
2 have talked about for lobbying activities, one
3 of those activities includes preparation and
4 so insofar as the regulation stipulates that
5 preparation work is lobbying activities, yes,
6 I counted those.

7 Q. Okay.

8 So for example, in January 3rd the
9 week you have one hour spent, that week that
10 would have included any preparation time that
11 you have would spent for any meetings you
12 might have had with Members of Congress --

13 A. That's correct.

14 Q. -- anything like that?

15 A. That's correct.

16 Q. All right.

17 Let's look at the week ending
18 February 6th, 2009, the one listed 1.5 hours
19 that first week.

20 A. Okay.

21 Q. Let's flip over to your calendars.

22 Let me find that in your calendar, February
23 2009, I think it is going to be.

24 A. Okay.

25 Q. You found it?

1 Disney

2 A. Yes.

3 Q. All right.

4 Take a look at on February 5th,
5 2009, you have a Hill meeting on incidence at
6 sea.

7 Do you see that?

8 A. Okay.

9 Q. Scheduled from 3:00 to 4:30.

10 MR. NELSON: What day are you
11 looking at?

12 MR. JENSEN: February 5th, 2009.

13 MR. NELSON: Okay.

14 Q. Does this 1.5, does that count
15 just time you spent at a meeting or does it
16 also include the time you prepared for that
17 meeting?

18 A. Not remembering --

19 MR. NELSON: Objection, no
20 foundation.

21 You can answer the question.

22 A. Not remembering this specific
23 meeting or any preparation that would have
24 been involved with it, I couldn't speculate.

25 Q. Would you typically prepare for

1 Disney

2 your Hill meetings?

3 A. It depends on a number of issues.

4 If I didn't need to do any special
5 preparation, you have to understand that I
6 engaged in meetings on the Hill for a large
7 number of different things. A lot of times I
8 was just asked to come in and speak to a Hill
9 staffer about events going on in Iran that I
10 was very familiar with, so as part of just
11 reading the news every day, I was prepared.

12 So its without knowing the specific details of
13 a meeting, I couldn't say what was involved.

14 Q. But how do you define preparation,
15 reading the news, is it reading something more
16 specific about the legislation you're going to
17 talk about, how do you know what is preparing
18 for that meeting and what it is?

19 A. You're hinting at the complexities
20 of this legal principle which is at some level
21 taken to its extreme getting out bed is
22 preparation for lobbying. And this is
23 something we struggled with for a long time
24 and continue to struggle with. I don't think
25 anyone absent an amazing legal mind would be

1 Disney

2 100 percent confident they understand every in
3 and out of the legal principle. Preparing for
4 a meeting the type of activities that would
5 be, I would have classified as lobbying
6 activities that were also in preparation for a
7 meeting, I had to draw the line as somewhere
8 as to not include getting out of bed or eating
9 breakfast as preparation for a meeting.

10 Q. Let's make it more simple. What
11 about travel time, we won't to getting out of
12 bed but travel time.

13 A. Sure.

14 Q. You leave NIAC, you hop on your
15 bike, you pedal up to the Hill, is that part
16 of preparation for a meeting, is that
17 included, how did you factor that in?

18 A. Having not thought about this for
19 quite a while, and I'm not certain I could
20 answer clearly, but I remember in the process
21 of categorizing meetings and preparation
22 activities I would consult these various
23 resources I had. I would consider all the
24 various criteria for lobbying activities and
25 match that up with the specific details of the

1 Disney

2 meeting, and I would make a determination
3 based on the best available information,
4 that's all I could say.

5 Q. Did, you're filling this out in
6 mid-December?

7 A. Filling --

8 Q. This sheet out.

9 A. 18?

10 Q. Yes, where you list 1.5 hours
11 spent that day which looks like it is this
12 meeting which you have from 3:00 to 4:30.

13 A. I wouldn't be able to say one way
14 or another.

15 Q. How did you figure that out,
16 you're sitting there mid-December and someone
17 is asking you to figure out how much time you
18 spent on lobbying. I know for me I have to do
19 time sheets too, if I don't do them within a
20 day it is very difficult, almost impossible to
21 remember how much time I spent billing a
22 particular client.

23 Did you find that to be a daunting
24 task in how were you able to get to a
25 sufficient comfort level with the numbers here

1 Disney
2 were an accurate repetition of how much time
3 spent?

4 MR. NELSON: Objection compound,
5 you can try answering.

6 A. You're right in saying it is a
7 difficult process, it is a difficult process
8 tracking your time that you did that day, it
9 is that complicated of an issue. So I used
10 all of the available information from my
11 calendar, from my e-mails, from my handwritten
12 notes, from my files, I made the best
13 determination I could with the available
14 information.

15 Q. Are you confident it is accurate?

16 A. I'm confident that it is as
17 accurate as possible.

18 Q. Is it your best effort but is it
19 easy to figure out how much time you spent on
20 lobbying first week of February sitting at
21 your desk in mid-December?

22 MR. NELSON: Objection.

23 A. I would just repeat that it is
24 never easy to understand the legal principle
25 of lobbying.

1 Disney

2 Q. Why are you doing this in
3 mid-December?

4 A. Me personally, I was told to as
5 part of my employment with NIAC.

6 Q. Who told you?

7 A. I don't recall, it was Trita or
8 Kevin, could have been someone else but --

9 Q. What specifically were the
10 instructions that they gave you?

11 A. To make this sort of document,
12 tracking my time spent doing lobbying
13 activities per quarter.

14 Q. And do you feel that you gave, if
15 you were on the fence and you're trying
16 reconstruct what you did, if you were on the
17 fence about how much time you may have spent,
18 did you take a broader view or did you take a
19 more narrow view how much time was spent on
20 lobbying?

21 A. I wouldn't characterize it as
22 anything like that, I tried to make the
23 records as I accurate as I possibly could.

24 Q. But there has to be time you have
25 no idea, right, you're looking at this

1 Disney

2 calendar entry in December from February,
3 you're trying to reconstruct how much time did
4 I spend lobbying that week, you don't really
5 know, unless you have an amazing memory. It
6 sounds like you were doing the best you could
7 with a very challenging task, you're not sure
8 how much time you spent preparing or did you
9 recall or did you recall when you filled that
10 out how much time you spent --

11 MR. NELSON: Objection, he already
12 testified he used his time records to go
13 through this and you're adding a
14 hypothetical that doesn't exist here.

15 MR. JENSEN: I'm asking him
16 specifically if he recalls when he filled
17 this out how much time he spent preparing
18 for this particular meeting.

19 A. Like I said when I filled this
20 document out in number 18, I went through this
21 document, my calendar and in addition to
22 various other records including e-mails to
23 determine as accurately as I could the amount
24 of time I spent on lobbying activities at any
25 given time.

1 Disney

2 Q. Did your calendar, did the e-mails
3 accurately reflect how much time you spent
4 preparing for all of these meetings?

5 MR. NELSON: Again assumes there
6 was preparation, counsel, there is no
7 foundation, I mean --

8 MR. JENSEN: He just told me that
9 the definition of preparation could be
10 even getting out of bed in the morning,
11 so we know there is some preparation that
12 goes into meetings.

13 MR. NELSON: He did not say that,
14 he said if you went to the ridiculous
15 getting out of bed --

16 MR. JENSEN: That's why I said it
17 could be, he said it could be.

18 MR. NELSON: Okay.

19 Is there a legal definition for
20 preparation?

21 MR. JENSEN: I'm asking him what
22 his understanding was.

23 MR. NELSON: He has testified to
24 how he completed this to the best of his
25 recollection based on time records, I'm

1 Disney

2 not sure what else you're looking for,
3 counsel.

4 A. I consulted all of the information
5 I had available to me.

6 Q. Sitting here today are you
7 comfortable saying this is an accurate
8 statement of how much time you spent lobbying?

9 A. Yes.

10 Q. If you had filled this out, this
11 February entry out at the end of February, do
12 you think it would have been different than
13 what it was when you filled it out in mid-
14 December?

15 A. That's a hypothetical I'm not sure
16 I can answer.

17 Q. Okay.

18 Did Emily Blout also do one of
19 these timetables?

20 A. I don't know.

21 Q. Do you know who else did other
22 than yourself?

23 A. I'm confident other people at NIAC
24 would have filled out something similar to
25 this, but I don't think I ever saw them.

1 Disney

2 Q. What's the basis for that
3 confidence?

4 A. Just that we understood as an
5 organization that we needed to have the
6 knowledge of our time spent lobbying for
7 organizational purposes, and so it would stand
8 to reason that I wasn't the only one that
9 would need to fill something like this out.

10 Q. In mid-December when either Trita
11 or Kevin came to you and asked you to fill
12 this out, was anyone else around that they
13 asked to fill out as well?

14 A. I don't remember the specific
15 conversation, but there is nothing to suggest
16 that I would have been the only one
17 responsible to do something like this.

18 Q. Do you know if anyone else was
19 doing this?

20 A. I think I answered that.

21 Q. Do you recall seeing David, can
22 you recall any conversation with David when he
23 was trying to reconstruct how much time he
24 spent on the particular matter?

25 MR. NELSON: Asked and answered.

1 Disney

2 A. Not specifically.

3 Q. Did you approach either David or
4 Emily and ask them as you were trying to
5 reconstruct this if their calendars coincided
6 with yours?

7 A. It is possible, I don't recall.

8 Q. You don't recall.

9 Do you recall doing time sheets
10 for anyone else other than yourself?

11 A. Filling out time sheets for anyone
12 other than myself, no.

13 Q. You didn't complete a timesheet
14 like this for David Elliott?

15 A. That's correct, I didn't do David
16 Elliott's time sheets.

17 Q. Did David Elliott do his time
18 sheets?

19 A. You would have to ask him.

20 Q. Do you know if Trita filled out
21 one of these time sheets?

22 A. You would have to ask him.

23 Q. Do you know if he recorded his
24 time spent lobbying?

25 A. I believe he did, I never to the

1 Disney
2 best of my recollection, I never saw his time
3 sheets.

4 Q. Why do you believe that he did?

5 A. Because it was my understanding
6 that we as an organization need to be able to
7 account for our lobbying activities.

8 Q. So because of that obligation you
9 assume he was keeping track of his lobbying
10 time?

11 A. Yes.

12 Q. Okay.

13 Were you aware of a litigation
14 hold and preservation notice?

15 A. I'm not sure I understand those
16 legal terms, but if you explain specifically
17 what you mean.

18 Q. Do you remember anyone instructing
19 you that you were not to destroy documents?

20 A. Yes.

21 Q. When did that instruction occur?

22 A. I don't recall when it occurred, I
23 just remember it occurring.

24 Q. Sometime in 2010?

25 A. I would hesitate to guess.

1 Disney

2 Q. All right.

3 How was that communicated to you?

4 A. It was communicated either via
5 e-mail or in person in the office.

6 Q. I'm sorry?

7 A. Either via e-mail or in person
8 within the office.

9 Q. Who communicated it to you?

10 A. Not recalling specifically the
11 conversation, I couldn't say but I would
12 assume Trita.

13 Q. Did everybody know that there was
14 a preservation notice they were not to
15 destroy?

16 A. I couldn't speak to what everyone
17 knew.

18 Q. Do you recall talking to everyone
19 about it we have got this case, we shouldn't
20 be destroying documents?

21 A. I do recall speaking with David
22 about we actually set up a file to place
23 pieces of paper, documents that we would have
24 otherwise destroyed that we did not destroy
25 that we put in this file for later.

1 Disney

2 Q. Do you remember any specific
3 instructions about that preservation notice?

4 A. Nothing more specific than we are
5 not allowed to destroy documents for --

6 Q. Destroy anything?

7 A. I don't remember specifically what
8 was communicated precisely, I'm not really
9 knowing a lot of the legal implications, I
10 wouldn't want --

11 Q. Right.

12 What I'm just asking you what was
13 indicated to you, that's what I'm interested
14 in, and how that affected your behavior?

15 A. To the best of my recollection I
16 came to understand that I was not to
17 permanently delete e-mails or documents and
18 was not to destroy paper files that weren't,
19 that were unique. If I printed a file that
20 was on my computer and made no changes to it,
21 I could put that piece of paper in the recycle
22 bin, that was my understanding.

23 Q. Okay.

24 How about calendar entries?

25 A. I don't remember specific

1 Disney

2 directives about calendar entries.

3 Q. Whether you could preserve them,
4 whether you could modify them?

5 A. Having never really deleted well,
6 I don't remember specific directives about
7 calendar entries, it was not something I
8 remember a specific conversation about.

9 Q. Okay.

10 Were you involved in the
11 production of documents to the defendant in
12 this case?

13 A. I went through my e-mails and
14 files and documents and based on the number
15 criteria given to me relevant to the case,
16 yes.

17 Q. What were those criteria?

18 A. They were 14 paragraphs stating
19 documents of an, of or pertaining to certain
20 issues or types of documents or --

21 Q. This is a memorandum?

22 A. I don't know officially what you
23 call it. It was 14 specific criteria that I
24 was to go through all of my e-mails and
25 documents, anything that could fall under one

1 Disney
2 or a number of those criteria, I was to flag
3 for the discovery process.

4 Q. Who authored that document?

5 A. I have no idea.

6 Q. Do you remember discussing or
7 talking to go counsel about what you should
8 preserve or --

9 A. I didn't myself speak with counsel
10 but I know my coworkers did, Trita usually
11 spoke with counsel on our behalf.

12 Q. He reported to you instructions
13 from counsel about what was to be preserved?

14 A. Yes.

15 Q. Do you still have a copy of that
16 14-paragraph document?

17 A. Not on me.

18 Q. Do you know if that 14-paragraph
19 document was produced?

20 A. I don't know, having been under
21 the assumption it was produced from, that was
22 authored by Sidley Austin, I don't know.

23 Q. You think it was authored by
24 Sidley Austin?

25 A. My understanding was that the 14

1 Disney
2 criteria were developed by Sidley Austin, but
3 having not --

4 MR. NELSON: He's referring to the
5 search terms that were agreed upon by
6 both parties, the 14 terms he's referring
7 to are the search terms.

8 MR. JENSEN: There is more than 14
9 terms that were initially agreed to.

10 Q. Let me, let's clarify this.

11 When you say 14 paragraphs, are
12 you talking about 14 terms?

13 A. No, there were 14 separate
14 criteria of documents that we were to search
15 for.

16 Q. What are --

17 A. In addition to those 14 criteria,
18 there were separate terms, one or two-word
19 sentences that we were also to do as part of
20 the discovery process. And the way I went
21 about doing the discovery process, I had 14
22 folders that I searched using those search
23 terms, but I also just comprehensively
24 searched my e-mails and would move it an
25 e-mail to the appropriate file based on the 14

1 Disney

2 categories.

3 MR. NELSON: He was referring to
4 discovery requests.

5 A. That's correct.

6 Q. Then you were also given a list of
7 terms and you used that list of terms to
8 figure out which documents in your files were
9 responsive.

10 If a document had a single term on
11 there did you put it in one of those 14
12 folders?

13 A. Having gone through this process a
14 couple of times, a few times, I remember one
15 or two some of those times literally going
16 through every e-mail, I don't think the search
17 terms as we are calling them were in existence
18 yet. I went through every single file and
19 every single e-mail and matched them up with
20 the discovery request, the 14 discovery
21 requests. Later --

22 Q. Let me stop you there.

23 So you were given a document, that
24 these 14 documents requests, how would you
25 know whether or not one of those fell in one

1 Disney
2 of those discovery requests categories?

3 A. Those 14 --

4 Q. Initially were you given search
5 terms at the same time as you were given those
6 14 document requests?

7 A. To the best of my recollection the
8 search terms came after the discovery
9 requests, the 14 discovery requests. I
10 wouldn't speculate about exactly when we
11 received what, but that's how I remember
12 things.

13 Q. You went through your files, did
14 you say every single file?

15 A. Yes, it was a difficult process.

16 Q. Sounds like it.

17 How long did it take you?

18 A. A long time.

19 Q. A month, few weeks?

20 A. Again having done it a couple
21 occasions, I don't know exactly but it was a
22 good bit of time.

23 Q. Why did you need to do it on a
24 couple occasions?

25 A. Because the lawsuit continued past

1 Disney
2 the time I turned over the first round of
3 documents.

4 Q. So it was updating the initial
5 production?

6 A. That's correct.

7 Q. Was it the same criteria that you
8 used for all of those subsequent reviews?

9 A. It was, we mentioned there were
10 search terms that were communicated later. We
11 also, I remember engaged in something of a
12 back and forth about search terms that we
13 thought were inappropriate. For example, NIAC
14 being on every document we ever produced, it
15 wasn't a helpful search term so --

16 Q. You looked at the search terms,
17 then you made a determination which of those
18 would warrant whether or not a document was
19 responsive and which wouldn't?

20 A. Like I said, the 14 discovery
21 requests were the, I literally created on my
22 computer a file for each of the 14, I would
23 call paragraphs, 14 discovery requests. And
24 as I went through the documents using the
25 search terms or even if a document did not

1 Disney
2 include any of the search terms, I examined
3 that document and made a determination about
4 which if any of the 14 files to put it into.

5 Q. Okay.

6 So you went through so I
7 understand, you went through all of your
8 documents by hand without running the search
9 terms beforehand to determine whether it fell
10 into one of these categories?

11 A. There are times I used search
12 terms, there are times I didn't.

13 Q. Okay.

14 And do you have a share drive,
15 talking about that collection of machines and
16 corner, I think you said that in that
17 collection of machines there is a share drive
18 or folder where people could dump documents
19 that other folks on the network could see.

20 A. That's correct.

21 Q. You might not use the word
22 network; is that correct?

23 A. Yes.

24 Q. And do you know if anyone searched
25 the documents on that share drive to

1 Disney

2 determine --

3 A. I do, I remember us divvying up
4 segments of the share drive for each
5 individual to go through.

6 Q. And who did that search, you said
7 divvying up, among whom?

8 A. Among nearly everyone, it is
9 possible some people got off without doing
10 them, but we divided it, it was a division of
11 labor.

12 Q. You took a certain folder and
13 said, I'm going to take these folders and
14 review those and Emily is going to review
15 these, David is going to review these?

16 A. That's correct.

17 Q. All right.

18 Are you aware that the calendar
19 entries that were produced to the defendant in
20 December 2009 were modified on December 25th,
21 26th and 27th?

22 MR. NELSON: Objection, foundation.

23 A. Can you repeat the question.

24 Q. Are you aware that the calendar
25 entries that were produced by the plaintiff to

1 Disney
2 the defendant in December 2009 were modified
3 on December 25th, 26th and 27th?

4 A. Are you referring to this?

5 Q. No.

6 A. I'm not sure what you are
7 referring to then.

8 Q. Okay.

9 Were you involved in producing
10 calendar entries?

11 A. Yes, I think this demonstrates I
12 was involved in producing my Outlook calendar.

13 Q. What did you do to produces your
14 Outlook calendar?

15 A. I don't remember specifically, I
16 don't remember the specific mechanisms for
17 producing my calendar, it was a technical
18 thing that has escaped my memory. I don't
19 remember the way I physically produced the
20 Outlook calendar from my computer.

21 Q. Did someone instruct you how to do
22 that?

23 A. They must, someone must have
24 because I seem to remember thinking we had a
25 uniform way. That I don't recall it being a

1 Disney
2 very, I don't remember, I don't remember the
3 moment when I produced my calendar, I don't
4 remember.

5 Q. Did you take your calendar and put
6 them on Excel spreadsheets before you gave
7 those calendars to be produced?

8 A. I don't remember, really
9 specifically recall what format we converted
10 it into if we converted it into any format, it
11 is just a technical thing, I don't recall.

12 Q. Do you recall looking, seeing
13 whether your color-coding made it over when
14 you prepared the documents for production?

15 MR. NELSON: Asked and answered.

16 A. I don't recall.

17 Q. Okay.

18 Did you modify any of your
19 calendar entries to December 25th, 26th or
20 27th, 2009?

21 A. I couldn't speak to any specifics,
22 I'm not sure, I am not sure I get what you're
23 saying. Did I make entries to my calendar for
24 those days, it is possible.

25 Q. Did you go into your calendars and

1 Disney
2 delete or edit any of your calendar entries to
3 any of those days?

4 A. If your asking if I falsified any
5 information on my calendar, I did not.

6 Q. Not falsified, I'm asking if you
7 edited or deleted anything from your calendars
8 on those days?

9 A. No.

10 Q. Okay.

11 Are you aware of anyone at NIAC
12 who did?

13 A. Not remembering who I turned over
14 my calendar to or how I turned it over, I
15 can't speak to what anyone else did with my
16 calendar.

17 Q. Who did you turn it over to?

18 A. Trita generally handled those
19 sorts of things when we produced the discovery
20 documents. We placed them either on the share
21 drive or we placed the share drive, Trita was
22 sort of the go-between between us on the staff
23 and our counselors.

24 Q. You took your calendar entries,
25 you're not sure how you converted them into a

1 Disney

2 PST file and put them into Excel, but somehow
3 you moved those to the share drive, your
4 understanding was that Trita would take those
5 and provide those to counsel for production.

6 Is that --

7 A. Not knowing the specific details
8 of what would happen once I produced it and
9 not really caring at the time, I cannot say
10 for sure. But it was my understanding that I
11 would produce discovery documents that would
12 then be looked at by our legal counsel, and
13 ultimately it would be presented for
14 discovery.

15 Q. Your calendar shows a lot of NIAC
16 meetings.

17 Were there ever notes taken from
18 the NIAC meeting similar to the CNAPI notes
19 that you were taking calendar?

20 A. Not similar to CNAPI meetings that
21 you have offered here, they were much less
22 formal meetings.

23 Q. Were you taking those notes?

24 A. Which notes?

25 Q. For the NIAC meetings?

1 Disney

2 A. I believe everyone took their own
3 notes individually, I made notes individually,
4 yes.

5 Q. What did you do with those notes?

6 A. I kept them in my files.

7 Q. Were they hard copy, did you put
8 them in electronic documents?

9 A. I generally handwrote them.

10 Q. Were those files searched for
11 responsiveness?

12 A. They were.

13 Q. If they were responsive were they
14 produced?

15 A. Yes.

16 Q. Let's flip over to March 19th,
17 2009 in the calendar exhibit.

18 Do you see an entry that says,
19 "Discovery leg team meeting?"

20 A. I do.

21 Q. Under the required attendees
22 column it looks like it has David Elliott,
23 Emily Blout, and obviously yourself would be
24 another attendee since this is your calendar.
25 In the description it says to discuss what

1 Disney
2 will be considered privileged in the
3 discovery.

4 MR. NELSON: You said March 19th?

5 Q. March 19th, 2009.

6 A. Yes, I see that.

7 Q. Tell me about that meeting.

8 A. I don't remember this specific
9 meeting, I remembered having a question
10 about--

11 MR. NELSON: I object, are you, was
12 this, let me speak to you.

13 Is this a little meeting that you
14 had with lawyers?

15 THE WITNESS: No lawyers were
16 present in this meeting to the best of my
17 recollection.

18 MR. NELSON: What you're testifying
19 to no lawyer was present?

20 THE WITNESS: Not remembering the
21 specific meeting, but I believe no
22 lawyers were present at this meeting.

23 MR. NELSON: You can answer.

24 Q. To the best of your recollection
25 what was this meeting?

1 Disney

2 A. We in the process of discovery it
3 was communicated to us that certain matters
4 were not open to be being produced, these
5 included communications with legal counsel.
6 This was something that we all as a staff
7 needed to have a very clear conception up, and
8 it is my belief this meeting was an
9 opportunity to discuss exactly what would fall
10 under that category.

11 Q. So were the three of you, were all
12 the staff when they were doing the review of
13 these documents, were they making a determi-
14 nation about what was privileged and what
15 documents were not privileged?

16 A. As individuals were doing their
17 own discovery process, they were constantly
18 making determinations about one thing or
19 another.

20 Q. Is privilege one of those
21 determinations?

22 A. In the course of reviewing our
23 e-mails for discovery process, if each
24 individual had an e-mail with our attorneys,
25 that individual would most likely have

1 Disney
2 determined that to be nondiscoverable, so if
3 that's answer to the question, the answer
4 would be yes.

5 Q. Okay.

6 So by nondiscoverable you mean
7 that if you determined it was privileged and
8 this is you, Patrick Disney, look at this
9 e-mail and say it was sent to my lawyer, or
10 the lawyer was cc'd on it or something like
11 that, you make the determination that that
12 document is privileged, you would then
13 withhold that document.

14 Is that --

15 A. I don't want to generalize, but it
16 was communicated to us the various ways that
17 we could understand whether or not a document
18 met the criteria to be turned over, and we
19 each as an individual made that determination,
20 yes.

21 Q. And who communicated that to you?

22 A. Again it was very complicated
23 determination, it was a complicated issue, so
24 I'm certain it was communicated to us through
25 various discussions from Trita to other

1 Disney
2 members of the staff constantly and advised by
3 legal counsel.

4 Q. Legal, do you remember ever
5 speaking to any NIAC's lawyers about what is a
6 privileged document and what isn't a
7 privileged document?

8 A. I remember receiving e-mails, I
9 never spoke one-on-one with our lawyers about
10 the discovery process. But it was not, there
11 were times when one or some of our attorneys
12 would send us e-mails with advice on this
13 process.

14 Q. If you determined, I just want to
15 make sure, you may have said this, if you
16 determined a document was privileged, that
17 document would not have been produced to the
18 defendant.

19 Is that correct?

20 MR. NELSON: I object because he is
21 saying whether or not a document was
22 discoverable, he hasn't used the term he
23 made a privileged determination.

24 Q. What does that mean, not
25 discoverable?

1 Disney

2 A. Did not meet criteria laid out for
3 us to turn over.

4 Q. So what happened to it?

5 A. Speaking from myself and this
6 process, if an e-mail, I determined an e-mail
7 did not meet any of criteria, I did not move
8 that e-mail to a file which would then be
9 handed over.

10 Q. Did you ever send that document to
11 Trita, to any lawyers to ask whether or not
12 you were making a correct determination on the
13 particular document that was privileged?

14 A. I don't remember any specific
15 instance in which I forwarded a document on
16 saying, "What do you think about this," it is
17 very likely that I sought people's input.

18 Q. Who would those people be?

19 A. We were all doing the process at
20 this time. A lot of people were doing it at
21 the same time so it is not uncommon --

22 Q. By saying a lot of us you mean
23 NIAC staff?

24 A. That's correct.

25 Q. Was anyone on NIAC's staff a

1 Disney

2 lawyer?

3 A. No.

4 Q. Getting back to the instruction
5 about what is privileged, you said that came
6 from Trita and from other folks who had spoken
7 to the lawyers.

8 Is that correct?

9 MR. NELSON: Objection, he used the
10 word whether or not it had to be turned
11 over, he didn't say privileged.

12 A. I understand that the word
13 privileged may have some other meaning which
14 is why I'm not using it. We had a number of
15 discussions about the discovery process.

16 Q. What about these reports from the
17 legal experts about what is lobbying. Would
18 you have, do you remember seeing those in the
19 review that you were doing to determine, what
20 was the word used produceable, what's the word
21 you were using?

22 A. I don't remember the word.

23 Q. But you know what I mean, to make
24 the determination about whether or not you
25 would put the document in the folder or

1 Disney
2 wherever that would then further the process
3 to eventually be produced whether you would
4 withhold that document back?

5 A. The documents relating to the
6 classification of our activities as lobbying
7 activities were separate and distinct from any
8 documents relating to making a determination
9 about the discovery process, so --

10 Q. What do you mean by separate and
11 distinct?

12 A. The --

13 Q. You mean they were physically
14 housed in a different place?

15 A. No, I mean they were documents,
16 for example the 14 discovery criteria,
17 discovery requests that we frequently
18 consulted in the process of discovery because
19 this was the criteria we were to judge
20 documents on. The documents relating to
21 making the determination whether or not to an
22 activity is lobbying were intended for a
23 separate determination, if that makes sense.

24 MR. JENSEN: Showing you what we
25 will mark as Defendant's Exhibit 19, for

1 Disney

2 identification.

3 (Defendant's Exhibit Number 19,
4 e-mail, marked for identification, as of
5 this date.)

6 Q. Have you ever seen this document
7 before?

8 A. I don't recognize it, but that's
9 not to say I have never seen it before.

10 Q. Okay.
11 What is this document?

12 A. It appears to be an e-mail from
13 Trita to a woman named Miriam Nemetz,
14 N-E-M-E-T-Z.

15 Q. Would this have made it through
16 your screening about what is the document that
17 should be produced?

18 A. Not having all of the relevant
19 criteria in front of me, I hesitate to say for
20 sure.

21 Q. Do you remember reviewing this
22 document?

23 A. I don't.

24 MR. PISHEVAR: This particular
25 e-mail appears to be something sent to

1 Disney
2 NIAC's attorney, Mayer Brown, they, so
3 this would be probably subject to the
4 clawback.

5 MR. JENSEN: Okay.

6 MR. PISHEVAR: It is an e-mail sent
7 to their attorney at Mayer Brown --

8 MR. JENSEN: Fair enough.

9 MR. PISHEVAR: -- that we
10 represented them in the amici brief in
11 the Chicago case involving the Persian
12 artifacts.

13 MR. JENSEN: Subject to the
14 clawback agreement, we want to make sure
15 that if we do have a document that was
16 inadvertently produced that is privileged
17 that we give that back to you.

18 I show you what's been marked as
19 Defendant's Exhibit Number 20.

20 (Defendant's Exhibit Number 20,
21 e-mail chain, marked for identification,
22 as of this date.)

23 MR. PISHEVAR: This also, I forget
24 what number you said it was.

25 MR. NELSON: 20.

1 Disney

2 MR. PISHEVAR: 20, also looks look
3 it would be subject to the clawback. I
4 see my e-mail there, so something was
5 e-mailed to counsel.

6 Q. Do you recognize this document?

7 A. I don't recognize it, no.

8 Q. What does it appear to be?

9 A. It appears to be an e-mail from me
10 to a number of other people connected with
11 NIAC.

12 Q. Flip over to page two.

13 Do you see at the bottom where
14 there's an e-mail from Trita to Afshin
15 Pischevar, Patrick Disney, Phil Elwood, looks
16 like Phil Elwood is on there twice, cc to
17 Kevin Cowl, David Elliott, Patrick Disney,
18 Michelle Moghtader, Jamal Abdi and Trita
19 Parsi.

20 The text of that e-mail says, "As
21 predicted, Senator Kyl seeks an investigation.
22 Afshin, should we contact DOJ ASAP over full
23 cooperation? What are our options?"

24 MR. PISHEVAR: The e-mail to me is
25 subject to the clawback.

1 Disney

2 MR. JENSEN: Okay.

3 Q. Do you view this as being a
4 privileged document?

5 MR. NELSON: He has no legal basis
6 to make that determination.

7 Q. I'm asking you when you would look
8 at this.

9 DI

10 MR. NELSON: Objection, don't
11 answer, the question is inappropriate.

12 Q. Based on the calculation that you
13 employed when you were making a determination
14 about what is a document that should
15 eventually be produced, if you see this
16 document based on that criteria --

17 DI

18 MR. NELSON: I'm instructing him
19 not to answer the question.

20 MR. JENSEN: On what basis?

21 MR. NELSON: First of all, this is
22 a privileged document.

23 MR. JENSEN: It is not, it wasn't
24 produced by you. It is cc'd to a
25 third-party which defeats the privilege.

1 Disney

2 As you well know, Phil Elwood is not an
3 employee of NIAC, you don't represent
4 him, that's a waiver, and it wasn't
5 produced by you so it is not subject to
6 the clawback agreement.

7 Q. So I would ask you to answer the
8 question.

9 DI

10 MR. NELSON: We still instruct you
11 not to answer the question.

12 MR. JENSEN: On what basis, sir?

13 MR. NELSON: The basis is also this
14 particular witness does not have
15 expertise to determine whether or not a
16 document is privileged.

17 MR. JENSEN: I'm not asking about
18 his expertise, I'm asking about the
19 criteria that he used to make a
20 determination --

21 MR. NELSON: You haven't
22 established --

23 THE COURT REPORTER: One at a time,
24 please, counsel.

25 MR. NELSON: -- any foundation that

1 Disney
2 this witness ever reviewed this document
3 to determine whether or not it was
4 discoverable.

5 MR. JENSEN: And I'm not asking him
6 about that.

7 MR. NELSON: Let me finish my
8 objection.

9 So if you're not asking him whether
10 or not he reviewed this particular
11 document to determine whether or not it
12 is discoverable, then you're simply
13 asking him a hypothetical question.

14 MR. JENSEN: And what is your basis
15 for objecting to me asking him a
16 hypothetical question?

17 MR. NELSON: You're asking him a
18 hypothetical question about whether or
19 not he would have produced this document.

20 MR. JENSEN: Yes, I'm asking him a
21 hypothetical question about whether or
22 not based on the criteria he used to
23 determine what is privileged he would
24 have produced this document.

25 MR. NELSON: So you're asking him a

1 Disney

2 question not having given him an
3 opportunity to review what looks like
4 about a 14-page document.

5 MR. JENSEN: Okay, please take your
6 time, review the document.

7 MR. NELSON: And if you're able to,
8 tell him whether you would have identi-
9 fied it as discoverable.

10 A. I can actually confidently say
11 that when making the determination about
12 whether or not to present a document as part
13 of the discovery, I consulted a number of
14 resources which I don't have before me.

15 Q. What were those resources?

16 A. Again, the discovery requests, the
17 search terms, various communications from our
18 legal attorneys, and all of that would have
19 been taken into consideration when making such
20 a determination, and I wouldn't want to guess
21 at one without all of those resources
22 available.

23 MR. NELSON: We are also going to
24 reserve on the issue of whether or not
25 this was a privileged document. You have

1 Disney
2 made no foundation that each of the
3 individuals in here is not a part of
4 either the legal team or any agent of
5 NIAC that would have been covered. You
6 have stated definitively that there was a
7 waiver, there is no foundation for that.

8 MR. PISHEVAR: Our position is that
9 it is privileged.

10 MR. JENSEN: We can discuss that.

11 It was not produced by you so it
12 wouldn't be subject to your clawback
13 agreement, and --

14 MR. NELSON: Whether or not it was
15 produced by us has no relevance as to
16 whether or not it is privileged.

17 MR. JENSEN: It is subject to the
18 clawback agreement?

19 MR. NELSON: No, whether or not
20 there was a waiver, that was your
21 statement.

22 MR. JENSEN: Right.

23 MR. NELSON: You said there was a
24 waiver based upon the fact that there are
25 individuals listed on here who are not a

1 Disney

2 part of the legal team.

3 MR. JENSEN: No, who are not
4 employed by NIAC who are not represented
5 by you.

6 MR. NELSON: That has no relevance,
7 in terms of whether or not there is a
8 waiver --

9 MR. JENSEN: No, it defeats the
10 privilege. Anyway, we can discuss this
11 later. I want to move on --

12 MR. PISHEVAR: There are agents
13 involved in anticipation of litigation.
14 And we can argue about this later --

15 MR. JENSEN: Yeah, we can argue
16 about this later.

17 MR. PISHEVAR: -- but it is our
18 position that it is privileged.

19 MR. JENSEN: Okay.

20 But it is your position that it is
21 subject to the clawback agreement?

22 MR. PISHEVAR: Yes, and there may
23 be other clawbacks, other agreements that
24 these were produced subject to that you
25 are not proffering to us.

1 Disney

2 MR. JENSEN: Okay.

3 MR. PISHEVAR: Were there?

4 MR. JENSEN: Sorry?

5 MR. PISHEVAR: Was there an
6 agreement, was there an agreement that
7 these were produced under?

8 MR. JENSEN: Not that I'm aware of.

9 MR. PISHEVAR: Who was this
10 produced by?

11 MR. JENSEN: Phil Elwood.

12 MR. PISHEVAR: A public relations
13 firm which is an agent of NIAC, correct?

14 MR. JENSEN: I don't know if it is
15 an agent or not.

16 MR. PISHEVAR: It is my under-
17 standing that they had agreement with
18 you, a confidentiality agreement, so --

19 MR. JENSEN: Well, then it is not
20 subject to the confidentiality agreement.

21 MR. PISHEVAR: Is it your under-
22 standing that they had a confidentiality
23 agreement with Phil Elwood's firm?

24 MR. JENSEN: I don't know.

25 MR. NELSON: You made a repre-

1 Disney
2 sentation on the record about a waiver,
3 so obviously there is no substance and no
4 foundation --

5 MR. JENSEN: No, there absolutely
6 is substance, we can discuss it later,
7 but there absolutely is substance to the
8 argument that it is a waiver and it was
9 sent to a party outside of NIAC. We can
10 discuss whether or not the privilege
11 extends to your agent.

12 As you well know, there are very
13 limited circumstances under which the
14 privilege applies to conversations made
15 with an agent.

16 MR. PISHEVAR: All I'm saying to
17 you is --

18 MR. JENSEN: Conversations --

19 THE COURT REPORTER: One at a time,
20 please.

21 MR. JENSEN: Excuse me counsel, let
22 me finish.

23 MR. PISHEVAR: That can all be
24 fleshed out later.

25 MR. JENSEN: Excuse me, let me

1 Disney

2 finish.

3 We can discuss this later, but as
4 you all know when privileged conversa-
5 tions are made in the presence of a
6 third-party, it waives the privilege and
7 we will leave it at that.

8 MR. NELSON: Until you establish
9 the foundation for your basis that there
10 was a waiver, our position is that it is
11 privileged and I'm instructing the
12 witness not to answer.

13 MR. JENSEN: Okay.

14 Q. Are you familiar with a program
15 called Sales Force?

16 A. I am.

17 Q. What was Sales Force?

18 A. Are you asking what NIAC used
19 Sales Force for?

20 Q. First tell me what it is.

21 A. I don't have a good understanding
22 what the program at large is for, but I
23 understand how NIAC used it.

24 Q. How did NIAC use it?

25 A. NIAC used it as a membership

1 Disney
2 database, as a database of contact information
3 for people.

4 Q. Who was in charge of it at NIAC?

5 A. I don't recall anyone being
6 formally in charge of Sales Force.

7 Q. Did you use Sales Force?

8 A. Occasionally.

9 Q. Who else used Sales Force?

10 A. Everyone from our office manager
11 to our interns used Sales Force at one time or
12 another.

13 Q. Do you know when NIAC began using
14 Sales Force?

15 A. I don't, I know it was prior to my
16 starting with NIAC.

17 Q. What's the data that you inputted
18 into Sales Force, what kind of data was that?

19 A. Generally just information about
20 individuals, names, addresses, phone numbers,
21 that sort of things.

22 Q. How frequently did you use it?

23 A. I didn't use it very frequently,
24 actually.

25 Q. Did you find it to be a useful

1 Disney

2 tool?

3 A. I found it to be a difficult tool
4 to work with.

5 Q. We talked a little about the
6 machines in the corner and I'm not sure if I
7 asked this, I'll ask it again, if I did please
8 forgive me.

9 Did NIAC have, is one of those an
10 e-mail server as far as you understand what
11 the term e-mail server means?

12 MR. NELSON: Objection.

13 A. My understanding of what an e-mail
14 is server pretty limited. We were all issued,
15 all NIAC employees issued e-mail addresses
16 that were directed to at NIACcounsel.org.

17 Q. Have you ever met with Mahmoud
18 Ahmadinejad? I am sure I butchered the name,
19 but the President of Iran?

20 A. I have, not as an employee of
21 NIAC, as a graduate student.

22 Q. Tell me about that meeting, how
23 was that set up?

24 A. That was in September of this year
25 when President Ahmadinejad addressed the UN

1 Disney
2 General Assembly, one of my professors in my
3 current studies arranged to have our class
4 meet with him for a brief time in New York.

5 Q. What professor was that, who
6 arranged that?

7 A. This is completely unrelated to
8 the lawsuit.

9 Is this relevant?

10 Q. Yes.

11 MR. NELSON: It is not his
12 determination as to whether it is
13 relevant, but you can go ahead and answer
14 the question.

15 A. It is Hillary Mann Leverett,
16 L-E-V-E-R-E-T-T.

17 Q. Do you know how she was able to
18 set up that meeting?

19 A. Not really.

20 Q. Did any of the arrangements for
21 you to attend that occur while you were at
22 NIAC or did it postdate your time?

23 A. None whatsoever.

24 Q. How often are you in contact with
25 people in Iran related to NIAC or CNAPI?

1 Disney

2 MR. NELSON: Is there a time
3 period?

4 Q. During any time in which you
5 worked at NIAC, were you in contact with
6 people in Iran related to NIAC or CNAPI?

7 A. I don't recall any specific times
8 when I was in contact with people in Iran.

9 Q. Flip over to Exhibit 7.

10 If you look under the first number
11 item B, "PSR March 1st delegation to Iran is
12 still on, the visas won't be administered or
13 not until days before."

14 Do you recall what that delegation
15 is?

16 A. Just vaguely.

17 PSR stands for Physicians for
18 Social Responsibility, it was some activity
19 within that organization.

20 Q. Okay.

21 Do you have any recollection of
22 liaising with anyone in Iran about
23 facilitating this meeting or that delegation?

24 A. No.

25 MR. JENSEN: Handing you what is

1 Disney
2 going to be marked Defendant's Exhibit
3 21.

4 (Defendant's Exhibit Number 21,
5 notes, marked for identification, as of
6 this date.)

7 Q. I don't want to rush you, I'm
8 going to ask you about a small part of this on
9 the second page. I don't want to rush you, if
10 you feel you want to read the whole thing,
11 please go ahead and do so.

12 A. Go ahead.

13 MR. JENSEN: Before we do that, I
14 would like to clarify Sidley Austin does
15 have a confidentiality agreement with
16 Elwood. That was because Elwood has a
17 confidentiality agreement with NIAC that
18 we never saw, and but even still, we
19 don't see how these would be subject to a
20 confidentiality agreement as they don't
21 contain confidential information.

22 MR. PISHEVAR: We do.

23 MR. JENSEN: We can discuss that
24 later.

25 Q. All right.

1 Disney

2 If you look over on line item one
3 where it says, "Invite delegation from Iran to
4 meet with Congress," how would CNAPI or NIAC
5 go about inviting a delegation from Iran?

6 A. I should first clarify that this
7 document is a summary of a meeting between
8 these individuals listed here. This meeting
9 was a forum for individual organizations to
10 discuss projects they were working on or
11 interested in working on. This was not any
12 sort of activity to coordinate any activities
13 under the leadership of a formal structure,
14 this was more of a sounding board.

15 If I recall specific meeting, it
16 was a brainstorming session of potential
17 activities that groups may pursue in 2009, and
18 I don't recall who specifically brought up the
19 idea of parliamentary exchanges or inviting
20 delegations to meet with Congress, but I know
21 historically there has been interest from both
22 sides, the U.S. government, the U.S. Congress
23 and the Iranian parliament for such a thing,
24 in that many parties thought that be would be
25 a constructive pursuit.

1 Disney

2 Q. Do any of those parties have
3 contact with the Iranian parliament, the
4 Iranian government that would have facilitated
5 that?

6 A. I don't know specifically.

7 Q. You don't recall any discussion
8 along those lines?

9 A. I don't recall.

10 Q. Have you ever had contact with
11 anyone in the Iranian government?

12 A. Aside from my meeting that we just
13 spoke about in September as a graduate
14 student, no.

15 Q. Anyone from an Iranian state-
16 controlled business?

17 A. No.

18 Q. Anyone from any other state-
19 controlled organization, an Iranian state-
20 controlled organization?

21 A. To the best of my knowledge, no.

22 Q. Have you ever fielded any e-mails
23 from Iran related to NIAC activities?

24 A. Not that I'm aware of.

25 Q. Do you remember receiving any

1 Disney
2 phone calls from anyone in Iran related to
3 NIAC activities?

4 A. Not that I recall.

5 Q. I hate to really test your memory,
6 HConRes 362, do you recall what that was
7 about?

8 A. I do.

9 Q. What is that about, a naval
10 blockade?

11 A. Yes.

12 Q. What was NIAC's position on
13 HConRes 362?

14 A. NIAC did not support that piece of
15 legislation.

16 Q. Can you give me a brief
17 description about what that piece of
18 legislation was?

19 A. It was a nonbinding resolution
20 expressing the sense of Congress that the U.S.
21 should cut off all imports of refined
22 petroleum to Iran.

23 Q. Is that Senator Kyl's legislation?

24 A. No, that was Congressman Ackerman.

25 Q. I'm sorry, SRes 580 would have

1 Disney

2 been Senator Kyl's equivalent?

3 A. I don't recall SRes 580.

4 Q. Okay.

5 And NIAC you said was opposed to
6 it?

7 A. I said we did not support that.

8 Q. Did not support that piece of
9 legislation.

10 Why did NIAC not support that
11 piece of legislation?

12 A. The way, that piece of legislation
13 could have been interpreted as an authori-
14 zation for a naval black blockade on Iran.

15 Q. You talked briefly about The
16 Democracy Fund, I can't recall if you told me
17 what NIAC's position was on the Fund?

18 A. The issue of The Democracy Fund
19 was pretty complicated, so where we came down
20 on any specific part of it depended on a lot
21 of factors.

22 Q. Was NIAC opposed to the Fund?

23 MR. NELSON: Objection, this is not
24 a 30(b)(6) deposition, you want to ask
25 him whether he did any work to that

1 Disney
2 understanding? He hasn't been brought
3 here to represent NIAC on their policies.

4 Q. Please answer.

5 MR. NELSON: Same objection, this
6 is not a 30(b)(6) deposition.

7 A. Like I said before that the issue
8 of The Democracy Fund encapsulated a number of
9 different areas, and I wouldn't want to
10 generalize about our position on any one given
11 thing without more specific details.

12 Q. NIAC's position on sanctions?

13 MR. NELSON: Same objection.

14 Q. What is NIAC's position with
15 regard to sanctions?

16 A. It varies.

17 Q. Would you, is it fair to
18 characterize NIAC as generally being opposed
19 to sanctions against the Iranian regime?

20 MR. NELSON: Same objection.

21 A. Same thing, the devil is in the
22 details, you have to be more specific.

23 Q. Are you familiar with Senator Kyl
24 asking for a Department of Justice
25 investigation to NIAC?

1 Disney

2 A. I am.

3 Q. What do you know about that?

4 A. All I know is that in a Senate
5 hearing I believe with the Attorney General,
6 Senator Kyl's office requested a Department of
7 Justice investigation of NIAC shortly
8 following the Washington Times article about
9 us.

10 Q. Okay.

11 Do you know what J Street is?

12 A. I do.

13 Q. And did you interact with J Street
14 in your capacity as an employee at NIAC?

15 A. I did.

16 Q. Tell me about those interactions.

17 A. There were quite a few so they
18 varied.

19 Q. Were they a member of CNAPI?

20 A. CNAPI never had a very cohesive
21 membership structure, J Street participated in
22 various CNAPI activities, but there were no
23 cards for members.

24 Q. How often would you collaborate
25 with J Street or --

1 Disney

2 A. It is difficult to put an
3 estimation on it, but it was frequent.

4 Q. Weekly, monthly?

5 A. Again it is as issues arose that
6 involved that were relevant to both of our
7 organizations. We collaborated, it happened
8 frequently but I wouldn't able to say with any
9 regularity.

10 Q. On average how many times a month
11 would you say you talked to somebody at J
12 Street?

13 A. Again depends on the month, there
14 were some months when I'm confident I never
15 spoke to anyone at J Street, other months we
16 spoke a number of times, 10.

17 Q. You just referenced an article
18 from Lake, is that, would that be Eli Lake at
19 the Washington Times?

20 A. Yes.

21 MR. JENSEN: I will show you what
22 I'll mark as Exhibit 22.

23 (Defendant's Exhibit Number 22,
24 article, marked for identification, as of
25 this date.)

1 Disney

2 MR. NELSON: A little farther

3 please, thanks.

4 Q. Do you recognize that document?

5 A. I do.

6 Q. What is that document?

7 A. It is a copy of a Washington Times
8 article by Eli Lake about NIAC's activities.

9 Q. Will you flip over to page 4, 4 of
10 10. The first complete, the third complete
11 paragraph starting with, when reached
12 Thursday.

13 "When reached Thursday for the
14 story Mr. Disney said you were using an e-mail
15 from very early in my time at NIAC to
16 demonstrate that the organization is not
17 following the rules. When I wrote the e-mail
18 in question, I was a 22-year old with no legal
19 education, but was asked to research and give
20 an opinion about a complex legal matter. The
21 opinion I expressed in the e-mail was
22 erroneous and has since been clarified by the
23 legal professionals who have found NIAC is in
24 full compliance with the law. The practice of
25 using out of context and partial e-mails is

1 Disney
2 poor journalism and is one of the reasons
3 Americans are losing faith in the media."

4 Are those your words?

5 A. They are.

6 Q. And did you say those words?

7 A. I communicated them via e-mail.

8 Q. Did you draft that e-mail that
9 communicated these words?

10 A. In consultation with my coworkers,
11 I drafted that e-mail.

12 Q. Did anyone instruct you to say
13 these words to Mr. Lake?

14 A. I was given advice and guidance
15 from both Trita Parsi and Phil Elwood
16 regarding this quote.

17 MR. JENSEN: I show you what we
18 will mark as Defendant's Exhibit 23.

19 (Defendant's Exhibit Number 23,
20 e-mail chain, marked for identification,
21 as of this date.)

22 MR. NELSON: Counsel, we are going
23 to likely have the same objection that we
24 had to the other exhibit, that came from
25 Mr. Elwood.

1 Disney

2 MR. JENSEN: We will note that for
3 the record.

4 So I'm clear, your objection to
5 this document is that it is privileged?

6 MR. NELSON: Let's hear what your
7 questions are first.

8 MR. JENSEN: Okay.

9 Are you withdrawing your objection?

10 MR. NELSON: No, my objection is
11 still in place.

12 MR. JENSEN: And the basis for that
13 objection?

14 MR. NELSON: The basis is that it
15 is a privileged document that may be
16 subject to various agreements between
17 parties and third parties to this case.

18 MR. JENSEN: Okay.

19 Q. Do you recognize this document?

20 A. I do.

21 Q. What is it?

22 A. It is an e-mail thread regarding
23 my being contacted by Eli Lake seeking comment
24 on the article.

25 Q. Will you turn to page three.

1 Disney

2 You might start looking at the
3 bottom of page two, it is the beginning of the
4 e-mail, the particular e-mail in the chain
5 that I'm going to ask you about. This is from
6 Phil Elwood dated Thursday, November 12th,
7 2009 to Patrick Disney, AP Pischevar, cc'g P.
8 Parsa and Trita Parsi.

9 Mr. Elwood writes, "Just spoke
10 with Trita, please send this comment to Eli as
11 you quote. If he calls, repeat the quote and
12 nothing more. Trita, please let me know if
13 I've missed anything." This is the quote.

14 "Mr. Lake, you are using an e-mail
15 from very early in my time at NIAC to
16 demonstrate that the organization is not
17 following the rules. I'm a 22-year old with
18 no legal education, but was asked to give an
19 opinion. After further clarification by legal
20 professionals, NIAC was found to be in full
21 compliance with the law. The practice of
22 using out of context and partial e-mails is
23 nothing but poor journalism, and it is the
24 reason Americans are losing faith in the
25 media."

1 Disney

2 He concludes by saying, "Tell him
3 if he doesn't use the full quote we will post
4 your e-mail correspondence everywhere."

5 Do you recall receiving that
6 instruction from Mr. Elwood?

7 A. I do.

8 Q. Did you follow that instruction?

9 A. I recall forwarding my quote which
10 was very similar to this to Mr. Lake following
11 this e-mail, yes.

12 Q. Were you instructed by Mr. Parsi
13 or anyone at NIAC need to follow Mr. Elwood's
14 direction?

15 MR. NELSON: That question has been
16 asked and answered already.

17 A. No.

18 Q. Did you discuss this quote with
19 anyone other than Mr. Elwood?

20 A. That people cc'd on this e-mail.

21 Q. Outside the people cc'd on this
22 e-mail, did you discuss this quote with anyone
23 else?

24 A. I don't believe so.

25 Q. Okay.

1 Disney

2 MR. JENSEN: Take a short break.

3 THE VIDEOGRAPHER: The time is

4 7:31. We are going off the record.

5 (Whereupon, an off-the-record

6 discussion was held.)

7 MR. JENSEN: Mark this Defendant's

8 Exhibit 24.

9 (Defendant's Exhibit Number 24,

10 e-mail, marked for identification, as of

11 this date.)

12 THE VIDEOGRAPHER: The time is

13 7:48. We are back on the record.

14 Q. I'm handing you what we marked as

15 Exhibit 24.

16 What is this document?

17 A. This appears to be an e-mail from

18 me to Trita cc'g Emily with the subject 501H

19 election info.

20 Q. Do you recall what prompted this

21 e-mail?

22 A. Vaguely.

23 This was my investigating the

24 option of NIAC pursuing what we call the 501H

25 election under IRS regulations.

1 Disney

2 Q. What was your conclusion?

3 A. I concluded that we should make
4 the 501H election.

5 Q. What happened as a result of this
6 e-mail?

7 A. We filled out form 5768 and
8 submitted it to the IRS.

9 Q. When was that?

10 A. I don't recall, sometime after
11 this e-mail was sent.

12 Q. Do you remember approximately how
13 long, a month, six months, a year?

14 A. It was not a year, sometime
15 thereafter, I don't recall specifically.

16 Q. Would that have occurred before
17 June 1st, 2009 to the best of your
18 recollection?

19 A. I have no recollection when it
20 could have occurred.

21 Q. Who else did you talk to about
22 making the 501H election, if anyone?

23 A. I remember speaking on the phone
24 with a representative from this organization
25 listed here, Alliance For Justice, and they

1 Disney
2 had a seemingly good understanding of what the
3 H election entailed and I sought their advice
4 on it.

5 Q. Do you recall what Trita's
6 reaction was to your recommendation?

7 A. Not really, I don't specifically
8 recall what his immediate reaction was, I
9 don't know if that's because he didn't convey
10 it to me or what.

11 Q. Would that have been his decision
12 to make that election?

13 A. Not his alone, but he would have
14 had a significant role to play to make the
15 decision.

16 Q. Who else would have been involved
17 in making that decision?

18 A. I could only speculate I would, it
19 is possible the board played some role but I
20 really couldn't say for sure.

21 Q. Okay.

22 MR. JENSEN: We are done.

23 MR. NELSON: He's going to read and
24 sign.

25 THE VIDEOGRAPHER: You want that on

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Disney

the record?

MR. JENSEN: We are all done.

THE VIDEOGRAPHER: The time is
7:52. This ends tape number three of the
videotaped deposition of Patrick Disney.

(Whereupon, an off-the-record
discussion was held.)

PATRICK DISNEY

Subscribed and sworn to before me
this ____ day of _____, 2010.

1 Disney

2 C E R T I F I C A T E

3 STATE OF NEW YORK)

4 : ss.

5 COUNTY OF NEW YORK)

6
7 I, Jeremy Frank, a Notary Public within
8 and for the State of New York, do hereby
9 certify:

10 That PATRICK DISNEY, the witness whose
11 deposition is hereinbefore set forth, was duly
12 sworn by me and that such deposition is a true
13 record of the testimony given by the witness.

14 I further certify that I am not related
15 to any of the parties to this action by blood
16 or marriage, and that I am in no way
17 interested in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereby
19 set my hand on the 1st day of November, 2010.

20
21 _____
22 JEREMY FRANK, MPM

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Disney

*** ERRATA SHEET ***

NAME OF CASE: PARSI v. HASSAN
DATE OF DEPOSITION: October 29th, 2010
NAME OF WITNESS: DISNEY

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PATRICK DISNEY

Subscribed and sworn to before me
this ____ day of _____, 2010.

JEREMY FRANK My Commission Expires:

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