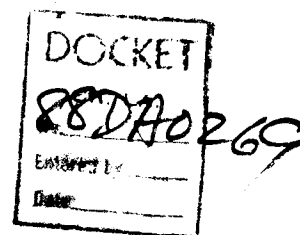


COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT



THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
 PLAINTIFF-RESPONDENT,)
)
 VS.)
)
 JOE HUNT, AKA JOSEPH HUNT,)
 AKA JOSEPH HENRY GAMSKY,)
)
 DEFENDANT-APPELLANT.)

SUPERIOR COURT
NO. A-090435

OCT 6 9 1987

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY
HONORABLE LAURENCE J. RITTENBAND, JUDGE PRESIDING
REPORTERS' TRANSCRIPT ON APPEAL

APPEARANCES:

FOR PLAINTIFF-RESPONDENT: JOHN K. VAN DE KAMP
STATE ATTORNEY GENERAL
3580 WILSHIRE BOULEVARD
ROOM 800
LOS ANGELES, CALIFORNIA 90010

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 54 OF 101
(PAGES 8196 TO 8373 , INCLUSIVE)

COPY

ROSEMARIE GOODBODY, CSR NO. 932
SALLY YERGER, CSR NO. 2008
OFFICIAL REPORTERS

1 SANTA MONICA, CALIFORNIA; MONDAY, FEBRUARY 23, 1987; 10:40 A.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE
4 EXCEPT MR. CHIER IS NOT PRESENT.)
5

6 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN.
7 I THINK WE HAD DR. BROWNING.
8

9 GENE BROWNING,
10 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY
11 SWORN, RESUMED THE WITNESS STAND AND TESTIFIED FURTHER AS
12 FOLLOWS:

13 THE CLERK: YOU HAVE PREVIOUSLY BEEN SWORN. YOU ARE
14 STILL UNDER OATH.

15 JUST STATE YOUR NAME AGAIN FOR THE RECORD.

16 THE WITNESS: MY NAME IS GENE BROWNING.
17

18 CROSS-EXAMINATION (RESUMED)

19 BY MR. BARENS:

20 Q GOOD MORNING, DR. BROWNING.

21 A GOOD MORNING.

22 Q DR. BROWNING, WE WERE TALKING, AS YOU MAY RECALL,
23 LAST THURSDAY ABOUT THE SPECIFIC APPLICABILITY OF YOUR
24 PARTICULAR TECHNOLOGY FOR GRINDING SILICA AND YOU HAD, I
25 BELIEVE, TOLD ME THAT IT HAD SOME FUNCTION IN THAT AREA.

26 DURING 1982, IN THAT REGARD WERE YOU CORRESPONDING
27 AND NEGOTIATING WITH A J. M. HUBER, H-U-B-E-R, CORPORATION?

28 A THEY WERE ONE OF THE COMPANIES WHO HAD SENT

1 REPRESENTATIVES OUT TO THE PLANT IN HESPERIA TO SEE THE
2 MACHINE OPERATE .

3 Q AND DID THEIR INTEREST FOCUS ON AN ASPECT OF THE
4 TECHNOLOGY THAT WOULD, OF NECESSITY, INVOLVING REDUCING SILICA
5 PARTICLES?

6 A NO.

7 Q WHAT WAS THEIR ASPECT?

8 A THEIR PRIMARY APPLICATION WAS IN THE REDUCTION
9 FOR COMMERCIAL USE OF KAOLIN, K-A-O-L-I-N, TYPE OF CLAY.

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1 Q AND THAT TYPE OF CLAY WOULD GO INTO A CERAMIC-
2 TYPE APPLICATION?

3 A NO. THOSE WERE PRIMARILY FILLERS FOR THE TIRE
4 INDUSTRY. FILLERS FOR RUBBER, PLASTIC FILLERS.

5 Q WHAT ABOUT CALCIUM CARBONATE IN THAT REGARD, SIR?

6 A CALCIUM CARBONATE IS A NATURALLY OCCURRING
7 SUBSTANCE. IT IS NOT A SILICA-TYPE SUBSTANCE. IT IS AGAIN,
8 A FILLER SUBSTANCE, FREQUENTLY USED AS I SAY, AS A FILLER
9 FOR PLASTIC.

10 Q WOULD ANY OF THE TESTS HUBER WAS INVOLVED IN,
11 HAVE APPLICABILITY FOR COMPUTER OR CERAMIC CHIPS?

12 A I DON'T BELIEVE SO. NOT TO MY KNOWLEDGE.

13 Q AND YOU WERE ALSO GOING TO DISCUSS SOME OTHER
14 AREAS WITH HUBER AT THAT TIME?

15 A NO. HUBER HAD A VERY, VERY SPECIFIC APPLICATION.
16 THEY OWNED THE DEPOSITS OF KAOLIN-TYPE CLAY IN GEORGIA.

17 THEY HAD SENT OUT SAMPLES OF THIS CLAY TO SEE
18 IF IT COULD BE REDUCED.

19 Q ALL RIGHT. NOW, YOU MENTIONED LATER ON, THAT --
20 OR DURING YOUR TESTIMONY TO MR. WAPNER SPECIFICALLY, THAT
21 AT THAT TIME IN JUNE OF 1984, YOU HAD A MEETING WITH
22 MR. HUNT IN WHICH YOU WERE PRESENTED THE LEVIN OPTION
23 AGREEMENT?

24 A YES. IT WAS ON MONDAY, I THINK, THE 11TH OF JUNE.
25 I AM NOT EXACTLY SURE. BUT IT WAS RIGHT ABOUT THEN.

26 Q IF THAT IS YOUR BEST RECOLLECTION, WE'LL JUST
27 USE THAT FOR TODAY'S PURPOSES.

28 A YES, MY BEST RECOLLECTION.

1 Q AND AS YOU SAID IN YOUR DIRECT TESTIMONY, THAT
2 YOU EXPRESSED SOME CONCERN THAT YOU COULD NOT IN A PRAGMATIC
3 SENSE, PERFORM PURSUANT TO THE OPTION AGREEMENT?

4 A NO. WE HAD PUT TOGETHER A NEW MACHINE THAT HAD
5 NOT BEEN TESTED. I HAD NO DATA AVAILABLE TO INDICATE THAT
6 THAT MACHINE WOULD DO LITERALLY, WHAT WE HAD SET OUT TO BUILD
7 IT TO DO.

8 Q AND WE SPOKE EARLIER ON THIS SPECIFIC SUBJECT
9 OF THE MACHINE FOR CERAMICS AND SILICA, I BELIEVE WE INDICATED
10 THAT YOU WOULD IN ORDER TO ACCOMMODATE THAT, HAVE TO CHANGE
11 THE IMPACT SURFACES AND THE GATE OPTION, I BELIEVE, ON THE
12 TECHNOLOGY?

13 A PRIMARILY THE GATE OPTION WOULD HAVE BEEN THE
14 CRITICAL THING. BUT THAT IS NOT THE RESTRICTIVE ELEMENT AS
15 FAR AS SILICA IS CONCERNED.

16 Q ALL RIGHT. NOW, YOU HAD NO RESEARCH AND
17 DEVELOPMENT BUDGET FOR THIS AT THE TIME, DID YOU, SIR?

18 A NO.

19 Q THEREFORE, YOU WOULD HAVE OF NECESSITY, ALMOST
20 FROM THE START OF THIS ACTIVITY OF YOURS, REQUIRED
21 INVESTOR CAPITAL FOR FURTHER RESEARCH AND DEVELOPMENT AND
22 REDUCTION TO PRACTICE?

23 A YES. THE SYSTEM AND THE OPTION WOULD HAVE TO
24 HAVE BEEN SUPPORTED FINANCIALLY.

25 Q NOW, DID NOT MR. HUNT POINT OUT TO YOU IN THAT
26 JUNE MEETING THAT YOU HAD OVER A YEAR IN WHICH TO PERFORM
27 PURSUANT TO THE OPTION PROPOSED?

28 A YES.

1 Q AND DID YOU NOT HAVE A CONVERSATION WHEREIN HE
2 INDICATED WELL, CAN'T WE MAKE THE EQUIPMENT ACCOMMODATE WHAT
3 IS NEEDED DURING THE YEAR WE HAVE?

4 A NO, QUITE THE CONTRARY. HE SAID THAT -- WHEN
5 I OBJECTED TO THE SILICA AND CERAMIC ISSUE, HE SAID WELL,
6 IF WE HAVE A YEAR, WE CAN GIVE THEM ANYTHING WE WANT TO AT
7 THE END OF A YEAR.

8 Q DID HE REMIND YOU OR INQUIRE OF YOU THAT
9 PREVIOUSLY IN 1982, YOU HAD TOLD HIM THIS TECHNOLOGY COULD
10 ACCOMMODATE SILICA?

11 A THE PROTOTYPE UNIT THAT WE HAD AT HESPERIA, I
12 HAD AN OPPORTUNITY, SINGLE OPPORTUNITY, TO EXPOSE THE
13 DEVICE TO GRINDING SILICA AND I HAD EXPOSED IT TO THAT. BUT
14 THAT IS THE ONLY OPPORTUNITY THAT I HAD.

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1 Q YOU HAD DISCUSSED THAT WITH HUNT IN 1982, I
2 BELIEVE YOU TOLD ME ON THURSDAY?

3 A YES, WHEN HE WAS AT THE PLANT AT HESPERIA, BECAUSE
4 I HAD SOME OF THE GROUND SILICA THERE.

5 Q AND THUS, HE WOULD HAVE SOME REASON TO BELIEVE
6 THAT THE MACHINE HAD POTENTIAL IN THAT REGARD, SIR, BASED
7 ON YOUR CONVERSATION WITH HIM?

8 A WHAT HE BELIEVED, I DON'T KNOW, BUT I PRESUME
9 SO.

10 Q YOU HAD, AT LEAST YOU HAD COMMUNICATED THAT FACTUAL
11 INFORMATION TO HIM?

12 A YES, WITH THE RESTRICTIONS.

13 Q NOW, YOU FURTHER EXPRESSED CONCERN IN THAT JUNE
14 MEETING, DID YOU NOT, THAT THE OPTION PROVIDED THAT LEVIN
15 COULD ACQUIRE 40 PERCENT OF THE STOCK IN THE COMPANY IN THE
16 EVENT OF THE DEFAULT IN PERFORMING PURSUANT TO THE OPTION
17 REQUIREMENTS?

18 A I DON'T REMEMBER THE DISCUSSION.

19 I PRESUME THERE COULD HAVE BEEN ONE.

20 Q WEREN'T YOU IN FACT CONCERNED ABOUT POTENTIAL
21 FOR AN OUTSIDER, SO TO SPEAK, A PERSON UNKNOWN TO YOU ACQUIRING
22 40 PERCENT OF THE RIGHTS TO THE TECHNOLOGY?

23 A IT WOULD HAVE BEEN A CONCERN -- OF CONCERN BUT
24 I DON'T REMEMBER DISCUSSING PERTAINING TO THAT.

25 Q YOU DON'T REMEMBER DISCUSSING THAT WHEN YOU READ
26 THE OPTION AGREEMENT?

27 A NO.

28 Q I HAVE TESTIMONY OF YOURSELF PREVIOUSLY,

1 DR. BROWNING, WHEREIN -- AND I AM QUOTING FROM PAGE 2067 OF
2 THE PRIOR HEARING NOT INVOLVING MR. HUNT, WHEREIN I BELIEVE
3 YOU STATED THERE WAS NO WAY -- "THERE IS NO WAY --"

4 MR. WAPNER: COULD I HAVE A MOMENT, COUNSEL?

5 MR. BARENS: SURE.

6 MR. WAPNER: DO YOU HAVE THE VOLUME NUMBER ON THAT?

7 MR. BARENS: I JUST HAVE THE PAGE, 2067.

8 MR. WAPNER: DO YOU HAVE A LINE NUMBER?

9 MR. BARENS: NO, BUT IF I COULD SEE IT, I WILL POINT
10 IT OUT TO YOU.

11 (WHEREUPON, MR. CHIER ENTERS THE
12 COURTROOM.)

13 Q BY MR. BARENS: LET ME BACK UP A SENTENCE AND
14 YOU START OUT SAYING:

15 "I TOLD HIM THAT I THOUGHT IT WAS
16 RIDICULOUS, THERE IS NO WAY UNDER THE TERMS OF
17 THIS AGREEMENT THAT YOU COULD POSSIBLY COMPLY
18 WITH IT.

19 "I WAS ESPECIALLY UPSET BECAUSE HE
20 HAD BUILT INTO THIS AGREEMENT AN ESCAPE CLAUSE,
21 WHICH IF WE DID NOT DELIVER THE MACHINE AS
22 SPECIFIED ACCORDING TO THE AGREEMENT, THAT MR.
23 LEVIN WAS TO RECEIVE 40 PERCENT OF THE STOCK
24 OF THE COMPANY."

25 DO YOU REMEMBER THAT STATEMENT, SIR?

26 A I DON'T REMEMBER IT.

27 OBVIOUSLY, I HAD MADE IT.

28 Q DO YOU RECALL -- DOES THAT REFRESH YOUR

1 RECOLLECTION AS TO WHAT WAS DISCUSSED IN THE JUNE MEETING
2 IN REGARDS TO YOUR HAVING CONCERN ABOUT THE TERMS OF THE
3 OPTION AS REGARDS TO WHAT WOULD OCCUR ON DEFAULT?

4 A I DON'T REMEMBER A SPECIFIC DISCUSSION PERTAINING
5 TO THAT BECAUSE MOST OF THE TERMS OF THE CONTRACT HAD BEEN
6 SORT OF SWEEPED UNDER THE CARPET, SO TO SPEAK, BECAUSE HE DIDN'T
7 THINK THAT THERE WOULD BE A COMPLIANCE WITH THIS PARTICULAR
8 AGREEMENT INSTITUTED AT ANY TIME IN THE FUTURE.

9 Q I AM NOT SURE I UNDERSTAND THAT, SIR.

10 A WELL, WHEN HE SHOWED ME THE AGREEMENT, HE TOLD
11 ME THAT MR. LEVIN WAS MISSING AND PROBABLY DEAD AND THAT WE
12 WOULD HAVE NO PARTICULAR PROBLEM. HE SAID THAT HE HAD DISCUSSED
13 THIS OPTION AGREEMENT WITH MR. LEVIN'S MOTHER AND THAT SHE
14 HAD NO PARTICULAR OBJECTION TO IT BECAUSE LEVIN OWED HIM
15 MONEY.

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1 Q AND THE IDEA WAS THAT YOU WOULD GO FORWARD
2 AND USE THE MILLION FIVE FOR FURTHER RESEARCH AND DEVELOPMENT
3 IN SOME RESPECTS IN TRYING TO MAKE SOME KIND OF PERFORMANCE
4 IN THIS TRANSACTION?

5 A THERE WAS NOTHING IN THE DISCUSSION PERTAINING
6 TO THE MILLION FIVE THAT WAS MENTIONED IN THIS AGREEMENT AS
7 TO WHAT IT WOULD BE USED FOR.

8 Q DID YOU HAVE SOME IDEA IN YOUR OWN MIND, AS FAR
9 AS RESEARCH AND DEVELOPMENT WAS CONCERNED, WHAT YOU WOULD
10 DO, HAVING FUNDS AVAILABLE AT THAT JUNCTURE?

11 A YES. I HAD AGAIN, I HAD PLAINLY DISCUSSED WITH
12 MR. HUNT PRIOR TO THE ADVENT OF THE BUILDING THIS MACHINE,
13 AS TO WHAT WE WOULD DO AND WHAT WAS NECESSARY TO DO.

14 Q AND COULD YOU IN NOT TOO LENGTHY A MANNER,
15 DESCRIBE WHAT WAS OR WHAT YOU NEEDED, SIR?

16 A WELL, PRIMARILY IT WAS A PROGRAM DEVELOPED AROUND
17 THE TESTING AND THE ENVIRONMENTAL PROTECTION AGENCY, AROUND
18 THE COMPLIANCE FOR THE SULPHUR-FREE BURNING COAL.

19 MR. BARENS: A MOMENT, IF YOU WOULD.

20 (BRIEF PAUSE.)

21 Q BY MR. BARENS: BY THE WAY, AS WE HAVE MOVED
22 AHEAD HERE, SIR, YOU HAVE TESTIFIED ON SEVERAL OCCASIONS
23 REGARDING MATTERS INVOLVED IN THE GENERAL FACT-SETTING, HAVE
24 YOU NOT, SIR?

25 A IN THE GENERAL WHAT?

26 Q GENERAL FACT-SETTING OF THE LEVIN OPTION?

27 A I THINK SO, YES.

28 Q YOU HAVE ALSO TESTIFIED IN A CIVIL MATTER DURING

1 WHAT WAS CALLED A DEPOSITION, SIR?

2 A YES.

3 Q AND YOU HAVE MADE STATEMENTS TO POLICE OFFICERS,
4 HAVE YOU NOT?

5 A YES. I THINK SO.

6 Q SIR, IS IT NOT A FACT THAT YOU HAVE NEVER BEFORE,
7 DURING ANY OF THOSE STATEMENTS PRIOR TO TODAY, MADE THE STATEMENT
8 YOU JUST MADE TO ME, TO THE EFFECT THAT HUNT SAID TO YOU THAT
9 LEVIN WAS DEAD?

10 A NO.

11 THE COURT: WHAT HE SAID WAS THAT HE WAS PROBABLY DEAD.
12 HE DIDN'T SAY DEAD.

13 MR. BARENS: I STAND CORRECTED. I THANK YOU, YOUR
14 HONOR.

15 Q IS IT NOT A FACT THAT YOU HAVE NEVER MADE THAT
16 STATEMENT IN ANY OF YOUR PRIOR TESTIMONY?

17 A I DON'T KNOW. I THINK I HAVE MADE THE STATEMENT
18 BEFORE.

19 I HAVE TOLD THE POLICE DEPARTMENT AND THE
20 DISTRICT ATTORNEY ABOUT IT.

21 Q DO YOU RECALL EVER SAYING THAT IN YOUR DEPOSITION?

22 A NO. I DON'T REMEMBER THAT AS BEING A RESPONSE
23 TO ANY OF THE QUESTIONS IN THE DEPOSITION.

24 Q OR ANY OF YOUR PRIOR COURT TESTIMONY?

25 A I DON'T KNOW.

26 Q DO YOU RECALL EVER SAYING THAT PREVIOUSLY IN
27 A COURTROOM, SIR?

28 THE COURT: HAD YOU EVER BEEN ASKED?

1 THE WITNESS: NO.

2 THE COURT: ALL RIGHT.

3 MR. BARENS: ALL RIGHT.

4 Q YOU SAY THAT YOU DID SAY THAT TO A POLICE OFFICER?

5 A YES. THAT HAD BEEN DISCUSSED BEFORE.

6 Q WHO DID YOU SAY THAT TO SPECIFICALLY, SIR?

7 A I THINK MR. ZOELLER, WE HAD MADE A STATEMENT

8 TO AND I BLEIVE I HAD MADE A STATEMENT TO MR. WAPNER.

9 Q AND WAS DETECTIVE ZOELLER TAKING NOTES WHILE
10 THESE STATEMENTS WERE BEING MADE?

11 A I DON'T BELIEVE SO.

12 Q PARDON ME?

13 A I DON'T BELIEVE SO.

14 Q HE WAS NOT TAKING NOTES OF WHAT YOU WERE TELLING
15 HIM?

16 A NO.

17 Q DID YOU EVER REVIEW A RECORD WRITTEN UP AS A
18 RESULT OF YOUR CONVERSATION WITH DETECTIVE ZOELLER?

19 A NO.

20 Q ALL RIGHT, SIR. NOW, AFTER JUNE -- DURING JULY
21 OF 1984, DID YOU HAVE FURTHER CONVERSATIONS WITH A MR. MAY
22 CONCERNING THE TECHNOLOGY? AND I MAY BE CORRECTED THAT IT
23 WAS AUGUST. I AM NOT SURE WHETHER IT WAS JULY OR AUGUST.

24 THE COURT: WHAT YEAR?

25 MR. BARENS: 1984.

26 THE COURT: OKAY.

27 THE WITNESS: THERE WERE SEVERAL DISCUSSIONS WITH DAVID
28 MAY AT THAT SPECIFIC TIME. I DON'T KNOW WHETHER THEY WERE

1 SPECIFICALLY ABOUT THE TECHNOLOGY OR THE DISPOSITIONS OF THE
2 MACHINES OR WHAT THE CONVERSATIONS WERE. THERE WERE SEVERAL
3 OF THEM.

4 Q BY MR. BARENS: AND WAS THERE A TIME WHERE YOU
5 BORROWED SOME MONEY FROM MR. MAY?

6 A YES.

7 Q AND YOU BORROWED IT IN JULY 22, 1984?

8 A I THINK SO.

9 Q YOU EXECUTED A PROMISSORY NOTE TO HIM AT THAT
10 TIME?

11 A YES.

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1 Q AND DURING THAT PERIOD OF TIME, YOU WERE HAVING
2 DISCUSSIONS, I BELIEVE, WITH THE MAY BROTHERS OR AT LEAST
3 ONE OF THEM, AND JEFF RAYMOND CONCERNING WHERE YOU WERE GOING
4 TO GO WITH THE TECHNOLOGY FROM THAT POINT?

5 A I DON'T REMEMBER THAT DISCUSSION.

6 Q YOU DON'T?

7 A NO.

8 Q DID YOU EVER, DURING AUGUST, DISCUSS WITH JEFF
9 RAYMOND WHAT WAS GOING TO HAPPEN NEXT WITH THE TECHNOLOGY?

10 A NO.

11 I HAD -- I THINK, I AM NOT SURE, THAT I HAD
12 MENTIONED TO JEFF RAYMOND OR MAYBE THE MAY BROTHERS, I DON'T
13 KNOW, THAT I HAD WRITTEN A TERMINATION OF MY AGREEMENT AS
14 FAR AS I AM CONCERNED WITH JOE HUNT ON THE 3RD OF AUGUST.

15 Q DID YOU HAVE ANY DISCUSSION WITH ANY OF THOSE
16 THREE GENTLEMEN CONCERNING MOVING FORWARD WITH THEM TOWARDS
17 FURTHER DEVELOPMENT AND/OR SALE OF THE TECHNOLOGY?

18 A NOT THAT, TO MY KNOWLEDGE.

19 Q NEVER?

20 A NOT TO MY KNOWLEDGE.

21 Q WHAT HAPPENED -- THE TECHNOLOGY AT THIS POINT
22 OR THE EQUIPMENT, PER SE, WAS UP IN BAKER AT THIS POINT, WAS
23 IT, DR. BROWNING?

24 A IT WAS OUTSIDE OF BAKER AT A MINING SITE CALLED
25 SHADOW VALLEY MINING COMPANY.

26 Q WHERE DID THE EQUIPMENT GO FROM THERE, SIR?

27 A IT STAYED THERE UNTIL, I THINK, AUGUST OR SEPTEMBER
28 OF 1985.

2
1 Q '85?

2 A YES.

3 Q AND WHERE DID IT GO FROM THERE?

4 A I CAN ONLY TELL YOU WHAT HAS HAPPENED SINCE THAT
5 TIME, THE MACHINE WAS STOLEN FROM THERE AND I BELIEVE TAKEN
6 TO ARIZONA. I HAVE REASON TO BELIEVE IT IS IN ARIZONA.

7 Q ALL RIGHT. DO YOU KNOW WHO STOLE IT AND TOOK
8 IT IN 1985 TO ARIZONA?

9 A YES. MR. WILLIAM C. MORTON.

10 Q MR. MORTON, THAT SAME FELLOW MORTON THAT WE DEALT
11 WITH BACK EARLIER IN '83?

12 A YES.

13 MR. BARENS: EXCUSE ME JUST A MOMENT.

14 (UNREPORTED COLLOQUY BETWEEN MR. BARENS,
15 MR. CHIER AND THE DEFENDANT.)

16 Q BY MR. BARENS: WHEN DID YOU DEVELOP AN OPINION
17 THAT MR. MORTON HAD SOMEHOW OR OTHER RETRIEVED THE EQUIPMENT
18 FROM BAKER AND TAKEN IT TO ARIZONA?

19 A WHEN --

20 THE COURT: HE DIDN'T SAY RETRIEVED. HE SAID "STOLEN."

21 Q BY MR. BARENS: STOLE, TO USE YOUR WORD, SIR,
22 I WILL USE THE WORD STOLE -- I AM CAUTIOUS, I DON'T KNOW THAT --
23 WHEN DID YOU DEVELOP THE OPINION THAT MR. MORTON HAD STOLEN
24 YOUR EQUIPMENT?

25 A WHEN HE WAS IN THE PROCESS OF DOING IT.

26 Q AND THAT WAS?

27 A I BELIEVE IT WAS AUGUST OR SEPTEMBER OF 1985,
28 I AM NOT SURE OF THE PARTICULAR DATES.

1 ALL OF THE DOCUMENTS I HAVE HAD BEEN TURNED OVER
2 TO THE SHERIFF OR THE FBI AGENCIES AND I DON'T REMEMBER THE
3 EXACT DATE.

4 Q DID YOU PREVIOUSLY TESTIFY DURING A DEPOSITION
5 YOU TOOK IN MARCH OF 1985 THAT YOU HAD ABSOLUTELY NO IDEA
6 WHAT HAPPENED TO THE EQUIPMENT AFTER IT WAS IN BAKER?

7 MR. WAPNER: THAT WAS IN MARCH OF '85.

8 MR. BARENS: DID I SAY MARCH OF '85, YES.

9 THE COURT: YES.

10 MR. BARENS: I THOUGHT I HAD SAID MARCH.

11 THE WITNESS: I DID NOT KNOW AT THAT TIME WHAT HAD
12 HAPPENED TO THE EQUIPMENT, THAT IS TRUE.

13 Q BY MR. BARENS: I THOUGHT YOU HAD SAID YOU HAD
14 DEVELOPED AN OPINION AS TO WHAT HE DID WITH IT WHEN HE WAS
15 DOING IT.

16 THE COURT: THAT IS IN SEPTEMBER AND OCTOBER, HE SAID;
17 DIDN'T YOU SAY THAT?

18 THE WITNESS: IN AUGUST OR SEPTEMBER WHEN THE MACHINES
19 WERE STOLEN, I KNEW WHERE THEY HAD GONE.

20 Q BY MR. BARENS: THAT WAS IN AUGUST OR SEPTEMBER
21 OF 1985?

22 A YES.

23 Q AFTER YOUR DEPOSITION?

24 A YES.

25 Q SO DURING YOUR DEPOSITION, THE EQUIPMENT WAS STILL
26 IN BAKER OR THEREABOUTS?

27 A IT WAS IN THE DESERT, YES.

28 Q DID YOU KNOW THAT?

1 A I KNEW IT WAS THERE. I DIDN'T KNOW WHERE IT WAS.

2 Q I AM NOT SURE I UNDERSTAND WHAT YOU MEAN, SIR.

3 A WELL, THAT AREA OUT THERE IS COMPRISED OF MINING
4 CLAIMS COVERING SOMETHING CLOSE TO 10,000 SQUARE MILES. IT
5 IS A TYPICAL DESERT AREA AND ONE CAN HIDE A CIRCUS OUT THERE
6 WITHOUT SEEING IT.

7 Q YOU HAD NEVER BEEN UP THERE TO SEE THE EQUIPMENT
8 THERE?

9 A WHEN IT WAS FIRST TAKEN TO THE DESERT SITE, I
10 HAD BEEN THERE AND SEEN IT THERE BUT IT HAD BEEN MOVED
11 SUBSEQUENTLY.

12 Q HOW DO YOU KNOW THAT?

13 A BECAUSE DAVID MAY SAID THAT HE HAD MOVED IT.

14 Q WHEN DID HE TELL YOU THAT?

15 A SHORTLY AFTER IT WAS TAKEN OUT, WHICH I PRESUME
16 WOULD HAVE BEEN JULY, AUGUST OF 1984.

17 Q SO MR. MAY ADVISED YOU THAT AFTER FIRST TAKING
18 IT THERE, HE HAD MOVED IT A SECOND TIME?

19 A YES.

20 Q DID HE TELL YOU WHY?

21 A HE SAID THAT HUNT HAD BEEN OUT THERE AND SEEN
22 THE EQUIPMENT AT THE SITE AND THAT HE WAS PLANNING ON MOVING
23 IT TO SEATTLE OR TO CANADA OR SOMETHING LIKE THAT, AND HE
24 HAD SUBSEQUENTLY GONE OUT AND MOVED THE EQUIPMENT SO THAT
25 HE COULD NOT FIND IT.

26

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1 Q SO THAT THE EQUIPMENT WOULD BE SOMEWHAT CONCEALED
2 FROM MR. HUNT BY MR. MAY'S EFFORTS?

3 A YES.

4 Q OR PLACED BEYOND HIS REACH?

5 A IT WOULD BE DIFFICULT TO FIND.

6 MR. BARENS: THANK YOU, DR. BROWNING.

7 THE COURT: ALL RIGHT.
8

9 REDIRECT EXAMINATION

10 BY MR. WAPNER:

11 Q WELL, HOW LONG HAS IT BEEN NOW, HOW MANY YEARS
12 HAS IT BEEN SINCE YOU FIRST STARTED WORKING ON THE IDEAS FOR
13 THE FIRST CYCLATRON?

14 A ABOUT 19 YEARS, NOW.

15 Q IN THAT 19 YEARS, HOW MANY OF THESE MACHINES
16 HAVE ACTUALLY BEEN BUILT?

17 A FIVE OR SIX.

18 Q AND ARE THERE ANY THAT ARE CURRENTLY OPERATING?

19 A NO.

20 Q AND YOU BUILT ALL OF THESE FIVE OR SIX BY HAND?

21 A YES.

22 Q DOES THAT INCLUDE THE TWO THAT WERE PARTIALLY
23 COMPLETED WHEN YOU WERE WORKING FOR MICROGENESIS?

24 A NO. I DID NOT CONSIDER THOSE MACHINES AS BEING
25 COMPLETED.

26 Q MR. MORTON AT SOME TIME, CAME TO THE PLANT IN
27 GARDENA, DIDN'T HE?

28 A YES, HE DID.

2

1 Q THAT WAS TO SEE THE MACHINE OPERATE?

2 A HE CAME UP TO SEE THE MACHINE, TO FIND OUT WHAT
3 STAGE OF COMPLETION IT WAS IN.

4 Q DID HE BRING SOME ORE WITH HIM WHEN HE CAME?

5 A NO, HE DIDN'T.

6 Q DID MR. NALLIN COME UP TO SEE THE MACHINE IN
7 GARDENA?

8 A NO. HE DIDN'T COME TO SEE THE MACHINE BUT HE
9 SENT OVER A SAMPLE OF ORE FOR ME TO RUN THROUGH THE MACHINE.

10 Q WHAT TIME WAS IT ON JUNE THE 11TH THAT YOU MET
11 WITH MR. HUNT?

12 A I THINK IT WAS AROUND 10:00 O'CLOCK IN THE
13 MORNING.

14 Q YOU MENTIONED THAT MR. HUNT REFERRED TO MR. LEVIN
15 AS SOMEONE WHO OWED HIM MONEY. WAS THAT IN THE CONVERSATION
16 THAT YOU JUST REFERRED TO THIS MORNING ABOUT MR. LEVIN BEING
17 MISSING AND POSSIBLY DEAD?

18 A HE HAD MENTIONED THE CONCEPT OF MR. LEVIN OWING
19 HIM MONEY EARLIER, AT AN EARLIER CONVERSATION. I DON'T KNOW
20 EXACTLY WHEN. BUT HE DID MENTION IT IN ONE OF THE ONGOING
21 CONVERSATIONS.

22 Q WHEN MR. BARENS READ TO YOU THE STATEMENT ABOUT --
23 THAT STARTED OUT, "I TOLD HIM I THOUGHT IT WAS RIDICULOUS,"
24 DO YOU REMEMBER JUST BEFORE THAT STATEMENT, BEING ASKED THE
25 FOLLOWING QUESTIONS AND GIVING THE FOLLOWING ANSWERS?

26 YOUR HONOR, FROM VOLUME 14, PAGE 2066, STARTING
27 AT LINE 24:

28 "Q HAD YOU EVER DEVELOPED THE MACHINE

3

1 FOR THE PURPOSE OF GRINDING SILICA OR CERAMICS?

2 "A NO.

3 "Q WHAT DID YOU DO WHEN YOU SAW THIS
4 AGREEMENT?

5 "A IT COMPOUNDED THE IRRITATION THAT
6 I HAD WHEN I GOT UP THERE FIRST.

7 "Q WHAT DID YOU SAY TO MR. HUNT?

8 "A I TOLD HIM THAT I THOUGHT IT WAS
9 RIDICULOUS. THERE WAS NO WAY THAT UNDER THE
10 TERMS OF THIS AGREEMENT, COULD WE POSSIBLY COMPLY
11 WITH IT. I WAS ESPECIALLY UPSET BECAUSE HE HAD
12 BUILT INTO THIS AGREEMENT AN ESCAPE CLAUSE WHICH,
13 IF THEY DID NOT DELIVER THE MACHINE AS SPECIFIED
14 ACCORDING TO THE AGREEMENT, THAT MR. LEVIN WAS
15 TO RECEIVE 40 PERCENT OF THE STOCK OF THE COMPANY."

16 DO YOU REMEMBER THOSE WORDS BEING ASKED AND THOSE
17 ANSWERS GIVEN?

18 A I DO NOW, YES.
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1 Q WHY DID YOU WRITE A TERMINATION AGREEMENT WITH
2 MR. HUNT ON AUGUST THE 3RD?

3 A BECAUSE MR. HUNT AT THAT TIME HAD UNILATERALLY
4 VIOLATED TWO AGREEMENTS HE HAD MADE WITH OTHER PEOPLE, I HAD
5 INFORMATION FROM THESE --

6 MR. BARENS: OBJECTION AS BEING A HEARSAY STATEMENT.

7 THE COURT: LET HIM FINISH HIS ANSWER AND THEN YOU CAN
8 MOVE TO STRIKE.

9 THE WITNESS: -- THAT HE HAD UNILATERALLY VIOLATED TWO
10 AGREEMENTS, ONE WITH MR. MORTON AND ONE WITH MR. KILPATRICK
11 IN WHICH THERE WAS THREATENED LITIGATION.

12 I DID NOT WANT TO BE A PART OF THIS AND FOR MY
13 OWN PARTICULAR SAFETY, I FELT IT SHOULD -- THAT I BEST
14 TERMINATE.

15 MR. BARENS: YOUR HONOR, THERE WOULD BE A DEFENSE MOTION
16 TO STRIKE UP TO THE WORD "LITIGATION."

17 THE COURT: MOTION DENIED.

18 MR. BARENS: THANK YOU, YOUR HONOR.

19 Q BY MR. WAPNER: MR. BROWNING, AT LEAST IT WAS
20 YOUR BELIEF THAT HE HAD UNILATERALLY VIOLATED THESE
21 AGREEMENTS; IS THAT CORRECT?

22 A YES.

23 Q AND WHAT IS THE REASON THAT YOU CURRENTLY BELIEVE
24 THAT THIS MACHINE IS IN ARIZONA WITH MR. MORTON?

25 A MR. MORTON CAME TO CALIFORNIA, AS I SAID, EITHER
26 IN AUGUST OR IN SEPTEMBER OF 1985. HE HAD GOTTEN A JUDGMENT
27 AGAINST MR. HUNT IN ARIZONA FOR \$1.64 MILLION. HE HAD COME
28 TO CALIFORNIA TO THE MARSHAL'S OFFICE IN CALIFORNIA, SEEKING

1 THE MARSHAL'S PERMIT AND HELP IN TAKING THOSE MACHINES AS
2 PART OF THE SATISFACTION OF THOSE JUDGMENTS. HE HAD COME
3 TO THE MARSHAL'S OFFICE AND THE MARSHAL SAID THAT IS ARIZONA
4 BUSINESS AND WE CAN'T HAVE ANYTHING TO DO WITH IT. YOU WILL
5 HAVE TO GET A JUDGMENT IN CALIFORNIA.

6 MR. BARENS: OBJECTION, YOUR HONOR. IT APPEARS CLEARLY
7 HEARSAY, THE MARSHAL SAID SO AND SO TO A THIRD PARTY.

8 THE COURT: HE IS EXPLAINING THE ENTIRE SITUATION AND
9 THAT IS PART OF THE EXPLANATION OF THE SITUATION. THE MOTION
10 IS DENIED.

11 MR. BARENS: ALL RIGHT, YOUR HONOR. SECONDARILY, HIS
12 OPINION IS IRRELEVANT, OPINION TESTIMONY ON THAT POINT.

13 THE COURT: OVERRULED.

14 MR. BARENS: THANK YOU, YOUR HONOR.

15 Q BY MR. WAPNER: WHAT IS THE FURTHER BASIS FOR
16 YOUR OPINION THAT THE MACHINE IS NOW IN ARIZONA?

17 A I HAD GONE OUT TO THE DESERT BECAUSE THERE WAS
18 A GUARD ON THE MINING SITE AT SHADOW MOUNTAIN AND HE CALLED
19 ME AND TOLD ME THAT MR. MORTON WAS THERE, I WENT OUT TO THE
20 DESERT IMMEDIATELY UPON HEARING THAT HE WAS THERE, BECAUSE
21 THE GUARD TOLD ME THAT HE WAS THERE TO PICK UP THE MACHINE.

22 HE HAD LEFT THE GUARD WITH CERTAIN DOCUMENTATION,
23 COPIES OF THE JUDGMENT FROM PHOENIX, ARIZONA, AND TYPEWRITTEN,
24 SIGNED DOCUMENTS FROM THE MARSHAL AUTHORIZING HIM TO PICK
25 THEM UP.

26 Q WHEN YOU GOT THERE, WERE THE MACHINES THERE?

27 A NO.

28 ONE OF THEM -- ONE OF THEM WAS GONE AND THE OTHER

1 TWO, WHICH WERE NOT ASSEMBLED, WERE STILL THERE. HE CAME
2 BACK AND GOT THEM THE NEXT DAY.

3 Q DID YOU GO TO A MEETING OF THE BOARD OF DIRECTORS
4 OF MICROGENESIS ON MAY 29TH?

5 THE COURT: WHAT YEAR?

6 MR. WAPNER: OF 1984.

7 THANK YOU, YOUR HONOR.

8 THE WITNESS: YES, I DID.

9 Q BY MR. WAPNER: WHERE WAS THAT MEETING HELD?

10 A THAT WAS HELD AT THE OFFICES OF BBC IN LOS ANGELES.

11 MR. WAPNER: YOUR HONOR, I HAVE A BOOK ENTITLED
12 "MINUTES, MICROGENESIS OF NORTH AMERICA" AND MAY THE RECORD
13 REFLECT I AM REMOVING FROM THAT -- FOR THE TIME BEING, MAY
14 THE ENTIRE BOOK BE MARKED AS PEOPLE'S 185 FOR IDENTIFICATION?

15 AND I AM REMOVING FROM THAT BOOK A DOCUMENT
16 ENTITLED, "MINUTES OF MEETING OF BOARD OF DIRECTORS
17 MICROGENESIS OF NORTH AMERICA, INCORPORATED." THEN IT SAYS
18 "SPECIAL MEETING OF BOARD OF DIRECTORS OF THE CORPORATION
19 WAS HELD ON MAY 29, 1984," ATTACHED TO WHICH APPARENTLY IS
20 AN AGENDA FROM THE MEETING.

21 MR. BARENS: YOUR HONOR, WE WOULD OBJECT. THIS WITNESS
22 DID NOT PREPARE, I BELIEVE THE EVIDENCE WILL SHOW, THESE
23 MINUTES, NOR IS HE FAMILIAR WITH THE METHOD BY WHICH THEY
24 WERE PREPARED AND I DO NOT BELIEVE HE IS COMPETENT TO TESTIFY
25 ABOUT MINUTES HE DID NOT PREPARE.

26 THE COURT: HE CAN SHOW HIM ANYTHING THAT REFRESHES
27 HIS RECOLLECTION, ANYTHING MAY BE SHOWN; AS YOU KNOW, THAT
28 IS THE RULE. OBJECTION OVERRULED.

1 MR. BARENS: YOUR HONOR, THE REST OF THAT WOULD GO TO
2 THE FACT THAT WE APPEAR TO BE REFRESHING A RECOLLECTION THAT
3 HAS NOT BEEN EXHAUSTED. THERE HAS NOT EVEN BEEN A QUESTION
4 ABOUT RECOLLECTION.

5 THE COURT: I WILL PERMIT HIM TO ANSWER THE QUESTION.

6 Q BY MR. WAPNER: DR. BROWNING, DO YOU REMEMBER
7 WHAT THAT MEETING WAS ALL ABOUT?

8 A TO THE BEST OF MY KNOWLEDGE, THE MEETING WAS
9 DESIGNED TO INTRODUCE TWO PEOPLE WHICH WERE BEING INVITED
10 TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE CORPORATION.

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1 Q AND WHO WERE THOSE PEOPLE?

2 A ONE OF THEM WAS MR. -- OR DR. RAYMOND AND THE
3 OTHER WAS MR. -- I BELIVE HIS NAME WAS KRONENBERG, MOSHE
4 KRONENBERG.

5 Q WAS DR. RAYMOND SOMEHOW RELATED TO JEFF RAYMOND?

6 A HE IS HIS FATHER.

7 Q AND AT THE MEETING ON MAY 29, WERE THE USES AND
8 POSSIBLE APPLICATIONS OF THE ATTRITION MILL DISCUSSED?

9 A I DON'T RECOLLECT THE USES OF THE DEVICE. I
10 HAD MADE SPECIFIC REQUIREMENTS OR REQUESTS AT THE TIME, AS
11 FAR AS THE QUALITY CONTROL OF THE MACHINE IS CONCERNED, FOR
12 WHICH MR. RAYMOND WAS THERE.

13 MR. KRONENBERG WAS THERE I BELIEVE -- MR
14 KRONENBERG IS AN ENGINEER WITH BECHTEL. AND I THINK HE WAS
15 SOMEWHERE RELATED TO DEAN KARNY.

16 AND HE WAS THERE SPECIFICALLY IN REGARDS TO THE
17 USE OF THE MACHINE IN PREPARING COAL.

18 Q DO YOU KNOW WHETHER THERE WAS A DISCUSSION --
19 WAS THERE AN AGENDA PASSED OUT FOR THAT MEETING?

20 A I DON'T REMEMBER.

21 MR. WAPNER: YOUR HONOR, AS PART OF THE MINUTES THAT
22 I HAVE REMOVED, THERE APPEARS TO BE AN AGENDA OF A MEETING ON
23 MAY 29. MAY THAT BE 185?

24 THE COURT: SO MARKED.

25 Q BY MR. WAPNER: SHOWING YOU 185 FOR IDENTIFICATION,
26 DO YOU RECOGNIZE THAT?

27 A YES.

28 Q WHAT IS IT?

1 A IT IS THE AGENDA FOR THE SPECIAL MEETING OF THE
2 BOARD OF DIRECTORS WHICH WAS HELD ON THE 29TH OF MAY, 1984.

3 Q YOU ATTENDED THAT MEETING?

4 A YES, I DID.

5 Q DID YOU GET A COPY OF THE AGENDA AT THE TIME?

6 A I THINK I MAY HAVE DONE.

7 Q IN READING THAT, DOES THAT REFRESH YOUR RECOLLECTION
8 AT ALL ABOUT THINGS THAT MAY OR MAY NOT HAVE BEEN DISCUSSED
9 AT THE MEETING?

10 A IT DOES. I REMEMBER SPECIFICALLY DR. RAYMOND
11 AND MR. KRONENBERG'S APPLICATIONS.

12 Q WERE THERE OTHER APPLICATIONS OF THE MACHINE
13 DISCUSSED AT THAT MEETING?

14 A THERE ARE NO NEW ONES THAT WERE OUTLINED AT THIS
15 MEETING. THERE ARE SOME THINGS THAT ARE HERE THAT I DON'T
16 RECOGNIZE.

17 BUT I THINK MOST OF THIS WAS DONE TO BRING DR.
18 RAYMOND AND MR. KRONENBERG UP TO DATE AS TO THE DISCUSSIONS
19 THAT OCCURRED EARLIER.

20 Q ABOUT APPLICATIONS OF THE MACHINE?

21 A YES.

22 Q WAS THERE ANYTHING AT ALL DISCUSSED DURING THE
23 MAY 29 MEETING ABOUT THE APPLICATION OF THE MACHINE FOR
24 SILICA OR OTHER CERAMICS?

25 A I DON'T SEE ANYTHING HERE PERTAINING TO THAT.

26 Q IS THERE ANYTHING IN THE -- WAS THERE ANYTHING
27 DISCUSSED AT THE MAY 29 MEETING ABOUT CONTRACTS THAT THE
28 COMPANY HAD WITH OTHER PEOPLE?

1 A YES.

2 Q AND THOSE PEOPLE WERE WHO?

3 A THERE WERE DISCUSSIONS PERTAINING TO THE CONTRACTS
4 AND AGREEMENTS THAT MR. HUNT HAD MADE WITH MR. KILPATRICK
5 OF UNITED FINANCIAL ORGANIZATIONS IN DENVER.

6 THERE WERE DISCUSSIONS OF THE CONTRACT WITH BILL
7 MORTON FOR THE APACHE JUNCTION GOLD OPERATIONS AND THERE IS
8 A DISCUSSION THERE, AN OUTLINE OF THE DISCUSSION WITH A MR.
9 BROWNING OF BROWNING RESEARCH LIMITED, NOT RELATED.

10 Q MR. BROWNING? THAT MR. BROWNING IS NOT RELATED
11 TO YOU?

12 A NOT TO MY KNOWLEDGE.

13 THE COURT: THAT IS WHAT HE SAID.

14 Q BY MR. WAPNER: AND WAS THERE ANY MENTION AT
15 THAT MEETING OF ANY CONTRACT WITH MR. LEVIN?

16 A NO.

17 Q WAS THERE ANY MENTION AT THE MEETING OF THE
18 POSSIBILITY OF ENTERING INTO A CONTRACT WITH MR. LEVIN?

19 A NO.

20 Q WAS THERE ANY MENTION AT THAT MEETING THAT MR.
21 HUNT WAS IN THE PROCESS OF NEGOTIATING WITH MR. LEVIN FOR
22 A CONTRACT REGARDING THE MACHINE AND ITS APPLICATION TO SILICA
23 AND CERAMICS?

24 A NO.

25 MR. WAPNER: THANK YOU. NOTHING FURTHER.

26 THE COURT: ALL RIGHT. ANYTHING FURTHER?

27 MR. BARENS: YES, YOUR HONOR.

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1 RE-CROSS-EXAMINATION

2 BY MR. BARENS:

3 Q DR. BROWNING, AFTER YOU HAD MADE YOUR CONTRACTUAL
4 RELATIONSHIP WITH MR. HUNT AND MR. HUNT'S COMPANY, DID YOU
5 ENTER ANY TRANSACTIONS WITH ANYBODY ELSE PRIOR TO SAY, JUNE
6 OR JULY OF 1984 AFFECTING THE SAME SUBJECT MATTER?

7 A NO.

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1 Q DID YOU HAVE A CONTRACT WITH A GENTLEMAN NAMED
2 MR. MOON?

3 A NO.

4 Q YOU DID NOT?

5 MR. BARENS: MAY I APPROACH THE WITNESS, YOUR HONOR?

6 THE COURT: YES.

7 Q BY MR. BARENS: MR. BROWNING, I AM SHOWING YOU
8 A DOCUMENT THAT HAS A CAPTION ON IT "SHAREHOLDERS AGREEMENT"
9 DATED 11 AUGUST 1983 AND AT THE THIRD PAGE THEREOF, I SEE
10 SOME SIGNATURE LINES. STARTING WITH A SIGNATURE LINE "GENE B.
11 BROWNING, PH.D.," IS THAT YOUR SIGNATURE, SIR?

12 A YES.

13 Q AND I SEE A SIGNATURE LINE FOR A WINAFIELD --
14 WINFIELD, IT LOOKS LIKE MOON, SR., AND ONE FOR WINFIELD MOON,
15 JR.

16 A YES.

17 Q DO YOU REMEMBER THIS TRANSACTION?

18 A YES, I DO NOW.

19 Q AND WHAT WAS THIS TRANSACTION ABOUT?

20 A MR. MOON WANTED AT THAT TIME, HE HAD ASKED ME,
21 BECAUSE HE HAD SOME INVOLVEMENTS WITH OTHER COMPANIES, IF
22 I WOULD CONSIDER BEING A CONSULTANT TO HIM IN THE DEVELOPMENT
23 OF THESE OTHER COMPANIES.

24 TO MY KNOWLEDGE, I BELIEVE I DISCUSSED THIS WITH
25 JOE HUNT WHEN I CAME BACK FROM THESE MEETINGS.

26 Q DID YOU, AS PART OF THAT AGREEMENT, LICENSE
27 TECHNOLOGY?

28 A I DON'T REMEMBER.

1 Q YOU DON'T REMEMBER?

2 WHY DON'T YOU LOOK AT THE AGREEMENT.

3 A MAY I READ THIS?

4 (THE WITNESS WAS HANDED A DOCUMENT BY
5 MR. BARENS.)

6 Q THERE IS AN ADDENDUM ATTACHED TO THAT,
7 DR. BROWNING, YOU MIGHT WANT TO LOOK AT IT AS WELL. THAT GIVES
8 SOME FURTHER DEFINITION AS TO WHAT IS BEING DISCUSSED IN THE
9 CONTRACT.

10 (A DOCUMENT WAS HANDED TO THE WITNESS
11 BY MR. BARENS.)

12 A YES.

13 WHAT IS THE QUESTION?

14 Q DR. BROWNING, DID YOU NOT IN THAT AGREEMENT
15 LICENSE TECHNOLOGY?

16 A NO.

17 Q YOU DID NOT AGREE TO DONATE ANY TECHNOLOGY OR
18 CONTRIBUTE TECHNOLOGY TO THIS AGREEMENT AS A PART OF IT?

19 A THIS AGREEMENT SAYS "SHALL GENERALLY ARRANGE THEIR
20 AFFAIRS SO THAT BROWNING CONTRIBUTES KNOW-HOW AND TECHNOLOGY
21 SERVICES AND MOON SHALL PROVIDE BUSINESS MANAGEMENT AND
22 FINANCIAL BACKING."

23 Q DID NOT THE KNOW-HOW YOU WERE REFERENCING IN THAT
24 AGREEMENT MAKE REFERENCE TO THE SAME TECHNOLOGY YOU WERE
25 INVOLVED WITH WITH JOE HUNT?

26 A AT THE TIME, NO, IT DIDN'T.

27 Q WHAT WOULD THE DIFFERENCE BE, SIR?

28 A WELL, MR. MOON HAD HIS OWN TECHNOLOGIES.

1 ALSO, MR. MOON HAD BEEN ASSOCIATED WITH
2 MR. KILPATRICK. IT WAS AN INTEGRAL PART OF THE SAME THING.

3 MR. MOON ALSO REPRESENTED AT THAT TIME THAT HE
4 OWNED SUBSTANTIAL COAL HOLDINGS IN VIRGINIA.

5 BUT HE ALSO REPRESENTED TO ME AT THE TIME THAT
6 HE HAD A GENTLEMAN WHO HAD DISCOVERED A WAY OF DENATURING,
7 IF YOU WILL, NUCLEAR CONTAMINATES AND HE WANTED ME INVOLVED
8 IN DISCOVERING WHETHER OR NOT THAT WAS TRUE OR NOT.

9 Q THEREFORE, IT IS YOUR TESTIMONY THAT NOTHING YOU
10 DID WITH MR. MOON OR EITHER OF THE TWO MOON PEOPLE INVOLVED
11 IN THIS TRANSACTION WOULD IN ANY WAY INVOLVE THE TECHNOLOGY
12 THAT YOU HAD MADE A CONTRACT WITH INVOLVING MR. HUNT?

13 A I DON'T THINK SO.

14 THIS NEVER CAME TO FRUITION. IT NEVER GOT OFF
15 THE GROUND.

16 Q BUT YOU ARE TELLING ME AS AN AFFIRMATIVE
17 STATEMENT THAT AS YOU UNDERSTOOD THAT CONTRACT, IT HAD NO
18 OVERLAP WITH THE TECHNOLOGY THAT MR. HUNT WAS INVOLVED WITH,
19 SIR?

20 A NO, NOT AT THIS PARTICULAR TIME, BECAUSE MR. HUNT
21 HAD MADE HIS AGREEMENTS WITH MR. KILPATRICK AT THE TIME AND
22 THOSE CONTRACTS WERE MENTIONED IN THIS PARTICULAR AGREEMENT.

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1 Q YOU HAD MADE AN AGREEMENT AS A PART OF YOUR
2 AGREEMENT WITH HUNT, THAT YOU WOULD BE AVAILABLE FULL TIME
3 FOR THE FULFILLING OF YOUR OBLIGATIONS UNDER THAT CONTRACT
4 TO RENDER CONSULTING AND ADVISORY TECHNICAL SERVICES, HAD
5 YOU NOT?

6 A FULL TIME TO WHOM?

7 Q AVAILABLE TO THE FURTHERANCE OF THE PROJECT WITH
8 HUNT?

9 A YES.

10 Q AND YOU SAID THAT IN THAT AGREEMENT, DIDN'T YOU?

11 A I BELIEVE SO. THAT WAS AN EMPLOYMENT AGREEMENT.

12 MR. BARENS: COULD WE HAVE THIS MARKED AS DEFENDANT'S
13 NEXT?

14 THE COURT: SURE.

15 MR. BARENS: IT IS A DOCUMENT ENTITLED "SHAREHOLDERS'
16 AGREEMENT."

17 IT CONSISTS OF THREE TYPEWRITTEN PAGES AND THERE-
18 AFTER, THREE HANDWRITTEN PAGES AND THEREAFTER, A DRAWING.

19 Q SO THAT WE CAN BETTER UNDERSTAND THAT DR.
20 BROWNING, WHAT WAS THAT DRAWING? WHAT WAS IT DESCRIBED TO
21 YOU?

22 A THIS IS A CRUDE DRAWING AS TO THE APPLICATION
23 OF COAL AND POWER GENERATION AND COAL ADDITIVES IN PREPARING
24 A FUEL.

25 Q NOTHING ABOUT THAT DRAWING WOULD BE DESCRIPTIVE
26 IN ANY WAY, WOULD IT, DOCTOR, OF HOW COAL WOULD RELATE TO
27 WHAT WE HAVE BEEN CALLING THE CYCLATRON?

28 A NO.

1 Q NOTHING IN THIS DESCRIPTIVE PROCESS HERE, WOULD
2 IN ANY WAY, BE COMPARABLE TO THE CYCLATRON?

3 A I DON'T SEE WHERE IT WOULD BE, NO. THERE IS
4 A BURNING OF FUEL AND THE ADDITIVE.

5 MR. BARENS: ALL RIGHT, SIR. THIS IS WHAT
6 EXHIBIT, YOUR HONOR?

7 THE COURT: J.

8 MR. BARENS: J? THANK YOU. I WILL MARK IT SUBSEQUENTLY.

9 Q IN JULY OF 1983, DID YOU ENTER INTO AN AGREEMENT
10 WITH A COMPANY CALLED UFOI?

11 A WE HAD AN AGREEMENT WITH UFOI. I DON'T REMEMBER
12 WHAT DAY OR WHAT MONTH OR WHAT YEAR IT WAS.

13 Q WHO IS "WE", SIR?

14 A MYSELF AND UFOI AS A PART OF A MERGER THAT WAS
15 GOING ON AT THE TIME WITH A COMPANY IN VANCOUVER, CANADA,
16 CALLED SATURN.

17 Q DID THAT AGREEMENT IN ANY WAY INVOLVE ANY OF
18 THE TECHNOLOGY YOU HAVE PREVIOUSLY CONTRACTED WITH MR. HUNT
19 ABOUT?

20 A THOSE AGREEMENTS IF I REMEMBER CORRECTLY, WERE
21 MARKETING AGREEMENTS.

22 Q IT HAD NOTHING TO DO WITH YOUR LICENSING
23 TECHNOLOGY?

24 A LICENSE TO MARKET, YES.

25 Q MARKET ONLY? DID YOU LICENSE TECHNOLOGY, SIR,
26 IN TERMS OF PRODUCTS OF RESEARCH?

27 A I DON'T REMEMBER THE TERMS OF THAT ONE. THEY
28 WERE ALL TURNED OVER TO JOE HUNT PARALLEL BECAUSE IT STARTED

1 BEFORE I HAD EVER MET HUNT.

2 Q AND YOU SAY THAT SUBSEQUENTLY, YOU MADE AN
3 ASSIGNMENT OF ANY INTEREST YOU HAD WITH UFOI TO HUNT?

4 A I INTRODUCED MR. HUNT TO MR. KILPATRICK AND
5 REFERRED ALL THOSE AGREEMENTS SUCH AS THEY WERE, TO MR. HUNT
6 TO COMPLETE WITH MR. KILPATRICK.

7 Q AND THEY WENT FORWARD ON SOME BASIS?

8 A YES.

9 MR. BARENS: ALL RIGHT. THANK YOU, SIR.

10 THE COURT: ANYTHING FURTHER?

11 MR. WAPNER: NO, NOTHING FURTHER.

12 THE COURT: WELL DOCTOR, WHEN YOU MENTIONED THERE WAS
13 A JUDGMENT OF \$1600,000 AGAINST MR. HUNT, WHO WAS THAT IN
14 FAVOR OF?

15 THE WITNESS: IT WAS IN FAVOR OF MR. MORTON IN THE
16 U.S. DISTRICT COURT IN PHOENIX.

17 THE COURT: DO YOU KNOW WHAT THE BASIS OF THAT
18 JUDGMENT WAS?

19 THE WITNESS: YES. IT WAS PREDICATED UPON MR. HUNT'S
20 ACTIVITIES PRIOR TO THAT TIME, WHEN HE HAD TAKEN BACK A
21 MACHINE I HAD PUT DOWN THERE FOR MR. MORTON'S MINING EFFORTS.

22 MR. WAPNER: YOUR HONOR, I DON'T THINK THE JURY CAN
23 HEAR.

24 THE COURT: TALK INTO THE MICROPHONE.

25 MR. BARENS: EXCUSE ME, YOUR HONOR. IS THIS NOT HEARSAY
26 AS TO THE JUDGMENT?

27 THE COURT: WELL, IF I AM NOT MISTAKEN, I THINK HE
28 MENTIONED SOMETHING IN THE RECORD ABOUT A JUDGMENT OF \$1,600,000

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1 OBTAINED AGAINST MR. HUNT.

2 SO WHAT I WANTED TO DO, IS TO HAVE THE JURY
3 UNDERSTAND WHAT THIS JUDGMENT WAS ALL ABOUT.

4 MR. BARENS: BUT, HIS KNOWLEDGE IS BASED SOLEY ON
5 HEARSAY. SHOULDN'T WE ABIDE BY THE RULES OF EVIDENCE ON
6 THIS?

7 THE COURT: AREN'T WE PROCEEDING UNDER THE RULES OF
8 EVIDENCE? DID YOU HAVE ANY OBJECTION TO THE RULES OF EVIDENCE
9 UNDER WHICH WE ARE PROCEEDING?

10 MR. BARENS: I DO OBJECT IN THIS INSTANCE.
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1 THE COURT: OBJECTION OVERRULED.

2 MR. BARENS: COULD I FINISH THE OBJECTION?

3 THE COURT: THE OBJECTION IS THAT IT IS HEARSAY?

4 MR. BARENS: TOTAL HEARSAY, YOUR HONOR.

5 THE COURT: WELL, ALL RIGHT. I ANTICIPATED THAT
6 OBJECTION. I WILL OVERRULE IT.

7 MR. BARENS: BEST EVIDENCE, YOUR HONOR.

8 THE COURT: YES.

9 DO YOU KNOW ABOUT THAT, DO YOU?

10 THE WITNESS: YES. I HAVE A COPY OF THAT JUDGMENT
11 AGAINST MR. HUNT.

12 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

13 DO YOU HAVE ANY QUESTIONS ABOUT THE JUDGMENT?
14 GO AHEAD.

15 MR. BARENS: WELL, I WOULD PRESUME WE WOULD USE THE
16 BEST EVIDENCE. I MOVE TO STRIKE IT, YOUR HONOR.

17 THE COURT: DENIED.

18 MR. BARENS: THANK YOU, YOUR HONOR.

19 THE COURT: THANK YOU VERY MUCH. YOU WILL BE EXCUSED.

20 THE WITNESS: THANK YOU.

21 THE COURT: THE WITNESS MAY BE EXCUSED?

22 MR. WAPNER: I HAVE NO OBJECTION.

23 MR. BARENS: THE DEFENSE WOULD LIKE DR. BROWNING ON
24 RECALL.

25 THE COURT: SURELY. YOU WILL BE ON CALL, DOCTOR. IF
26 WE NEED YOU --

27 THE WITNESS: WILL THAT RESTRICT ME IN ANY --

28 THE COURT: NO. IT WON'T RESTRICT YOU DOING ANYTHING

1 YOU WANT TO DO.

2 MR. BARENS: COULD YOUR HONOR PLEASE REFRESH ME ON
3 WHAT OUR LAST EXHIBIT LETTER WAS?

4 THE COURT: I THOUGHT IT WAS J.

5 MR. BARENS: THANK YOU, YOUR HONOR.

6 MR. WAPNER: WE CALL EVAN DICKER. HE IS IN OUR OFFICES.
7 HE IS ON HIS WAY DOWN. IT WILL JUST BE A MINUTE.

8 THE COURT: ALL RIGHT.

9 (PAUSE.)

10

11

EVAN GEORGE DICKER,

12

CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED

13

AS FOLLOWS:

14

THE CLERK: RAISE YOUR RIGHT HAND TO BE SWORN.

15

YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU

16

MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL

17

BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,

18

SO HELP YOU GOD.

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THE WITNESS: I DO.

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THE CLERK: BE SEATED. STATE AND SPELL YOUR NAME FOR

21

THE RECORD.

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THE WITNESS: EVAN GEORGE DICKER.

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THE COURT REPORTER: PLEASE SPELL YOUR NAME.

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THE WITNESS: D-I-C-K-E-R.

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DIRECT EXAMINATION

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BY MR. WAPNER:

Q MR. DICKER, DO YOU KNOW THE DEFENDANT IN THIS
CASE?

A YES.

Q HOW DO YOU KNOW HIM?

A I MET HIM ON A SKI TRIP IN THE WINTER OF 1982.

Q AND HOW DID YOU HAPPEN TO BE ON THE SKI TRIP?

A I WAS INVITED BY FRIENDS OF MINE.

Q AND WHO WAS THE --

THE COURT: WHOM?

THE WITNESS: FRIENDS.

THE COURT: WHOM?

THE WITNESS: FRIENDS.

Q BY MR. WAPNER: WHO WERE THE FRIENDS OF YOURS
THAT INVITED YOU?

A DEAN KARNY AND BEN DOSTI AND RONALD PARDOVITCH.

Q AND WHEN YOU MET MR. HUNT IN 1982 -- WAS IT
1982 THAT YOU MET HIM?

A IT WAS THE WINTER THAT WOULD BEGIN IN 1981 AND
END IN 1982. SO, DECEMBER 1981 TO FEBRUARY 1982.

Q YOU DON'T REMEMBER THE EXACT DATE OF THE TRIP?

A NO, I DON'T.

Q AND WHEN YOU MET HIM AT THAT TIME, WAS THIS PRETTY
MUCH JUST A SOCIAL MEETING?

A YES, IT WAS.

1 Q WHEN DID YOU NEXT MEET OR HAVE CONTACT WITH
2 MR. HUNT?

3 A I BELIEVE IN NOVEMBER OF 1982.

4 Q LET ME JUST BACK UP FOR A SECOND.

5 YOU WENT ON THIS SKI TRIP WITH MR. HUNT, WAS THAT
6 WITH DEAN KARNY?

7 A YES, IT WAS.

8 Q AND RONALD PARDOVITCH?

9 A YES.

10 Q AND WHO ELSE?

11 A BEN DOSTI AND MICKEY FINE MAY HAVE BEEN WITH
12 US, I DON'T RECALL.

13 Q HOW DID YOU KNOW DEAN KARNY?

14 A I MET DEAN KARNY THROUGH A FRIEND OF MINE AT SOME
15 TIME BEFORE THEN, APPROXIMATELY A YEAR.

16 Q HOW DID YOU KNOW BEN DOSTI?

17 A I MET BEN DOSTI IN HIGH SCHOOL.

18 Q WHICH HIGH SCHOOL WAS THAT?

19 A BEVERLY HILLS HIGH SCHOOL.

20 Q AT THE TIME OF THIS SKI TRIP, HOW OLD WERE YOU?

21 THE COURT: THAT WAS IN '81, THAT IS SIX YEARS AGO.

22 THE WITNESS: SO I WOULD HAVE BEEN 19 OR 20.

23 Q BY MR. WAPNER: AND AFTER THE SKI TRIP, WHEN WAS
24 IT THAT YOU NEXT SAW MR. HUNT?

25 A IN NOVEMBER OF 1982.

26 Q AND WHERE WAS THAT?

27 A THAT WAS IN MY APARTMENT.

28 Q AND WHAT WAS THE PURPOSE OF YOUR GETTING TOGETHER

1 WITH HIM AT THAT TIME?

2 A HE AND DEAN KARNY CAME OVER THAT EVENING BECAUSE
3 THEY WANTED TO TALK TO ME.

4 Q HAD YOU BEEN TALKING TO DEAN KARNY ABOUT MR. HUNT
5 BEFORE THAT?

6 A I DON'T RECALL.

7 Q AND DO YOU KNOW WHAT THEY WANTED TO TALK TO YOU
8 ABOUT?

9 A WELL, AFTER THEY CAME, THEY STARTED TALKING TO
10 ME ABOUT PHILOSOPHY.

11 Q AND WAS MR. HUNT TALKING TO YOU ABOUT PHILOSOPHY?

12 A YES, HE WAS.

13 Q AND WHAT DID HE TELL YOU?

14 A WELL, WE STARTED OFF GENERALLY DISCUSSING
15 PHILOSOPHY --

16 MR. BARENS: YOUR HONOR, WE WOULD OBJECT AS BEING
17 IRRELEVANT AND HEARSAY.

18 THE COURT: DID THIS HAVE TO DO WITH PARADOX
19 PHILOSOPHY?

20 THE WITNESS: I DON'T RECALL -- YES, LATER ON IN THE
21 DISCUSSION, IT DID GO INTO PARADOX PHILOSOPHY.

22 THE COURT: ALL RIGHT, OVERRULED.

23 Q BY MR. WAPNER: WHAT WAS THE DISCUSSION YOU HAD?

24 A IT WAS JUST BEGINNING WITH GENERAL PHILOSOPHY
25 AND THEN GETTING INTO MORE SPECIFICALLY PHILOSOPHY BASED ON
26 REALISM AND REALITY VERSUS A PHILOSOPHY BASED ON SOME SORT
27 OF UNREALISTIC RULES AND LAWS.

28 Q CAN YOU EXPLAIN THAT A LITTLE MORE?

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1 A SORT OF DOING THINGS IN REACTION TO REALITY VERSUS
2 DOING THINGS BASED ON A SET OF RULES THAT MAY NOT APPLY IN
3 THE CIRCUMSTANCE.

4 Q WHO WAS SAYING THIS?

5 A JOE WAS DISCUSSING THIS, AND DEAN.

6 Q YOU ARE REFERRING TO JOE HUNT?

7 A YES, I AM.

8 Q DID HE HAVE A TITLE FOR THIS PHILOSOPHY?

9 A I DON'T KNOW IF THE PHILOSOPHY WAS GIVEN A TITLE
10 AT THAT POINT IN TIME.

11 SOME TIME LATER, IT BECAME PART OF PARADOX
12 PHILOSOPHY.

13 Q IN ADDITION TO -- WELL, AT THAT TIME, CAN YOU
14 EXPLAIN IN A LITTLE MORE DETAIL WHAT YOU MEAN ABOUT REALISM
15 AND RULES? I MEAN WHAT YOU SAID SO FAR IS KIND OF VAGUE.
16 CAN YOU EXPLAIN ANY MORE SPECIFICALLY WHAT HE SAID?

17 A I DON'T RECALL ANYTHING MORE SPECIFIC THAT HE
18 SAID AT THAT TIME.

19 Q WHAT ELSE WAS DISCUSSED WHEN YOU GOT TOGETHER
20 WITH HIM AT YOUR APARTMENT?

21 A WELL, IT WAS DISCUSSED THAT THEY HAD FORMED AND
22 WERE IN THE BEGINNING OF EXPANDING AN ORGANIZATION CALLED
23 THE BBC AND THAT WAS A SOCIAL GROUP, IT WOULD BE A SOCIAL
24 GROUP OF PEOPLE WHO ALL SHARED A COMMON PHILOSOPHICAL BELIEF
25 AND IT WAS TO GROW INTO A BUSINESS VENTURE.

26 Q AND DID THEY TELL YOU WHAT KIND OF PEOPLE WERE
27 GOING TO BE INVOLVED IN IT?

28 A BASICALLY, IT WAS -- IT WAS INTELLIGENT PEOPLE

1 WHO SHARED THIS COMMON BELIEF IN PARADOX PHILOSOPHY.

2 Q AND WHAT ELSE DID HE TELL YOU ABOUT THE GROUP
3 IN TERMS OF WHAT IT WAS GOING TO DO OR --

4 A ONE OF THE FIRST THINGS IT WAS GOING TO DO WAS
5 GOING TO INVEST IN COMMODITIES, SOMETHING THAT JOE HAD BEEN
6 DOING PREVIOUSLY IN CHICAGO.

7 Q DID HE TELL YOU THAT HE HAD BEEN DOING THAT
8 PREVIOUSLY IN CHICAGO?

9 A YES, HE DID.

10 Q WHAT DID HE SAY?

11 MR. BARENS: EXCUSE ME, YOUR HONOR. WE SHOULD MAKE
12 FOR THE RECORD A 352 AND 1100 OBLIGATION (SIC) -- OBLIGATION
13 IS THE WAY I FEEL -- NOT OBLIGATION. OBJECTION FOR THE
14 RECORD, SO YOUR HONOR IS AWARE OF THAT.

15 THE COURT: ALL RIGHT. THE RECORD WILL NOTE IT.

16 MR. BARENS: THANK YOU, YOUR HONOR.

17 THE COURT: GO AHEAD.

18 Q BY MR. WAPNER: WHAT DID HE TELL YOU?

19 A HE TOLD ME THAT HE HAD BEEN TRADING IN COMMODITIES
20 IN CHICAGO PREVIOUSLY WITH A GREAT DEAL OF SUCCESS AND HAD
21 BEEN RAILROADED OFF OF THE CHICAGO MERCANTILE EXCHANGE, HIS
22 SEAT THERE.

23 Q AND DID HE TELL YOU WHAT HE WANTED TO DO IN THAT
24 REGARD IN LOS ANGELES?

25 A HE WANTED TO BEGIN TRADING COMMODITIES AGAIN.

26 Q AND IN THAT CONNECTION, WHAT DID HE SAY ABOUT
27 THE GROUP AND WANTING TO TRADE COMMODITIES AGAIN?

28 A THAT WOULD HAVE BEEN ONE OF THE FIRST BUSINESS

1 VENTURES WE WOULD VENTURE INTO.

2 Q AND WHAT ELSE DID HE TALK ABOUT AFTER THAT
3 MEETING?

4 A THAT IS ALL I RECALL FROM THAT MEETING.

5 Q WHEN HE SAID THAT THIS GROUP WOULD SHARE A
6 COMMON PHILOSOPHY, THAT WAS THE PARADOX PHILOSOPHY?

7 A YES, OR --

8 Q OR WHAT?

9 A WELL, I DON'T RECALL IF IT HAD BEEN COINED
10 PARADOX PHILOSOPHY AT THAT TIME, BUT IT IS WHAT LATER BECAME
11 PARADOX PHILOSOPHY.

12 Q AND AT THAT MEETING, WAS ANY REQUEST MADE OF YOU
13 IN TERMS OF THIS GROUP?

14 A THEY ASKED ME IF I WANTED TO JOIN.

15 Q WHAT DID YOU SAY?

16 A YES.

17 Q WHEN YOU WERE FIRST EXPOSED TO HEARING JOE HUNT
18 TALK ABOUT THIS PHILOSOPHY, DID IT MAKE ANY IMPRESSION ON
19 YOU?

20 A IT SEEMED TO MAKE SENSE.

21 Q WAS THIS A GROUP THAT YOU WANTED TO BE PART OF?

22 A YES.

23 Q AND AFTER THAT MEETING, WHAT WAS THE NEXT THING
24 THAT YOU RECALL HAPPENING WITH REGARD TO BEING PART OF THIS
25 GROUP?

26 A WITHIN THE NEXT FEW MONTHS, THERE WERE MEETINGS
27 HELD AT A CONDOMINIUM THAT DEAN AND JOE WERE SHARING IN
28 ENCINO.

1 Q WHAT KIND OF MEETINGS WERE THOSE?

2 A THEY WERE MEETINGS WHERE PHILOSOPHY WAS DISCUSSED,
3 WHAT THE BBC WOULD BE DOING WAS DISCUSSED, THE OBJECTIVES
4 AND GOALS AND PARTICULARLY MEMBERSHIP, RECRUITING PEOPLE WHO
5 WOULD BE ABLE TO SHARE IN THE COMMON BELIEF AND THE COMMON
6 PHILOSOPHY.

7 Q AND DID YOU, DURING THOSE NEXT FEW MONTHS, GET
8 A BETTER UNDERSTANDING, BETTER EXPLANATION FROM JOE HUNT ABOUT
9 WHAT CAME TO BE CALLED THE PARADOX PHILOSOPHY.

10 A THERE WERE NEVER -- IT WAS NEVER LAID OUT IN BLACK
11 AND WHITE, WHAT THE PARADOX PHILOSOPHY WAS.

12 THE UNDERSTANDING I HAD INITIALLY, AND I NEVER
13 REALLY -- I DON'T RECALL IF I GAINED ANY MORE OF AN UNDER-
14 STANDING OF THE PHILOSOPHY. IT JUST --

15 I STARTED AT TIMES, YOU KNOW, BEING LESS, YOU
16 KNOW, FEELING LESS OBLIGATED, YOU KNOW, TO FOLLOW RULES BUT
17 MORE --

18 Q WAS THAT PART OF --
19 GO AHEAD.

20 A DOING MORE WHAT WAS, YOU KNOW, SEEMED ACCEPTABLE
21 UNDER THE CIRCUMSTANCES.

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1 Q WHEN YOU SAY "LESS OBLIGATED" TO FOLLOW RULES,
2 WHAT DO YOU MEAN?

3 A WELL, IN PARADOX PHILOSOPHY OR HOW I UNDERSTOOD
4 IT, YOU WOULDN'T BLINDLY FOLLOW ANY RULE. YOU WOULD DO WHAT
5 WAS NECESSARY UNDER THE CIRCUMSTANCES.

6 Q WHAT KIND OF RULES ARE YOU TALKING ABOUT?

7 A LAWS, RELIGION, SOME OF THE SOCIAL NORMS.

8 Q WHAT DO YOU MEAN WHEN YOU SAY "NECESSARY UNDER
9 THE CIRCUMSTANCES"?

10 A WHAT WAS IN YOUR BEST INTEREST.

11 Q DURING THAT NEXT FEW MONTHS, WAS A HANDBOOK OF
12 SORTS OF THE BBC DISTRIBUTED?

13 A YES, IT WAS.

14 Q AND WHO DID THAT?

15 A IT WAS PREPARED I BELIEVE, BY JOE, BEN AND DEAN
16 AND ONE OF THE THREE OF THEM OR ALL THREE OF THEM DISTRIBUTED
17 IT OR SOMEBODY ELSE ACTUALLY HANDED IT OUT FOR THEM.

18 MR. BARENS: YOUR HONOR, WE MOVE TO STRIKE AS TO
19 FOUNDATION. WHEN THE WITNESS SAYS THAT HE BELIEVES IT WAS
20 PREPARED BY SO AND SO, I THINK WE NEED TO KNOW IF IT IS GOING
21 TO BE INTRODUCED AGAINST THE DEFENDANT. IF HE DIDN'T PREPARE
22 IT, WE GET INTO A WHOLE SERIES OF ISSUES.

23 THE COURT: THE CONNECTION BETWEEN THEM?

24 MR. WAPNER: I AM WAITING FOR THE COURT TO RULE. I
25 WILL BE HAPPY TO ASK THE NEXT QUESTION.

26 THE COURT: I WILL OVERRULE IT AT THIS TIME, SUBJECT
27 TO A MOTION TO STRIKE LATER ON.

28 Q BY MR. WAPNER: WHAT IS THE BASIS FOR YOUR LAST

1 STATEMENT THAT IT WAS PREPARED BY JOE, BEN AND DEAN?

2 A THEY HAD CAUSED -- AT THAT PARTICULAR TIME, THERE
3 WERE THE THREE OF THEM. THEY HAD MET AND THEY HAD BEEN --
4 I THINK ONE OF THEM -- I DON'T RECALL WHICH ONE, STATED THEY
5 HAD BEEN WORKING ON IT FOR THE LAST COUPLE OF DAYS AND WORKING
6 VERY HARD ON IT, THAT A LOT OF EFFORT -- I THINK IT WAS JOE,
7 WHO SAID A LOT OF EFFORT WENT INTO THIS.

8 MR. BARENS: I MOVE TO STRIKE AS A CONCLUSION, YOUR
9 HONOR.

10 THE COURT: OVERRULED. MOTION DENIED.

11 Q BY MR. WAPNER: AND WAS THAT AT THE TIME IT WAS
12 PASSED OUT?

13 A EITHER AT THE TIME IT WAS PASSED OUT OR A FEW
14 DAYS SUBSEQUENT.

15 Q MR. HUNT IN REFERRING TO THE DOCUMENT, SAID A
16 LOT OF EFFORT WENT INTO THIS?

17 A YES.

18 THE COURT: HAS THIS DOCUMENT BEEN MARKED AS AN EXHIBIT
19 IN THIS CASE?

20 MR. WAPNER: YOUR HONOR, THERE IS ONE THAT IS 182 THAT
21 WAS ALREADY MARKED AND LET ME JUST MARK THIS ONE 182-A.

22 I BELIEVE EVENTUALLY, WE'LL HAVE ONE OF THE TWO
23 OF THEM INTRODUCED INTO EVIDENCE. THIS IS ONLY SLIGHTLY
24 DIFFERENT IN THE SENSE THAT IT HAS NO -- BEARS CERTAIN DATES
25 AT THE TOP AND HAS A MEMBERSHIP LIST ON THE TOP AND ALSO HAS
26 THE INITIALS BBC ON EACH PAGE.

27 THE COURT: ALL RIGHT. THAT WILL BE 182-A FOR
28 IDENTIFICATION.

1 MR. WAPNER: THANK YOU.

2 Q MR. DICKER, WAS THIS PACKAGE OF -- THIS
3 ORGANIZATIONAL PACKAGE FOR THE BBC PASSED OUT DURING ONE OF
4 THE MEETINGS AT THE CONDOMINIUM THAT DEAN KARNY AND JOE HUNT
5 HAD IN ENCINO?

6 A YES, IT WAS.

7 Q AND AT SOME POINT DURING THAT NEXT FEW MONTHS,
8 DID YOU GO WITH JOE HUNT AND DEAN KARNY AND SOME OTHER PEOPLE
9 TO MEET A PERSON NAMED GENE BROWNING?

10 A YES, WE DID.

11 Q WHERE WAS THAT?

12 A IT WAS I THINK, VICTORVILLE, CALIFORNIA.

13 Q SOMEWHERE OUT IN THE DESERT EAST OF HERE?

14 A YES.

15 Q AND WAS THERE SOME, TO YOUR KNOWLEDGE, COMMODITIES
16 INVESTING GOING ON AT THAT TIME?

17 A WHEN WE WENT TO SEE MR. BROWNING?

18 Q NO. DURING THE FEW MONTHS THAT FOLLOWED YOUR
19 GETTING INVOLVED IN THE BBC?

20 A I BELIEVE EARLY IN 1983, THEY BEGAN TRADING
21 COMMODITIES.

22 Q SHOWING YOU THIS DOCUMENT WE HAVE MARKED AS 182-A,
23 DO YOU RECOGNIZE THIS?

24 A YES, I DO.

25 MR. BARENS: YOUR HONOR, COULD WE APPROACH THE BENCH
26 ON MORE TESTIMONY ON THE DOCUMENT?

27 THE COURT: ALL RIGHT.

28 (THE FOLLOWING PROCEEDINGS WERE HELD AT

1 THE BENCH:)

2 MR. BARENS: YOUR HONOR, WITH YOUR PERMISSION, MR.
3 CHIER WILL ADDRESS THE LEGAL ISSUE ON THE NATURE OF THE
4 OBJECTION WE HAVE AT THIS TIME.

5 THE COURT: GO AHEAD.

6 MR. BARENS: THANK YOU.

7 MR. CHIER: WE HAVE A CONTINUING OBJECTION TO THIS
8 TESTIMONY CONCERNING THIS DOCUMENT. FIRST OF ALL, THAT THERE
9 IS NO EVIDENCE THAT HAS BEEN INTRODUCED TO ESTABLISH THAT
10 IT IS THE STATEMENT OF A PARTY DEFENDANT, NAMELY MR. HUNT.

11 SECONDLY, THE FACT THAT A DEFENDANT MAY BE ON
12 TRIAL IN A CRIMINAL CASE DOES NOT MEAN THAT ANY STATEMENT
13 MADE AT ANY TIME IN HIS LIFE BY THAT DEFENDANT, IS ADMISSIBLE
14 EVIDENCE.

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1 THIRD, THE EVIDENCE SOUGHT TO BE ADMITTED IS
2 INADMISSIBLE UNDER SECTION 1100 OF THE EVIDENCE CODE.

3 IT IS INADMISSIBLE UNDER SECTION 352 OF THE
4 EVIDENCE CODE AND IS TOTALLY EXTRANEOUS.

5 THE COURT: I THOUGHT 352 REFERS TO THE COURT'S
6 DISCRETION, DOES IT NOT? UNDER 352, YOU ARE SAYING THIS
7 DOCUMENT WOULD BE INADMISSIBLE UNDER THAT SECTION?

8 MR. CHIER: ONLY IF --

9 THE COURT: DOESN'T 352 MAKE IT DISCRETIONARY WITH
10 THE COURT AS TO WHETHER OR NOT ITS HARMFUL FEATURES WOULD
11 OUTWEIGH ITS BENEFITS?

12 ISN'T THAT THE BASIS OF 352?

13 MR. CHIER: YOU ONLY GET TO 352 BY OVERRULING ALL OF
14 THE OBJECTIONS ON ALL OF THE OTHER GROUNDS. THAT IS THE LAST
15 STRONGHOLD, SO TO SPEAK.

16 THE COURT: 352 DOESN'T SAY THAT THIS DOCUMENT IS
17 NOT ADMISSIBLE, DOES IT?

18 352 DISCUSSES THE ADMISSIBILITY OF A DOCUMENT?

19 OR, DOES IT LEAVE IT TO THE DISCRETION OF THE
20 COURT THAT THE HARM OUTWEIGHS THE GOOD?

21 MR. CHIER: IF YOU GET THERE AS A RESULT OF OVERRULING
22 FIVE OTHER OBJECTIONS, YES. YOU DO HAVE THE DISCRETION.

23 THE COURT: OVERRULE FIVE OTHER OBJECTIONS? UNDER
24 352, I HAVE THE DISCRETION TO PERMIT IT.

25 MR. BARENS: YOUR HONOR, COULD I MAKE A COMMENT?

26 THE COURT: YES.

27 MR. BARENS: YOUR HONOR, WE ALSO OBJECT AS TO THE
28 FOUNDATION LAID. IT DISCRIMINATES --

1 THE COURT: I THINK YOU LAID SUFFICIENT FOUNDATION
2 FOR IT. I DON'T THINK --

3 MR. CHIER: IT MAY BE A STATEMENT WHICH IS THE RESULT
4 OF A COMPILATION OF OTHER PEOPLE. THERE IS NO EVIDENCE, YOUR
5 HONOR THAT THIS DOCUMENT REPRESENTS THE SOLE INTENT OR STATE
6 OF MIND OF MR. HUNT. AND IT REPRESENTS A CONSENSUS, IF YOU
7 WILL, AT LEAST AS FAR AS THE EVIDENCE WOULD SO REFLECT.

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1 MR. WAPNER: WELL, ONE OF THE THINGS I AM GOING TO DO
2 IS QUESTION MR. DICKER ABOUT SUBJECTS CONNECTED WITH THE
3 DOCUMENT IN TERMS OF STATEMENTS THAT MR. HUNT MAY HAVE MADE.

4 I AM NOT ASKING HIM WHAT DOES THE DOCUMENT SAY
5 BUT REGARDING THE SUBJECTS, "DID HE EVER MAKE ANY STATEMENTS
6 TO YOU?"

7 I THINK IT IS ALSO CONNECTED UP TO MR. HUNT BY
8 THE FACT THAT, IF NOTHING ELSE, HE HAS ADOPTED IT BY SAYING
9 A LOT OF WORK WENT INTO THIS.

10 AND THIRD OF ALL, IT WILL BE CONNECTED BECAUSE
11 IT WILL BE CLEAR FROM THE TESTIMONY OF THIS WITNESS THAT THE
12 PERSON WHO WAS LEADING THIS GROUP WAS MR. HUNT AND NO ONE
13 ELSE.

14 THE COURT: ALL RIGHT.

15 MR. BARENS: NOW ON TO ANOTHER SUBJECT IN THE SAME
16 AREA HERE. THE SENSE I GET, AND I JUST WANT TO MAKE SURE
17 I UNDERSTAND THE COURT SO I DO NOT KEEP OBJECTING TO THIS,
18 IS IT YOUR HONOR'S POSITION THAT ANYTHING HUNT SAID AT ANY
19 TIME TO THESE PEOPLE CONCERNING HIS PHILOSOPHY OF LIFE,
20 WHETHER SPECIFICALLY PARADOX, OR JUST GENERAL PHILOSOPHY AND
21 HIS OPINION AS HOW BUSINESS SHOULD BE RUN OR NOT RUN, BOTH
22 IN A PHILOSOPHICAL AND PRAGMATIC SENSE, YOUR HONOR DEEMS
23 ADMISSIBLE?

24 THE COURT: I AM GOING TO RULE ON EVERYTHING AS IT COMES
25 UP.

26 I AM NOT GOING TO GIVE YOU ANY GENERAL ATTITUDE
27 THAT I HAVE TOWARDS ANY TESTIMONY.

28 MR. BARENS: FINE. THANK YOU, YOUR HONOR.

1 THE COURT: ALL RIGHT.

2 (THE FOLLOWING PROCEEDINGS WERE HELD
3 IN OPEN COURT:)

4 THE COURT: IS THERE A PENDING QUESTION?

5 MR. WAPNER: I DON'T KNOW, BUT IF THERE WAS, I DON'T
6 REMEMBER IT. I WILL ASK ANOTHER ONE.

7 THE COURT: ALL RIGHT.

8 Q BY MR. WAPNER: MR. DICKER, DURING THE TIME
9 FOLLOWING THE INITIAL MEETING IN YOUR APARTMENT WHEN YOU WENT
10 TO THE ENCINO CONDOMINIUM, WHO LED THE MEETINGS THAT YOU HAD
11 THERE?

12 A JOE DID.

13 Q DURING THE ENTIRE TIME THAT YOU WERE EVER INVOLVED
14 WITH THE ORGANIZATION KNOWN AS THE BBC, WHO WAS THE LEADER
15 OF THE GROUP?

16 A JOE WAS.

17 Q IS THERE ANY QUESTION IN YOUR MIND ABOUT THAT
18 AT ANY TIME?

19 A TECHNICALLY, THERE WERE SUPPOSED TO BE THREE
20 LEADERS.

21 Q AND WHO WAS THAT?

22 A THE THREE SHADINGS: JOE HUNT, BEN DOSTI AND
23 DEAN KARNY.

24 THE COURT: AND WHAT DOES SHADINGS MEAN?

25 THE WITNESS: SHADINGS WAS A PHRASE WHICH WAS USED TO
26 DESIGNATE THE PEOPLE WHO HAD THE GREATEST UNDERSTANDING OF
27 PARADOX PHILOSOPHY.

28 THE COURT: AND WHO HAD THAT?

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1 THE WITNESS: THE POSITIONS WERE HELD BY JOE HUNT, DEAN
2 KARNEY AND BEN DOSTI.

3 AT SOME TIME VERY EARLY, THERE WAS A MEETING AND
4 THE PEOPLE --

5 AND JOE, SINCE YOU HAD TO HAVE AT LEAST ONE
6 SHADING TO HAVE ANY MORE SHADINGS, JOE MADE HIMSELF THE
7 SOLE SHADING AND EVERYONE ELSE WAS INVITED TO SUBMIT THEIR
8 NAME TO BECOME A SHADING IF THEY WANTED TO AND THEN THERE
9 WAS SOME DISCUSSION PROCESS AND IT WAS RULED THAT JOE AND
10 DEAN AND BEN WOULD BECOME THE SHADINGS.

11 Q BY MR. WAPNER: DO YOU REMEMBER WHO MADE THE
12 DECISION?

13 A WELL, JOE ALREADY HAD AT THAT POINT, I GUESS --
14 I DON'T KNOW WITH WHOSE CONSENT -- TO MAKE HIMSELF THE SOLE
15 SHADING SO HE COULD MAKE THE DECISION ON THE OTHER SHADINGS.

16 Q DO YOU KNOW WHERE THE TERM SHADING CAME FROM?

17 A NO.

18 Q WAS THERE A KIND OF A CATCH PHRASE USED AS FAR
19 AS THE BBC, SOMETHING THAT HAD TO DO WITH BLACK AND WHITE?

20 A ONE OF THE PHRASES WAS -- ONE OF THE
21 PHILOSOPHICAL PHRASES WAS "BLACK IS WHITE AND WHITE IS BLACK
22 AND EVERYTHING IS SHADES OF GRAY."

23 Q DID YOU KNOW WHETHER SHADINGS CAME FROM THAT?

24 A I THINK PART OF THE TERM "SHADINGS" WAS BASED
25 ON THE FACT THAT A SHADING COULD TAKE A SITUATION AND SORT
26 OF COLOR IT TO SUIT HIS BEST INTEREST, WHAT HE WANTED.

27 Q WAS THERE SOME DISCUSSION BETWEEN MEMBERS OF THE
28 GROUP ABOUT STRIVING TO BECOME A SHADING?

1 A BECOMING A SHADING WAS THE GOAL OF ANY PERSON
2 WHO ACCEPTED THE PARADOX PHILOSOPHY.

3 Q WHY IS THAT?

4 A BECAUSE A SHADING WAS SOMEBODY WHO FULLY -- WAS
5 FULLY GUIDED BY PARADOX PHILOSOPHY; THAT EVERY DECISION WAS
6 BASED UPON PARADOX PHILOSOPHY. THAT MEANS THEY HAD THROWN
7 OVER ALL OF THE CONSTRAINTS THAT A SOCIETY MIGHT PLACE UPON
8 YOU.

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1 Q SUCH AS?

2 A AGAINST RULES AND LAWS AND THINGS THAT WOULD NOT
3 BE USEFUL OR APPLICABLE IN A CIRCUMSTANCE BUT MAY STILL
4 BLINDLY BE APPLIED TO YOU.

5 Q AND AT SOME POINT, DID THE BBC MOVE INTO SOME
6 OFFICES?

7 A YES, IN JUNE OF 1983.

8 Q WHERE WERE THEE OFFICES LOCATED?

9 A 8425 WEST THIRD STREET.

10 Q WHEN THE BBC MOVED INTO THE OFFICES, HOW MANY
11 MEMBERS WERE THERE IN THE GROUP?

12 A APPROXIMATELY 20.

13 Q WHAT WAS YOUR POSITION WITH THE GROUP?

14 A I WAS THE SECRETARY OF ALL OF THE CORPORATIONS.
15 I DID SOME DATA AND WORD PROCESSING. I ASSISTED -- WE HAD
16 SUBSEQUENTLY GOTTEN ATTORNEYS AND I ASSISTED THEM WITH
17 CORPORATE MATTERS AND ANY OTHER MATTERS.

18 AND I WAS ALSO, I GUESS, A NEXUS OF ONE OF THE
19 CELLS.

20 Q WAIT A MINUTE. WHAT IS A NEXUS OF ONE OF THE
21 CELLS?

22 A THE CELL STRUCTURE WAS ONE OF THE SYSTEMS FOR
23 DISSEMINATING INFORMATION AND THE BBC WAS DIVIDED UP INTO,
24 I GUESS AT ONE POINT, IT WAS THREE CELLS. I THINK THREE CELLS
25 WAS THE MOST. AND EACH CELL WOULD HAVE A NEXUS AND ONE
26 PERSON WOULD DISSEMINATE INFORMATION TO THE THREE NEXUSES
27 WHO WOULD DISSEMINATE ALL OF THE INFORMATION TO THE MEMBERS
28 OF THEIR CELL.

A-2

1 Q NOW, WHO THOUGHT UP THIS ORGANIZATIONAL
2 STRUCTURE?

3 A I DON'T KNOW.

4 I KNOW IT IS CONTAINED WITHIN THE HANDBOOK AND
5 I DON'T KNOW WHO IS RESPONSIBLE FOR AUTHORIZING IT.

6 Q WHEN YOU SAID THE HANDBOOK, YOU ARE REFERRING
7 TO 182-A FOR IDENTIFICATION?

8 MR. BARENS: YOUR HONOR, I AM NOT SURE OF THE
9 RELEVANCY OF THE AREA WE ARE INTO.

10 THE COURT: WELL, AS I UNDERSTAND, HE IS DESCRIBING
11 THE ENTIRE BBC COMPLEX; ISN'T THAT RIGHT?

12 MR. WAPNER: WELL, PRETTY MUCH HIS ROLE IN IT SO
13 HOPEFULLY, THE JURY WILL HAVE SOME UNDERSTANDING OF WHERE
14 HE FITS IN THE WHOLE PICTURE.

15 THE COURT: ALL RIGHT, GO AHEAD.

16 Q BY MR. WAPNER: WHEN WAS IT THAT THE BBC MOVED
17 INTO THE OFFICES ON THIRD STREET?

18 A JUNE OF 1983.

19 Q AND DURING THAT TIME, WAS THERE SOME COMMODITY
20 INVESTMENTS GOING ON?

21 A I UNDERSTAND THERE WAS, YES.

22 Q AND WAS JOE HUNT ALSO TRADING OR DID YOU BELIEVE --
23 STRIKE THAT.

24 WERE YOU TOLD AT THAT TIME THAT MR. HUNT WAS
25 TRADING COMMODITIES FOR A PERSON NAMED RON LEVIN?

26 A I DON'T KNOW IF IT WAS AT THAT EXACT TIME BUT
27 I BELIEVE SOMETIME IN THAT AREA I WAS TOLD HE WAS, YES.

28 Q AND WHEN YOU SAY IN THAT AREA, CAN YOU BE ANY

A-3 1 MORE SPECIFIC IN TERMS OF WHAT YOU MEAN?

2 A JUNE, JULY, AUGUST, SEPTEMBER OF 1983, SOMEWHERE
3 IN THAT TIME FRAME.

4 Q AND HAD YOU EVER MET RON LEVIN BEFORE?

5 A YES, I HAD.

6 Q WHEN HAD YOU MET HIM?

7 A APPROXIMATELY TWO AND A HALF YEARS -- I GUESS
8 IN 1981 SOMETIME.

9 Q WHERE DID YOU MEET HIM?

10 A AT HIS APARTMENT.

11 Q IN WHAT SITUATION DID YOU MEET HIM?

12 A I WAS AT A BIRTHDAY PARTY BEING HELD FOR NEIL
13 ANTIN.

14 Q WHO IS NEIL ANTIN?

15 A NEIL ANTIN WAS -- I MET HIM ORIGINALLY THROUGH
16 A FRIEND OF MINE WHO HE WAS DATING AND HE SUBSEQUENTLY BECAME
17 A FRIEND OF MINE AND AT ONE TIME WAS A MEMBER OF THE BBC.

18 Q WHO WAS THE FRIEND HE WAS DATING?

19 A PHOEBE VREELAND.

20 THE COURT REPORTER: WOULD YOU SPELL THAT?

21 THE WITNESS: P-H-O-E-B-E V-R-E-E-L-A-N-D.

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1 Q AFTER YOU WENT TO THE BIRTHDAY PARTY AND YOU
2 MET MR. LEVIN, WHAT KIND OF CONTACT IF ANY, DID YOU HAVE WITH
3 HIM AFTER THAT?

4 A POSSIBLY I MIGHT HAVE SEEN HIM SOME PLACE. BUT
5 NO DIRECT CONTACT.

6 Q AND DO YOU KNOW HOW MR. HUNT CAME TO KNOW MR.
7 LEVIN? OF YOUR OWN PERSONAL KNOWLEDGE?

8 A I COULD GUESS.

9 Q I DON'T WANT YOU TO GUESS. IF YOU KNOW --

10 A NO. I DON'T KNOW.

11 Q OKAY. AND WHEN YOU BECAME AWARE -- WELL, HOW
12 WAS IT THAT YOU BECAME AWARE --

13 A EXCUSE ME. WHEN YOU SAID DID I HAVE ANY
14 SUBSEQUENT CONTACT WITH MR. LEVIN --

15 Q YES?

16 A WAS THAT BEFORE JUNE OF '83, BETWEEN MEETING
17 HIM IN JUNE OF '83?

18 Q YES.

19 A THEN MY ANSWER WAS CORRECT.

20 Q OKAY. HOW WAS IT THAT YOU BECAME AWARE THAT
21 JOE HUNT WAS ALLEGEDLY TRADING COMMODITIES FOR MR. LEVIN?

22 A I THINK I WAS TOLD BY MR. HUNT.

23 Q WHAT WERE YOU TOLD?

24 A THAT HE WAS HANDLING ACCOUNTS FOR RON LEVIN WITH
25 A GREAT DEAL OF MONEY IN THEM.

26 Q AND DID HE TELL YOU HOW MUCH MONEY WAS INVOLVED?

27 A I UNDERSTAND THE FIGURE TO BE -- I DON'T RECALL
28 THE EXACT FIGURES. BUT IT WAS MANY MILLIONS OF DOLLARS OR

1 A MILLION OR MILLIONS OF DOLLARS.

2 Q AND DID MR. HUNT TELL YOU WHAT HIS ARRANGEMENT
3 WAS WITH MR. LEVIN IN TERMS OF PROFITS FROM THE TRADING, IF
4 ANY?

5 A WE WERE TO GET -- THE BBC WAS TO GET A CERTAIN
6 PERCENTAGE OF PROFITS THAT HE MADE. I DON'T RECALL THE
7 EXACT PERCENTAGE.

8 Q AND DID JOE HUNT AT ANY TIME TELL YOU THAT HE
9 HAD MADE MONEY FROM MR. LEVIN?

10 A YES, HE DID.

11 Q WHAT DID HE TELL YOU HE HAD MADE?

12 A AT SOME POINT, HE TOLD ME THAT HE HAD BEEN
13 SUCCESSFUL IN MAKING EITHER SIX AND A HALF OR ELEVEN MILLION.

14 Q WHY DO YOU SAY IT IS EITHER ONE OR THE OTHER?

15 A BECAUSE I THINK SIX AND A HALF WAS EITHER THE
16 TOTAL SUM HE MADE OR THE BBC SHARE OF THE MONEY. I DON'T
17 RECALL WHICH IT WAS.

18 Q AND DID HE EVER SAY WHAT HAPPENED -- DID YOU
19 EVER SEEN ANY OF THAT MONEY?

20 A NO, WE DID NOT.

21 Q WHAT DID MR. HUNT TELL YOU ABOUT WHAT HAPPENED
22 WITH THE MONEY?

23 A AT SOME POINT IN TIME, HE TOLD US THAT MR. LEVIN
24 WOULD NOT GIVE US THE MONEY AND THAT HE WAS GOING TO GIVE
25 US INSTEAD OF THE MONEY, AN INTEREST IN A SHOPPING CENTER
26 IN CHICAGO.

27 Q WHO DID HE SAY THAT TO?

28 A THAT WAS TOLD AT THE MEETING, BBC MEETING THAT

1 WAS HELD AT THE OFFICE.

2 Q DO YOU REMEMBER WHEN THAT WAS?

3 A NO, I DON'T.

4 Q DO YOU REMEMBER WHO WAS THERE?

5 A SPECIFICALLY, NO.

6 Q AND WHAT SPECIFICALLY, DID MR. HUNT SAY ABOUT
7 A PERCENTAGE OF THE SHOPPING CENTER?

8 A JUST THAT WE WERE TO RECEIVE A PERCENTAGE OF
9 THE SHOPPING CENTER IN CHICAGO.

10 Q DID HE EVER DOLE OUT PERCENTAGES OF THE SHOPPING
11 CENTER TO PEOPLE?

12 A AT SOME TIME PRIOR TO THAT, WHEN WE STILL BELIEVED
13 WE WERE GETTING THE MONEY, HE HAD DOLED OUT THE MONEY.

14 Q WAS THAT ALSO AT A MEETING?

15 A YES, IT WAS.

16 Q WHERE WAS THAT MEETING HELD?

17 A AT OUR OFFICES ON THIRD STREET.

18 Q WHO WAS PRESENT AT THIS MEETING?

19 A AGAIN, I DON'T RECALL.

20 Q WHAT DID JOE HUNT DO AT THAT MEETING?

21 A JOE DISCUSSED HOW CERTAIN PEOPLE WERE GOING TO
22 BE REIMBURSED FOR THEIR CONTRIBUTIONS TO THE BBC FROM THIS
23 MONEY AND CERTAIN OF THE MONEY WAS TO GO TO THE BBC FOR ITS
24 CONTRIBUTION.

25 Q DID HE SAY SPECIFICALLY WHO WAS GOING TO BE
26 REIMBURSED FOR THEIR CONTRIBUTIONS OR HOW MUCH THEY WERE GOING
27 TO GET?

28 A YES.

1 Q WHAT DID HE SAY?

2 A I DON'T RECALL ANY OF THE SPECIFIC FIGURES.

3 Q DO YOU REMEMBER -- I MEAN, ARE WE TALKING ABOUT
4 HUNDREDS OF DOLLARS, THOUSANDS OF DOLLARS, TENS OF THOUSANDS?
5 DO YOU KNOW?

6 A I THINK IT VARIED FROM TENS OF THOUSANDS TO
7 HUNDREDS OF THOUSANDS.

8 Q DO YOU HAVE ANY RECOLLECTION OF HOW MUCH YOU
9 WERE SUPPOSED TO GET?

10 A NO, I DON'T.

11 Q IF IT WAS HUNDREDS OF THOUSANDS, WOULD YOU REMEMBER,
12 DO YOU THINK?

13 A YES. I BELIEVE IT WAS SOMEWHERE IN THE TENS
14 OF THOUSANDS, LOWER TENS OF THOUSANDS.

15 Q DID YOU EVER SEE ANY OF THAT MONEY?

16 A NO, I DID NOT.

17 Q DID YOU EVER GET A PERCENTAGE OF THE SHOPPING
18 CENTER?

19 A NO, I DID NOT.

20 THE COURT: IS THIS A GOOD PLACE TO STOP?

21 MR. WAPNER: I THINK IT IS. I AM GOING INTO SOMETHING
22 ELSE.

23 THE COURT: LADIES AND GENTLEMEN, WE'LL TAKE OUR
24 NOON RECESS AT THIS TIME. THE SAME ADMONITION THAT I GAVE
25 YOU APPLIES.

26 WE'LL REASSEMBLE HERE AT 1:30 THIS AFTERNOON.

27 (AT 11:58 A.M. PROCEEDINGS WERE ADJOURNED TO
28 RESUME AT 1:30 P.M. OF THE SAME DAY.)

1 SANTA MONICA, CALIFORNIA; MONDAY, FEBRUARY 23, 1987; 1:40 P.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 THE COURT: ALL RIGHT, YOU MAY CONTINUE.

6 MR. WAPNER: THANK YOU, YOUR HONOR.
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8 EVAN GEORGE DICKER,
9 THE WITNESS ON THE STAND AT THE TIME OF ADJOURNMENT, RESUMED
10 THE STAND AND TESTIFIED AS FOLLOWS:
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12 DIRECT EXAMINATION (RESUMED)

13 BY MR. WAPNER:

14 Q MR. DICKER, WE LEFT OFF WITH MR. HUNT DISCUSSING,
15 FIRST OF ALL, THE PROFITS FROM LEVIN'S TRADING AT A MEETING
16 WITH THE BBC MEMBERS. THAT WAS AT THE BBC OFFICES ON THIRD
17 STREET?

18 A YES, IT WAS.

19 Q DO YOU KNOW HOW MANY PEOPLE WERE THERE, APPROXI-
20 MATELY?

21 A I WOULD ESTIMATE APPROXIMATELY 18.

22 Q DO YOU HAVE ANY WAY OF PUTTING A TIME FRAME ON
23 THAT PARTICULAR MEETING?

24 A NO, I DON'T.

25 Q AND WHO LED THAT MEETING?

26 A I RECALL JOE LEADING THE MEETING.

27 Q WHEN HE SPOKE AT THAT MEETING, WHAT DID HIS
28 ATTITUDE APPEAR TO BE?

1 A HE WAS VERY PLEASED ABOUT HAVING THE MONEY TO
2 DISTRIBUTE, OR ANTICIPATING RECEIVING THE MONEY TO DISTRIBUTE.

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1 Q AND DID HE TALK AT THAT MEETING ABOUT HOW MUCH
2 EACH PERSON WAS GOING TO GET?

3 A YES, HE DID.

4 Q AND AFTER THAT AT SOME POINT, THERE WAS ANOTHER
5 MEETING TO DISCUSS DISTRIBUTING THE PORTIONS OF THE SHOPPING
6 CENTER, IS THAT RIGHT?

7 A CORRECT.

8 Q WHERE DID THAT MEETING TAKE PLACE?

9 A ALSO AT THE OFFICES.

10 Q WHEN HE DISCUSSED THAT, HOW MANY PEOPLE WERE
11 THERE AT THAT MEETING?

12 A I BELIEVE IT WOULD ALSO HAVE BEEN ABOUT 18.

13 Q ALL MEMBERS OF THE BBC?

14 A YES.

15 Q WHAT WAS HIS ATTITUDE DURING THE CONDUCT OF THAT
16 MEETING?

17 A I WOULD CALL HIM BEING SOMEWHAT DISAPPOINTED
18 BY NOT HAVING THE CASH BUT PLEASED TO HAVE THE SHOPPING CENTER
19 TO DISTRIBUTE.

20 HE ALSO FELT THE SHOPPING CENTER, WHILE IT WAS
21 NOT THE CASH ASSET, IT WOULD BE OUR FIRST SORT OF PROPERTY
22 THAT THE BBC WOULD HOLD. I THINK HE WAS EXCITED BY THAT FACT,
23 ALSO.

24 Q DID JOE HUNT LEAD THAT MEETING ALSO?

25 A YES, HE DID.

26 Q AND AT SOME POINT AFTER THAT, THIS IS CONTINUING
27 ON WITH THE SAME SUBJECT MATTER, DID SOMETHING HAPPEN WITH
28 REGARD TO THE SHOPPING CENTER?

1 A AT SOME POINT, IT BECAME OBVIOUS THAT MR. LEVIN
2 WAS NOT GOING TO GIVE US THE SHOPPING CENTER.

3 Q DO YOU REMEMBER WHEN?

4 A NO, I DON'T.

5 Q DO YOU REMEMBER HOW IT BECAME OBVIOUS?

6 A JUST BY HIS CONTINUAL REFUSAL TO TURN OVER ANY
7 OWNERSHIP PAPERS. THAT IS WHY I REMEMBER IT.

8 Q AND WHAT DO YOU MEAN "CONTINUAL REFUSAL TO TURN
9 OVER OWNERSHIP PAPERS"?

10 A HE WOULDN'T GIVE US THE OWNERSHIP PAPERS OR ANY
11 PROPERTY OR SHOW US ON THE TITLE OR --

12 Q WERE YOU PRESENT WHEN HE WAS EVER ASKED TO DO
13 THAT?

14 A NO, I WAS NOT.

15 Q HOW DO YOU KNOW THAT WAS GOING ON?

16 A I WAS TOLD.

17 Q BY WHOM?

18 A I DON'T RECALL, BY SOME MEMBERS OF THE BBC.

19 Q FOR HOW LONG OF A PERIOD OF TIME AFTER THE MEETING
20 ABOUT THE SHOPPING CENTER WAS IT THAT THERE WERE ATTEMPTS
21 BEING MADE TO GET THE TITLE TO THE SHOPPING CENTER?

22 A I THINK IT WAS CONTINUING. I DON'T REMEMBER
23 FOR HOW LONG.

24 Q AND DO YOU REMEMBER ANY POINT IN TIME WHEN IT
25 BECAME OBVIOUS TO YOU THAT THERE WAS NOT GOING TO BE A SHOPPING
26 CENTER?

27 A I DNO'T RECALL THE SPECIFIC POINT IN TIME.

28 Q DO YOU REMEMBER ANY POINT IN TIME WHEN MR. HUNT

1 SAID ANYTHING ABOUT THAT?

2 A NO, I DON'T.

7 3 Q NOW, DO YOU REMEMBER ANY DISCUSSION ABOUT MONEY
4 THAT JOE HUNT MADE OR LOST TRADING FOR TOM AND DAVID MAY?

5 A I UNDERSTOOD THAT EARLIER APPROXIMATELY IN THE
6 SUMMER OF 1983, JOE HAD LOST SOME MONEY THAT THE MAYS HAD
7 GIVEN HIM.

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1 MR. BARENS: MOVE TO STRIKE AS HEARSAY, YOUR HONOR.

2 THE COURT: WHERE DID YOU HEAR THAT FROM?

3 THE WITNESS: I BELIEVE THE MAYS OR POSSIBLY ALEX
4 GAON.

5 THE COURT: OVERRULED.

6 MR. BARENS: THANK YOU, YOUR HONOR.

7 Q BY MR. WAPNER: AND WHEN YOU WERE FIRST BECOMING
8 INVOLVED IN THE BBC, JOE HUNT AND DEAN KARNY LIVED IN A
9 CONDOMINIUM IN THE VALLEY; IS THAT RIGHT?

10 A THAT'S CORRECT.

11 Q WAS THAT A CONDOMINIUM, AS FAR AS YOU KNOW, OWNED
12 BY DEAN KARNY'S PARENTS?

13 A THAT'S CORRECT.

14 Q DID THEY MOVE SOMEWHERE AT SOME POINT?

15 A YES, THEY DID.

16 Q WHERE DID THEY MOVE TO?

17 A I BELIEVE THEY STAYED A COUPLE OF WEEKS AT SORT
18 OF AN APARTMENT HOTEL ON WILSHIRE CALLED THE BERMUDA AND THEN
19 THEY MOVED INTO A RENTED CONDOMINIUM IN THE WILSHIRE MANNING.

20 MR. WAPNER: MAY I HAVE ONE MOMENT?

21 (PAUSE IN PROCEEDINGS.)

22 Q BY MR. WAPNER: AFTER THE PLACE ON WILSHIRE THAT
23 THEY STAYED FOR A FEW WEEKS, DID THEY MOVE AFTER THAT?

24 A YES, THEY MOVED INTO THE WILSHIRE MANNING.

25 Q AND WHO MOVED INTO THE WILSHIRE MANNING?

26 A I BELIEVE IT WAS DEAN, JOE, BEN AND I BELIEVE
27 BROOKE ALSO MOVED IN WITH THEM.

28 Q BROOKE ROBERTS?

1 A CORRECT.

2 Q AND DEAN IS DEAN KARNY?

3 A CORRECT.

4 Q AND BEN IS BEN DOSTI?

5 A CORRECT.

6 Q WHEN DID THEY DO THAT, MOVE TO THE WILSHIRE

7 MANNING?

8 A IN THE LATTER PART OF 1983.

9 Q IT WOULD BE IN APPROXIMATELY OCTOBER?

10 A YES.

11 Q AND AT SOME POINT AFTER JOE HUNT MOVED INTO THE

12 WILSHIRE MANNING, DID YOU MEET SOMEONE THAT YOU CAME TO KNOW

13 AS JIM GRAHAM?

14 A YES, I DID.

15 Q WHERE DID YOU FIRST MEET MR. GRAHAM?

16 A EITHER AT THE WILSHIRE MANNING OR THE BBC OFFICES.

17 Q HOW DID YOU COME TO KNOW HIS NAME?

18 A I WAS INTRODUCED TO HIM AS JIM GRAHAM.

19 Q BY WHOM?

20 A I BELIEVE BY MR. HUNT.

21 Q AT THE TIME YOU WERE INTRODUCED, WERE YOU TOLD

22 ANYTHING ELSE BY MR. HUNT?

23 A NOT INITIALLY, NO, EXCEPT THAT HE WOULD START

24 WORKING FOR THE BBC OR WORKING WITH THE BBC.

25 Q DURING THE TIME THAT YOU WERE INVOLVED WITH THE

26 BBC, DID YOU KNOW MR. GRAHAM BY ANY OTHER NAME?

27 A NO, I DID NOT.

28 Q DID YOU EVER COME TO KNOW HIM BY THE NAME OF

1 JIM PITTMAN?

2 A YES, I DID.

3 Q WHEN WAS THAT?

4 A SUBSEQUENT TO HIS ARREST.

5 Q SHOWING YOU A PICTURE THAT WE HAVE MARKED AS
6 PEOPLE'S 175, DO YOU RECOGNIZE THAT?

7 A YES, I DO.

8 Q WHAT IS IT?

9 A IT APPEARS TO BE A PICTURE OF JIM GRAHAM.

10 Q AND CAN YOU DESCRIBE FOR ME THE RELATIONSHIP
11 BETWEEN MR. HUNT AND MR. GRAHAM AS YOU OBSERVED IT?

12 A THEY WERE VERY CLOSE.

13 Q WOULD YOU GIVE ME SOME EXAMPLES OF THAT, PLEASE.

14 A THEY SPENT A LOT OF TIME TOGETHER. THEY TENDED
15 TO COME AND GO AT THE OFFICE, THEY WOULD COME TOGETHER IN
16 THE MORNING AND LEAVE IN THE EVENING TOGETHER. THEY WOULD
17 RUN ERRANDS DURING THE DAY TOGETHER. THEY WOULD SPEND A LOT
18 OF TIME IN MR. HUNT'S OFFICE TOGETHER, WITH THE DOOR CLOSED.

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1 Q AND WAS THAT RELATIONSHIP, THE CLOSENESS OF THAT
2 RELATIONSHIP -- DID IT GROW OVER TIME OR WAS IT PRETTY MUCH
3 CLOSE FROM THE BEGINNING?

4 A I THINK AS TIME WENT ON, THEY STARTED TO SPEND
5 MORE TIME TOGETHER. BUT THEY WERE CLOSE FROM THE BEGINNING.

6 Q DID MR. HUNT EVER SAY ANYTHING TO YOU ABOUT HIS
7 RELATIONSHIP WITH MR. GRAHAM?

8 A NO HE DID NOT.

9 Q DID HE EVER SAY ANYTHING TO YOU ABOUT
10 MR. GRAHAM'S VALUE TO THE BBC?

11 A I THINK I RECALL AT ONE TIME, HIM SAYING THAT
12 JIM WAS VALUABLE TO THE BBC.

13 Q DO YOU REMEMBER WHEN IT WAS OR IN WHAT CONTEXT?

14 A NO I DON'T.

15 Q DURING THE TIME THAT YOU WERE INVOLVED IN THE
16 BBC, UP UNTIL THE BEGINNING OF 1984, DID MEMBERS OF THE BBC
17 SPEND A LOT OF MONEY?

18 A YES THEY DID.

19 Q COULD YOU GIVE ME SOME EXAMPLES OF THAT?

20 MR. BARENS: OBJECTION, YOUR HONOR. I WOULD LIKE
21 TO APPROACH AT THIS POINT.

22 THE COURT: ALL RIGHT.

23 (THE FOLLOWING PROCEEDINGS WERE HELD

24 AT THE BENCH:)

25 THE COURT: YES?

26 MR. BARENS: UNLESS MY EARS MISTAKE ME, I BELIEVE
27 MR. WAPNER JUST TESTIFIED IN HIS QUESTION TO THE WITNESS.

28 THE COURT: DID THEY EVER SPEND A LOT OF MONEY?

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1 MR. BARENS: UP TO A CERTAIN POINT IN TIME AND I BELIEVE
2 HE CHARACTERIZED CONDUCT IN THE STATEMENT. I BELIEVE THAT
3 IT WAS AN IMPROPER QUESTION, YOUR HONOR.

4 THE COURT: YOU WHAT?

5 MR. BARENS: HE MADE A STATEMENT IN HIS QUESTION, JUDGE.
6 HE APPEARED TO BE OFFERING TESTIMONY AND IT WAS LEADING.

7 THE COURT: ARE YOU AWARE OF ANY TESTIMONY THAT YOU
8 WERE GIVING?

9 MR. WAPNER: IF THE OBJECTION IS THAT THE QUESTION WAS
10 LEADING, I WILL BE HAPPY TO REPHRASE IT.

11 MR. BARENS: I THINK ALSO THAT WE GET TO THE RELEVANCY
12 OF HOW MUCH MONEY THEY SPENT UP TO THAT POINT IN TIME.

13 MR. WAPNER: I WILL MAKE AN OFFER OF PROOF.

14 THE COURT: I THINK IT IS EXTREMELY RELEVANT ON THE
15 MATTER OF FINANCES OF THE BBC AND THEIR NEED FOR MONEY AND
16 THE NEED OF THE DEFENDANT FOR MONEY, TOO. I WILL PERMIT YOU
17 TO GO AHEAD.

18 OBJECTION OVERRULED.

19 MR. BARENS: ALL RIGHT. THANK YOU.

20 MR. WAPNER: JUST FOR THE RECORD, I WILL JUST MAKE A
21 BRIEF STATEMENT. THAT IS, THAT THE OFFER OF PROOF IS THAT
22 HE ESTABLISHED A FAIRLY LAVISH LIFESTYLE, WHICH WOULD NOW --
23 WE WILL SHOW THROUGH OTHER EVIDENCE, WAS FALLING APART BECAUSE
24 MONEY WAS GROWING SHORT AND THEY NEEDED MONEY TO SUSTAIN IT.

25 MR. BARENS: WHAT DO WE DO JUDGE, ABOUT THE FACT THAT
26 WE ARE INCREASINGLY GETTING INTO "THEY" TYPE OF STUFF?

27 THE COURT: GETTING INTO WHAT?

28 MR. BARENS: GETTING INTO "THEY" TYPE QUESTIONS AND

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1 "THEY" TYPE CONDUCT. AND WHAT WE END UP WITH IS A TRIAL BY
2 INNUENDO THAT BECAUSE "THEM" ARE DOING SOMETHING OR "THEY"
3 ARE DOING SOMETHING, ALL OF THAT IS BY INNUENDO, HUNT'S
4 PROBLEM.

5 THE COURT: ALL RIGHT. TRY TO BE MORE SPECIFIC.

6 MR. WAPNER: THANK YOU.

7 (THE FOLLOWING PROCEEDINGS WERE HELD
8 IN OPEN COURT:)

9 Q BY MR. WAPNER: UP TO JUNE THE 7TH OF 1984, DID
10 YOU SEE MR. HUNT -- WERE YOU FAMILIAR WITH HIS HABITS IN TERMS
11 OF SPENDING MONEY?

12 A YES.

13 Q AND WOULD YOU TELL US WHAT THEY WERE?

14 A HE SPENT A GREAT DEAL OF MONEY.

15 Q EXPLAIN THAT, WILL YOU PLEASE?

16 A WELL, IN BOTH PERSONAL AND BUSINESS, THEY WERE
17 RENTING THE CONDOMINIUM AT THE WILSHIRE MANNING. AND THEY
18 SUBSEQUENTLY STARTED RENTING A SECOND CONDO.

19 HE BOUGHT A LOT OF CLOTHES, VERY EXPENSIVE
20 CLOTHES. HE WAS -- MY UNDERSTANDING WAS THAT HE WAS
21 SUPPORTING BROOKE AT THAT TIME.

22 THE COURT: WHAT?

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1 THE WITNESS: AND THE OFFICES WERE COSTING A GREAT
2 DEAL OF MONEY TO MAINTAIN, THE BBC OFFICES AND WHEN WE STARTED
3 THE PLANT IN GARDENA, THE CYCLATRON WAS ALSO COSTING A GREAT
4 DEAL OF MONEY AND THE WESTCARS, THE CAR COMPANY, I DON'T
5 THINK HAD SOLD A CAR YET IN THAT POINT OF TIME AND WE WERE
6 BEGINNING BUYING CARS AND TRYING TO MODIFY THEM.

7 Q BY MR. WAPNER: YOU WERE BUYING THE CARS AND
8 TRYING TO SELL THEM?

9 A CORRECT.

10 Q DID YOU GO TO WORK ON THE DATE OF JUNE 7TH OF
11 1984?

12 A YES, I DID.

13 Q DID YOU SEE JOE HUNT AT THE OFFICES ON THIRD
14 STREET ON THAT DATE?

15 A YES, I DID.

16 Q APPROXIMATELY WHAT TIME?

17 A SOMETIME BETWEEN 11:00 O'CLOCK AND 12:00 O'CLOCK.

18 Q WHEN YOU SAW HIM ON THAT DATE, WHAT HAPPENED?

19 A HE SHOWED ME A CHECK THAT HE HAD RECEIVED FOR
20 SELLING AN OPTION TO THE CYCLATRON AND A CONTRACT.

21 Q SHOWING YOU DOCUMENTS THAT WE HAVE MARKED AS
22 PEOPLE'S 57 AND 58, DO YOU RECOGNIZE THESE?

23 A THIS APPEARS TO BE THE CHECK AND THE CONTRACT.

24 Q WHERE WERE YOU WHEN MR. HUNT SHOWED THOSE TO
25 YOU?

26 A I BELIEVE I WAS IN THE AREA OUTSIDE OF HIS OFFICE
27 WHERE HIS SECRETARY -- THE AREA OUTSIDE OF HIS OFFICE.

28 Q WHAT DID MR. HUNT DO WHEN HE SHOWED YOU THAT

1 CHECK AND THAT CONTRACT, PEOPLE'S 57 AND 58?

2 A HE TOLD ME THAT HE HAD MADE THIS AGREEMENT WITH
3 MR. LEVIN AND WE HAD RECEIVED THIS CHECK AS THE OPTION.

4 Q WHAT WAS MR. HUNT'S ATTITUDE AT THAT TIME WHEN
5 HE TOLD YOU THAT?

6 A HE WAS VERY EXCITED.

7 Q AND WHAT DID HE DO TO EVIDENCE THAT EXCITEMENT,
8 WHAT DID HE DO OR SAY?

9 A HE JUST SEEMED VERY HAPPY.

10 I DON'T RECALL ANY SPECIFIC STATEMENTS.

11 Q WHAT DID YOU DO WHEN HE SHOWED YOU THE CHECK
12 AND THE CONTRACT?

13 A I WAS VERY EXCITED.

14 I DON'T RECALL ANY MORE -- ANY MORE THAN THAT
15 DEALING SPECIFICALLY WITH THE CHECK AND THE CONTRACT.

16 Q AFTER HE SHOWED YOU THE CHECK AND THE CONTRACT,
17 WHAT HAPPENED?

18 A WELL, HE HAD HAD SOME CONCERN ABOUT, I GUESS,
19 THEY HAD ALREADY CONTACTED A BANK OR KNEW IT WOULD TAKE A
20 LONG TIME TO HAVE THE CHECK CASHED THROUGH NORMAL BANKING
21 CHANNELS, SO THEY WERE CONSIDERING SENDING BEN TO EUROPE TO
22 EXPEDITE THE CASHING OF THE CHECK.

23 MR. BARENS: YOUR HONOR, COULD WE HAVE A DEFINITION ON
24 "THEY"?

25 THE COURT: YES.

26 THE WITNESS: "THEY" WOULD BE JOE AND ALSO BEN.

27 THE COURT: DID THEY WANT TO SEND WHO? YOU SAID THEY
28 WANTED TO SEND SOMEBODY.

1 THE WITNESS: THEY WERE CONSIDERING SENDING BEN DOSTI.

2 THE COURT: WHERE?

3 THE WITNESS: TO EUROPE TO EXPEDITE THE CASHING OF
4 THE CHECK.

5 Q BY MR. WAPNER: DID JOE HUNT TELL YOU THAT?

6 A EITHER JOE HUNT DID OR DEAN KARNY.

7 MR. BARENS: MOVE TO STRIKE AS HEARSAY, YOUR HONOR.

8 THE COURT: OVERRULED.

9 MR. BARENS: THANK YOU.

10 Q BY MR. WAPNER: DID YOU, IN THAT REGARD, PREPARE
11 SOME MINUTES OF A MEETING OF MICROGENESIS OF NORTH AMERICA?

12 A YES, I DID.

13 Q WHEN DID YOU DO THAT?

14 A I DID THAT THAT EARLY AFTERNOON.

15 Q AT WHOSE DIRECTION DID YOU PREPARE THOSE MINUTES?

16 A AT JOE HUNT'S.

17 Q WHAT WAS THE SUBSTANCE OF THE MINUTES THAT YOU
18 PREPARED?

19 A THE SUBSTANCE OF THE MINUTES WOULD BE TO AUTHORIZE
20 JOE HUNT -- EXCUSE ME -- TO AUTHORIZE BEN DOSTI TO TRAVEL
21 TO EUROPE AND TO EXPEDITE THE CASHING OF THE CHECKS THROUGH
22 EUROPEAN BANKING CHANNELS.

23 Q WAS THAT MINUTES OF A BOARD MEETING THAT WAS
24 SUPPOSED TO HAVE OCCURRED WHEN THE BOARD WAS TO AUTHORIZE
25 MR. DOSTI TO GO TO EUROPE AND CASH THE CHECKS?

26 A YES, IT WAS.

27 Q DID THAT MEETING IN FACT HAPPEN?

28 A NO, IT DID NOT.

1 Q DID YOU IN FACT PREPARE MINUTES OF A MEETING
2 THAT DID NOT HAPPEN?

3 A YES, I DID.

4 Q WHY?

5 A I WAS TOLD TO.

6 Q SHOWING YOU A DOCUMENT THAT --

7 YOUR HONOR, I WOULD LIKE TO HAVE THIS MARKED
8 AS 59 FOR IDENTIFICATION.

9 DO YOU RECOGNIZE THAT, MR. DICKER?

10 A YES. THESE APPEAR TO BE THE MINUTES THAT I
11 PREPARED.

12 Q AND ON THE BOTTOM OF THOSE MINUTES, I THINK IN
13 THE RIGHT-HAND CORNER ON EACH PAGE THERE IS A PAGE NUMBER
14 OR SOMETHING; IS THAT RIGHT?

15 A YES, THERE IS.

16 Q ALL RIGHT. DID YOU PUT THAT ON THERE?

17 A NO, I DID NOT.

18 Q ARE THOSE THE ORIGINAL MINUTES?

19 A NO, THESE ARE NOT THE ORIGINAL MINUTES.

20 Q WHAT HAPPENED TO THE ORIGINAL MINUTES OF THAT
21 MEETING?

22 A I DESTROYED THE ORIGINAL MINUTES.

23 Q WHY?

24 A I WAS CONCERNED OF BEING CAUGHT OR -- OR BEING
25 FOUND IN POSSESSION OF THEM.

26 Q AND WHAT WAS YOUR CONCERN ABOUT THAT?

27 A MY CONCERN WAS BEING ARRESTED.

28 Q FOR WHAT?

1 A I WASN'T SURE, BUT I WAS JUST CONCERNED.

2 Q WHEN WAS IT THAT YOU DESTROYED THEM?

3 A I BELIEVE SOMETIME IN OCTOBER OR -- EITHER DURING
4 OCTOBER OR POSSIBLY VERY EARLY NOVEMBER OF 1984.

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1 Q AND YOUR CONCERN WAS FOR BEING ARRESTED FOR WHAT?
2 FALSIFYING DOCUMENTS?

3 A I REALLY WAS NOT ENTIRELY SURE. FALSIFYING
4 DOCUMENTS WAS ONE POSSIBILITY I WAS CONCERNED OF.

5 Q BY THE TIME YOU DESTROYED THEM, YOU HAD ALSO
6 LEARNED OF SOME OTHER THINGS, IS THAT RIGHT?

7 A YES I HAD.

8 Q OKAY. WE'LL GET BACK TO THAT IN A MINUTE.
9 AND WAS THERE SOMETHING ELSE THAT HAPPENED ON
10 THAT DATE, 6/7 AT THE OFFICE, REGARDING THE CASHING OF THE
11 CHECK?

12 A YES. LATER IN THE AFTERNOON WHILE WE WERE STILL
13 CONSIDERING SENDING MR. DOSTI TO EUROPE, NEIL ADELMAN, ONE
14 OF THE ATTORNEYS EMPLOYED BY THE BBC, TOLD US THAT ONE OF
15 HIS FRIENDS HAD EXCELLENT BANKING CONTACTS AT WORLD TRADE
16 BANK AND THAT WE SHOULD CONSIDER POSSIBLY CASHING THE CHECK
17 THROUGH THEM.

18 Q AND AFTER MR. ADELMAN MADE THAT STATEMENT, WHAT
19 HAPPENED?

20 A HE CONTACTED HIS FRIEND AND MYSELF AND MR. HUNT
21 AND MR. ADELMAN AND MR. ADELMAN'S FRIEND, WHOSE NAME I DON'T
22 RECALL AND POSSIBLY ONE OR TWO OTHER MEMBERS OF THE BBC WHO
23 WERE PRESENT -- I DON'T REMEMBER WHICH ONES -- TRAVELED TO
24 THE WORLD TRADE BANK LOCATED ON LITTLE SANTA MONICA IN
25 BEVERLY HILLS.

26 Q WHEN YOU GOT THERE, WHAT DID YOU DO?

27 A WE HAD A MEETING WITH A PERSON. I BELIEVE IT
28 WAS ONE OF THE VICE PRESIDENTS OR THE PRESIDENT. AND WE

1 DISCUSSED WHETHER OR NOT THEIR BANK WOULD BE ABLE TO EXPEDITE
2 THE CASHING OF THE CHECK.

3 Q WAS MR. HUNT THERE?

4 A YES.

5 Q DID MR. HUNT DISCUSS THAT WITH THE BANK OFFICER?

6 A YES. MR. HUNT NEGOTIATED IT WITH THE BANK OFFICER..

7 Q DO YOU REMEMBER WHAT MR. HUNT SAID WITH REGARD
8 TO THE EXPEDITING THE CASHING OF THE CHECK?

9 A JUST THAT HE WAS VERY CONCERNED ABOUT LOSING
10 INTEREST DURING THE LONG TIME THAT IT WOULD NORMALLY TAKE
11 TO CASH THE CHECK AND WHETHER OR NOT THEIR BANK COULD IN FACT,
12 EXPEDITE THE CASHING OF THE CHECK AND WHAT THEY WOULD CHARGE
13 FOR THAT.

14 Q WHAT HAPPENED AS A RESULT OF THAT MEETING?

15 A THEY NEGOTIATED AND AN AGREEMENT WAS MADE BETWEEN
16 JOE AND THE BANK THAT WAS ACCEPTABLE TO BOTH PARTIES AND WE
17 AGREED TO OPEN AN ACCOUNT THERE THE NEXT DAY.

18 Q WERE YOU PRESENT DURING THIS ENTIRE TRANSACTION?

19 A YES I WAS.

20 Q AND DID MR. HUNT EXPRESS TO YOU, ANY OTHER REASON
21 TO BE CONCERNED ABOUT EXPEDITING THE CASHING OF THE CHECK?

22 A I DON'T RECALL IF IT WAS MY CONCERN OR IT WAS
23 HIS CONCERN. BUT I ALSO FELT THAT THERE MAY BE SOME CHANCE
24 THE FUNDS WOULD BE REMOVED FROM THE BANK.

25 Q WHY?

26 A JUST BECAUSE OF WHAT MY OPINION WAS OF MR. LEVIN'S
27 CHARACTER.

28 Q WHICH WAS?

A-3 1 A I DIDN'T CONSIDER HIM TO BE VERY TRUSTWORTHY IN
2 BUSINESS DEALINGS.

3 Q AND DID YOU BELIEVE YOU LEFT THE BANK ON JUNE 7,
4 WITH A SIGNATURE CARD?

5 A YES WE DID.

6 Q WHAT DID YOU DO WITH THAT SIGNATURE CARD?

7 A I RETURNED TO THE OFFICE WITH THAT SIGNATURE CARD
8 AND FILLED OUT THE PORTIONS THAT A COMPANY WOULD, ALL THE
9 PARTS EXCEPT FOR THE SIGNATURES OF THE INDIVIDUALS AND THE
10 PART THAT THE BANK FILLS OUT.

11 MR. WAPNER: YOUR HONOR, I HAVE HERE WHAT APPEARS TO
12 BE A SIGNATURE CARD FOR THE WORLD TRADE BANK. MAY THAT BE
13 MARKED AS PEOPLE'S 60 FOR IDENTIFICATION?

14 THE COURT: SO MARKED.

15 Q BY MR. WAPNER: MR. DICKER, SHOWING YOU PEOPLE'S
16 60 FOR IDENTIFICATION, DO YOU RECOGNIZE WHAT THAT IS?

17 A YES.

18 Q ALL RIGHT. WHAT IS IT?

19 A THIS IS THE SIGNATURE CARD WE GOT THAT DAY AND
20 THAT I RETURNED TO THE OFFICE AND FILLED OUT.

21 Q AND THERE IS ON THE BACK OF THE CARD, A DATE OF
22 JUNE 7. MAYBE IT IS THE FRONT. I DON'T KNOW WHICH IS THE
23 FRONT AND WHICH IS THE BACK.

24 A THIS IS DATED JUNE 7, YES.

25 Q WHAT DOES THAT DATE REFER TO?

26 A THAT WOULD HAVE BEEN THE DATE THAT I SIGNED IT
27 AND STAMPED IT.

28 Q IS YOUR SIGNATURE ON THAT?

0 1 A YES. MY SIGNATURE IS ON HERE TWICE.

2 Q WHERE IS IT ON HERE?

3 A IT IS ON THERE UNDER WHERE THE SECRETARY SIGNS
4 ON THIS SIDE. THIS IS MY SIGNATURE AND NEXT TO MY NAME ON
5 THE SIGNERS.

6 Q AND WHAT HAPPENED AFTER YOU TOOK THAT SIGNATURE
7 CARD BACK TO THE OFFICE AND FILLED IT OUT?

8 A I LEFT IT IN MR. HUNT'S OFFICE.

9 Q AND AFTER YOU LEFT IT IN MR. HUNT'S OFFICE, DO
10 YOU KNOW WHAT HAPPENED WITH THE CHECK AND THE ACCOUNT?

11 A NO. I BELIEVE THAT THEY DID OPEN THE ACCOUNT
12 THERE.

13 Q AND IN FACT, ON ONE SIDE OF THE CARD, IT HAS AN
14 ACCOUNT OPENING DATE, IS THAT CORRECT?

15 A THAT'S CORRECT.

16 Q WHAT IS THAT DATE?

17 A THAT IS JUNE THE 8TH, 1984.

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1 Q WHAT TIME WAS IT, BY THE WAY, THAT YOU FINALLY
2 LEFT THE BANK?

3 A IT WAS LATE IN THE AFTERNOON, AFTER NORMAL BANKING
4 HOURS HAD CLOSED.

5 Q SO BY THE TIME YOU GOT THE SIGNATURE CARD AND
6 TOOK IT BACK TO THE OFFICE, THE BANK HAD ALREADY CLOSED FOR
7 THE DAY?

8 A YES, I BELIEVE SO.

9 Q WAS IT YOUR JOB TO KEEP THE MINUTES OF THE MEETING
10 OF THE BOARD OF DIRECTORS OF MOST OF THE COMPANIES THAT THE
11 BBC WAS INVOLVED WITH?

12 A YES.

13 Q AND IN THAT CONNECTION, DID YOU PREPARE ANY OTHER
14 MINUTES OF A MEETING THAT HAPPENED OR WAS SUPPOSED TO HAVE
15 HAPPENED ON JUNE THE 7TH OF 1984?

16 A I BELIEVE -- I DON'T KNOW IF I PREPARED FOR JUNE
17 7TH.

18 I KNOW I PREPARED SOME FOR MAY 2ND FOR A MEETING.

19 MR. WAPNER: MAY I HAVE JUST A MOMENT?

20 (PAUSE IN PROCEEDINGS.)

21 Q BY MR. WAPNER: AND DID YOU ALSO PREPARE -- WELL,
22 THE MINUTES THAT YOU BELIEVE WERE FOR MAY THE 2ND; DID THAT
23 MEETING OCCUR?

24 A NO, IT DID NOT.

25 Q AT WHOSE DIRECTION DID YOU PREPARE THOSE?

26 A AT JOE HUNT'S.

27 Q AND HOW IS IT THAT YOU KNOW THAT NEITHER THE
28 MEETING THAT YOU BELIEVE WAS MAY 2ND OR THE MEETING OF JUNE

1 7 ACTUALLY DID NOT HAPPEN?

2 A BECAUSE ONLY -- WE ONLY HAD ONE BOARD OF
3 DIRECTORS MEETING EVER.

4 Q WHEN WAS THAT?

5 A THAT WAS ON MAY THE 29TH.

6 Q HOW IS IT THAT YOU REMEMBER THAT MEETING?

7 A JUST BY THE FACT THAT IT OCCURRED.

8 Q AND WAS THERE AN AGENDA FOR THAT MEETING?

9 A YES, THERE WAS.

10 Q WHO PREPARED THAT?

11 A I BELIEVE THE AGENDA WAS PREPARED BY MR. HUNT.

12 Q DID YOU ATTEND THAT MEETING?

13 A I DID ATTEND THAT MEETING.

14 Q AND DID YOU ACTUALLY, FOR A CHANGE, PREPARE
15 MINUTES OF A MEETING THAT ACTUALLY HAPPENED?

16 A YES, I DID.

17 MR. BARENS: I WOULD MOVE TO STRIKE THE GRATUITOUS
18 COMMENT "FOR A CHANGE".

19 THE COURT: HE IS SUMMARIZING THE TESTIMONY THAT HE
20 HAS ALREADY GIVEN, THAT IS THE ONLY MEETING WHICH WAS
21 AUTHORIZED.

22 MR. BARENS: THANK YOU, YOUR HONOR.

23 THE COURT: OBJECTION OVERRULED.

24 Q BY MR. WAPNER: SHOWING YOU A DOCUMENT WE HAVE
25 MARKED AS 185-B, WHAT IS THAT?

26 A THAT IS THE AGENDA FOR THE MEETING OF MAY 29TH.

27 Q AND WHERE HAVE YOU SEEN THAT BEFORE?

28 A I SAW IT AT THE MEETING ON MAY THE 29TH.

1 Q AND SHOWING YOU A DOCUMENT WE HAVE MARKED AS
2 185-A FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

3 A I DO.

4 Q WHAT IS IT?

5 A THESE ARE THE MINUTES OF THE MEETING OF MAY 29
6 THAT I PREPARED.

7 (UNREPORTED COLLOQUY BETWEEN ALL COUNSEL.)

8 Q BY MR. WAPNER: MR. DICKER, IN 185-A, WHICH I
9 WILL SHOW YOU AND COUNSEL IN A MOMENT AND WHICH I BELIEVE
10 I SHOWED THEM THIS MORNING, DID YOU TAKE NOTES OF THE MEETING
11 OF MAY THE 29TH AND THEN PREPARE THOSE MINUTES FROM THE NOTES
12 THAT YOU TOOK?

13 A YES, I DID.

14 Q AND WAS THERE AT THE MEETING OF MAY 29TH ANY
15 DISCUSSION OF ANY CONTRACTS THAT THE BBC HAD FOR THE CYCLATRON?

16 A YES, THERE WERE.

17 Q AND DID IT HAVE CONTRACTS WITH A FEW DIFFERENT
18 INDIVIDUALS?

19 A YES, IT DID.

20 Q AND THE MEETING OF MAY 29TH WAS BASICALLY TO
21 DISCUSS THE DIFFERENT THINGS, THE BUSINESS OR PEOPLE WHO WERE
22 GOING TO INVEST IN THE CYCLATRON AND ALL OF THE DIFFERENT
23 THINGS THAT WERE GOING ON WITH MICROGENESIS AND THE MARKETING
24 OF THE MACHINE?

25 A THAT IS CORRECT.

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1 Q WAS THERE ANY MENTION DURING THE MAY 29 MEETING
2 OF THE IMMINENT SIGNING OF A CONTRACT WITH MR. LEVIN?

3 A NO THERE WAS NOT.

4 Q WAS THERE ANY MENTION OF MR. LEVIN AT ALL?

5 A NOT THAT I RECALL.

6 Q WAS THERE ANY MENTION OF MARKETING THE MACHINE
7 FOR USE WITH SILICA OR CERAMICS?

8 A NOT THAT I RECALL, THOUGH I AM NOT SURE.

9 Q IS THERE ANYTHING REFLECTED IN THE MINUTES, IN
10 YOUR MINUTES OF THE MEETING OF MAY 29, THAT INDICATE ANYTHING
11 ABOUT MR. LEVIN?

12 A NO THERE IS NOT.

13 Q IS THERE ANYTHING IN THOSE MINUTES NOW THAT YOU
14 HAVE HAD A CHANCE TO REVIEW THEM, ABOUT APPLICATIONS OF THE
15 MACHINE FOR SILICA AND CERAMICS?

16 A NO THERE IS NOT.

17 Q AT THE MEETING, YOU TALKED ABOUT GRINDING GOLD
18 ORE WITH MR. MORTON AND SOME OTHER KIND OF THING WITH MR.
19 NALLIN?

20 A CORRECT.

21 Q SHOWING YOU A DOCUMENT THAT I BELIEVE WE HAVE
22 MARKED AS 94 FOR IDENTIFICATION, DO YOU RECOGNIZE THE DOCUMENT
23 THAT IS ON TOP OF THAT STACK?

24 A YES I DO.

25 Q WHAT IS IT?

26 A THESE ARE THE MINUTES OF THE MEETING THAT WAS
27 PURPORTEDLY HELD MAY 2ND.

28 Q OF WHAT CORPORATION?

2-
1 A MICROGENESIS OF NORTH AMERICA.

2 Q WHO PREPARED THOSE MINUTES?

3 A I DID.

4 Q DID THE MEETING HAPPEN?

5 A NO IT DID NOT.

6 Q HOW DO YOU KNOW?

7 A BECAUSE THE ONLY MEETING THAT OCCURRED WAS THE
8 ONE ON MAY 29.

9 Q AND WHAT DID THOSE MINUTES PURPORT TO REFLECT?

10 A THESE MINUTES PURPORT TO REFLECT THAT THE BOARD
11 DISCUSSED THE POSSIBILITY OF SELLING, TRADING, OPTIONING OR
12 LICENSING CERTAIN APPLICATIONS OF THE BROWNING ATTRITION MILL,
13 ABBREVIATED BAM.

14 AND JOE HUNT FELT THAT THERE WERE ENORMOUS
15 POSSIBILITIES IN THE AREAS OF CERAMICS AND SILICA.

16 THEN IT WAS RESOLVED BY THE BOARD THAT JOE HUNT
17 WAS TO INVESTIGATE THE POSSIBILITY OF TRADING, OPTIONING OR
18 LICENSING THE USE OF THE BROWNING ATTRITION MILL IN THE AREAS
19 OF CERAMICS AND SILICA.

20 AND THE CORPORATION GAVE TO JOE HUNT THE RIGHT
21 TO BIND THE COMPANY IN THE ABOVE MENTIONED AREAS WITHOUT ANY
22 FURTHER CONSULTING OF THE BOARD.

23 Q AND DID THAT MEETING EVER HAPPEN?

24 A NO IT DID NOT.

25 Q SO THE BOARD NEVER AUTHORIZED MR. HUNT TO DO THAT?

26 A THE BOARD NEVER DID.

27 Q AND IS WHAT YOU HAVE IN FRONT OF YOU, A COPY OF
28 THE MINUTES?

1 A IT APPEARS TO BE -- YES. IT IS.

2 NO, IT IS NOT. IF IT IS A COPY, IT IS AN
3 EXECUTED ONE BECAUSE I STAMPED IT WITH THE CORPORATE SEAL.

4 THOUGH IT APPEARS THAT IT WAS NEVER PLACED IN
5 THE CORPORATE NOTEBOOK. SO THERE MAY BE A SECOND ORIGINAL.

6 MR. WAPNER: YOUR HONOR, FROM 185, THE MINUTES OF --

7 MR. BARENS: EXCUSE ME, YOUR HONOR. WE NEED TO
8 APPROACH.

9 THE COURT: ALL RIGHT.

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1 (THE FOLLOWING PROCEEDINGS WERE HELD AT
2 THE BENCH:)

3 MR. BARENS: YOUR HONOR, I AM GOING TO DEFER TO MR.
4 CHIER BECAUSE I DON'T EVEN KNOW THIS RULE.

5 MR. CHIER.

6 THE COURT: ALL RIGHT.

7 MR. CHIER: WE ARE GOING TO OBJECT TO AND MOVE TO
8 STRIKE ALL REFERENCES TO THE SECONDARY -- OR COPIES OF THE
9 SO-CALLED DESTROYED MINUTES, YOUR HONOR, ON THE BASIS OF
10 1501 OF THE EVIDENCE CODE, WHICH PROVIDES THAT A COPY OF A
11 LOST WRITING IS INADMISSIBLE IF THE ORIGINAL WAS DESTROYED
12 WITH FRAUDULENT INTENT ON THE PART OF THE PROPONENT OF THE
13 EVIDENCE.

14 THE COURT: WHAT EVIDENCE IS THERE THAT HE DESTROYED
15 THAT?

16 MR. BARENS: HE STATED IT.

17 THE COURT: HE STATED IT ON THE RECORD.

18 THE COURT: NO, HE DIDN'T. I WASN'T AWARE THAT HE
19 SAID THAT.

20 MR. CHIER: HE SAID HE DESTROYED THE ORIGINAL BECAUSE
21 HE WAS AFRAID IT WOULD COMPROMISE HIM, YOUR HONOR.

22 THE COURT: IS THAT THE RECORD THAT HE WAS REFERRING
23 TO?

24 MR. WAPNER: WELL, I THINK THE COURT IS ONLY CONFUSED
25 BECAUSE THIS IS A BELATED OBJECTION. THEY ARE NOW TALKING
26 ABOUT SOMETHING THAT WAS REFERRED TO WHAT, TEN MINUTES AGO
27 IN THE TESTIMONY.

28 THEY ARE NOT OBJECTING TO THIS PARTICULAR THING

1 THAT HE IS TESTIFYING TO.

2 THE COURT: THAT IS WHAT I WAS THINKING ABOUT, THIS
3 PARTICULAR RECORD.

4 MR. WAPNER: NO. THIS PARTICULAR DOCUMENT, THEY ARE
5 NOT TALKING ABOUT.

6 BUT IN THIS CASE, WHAT WAS TAKEN WAS -- WHEN
7 THE COPY WAS TAKEN, THE ORIGINAL EXISTED AND SO I DON'T THINK
8 THAT THE FACT THAT IT WAS SUBSEQUENTLY DESTROYED PRECLUDES
9 THE COPY FROM BEING INTRODUCED IN EVIDENCE.

10 THE COURT: I DON'T KNOW THAT THERE IS ANY EVIDENCE
11 THAT HE FRAUDULENTLY DESTROYED IT, DID HE SAY THAT?

12 MR. WAPNER: THERE WAS A DOCUMENT REFLECTING A MEETING
13 OF JUNE THE 7TH APPARENTLY AUTHORIZING MR. DOSTI TO GO TO
14 EUROPE TO CASH THE CHECK AND THIS WITNESS SAID THAT HE
15 DESTROYED THAT DOCUMENT BECAUSE HE WAS AFRAID THAT --

16 THE COURT: I SEE.

17 MR. WAPNER: -- IT MIGHT IN SOME WAY IMPLICATE HIM
18 IN SOME CRIMINAL ACTIVITY.

19 THE COURT: WHICH IS THE JUNE 7TH ONE, WHERE IS THAT?

20 MR. BARENS: IT WAS OFFERED AS PEOPLE'S 85 OR SOMETHING,
21 OR 90.

22 MR. WAPNER: IF I MIGHT HAVE A MOMENT, I WILL GET IT
23 FOR THE COURT. MAY I HAVE JUST A MOMENT?

24 (PAUSE IN PROCEEDINGS.)

25 MR. WAPNER: IT IS, FOR THE RECORD, PEOPLE'S 59.

26 (WHEREUPON, A DOCUMENT WAS HANDED TO THE
27 COURT BY MR. WAPNER.)

28 THE COURT: IS THIS THE ONE THAT YOU ARE OBJECTING TO?

1 MR. BARENS: YES, YOUR HONOR.

2 THE COURT: 59?

3 MR. BARENS: YES, YOUR HONOR.

4 I WOULD LIKE AN OFFER --

5 THE COURT: WELL, I DON'T NEED TO RULE ON THAT NOW.

6 WHEN THEY OFFER IT IN EVIDENCE, THEN YOU CAN OBJECT. SO FAR,
7 IT HAS NOT BEEN MARKED IN EVIDENCE.

8 MR. BARENS: WHAT I AM SAYING IS, WE WOULD LIKE THE
9 TESTIMONY STRICKEN PURSUANT TO THE EVIDENCE CODE AND I WOULD
10 LIKE A FURTHER OFFER OF PROOF FROM THE PEOPLE --

11 IS MR. WAPNER ADVISING THE COURT THAT THAT IS
12 THE ONLY DOCUMENT HE IS GOING TO ASK THIS WITNESS TO TESTIFY
13 ABOUT WHERE THIS WITNESS DESTROYED THE ORIGINAL?

14 MR. WAPNER: I THINK SO.

15 MR. BARENS: WELL, I WOULD LIKE SOME KNOWLEDGE AS TO
16 THAT, BECAUSE I BELIEVE -- I AM SORRY -- I BELIEVE 1505 EXISTS
17 FOR THAT PURPOSE.

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1 NOW, YOUR HONOR, THE FACT THAT I WAS APPROXIMATELY
2 FOUR TO FIVE MINUTES TARDY IN APPROACHING HERE WAS BECAUSE
3 I DID NOT WANT TO APPROACH UNTIL I HAD SEEN THE BOOK.

4 THE COURT: IS THIS THE DOCUMENT YOU ARE GOING TO
5 OBJECT --

6 MR. BARENS:

7 THE COURT: -- GOING INTO EVIDENCE?

8 MR. BARENS: YES.

9 BUT WHILE WE ARE HERE, I AM OBJECTING TO ANY
10 OTHER DOCUMENTS THE D.A. IS GOING TO QUESTION ON THAT MET
11 THE SAME FATE.

12 THE COURT: DO YOU KNOW WHAT HE IS SAYING?

13 MR. WAPNER: YES, I KNOW WHAT HE IS SAYING.

14 BUT I DON'T -- I AM NOT AWARE THAT THERE ARE
15 ANY OTHERS.

16 THE NEXT ONE I THINK I WAS QUESTIONING HIM ABOUT,
17 THE ORIGINAL, AS A MATTER OF FACT, EXISTS IN THE MINUTE BOOK
18 OF THE COMPANY AND I WAS ABOUT TO PULL THAT OUT.

19 MR. BARENS: YOUR HONOR, DURING THE PITTMAN CASE,
20 THE WITNESS TESTIFIED IN A GENERALIZED SENSE THAT I THINK
21 IN SEPTEMBER, OCTOBER OR MAYBE AS LATE AS NOVEMBER, MR. WAPNER
22 MAY BE ABLE TO HELP ME ON THAT, THAT HE DESTROYED VARIOUS
23 DOCUMENTS AND AT THAT TIME NO ONE IDENTIFIED THEM.

24 THE COURT: LET ME SEE THE PORTION OF THE EVIDENCE
25 CODE YOU HAVE REFERENCE TO.

26 MR. BARENS: IT IS IN THE MIDDLE.

27 THE COURT: WELL, THAT HAS TO DO WITH A DOCUMENT ITSELF.
28 IT HAS NOTHING TO DO WITH THE EVIDENCE.

1 MR. BARENS: YOUR HONOR, I DON'T BELIEVE THAT THE
2 DOCUMENT IS ADMISSIBLE.

3 THE COURT: IT DOESN'T SAY THAT. ALL IT SAYS IS THAT
4 A COPY IS NOT ADMISSIBLE IF THE ORIGINAL HAS BEEN FRAUDULENTLY
5 DESTROYED, THAT IS ALL THAT IT SAYS.

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1 MR. BARENS: COULD WE HAVE A MINUTE TO LOCATE THE CASE
2 ABOUT THE ADMISSIBILITY OF TESTIMONY KEYING OUT OF SOMETHING
3 THAT IS NOT ADMISSIBLE ITSELF?

4 THE COURT: NO. THE ONLY THING THAT REFERS TO THIS
5 IS THAT YOU CAN ALWAYS INTRODUCE A COPY, IF THE ORIGINAL CAN'T
6 BE LOCATED.

7 THE ONLY EXCEPTION TO THAT IS APPARENTLY, THIS
8 SECTION. THE ONLY EXCEPTION IS IF YOU ARE DELIBERATELY AND
9 FRAUDULENTLY DESTROYING THE ORIGINAL. THAT IS ALL IT SAYS.

10 MR. BARENS: YES, YOUR HONOR.

11 THE COURT: SO, IF YOU OBJECT TO THIS BEING A COPY OF
12 SOMETHING YOU DESTROYED, THEN YOU CAN'T OBJECT TO THIS
13 PARTICULAR COPY. BUT YOU CAN'T SAY -- YOU CAN'T DESTROY IT
14 AND MOVE TO STRIKE ALL OF THE TESTIMONY WITH RESPECT TO IT.

15 MR. BARENS: I DON'T KNOW WHY YOUR HONOR --

16 THE COURT: WELL, I HAVE MADE MY RULING, SIR. I THINK
17 THIS IS STRICTLY CONSTRUED.

18 ALL IT MEANS AND ALL IT SAYS IS THAT YOU CANNOT
19 INTRODUCE A COPY. THE EXCEPTION IS IF THE ORIGINAL HAD BEEN
20 DELIBERATELY, FRAUDULENTLY DESTROYED. THAT IS ALL THAT IT
21 SAYS.

22 IT DOESN'T HAVE ANYTHING TO DO WITH -- NOTHING
23 TO DO WITH TESTIMONY.

24 MR. BARENS: COULD WE --

25 THE COURT: I HAVE ALREADY GIVEN YOU MY RULING.

26 MR. BARENS: COULD I JUST CONCLUDE BY MAKING A
27 PAROL EVIDENCE OBJECTION, JUST TO COMPLETE THE OBJECTION?

28 THE COURT: ALL RIGHT. YOU HAVE MADE YOUR OBJECTION

1 ON THE RECORD.

2 MR. BARENS: THANK YOU.

3 (THE FOLLOWING PROCEEDINGS WERE HELD

4 IN OPEN COURT:)

5 MR. WAPNER: YOUR HONOR, I HAVE ANOTHER DOCUMENT THAT
6 I WOULD LIKE TO REMOVE FROM THE BOOK WE HAVE MARKED AS 185.
7 MAY THAT BE 185-C FOR IDENTIFICATION?

8 THE COURT: YES.

9 Q BY MR. WAPNER: MR. DICKER, SHOWING YOU 185-C,
10 DO YOU RECOGNIZE THAT?

11 A YES I DO.

12 Q WHAT IS IT?

13 A THAT APPEARS TO BE THE ORIGINAL MINUTES FROM THE
14 BOARD OF DIRECTORS MEETING THAT PURPORTEDLY TOOK PLACE
15 MAY 2ND, 1984.

16 Q AND WELL FIRST OF ALL, YOU PREPARED THOSE AT WHOSE
17 DIRECTION?

18 A JOE HUNT'S.

19 Q AND WHEN DID HE ASK YOU TO PREPARE THOSE?

20 A I DON'T RECALL.

21 Q AND DO YOU REMEMBER WHERE IT WAS THAT YOU PREPARED
22 THEM?

23 A I PREPARED THEM AT THE BBC OFFICES ON THIRD
24 STREET.

25 Q SHOWING YOU THE BOOK THAT WE HAVE MARKED AS --
26 THE ENTIRE BOOK IS 185 FOR IDENTIFICATION. DO YOU RECOGNIZE
27 THIS?

28 A FROM HERE, IT APPEARS TO BE THE MINUTE BOOK OF

1 MICROGENESIS OF NORTH AMERICA.

2 Q NOW THAT YOU SEE IT UP CLOSE, DO YOU RECOGNIZE
3 IT?

4 A YES I DO.

5 Q WHAT IS IT?

6 A IT IS THE MINUTE BOOK OF MICROGENESIS OF NORTH
7 AMERICA.

8 Q AND WHO WAS IN CHARGE OF KEEPING THAT BOOK?

9 A I WAS.

10 Q WHERE WAS IT KEPT AT THE OFFICE?

11 A IT WAS KEPT IN THE FILE CABINET IN THE FILE ROOM.

12 Q YOU DIDN'T BRING THAT TO COURT TODAY, DID YOU?

13 A NO I DID NOT.

14 Q DO YOU KNOW OF YOUR OWN KNOWLEDGE, HOW IT GOT
15 TO COURT TODAY?

16 A NO I DON'T.

17 Q IN THE FILE CABINET IN WHICH ROOM?

18 A THE FILE ROOM WAS BASICALLY A LARGE OFFICE AND
19 WE HAD A ROW OF FILE CABINETS THAT SORT OF MADE IT A HALLWAY
20 AND THEN THEIR OFFICES WERE BEHIND THE FILE CABINETS.

21 THEN THERE WERE TWO DOORS -- THE ROW OF FILE
22 CABINETS BASICALLY MADE A HALLWAY IN A LARGE OFFICE.

23 Q AND WHO DID ANYTHING WITH THAT BOOK BESIDES YOU,
24 IN TERMS OF PUTTING ITEMS INTO IT OR TAKING THINGS OUT OF
25 IT?

26 A EVERYONE HAD ACCESS TO THE CABINET. IT WAS
27 GENERALLY KEPT LOCKED, THOUGH IT WAS OFTEN UNLOCKED. SO ANYONE
28 COULD HAVE ACCESS TO IT.

1 BUT I WAS THE ONLY ONE WHO WAS IN CHARGE OF
2 PUTTING ITEMS IN AND TAKING ITEMS OUT.

3 Q AND THE MINUTES THAT ARE IN THERE IN THAT BOOK,
4 DID YOU PREPARE ALL OF THEM?

5 A I CAN LOOK AND I CAN TELL YOU.

6 Q ALL RIGHT. WOULD YOU? IS THERE SOME WAY THAT
7 YOU WOULD KNOW IF YOU DID?

8 A I WOULD GENERALLY -- THE MINUTES WERE THE -- THE
9 FORM FOR THE MINUTES WAS KEPT ON THE COMPUTER. AND I WOULD
10 GENERALLY -- OTHER PEOPLE DID WORK ON THE COMPUTER BUT I
11 GENERALLY DID. AND JUST BY THE WORDING, I COULD PROBABLY
12 TELL WHETHER OR NOT I HAD PREPARED THEM.

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1 Q ALL RIGHT. AND WHAT SPECIFICALLY ABOUT THE
2 WORDING?

3 A IT JUST IS IF SOMETHING SEEMS THE WAY I WOULD
4 WORD IT.

5 Q ANYTHING ABOUT THE DATES?

6 A I DID GENERALLY SEND TO -- I ALWAYS PUT THE NUMBER
7 BEFORE THE MONTH, THEN FOLLOWED BY THE YEAR, WHICH OTHER PEOPLE
8 DO DO BUT I ALWAYS DO IT, SO THAT SOMETIMES IS AN INDICATION
9 THAT I PREPARED SOMETHING.

10 Q ALL RIGHT. LIKE 2 MAY OF '84, SOMETHING LIKE
11 THAT?

12 A YES.

13 THE 2 MAY MINUTES I DO SPECIFICALLY RECALL
14 PREPARING.

15 Q AT MR. HUNT'S DIRECTION?

16 A AT MR. HUNT'S DIRECTION.

17 Q WHEN YOU SAY AT HIS DIRECTION, HOW DID YOU KNOW
18 WHAT TO PUT INTO THE SUBSTANCE OF THOSE MINUTES?

19 A HE WOULD GIVE ME -- SOMETIMES, HE WOULD JUST GIVE
20 ME SUBSTANTIVELY WHAT HE WANTED THE MINUTES TO REFLECT: "I
21 WANT TO DO SUCH AND SUCH SO PREPARE THE MINUTES."

22 AND SOMETIMES HE WOULD GIVE ME THE ACTUAL WORDING
23 OF THE RESOLUTIONS.

24 Q DID YOU HAVE ANY IDEA WHAT MICROGENESIS WAS WORKING
25 ON IN TERMS OF THE MACHINE AND THE APPLICATIONS OF THE
26 MACHINE?

27 A I GENERALLY KNEW WHAT WAS GOING ON WITH THE MACHINE
28 JUST BY PEOPLE TELLING ME AROUND THE OFFICE THE APPLICATIONS,

1 I WAS A LITTLE LESS KNOWLEDGEABLE ABOUT SPECIFICALLY WHAT
2 THEY WERE DOING WITH IT.

3 Q WHEN HE ASKED YOU TO PREPARE MINUTES OF A
4 MEETING THAT SAID SOMETHING ABOUT APPLICATION OF A MACHINE
5 FOR SILICA AND CERAMICS, WHAT DID YOU DO?

6 A I PREPARED THE MINUTES.

7 Q DID YOU QUESTION HIM?

8 A NO, I DID NOT.

9 Q DID IT SEEM UNUSUAL TO YOU?

10 A NO.

11 IT MAY HAVE BEEN --

12 I HAVE SOME RECOLLECTION THAT THE MINUTES MAY
13 NOT -- IT MAY HAVE BEEN AFTER JOE HUNT HAD COME IN WITH THE
14 CONTRACT FROM RON LEVIN AND I MAY HAVE TOLD JOE THAT "WE
15 MIGHT REQUIRE MINUTES."

16 A LOT OF TIMES I WOULD DO THAT IF THERE WAS
17 SOMETHING THAT JOE WANTED TO DO, THAT WOULD REQUIRE A BOARD
18 OF DIRECTORS' RESOLUTION AND ONE DID NOT EXIST, I MIGHT TELL
19 HIM, "YOU KNOW THE DIRECTORS NEED TO ACT ON THIS" AND THEN
20 THEY WOULD TELL ME TO PREPARE THE MINUTES.

21 MR. BARENS: YOUR HONOR, WE WOULD MOVE TO STRIKE. WE
22 HAVE TWO "MAYS" AND A "MIGHT," I BELIEVE IT WAS SPECULATIVE.

23 MR. WAPNER: NO OBJECTION.

24 THE COURT: ALL RIGHT. WE WILL STRIKE THOSE PORTIONS
25 OF HIS TESTIMONY WHERE HE SAYS "WE MAY" OR "WE MIGHT." THAT
26 IS SPECULATIVE ON HIS PART.

27 MR. BARENS: THANK YOU, YOUR HONOR.

28 Q BY MR. WAPNER: FIRST OF ALL, LET ME JUST ASK

- 3

1 YOU TO GO THROUGH THE BOOK AND SEE IF THOSE ARE MINUTES THAT
2 YOU PREPARED.

3 A ALSO, ALL OF THE MINUTES WOULD HAVE TO HAVE BEEN
4 SIGNED BY ME AS THE SECRETARY.

5 Q ALL RIGHT.

6 A THERE IS ONE BOARD OF DIRECTORS MINUTES DEALING
7 WITH THE MEETING ON JANUARY -- WHICH PURPORTEDLY WAS HELD
8 ON JANUARY 5, 1984 DEALING WITH THE EMPLOYMENT OF GENE
9 BROWNING THAT I DON'T RECALL PREPARING. I MIGHT NOT HAVE
10 PREPARED IT, THOUGH I DID SIGN THE MINUTES.

11 Q ALL RIGHT.

12 A THE REMAINDER OF THE MINUTES APPEAR TO HAVE HAD
13 TO HAVE BEEN PREPARED BY MYSELF.

14 Q AND LOOKING AT THE DOCUMENT THAT WE HAVE MARKED
15 AS 185-C, DO YOU HAVE THAT IN FRONT OF YOU?

16 A YES, I DO.

17 Q AND ALSO THE TOP DOCUMENT THAT IS ON THE TOP OF
18 94 FOR IDENTIFICATION?

19 A YES.

20 Q DO THOSE APPEAR TO BE THE MINUTES OF THE SAME
21 MEETING?

22 A YES, THEY DO.

23 Q SO THE ONE THAT IS ON 94, IT IS EITHER DUPLICATE
24 ORIGINALS OR ONE IS A COPY OF THE OTHER?

25 A ONE APPEARS -- THE TOP OF 94 APPEARS TO BE
26 AN EXECUTED COPY, IT WAS ORIGINALLY SIGNED BY ME AND STAMPED.

27 Q SO IT IS A XEROX AND THEN SOMEBODY PUT THE
28 CORPORATE SEAL ON IT AFTERWARD?

1 A AND I SIGNED IT, YES.

2 Q AND DO YOU REMEMBER WHEN --

3 94, DOES IT BEAR YOUR ORIGINAL SIGNATURE OR A
4 XEROX OF YOUR SIGNATURE?

5 A IT BEARS MY ORIGINAL SIGNATURE.

6 Q DO YOU REMEMBER WHEN YOU DID THAT?

7 A NO, I DON'T RECALL.

8 Q AND IF THE PACKET THAT IS PEOPLE'S 94 WAS FOUND
9 IN MR. LEVIN'S APARTMENT AND HAD BEEN THERE FROM JUNE THE
10 7TH ON, WOULD YOU SAY THAT THE MINUTES WERE PREPARED
11 SOMETIME BEFORE JUNE 7?

12 A YES, I WOULD.

13 Q DURING THE TIME BEFORE JUNE THE 7TH, DID YOU
14 NOTICE ANY NEW CHANGES IN THE OFFICE, THINGS THAT WERE
15 DIFFERENT?

16 A I NOTICED THE PEOPLE WHO HAD BEEN IN THE PAST
17 TRADING COMMODITIES STOPPED COMING IN AS EARLY AS THEY USED
18 TO.

19 Q WHO WERE THOSE PEOPLE?

20 A JOE HUNT AND BEN DOSTI.

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1 Q DO YOU REMEMBER WHEN THAT HAPPENED?

2 A NO. BUT I DO RECALL IT BEING BEFORE JUNE 7.

3 Q AND AFTER JUNE THE 7TH, -- BETWEEN JUNE THE 7TH
4 AND SAY THE 24TH, WHAT WAS THE MOOD IN THE OFFICE?

5 A IT WAS EXCITED. I MEAN, PEOPLE WERE HAPPY ABOUT
6 HAVING, YOU KNOW, THE ONE AND A HALF MILLION CHECK. IT HAD
7 NOT YET BEEN CASHED. I THINK THAT THERE WAS SOME ANXIETY
8 ABOUT THAT.

9 BUT I THINK EVERYONE STILL BELIEVED THAT IT WAS
10 GOING TO BE CASHED OR AT LEAST, I DID.

11 Q AND AT SOME POINT, WERE YOU TOLD BY MR. HUNT
12 THAT THERE WAS GOING TO BE A MEETING OF THE MEMBERS OF THE
13 BBC?

14 A YES, I WAS.

15 Q WHEN WERE YOU TOLD A MEETING WAS GOING TO OCCUR?

16 A ON JUNE 22ND.

17 Q WHO TOLD YOU?

18 A JOSEPH HUNT.

19 Q WHAT DID HE SAY?

20 A HE TOLD ME THAT THERE WAS GOING TO BE A MEETING
21 AT THE WILSHIRE MANNING ON JUNE 22ND, FRIDAY EVENING AND I
22 BELIEVE AT APPROXIMATELY 7:00 OR -- 7:00 O'CLOCK.

23 AND HE TOLD ME THAT ONLY CERTAIN MEMBERS WERE
24 GOING TO BE THERE. SO I WAS NOT TO DISCUSS IT WITH OTHER
25 PEOPLE AND HE TOLD ME WHO WAS GOING TO BE THERE.

26 Q AND DID YOU GO TO THE WILSHIRE MANNING ON JUNE
27 22ND?

28 A YES, I DID.

1 Q WHAT HAPPENED?

2 A A GROUP OF PEOPLE WERE THERE.

3 BUT BECAUSE OF JIM GRAHAM'S BEING OUT OF TOWN,
4 WE WERE NOT ABLE TO BEGIN THE MEETING. AND SO WE WENT TO
5 A MOVIE ON THE HOPE THAT IN THE INTERIM, HE WOULD RETURN.
6 AND WHEN WE RETURNED FROM THE MOVIE, WE WERE TOLD THAT HE
7 HAD NOT YET ARRIVED IN TOWN AND SO THE MEETING WAS DISBURSED.
8 THEN WE MAY HAVE ORDERED SOME PIZZA.

9 Q WAS THE MEETING RESCHEDULED?

10 A YES.

11 Q FOR WHEN?

12 A FOR THE 24TH.

13 Q OF JUNE OF 1984?

14 A THAT'S CORRECT.

15 Q DID YOU GO TO THE WILSHIRE MANNING ON JUNE 24?

16 A 24, YES. I DID.

17 Q WHAT TIME?

18 A I WENT AT APPROXIMATELY 2:00 P.M.

19 Q WHAT HAPPENED WHEN YOU GOT THERE?

20 A WHEN I ARRIVED THERE, THERE WAS A GROUP OF PEOPLE
21 THERE. AND BROOKE ROBERTS WENT OUT AND GOT SANDWICHES. WE
22 ATE THE SANDWICHES.

23 AND THEN JOSEPH HUNT, JIM GRAHAM, BEN DOSTI AND
24 DEAN KARNY WENT OUT OF THE ROOM FOR APPROXIMATELY TEN MINUTES.

25 THEN THEY RETURNED INTO THE ROOM AND THE MEETING
26 BEGAN.

27 Q ALL RIGHT. WHEN THE MEETING BEGAN, WHO WAS
28 RUNNING THE MEETING?

1 A JOE WAS RUNNING THE MEETING.

2 Q JOE HUNT?

3 A YES.

4 Q WHAT DID HE SAY?

5 A HE SAID THAT THE BBC -- WELL, HE STARTED OFF
6 THE MEETING BY DISCUSSING IF YOU ARE GOING TO ACQUIRE GREAT
7 WEALTH OR KEEP GREAT WEALTH THAT YOU HAVE TO PROTECT IT AND
8 TO PROTECT IT -- ACQUIRE IT OR PROTECT IT.

9 AND TO ACHIEVE GREATNESS IN THE WORLD, YOU MUST
10 SOMETIMES TRANSGRESS THE LAW. IF YOU DON'T, PEOPLE WILL JUST
11 TAKE AWAY WHAT YOU HAVE GOTTEN. AND THE BBC WAS GOING TO
12 TAKE BOLD STEPS AND FOR THOSE PEOPLE WHO ARE UNWILLING TO
13 TAKE THE STEPS, THEY COULD REMAIN IN SOME POSITION OF
14 MEDIOCRITY WITH THE BBC BUT WOULD NEVER BE ABLE TO ACHIEVE
15 GREATNESS WITH IT AND THEY SHOULD LEAVE NOW BEFORE THE MEETING
16 CONTINUED.

17 Q WHEN HE SAID THAT, DID ANYBODY LEAVE?

18 A NO, THEY DID NOT.

19 Q WHAT HAPPENED AT THAT PARTICULAR TIME?

20 A AT THAT PARTICULAR TIME, JIM GRAHAM, JOSEPH
21 HUNT, DEAN KARNY AND BEN DOSTI AGAIN LEFT THE ROOM FOR
22 APPROXIMATELY FIVE OR TEN MINUTES.

23 Q LET ME STOP YOU FOR A SECOND. THOSE WERE THE
24 SAME FOUR PEOPLE THAT INITIALLY HAD BEEN IN ANOTHER ROOM
25 TOGETHER FOR FIVE OR TEN MINUTES BEFORE THE FIRST PART OF
26 THE MEETING STARTED, IS THAT RIGHT?

27 A THAT'S CORRECT.

28 Q THAT IS DEAN KARNY?

1 A CORRECT.

2 Q JOE HUNT?

3 A CORRECT.

4 Q ARBEN DOSTI AND JIM GRAHAM?

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1 A CORRECT.

2 Q AND THE SECOND TIME THAT THEY WENT OUT OF THE
3 ROOM, WHERE DID THEY GO?

4 A INTO ONE OF THE BEDROOMS.

5 Q HOW LONG WERE THEY GONE?

6 A APPROXIMATELY FIVE TO TEN MINUTES.

7 Q WAS IT USUAL FOR THOSE FOUR PEOPLE TO BE TOGETHER?

8 A IT WAS VERY USUAL FOR BEN, DEAN AND JOE TO BE
9 TOGETHER AND THERE WERE OCCASIONS WHEN JIM WAS WITH THEM.

10 BUT USUALLY, THE THREE OF THEM WERE OFTEN TOGETHER
11 BECAUSE THEY WERE THE THREE SHADINGS.

12 Q SHADINGS MEANING THE LEADERS OF THE BBC?

13 A CORRECT.

14 Q AND THEY WENT INTO ANOTHER ROOM FOR HOW LONG?

15 A APPROXIMATELY FIVE TO TEN MINUTES.

16 Q AND WHEN THEY CAME OUT, WERE THEY ALL TOGETHER
17 AT THAT TIME?

18 A YES, THEY WERE.

19 Q WHAT HAPPENED? WHERE DID THEY GO WHEN THEY CAME
20 OUT OF THE ROOM?

21 A WE HAD SET THE COUCHES UP. THEY HAD A SECTIONAL
22 COUCH AND WE SET UP THE COUCHES IN A SMALL CIRCLE IN THE
23 LIVING ROOM AND EVERYBODY SAT DOWN.

24 JOE SAT IN SORT OF IN A PART OF THE CIRCLE WHERE
25 HE WAS SORT OF MORE IN THE CIRCLE BUT STILL CONNECTED WITH
26 THE COUCHES.

27 Q MEANING INSIDE THE MIDDLE OF IT?

28 A A LITTLE BIT IN, YES.

1 Q WHO ELSE WAS THERE AT THAT MEETING?

2 A AT THAT MEETING WAS MYSELF, JOE HUNT, JIM GRAHAM,
3 BEN DOSTI, DEAN KARNY, BROOKE ROBERTS, STEVE TAGLIANETTI,
4 TOM MAY, JEFF RAYMOND AND JIM GRAHAM.

5 Q WAS JOHN ALLEN THERE ALSO?

6 A YES, JOHN ALLEN WAS THERE ALSO.
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1 Q AND THIS WAS ON A SECTIONAL COUCH THAT IS NOW
2 ARRANGED IN KIND OF A CIRCLE?

3 A CORRECT.

4 Q AND WHEN THEY CAME OUT THE SECOND TIME, WHERE
5 WAS MR. GRAHAM IN RELATION TO MR. HUNT?

6 A MR. GRAHAM WAS SITTING TO THE RIGHT -- OR EXCUSE
7 ME -- HE WAS SITTING TO MY RIGHT OF MR. HUNT, SO HE WAS
8 SITTING TO MR. HUNT'S LEFT.

9 Q ALL RIGHT. AND WHEN THEY CAME BACK OUT, WHAT
10 HAPPENED?

11 A JOE STARTED OFF BY STATING THAT HE AND JIM
12 GRAHAM HAD KNOCKED OFF OR BUMPED OFF OR TAKEN CARE OF RON
13 LEVIN.

14 Q AND WAS THERE ANY REACTION IN THE GROUP WHEN HE
15 SAID THAT?

16 A NO.

17 Q WHAT DID YOU DO?

18 A I JUST SAT AND CONTINUED TO LISTEN.

19 Q WHAT DID HE SAY AND WHEN HE SAID THAT, DID
20 MR. GRAHAM REACT AT ALL?

21 A NO, HE DID NOT.

22 Q DID JOE HUNT MAKE ANY MOTIONS OF ANY KIND AT THE
23 TIME THAT HE SAID THAT?

24 A NOT THAT I RECALL.

25 Q AND WHAT HAPPENED AFTER HE MADE THAT STATEMENT?

26 A HE CONTINUED -- I THINK FAIRLY SOON AFTER MAKING
27 THAT STATEMENT, HE STARTED DISCUSSING HOW THE MONEY THAT THE
28 INVESTORS HAD INVESTED WITH US, HAD HAPPENED, TWO THINGS

1 BASICALLY: A GREAT DEAL OF IT HAD BEEN DIVERTED TO MEET THE
2 BUSINESS EXPENSES OF THE BBC AND THE MONEY THAT WASN'T
3 DIVERTED, BECAUSE THE MARKET WAS NOT MOVING QUICKLY IN ANY
4 POSITION, HAD BEEN PLACED IN OUTRIGHT POSITIONS AND LOST.
5 THAT WE WERE GOING TO USE THE \$1.5 MILLION THAT HE GOT FROM
6 RON LEVIN TO PAY OFF THE INVESTORS.

7 Q AND AFTER HE SAID THAT, WHAT DID HE SAY?

8 A I THINK AFTER, THERE MAY HAVE BEEN SOME DISCUSSIONS
9 ABOUT WHAT WAS GOING TO BBC AND THEN IN THE END, HE SORT OF
10 INFERRED HOW RON LEVIN HAD BEEN DEALT WITH AND THAT IF
11 PEOPLE WHO TALKED TO OTHER PEOPLE BESIDES THE PEOPLE AT THE
12 MEETING WOULD BE DEALT WITH ALSO.

13 MR. BARENS: OBJECTION, YOUR HONOR.

14 Q BY MR. WAPNER: WHAT DID HE SAY?

15 MR. BARENS: BEG YOUR PARDON, YOUR HONOR. I OBJECT
16 TO THE INFERENCE OF THE OBVIOUS CONCLUSION IT POSES WHEN A
17 WITNESS USES THE WORD "INFERRED."

18 THE COURT: OVERRULED.

19 MR. BARENS: THANK YOU, YOUR HONOR.

20 Q BY MR. WAPNER: CAN YOU REMEMBER WHAT MR. HUNT
21 SAID AS FAR AS HOW ABOUT LEVIN --

22 THE COURT: TRY TO RECALL AS EXACTLY AS YOU CAN.

23 THE WITNESS: THE TERM "DEALT WITH" I RECALL BEING USED.

24 Q BY MR. WAPNER: IN WHAT CONTEXT?

25 A THAT IF PEOPLE TALKED, YOU KNOW, TO OTHER PEOPLE
26 THEY WOULD BE DEALT WITH. SORT OF, I GUESS WHAT IT MEANT
27 TO ME WAS, IN THE SAME WAY MR. LEVIN HAD BEEN DEALT WITH.

28 Q AND DID YOU TAKE THAT AS A THREAT?

1 A YES, I DID.

2 Q AND AFTER THAT WAS SAID, WHAT HAPPENED?

3 A I DON'T RECALL IF IT WAS SAID AT THAT MEETING
4 OR IT WAS SAID LATER, BUT WE WERE TO REFER TO RON LEVIN AS
5 "MAC."

6 Q WHO TOLD YOU THAT?

7 A JOSEPH HUNT.

8 Q AND WERE YOU TOLD WHY YOU WERE TO REFER TO RON
9 LEVIN AS "MAC"?

10 A NO.

11 Q DID YOU EVER REFER TO HIM AGAIN AS LEVIN IN
12 MR. HUNT'S PRESENCE?

13 A I DON'T SPECIFICALLY RECALL EVER REFERRING TO
14 HIM AGAIN AS LEVIN.

15 Q DID YOU HEAR ANYBODY ELSE REFER TO HIM AS LEVIN
16 IN MR. HUNT'S PRESENCE?

17 A AGAIN, I DON'T RECALL.

18 Q AND AT SOME TIME AFTER THE MEETING, DID YOU ASK
19 MR. HUNT ABOUT HOW HE GOT THE CHECK AND THE CONTRACT FROM
20 MR. LEVIN?

21 A WELL, I -- BECAUSE OF MY OPINION OF MR. LEVIN'S
22 BUSINESS CHARACTERISTICS AND THE FACT THAT HE HAD NEVER GIVEN
23 US A CHECK IN THE PAST, I QUESTIONED HOW JOE GOT HIM TO GIVE,
24 YOU KNOW, THE BBC A CHECK FOR \$1.5 MILLION.

25 Q WHERE DID THIS CONVERSATION TAKE PLACE, IF YOU
26 REMEMBER?

27 A I BELIEVE -- I DON'T RECALL WHERE IT TOOK PLACE.

28 Q AND DO YOU REMEMBER WHEN IT TOOK PLACE IN

1 RELATION TO THE MEETING?

2 A WITHIN A WEEK OF THE MEETING, BEFORE -- AFTER
3 THE MEETING.

4 Q WHAT DID MR. HUNT SAY AT THAT TIME?

5 A HE SAID "HE SIGNED THE CHECK UNDER A GREAT DEAL
6 OF DURESS."

7 Q AND WHEN HE SAID THAT TO YOU, WAS THERE ANYONE
8 ELSE PRESENT BESIDES YOU AND MR. HUNT?

9 A I DON'T BELIEVE SO, NO.

10 Q AT THE TIME THAT HE SAID THE CHECK WAS SIGNED
11 UNDER A GREAT DEAL OF DURESS, WHAT WAS HIS ATTITUDE?

12 A SERIOUS.

13 Q AND WERE YOU EVER CURIOUS ABOUT WHAT HAD HAPPENED
14 TO MR. LEVIN?

15 A YES.

16 I ASKED HIM ON ONE OCCASION WHAT HAPPENED, WHAT
17 HE HAD DONE WITH MR. LEVIN'S BODY.

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1 Q YOU ASKED WHO?

2 A JOSEPH HUNT.

3 Q WHERE WERE YOU WHEN YOU ASKED HIM THAT?

4 A I BELIEVE I WAS AT THE OFFICE.

5 Q AND WHO ELSE WAS AROUND?

6 A I DON'T BELIEVE ANYBODY WAS.

7 Q AND WHAT DID YOU DO, JUST GO INTO HIS OFFICE?

8 A I DON'T KNOW IF IT ACTUALLY TOOK PLACE IN HIS
9 OFFICE OR IF IT WAS IN SOMEWHERE -- SOMEWHERE WITHIN THE OFFICE.

10 Q WHAT DID YOU DO?

11 A I JUST ASKED HIM WHAT HE HAD -- HOW THEY HAD
12 TAKEN CARE OF RON LEVIN'S BODY.

13 Q WHAT DID HE SAY?

14 A HE SAID HE DISPOSED OF IT WITH ACID.

15 Q AND DID HE ELABORATE ON THAT?

16 A NO, HE DID NOT.

17 Q HE DIDN'T TELL YOU WHETHER IT WAS DUMPED IN A
18 VAT OF ACID OR WHETHER THE BODY WAS ON THE GROUND AND ACID
19 POURED OVER IT?

20 A THAT'S CORRECT.

21 Q YOU DON'T KNOW EXACTLY HOW IT WAS DONE?

22 A I DON'T KNOW HOW IT WAS DONE.

23 Q HE SAID THEY DISPOSED OF IT WITH ACID?

24 A YES.

25 Q DID YOU CELEBRATE A BIRTHDAY SOMETIME IN JULY
26 OF 1984?

27 A YES, I DID.

28 Q AND DID YOU HAVE SOME PEOPLE AT YOUR HOUSE AT

1 THAT TIME?

2 A YES, I DID.

3 Q WAS MR. HUNT ONE OF THEM?

4 A YES, HE WAS.

5 Q AND AT THAT TIME, DID HE LEAVE SOMETHING AT YOUR
6 HOUSE?

7 A YES, HE DID.

8 Q WHAT DID HE LEAVE?

9 A A HEAVY COTTON TOPCOAT.

10 Q AT SOME POINT LATER, DID YOU TALK TO THE DEFENDANT
11 IN THIS CASE ABOUT THE FACT THAT HE HAD LEFT A TOPCOAT AT
12 YOUR HOUSE?

13 A YES, I DID.

14 Q AND WHEN WAS THAT?

15 A THAT WOULD HAVE BEEN -- I THINK IT WAS ALMOST
16 A MONTH, MAYBE A MONTH AND A HALF AFTER MY BIRTHDAY PARTY.

17 Q WHICH WAS WHEN?

18 A IT WOULD HAVE BEEN IN THE MIDDLE OF --

19 Q WHEN WAS YOUR BIRTHDAY PARTY?

20 A JULY 9TH.

21 Q SO, A MONTH TO A MONTH AND A HALF AFTER YOU
22 MENTIONED SOMETHING TO THE DEFENDANT ABOUT THE FACT THAT HE
23 LEFT HIS COAT THERE?

24 A YES.

25 Q AND WHAT DID YOU SAY TO HIM?

26 A I TOLD HIM THAT THE NIGHT OF MY BIRTHDAY PARTY,
27 HE LEFT HIS TOPCOAT AT MY HOUSE.

28 Q WHAT DID HE SAY?

1 THE BENCH:)

2 THE COURT: YES?

3 MR. BARENS: YOUR HONOR, YOU ARE WELL AWARE THAT BOTH
4 THE FEDERAL AND STATE GOVERNMENTS HAVE GONE TO GREAT LENGTHS
5 TO AVOID TRIAL BY AMBUSH, PARTICULARLY IN CALIFORNIA.

6 YOUR HONOR, REPEATEDLY THROUGH THE TRIAL, WE
7 KEEP GETTING AMBUSHED. NOW, THIS WITNESS HAS BEEN TESTIFYING
8 AND HE TESTIFIED AT THE PITTMAN CASE AND AT PRELIMINARY HEARINGS.
9 HE HAS TALKED TO POLICE OFFICERS.

10 HE HAS NEVER, EVER TOLD OF THIS CONVERSATION
11 HE IS NOW TELLING US ABOUT. NOW, OBVIOUSLY, THE D.A. WOULD
12 NOT BE INQUIRING ABOUT THIS CONVERSATION IF HE DIDN'T KNOW
13 SOMETHING ABOUT IT.

14 I WANT TO MAKE A CLEAR RECORD THAT THIS IS
15 UNBELIEVABLY UNFAIR TO ALLOW US TO BE AMBUSHED NOW BY THIS
16 EXTREMELY CRITICAL CONVERSATION.

17 IT IS A TOTAL DENIAL OF DUE PROCESS. IT IS JUST
18 NOT DONE, JUDGE.

19 MR. WAPNER: LET ME EXPLAIN --

20 MR. CHIER: YOUR HONOR --

21 THE COURT: TELL HIM TO BE QUIET UNTIL I HEAR FROM
22 THE D.A.

23 MR. WAPNER: YOUR HONOR, IN THE INITIAL STATEMENT ABOUT
24 THIS CRIME THAT THE WITNESS GAVE TO THE POLICE IN DECEMBER
25 OF 1984, HE SAID THAT HE HAD A CONVERSATION WITH MR. HUNT,
26 AT WHICH TIME MR. HUNT TOLD HIM THAT ONLY HE, MEANING MR.
27 HUNT --

28 MR. BARENS: KEEP YOUR VOICE DOWN, JUST A BIT.

1 MR. WAPNER: CERTAINLY. ONLY HE AND THE POLICE KNEW
2 THAT HE HAD -- THAT MR. HUNT HAD TAKEN THIS SHEET AND THE
3 REMOTE CONTROL DEVICE FROM THE --

4 THE COURT: -- THE APARTMENT?

5 MR. WAPNER: FROM THE APARTMENT. SO YESTERDAY -- SORRY.

6 OVER THE WEEKEND, WHEN I WAS INTERVIEWING MR.
7 DICKER -- I GUESS IT WAS YESTERDAY, I ASKED HIM ABOUT THAT
8 STATEMENT AND I SAID, "WHAT WAS THE CONTEXT IN WHICH THAT
9 STATEMENT WAS MADE?" AND HE THEN SORT OF TOLD ME THAT IT
10 WAS IN THE CONTEXT OF THIS STATEMENT ABOUT KILLING RAYMOND'S
11 GIRLFRIEND AND PLANTING THE KILLING ON HER AND EXPLAINING --
12 PLANTING THE KILLING ON RAYMOND AND PLANTING THE LEVIN KILLING
13 ON RAYMOND AND SOMEHOW, THAT HAVING TO DO WITH THE REMOTE
14 CONTROL DEVICE THAT WAS FOUND.

15 THAT IS WHAT HE EXPLAINED TO ME.

16 THE COURT: THAT WAS YOUR FIRST INDICATION ABOUT THAT
17 TESTIMONY?

18 MR. WAPNER: THAT IS WHAT I FIRST UNDERSTOOD ABOUT
19 IT.

20 MR. BARENS: HERE IS THE PROBLEM, YOUR HONOR.

21 IF THE PEOPLE ARE ARMED WITH THIS TYPE OF
22 INFORMATION AND THEY MAKE NOTES ON IT, BRADY AND ALL ITS
23 PROGENY DISCUSS THAT WE ARE ABSOLUTELY ENTITLED TO THIS BEFORE
24 THE WITNESS COMES ON THE STAND.

25 OTHERWISE, WE ARE AMBUSHED. JUDGE, THERE HAVE
26 BEEN A VARIETY OF SITUATIONS WHERE I TRIED TO ADVISE THE COURT
27 BY MY PROTESTS THAT I FELT AMBUSHED.

28 THE COURT: WELL, WHEN DID YOU KNOW ABOUT THIS TESTIMONY?

1 MR. WAPNER: I FOUND OUT ABOUT THIS YESTERDAY, WHEN
2 I INTERVIEWED THIS WITNESS.

3 MR. BARENS: WELL, I HAVE BEEN HERE ALL DAY. I HAVE
4 BEEN HERE. I SAW MR. WAPNER WELL BEFORE THE SESSION STARTED
5 TODAY.

6 I WAS STANDING IN THE COURTROOM DURING THE LUNCH
7 HOUR. HE HAD AMPLE OPPORTUNITY.

8 THE COURT: WHAT DO YOU WANT ME TO DO?

9 MR. BARENS: I WOULD LIKE TO HAVE A HEARING OUT OF
10 THE PRESENCE OF THE JURY. I WOULD LIKE A HEARING.

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1 THE COURT: WE ARE HAVING IT NOW. WE DON'T HAVE TO
2 HAVE A HEARING OUTSIDE THE PRESENCE OF ANYBODY.

3 MR. BARENS: I WOULD LIKE TO TAKE THIS WITNESS ON
4 EXAMINATION. THIS IS THE FIRST TIME HE COMMUNICATED THIS
5 STORY TO ANYBODY AND I WOULD LIKE TO HEAR IT, TO BE CANDID.

6 THE COURT: WHY DIDN'T YOU TELL HIM ABOUT IT AS SOON
7 AS YOU KNEW?

8 MR. WAPNER: WHY DIDN'T I TELL HIM ABOUT IT AS SOON
9 AS I KNEW?

10 THE COURT: YES.

11 MR. WAPNER: FRANKLY, IT DIDN'T OCCUR TO ME TO CALL
12 HIM UP ON THE PHONE YESTERDAY.

13 MR. BARENS: I HAVE BEEN HERE ALL DAY.

14 MR. CHIER: IT IS CRITICAL.

15 MR. BARENS: I ASSURE YOUR HONOR I AM SURPRISED AND
16 JUDGE, HOW CRITICAL THIS IS TO THE DEFENDANT, I MEAN THIS
17 IS HEAVYDUTY.

18 THE COURT: SUPPOSE WE HAVE A HEARING OUTSIDE OF THE
19 JURY, WHAT IS IT GOING TO DEVELOP? THAT HE HEARD ABOUT IT
20 JUST NOW AND THEN WHAT?

21 MR. BARENS: THAT THE PEOPLE HAVE ACTED IMPROPERLY.

22 THE COURT: AND THEN WHAT?

23 MR. BARENS: I THINK YOUR HONOR IS OBLIGED BY LAW TO
24 EXCLUDE THE TESTIMONY BECAUSE IT IS ABSOLUTELY SANCTIONABLE,
25 YOUR HONOR, BY THE COURT.

26 I DON'T BELIEVE YOUR HONOR WOULD PERMIT THIS, IN
27 GOOD CONSCIENCE.

28 MR. WAPNER: WAIT A SECOND. BECAUSE WE HAVE NOW HAD

3-2
1 A DELAY OF LESS THAN 24 HOURS IN DISCLOSING THIS, THE
2 SANCTION IS THAT THE TESTIMONY IS PRECLUDED?

3 IF THEY WANT, I WILL GIVE THEM WHATEVER NOTES
4 I HAVE, WHICH FRANKLY NEVER OCCURRED TO ME TO GIVE TO THEM.

5 IF THEY NEED TO PUT OVER THE CROSS-EXAMINATION
6 BASED ON THOSE NOTES UNTIL TOMORROW, THAT IS OKAY.

7 BUT I DON'T UNDERSTAND --

8 MR. BARENS: I JUST WANT THE DIRECT EXAMINATION PUT
9 OVER AS WELL. I DON'T THINK THIS SHOULD BE FLOATED IN FRONT
10 OF THE JURY.

11 AND I WOULD LIKE TO KNOW WHAT OTHER NOTES THAT
12 THE D.A. HAS ABOUT STATEMENTS OF PEOPLE THAT THEY NEVER MADE
13 AT PRIOR HEARINGS THAT WE HAVEN'T BEEN GIVEN.

14 JUDGE, YOU KNOW WITH THE RAYMOND TESTIMONY, THIS
15 ISSUE CAME UP WHERE HE MADE STATEMENTS HE NEVER MADE AT ANY
16 PREVIOUS HEARINGS THAT THE D.A. LED HIM INTO AND THIS
17 HAPPENED WITH BROWNING.

18 THE COURT: WELL, IT MAY BE SOMETHING IN YOUR FAVOR.

19 MR. BARENS: I BELIEVE IF YOUR HONOR IS NOW AWARE
20 THAT THE GOVERNMENT IS AWARE -- THE PEOPLE ARE AWARE OF DATA
21 AND TESTIMONY THAT THESE WITNESSES ARE GOING TO GIVE AND
22 NOTEABLY, JUDGE, IT IS ALWAYS SOMETHING REAL DAMAGING, IT
23 IS ALWAYS SOMETHING REAL UPSETTING THAT COMES OUT LIKE THIS,
24 SOME REALLY DEVASTATING EMBELLISHMENT TO PRIOR TESTIMONY THAT
25 COMES OUT AND BURIES US AT THIS POINT.

26 THE COURT: I WILL TELL YOU WHAT I WILL DO, LET'S CUT
27 OFF AT THIS POINT ANY TESTIMONY AS TO WHAT WERE THE PLANS
28 TO PUT THIS ALLEGED MURDER OFF AND HAVE IT APPEAR AS IF

9 7
1 RAYMOND IS THE ONE THAT COMMITTED IT.

2 GET THROUGH WITH ANY OTHER STUFF THAT YOU HAVE
3 AND THEN WE WILL HAVE A HEARING OUTSIDE THE PRESENCE OF THE
4 JURY AS TO THIS PARTICULAR ASPECT OF IT AND YOU CAN FIND OUT
5 WHY HE DIDN'T TELL ANYBODY ELSE ABOUT IT UNTIL THIS TIME.

6 MR. BARENS: YOUR HONOR, WHILE WE ARE HERE, WOULD YOUR
7 HONOR ORDER THE PEOPLE TO PROVIDE THE DEFENSE WITH ANY AND
8 ALL NOTES THEY HAVE OF ANY WITNESSES THAT HAVE NOT BEEN
9 CALLED TO DATE?

10 THE COURT: NO, I WILL NOT ORDER THEM TO DO THAT ANY
11 MORE THAN I WOULD ORDER YOU TO GIVE IT TO HIM.

12 MR. BARENS: WELL, YOUR HONOR, I THINK WE ARE UNDER
13 A DIFFERENT STANDARD BY LAW.

14 THE COURT: YES, BUT THE STANDARD BY LAW IS THAT THEY
15 REVEAL TO YOU ANYTHING OF IMPORTANCE --

16 WILL YOU TELL THAT MAN TO SHUT UP? WILL YOU PLEASE
17 TELL HIM TO KEEP QUIET WHILE I AM TALKING?

18 MR. CHIER: LET ME SPEAK.

19 THE COURT: YOU SHUT UP.

20 MR. BARENS: LET ME CONTINUE.

21 THE COURT: YOU GO UP TO THE SUPREME COURT AND TAKE
22 ANOTHER WRIT AGAIN. I WILL KICK YOU OUT OF THE COURTROOM
23 IF YOU CONTINUE WITH YOUR CONDUCT.

24 MR. BARENS: GENTLEMEN, PLEASE. LET'S CONTINUE WITH
25 THIS DIALOGUE.

26 THE COURT: YOU KEEP HIM OUT OF THIS.

27 MR. BARENS: YOUR HONOR, I JUST WANTED YOUR HONOR TO
28 CONTINUE WITH THE POINT YOU ARE MAKING.

9-4

1 THE COURT: I WAS SUGGESTING THAT ANYTHING YOU HAVE
2 WHICH IS VERY VITAL, I SUGGEST YOU TELL THEM ABOUT THAT, TELL
3 THEM WHAT YOU DO HAVE.

4 THIS SHOULD HAVE BEEN DISCLOSED BUT SINCE YOU
5 SAY IT IS LESS THAN 24 HOURS THERE MAY BE SOME EXCUSE FOR
6 IT. BUT IF YOU HAVE ANYTHING, DON'T MAKE A BIG MYSTERY OF
7 IT BECAUSE THEY ARE ENTITLED TO KNOW AND PREPARE FOR IT.
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1 MR. WAPNER: I UNDERSTAND, YOUR HONOR.

2 THE COURT: YOU ARE NOT TO PURSUE THIS THING ANY
3 FURTHER UNTIL WE HAVE A HEARING OUTSIDE OF THE PRESENCE OF
4 THE JURY.

5 MR. WAPNER: AS FAR AS THE PORTION OF THIS CONVERSATION
6 NOT HAVING TO DO WITH -- AS FAR AS THE PORTION OF THIS
7 CONVERSATION HAVING TO DO WITH THE FACTS IN THE ORIGINAL
8 POLICE REPORT, WHICH COUNSEL HAS, THAT IS ABOUT THE TV
9 REMOTE DEVICE AND THE SHEET.

10 THE COURT: THE SHEET?

11 MR. WAPNER: I ASSUME THERE IS NO PROBLEM WITH THAT.
12 COUNSEL HAS HAD THAT INFORMATION FOR TWO YEARS.

13 THE COURT: WELL, THAT I KNOW ABOUT MYSELF. I HEARD
14 IT DURING THE TRIAL.

15 MR. BARENS: JUDGE, SO WE CAN BE CLEAR HERE, WHAT I
16 AM ASKING FOR IS, TO THE EXTENT MR. WAPNER IS AWARE OF
17 STATEMENTS BY THE BBC KIND OF WITNESSES WHO ARE COMING IN,
18 I GUESS, FOR THE NEXT SEVERAL DAYS, WHERE THEIR STATEMENTS
19 ADD INCRIMINATING ACCUSATIONS AGAINST THE DEFENDANT THAT WERE
20 NOT EXPRESSED AT PREVIOUS HEARINGS OR IN POLICE REPORTS, I
21 WOULD LIKE TO BE ADVISED OF THOSE BEFORE WE GET ON.

22 MR. WAPNER: I HAVE NO PROBLEM WITH THAT WHATSOEVER.

23 MR. BARENS: WE HAVE THAT ASSURANCE THEN, YOUR HONOR.
24 THANK YOU, YOUR HONOR.

25 THE COURT: LET'S GO ON AND STAY AWAY FROM THIS SUBJECT
26 UNTIL WE EXPLORE IT MORE.

27 MR. BARENS: THANK YOU, YOUR HONOR.
28

1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 IN OPEN COURT:)

3 Q BY MR. WAPNER: MR. DICKER, AT SOME POINT AFTER
4 YOU HAD THE CONVERSATION ABOUT THE COAT, DID YOU TALK TO
5 MR. HUNT AT YOUR APARTMENT?

6 A YES, I DID.

7 Q AND DID HE SAY SOMETHING TO YOU SPECIFICALLY ABOUT
8 A REMOTE CONTROL DEVICE AND A SHEET AND WHO, IF ANYONE, HAD
9 KNOWLEDGE OF THAT?

10 A YES, HE DID.

11 MR. BARENS: COULD WE GET A TIME REFERENCE, JUDGE?

12 THE COURT: YES.

13 ABOUT WHEN WAS THIS, MR. DICKER?

14 THE WITNESS: I BELIEVE IT WOULD HAVE BEEN SUBSEQUENT
15 TO THE MEETING IN JUNE OF 1984, THE JUNE 24, THE MEETING IN
16 1984, AND I BELIEVE EVEN AFTER JIM GRAHAM HAD BEEN ARRESTED
17 FOR THE FIRST TIME.

18 Q BY MR. WAPNER: WHICH WOULD HAVE BEEN ON
19 SEPTEMBER THE 19TH?

20 A THAT SOUNDS CORRECT, YES.

21 Q AND IT WOULD ALSO BE AFTER THE POINT IN TIME
22 WHEN THIS STATEMENT WAS MADE TO YOU ABOUT THE COAT THAT WAS
23 LEFT AT YOUR HOUSE?

24 A I BELIEVE THAT IS CORRECT ALSO.

25 Q AND THIS WAS A STATEMENT REGARDING -- THAT WAS
26 MADE TO YOU AT YOUR APARTMENT?

27 A IT WAS EITHER MADE TO ME AT MY APARTMENT OR WAS
28 MADE ON THE STREET, SWALL DRIVE AS WE WERE WALKING TO THE

1 CORNER AND BACK.

2 Q AND BESIDES YOU AND THE DEFENDANT, WHO ELSE WAS
3 THERE AT THE TIME?

4 A I BELIEVE THERE WERE A COUPLE OF MEMBERS OF THE
5 BBC. I BELIEVE ONE OF THEM WAS DEAN KARNY AND MR. JOHN ALLEN,
6 I BELIEVE WAS ALSO PRESENT.

7 Q AT THIS TIME, WITHOUT MAKING ANY REFERENCE TO
8 MR. RAYMOND OR ANYTHING LIKE THAT, SPECIFICALLY WHAT DID
9 MR. HUNT SAY ABOUT THE REMOTE CONTROL DEVICE AND ANYTHING
10 ELSE?

11 A HE SAID THAT THERE WAS A SHEET AND REMOTE
12 CONTROL DEVICE MISSING FROM MR. LEVIN'S APARTMENT AND ONLY
13 HE AND THE POLICE -- HE AND THE POLICE WERE THE ONLY TWO
14 PEOPLE KNEW THAT THESE ITEMS WERE MISSING.

15 Q AT SOME TIME -- AND THIS MAY BE A LITTLE BIT OUT
16 OF CHRONOLOGICAL SEQUENCE -- BUT DID YOU GO WITH JOE HUNT
17 TO AN APARTMENT THAT TOM AND DAVE MAY RENTED IN BRENTWOOD?

18 A YES, I DID.

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1 Q WHEN DID YOU DO THAT?

2 A IT WOULD HAVE BEEN BEFORE -- I BELIEVE BEFORE
3 THIS TIME AND IT WAS WHILE TOM AND DAVE MAY WERE OUT OF TOWN.

4 Q AND HOW DID YOU GET INTO THE APARTMENT?

5 A WE GOT INTO THE APARTMENT BY USING A KEY THAT
6 TOM MAY HAD GIVEN JOSEPH HUNT.

7 Q WHEN YOU WENT INTO THE APARTMENT, DID YOU LISTEN
8 TO THE TELEPHONE ANSWERING MACHINE?

9 A YES. WE LISTENED TO THE INCOMING MESSAGES.

10 Q WAS THERE A MESSAGE ON THERE FROM DETECTIVE
11 ZOELLER?

12 A THERE WAS A MESSAGE ON THERE FROM AN INDIVIDUAL.
13 I DON'T RECALL IF HE LEFT HIS NAME. HE DID LEAVE HIS PHONE
14 NUMBER.

15 MR. BARENS: YOUR HONOR. WE NEED TO APPROACH THE BENCH
16 ON THE TESTIMONY.

17 THE COURT: ALL RIGHT.

18 MR. BARENS: THANK YOU.

19 (THE FOLLOWING PROCEEDINGS WERE HELD AT
20 THE BENCH:)

21 MR. BARENS: YOUR HONOR, WE JUST LOOKED AT OUR REPORT
22 AND --

23 THE COURT: INCIDENTALLY, SINCE HE MENTIONED THE IDEA
24 OF -- YOU KNOW THAT THERE HAS BEEN A DECISION OF THE SUPREME
25 COURT, DON'T YOU?

26 MR. BARENS: I AM QUITE WELL AWARE.

27 THE COURT: I READ THE BRIEF OF THE DISTRICT ATTORNEY
28 IN CONNECTION WITH IT AND THE DELIBERATE OMISSION FROM THE

1 RECORD OF CRITICAL PORTIONS OF TESTIMONY THAT WE HAD.

2 MR. BARENS: MAY I RESPOND?

3 THE COURT: I WILL GIVE YOU TIME. I JUST WANT TO BRING
4 OUT THAT IT IS GOING TO BE COMING UP AT SOME OTHER TIME.
5 I WANT TO WARN YOU ABOUT IT.

6 MR. BARENS: WELL, ARE YOU WARNING ME OR WARNING MR.,
7 CHIER OR WARNING BOTH OF US?

8 THE COURT: WELL, IF HE IS THE AUTHOR, THEN IT IS HE.

9 IF YOU ARE NOT THE AUTHOR, YOU WON'T BE INVOLVED.
10 THERE WAS THE SUPPRESSION OF FACTS AND --

11 MR. BARENS: YOUR HONOR, I WOULD LIKE TO RESPOND FOR
12 THE RECORD THAT THERE OBVIOUSLY, MAY BE A DIFFERENCE OF
13 CONTENTIONS BASED ON WHAT THE D.A.'S LETTER SAID AND WHAT
14 MR. CHIER MAY HAVE SAID.

15 THE COURT: I SAW THE RECORD MYSELF. ALL RIGHT. LET'S
16 GET ON TO THIS.

17 MR. BARENS: WELL, I AM NOT COMPETENT TO TESTIFY ON
18 THAT MATTER.

19 THE COURT: ALL RIGHT.

20 MR. BARENS: YOUR HONOR, I JUST TOOK A LOOK AT OUR
21 REPORT FROM MR. ZOELLER, DETECTIVE ZOELLER WHO WAS INTERVIEWING
22 THE WITNESS MR. DICKER. WE CAN'T SEEM TO FIND THE REFERENCE
23 ABOUT THE CLICKER -- THE CLICKER, TV CHANGER -- SORRY, YOUR
24 HONOR AND THE --

25 THE COURT: SHEET?

26 MR. BARENS: THE SHEET. WE ALSO CAN'T SEEM TO FIND
27 THE REFERENCE.

28 MR. WAPNER: MAY I HAVE A MOMENT?

1 (PAUSE.)

2 MR. WAPNER: OKAY.

3 MR. BARENS: I COULDN'T FIND IN MY COPY OF ZOELLER'S
4 REPORT WHAT COUNSEL REFERRED TO EARLIER ABOUT THIS BUSINESS
5 ABOUT THE CHANGER AND THE SHEET.

6 MR. WAPNER: YOUR HONOR, IF I MIGHT, I AM REFERRING
7 TO A REPORT THAT I HAVE, DATED DECEMBER 7, 1984.

8 ON PAGE 6 OF 7 IN THE FIRST FULL PARAGRAPH IN
9 THE END OF THE FIRST FULL PARAGRAPH, I AM QUOTING FROM THE
10 REPORT.

11 IT SAYS:

12 "ANOTHER TIME WHEN EVAN AND JOE WERE
13 TALKING, JOE HUNT MADE MENTION OF A SHEET THAT
14 WAS MISSING FROM LEVIN'S APARTMENT PLUS A TV
15 CHANNEL CHANGER. JOE HUNT STATED THAT NOBODY BUT
16 THE POLICE AND HIMSELF KNEW THAT THESE ITEMS WERE
17 MISSING."

18 MR. BARENS: YOUR HONOR, AS I STAND HERE, I DON'T
19 UNDERSTAND WHAT THEY ARE TALKING ABOUT, AT ANOTHER TIME AND --

20 THE COURT: YOU SAID THAT THERE WAS NOT ANYTHING IN
21 THE POLICE REPORT ABOUT THIS PARTICULAR SUBJECT. HE JUST
22 READ IT TO YOU. HE HAS JUST READ IT TO YOU.

23 MR. BARENS: I DID NOT SEE THAT. I AM BEING CORRECTED.

24 THE COURT: WELL, YOU CALLED US UP FOR THAT REASON?
25 WHAT ELSE DO YOU WANT?

26 MR. BARENS: THE OTHER PROBLEM IS THAT AT ANOTHER TIME --
27 WELL, HUNT WAS ARRESTED TWICE IN THIS SCENARIO.

28 THE WITNESS HAS NOT BEEN ABLE TO PIN IT DOWN

1 OTHER THAN SAYING AT SOME TIME AFTER THE EVENT.

2 I REPRESENT TO YOUR HONOR THAT HUNT IS ARRESTED
3 ON OCTOBER 2ND, WHEN HE IS TOLD THE ACCUSATION AND --

4 THE COURT: WELL, YOU WILL HAVE AN OPPORTUNITY TO CROSS-
5 EXAMINE.

6 THEN IF YOU WANT TO, YOU CAN BRING OUT ANY
7 DISCREPANCIES. YOU HAVE THE RIGHT TO DO SO. LET HIM GO AHEAD
8 WITH THE PRESENTATION OF HIS TESTIMONY.

9 MR. BARENS: ALL RIGHT, WITH THE CAVEAT THAT YOU GAVE
10 LAST TIME.

11 THE COURT: ABSOLUTELY.

12 (THE FOLLOWING PROCEEDINGS TOOK PLACE
13 IN OPEN COURT IN THE HEARING AND PRESENCE
14 OF THE JURY:)

15 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE'LL
16 TAKE A RECESS NOW UNTIL 10 MINUTES AFTER 3:00. THAT IS
17 TEN MINUTES AFTER 3:00. THE SAME ADMONITION THAT I GAVE YOU
18 PREVIOUSLY STILL APPLIES.

19 (RECESS.)
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1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 OUTSIDE THE PRESENCE OF THE JURY:)

3 THE COURT: AREN'T WE ON THE RECORD?

4 MR. BARENS: NO, YOUR HONOR.

5 DURING THE BREAK WE WERE ABLE TO LOCATE A PAGE
6 OF THE POLICE REPORT MAKING REFERENCE TO WHAT THE WITNESS
7 WISHED TO DISCUSS AND NOW I AM SATISFIED.

8 ACTUALLY, I WANT TO CONFIRM TO THE COURT THAT
9 WE HAD A FILING ERROR WHEN MR. WAPNER MADE KNOWN TO US THAT
10 THERE WAS A SEVENTH PAGE TO THE DOCUMENT ON WHICH THIS
11 APPEARED, WHICH WE HAPPENED TO OBSERVE UP AT THE SIDE BAR,
12 IN LOOKING THROUGH OUR OWN INDEXING SYSTEM, WE WERE ABLE TO
13 FIND IT IN ANOTHER PLACE AND SO WE ARE NOW SATISFIED THAT
14 A DISCLOSURE WAS MADE ON THE SUBJECT MATTER.

15 THE COURT: ALL RIGHT. YOU DON'T THINK ANY APOLOGIES
16 ARE IN ORDER?

17 MR. BARENS: THAT IS WHY I AM BRINGING IT UP. I HAD
18 APOLOGIZED TO MR. WAPNER PREVIOUSLY AND I AM APOLOGIZING AGAIN.

19 THE COURT: ALL RIGHT.

20 MR. WAPNER: IN ADDITION, FOR THE RECORD, I PROVIDED
21 THEM WITH A COPY OF ALL OF THE NOTES I MADE, I HAVE FURNISHED
22 TO THEM A COPY OF ALL THE NOTES OF THE INTERVIEW I HAD WITH
23 MR. DICKER YESTERDAY.

24 THE COURT: ALL RIGHT.

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1 (THE JURY ENTERED THE COURTROOM AND THE
2 FOLLOWING PROCEEDINGS WERE HELD:)

3 MR. BARENS: MAY WE APPROACH, YOUR HONOR?

4 THE COURT: YES.

5 (THE FOLLOWING PROCEEDINGS WERE HELD
6 AT THE BENCH:)

7 MR. BARENS: YOUR HONOR, I APPROACH WITH A QUESTION
8 AT THIS POINT. YOUR HONOR INDICATED SOME CONCERN THAT THE
9 SUPREME COURT -- ABOUT THE SUPREME COURT BUSINESS A LITTLE
10 BIT BEFORE THE BREAK. AND YOU INDICATED THERE COULD BE A
11 PROCEEDINGS AGAINST MYSELF LATER AS A RESULT OF THAT.

12 THE COURT: NOT YOU, IF YOU ARE NOT THE ONE THAT WROTE
13 THAT.

14 MR. BARENS: WELL, I WAS NOT. BUT I JUST DIDN'T WANT
15 THAT HANGING OVER MY HEAD EVERY DAY.

16 THE COURT: THERE WON'T BE ANYTHING HANGING OVER YOUR
17 HEAD IF YOU HAD NOTHING TO DO WITH IT.

18 MR. BARENS: WELL, PERHAPS MR. CHIER WILL ADDRESS YOU
19 AND --

20 THE COURT: I DON'T LIKE THE IDEA OF BRIEFS BEING
21 SUBMITTED TO ANY KIND OF A COURT OF APPEAL, PARTICULARLY AND
22 DELIBERATELY OMITTING CRITICAL MATERIAL IN ORDER TO GET A
23 DESIRED RESULT FROM THAT COURT.

24 MR. BARENS: WITHOUT CONCEDEDING THAT MR. CHIER DID THAT,
25 I WOULD JUST LIKE TO COMMENT THAT OBVIOUSLY, YOUR HONOR SHOULD
26 BE AWARE THAT I DID NOT WRITE IT OR EVEN READ IT.

27 THE COURT: IF YOU TELL ME THAT, I WILL TAKE YOUR WORD
28 FOR IT.

2 2
1 MR. BARENS: HOWEVER, I AM NOT BY THAT STATEMENT, SAYING
2 THAT MR. CHIER DID ANYTHING WRONG. BECAUSE I DON'T BELIEVE
3 THAT --

4 THE COURT: HAVE YOU READ THE BRIEF OF THE DISTRICT
5 ATTORNEY'S OFFICE?

6 MR. WAPNER: NO. I DISCUSSED IT WITH THE PERSON WHO
7 PREPARED IT. BUT I NEVER HAD A CHANCE TO READ IT.

8 THE COURT: WELL, DO YOU KNOW ABOUT THE DELIBERATE
9 OMISSIONS OF CRITICAL MATERIALS IN THAT?

10 MR. WAPNER: WELL, I ONLY WAS AWARE THAT I PRESENTED
11 THEM WITH THE ENTIRE TRANSCRIPT.

12 THE COURT: ALL RIGHT. I WILL GIVE YOU A COPY OF WHAT
13 I HAVE SO THAT YOU WILL BE FAMILIAR WITH IT.

14 (THE FOLLOWING PROCEEDINGS WERE HELD
15 IN OPEN COURT:)

16 Q BY MR. WAPNER: MR. DICKER, WE JUST HAD A BREAK.
17 NOW WE ARE GOING TO GO BACK TO THE DISCUSSION THAT YOU HAD
18 WITH MR. HUNT, EITHER IN YOUR APARTMENT OR OUTSIDE OF YOUR
19 APARTMENT THAT HAD TO DO WITH THE TV CHANNEL CHANGER. DO
20 YOU REMEMBER THAT?

21 A YES I DO.

22 Q ALL RIGHT. CAN YOU EXPLAIN TO THE COURT AND THE
23 JURY, THE CONTEXT IN WHICH THAT STATEMENT WAS MADE?

24 A MR. HUNT SAID THAT HE WAS GOING TO KILL JEFF
25 RAYMOND'S GIRLFRIEND AND PIN BOTH THE MURDERS ON JEFF RAYMOND.

26 Q BOTH OF WHICH MURDERS?

27 A BOTH THE MURDER OF HIS GIRLFRIEND, RENEE AND THE
28 MURDER OF RON LEVIN.

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1 Q AND IN THAT CONTEXT, HOW DID THE TV CHANNEL
2 CHANGER COME UP?

3 A THEY WERE GOING TO PLANT THE EVIDENCE ON THEM
4 OR SOMEHOW OR ANOTHER, MAKE IT KNOWN THAT JEFF RAYMOND HAD
5 I GUESS, STATED TO SOMEBODY THAT HE HAD THEM.

6 AND THEN IN THAT CONTEXT, BECAUSE THE POLICE WERE
7 THE ONLY OTHER PEOPLE WHO KNEW IT WAS MISSING FROM RON LEVIN'S
8 APARTMENT, THAT THEY WOULD THEN CONCLUDE THAT JEFF RAYMOND
9 HAD IN FACT, KILLED RON LEVIN.

10 Q AND DO YOU KNOW WHETHER MR. HUNT SAID THAT HE
11 STILL HAD THE CHANNEL CHANGER AND THE SHEET?

12 A I DO NOT KNOW.

13 Q WAS THERE ANY DISCUSSION DURING THAT TIME OF
14 PINNING THE MURDER ON JEFF RAYMOND, ABOUT A CAR?

15 A YES. APPARENTLY, IN THE BMW WHICH I GUESS THEY
16 HAD USED TO TRANSPORT MR. LEVIN'S BODY, MR. LEVIN HAD VOMITED.
17 JOE SAID THAT IT WAS COMMON AFTER PEOPLE HAD BEEN KILLED AND
18 IT WAS DISCUSSED HOW JOE WAS GOING TO STATE THAT WHEN JEFF
19 RAYMOND RETURNED THE CAR IN THE MORNING, JOE WAS GOING TO
20 SAY THAT JEFF RAYMOND BORROWED THE BMW AND WHEN HE RETURNED
21 THE CAR, THERE WAS VOMIT. HE WAS GOING TO SAY THAT JEFF TOLD
22 HIM THAT JEFF HAD THROWN UP IN THE BACK IN THE TRUNK.

23 Q AND WHAT EVER HAPPENED TO THAT DISCUSSION OF THIS
24 PARTICULAR PLAN?

25 A LATER IN THE AFTERNOON I HAD A DISCUSSION WITH
26 STEVE LOPEZ, WHO I DON'T RECALL IF HE WAS THERE -- BUT HE
27 HAD HEARD THE SAME PLAN AND WE BOTH THOUGHT THAT IT WAS A
28 VERY BAD IDEA.

1 AND AFTER THAT EVENING, IT WAS NEVER DISCUSSED
2 AGAIN AND NEVER MATERIALIZED.

3 Q NOW, I AM GOING TO SHIFT GEARS AGAIN. YOU WENT
4 WITH MR. HUNT TO THE APARTMENT OF TOM AND DAVE MAY, IS THAT
5 RIGHT?

6 A YES I DID.

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1 Q AND WHAT WAS THE PURPOSE IN GOING THERE?

2 A TO SEE IF ANY CORPORATE PAPERS THAT WERE MISSING
3 FROM THE OFFICE WERE AT THEIR APARTMENT.

4 Q WHERE WERE TOM AND DAVE MAY AND MR. RAYMOND AT
5 THAT TIME, TO YOUR KNOWLEDGE?

6 A THEY HAD GONE TO -- AT THAT PARTICULAR TIME, MY
7 KNOWLEDGE WAS THAT THEY WERE AT ONE OF THE SITE LOCATIONS
8 OF MICROGENESIS, DOING WORK, EITHER PICKING UP OR DROPPING
9 OFF OR SETTING UP A MACHINE OR MACHINES.

10 Q SITE LOCATION WHERE?

11 A I DON'T RECALL.

12 Q WAS IT YOUR IMPRESSION THAT THEY WERE OUT OF TOWN
13 FOR A WHILE?

14 A YES IT WAS.

15 Q WHAT CORPORATE PAPERS WERE YOU LOOKING FOR?

16 A MOSTLY THE MICROGENESIS CORPORATE BOOKS AND THE
17 CORPORATE PAPERS RELATING TO MICROGENESIS.

18 Q SPECIFICALLY WHAT CORPORATE BOOKS?

19 A THIS CORPORATE BOOK IN SPECIFIC, WAS MISSING AT
20 THAT TIME.

21 MR. WAPNER: INDICATING THE MINUTE BOOK THAT IS MARKED
22 PEOPLE'S 185, YOUR HONOR?

23 THE COURT: YES.

24 Q BY MR. WAPNER: AND WHEN DID YOU NOTICE THAT THE
25 BOOK WAS MISSING?

26 A ON A FRIDAY AFTERNOON.

27 Q AND WHEN IN RELATION TO WHEN THE MEETING WAS?

28 FOR EXAMPLE, DID YOU NOTICE THAT THIS WAS MISSING OR -- LET

1 ME PUT IT TO YOU THIS WAY. WHEN IN RELATION TO WHEN YOU WENT
2 INTO THE MAY BROTHERS' APARTMENT, DID YOU NOTICE IT WAS
3 MISSING?

4 A A WEEK TO TEN DAYS BEFORE WE NOTICED OR FIVE TO
5 TEN DAYS BEFORE.

6 Q AND YOU NOTICED THE BOOK MISSING FIVE TO TEN DAYS
7 BEFORE YOU WENT INTO THE APARTMENT?

8 A YES, THAT'S CORRECT.

9 Q WHEN YOU WENT INTO THE APARTMENT, DID MR. HUNT
10 LISTEN TO THE MESSAGES ON THE ANSWERING MACHINE?

11 A HE AND I DID, YES.

12 Q AND WAS THERE A MESSAGE FROM DETECTIVE ZOELLER?

13 A I DON'T RECALL IF -- I AM ALMOST CERTAIN IT
14 WAS NOT DETECTIVE ZOELLER. IT MAY HAVE BEEN LES ZOELLER OR
15 THERE MAY HAVE BEEN NO NAME AT ALL OR JUST LES OR MR. ZOELLER.
16 BUT THERE WAS ALSO A PHONE NUMBER THAT ACCOMPANIED THE NAME.

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1 Q DID YOU CALL THAT PHONE NUMBER?

2 A NO, I DID NOT.

3 Q ALL RIGHT. WERE YOU TOLD BY MR. HUNT THAT HE
4 DID ANYTHING WITH REGARDS TO THAT PHONE NUMBER?

5 A I WAS TOLD BY MR. HUNT THAT HE CALLED THAT PHONE
6 NUMBER.

7 Q DID HE TELL YOU WHAT HAPPENED WHEN HE CALLED
8 THAT PHONE NUMBER?

9 A YES. IT WAS THE BEVERLY HILLS POLICE HOMICIDE
10 DETECTIVES.

11 Q DID HE SAY ANYTHING WHEN HE FOUND THAT THAT MESSAGE
12 ON THE MAY BROTHERS MACHINE WAS FROM SOMEBODY IN THE BEVERLY
13 HILLS POLICE DEPARTMENT HONICIDE SECTION?

14 A NOT AT THAT EXACT TIME, NO.

15 Q DID HE SAY SOMETHING AFTER THAT?

16 A YES.

17 Q WHAT DID HE SAY?

18 A AT A MEETING LATER THAT WAS HELD EITHER THAT
19 EVENING OR WITHIN A FEW EVENINGS AT THE WILSHIRE MANNING,
20 THERE WAS A DISCUSSION HELD ABOUT KILLING TOM AND DAVID MAY.

21 MR. WAPNER: MAY I HAVE JUST A MOMENT, YOUR HONOR?

22 THE COURT: UH-HUH.

23 (PAUSE IN PROCEEDINGS.)

24 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

25 Q BY MR. WAPNER: I AM GOING TO MOVE ON TO SOME
26 OTHER AREA FOR THE MOMENT.

27 AT SOME POINT, WERE YOU PRESENT AT JOE HUNT'S
28 APARTMENT AT THE WILSHIRE MANNING ON OCTOBER 2ND WHEN THERE

1 WAS A SEARCH DONE BY THE BEVERLY HILLS POLICE DEPARTMENT?

2 A YES, I WAS.

3 Q WAS DETECTIVE ZOELLER THERE DURING THE SEARCH?

4 A YES, HE WAS.

5 Q DID YOU AT THAT TIME TELL HIM EVERYTHING YOU
6 HAVE TOLD US HERE TODAY?

7 A NO, I DID NOT.

8 Q WHY?

9 A I WAS AFRAID.

10 Q OF WHAT?

11 A BEING ARRESTED.

12 Q FOR WHAT?

13 A I REALLY WASN'T SURE. I --

14 Q AND WHAT DID YOU -- DID HE ASK YOU AT THAT TIME
15 WHAT YOU KNEW ABOUT -- WELL, STRIKE THAT.

16 DID YOU KNOW WHY THE BEVERLY HILLS POLICE
17 DEPARTMENT WAS THERE DOING THE SEARCH OF THE APARTMENT?

18 A I ASSUMED IT WAS IN CONNECTION WITH THE MURDER
19 OF RON LEVIN.

20 Q AND AT THAT TIME --

21 MR. BARENS: YOUR HONOR, COULD WE GET "ALLEGED" ON
22 THAT?

23 THE COURT: WHEN WAS THIS?

24 MR. BARENS: OCTOBER 2ND.

25 THE COURT: OCTOBER 2ND OF WHAT YEAR?

26 MR. BARENS: '84.

27 THE COURT: YES.

28 Q BY MR. WAPNER: MR. DICKER, WAS THAT OCTOBER

1 2ND OF 1984?

2 A YES, IT WAS.

3 MR. BARENS: JUDGE, YOUR HONOR, DO WE HAVE AN
4 INSTRUCTION, A COMMENT ABOUT ALLEGED?

5 THE COURT: I DON'T KNOW. WAS THERE SOME REASON FOR
6 ME TO COMMENT ON THAT?

7 MR. BARENS: YOUR HONOR MIGHT CORRECT THE RECORD FOR
8 US.

9 THE COURT: I DON'T KNOW WHAT YOU WANT ME TO CORRECT.

10 MR. BARENS: JUST TO SAY --

11 THE COURT: I SEE WHAT YOU MEAN, YES.

12 WHEN YOU REFER, YOU SAY ALLEGEDLY TO THE MURDER
13 OF RON LEVIN. WE WILL SAY THE ALLEGED MURDER.

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1 MR. BARENS: OTHERWISE, WE DON'T KNOW.

2 THE COURT: BECAUSE THAT IS A QUESTION FOR THE JURY
3 TO DECIDE.

4 MR. BARENS: QUITE SO. OTHERWISE, I DON'T KNOW WHY
5 I AM HERE.

6 THANK YOU, YOUR HONOR.

7 Q BY MR. WAPNER: DURING THE SEARCH OF THE APARTMENT,
8 DID DETECTIVE ZOELLER ASK YOU WHAT INFORMATION YOU HAD ABOUT
9 THE DISAPPEARANCE OF RON LEVIN?

10 MR. BARENS: OBJECTION AS HEARSAY, YOUR HONOR.

11 THE COURT OVERRULED.

12 Q BY MR. WAPNER: DID HE ASK YOU ABOUT THAT?

13 A YES, HE DID.

14 Q WHAT DID YOU TELL HIM?

15 A I TOLD HIM I BELIEVE RON LEVIN WAS MISSING.

16 Q AND WHAT ELSE DID HE ASK YOU AND WHAT ELSE DID
17 YOU TELL HIM AT THAT TIME?

18 A HE ASKED ME IF JOE HAD EVER TOLD ME THAT HE HAD
19 MURDERED RON LEVIN AND I SAID NO.

20 Q WHY DID YOU SAY THAT?

21 A AGAIN, BECAUSE I WAS SCARED.

22 Q AND AT THAT TIME, DID YOU TELL HIM ANYTHING ABOUT
23 THE JUNE 24TH MEETING?

24 A I THINK I PROBABLY TOLD HIM IT DIDN'T -- IT NEVER
25 OCCURRED, OR I WAS NEVER -- OR I NEVER ATTENDED A MEETING
26 WHERE JOSEPH HUNT TOLD ME THAT HE MURDERED RON LEVIN.

27 Q AND DID YOU SUBSEQUENTLY GO AND CONTACT DETECTIVE
28 ZOELLER?

1 A DETECTIVE ZOELLER WAS CONTACTED ON MY BEHALF,
2 YES.

3 Q WHO DID YOU CONTACT FIRST?

4 A I INITIALLY CONTACTED MY BROTHER AND SUBSEQUENTLY,
5 MY BROTHER RECOMMENDED A CRIMINAL ATTORNEY TO ME, WHO I THEN
6 CONTACTED AND MY ATTORNEY, I BELIEVE, CONTACTED DETECTIVE
7 ZOELLER.

8 THE COURT: DICKER & DICKER, ARE THEY YOUR FATHER AND
9 UNCLE?

10 THE WITNESS: IT WAS MY FATHER AND GRANDFATHER.

11 THE COURT: YOUR FATHER AND UNCLE ARE THE LAW FIRM?

12 THE WITNESS: IT WAS MY FATHER AND GRANDFATHER, YES.

13 Q BY MR. WAPNER: IT WAS A LAWYER NOT RELATED TO
14 THAT FIRM THAT YOU EVENTUALLY CONTACTED?

15 A CORRECT.

16 Q AFTER THAT, ON DECEMBER 7, DID YOU TALK TO
17 DETECTIVE ZOELLER?

18 A I DID TALK, YES.

19 Q WAS YOUR LAWYER THERE WHEN YOU TALKED TO HIM?

20 A YES, MY LAWYER WAS PRESENT.

21 MR. BARENS: WHAT DATE ARE WE TALKING ABOUT?

22 THE COURT: DECEMBER 7TH, I THINK.

23 Q BY MR. WAPNER: THAT WAS DECEMBER 7TH OF 1984?

24 A CORRECT.

25 MR. BARENS: THANK YOU, YOUR HONOR.

26 THE WITNESS: I DON'T RECALL IF IT WAS THAT EXACT DATE,
27 BUT IT WAS IN THE BEGINNING OF DECEMBER OF 1984.

28 Q BY MR. WAPNER: DOES THAT DOCUMENT APPEAR TO

1 BE A POLICE REPORT PREPARED BY DETECTIVE ZOELLER OF THE
2 CONVERSATION YOU HAD WITH HIM?

3 A LOOKING OVER IT QUICKLY, YES, IT DOES APPEAR
4 TO BE.

5 Q WOULD YOU JUST LOOK AT THAT AND TELL ME IF IT
6 REFRESHES YOUR MEMORY ABOUT THE DATE THAT YOU TALKED TO HIM?

7 A IT STATES I DID SEE HIM ON DECEMBER 7TH, 1984,
8 WHICH SEEMS A REASONABLE DATE TO ME.

9 Q AND AT THAT TIME, DID YOU TELL HIM WHAT HAPPENED
10 AT THE JUNE 24TH MEETING AND OTHER EVENTS THAT YOU HAVE TOLD
11 US ABOUT HERE TODAY?

12 A YES, I DID.

13 Q WHY DID YOU TELL HIM ABOUT THAT WHEN YOU WOULDN'T
14 TELL HIM ABOUT IT APPROXIMATELY TWO MONTHS BEFORE?

15 A I -- WELL, TWO MONTHS BEFORE IN JOE'S APARTMENT,
16 WHILE THE OFFICERS WERE SEARCHING IT, I WAS VERY SCARED ABOUT
17 BEING ARRESTED AND JUST IN GENERAL AND AT THE SUBSEQUENT
18 MEETING, MY ATTORNEY HAD CONTACTED DETECTIVE ZOELLER AND PRIOR
19 TO MY DISCUSSING THIS, IT HAD BEEN STATED BY DETECTIVE
20 ZOELLER THAT THEY WERE NOT INTERESTED IN PROSECUTING ME.
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1 Q AND HAD YOU BEEN PROMISED -- WERE YOU PROMISED
2 ANY IMMUNITY?

3 A NO I WAS NOT.

4 Q AND HAVE YOU BEEN TO THIS DAY, PROMISED ANY
5 IMMUNITY?

6 A NO I HAVE NOT.

7 Q AT THE TIME THAT THIS WAS GOING ON, WERE YOU IN
8 LAW SCHOOL?

9 A YES. I STARTED LAW SCHOOL IN SEPTEMBER OF 1983.

10 Q AND HAVE YOU TAKEN CRIMINAL LAW -- OR HAD YOU
11 AT THE TIME THAT ALL THIS WAS GOING ON?

12 A I THINK I TOOK CRIMINAL LAW -- IT WAS EITHER IN --
13 I GUESS IT WAS MY SECOND SEMESTER CLASS. I GUESS THAT WAS
14 IN DECEMBER AND JANUARY OF 1984.

15 Q DECEMBER OF 1983 AND JANUARY OF 1984?

16 A EXCUSE ME?

17 Q DECEMBER OF '83 AND JANUARY OF '84?

18 A YES. I WOULD HAVE STARTED IN JANUARY OF '84.

19 Q AND IN TERMS OF BEING ARRESTED, WERE YOU AFRAID
20 OF BEING ARRESTED FOR SOMETHING HAVING TO DO WITH A MURDER?

21 A IT WAS ONE OF MY CONCERNS, YES.

22 MR. BARENS: YOUR HONOR, WE ARE INTO THE MURDER. WE
23 OUGHT TO PROBABLY INDICATE THAT THIS IS HIS STATE OF MIND --

24 THE COURT: WELL, REMEMBER WHEN WE TALK ABOUT THE
25 MURDER OF LEVIN, WE ARE REFERRING TO IT AS THE ALLEGED MURDER.

26 BECAUSE YOU ARE TO DETERMINE WHETHER THERE HAS
27 BEEN A MURDER.

28 MR. WAPNER: THANK YOU.

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1 Q AND SPECIFICALLY, WHAT WAS IT THAT YOU WERE --
2 IF YOU CAN RECALL, WHAT WAS YOUR CONCERN?

3 A I WAS CONCERNED WITH SOME POSSIBLE EXPOSURE AS
4 BEING AN ACCESSORY AFTER THE FACT.

5 Q WHAT DID THAT HAVE TO DO WITH IT?

6 A I GUESS THAT I DIDN'T KNOW IF I WAS UNDER AN
7 AFFIRMATIVE DUTY, AFTER BEING TOLD THAT SOMEBODY HAD
8 COMMITTED A CRIME, TO INFORM THE POLICE.

9 Q DID YOU GET PAID AS A MEMBER OF THE BBC?

10 A YES I DID.

11 Q HOW MUCH WERE YOU PAID?

12 A APPROXIMATELY SIX TO NINE HUNDRED DOLLARS A MONTH.

13 Q AND DID THAT VARY DURING THE TIME YOU WERE THERE?

14 A YES IT DID.

15 Q ALL RIGHT. HOW WERE YOU PAID?

16 A I WAS PAID SOMETIMES IN CASH AND SOMETIMES BY
17 CHECK.

18 Q WHEN YOU WERE PAID BY CHECK, WERE YOU ALWAYS PAID
19 BY CHECKS ON THE SAME COMPANY?

20 A NO I WAS NOT.

21 Q ALL RIGHT. WHAT DIFFERENT COMPANIES, IF YOU CAN
22 RECALL, DID YOU GET CHECKS FROM?

23 A IT WAS GENERALLY ON BBC CONSOLIDATED, INC. OF
24 NORTH AMERICA.

25 BUT SOMETIMES I BELIEVE I WAS PAID UNDER A
26 WESTCARS CHECK OR MICROGENESIS CHECK.

27 Q DO YOU KNOW WHO YOU WERE EMPLOYED BY TECHNICALLY
28 OR WAS THERE SUCH A THING?

3
1 A I WOULD HAVE LISTED MY EMPLOYER AS BBC
2 CONSOLIDATED, INC. OF NORTH AMERICA.

3 Q DID YOU EVER INVEST ANY MONEY --

4 A YES I DID.

5 Q HOW MUCH DID YOU INVEST?

6 A A TOTAL OF \$5500.

7 Q WHEN WAS IT? WAS THAT IN TWO DIFFERENT
8 INSTALLMENTS?

9 A YES IT WAS. THE FIRST ONE WAS --

10 Q THE FIRST ONE WAS FOR HOW MUCH?

11 A THE FIRST ONE WAS FOR \$500.

12 Q WHEN WAS THAT DONE?

13 A DECEMBER OF 1983 OR JANUARY OF -- EXCUSE ME.
14 IT WOULD HAVE BEEN JANUARY OF 1983.

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1 Q AND WHAT WAS THE PURPOSE OF THAT INVESTMENT?

2 A IT WAS PUT INTO THE POOL OF MONEY WE WERE GOING
3 TO INVEST IN THE COMMODITIES MARKET.

4 Q AND DID YOU GIVE JOE HUNT SOME OTHER MONEY LATER
5 ON?

6 A YES I DID.

7 Q WHEN WAS THAT?

8 A THAT WOULD HAVE BEEN IN JULY OR POSSIBLY THE
9 BEGINNING OF AUGUST OF 1984.

10 Q WHAT WAS THE PURPOSE OF GIVING HIM THAT MONEY?

11 A THAT MONEY WAS TO BE USED TO PAY OFF ONE OF THE
12 INVESTORS WHO WISHED TO TAKE HER MONEY OUT.

13 Q DO YOU KNOW WHO THAT WAS?

14 A I DON'T RECALL AT THIS TIME, NO.

15 Q DO YOU KNOW WHY JOE HUNT HAD TO GET \$5,000 FROM
16 YOU TO PAY OFF THAT INVESTOR AT THE END OF JULY OR AT THE
17 BEGINNING OF AUGUST, 1984?

18 A BECAUSE I DON'T BELIEVE WE WERE LIQUID ENOUGH
19 TO HAVE THE MONEY TO PAY HER AT THAT PARTICULAR TIME.

20 Q \$5,000?

21 A CORRECT.

22 Q DURING THE TIME THAT YOU WORKED FOR THE BBC, DID
23 YOU OWN ANY GUNS?

24 A YES I DID.

25 Q WHAT KINDS OF GUNS DID YOU OWN?

26 A I OWN A SMITH AND WESSON .38 CALIBER PISTOL.

27 Q AND DID YOU HAVE OR SEND AWAY FOR ANY CATALOGS
28 ON HISTORICAL GUNS OR ANYTHING LIKE THAT?

1 A ON ONE OCCASION, YES.

2 Q AND AFTER SENDING AWAY FOR THAT, DID IT APPEAR
3 THAT YOU GOT ON THE MAILING LIST FOR ALL KINDS OF STRANGE
4 AND EXOTIC MAGAZINES AND PUBLICATIONS?

5 A YES I DID.

6 Q ALL RIGHT. DID YOU GET ANY PUBLICATIONS THAT
7 HAD IN THE BACK OF THOSE -- MAY I HAVE A MOMENT?

8 (PAUSE.)

9 MR. WAPNER: ALL RIGHT. MAY WE DEFER THIS, YOUR HONOR?

10 THE COURT: YES.

11 Q BY MR. WAPNER: THE KEEPING OF MINUTES OF THE
12 CORPORATION MICROGENESIS, YOU DID THAT BY YOURSELF, IS THAT
13 RIGHT?

14 A I WAS IN CHARGE OF IT, YES.

15 Q ALL RIGHT. AND WERE YOU SOMEHOW A BOARD MEMBER
16 OR -- OF THE ORIGINAL CORPORATION OR THE INCORPORATOR OF THE
17 ORIGINAL CORPORATION, MICROGENESIS?

18 A I WAS THE INCORPORATOR OF MICROGENESIS.

19 Q DID YOU AS THE INCORPORATOR, GET TO CHOOSE THE
20 PEOPLE ON THE BOARD?

21 A I DID GET TO CHOOSE. THAT IS, THE INITIAL
22 DIRECTORS AND OFFICERS, YES.

23 Q AND DID YOU DO THAT BY YOURSELF OR AT SOMEONE'S
24 DIRECTION?

25 A I DID THAT AT JOSEPH HUNT'S DIRECTION.

26 Q AND WHEN WAS THAT ORIGINALLY DONE?

27 A MAY I USE THE CORPORATE RECORDS TO REFRESH MY
28 RECOLLECTION?

1 Q SURE, YES.

2 A THANK YOU.

3 (PAUSE.)

4 THE WITNESS: THE CORPORATE RECORDS REFLECT THAT ON
5 DECEMBER 3RD, 1983, I APPOINTED THE DIRECTORS. I ELECTED
6 THE OFFICERS AND DIRECTORS AS THE SOLE INCORPORATOR.

7 Q BY MR. WAPNER: WHO WERE THEY AT THAT TIME?

8 A DAVID MAY WAS CHIEF EXECUTIVE OFFICER. I WAS
9 SECRETARY. AND JOHN ALLEN WAS CHIEF FINANCIAL OFFICER.
10 AND THE DIRECTORS WERE JIM GRAHAM, DEAN KARNY AND JOHN ALLEN.

11 Q AND AT SOME POINT, DID THE DIRECTORS ALL RESIGN?

12 A YES. THE MINUTES REFLECT -- EXCUSE ME.

13 WITHIN THE CORPORATE MINUTES THERE ARE HAND
14 DELIVERED RESIGNATION LETTERS FROM JIM GRAHAM, JOHN ALLEN
15 AND DAVID MAY.

16 Q WHEN WAS THAT?

17 A THE LETTERS ARE DATED THE 14TH OF MAY, 1984.

18 Q ALL ON THE SAME DAY?

19 A CORRECT.

20 Q AND IS THAT JUST A COINCIDENCE THAT THEY ALL
21 HAPPENED TO RESIGN ON THE SAME DAY OR DO YOU KNOW HOW THAT
22 HAPPENED?

23 A I PREPARED THE RESIGNATION LETTERS FOR THEIR
24 SIGNATURES.

25 Q AT WHOSE DIRECTION?

26 A AT JOSEPH HUNT'S.

27

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1 Q AND AFTER YOU PREPARED THOSE, WERE THERE SOME
2 NEW OFFICERS THAT WERE APPOINTED OR ELECTED?

3 A ON THE FOLLOWING DAY A MEETING WAS PURPORTEDLY
4 HELD THAT ELECTED NEW OFFICERS AND DIRECTORS.

5 Q IS THIS ANOTHER MEETING THAT IS REFLECTED IN
6 THE MINUTES BUT DIDN'T ACTUALLY OCCUR?

7 A YES, IT IS.

8 Q WHEN IS THAT MEETING SUPPOSED TO HAVE HAPPENED?

9 A ON MAY 15TH, 1984.

10 Q AND WHO DID THE MINUTES PURPORT TO REFLECT WERE
11 THE OFFICERS OF THE CORPORATION AT THAT TIME?

12 A JOSEPH HUNT WAS THE CHIEF EXECUTIVE OFFICER.
13 JEFF RAYMOND WAS CHIEF FINANCIAL OFFICER. DAVID MAY WAS VICE
14 PRESIDENT.

15 I HAD NOT YET RESIGNED AS SECRETARY SO I CONTINUED
16 ON AS SECRETARY.

17 DEAN KARNY HAD NOT YET RESIGNED AS A DIRECTOR
18 SO HE REMAINED ON AS A DIRECTOR.

19 AND ADDITIONAL DIRECTORS WERE ELECTED OF JOSEPH
20 HUNT, DAVID MAY, TOM MAY, GENE BROWNING, JEFF RAYMOND AND
21 BEN DOSTI.

22 Q DURING THE TIME THAT YOU WERE INVOLVED IN THE
23 BBC, WHAT WAS YOUR RELATIONSHIP WITH THE DEFENDANT IN THIS
24 CASE?

25 A I -- WE WERE FRIENDS BUT I THINK I CONSIDERED
26 MYSELF TO BE EMPLOYED BY HIM.

27 Q AND IN TERMS OF THE IMPORTANCE OR LACK THERE-
28 OF THAT HE HAD IN YOUR LIFE, CAN YOU EXPLAIN THAT TO US?

1 A I CONSIDERED HIM VERY IMPORTANT IN MY LIFE.

2 Q HOW SO?

3 A I LOOKED TO HIM A GREAT DEAL FOR APPROVAL IN
4 MY ACTIONS.

5 Q DO YOU THINK THAT HE LOOKED TO YOU FOR APPROVAL?

6 A NO, I DO NOT.

7 Q WHY DO YOU SAY THAT?

8 A WHENEVER WE HAD DISAGREEMENTS OVER THINGS, HE
9 DISMISSED MY OPINION VERY QUICKLY IF IT DIFFERED WITH HIS.

10 Q AND CAN YOU GIVE US ANY EXAMPLES OF THAT?

11 A WELL, WHEN I SOLD -- I SOLD MY AUTOMOBILE AND --
12 MR. BARENS: YOUR HONOR, RELEVANCE.

13 THE COURT: WELL, GO AHEAD.

14 MR. BARENS: IT IS CHARACTER EVIDENCE, YOUR HONOR,
15 UNDER 1100.

16 THE COURT: OBJECTION OVERRULED.

17 MR. BARENS: THANK YOU, YOUR HONOR.

18 THE COURT: IT SHOWS THE RELATIONSHIP BETWEEN THE
19 PARTIES, FOR ONE.

20 Q BY MR. WAPNER: CAN YOU GIVE US AN EXAMPLE OF
21 WHAT YOU SAY WHEREIN HE DID NOT SEEK YOUR APPROVAL OR
22 DISMISSED YOU IF YOU DISAGREED WITH HIM?

23 A WHEN I SOLD MY CAR, THE PERSONS I SOLD IT TO
24 TOOK POSSESSION OF THE CAR AND THEN SOMETIME SIGNIFICANTLY
25 WENT BY WHEN THEY PAID ME THE MONEY AND THERE WAS A GOOD DEAL
26 OF PROBLEMS IN COLLECTING THE MONEY AND WE HAD A DISPUTE
27 WHETHER OR NOT THAT WAS A THEFT, THE VEHICLE BEING A THEFT.
28 I, BELIEVING THAT YOU COULD INTERPRET THE CODE TO BE A THEFT

1 AND HE DISAGREEING WITH ME AND HE JUST DISMISSED MY OPINION
2 OUT OF HAND, THAT I WAS JUST MISREADING THE SECTION AND THERE
3 WAS NO BASIS FOR MY OPINION.

4 Q IN THE TIME THAT YOU WORKED WITH THE BBC AND
5 KNEW MR. HUNT, CAN YOU EVER THINK OF AN INSTANCE WHERE HE
6 SOUGHT YOUR APPROVAL?

7 A POSSIBLY TO MINOR MATTERS OF FORM IN CORPORATE
8 MATTERS.

9 HE NEVER -- HE DIDN'T, YOU KNOW, SAY, HE NEVER
10 WALKED UP TO ME AND SAID, "IS THIS OKAY?"

11 BUT HE WOULD DELEGATE THAT TASK TO ME TO PUT
12 THINGS IN THE PROPER FORM.

13 MR. WAPNER: I HAVE NOTHING FURTHER OTHER THAN THE
14 ITEMS THAT WE DISCUSSED AT THE BENCH THAT ARE GOING TO BE
15 DEFERRED.

16 THE COURT: ALL RIGHT, YOU MAY CROSS-EXAMINE.

17 MR. BARENS: THANK YOU, YOUR HONOR.

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CROSS-EXAMINATION

20 BY MR. BARENS:

21 Q GOOD AFTERNOON, MR. DICKER.

22 MR. DICKER, WHAT I AM GOING TO TRY TO DO IS
23 INITIALLY GO THROUGH TODAY'S TESTIMONY WITH YOU, THEN IF YOU
24 WILL PERMIT ME, I WILL GO BACK THROUGH SOME OTHER MATERIALS
25 WE HAVE PREPARED.

26 BUT I WILL TRY AND GO THROUGH TODAY'S TESTIMONY
27 FIRST, WHICH IS PROBABLY MORE LOGICAL.

28 MR. DICKER, WHEN YOU MET MR. HUNT, YOU WERE 19

1 OR 20?

2 A YES.

3 Q AND HOW OLD WAS HE?

4 A I BELIEVE HE WAS A YEAR OR TWO OLDER THAN MYSELF.

5 Q ABOUT A YEAR OR ONE YEAR OR TWO YEARS OLDER THAN
6 YOU, SO HE WAS 21 OR 22?

7 A YES.

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1 Q OKAY. AND YOU TALKED ABOUT THE SPECIFICS OF
2 PHILOSOPHY, YOU SAID, WHEN YOU FIRST MET?

3 A NO.

4 Q YOU DIDN'T?

5 A NO.

6 I SAID WHEN HE CAME IN NOVEMBER OF 1982, HE
7 DISCUSSED PHILOSOPHY.

8 WHEN WE FIRST MET IT WAS ON THE SKI TRIP.

9 Q YOU DIDN'T TALK ABOUT PHILOSOPHY ON THAT TRIP?

10 A I DON'T RECALL ANY CONVERSATIONS ABOUT PHILOSOPHY
11 DURING THAT TRIP, NO.

12 Q LATER ON WHEN WE GET TO NOVEMBER OF '82, WE TALK
13 ABOUT PHILOSOPHY FOR THE FIRST TIME?

14 A YES.

15 Q THAT IS IN CONJUNCTION WHERE YOU TALK ABOUT THE
16 BBC FOR THE FIRST TIME, TOO, ISN'T IT?

17 A THAT'S CORRECT.

18 Q BY THE WAY, WHAT DID THE BBC STAND FOR?

19 A IT WAS MY UNDERSTANDING THAT BBC WAS -- THERE
20 IS A CLUB CALLED THE BOMBAY BICYCLE CLUB IN CHICAGO WHERE
21 BEN AND JOE USED TO FREQUENT, SO THE BBC WAS JUST THE INITIALS.

22 Q HAVE YOU EVER HEARD THAT IT HAS BEEN REFERRED
23 TO AS THE BILLIONAIRE BOYS CLUB?

24 A YES.

25 Q WHEN DID YOU FIRST HEAR THAT?

26 A I THINK DURING THE WHOLE PERIOD OF TIME WE
27 COINED MANY PHRASES, YOU KNOW, FOR WHAT THE BBC COULD STAND
28 FOR, NONE OF WHICH WERE ACCEPTED AS WHAT THE BBC STOOD FOR.

1 Q SO YOU NEVER HAD A CONSENSUS THAT YOU GUYS WERE
2 RUNNING AROUND CALLING YOURSELF THE BILLIONAIRE BOYS CLUB,
3 WERE YOU?

4 A IN FACT, WE DID NOT.

5 Q THAT IS SOMETHING YOU HAVE REALLY HEARD MORE
6 OF AFTER THIS ALL TURNED INTO A LITIGATION MATTER?

7 A YES, I WOULD SAY THAT IS CORRECT.

8 Q SO THAT IS SOMETHING YOU HAVE SEEN MORE COINED
9 IN NEWSPAPERS THAN YOU HAVE IN REALITY OF WHAT WAS REALLY
10 GOING ON THEN?

11 A CORRECT.

12 Q IT IS TRUE, ISN'T IT, THAT A LOT OF THINGS TODAY
13 LOOK DIFFERENT THAN THEY DID THEN, DON'T THEY?

14 MR. WAPNER: OBJECTION. ARGUMENTATIVE AND VAGUE. CALLS
15 FOR SPECULATION.

16 THE COURT: SUSTAINED.

17 MR. BARENS: WELL, IT IS PRELIMINARY.

18 THE COURT: IT IS CONCLUSIONARY.

19 MR. BARENS: IT IS PRELIMINARY, YOUR HONOR.

20 THE COURT: IT IS STILL CONCLUSIONARY.

21 Q BY MR. BARENS: OKAY, DURING THE NOVEMBER
22 MEETING, SO YOU DISCUSSED PARADOX PHILOSOPHY AND THE BBC;
23 WHY DON'T YOU TELL ME WHAT PARADOX PHILOSOPHY MEANT AT THAT
24 POINT IN TIME, SIR?

25 A IT WAS A PHILOSOPHY THAT WAS BASED UPON YOUR
26 PERCEPTION OF REALITY OR HOW YOU TOOK REALITY AND SORT OF
27 MOLDED IT TO YOUR PERCEPTION.

28 YOU DIDN'T ALLOW YOURSELF TO BE BOUND OR CONSTRAINED

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1 BY RULES AND YOU BROKE -- YOU DID WHAT YOU HAD TO DO UNDER
2 THE CIRCUMSTANCES TO ACHIEVE THE GREATEST RESULT FOR YOURSELF.

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1 Q AND I PRESUME FROM THAT, THAT IS IT IMPLICIT THAT
2 EVERYONE'S SENSE OF REALITY IS THE SAME?

3 A NO IT IS NOT.

4 Q THEREFORE, WE START FROM AN ASSUMPTION THAT ANYONE
5 WHO IS GOING TO BE INVOLVED IN THIS, FIRST HAS A PERCEPTION
6 OF THEIR OWN REALITY?

7 A I THINK EVERYONE HAS A PERCEPTION OF REALITY,
8 YES.

9 Q THEN YOUR RESPONSE TO THAT IS A SOMEWHAT
10 INDIVIDUALIZED BASIS, BASED ON YOUR PERCEPTION OF REALITY?
11 THEN YOU HAVE TO DETERMINE WHAT YOU DO WITH THAT REALITY IN
12 A GIVEN SITUATION?

13 A FOR HOW IT WOULD BEST SUIT YOU, YES.

14 Q NOW, I WANT TO TRY TO UNDERSTAND YOUR PERCEPTION
15 OF THIS. REALITY IS PERCEPTUAL?

16 A YES.

17 Q I MEAN, IN ALL INSTANCES?

18 A REALITY IS HOW YOU SEE IT, YES.

19 Q WHAT DO WE DO IF TWO AND TWO ARE FOUR?

20 A EXCUSE ME?

21 Q WHAT DO WE DO WITH TWO AND TWO ARE FOUR? DOES
22 THAT APPEAR TO BE REALITY WITHIN THE PARADOX PHILOSOPHY OR
23 IS THAT RELATIVE?

24 A I DON'T UNDERSTAND YOUR QUESTION.

25 Q WELL, IF REALITY IS PERCEPTUAL, IS ALL REALITY
26 PERCEPTUAL?

27 A THE ONLY REASON THAT TWO AND TWO ARE FOUR IS THAT
28 PEOPLE SAY THAT TWO AND TWO ARE FOUR.

1 IF YOU ARE GOING TO LIVE IN THIS WORLD AND HAVE
2 OTHER THINGS BASED UPON -- YOU KNOW, HAVE OTHER THINGS WORK,
3 I THINK YOU HAVE TO ACCEPT CERTAIN THINGS ARE REAL WITHIN
4 THE SPHERE OF THE CIRCUMSTANCES. YES.

5 Q QUITE SO. SO THAT WE WILL ACCEPT CERTAIN THINGS
6 AS BEING STIPULATED REALITY, LET'S CALL IT, IN ORDER TO MAKE
7 THINGS WORK FOR A WHILE?

8 A I THINK IF YOU -- WELL, THAT SEEMS ENTIRELY
9 LOGICAL TO ME. I THINK THAT IF YOU WERE A SHADING, YOU COULD
10 VIEW THE TWO PLUS TWO REALITY IN SUCH A WAY, WHERE THE NUMBERS
11 WOULD NOT WORK OUT FOR YOU.

12 Q WELL, YOU WEREN'T A SHADING. WHAT DID YOU DO
13 IN THAT SITUATION?

14 A I GET FOUR.

15 Q YOU GET FOUR?

16 A YES.

17 Q DOES ANYBODY NOT GET FOUR THAT YOU HAVE BEEN TOLD
18 ABOUT?

19 A NO. I HAVE NEVER KNOWN OF ANYONE NOT GETTING
20 FOUR WHEN THEY ADD TWO AND TWO.

21 Q PRECISELY. WHAT WE DO IS, STARTING FROM THIS
22 PHILOSOPHY, DOES IT BECOME A SITUATION WHERE, DEPENDING UPON
23 YOU AS AN INDIVIDUAL OR ANYBODY ELSE AS AN INDIVIDUAL, THAT
24 WHAT IT MEANS IS WHAT THE INDIVIDUAL SAYS IT MEANS?

25 A YES.

26 Q AND WHEN YOU TELL ME THAT YOUR PERCEPTION OF
27 PARADOX PHILOSOPHY IS WHAT YOU TELL ME IT IS, CAN YOU TELL
28 ME WHAT -- WITH THE SAME CERTAINTY, THAT DAVID MAY HAD THE

1 SAME VIEW?

2 A OF COURSE NOT.

3 Q AND YOU CAN'T TELL ME THAT BEN DOSTI HAD THE SAME
4 VIEW?

5 A NO I CANNOT.

6 Q ALL RIGHT. SO ALL YOU CAN TELL ME IS, AS A
7 WITNESS, IS YOUR PARTICULARIZED VIEW OF WHAT THE PARADOX
8 PHILOSOPHY IS ALL ABOUT?

9 A AS IT WAS EXPLAINED TO ME AND PRESENTED TO ME,
10 YES.

11 Q ALL RIGHT. NOW, WHEN YOU ARE TOLD ABOUT THE
12 PARADOX PHILOSOPHY, I GUESS COULD YOU AND I AGREE THAT YOU
13 MIGHT PERCEIVE THAT AS SOME SORT OF SITUATIONAL ETHICS?

14 A I WOULD DIGRESS WITH THE TERM "ETHICS." BUT
15 SITUATIONAL, I WILL AGREE WITH.

16 Q WELL, TALK TO ME. IS IT DEVOID OF ANY ETHIC?

17 A ETHICS AS ESTABLISHED BY ANYBODY ELSE, YES.

18 Q RIGHT. DOES THE INDIVIDUAL NECESSARILY LACK
19 ETHICS?

20 A I THINK THE INDIVIDUAL, THE SOLE ETHIC BEING THAT
21 THE INDIVIDUAL WOULD DO WHAT IS IN HIS BEST INTEREST, IF YOU
22 CAN CALL IT ETHICAL.

23 Q IN OTHER WORDS, SURVIVAL BECOMES AN END IN ITSELF?

24 A SURVIVAL OF THE INDIVIDUAL IS THE SOLE END.

25 Q ALL RIGHT. THEN I PRESUME THAT WOULD EXCLUDE
26 SOME SORT OF A LOYALTY TO A GROUP THAT WOULD SUPERSEDE
27 LOYALTY TO ONE'S SELF?

28 A NOT NECESSARILY. ONE COULD BE LOYAL TO THE GROUP

1 AS LONG AS IT WAS IN ONE'S BEST INTEREST THAT THE GROUP
2 PROSPER.

3 Q BUT YOU COULD ABANDON THE GROUP AT ANY GIVEN TIME
4 WHEN IT NO LONGER SEEMED CONSISTENT WITH YOUR OWN ENDS?

5 A IF YOU DIDN'T, THEN YOU WOULD NOT BE TRUE TO
6 YOURSELF AND NOT TRUE TO THE PARADOX PHILOSOPHY.

7 Q SO THE GROUP IS A GIVEN AND WORTHWHILE SO LONG
8 AS ITS CONTINUED EXISTENCE IS COMPATIBLE WITH YOUR BEST
9 INTEREST AS AN INDIVIDUAL?

10 A YES, THOUGH ON A GIVEN INSTANCE, YOU MAY DEFER
11 YOUR BEST INTEREST TO THE GROUP'S BEST INTEREST IF IN THE
12 LONG RUN, IT WOULD BE IN YOUR BEST INTEREST FOR THE GROUP
13 TO PROSPER.

14 Q QUITE SO. NOW, WE START DEFINING TRUTH IN THESE
15 TERMS, DO WE NOT, THAT WE TELL THE TRUTH WHEN IT IS BEST
16 ADVANTAGED FOR US?

17 A YES. I WOULD SAY SO.

18 Q SO TRUTH ITSELF BECOMES SOMEWHAT SELECTIVELY
19 APPLIED, SIR?

20 A IT DOES.

21 Q WE'LL GET BACK TO THAT. NOW, I SUPPOSE WHEN YOU
22 FIRST START TALKING ABOUT PARADOX PHILOSOPHY, WE START
23 TALKING ABOUT LET'S KILL PEOPLE THAT DISAGREE WITH US? DID
24 ANY OF THAT GO ON?

25 A NO.

26 Q DO WE SAY THAT PARADOX PHILOSOPHY JUSTIFIES A
27 LITTLE MURDER WHEN IT IS CONVENIENT?

28 A I THINK IT IS WITHIN PARADOX PHILOSOPHY THAT IT

1 WOULD, YES.

2 Q THAT WAS YOUR OPINION?

3 A NOT AT THAT TIME, NO.

4 Q IT WAS NEVER SAID TO YOU?

5 A IT WAS NEVER --

6 Q BEFORE NOVEMBER OF '82?

7 A IN NOVEMBER OF '82, IT WAS DEFINITELY NOT SAID
8 TO ME.

9 Q ALL RIGHT. DID YOU GUYS TALK ABOUT THIS A LOT,
10 SO I CAN GET SOME SENSE OF IT? WAS IT KIND OF A RECURRING
11 THING THAT YOU TALKED ABOUT, PARADOX PHILOSOPHY?

12 A IT WAS NOT DISCUSSED CONSTANTLY, ACADEMICALLY.
13 I MEAN, IT WAS DISCUSSED I WOULD SAY ON VERY FEW OCCASIONS
14 IN AN ACADEMIC SENSE. IT WAS DISCUSSED MORE IN SITUATIONS
15 ABOUT WHAT YOU WOULD DO IN ANY SITUATION.

16 Q DID YOU HAVE A PHILOSOPHICAL BACKGROUND UP UNTIL
17 1982 OF -- THAT WAS INCONSISTENT WITH THIS PHILOSOPHY?

18 A I BELIEVE I DID, YES.

19 Q ALL RIGHT. NOW, DURING THAT MEETING -- AND I
20 PRESUME THAT YOU HAD WHAT WE MIGHT AGREE UPON AS SOMETHING
21 CALLED A JUDEO-CHRISTIAN SENSE OF GENERALIZED ETHICS AND
22 MORALITY?

23 A IN THE SENSE OF ETHICS, YES. I WOULD AGREE. AND
24 MORALITY.

25 Q WESTERN CIVILIZATION-TYPE MORALITY STANDARDS?

26 A YES.

27 Q NOW, YOU ARE CONFRONTED WITH THIS PHILOSOPHICAL
28 ABERRATION IN NOVEMBER OF 1982 AND YOU DECIDE THAT YOU WANT

1 TO BE A PART OF THAT?

2 A YES.

3 Q ALL RIGHT. WHY DID YOU WANT TO ABANDON YOUR PRIOR
4 VALUE SYSTEM AND NOW EMBRACE THIS SOMEWHAT MAVERICK OR
5 INCONSISTENT PHILOSOPHY?

6 A AT THAT PARTICULAR TIME, I PROBABLY DIDN'T VIEW
7 IT AS BEING SO INHERENTLY INCONSISTENT WITH THE JUDEO-
8 CHRISTIAN VIEW. AND I THINK THAT I WAS MORE ENTHRALLED
9 IN THE SOCIAL ENDS AND THE BUSINESS ENDS AND THE ACHIEVING
10 OF GREATNESS THAN I WAS LOOKING AT THE REALITY OF WHAT IN
11 FACT, IT WAS THAT I WAS ACCEPTING.

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1 Q BY MR. BARENS: AND WHAT GREATNESS DID YOU
2 ASPIRE TO IN THIS CONJUNCTION, SIR?

3 A FINANCIAL SUCCESS AND SUCCESS IN THE BUSINESS
4 WORLD WAS --

5 Q RIGHT, BECAUSE IS IT NOT A FACT THAT THE PARADOX
6 PHILOSOPHY WAS INTRODUCED TO YOU IN THE CONTEXT OF, OR
7 CERTAINLY IN CONJUNCTION WITH, A BUSINESS PHILOSOPHY THAT
8 HAD APPLICABILITY FOR HOW ONE GETS AHEAD AND SUCCEEDS IN
9 BUSINESS?

10 A IN CONJUNCTION WITH, YES.

11 Q AND CONSISTENT WITH THAT, THE BBC WAS TO BE
12 FORMULATED AND ORGANIZED AND PROCEED ALONG LINES WHEREIN A
13 PHILOSOPHY WOULD HAVE APPLICABILITY IN THE BUSINESS COMMUNITY?

14 A PARADOX PHILOSOPHY, WE ARE DISCUSSING?

15 Q YES.

16 A YES.

17 Q IN OTHER WORDS, IF YOU HAD A DIALECTIC FORM OF
18 COMMUNISM AND YOU APPLIED IT IN AN ECONOMIC SETTING, THAT
19 WOULD MAKE YOU ACT A CERTAIN WAY; IS THAT CORRECT?

20 A I DON'T UNDERSTAND YOUR QUESTION.

21 Q WELL, YOU ARE FAMILIAR THAT THERE ARE CERTAIN
22 ECONOMIC PHILOSOPHIES THAT SET UP CERTAIN STRUCTURES OF
23 DEALINGS IN BUSINESS WITH RESULTANT ECONOMIC SIGNIFICANCE?

24 A I AM FAMILIAR WITH THAT.

25 BUT I AM NOT FAMILIAR WITH THE ECONOMIC PHILOSOPHIES.

26 Q COULD YOU AGREE WITH ME, BASED ON YOUR GENERAL
27 EDUCATION, THAT ECONOMIC PHILOSOPHY THAT ONE SUBSCRIBES TO
28 WOULD DICTATE A FORM OF CONDUCT DURING COMMERCIAL SITUATIONS?

1 A YES, IF ONE -- YES, I WOULD AGREE WITH THAT.

2 Q ALL RIGHT. AND IN THIS INSTANCE, IF YOU ARE
3 APPLYING THIS PARADOX PHILOSOPHY TO A BUSINESS SITUATION,
4 THAT WOULD IMPACT THE WAY YOU WOULD DEAL WITH SOMEONE IN
5 A BUSINESS SETTING OR A COMPETITIVE ECONOMIC SETTING?

6 A YES, IT WOULD.

7 Q ALL RIGHT. WAS THAT A SIGNIFICANT PART OF WHAT
8 THE PHILOSOPHY MEANT TO YOU GOING INTO THIS BUSINESS SETTING?

9 A IN -- YES. I DON'T -- I DON'T KNOW IF YOU ARE
10 ASKING THE WAY I FELT. I DON'T --

11 Q WELL, ALL I CAN ASK YOU IS THE WAY YOU FELT,
12 MR. DICKER, BECAUSE YOU ARE THE ONLY GUY I AM TALKING TO.

13 A I DON'T -- I GUESS I WOULD SAY YES, I GUESS THAT
14 IS TRUE.

15 Q AND THEN THAT WOULD HAVE INFLUENCE ON THE WAY
16 YOU WOULD CONDUCT YOURSELF AS A MEMBER OF THE BBC?

17 A YES, IT DID.

18 Q WOULD YOU HAVE CONDUCTED YOURSELF DIFFERENTLY
19 IN ACHIEVING GREATNESS THROUGH THE BBC BUT FOR THE PARADOX
20 PHILOSOPHY OR WOULD YOU HAVE PRETTY WELL MADE THE SAME
21 DECISIONS AND DONE THE SAME THINGS EVEN WITHOUT THAT PHILOSOPHY?

22 A I DON'T SEE HOW I CAN KNOW.

23 Q YOU CAN'T KNOW?

24 A NO.

25 Q WELL, CAN YOU GIVE ME A SPECIFIC EXAMPLE OF AN
26 ACTIVITY YOU UNDERTOOK PRIOR TO JUNE -- AND I WILL ASK YOU
27 THAT LATER -- PRIOR TO JUNE OF 1984 THAT YOU WOULD ATTRIBUTE
28 SOLELY TO THE FACT THAT YOU WERE ALLEGEDLY A SUBSCRIBER TO

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1 THIS PARADOX PHILOSOPHY?

2 A I THINK THAT THERE WERE CERTAIN OF THE CORPORATE
3 MINUTES THAT WERE PREPARED BEFORE JUNE OF 1984 THAT I -- IN
4 WHICH MEETINGS DID NOT OCCUR, THAT I DON'T THINK I WOULD HAVE
5 PREPARED HAD I NOT BEEN A SUBSCRIBER TO PARADOX PHILOSOPHY.

6 Q IN OTHER WORDS, YOU ARE TELLING ME TODAY THAT
7 YOUR LYING IN THE CREATION OF THE MINUTES WAS ATTRIBUTABLE SOLELY
8 TO YOUR INVOLVEMENT WITH THIS PARADOX PHILOSOPHY?

9 A I CANNOT SAY SOLELY, BUT I BELIEVE THAT THE
10 PARADOX PHILOSOPHY IS WHAT I BASED MY JUSTIFICATION ON
11 CREATING THOSE MINUTES.

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1 Q IN OTHER WORDS, MEANS TO AN END THAT WILL BE --
2 ARE WE BEING A PEOPLE-PLEASER OF SORTS AT THAT TIME IN
3 PREPARING THESE MINUTES IN ORDER TO ACHIEVE SOME SORT OF A
4 RESULT?

5 A YES.

6 Q ALL RIGHT. WHO IS THE PEOPLE WE ARE PLEASING?

7 A JOSEPH HUNT.

8 Q RIGHT, HE IS THE TEMPORAL AND SPIRITUAL LEADER
9 OF THE BBC IN YOUR PERCEPTION?

10 A YES, HE IS.

11 Q AND YOU WANT TO MAKE HIM HAPPY?

12 A YES, I DO.

13 Q WHY?

14 A I LOOKED TO HIM FOR APPROVAL.

15 Q WHY?

16 A BECAUSE AT THAT POINT IN TIME, I FELT HE WAS
17 A GREAT MAN AND HIS APPROVAL WAS SOMETHING TO BE VALUED.

18 Q WHY DID YOU FEEL HE WAS A GREAT MAN?

19 A BECAUSE HE HAD ALL OF THE SUCCESS IN BUSINESS
20 OR WHAT APPEARED TO BE SUCCESS IN BUSINESS AND THAT, I RESPECTED,
21 AND HE APPEARED TO BE ABLE TO GET RESULTS.

22 Q AND SO YOU WANTED TO HAVE SUCCESS IN BUSINESS,
23 IF I UNDERSTAND YOU, MR. DICKER, AND IN ORDER TO GET SUCCESS
24 IN BUSINESS IF IT MEANT LYING OR PREPARING NOTES OR MINUTES
25 ON CORPORATE COMMITTEE MEETINGS THAT DIDN'T OCCUR, YOU WOULD
26 DO THAT TO ENABLE YOURSELF TO SUCCEED IN BUSINESS?

27 A I DON'T THINK I LOOKED FOR IT IN THAT SIMPLE
28 OF TERMS.

1 Q TELL ME IF MY STATEMENT IS UNTRUE.

2 A YOUR STATEMENT IS CORRECT.

3 Q MY STATEMENT IS CORRECT?

4 MR. WAPNER: I DON'T KNOW IF THE WITNESS HAS FINISHED
5 HIS ANSWER. CAN HE EXPLAIN?

6 MR. BARENS: I WANTED AN ANSWER RESPECTIVE TO MY
7 QUESTION.

8 THE COURT: IF HE RESPONDS TO A QUESTION AND ALL OF
9 IT ISN'T RESPONSIVE, YOU CAN ASK TO STRIKE IT, BUT LET HIM
10 ANSWER THE QUESTION.

11 MR. BARENS: ALL RIGHT. WELL, I SUPPOSE WE HAVE AN
12 ANSWER AT THIS POINT AND WE CAN MOVE AHEAD.

13 MR. WAPNER: WELL, I AM NOT SURE IF WE DO.

14 Q BY MR. BARENS: PLEASE, MR. DICKER, IF YOU WOULD
15 LIKE TO ELABORATE, I WOULD LIKE TO COOPERATE WITH THAT.

16 A I DON'T THINK IN THOSE TERMS. I THOUGHT THE
17 WAY TO SUCCEED, IT ENDS OFF AT THE SAME PLACE.

18 Q QUITE SO.

19 A I MEAN I AM STATING THAT, BUT I FELT THE WAY
20 TO SUCCEED IN BUSINESS WAS THROUGH PARADOX PHILOSOPHY AND I FELT
21 THE ACTIONS ABOUT THE MINUTES WERE JUSTIFIED BY THE PARADOX PHILOSOPHY.

22 Q EXCUSE ME A MOMENT, PLEASE.

23 A I DON'T THINK IN THOSE TERMS.

24 Q JUST A MOMENT, PLEASE.

25 IF THE PARADOX PHILOSOPHY IS AN ULTIMATE FORM
26 OF SELFISHNESS, THAT EVERYTHING WE DO IS CALCULATED TOWARDS
27 SOME SELF-ACHIEVEMENT ON ONE LEVEL OR ANOTHER, BUT ON THE
28 OTHER HAND, ALL OF YOUR ACTIVITIES ARE CALCULATED TO MAKE

1 JOE HUNT HAPPY, WHAT IS TRUE, THAT IS A PARADOX ITSELF.

2 A WELL, JOE -- WITH AN ORGANIZATION, YOU MAY ALSO
3 DEFER --

4 WELL, I SAID YOU WOULD DEFER TO THE BBC IF THAT
5 WAS IN YOUR BEST INTERESTS. YOU WOULD ALSO DEFER TO ANOTHER
6 PERSON IF THAT WAS IN YOUR BEST INTERESTS.

7 AS I PERCEIVED JOSEPH HUNT AS BEING IMPORTANT
8 IN MY ROAD TO SUCCESS, THAT I MIGHT WANT TO MAKE HIM HAPPY
9 SO HE WILL CONTINUE TO KEEP ME AROUND.

10 Q SO THIS --

11 THE COURT: DID YOU FINISH YOUR ANSWER?

12 THE WITNESS: YES.

13 Q BY MR. BARENS: SO THIS OSTENSIBLE DESIRE TO
14 MAKE JOE HUNT HAPPY REALLY IS JUST PART OF YOUR OUTLOOK WHERE
15 YOU WISH TO FURTHER YOURSELF, SIR?

16 A YES, I WOULD AGREE WITH THAT.

17 Q AND BECAUSE AT THAT POINT, MR. HUNT WAS THE MEANS
18 TO AN END FOR YOU, SIR?

19 A I WOULD AGREE WITH THAT ALSO.

20 Q HE NO LONGER IS AN END FOR YOU, SIR, IS HE?

21 A I WOULD AGREE WITH THAT.

22 Q ALL RIGHT, WE WILL TRY TO BALANCE THAT OUT.

23 NOW WE HEARD SOME TESTIMONY ABOUT THIS BLACK
24 AND WHITE BUSINESS, THAT BLACK IS WHITE AND WHITE IS BLACK;
25 YOU TOLD US THAT EARLIER, DID YOU NOT?

26 A YES, I DID.

27 Q AND YOU MADE REFERENCE TO THIS MANUAL THAT WAS
28 PUT BEFORE YOU --

1 AND I CAN'T FIND MY EXHIBIT NUMBER.

2 MR. WAPNER: I BELIEVE IT IS 182.

3 Q. BY MR. BARENS: 182-A, B, C OR SOMETHING TO THAT
4 EFFECT.

5 WAS THAT SOMEWHAT OF A CODIFICATION OF THIS
6 WHOLE BUSINESS ARRANGEMENT IN THE PARADOX PHILOSOPHY?

7 A IT WAS A CODIFICATION MORE OF THE INTERNAL WORKING
8 ORGANIZATIONS THAN IT WAS A CODIFICATION OF THE PARADOX
9 PHILOSOPHY.

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1 Q INDEED, SIR. IS IT NOT IN FACT, A STRUCTURE OF
2 THE CORPORATE TYPE SETTING THAT WOULD, ALTHOUGH ITS SPECIFICS
3 WOULD BE DIFFERENT, SAY SOME HAD BEEN FROM SOME OTHER
4 CORPORATIONS, THAT IT WOULD NOT BE UNUSUAL FOR A CORPORATION
5 TO PREPARE IN OUTLINING HOW ITS STRUCTURE IS ESTABLISHED?

6 A I THINK IT IS VERY UNUSUAL FOR A CORPORATION,
7 THOUGH CERTAIN OF THE INFORMATION DISSEMINATIONS WOULD BE
8 POSSIBLY TYPICAL OF OTHER ORGANIZATIONS.

9 Q ALL RIGHT. NOW, IN THAT, IN SAYING THAT IT IS
10 UNUSUAL, UNUSUAL IS THAT WE HAVE A STRUCTURE AND PERHAPS
11 YOU CAN HELP ME WITH THIS -- WE HAVE A STRUCTURE WHERE WE
12 HAVE CELLS, SIR?

13 A THE CELLS ARE WITHIN ONE OF THE INFORMATION
14 DISSEMINATION SYSTEMS, YES.

15 Q WHAT DOES A CELL CONSIST OF?

16 A MEMBERS.

17 Q OKAY. SO IS THERE ANOTHER WORD YOU COULD THINK
18 OF FOR A CELL? WOULD IT BE LIKE A SUBDIVISION, SO I CAN HELP
19 UNDERSTAND IT? WOULD IT BE LIKE A SUBSIDIARY OR A COMMITTEE?

20 A WELL, A CELL MADE NO DECISIONS AND HAD NO
21 AUTHORITY.

22 Q A CELL EXISTED AS A WHAT? INFORMATION
23 DISSEMINATION UNIT?

24 A YES.

25 Q OKAY. WOULD IT BE LIKENED TO A COMMITTEE THAT
26 MERELY DISCUSSED THINGS WITHOUT MAKING ANY IMPACT WITH THOSE
27 DECISIONS?

28 A A COMMITTEE WOULD STILL MAKE A RECOMMENDATION.

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1 Q I SEE. AND SO THOSE EXISTED FOR INFORMATION
2 DISTRIBUTION?

3 A FOR INFORMATION TO GO UP OR DOWN.

4 Q ALL RIGHT. DID YOU ACTUALLY USE THOSE CELLS?

5 A I THINK ON ONE OCCASION, THE THREE NEXUSES WERE
6 INFORMED TO TELL THEIR MEMBERS OF A CELL SOME PIECE OF
7 INFORMATION. I THINK THAT WAS THE ONLY TIME.

8 Q BUT ISN'T THE REALITY OF IT, ALTHOUGH THEY HAD
9 THIS INTERESTING LOOKING FORMAT IN BLACK AND WHITE -- IF YOU
10 COULD EXCUSE THE EXPRESSION -- ON PAPER, YOU DIDN'T REALLY
11 USE IT?

12 A NO. IT WAS NEVER FULLY USED.

13 Q NOT FULLY USED, MR. DICKER, EXCEPT FOR THE ONE
14 OCCASION YOU CAN THINK ABOUT OVER A COUPLE OF YEARS?

15 DID YOU EVER USE IT?

16 A NO.

17 Q OKAY. NOW THEN, WITHIN THIS CELL YOU HAVE A
18 NEXUS?

19 A CORRECT.

20 Q WHAT IS A NEXUS, MR. DICKER?

21 A A NEXUS IS THE POINT AT THE CELL WHERE THE
22 INFORMATION WOULD BE TRANSMITTED FROM THE HIGHER LEVEL.

23 Q MR. DICKER, ARE YOU FAMILIAR AT ALL WITH THE
24 EXPRESSION THAT THERE ARE A COUPLE OF WAYS TO DESIGN HOW WE
25 DO BUSINESS IN THIS WORLD OR ONE WOULD BE A CASH NEXUS AND
26 ONE WOULD BE A SOCIETAL NEXUS? YOU NEVER HEARD THAT IN LAW
27 SCHOOL, MR. DICKER?

28 A NO I HAVE NOT.

1 Q ALL RIGHT, MR. DICKER. IN THESE NEXUSES, DID
2 YOU FELLOWS GO AROUND USING THAT NEXUS SYSTEM? YOU DIDN'T
3 DO THAT EITHER, DID YOU?

4 A THE NEXUS WERE PART OF THE CELL SYSTEM.

5 Q SO YOU ENDED UP NOT REALLY DOING EITHER?

6 A ONE COULDN'T BE DONE WITHOUT THE OTHER.

7 Q SO WE ENDED UP DOING PERHAPS NEITHER?

8 A EXCEPT ON ONE OCCASION, THAT'S CORRECT.

9 Q ON ONE OCCASION. MR. DICKER, WHEN YOU HEARD ABOUT
10 THIS KIND OF TALK THAT WE ARE TALKING ABOUT, SHADINGS AND
11 WE ARE GOING TO TALK ABOUT A NEXUS AND WE ARE GOING TO TALK
12 ABOUT A CELL, WAS THERE ANYTHING SINISTER ABOUT THAT?

13 A THE CELLS SEEMED TO SOME DEGREE TO BE BASED ON
14 A SORT OF A MILITARY STRUCTURE. IT WAS SORT OF A SQUAD.

15 Q IS THAT SINISTER?

16 A TO SOME DEGREE, I WOULD SAY. BUT NO, NOT HORRIBLY
17 SO.

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1 Q SO, WERE YOU LIKE COMMUNISTS, RUNNING AROUND AND
2 CALLING YOURSELVES CELL MEMBERS?

3 A NO. I NEVER HEARD THAT.

4 Q YOU NEVER HEARD THAT IN THE FIFTIES, ALL
5 COMMUNISTS WERE CELL MEMBERS?

6 A NO. I DID NOT HEAR THAT.

7 Q WELL IN ANY EVENT, WAS THERE SOMETHING SINISTER
8 ABOUT ANY OF THE LANGUAGE?

9 A WELL, I THINK THAT THERE WAS SOME NOTE IN THE
10 HANDBOOK ABOUT A THORAX.

11 Q A THORAX?

12 A THANK YOU. YES.

13 Q WAS A THORAX SINISTER?

14 A WELL, AFTER YOU HAD A CERTAIN AMOUNT OF NEXUSES,
15 YOU HAD A CERTIAN AMOUNT OF INFORMATION AND IF YOU HAD SO
16 MANY CELLS, EACH ONE HAVE A NEXUS, YOU STILL HAD TO
17 DISSEMINATE THE INFORMATION FROM ONE PERSON TO ALL THE
18 NEXUSES. YOU HAVE A BOTTLENECK.

19 SO, WHEN YOU HAD A CERTAIN AMOUNT OF NEXUSES,
20 I THINK THEY WOULD GO TO AN AXIS.

21 Q AXIS? IS THAT RIGHT?

22 A RIGHT. YOU GET AN AXIS FORMATION.

23 Q CAN WE DRAW IT AND SEE WHAT YOU MEAN?

24 A IT IS A PYRAMID. AND I THINK AT THE TOP YOU GET
25 A CERTAIN AMOUNT OF AXISES, YOU WILL HAVE A THORAX.

26 Q QUITE SO.

27 A THAT APPARENTLY WAS SOME BEAST FROM A BOOK.

28 Q A BEAST FROM A BOOK?

1 A WITH A CERTAIN AMOUNT OF EYES AND ARMS.

2 Q YOU HAD NEVER -- A THORAX WOULD BE THIS HORRID
3 LOOKING MONSTER, WOULD IT NOT, SIR?

4 A I THINK THAT WAS THE REFERENCE TO IT, YES.

5 Q AND NONE OF THOSE -- YOU HAD NEVER OWNED ONE OF
6 THOSE OR SEEN ONE OF THOSE ON WILSHIRE BOULEVARD OR ANYWHERE,
7 HAVE YOU?

8 A I HAD NOT.

9 Q SO IT WAS A FICTIONAL CHARACTER, WAS IT NOT, SIR?

10 A I DON'T KNOW IF IT WAS FICTIONAL OR I DON'T KNOW
11 WHERE IT CAME FROM. BUT I HAVE NEVER SEEN ONE. I HAVE NEVER
12 KNOWN OF ONE TO EXIST.

13 Q YOU DIDN'T KNOW OF ANYBODY ELSE? I MEAN, HUNT
14 DIDN'T GO AROUND TELLING YOU THAT HE HAD ONE OF THOSE IN
15 CAPTIVITY OR ANYTHING, DID HE?

16 A NO.

17 Q ALL RIGHT. SO WE HAVE ALL OF THIS STUFF GOING
18 ON AND ALL OF THESE SOMEWHAT UNIQUE SOUNDING WORDS AND
19 STRUCTURES THAT WEREN'T USED.

20 WHAT DID ALL OF THAT MEAN TO YOU? WAS ALL OF
21 THAT TALK?

22 A I THINK THAT THE BBC WAS INTENDED TO EXPAND A
23 GREAT DEAL MORE THAN IT EVER DID. AND SO THAT THESE CELLS
24 AND THESE NEXUSES WOULD HAVE BEEN NECESSARY.

25 BUT BECAUSE WE WERE SUCH A CLOSELY CONFINED
26 GROUP, THEY WERE UNNECESSARY AND THE INFORMATION COULD
27 DISSEMINATE FREELY WITHOUT THE NECESSITY. SO THE ORGANIZATION
28 WAS UNNECESSARY AND SO IT WAS ABANDONED.

1 Q NOW, DID IT EVER SEEM SILLY TO YOU, ANY OF THE
2 WORDS AND TALK?

3 A NO.

4 Q IT ALL SEEMED DEADLY SERIOUS TO YOU?

5 A QUITE, YES.

6 Q DID YOU EVER ASK ANYBODY HOW COME WE DON'T FOLLOW
7 ANY OF THESE FORMATS?

8 A I THINK THAT I WOULDN'T IN DEALING WITH THE
9 DECISION THAT SHOULD HAVE BEEN MADE BY THE CORPS, WHICH IS
10 ANOTHER ORGANIZATION -- I ASKED JOE WHY IT WAS NOT.

11 JOE INFORMED ME THAT HE WAS THE CHAIR OF THE
12 CORPS AND WAS MAKING THE DECISIONS FOR THE CORPS.

13 Q HUNT DIDN'T SEEM CONCERNED TO YOU THAT YOU WEREN'T
14 ALL OPERATING FORMALISTICALLY WITHIN THE STRUCTURE, DID HE?

15 A NO.

16 Q DID HE BRING IT UP? DID HE?

17 A HE IN FACT, SEEMED THE OPPOSITE.

18 Q QUITE SO. ALTHOUGH YOU HAD -- BY THE WAY, YOU
19 DON'T KNOW WHO WROTE UP ALL THIS LANGUAGE, DO YOU?

20 A NO I DO NOT.

21 Q ALL RIGHT. THE ONE THING YOU ARE SURE OF, HUNT
22 IS SURE IN CONDUCTING OF HIS BUSINESS -- HE DIDN'T SEEM
23 CONCERNED WITH ANY -- THE NECESSITY OF FOLLOWING ALL OF THAT
24 LANGUAGE, DID HE?

25 A I DON'T KNOW IF I WOULD SAY ALL OF THE LANGUAGE.
26 I WOULD CERTAINLY SAY THE CELLS DIDN'T SEEM TO FOLLOW IT.

27 THOUGH HE DID SEEM CONCERNED THAT IT WAS ORGANIZED
28 AND MAINTAINED, EVEN THOUGH IT WAS NEVER USED.

1 Q APPEARANCES, SIR?

2 A IN RESPECT TO THE CELL SYSTEM, YES.

3 Q HE WANTED APPEARANCES TO LOOK LIKE IT WAS HAPPENING
4 THAT WAY?

5 A WELL, NOT AS MUCH THIS.

6 HE WANTED PEOPLE TO REMEMBER US AS CELLS. HE
7 WANTED US TO HAVE A NEXUS.

8 IT WAS LISTED ON WHAT IS CALLED THE BBC LIST
9 ON A COMPUTER.

10 BUT HE WASN'T OVERWHELMINGLY CONCERNED WITH THE
11 FACT THAT IT WASN'T BEING USED.

12 Q DID IT EVER OCCUR TO YOU THAT ANY OF THIS AMOUNTED
13 TO A BIT OF POSTURING, SIR?

14 A NO.

15 I THOUGHT IT WAS JUST -- IT WAS SORT OF LIKE
16 HAVING TWO CAN OPENERS IN YOUR HOUSE AND ONE WORKS AND ONE
17 DOESN'T WORK, SO YOU DON'T USE THE ONE THAT DOESN'T WORK.

18 Q OF THE ONES THAT DID WORK, WAS THE ONE THAT DID
19 WORK JUST LIKE REGULAR BUSINESS THE WAY THINGS GOT AROUND?

20 A NO.

21 Q WHAT DID YOU DO? WAS THERE SOME THIRD CHOICE?
22 REGULAR BUSINESS, YOU AND I COULD PROBABLY HAVE SOME GENERALIZED
23 UNDERSTANDING, REAL CAPITALISM OF HOW MUCH COMES IN AND HOW
24 MUCH GOES OUT AND TRY TO MAKE THE BUSINESS OPERATE PROFITABLY,
25 THAT KIND OF TALK?

26 A IF THAT IS HOW YOUR UNDERSTANDING OF THE WAY
27 A REGULAR BUSINESS WORKS, YES, I WOULD AGREE WITH THAT.

28 Q THAT IS, KEEP THE OVERHEAD DOWN, KEEP INCOME

1 HIGH?

2 A WELL, IF YOU ARE TALKING ABOUT DISCUSSING
3 GENERALLY HOW A BUSINESS RUNS AND HOW TO ACHIEVE THE ACTUAL
4 DAY-TO-DAY MECHANICS.

5 Q DID IT SEEM TO YOU THAT YOU GUYS WERE TRYING
6 TO RUN ALONG THE GENERAL CAPITALISTIC PRINCIPLES OF, LET'S
7 TAKE IN MORE THAN WE SPEND?

8 A YES, IT DID.

9 Q AND MAKING THE CUSTOMERS HAPPY?

10 A DURING THE TIME THEY ARE GIVING YOU MONEY, YES.

11 Q YOU DIDN'T GO AROUND SAYING TO PEOPLE THAT WOULD
12 COME IN AND DO BUSINESS WITH YOU, "I WOULD LIKE YOU TO MEET
13 MR. KARNY, HE IS A SHADING," YOU DIDN'T DO ANY OF THAT, DID
14 YOU?

15 A NO, WE DID NOT.

16 Q OKAY. AND YOU DIDN'T INTRODUCE PEOPLE TO HUNT
17 AND SAY, "MR. HUNT IS A SHADING, A FRIEND OF THE THORAX,"
18 DID YOU?

19 A NO, WE DID NOT.

20 Q WE DIDN'T HAVE ANY OF THAT, DID WE?
21 WE JUST HAD HOW MUCH HAVE YOU GOT AND HOW MUCH
22 CAN WE GET AND INVEST AND MAKE MONEY.

23 A THAT IS CORRECT, YES, TO MY KNOWLEDGE.

24 I DON'T KNOW WITH ANY OF THE INVESTORS.

25 Q I CAN ONLY ASK YOU ABOUT YOUR KNOWLEDGE ABOUT
26 WHAT IS GOING ON IN THERE TODAY, MR. DICKER.

27 DID IT SEEM IMPORTANT TO HUNT TO BE THE LEADER
28 OF THE BBC?

29 A YES.

1 Q REAL IMPORTANT, A LITTLE IMPORTANT, DID IT SEEM
2 LIKE A BIG THING TO HIM OR HE DIDN'T CARE?

3 A I THINK HE WASN'T OVERWHELMINGLY CONCERNED WITH
4 HAVING TITLES BUT I KNOW HE LIKED HAVING THE AUTHORITY AND
5 I THINK HE ALSO FELT HE WAS THE ONLY ONE CAPABLE OF MAKING
6 A GREAT DEAL OF THE DECISIONS SO ON THAT BASIS, HE FELT HE
7 MADE THEM.

8 Q DID OTHER PEOPLE GET INVOLVED IN DECISION-MAKING?

9 A I BELIEVE TO SOME DEGREE DECISIONS WERE MADE
10 BY SOME CONSENSUS BETWEEN DEAN AND BEN AND JOE, BUT MOST OF
11 THE DAY-TO-DAY DECISIONS WERE IN FACT MADE BY JOE.

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1 Q BUT HE SEEMED TO HAVE SOME CONSULTING,
2 INTERFACING WITH THOSE OTHER GENTLEMEN?

3 A HE WOULD DISCUSS IT WITH OTHER PEOPLE, YES, AND
4 IN PARTICULAR, THOSE TWO PEOPLE.

5 Q WOULD YOU EVER BE IN A POSITION TO OVERHEAR THOSE
6 DIALOGUES?

7 A NONE THAT I RECALL RIGHT NOW.

8 Q I AM SORRY, SIR?

9 A NONE THAT I RECALL.

10 Q ALL RIGHT. NOW YOU MENTIONED THAT HE INDICATED
11 TO YOU AT A POINT IN TIME THAT HE WAS HANDLING MILLIONS OF
12 DOLLARS FOR MR. LEVIN?

13 A THAT IS CORRECT.

14 Q AND DID YOU BELIEVE THAT?

15 A YES.

16 Q DID MR. HUNT SEEM TO BELIEVE THAT?

17 A YES, HE DID.

18 Q DID EVERYBODY ELSE THERE SEEM TO BELIEVE THAT?

19 A YES, THEY DID.

20 Q ISN'T IT TRUE THAT HUNT HAD TOLD EVERYBODY AT
21 THE BBC HE WAS HANDLING MILLIONS FOR LEVIN?

22 A I CANNOT TELL YOU WHAT HE TOLD EVERYONE. BUT
23 I RECALL CONVERSATIONS IN MY PRESENCE TO OTHER MEMBERS OF
24 THE BBC WHERE JOE TOLD THEM HE WAS HANDLING LARGE AMOUNTS
25 OF MONEY, MILLIONS OF DOLLARS FOR RON LEVIN.

26 Q AND WHAT WAS HIS ATTITUDE ABOUT THAT? DID HE
27 TRY TO ACT LIKE A BIG MAN BECAUSE HE WAS HANDLING AN ACCOUNT
28 WITH MILLIONS IN IT AND NONE OF THE REST OF YOU WERE HANDLING

1 ACCOUNTS WITH ANYTHING IN IT?

2 A I THINK THAT MORE THAN TRYING TO ACT LIKE A BIG
3 MAN, HE WAS TRYING TO ACT LIKE IT WAS NO BIG DEAL.

4 Q HE WAS TRYING TO ACT SELF-EFFACING?

5 A NO. JUST THAT THIS WASN'T -- ALMOST LIKE IT
6 WASN'T ANYTHING NEW AND IT WASN'T ANYTHING THAT PARTICULARLY
7 UPSET HIM. THIS IS JUST HANDLING MILLIONS OF DOLLARS WAS
8 THE SAME AND SHOULD BE THE SAME TO HANDLE SMALL AMOUNTS OF
9 MONEY.

10 Q WAS HE GIVING YOU THE IMPRESSION THAT HANDLING
11 MILLIONS OF DOLLARS WAS, JUST FOR HIM AT LEAST, BUSINESS AS
12 USUAL?

13 A YES.

14 Q AND THAT WAS THE PERCEPTION YOU HAD?

15 A THAT WAS THE PERCEPTION I HAD.

16 Q AND YOU BELIEVED THAT?

17 A AND I BELIEVED THAT.

18 Q DID EVERYONE ELSE APPEAR TO YOU TO BELIEVE THAT?

19 A I DON'T RECALL SPECIFICALLY WHAT OTHER PEOPLES'
20 BELIEFS WERE.

21 Q DID ANYBODY EVER COME TO YOU AND SAY "OH, COME
22 ON NOW, EVAN, THAT IS NOT TRUE. HUNT IS NOT HANDLING MILLIONS
23 FOR LEVIN AT ALL"?

24 A NOT THAT I RECALL RIGHT NOW, NO.

25 Q DID ANYBODY --

26 A NOT THAT I RECALL.

27 Q YOU DON'T EVER RECALL THAT HAPPENING, DO YOU?

28 A NO, I DON'T.

1 Q YOU DON'T RECALL ANYBODY SAYING TO YOU, "YOU KNOW,
2 HUNT IS GIVEN TO FITS OF FANTASY OCCASIONALLY AND SAYS THINGS
3 THAT AREN'T TRUE"?

4 A AT WHAT POINT? YOU MEAN AT ANY TIME?

5 Q SURE.

6 A I THINK I MAYBE HAVE NOW LEARNED THAT THERE WERE
7 SOME THINGS JOSEPH HUNT MIGHT HAVE TOLD ME THAT WERE UNTRUE
8 BUT AT THAT TIME --

9 Q HOW DO YOU KNOW WHEN SOMEONE IS TELLING THE TRUTH
10 UNDER THE PARADOX PHILOSOPHY, CAN WE EVER KNOW?

11 A I THINK -- WELL, I CAN'T ANSWER THE QUESTION
12 "UNDER THE PARADOX PHILOSOPHY."

13 Q THAT IS THE SETTING IN WHICH I GAVE YOU THE
14 QUESTION, SIR.

15 A THEN I CAN'T ANSWER THE QUESTION.

16 Q IS THE TRUTH THAT YOU JUST CAN'T KNOW?

17 A I GUESS WHAT SOMEBODY IS TELLING, I GUESS YOU
18 SORT OF VIEW IT IN A MANNER THAT IS ADVANTAGEOUS TO YOU AND
19 WORKS OUT AND YOU TAKE THE CIRCUMSTANCES AND USE THEM TO YOUR
20 BEST ADVANTAGE.

21 Q AND THUSLY, SINCE WE CAN'T KNOW WHATEVER SECRET
22 AGENDAS AN INDIVIDUAL MIGHT HAVE, WE CAN'T REALLY BE CERTAIN
23 AT ANY GIVEN POINT IN TIME WHETHER HE IS TELLING THE TRUTH
24 OR NOT UNLESS WE KNOW HIS AGENDA ON SOME BASIS?

25 A I THINK WHAT IT ACTUALLY WORKS OUT TO BE, UNLESS
26 YOU HAVE OTHER FACTS, YOU COULD NEVER TELL WHEN SOMEBODY IS
27 TELLING THE TRUTH OR NOT.

28 Q RIGHT.

1 IN THIS INSTANCE, THOSE FACTS I AM SUGGESTING,
2 MR. DICKER, MIGHT THERE BE AN AGENDA OF OBJECTIVES IN LIFE?

3 A I THINK THOSE FACTS WOULD BE VERY HELPFUL IN
4 DETERMINING WHETHER OR NOT SOMEBODY IS TELLING THE TRUTH.

5 THE COURT: I THINK AT THIS PARTICULAR POINT WE WILL
6 TAKE AN ADJOURNMENT.

7 MR. BARENS: I AGREE, THANK YOU, YOUR HONOR.

8 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE WILL
9 TAKE AN ADJOURNMENT NOW UNTIL TOMORROW MORNING AS USUAL AT
10 10:30.

11 THE SAME ADMONITION I GAVE YOU WOULD STILL APPLY
12 AND GOOD NIGHT.

13 (AT 4:15 P.M. AN ADJOURNMENT WAS TAKEN
14 UNTIL TUESDAY, FEBRUARY 24, 1987, AT
15 10:30 A.M.)

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