

**Deposition of
DONALD MYERS, VOLUME I**

FRANCOIS CHOQUETTE v. CHURCH OF SCIENTOLOGY

*Taken On
May 28, 2010*

Transcript provided by:

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1 CERTIFIED COPY
2 SUPERIOR COURT OF THE STATE OF CALIFORNIA
3 FOR THE COUNTY OF RIVERSIDE, CENTRAL DISTRICT

4 FRANCOIS G. CHOQUETTE, an)
5 individual,)
6 Plaintiff,)
7 vs.) No. RIC 538634
8 CHURCH OF SCIENTOLOGY)
9 INTERNATIONAL, a California)
10 corporation; BUILDING MANAGEMENT)
11 SERVICES, a California corporation;)
12 et al.,)
13 Defendants.)

14 VOLUME I
15 DEPOSITION OF DONALD MYERS, a witness herein,
16 noticed by Lester & Cantrell, LLP, taken at
17 1325 Spruce Street, Riverside, California, at
18 2:35 p.m., on Friday, May 28, 2010, before
19 Gail Cain, CSR 6556.
20
21
22 Hutchings Number 262616
23
24
25

1 I N D E X
2 WITNESS: DONALD MYERS
3 EXAMINATION BY PAGE
4 MR. MOXON 5
5
6

7 Questions the witness refuses to answer are indicated in
8 the transcript by a "[QUES]" identifier at the end of
9 the question and are located on the following pages:
10 9, 28
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1 APPEARANCES OF COUNSEL:
2
3 For Plaintiff:
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9 For Defendants:
10 MOXON & KOBRIN
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12 3055 Wilshire Boulevard
13 Suite 900
14 Los Angeles, California 90010
15 and
16 LESTER & CANTRELL, LLP
17 BY DAVID CANTRELL
18 1325 Spruce Street
19 Suite 310
20 Riverside, California 92507
21
22 Also Present: Barbra Westmore, Videographer
23 Philippe Pedersen
24
25

1 THE VIDEOGRAPHER: Good afternoon. We are on the
2 record.
3 My name is Barbra Westmore. I'm a video technician
4 with Hutchings Management Corporation, located at
5 6055 East Washington Boulevard in Los Angeles,
6 California.
7 This is the videotaped deposition of Donald Myers,
8 beginning at 2:35 p.m. on May 28th, 2010, in the matter
9 of Francois Choquette versus Church of Scientology,
10 Case Number RIC 538634, taken at 1325 Spruce Street in
11 Riverside, California.
12 May we have introductions beginning with counsel,
13 please.
14 MR. MOXON: Kendrick Moxon for the defendants.
14:36 15 MR. CANTRELL: David Cantrell, also for the
16 defendants.
17 MR. PEDERSEN: Philippe Pedersen with CSI.
18 MR. MOXON: Mr. Choquette, you're here.
19 MR. CHOQUETTE: Oh, I'm sorry.
14:36 20 Francois Choquette, defendant -- excuse me -- the
21 plaintiff.
22 (Continued on next page.)
23
24
25

Page 5

14:36 1 DONALD MYERS,
 2 a witness herein, having been sworn, testifies as
 3 follows:
 4
 14:36 5 -EXAMINATION-
 6
 7 BY MR. MOXON:
 8 Q. Would you please state your name and spell it
 9 for the record.
 14:36 10 A. My name is Donald James Myers, D-o-n-a-l-d
 11 J-a-m-e-s M-y-e-r-s.
 12 Q. Mr. Myers, do you have any recording
 13 devices --
 14 A. No.
 14:37 15 Q. -- on your person?
 16 Do you have a cell phone?
 17 A. I have a cell phone.
 18 Q. Is it turned off?
 19 A. Let's turn it off.
 14:37 20 MR. MOXON: Mr. Choquette, do you have any
 21 recording devices?
 22 MR. CHOQUETTE: No. I turned off my cell phone.
 23 MR. MOXON:
 24 Q. You were served with a subpoena to appear
 14:37 25 today --

Page 7

14:38 1 Q. Did he ever talk to you about Scientology, by
 2 the way?
 3 A. Frank Sanello?
 4 Q. Yes.
 14:38 5 A. Only the day that you were -- you guys were
 6 following me in 2008 when I had been protesting.
 7 Q. I don't know what you mean by "you guys," but
 8 in any event, it certainly wasn't me.
 9 A. No. No.
 14:38 10 Q. All right.
 11 Did you live with Frank Sanello?
 12 A. Years ago.
 13 Q. When did you live with him?
 14 A. I lived with him -- It was about 1998 and
 14:39 15 1999.
 16 Q. What's your relationship with him?
 17 A. We were homosexual lovers.
 18 Q. Does he support you in your current attacks on
 19 Scientology?
 14:39 20 A. I haven't talked to him for years.
 21 When I was subpoenaed in that issue involving his
 22 book, that was like 2000, so that was like 11 years
 23 ago.
 24 Q. So you haven't talked to him in --
 14:39 25 A. I talked to him once or twice in 2008. That

Page 6

14:37 1 A. Yes.
 2 Q. -- correct?
 3 A. Yes.
 4 Q. Do you understand the significance of the oath
 14:37 5 you just took?
 6 A. Yes.
 7 Q. Give me your understanding of it.
 8 A. My understanding is that I won't lie.
 9 Q. And that you can be prosecuted if you do?
 14:37 10 A. Of course.
 11 Q. Have you ever had your deposition taken
 12 before?
 13 A. I was deposed once before in a case involving
 14 Sharon Stone and a guy who wrote a tell-all biography
 14:37 15 about her.
 16 Q. Who was that?
 17 A. His name is Frank Sanello.
 18 And he wrote a book about her, and he quoted a
 19 lawyer that we met one time at dinner who gossiped about
 14:38 20 her. And when that got printed, the lawyer sued my
 21 friend.
 22 And since I was at the dinner, they subpoenaed me,
 23 and I went in and talked about what happened.
 24 Q. Your friend was Frank Sanello?
 14:38 25 A. Yes.

Page 8

14:39 1 was the last time.
 2 Q. After you became involved in attacking
 3 Scientology or before?
 4 A. I never attacked Scientology.
 14:39 5 Q. Well, let's say before or after --
 6 A. You could say "protest Scientology."
 7 Q. Well, let's use that word for the moment.
 8 Before or after that?
 9 A. I knew him before, and then I had just begun
 14:40 10 protesting when -- That was the last time I saw him, and
 11 that was in 2008.
 12 Q. Let me continue with my admonitions.
 13 The court reporter here to your left will be making
 14 a verbatim transcript. You'll have an opportunity to
 14:40 15 review the transcript when it's completed to make sure
 16 that it's accurate.
 17 A. Mm-hmm.
 18 Q. Understood?
 19 A. (Witness nods head in the affirmative.)
 14:40 20 Q. And you can't say, "Mm-hmm."
 21 A. Yes. I'm sorry.
 22 Q. That doesn't work in a deposition.
 23 A. Yes.
 24 "Yes" or "No." No nonverbal things. Just verbal
 14:40 25 things.

Page 9

14:40 1 Q. If you have any questions about anything or
 2 you're unclear about any question I've asked you, please
 3 ask me to clarify it.
 4 All right?
 14:40 5 A. Mm-hmm.
 6 Q. "Yes"?
 7 A. Yes.
 8 That's not very good. Yes.
 9 Q. Are you under the influence of any
 14:40 10 medication? [QUES]
 11 A. Unfortunately, I'm not going to answer any more
 12 questions.
 13 And the reason is, as she noted, that I don't have
 14 a lawyer. And I don't have a lawyer because you threw
 14:41 15 my lawyer out.
 16 And then if I was to get another one, I can't find
 17 any because you're pressuring them, just like you
 18 pressured Jeff Boyd's father, John Boyd, to not
 19 represent him.
 14:41 20 So it's very difficult for me to find a lawyer,
 21 especially since the one lawyer that I could get, Barry
 22 Van Sickle, is currently recuperating from a hip
 23 surgery.
 24 Also, you're going to have to explain to the judge
 14:41 25 why I can be recorded, but I can't record the deposition

Page 10

14:41 1 myself. And there is just no reason that I can't
 2 record the deposition and place it on whatever website I
 3 want.
 4 And also, I was not at the event.
 14:41 5 And finally, if -- when I am deposed, if I can get
 6 a lawyer, I'll only talk about the raid on Gold Base in
 7 2008 in which Mr. Choquette was attacked.
 8 I'm not going to talk about where I went to high
 9 school.
 14:42 10 I'm not going to talk about who my donors are.
 11 I'm not going to talk about other raids.
 12 I'm just going to talk about what this case is
 13 about, the day he got beaten up. And since I wasn't
 14 there, all I can do is give you secondhand information
 14:42 15 that other people have told me.
 16 So unfortunately, I've come here to try and fulfill
 17 my obligations, but because I do not have a lawyer and
 18 for these other reasons, I'm afraid I can't be deposed
 19 any further today.
 14:42 20 Q. Well, let's just get a few preliminary matters
 21 out of the way, then, before I actually ask you any
 22 substantive questions concerning this.
 23 All right?
 24 A. Mm-hmm.
 14:42 25 Q. "Yes"?

Page 11

14:42 1 A. Yes. Yes.
 2 Q. And the reason is because we'll be -- we'll
 3 have to file a motion, most likely, respecting this.
 4 A. Mm-hmm.
 14:42 5 Q. Now, you --
 6 A. Yes.
 7 Q. You had a number of communications with
 8 Mr. Cantrell respecting setting up the date of this
 9 deposition; right?
 14:42 10 A. Yes.
 11 Q. And at any time, did you tell Mr. Cantrell,
 12 "I'm going to come to the deposition, but I'm going to
 13 refuse to answer any questions"?
 14 A. No, I did not say that.
 14:43 15 Q. And you were represented by Graham Berry --
 16 A. I was.
 17 Q. -- weren't you?
 18 A. Mm-hmm.
 19 Q. And he decided to withdraw; is that correct?
 14:43 20 A. I believe you forced him out.
 21 Q. Did he decide to withdraw or not?
 22 A. Not from defending me.
 23 Q. Did he tell you he wasn't going to represent
 24 you in this deposition?
 14:43 25 A. No, he didn't. He said he wanted to, but

Page 12

14:43 1 you're not letting him.
 2 Q. Well, I -- believe me, I have no say over what
 3 Mr. Berry does or doesn't do or who he does or doesn't
 4 represent.
 14:43 5 In any event, you were represented by Mr. Berry?
 6 A. I was, yes.
 7 Q. And he advised you with respect to this
 8 deposition initially, and then he withdrew; correct?
 9 A. Yes.
 14:43 10 Q. You also talked to another lawyer named Barry
 11 Van Sickle?
 12 A. I have not talked to him.
 13 We were hoping that he would be healthy enough that
 14 we could make arrangements that he could come down here
 14:43 15 and possibly interview me, Casper and Resistance all in
 16 one day. But he is still -- has a broken hip and --
 17 Q. Who's Casper?
 18 THE WITNESS: What's Casper's real name?
 19 MR. CHOQUETTE: Doug -- Doug --
 14:44 20 THE WITNESS: No. No. It's --
 21 MR. CHOQUETTE: Just a minute. It's -- Margolis is
 22 the last name.
 23 THE WITNESS: Yeah. Drew, Drew Margolis.
 24 MR. MOXON:
 14:44 25 Q. He's an Anonymous member?

Page 13

14:44 1 A. You subpoenaed him, remember? Casper, the bald
 2 guy?
 3 You said that you'd never -- when you saw him at
 4 the -- When you saw him at the Riverside courthouse a
 14:44 5 few months ago, you said --
 6 Q. Oh, okay.
 7 A. He was the guy you said that "I'd never
 8 recognize you without your" -- "I've never seen you
 9 without your mask on before."
 14:44 10 Q. Right. That's the guy.
 11 That's Drew Margolis?
 12 A. Yes.
 13 Q. And his Anonymous name is Casper?
 14 A. Casper.
 14:44 15 Q. All right.
 16 And who told you that Mr. Van Sickie would be
 17 representing you?
 18 A. No one did. We were hoping that he might --
 19 could be well enough to do that, but he's not.
 14:44 20 Q. Who is "we"?
 21 A. My lawyer -- My ex-lawyer, Graham Berry, and
 22 I.
 23 Q. So you've been coordinating with Mr. Berry with
 24 respect to getting other potential counsel?
 14:45 25 A. He's trying to help me.

Page 15

14:46 1 Mr. Berry to do some work for him.
 2 A. I don't know. You'd have to ask him. I help
 3 him with his Scientology stuff.
 4 Q. Help who?
 14:46 5 A. I help Graham.
 6 Q. Graham Berry?
 7 A. Yes.
 8 Q. What do you mean, you help him?
 9 A. I go and fix his computer when it's broken, and
 14:46 10 I run his computer systems.
 11 Q. Is that why the videos were provided to you
 12 from this incident where Mr. Choquette was arrested up
 13 at Gold?
 14 A. I'm not sure what that question means. Say
 14:46 15 that again. Can you rephrase that?
 16 Q. Were any of the videos that were taken of the
 17 day of Mr. Choquette's arrest given to you?
 18 A. All of them were given to me by people who were
 19 there.
 14:46 20 Q. Who gave you videos?
 21 A. SockPuppy, Glib and Resistance.
 22 Q. Those are the Anonymous names of those
 23 persons?
 24 A. I don't know SockPuppy's real name.
 14:47 25 Glib, you -- Glib, you interviewed a couple weeks

Page 14

14:45 1 Unfortunately, most lawyers don't want to deal
 2 with Scientology, and so my choice of them is very
 3 limited.
 4 Q. I assume you don't pay lawyers either?
 14:45 5 A. No.
 6 Q. Have you ever communicated with
 7 Mr. Van Sickie?
 8 A. I've met him before, when we were in the
 9 temporary -- the restraining order case from 2008 with
 14:45 10 Lissa Uvizi.
 11 Q. Right.
 12 A. Remember? He was there that day.
 13 Q. Did you speak to Stewart Richlin about this
 14 case?
 14:45 15 A. He didn't want to deal with it. He's involved
 16 with medical marijuana.
 17 Q. And so he has an -- Is it a disability he's got
 18 that he didn't want to represent you in this?
 19 A. He doesn't want to get involved in Scientology
 14:45 20 like that.
 21 Q. Does Mr. Berry work for Mr. Richlin, by the
 22 way?
 23 A. I really have no idea.
 24 Q. Some of the e-mails that you exchanged with
 14:46 25 Mr. Choquette suggested that Mr. Richlin was paying

Page 16

14:47 1 ago.
 2 And Resistance is -- her real name is --
 3 What's Resistance's real name?
 4 MR. CHOQUETTE: Patricia Curtis.
 14:47 5 THE WITNESS: Patricia Curtis, yeah.
 6 MR. MOXON:
 7 Q. So Resistance is her Anonymous name. Her real
 8 name is Patricia Curtis?
 9 A. Mm-hmm.
 14:47 10 Q. "Yes"?
 11 A. Yes.
 12 Q. And you claim you don't know who SockPuppy is?
 13 A. No.
 14 Q. But SockPuppy gave you a video?
 14:47 15 A. SockPuppy gave me the video of him being
 16 beaten.
 17 Q. Where is that video now?
 18 A. Well, he has the original copy, and then you
 19 have a copy also.
 14:47 20 I have a copy.
 21 Q. You're claiming that was on the hard drive
 22 you --
 23 A. Yes.
 24 Q. -- provided Mr. --
 14:47 25 A. Yes.

	Page 17		Page 19
<p>14:47 1 An unedited -- I think I mentioned that in the 2 piece of paper that I gave everything to you with, an 3 unedited video of the attack taken by SockPuppy. 4 Q. So all the originals were in your custody at 14:48 5 some point? 6 A. No. They were just copies. 7 Q. The original -- Well, was the original video 8 from Mr. Choquette given to you? 9 A. Yes. His -- His video was the point where he's 14:48 10 driving down -- he's walking down the road; and then 11 Danny Dunigan gets out of his car, and they start 12 fighting. 13 Q. And you were the one that first put that video 14 up on the internet; correct? 14:48 15 A. No. I think other people put up raw footage of 16 the unedited video or -- The video was up on the 17 internet from several people. 18 And I put up an edited version that was the entire 19 event, mostly. 14:48 20 Q. <u>Who told you to edit that version, by the way,</u> 21 <u>before it went up on the internet?</u> 22 A. <u>Who told me to edit it?</u> 23 Q. <u>Yeah.</u> 24 A. <u>I just asked for all the footage that everyone</u> 14:48 25 <u>had, and then I edited it.</u></p>	<p>14:49 1 <u>You cut out a couple of, "You're trespassing,"</u> 2 <u>quote, didn't you?</u> 3 A. <u>That, I don't remember. I probably might</u> 4 <u>have.</u> 14:50 5 <u>But I remember him saying several -- that several</u> 6 <u>times anyway in the video.</u> 7 Q. And the video that you edited was the one that 8 Mr. Choquette gave to the prosecutors, isn't it? 9 A. I made sure that I had the unedited one. 14:50 10 And I believe that you would have to ask him what 11 he gave to the -- to the prosecutors. 12 Q. When did you give him the original video back? 13 A. I'm not sure what you mean, "give the 14 original." 14:50 15 Q. Well, when did he give -- When did he give you 16 the unedited video of the period of his arrest? 17 A. Oh, I'm not sure, but it was -- it must have 18 been a couple of days. 19 I'd need to see the upload date of some of those 14:50 20 videos, but it couldn't have been more than, I think, a 21 week or two after the event. But I'm not certain. 22 Q. Well, I've printed off the directory of all the 23 videos that were on there. 24 If you would like to look at that, maybe you can 14:51 25 point out the video that you're referring to. They're</p>		
<p>14:48 1 Q. <u>The section where Mr. Choquette approached the</u> 2 <u>guards --</u> 3 A. <u>Mm-hmm.</u> 4 Q. <u>-- and he was talking to the guards and the</u> 14:49 5 <u>guard was talking back to him, telling him he was</u> 6 <u>trespassing, do you remember that part of it?</u> 7 A. <u>Yes.</u> 8 Q. <u>Right before he was arrested?</u> 9 A. <u>Yes.</u> 14:49 10 Q. <u>And you edited out some of the language from</u> 11 <u>Mr. Choquette and some of the times when the guard told</u> 12 <u>him that he was trespassing; correct?</u> 13 A. <u>Yes.</u> 14 Q. <u>Why did you do that?</u> 14:49 15 A. <u>He felt that there was too much cussing.</u> 16 Q. <u>Who did?</u> 17 A. <u>Mr. Choquette.</u> 18 <u>And since the guard -- Since the guard already said</u> 19 <u>to leave several times, he -- you know, it's the -- it's</u> 14:49 20 <u>the obscenity.</u> 21 Q. <u>So Mr. Choquette didn't want people to know</u> 22 <u>that he had, as you say, cussed the guard; correct?</u> 23 A. <u>Yes.</u> 24 Q. <u>And you also cut out part of it where the guard</u> 14:49 25 <u>told him he was trespassing.</u></p>	<p>14:51 1 in alphabetical order. 2 A. Okay. 3 Q. So if you could tell me where the original 4 video was that Mr. Choquette gave to you. 14:51 5 A. The original was taken by SockPuppy. So 6 SockPuppy gave it to him, and then he gave it to me. 7 Q. The original of Mr. Choquette talking to 8 the guard. 9 A. Oh, that was his video. That was Choquette's 14:51 10 video. 11 So I'm sure he gave that to me very -- just a few 12 days after the -- He gave it to me between the day of 13 the attack and the day that I uploaded my edited 14 version, but I don't think it was a very long time. 14:51 15 So let me just look at this for a moment. 16 I don't remember the exact file name. It might 17 have been this one, "Came at Orange," but I'm not sure. 18 Q. Give me that name again. 19 A. "Came," underscore, "at," underscore, 14:53 20 "Orange." 21 Q. And I see the date of that is December 1st, 22 2008. 23 A. Yes. 12-1. That might have been when it was, 24 yes, last modified. 14:53 25 Maybe that might be the wrong date. That might not</p>		

Page 21		Page 23	
14:53	1 be the right one. 2 Sometimes when people give me files, their file 3 names don't always make sense. I just edit it anyway. 4 I believe I mentioned in the piece of paper I gave 14:53 5 you that the entire unedited video was on here. 6 Q. Here, I'm handing you a copy of the cover 7 page. 8 A. Right. 9 "Video from participants including full attack 14:54 10 video, 10-26." 11 Q. Well, the name you have in your cover letter 12 dated May 4th, 2010 says, quote, "10-26-2008 Gold Base 13 Attack." 14 A. Yes. 14:54 15 Q. I don't see that on this list, though. 16 A. I didn't give file names. But did you not find 17 that file in there? 18 Q. I haven't seen it. 19 A. Do you have the hard disk? 14:55 20 Q. Yeah. 21 MR. CHOQUETTE: I submitted it. You have it. 22 THE WITNESS: Yeah. We both submitted it. 23 It might be one of these ones that has a non-name, 24 "MVI437" or something like that. 14:55 25 It would be easier if this was sorted by date. Do	14:56	1 happened afterwards. 2 And then that -- SockPuppy's video went to 3 Choquette and then to me -- 4 Q. Why did they go to you, by the way? 14:56 5 A. Because I was the one who offered to edit the 6 video. 7 Q. Mr. Choquette asked some people or you and 8 others if someone would edit the video to take out the 9 cussing? 14:56 10 A. No. No. 11 MR. CHOQUETTE: Don -- 12 MR. MOXON: No, no, no. You can't -- No, no. 13 You -- 14 MR. CHOQUETTE: I want to speak to you. 14:57 15 MR. MOXON: No. You can't interrupt him, 16 Mr. Choquette. You can't interrupt him during a 17 question. You can't coach him. 18 MR. CHOQUETTE: Don, I need to -- 19 MR. MOXON: That is -- 14:57 20 MR. CHOQUETTE: -- speak to you. 21 MR. MOXON: You can't go off and speak to him 22 either. 23 THE WITNESS: Well, we're going to wrap this up 24 soon. 14:57 25 Could you repeat the question again.
Page 22		Page 24	
14:55	1 you have another list that's sorted by date? 2 MR. MOXON: 3 Q. No. 4 So as you sit here, you can't tell me which video 14:55 5 is the one that you say is the full video from 6 Mr. Choquette that was given to you, the original given 7 to you of the arrest; correct? 8 A. The arrest was SockPuppy's video that SockPuppy 9 gave to him and then he gave to me, and the attack was 14:56 10 his video that he gave to me. 11 So, yeah, I can't tell from this list -- 12 Q. And you say -- 13 A. -- which one it is. 14 Q. And you say "his." 14:56 15 So that what you're calling "the attack video" is 16 when he's speaking to the security guard, and then he's 17 arrested by the security guard? That's what you're 18 calling "the attack video"? 19 A. Right. Where the car drives up and Danny 14:56 20 Dunigan gets out. 21 Q. Okay. 22 And the original of that was given to you by 23 Mr. Choquette? 24 A. Yes. 14:56 25 And then the other one is SockPuppy's video of what	14:57	1 Oh, yes, editing. 2 Those videos have been placed online by a couple 3 different people, and I offered to edit all of them 4 together into one. 14:57 5 MR. MOXON: 6 Q. Is the original video up anywhere online, the 7 original uncut video of -- And let me just focus on the 8 time period, is when Mr. Choquette is walking down the 9 dirt road, approaches -- 14:57 10 A. Mm-hmm. 11 Q. -- the Jeep that the security guard is in. He 12 and the -- 13 A. Right. 14 Q. -- security guard have a dispute. The security 14:57 15 guard is telling him he's trespassing. 16 Mr. Choquette says, "Fuck you." 17 Then at some point, they have a bit of a 18 conversation -- 19 A. Mm-hmm. 14:57 20 Q. -- for a little while, if you call that a 21 conversation. 22 And then Mr. Dunigan comes up and arrests him. 23 That's the video I'm talking about. 24 A. I'm not sure if that's online or not. 14:58 25 Q. Have you ever seen it online, an unedited

6 (Pages 21 to 24)

Page 25

14:58 1 version of that?
 2 A. I don't recall one.
 3 Q. Okay.
 4 A. Would you like us to make sure that you get a
 14:58 5 copy of that video if we cannot find it on the list?
 6 Q. Well, yeah. I would like you to -- Since
 7 you've got originals of obviously what you gave us on
 8 the hard drive, if you can let us know what --
 9 A. The file name is?
 14:58 10 Q. Yes, sir.
 11 -- what file name is this original video of that
 12 incident.
 13 A. I'll check my files when I get home, and I'll
 14 e-mail Mr. Cantrell with that and carbon-copy you.
 14:58 15 Q. You were also present at a raid --
 16 A. I'm not talking about anything like that.
 17 Q. Just let me --
 18 A. I'm afraid --
 19 Q. Let me give you the question --
 14:59 20 A. I'm afraid this is over.
 21 Q. Let me give you the question for you.
 22 You were also present at a raid at Gold Base on
 23 September 27th, 2008, shortly before the arrest;
 24 correct?
 14:59 25 A. I don't recall. I'd have to check my records.

Page 26

14:59 1 I was -- There was one point I was at Gold Base
 2 four times in one week.
 3 Q. That was around -- with Mr. Choquette?
 4 A. Probably only sometimes. I don't recall. I
 14:59 5 had so many trips there.
 6 Q. I can show you a copy of the video that you did
 7 provide to us of you photographing Mr. Choquette at Gold
 8 Base --
 9 A. Then he must --
 14:59 10 Q. -- to refresh your recollection.
 11 A. Then he must have been there.
 12 Q. Would you like me to show you that so you can
 13 see what I'm talking about?
 14 A. No.
 14:59 15 I need to get a lawyer. We've already gone as far
 16 as I'm willing to take this without a lawyer. I'm
 17 sorry.
 18 Q. Do you feel that there is some liability to
 19 you?
 15:00 20 A. No. I just feel that anyone who is
 21 representing themselves has a fool for a client. That's
 22 an old joke, but it's pretty fitting right now. I don't
 23 want to represent myself.
 24 Q. All right.
 15:00 25 Well, we will -- We do intend to seek a motion to

Page 27

15:00 1 compel your testimony.
 2 And as you can see, we've gone to the trouble of
 3 hiring a court reporter and a videographer --
 4 A. Yes. I'm very appreciative of that because I
 15:00 5 know Mr. Choquette has gone to jail once over us not
 6 having a proper recording of what he had said. So I'm
 7 very glad that you're here.
 8 Q. And as you know, as a courtesy to you, we
 9 extended the deposition start time till noon. You
 15:00 10 requested that we do that --
 11 A. Yes.
 12 Q. -- and we extended it till noon.
 13 And then you called sometime late morning and
 14 said --
 15:00 15 A. 10:20, and said that I was going to be late.
 16 Q. You said you'd be here at 2:00, and you arrived
 17 about 2:30.
 18 A. Mm-hmm.
 19 Q. Correct?
 15:00 20 A. Mm-hmm.
 21 Yes, correct.
 22 Q. I actually happened to be looking out the
 23 window when you drove up in a taxi with Mr. Choquette.
 24 A. Yes.
 15:01 25 Q. And Mr. Choquette took a bicycle out of the

Page 28

15:01 1 trunk of the taxi; is that correct?
 2 A. Yes.
 3 Q. Whose bicycle was that?
 4 A. His.
 15:01 5 Q. He lifted it out of the trunk of the taxi?
 6 A. All by himself.
 7 Q. Why -- where did the -- Did you bring the
 8 bicycle to him or --
 9 A. No. It's not my bicycle.
 15:01 10 Q. Why does he have a bicycle in the trunk of the
 11 taxi?
 12 A. Because he rode a bicycle to the train
 13 station.
 14 Q. I see.
 15:01 15 Do you know if Mr. Choquette is on any
 16 medication? [QUES]
 17 A. This interview is over, as Tommy Davis would
 18 say. Xenu rules.
 19 Well, I will go home and look up the name of that
 15:02 20 file for you.
 21 Thank you for your time.
 22 Do I get some sort of reimbursement for mileage?
 23 Q. You certainly will when your deposition is
 24 taken.
 15:02 25 A. Oh, I see. Well, then that's something to look

Page 29

15:02 1 forward to.
 2 Q. Yes, you will.
 3 If you're demanding reimbursement for today's trip,
 4 let me know.
 15:02 5 A. I don't have to demand anything. I was just
 6 curious.
 7 Well, good day, gentlemen.
 8 MR. CHOQUETTE: All right. Bye-bye.
 9 MR. CANTRELL: Are we off the record now?
 15:02 10 MR. MOXON: That will conclude the deposition for
 11 the moment.
 12 We're off the record.
 13 THE VIDEOGRAPHER: This concludes today's
 14 videotaped deposition of Donald Myers. The time is
 15:03 15 3:02 p.m.
 16 We are off the record.
 17 (The proceedings concluded at 3:02 p.m.)
 18 ***
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Page 31

1 STATE OF CALIFORNIA) ss
 2
 3 I, Gail Cain, CSR 6556, do hereby declare:
 4
 5 That, prior to being examined, the witness named in
 6 the foregoing deposition was by me duly sworn pursuant
 7 to Section 2093(b) and 2094 of the Code of Civil
 8 Procedure;
 9
 10 That said deposition was taken down by me in
 11 shorthand at the time and place therein named and
 12 thereafter reduced to text under my direction.
 13
 14 I further declare that I have no interest in the
 15 event of the action.
 16
 17 I declare under penalty of perjury under the laws
 18 of the State of California that the foregoing is true
 19 and correct.
 20
 21 WITNESS my hand this _____ day of
 22 _____,
 23
 24 _____
 25 Gail Cain, CSR 6556

Page 30

1 I declare under penalty of perjury under the laws
 2 of the State of California that the foregoing is true
 3 and correct.
 4
 5 Executed at _____, California,
 6 on _____.
 7
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 9 _____
 10 DONALD MYERS
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