



**Patrick T. Bolen**

**Vol. 1**

**04/12/2006**

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

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

11  
12 Deposition of PATRICK TIMOTHY BOLEN  
13 taken on behalf of the Defendant  
14 at 601 South Figueroa Street, 37th Floor,  
15 Los Angeles, California on Wednesday,  
16 April 12, 2006 at 10:00 a.m. before  
17 Roya Sklar, Certified Shorthand Reporter  
18 No. 11233.  
19  
20  
21  
22  
23  
24  
25

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1 LOS ANGELES, CALIFORNIA;

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

3

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

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

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

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

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

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

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

25 THE VIDEOGRAPHER: Thank you. The court

1 reporter will now swear in the witness.

2

3

TIMOTHY BOLEN,

4

deponent, was sworn, examined,

5

and testified as follows:

6

7

THE REPORTER: You do solemnly state that the

8

evidence you shall give in this matter shall be the

9

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

10

help you God?

11

THE WITNESS: I do.

12

13

EXAMINATION

14

15

Q BY MR. SHELY: Is your name

16

Patrick Timothy Bolen?

17

A Yes.

18

Q What date were you born, sir?

19

A August 13, 1943.

20

Q State where you were born, sir.

21

A Michigan.

22

Q Where in Michigan, sir?

23

A Detroit area.

24

Q Do you have a high school degree, sir?

25

A Yes.



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

3 A 1961 Rockford High School.

4 Q What was the high school, sir?

5 A Rockford.

6 Q Is that in the Detroit area?

7 A No.

8 Q Where is Rockford High School?

9 A Grand Rapids area.

10 Q Did you graduate from college, sir?

11 A No.

12 Q Did you attend any college, sir?

13 A Yes.

14 Q Where did you attend?

15 A Los Angeles area.

16 Q What school, sir?

17 A Community colleges. Four or five.

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

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

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

1 A Probably over a period of 15 years.

2 Q When did you first attend community  
3 college?

4 A Probably 1963.

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

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

10 Q What does that mean?

11 A I had enough units to get a degree.

12 Q What were you studying, sir?

13 A Whatever interest me at the time.

14 Q What was that?

15 A I don't recall.

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

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

22 Q Where do you live, sir?

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

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

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

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

5 Go ahead.

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

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

9 A In Orange County unincorporated.

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

12 A Yes.

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

15 A I don't know what that means.

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

18 A No, I don't.

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

21 MR. NEGRETE: Objection. Asked and answered.

22 THE WITNESS: Yes, I believe so.

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

1 post office drop box. Is that right?

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

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

5 A That address.

6 Q Which one, sir?

7 A Rancho Viejo Road.

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

10 A Seven or eight years.

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

12 A Not exactly, no.

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

15 A No, I don't offhand.

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

18 MR. NEGRETE: Objection. Vague and ambiguous.

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

22 A It's in Orange County.

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

25 Q BY MR. SHELY: Where is that

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

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

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

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

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

9 A 20 some years.

10 Q I'm sorry?

11 A 20 some years.

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

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

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

18 A Yes, I did.

19 Q What year was that, sir?

20 A I don't recall.

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

24 THE WITNESS: Okay.

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

1 subject to an objection.

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

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

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

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

11 MR. NEGRETE: Objection. Relevance.

12 THE WITNESS: Henderson, Nevada.

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

15 A I don't remember.

16 Q How long did you live there, sir?

17 A Three years.

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

21 MR. NEGRETE: Objection. Relevance.

22 THE WITNESS: I want in the Navy.

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

25 A Six years total service.

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

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

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

7 A Immediately after graduation two years.

8 Q And where did you serve, sir?

9 A On the east coast.

10 Q East coast of the United States. Correct?

11 A Yes.

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

13 A Almost.

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

15 A No, I did not.

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

18 A Yes.

19 Q Have you ever been convicted of a crime?

20 A No.

21 Q Have you ever been arrested?

22 MR. NEGRETE: Objection. Improper question.

23 Relevance.

24 THE WITNESS: I don't think so.

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

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

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

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

6 MR. NEGRETE: Objection. Relevance.

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

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

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

14 A Not that I know of.

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

17 A Could you speak up a little bit?

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

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

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

24 A There were several.

25 Q Do you remember them?



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

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

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

7           Q     And what other ranks did you have?

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

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

11          A     I go by Tim Bolen.

12          Q     Have you ever used any alias?

13          A     No.

14          Q     Are you married, sir?

15          A     Yes.

16          Q     Do you have any children?

17          A     Yes.

18          Q     How many children do you have?

19          A     One.

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

22          A     That's correct.

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

25          A     No.

1 Q -- in any respect?

2 A No.

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

5 MR. NEGRETE: Objection. Relevance.

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

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

10 MR. NEGRETE: Objection. Relevance.

11 THE WITNESS: You mean like a medical degree?

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

14 A No, of course not.

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

17 MR. NEGRETE: Objection. Relevance.

18 THE WITNESS: No.

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

21 A Oh, no, no.

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

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

1 for expert testimony.

2 THE WITNESS: Could you ask the question again?

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

5 (RECORD READ)

6 THE WITNESS: That's correct.

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

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

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

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

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

19 A I would prefer you define it.

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

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

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

1           You're asking me for a definition.

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

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

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

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

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

15          MR. NEGRETE:  I can state my objection.

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

18          MR. NEGRETE:  The court will rule.

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

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

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

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

6           A     Of course. Seminars.

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

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

11          Q     What do you mean by that?

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

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

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

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

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

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

25          A     That's correct, yes.

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

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

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

6 A Hunting license. Whatever.

7 Q Nothing else that you can think of?

8 A I can't think of anything.

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

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

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

17 MR. NEGRETE: Objection. Relevance.

18 THE WITNESS: No.

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

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

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

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

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

6 A Yes.

7 Q How long did you go to community college?

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

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

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

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

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

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

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

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

1 in California or a different state?

2 A California.

3 Q What specific city, sir?

4 A Lancaster.

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

8 MR. NEGRETE: Objection. Compound.

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

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

12 A Jerry Kip.

13 Q Were you fired from that job?

14 MR. NEGRETE: Objection. Relevance.

15 THE WITNESS: No.

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

18 MR. NEGRETE: Objection. Relevance.

19 THE WITNESS: Yes.

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

22 A One.

23 MR. NEGRETE: Objection. Relevance.

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



1 A Southern California Edison Company.

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

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

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

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

12 MR. NEGRETE: Objection. Relevance.

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

14 A No.

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

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

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

19 MR. NEGRETE: Objection. Relevance.

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

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

25 A Deputy Sheriff.

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

3 A Yes.

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

6 A Southern California Edison Company.

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

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

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

12 A Over 21, 22 years.

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

15 A '66.

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

18 MR. NEGRETE: Objection. Relevance.

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

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

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

25 Q What is crisis management in the power --

1 tell me again. Crisis management what, sir?

2 A In the power industry.

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

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

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

16 A Power system operator.

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

19 A Many different.

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

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

24 Q Do you own any guns, sir?

25 MR. NEGRETE: Objection. Relevance.

1 THE WITNESS: Yes.

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

4 MR. NEGRETE: Objection. Relevance.

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

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

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

11 THE WITNESS: Yes.

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

14 MR. NEGRETE: Objection. Relevance.

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

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

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

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

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

1 anybody?

2 MR. NEGRETE: Objection. Compound. Relevance.

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

5 MR. SHELY: Okay.

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

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

10 MR. NEGRETE: Objection. Relevance.

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

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

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

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

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

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

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

25 A Where are we?

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

3 A Yes. I already answered that.

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

6 A Right this minute?

7 MR. NEGRETE: Objection. Compound question.

8 Q BY MR. SHELY: What state?

9 A California.

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

13 MR. NEGRETE: Objection. Relevance.

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

16 A Hand guns are required to be registered.

17 Q And do you have handguns, sir?

18 MR. NEGRETE: Objection. Relevance.

19 THE WITNESS: Yes, I do.

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

22 MR. NEGRETE: Objection. Relevance.

23 THE WITNESS: I think three.

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

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

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

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

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

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

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

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

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

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

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

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

15 MR. SHELY: We disagree with your analysis.

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

20 MR. NEGRETE: Objection. Relevance.

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

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



1           A     The county in which you reside.

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

4           MR. NEGRETE:  Objection.  Relevance.

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

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

9           MR. NEGRETE:  Objection.  Relevance.

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

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

15          A     I don't recall.

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

18          MR. NEGRETE:  Objection.  Relevance.

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

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

23          MR. SHELY:  Okay.

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

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

3 (RECORD READ)

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

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

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

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

13 MR. NEGRETE: Objection. Relevance.

14 THE WITNESS: Yes.

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

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

19 THE WITNESS: 1989.

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

22 MR. NEGRETE: Objection. Relevance.

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

25 Q BY MR. SHELY: Describe for me,

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

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

5 THE WITNESS: Stress, stress related.

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

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

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

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

13 MR. NEGRETE: Objection. Hearsay. Relevance.

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

15 A Yes.

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

18 MR. NEGRETE: Objection. Relevance.

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

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

23 MR. NEGRETE: Objection. Argumentative.

24 Q BY MR. SHELY: Is that correct?

25 MR. NEGRETE: Harassing the witness. Relevance.

1 Q BY MR. SHELY: Is that correct?

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

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

7 MR. NEGRETE: Objection. Relevance.

8 THE WITNESS: Stress.

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

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

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

16 MR. NEGRETE: Objection. Argumentative.

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

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

21 A Yes.

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

24 MR. NEGRETE: Objection. Relevance.

25 THE WITNESS: I wasn't hospitalized for that

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

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

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

7 Q Who is they, sir?

8 A The people I work with.

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

10 MR. NEGRETE: Objection. Relevance.

11 THE WITNESS: I didn't collapse on the job.

12 Just something occurred. I don't know what. I was  
13 exhausted.

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

17 MR. NEGRETE: Objection. Relevance.

18 THE WITNESS: Well --

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

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

25 Q BY MR. SHELY: What was the name

1 of the psychologist, sir?

2 A I don't remember.

3 MR. NEGRETE: Well, objection. Relevance.

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

6 A Psychologist.

7 MR. NEGRETE: Objection. Relevance.

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

10 MR. NEGRETE: Objection. Relevance.

11 THE WITNESS: About a year.

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

15 MR. NEGRETE: Objection. Relevance.

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

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

20 MR. NEGRETE: Objection. Relevance.

21 THE WITNESS: Orange County.

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

1 MR. NEGRETE: Objection. Argumentative.

2 Compound. Relevance.

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

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

6 MR. NEGRETE: Objection. Relevance.

7 THE WITNESS: No.

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

10 MR. NEGRETE: Objection. Relevance.

11 THE WITNESS: No.

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

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

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

19 Q BY MR. SHELY: Did --

20 A -- not on a regular basis.

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

23 A Yes.

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

1 sir?

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

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

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

8 A No.

9 MR. NEGRETE: Objection. Relevance.

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

13 MR. NEGRETE: Objection. Relevance.

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

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

17 A Yeah.

18 Q At Southern California Edison Company?

19 A That's correct, yes.

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

22 MR. NEGRETE: Objection. Relevance.

23 THE WITNESS: I don't think so.

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



1 let me back up here.

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

5 MR. NEGRETE: Objection. Relevance.

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

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

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

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

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

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

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

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

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

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

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

16 MR. NEGRETE: Objection. Relevance.

17 THE WITNESS: Stress.

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

20 A Yes.

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

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

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

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

5 MR. SHELY: Sure.

6 Would you read it back to him?

7 (RECORD READ)

8 MR. NEGRETE: Same objection.

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

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

16 MR. NEGRETE: Objection. Relevance.

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

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

23 A Well, I was --

24 MR. NEGRETE: Objection. Relevance.

25 THE WITNESS: I think it was Mission Hospital.

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

3 A Mission Viejo.

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

6 A Oh, yes.

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

9 MR. NEGRETE: Objection. Relevance.

10 THE WITNESS: No.

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

13 MR. NEGRETE: Objection. Relevance.

14 THE WITNESS: No.

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

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

20 THE WITNESS: No.

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

25 MR. NEGRETE: Objection. Relevance. Attempts

1 to mislead the witness. Mischaracterizes testimony.

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

3 Could you clarify what you're asking me?

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

6 Is that correct, sir?

7 A That's correct.

8 Q For about a year you said?

9 A Yeah, about a year.

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

13 MR. NEGRETE: Objection. Relevance.

14 THE WITNESS: That I did?

15 MR. SHELY: Yes, sir.

16 THE WITNESS: No.

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

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

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

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

3 A I don't remember.

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

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

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

10 THE WITNESS: I don't know.

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

14 MR. NEGRETE: Objection. Relevance.

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

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

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

20 THE WITNESS: Yes, I was.

21 Q BY MR. SHELY: You were fired?

22 A Yes.

23 MR. NEGRETE: Objection. Relevance.

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

1 Edison Company, sir?

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

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

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

9 MR. NEGRETE: Objection. Relevance.

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

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

14 A From where I lived.

15 Q Where did you live at the time?

16 MR. NEGRETE: Objection. Relevance.

17 THE WITNESS: In Laguna Niguel.

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

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

23 THE WITNESS: Yes.

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

1 MR. NEGRETE: Objection. Relevance.

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

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

7 MR. NEGRETE: Objection. Relevance.

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

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

11 A It was done when I went off work.

12 Q When you went off work in 1989?

13 A Whenever after I had the stress reaction.

14 Q And where was that lawsuit filed, sir?

15 MR. NEGRETE: Objection. Relevance.

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

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

24 MR. NEGRETE: Objection. Relevance.

25 THE WITNESS: Right.



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

3 MR. NEGRETE: Objection. Relevance.

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

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

9 MR. NEGRETE: Objection. Relevance.

10 THE WITNESS: Stress, job stress.

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

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

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

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

22 MR. NEGRETE: Objection. Relevance.

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

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

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

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

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

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

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

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

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

22 THE WITNESS: Small claims actions.

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

25 A To recover money owed me.

1 Q Were they filed in a court of record?

2 MR. NEGRETE: Objection. Vague and ambiguous.

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

4 MR. SHELY: Where you file pleadings.

5 MR. NEGRETE: Objection. Vague and ambiguous.

6 Q BY MR. SHELY: Was it a small

7 claims court?

8 A Small claims.

9 Q Have you been a plaintiff in any other  
10 cases other than your workers' compensation suit that  
11 you described and small claims court actions?

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

13 Q How many times have you had your deposition  
14 taken, sir?

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

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

18 Q BY MR. SHELY: Do you remember  
19 what the suits were with respect to the first two  
20 times that you were deposed?

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

23 MR. SHELY: Let's start with the first one, sir,  
24 that you remember.

25 THE WITNESS: The workers' compensation claim.

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

4 MR. NEGRETE: Objection. Relevance.

5 THE WITNESS: Yes, I was.

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

8 A No.

9 Q What was the name of your lawyer?

10 A Somebody the union assigned.

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

13 A That's correct.

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

16 MR. NEGRETE: Objection. Relevance.

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

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

21 A Carlos Negrete.

22 Q What year were you deposed, sir?

23 A Three years ago maybe.

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

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

3 A As a plaintiff?

4 Q As plaintiff or defendant, sir.

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

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

10 A Yes.

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

13 MR. NEGRETE: Objection.

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

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

18 THE WITNESS: To the best of my knowledge.

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

21 A Oh --

22 MR. NEGRETE: Objection. Relevance.

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

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

1 A Are you including small claims?

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

4 A Other than small claims, two.

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

8 MR. NEGRETE: Objection. Relevance.

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

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

14 A Yes, it is.

15 MR. NEGRETE: Objection. Relevance.

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

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

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

25 MR. SHELY: Yes, sir.

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

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

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

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

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

13 MR. NEGRETE: Objection. Relevance.

14 THE WITNESS: Not as an employee, no.

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

18 MR. NEGRETE: Objection. Relevance.

19 THE WITNESS: Yes.

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

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

25 THE WITNESS: I'm a public relations consultant

1 and Hulda Clark uses my services.

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

4 A JuriMed Public Relations and Research  
5 Group.

6 Q Is that a corporation, sir?

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

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

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

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

16 MR. NEGRETE: Objection. Relevance.

17 THE WITNESS: I owned my own company.

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

20 A Bolen Publishing.

21 Q What year did you start Bolen Publishing?

22 A Probably 1989, '90.

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



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

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

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

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

14 A Yes.

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

20 MR. NEGRETE: Objection. Ambiguous. Relevance.

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

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

1 Bolen Publishing.

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

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

9 A I did have a business, yes.

10 MR. NEGRETE: Objection. Mischaracterizes  
11 testimony.

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

14 A We bought some horses.

15 Q Who is we, sir?

16 A My wife and I.

17 Q How long have you been married, sir?

18 A Since October 23 of 1965.

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

21 MR. NEGRETE: Objection. Relevance.

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

24 Q BY MR. SHELY: You would know.

25 Right?

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

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

5           A     President.

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

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

10          A     My role is president.

11          Q     And who are the other officers?

12          A     My wife.  We share the roles.

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

15          MR. NEGRETE:  Objection.  Relevance.

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

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

20          A     1989 or '90.

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

23          A     We primarily published a newspaper magazine  
24     monthly.

25          Q     A single newspaper magazine monthly or a

1 variety --

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

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

7 MR. NEGRETE: Objection. Vague and ambiguous.

8 THE WITNESS: A community news magazine.

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

11 A Southern Orange County.

12 Q And did that business fail, sir?

13 A No. We shut it down.

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

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

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

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

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

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

1 down one and picking up the other.

2 Q What do you mean that the two merged?

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

6 Q And --

7 A Too much work.

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

10 A Yeah, it was a grinder.

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

13 MR. NEGRETE: Objection. Relevance.

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

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

18 A Yes.

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

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

23 Q I didn't hear what you said.

24 A That's what they were for.

25 Q Was that before or after you started

1 JuriMed?

2 A Long before.

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

5 A Right.

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

8 A What?

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

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

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

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

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

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

22 A During the community college experience.

23 Q Does JuriMed have any employees?

24 A No.

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

1 receive a check from JuriMed?

2 MR. NEGRETE: Objection. Relevance.

3 THE WITNESS: No.

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

6 MR. NEGRETE: Objection. Relevance.

7 THE WITNESS: Not enough.

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

10 MR. NEGRETE: Objection. Relevance.

11 THE WITNESS: Not enough.

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

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

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

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

21 A 60,000.

22 MR. NEGRETE: Objection. Relevance.

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

1 A That's the total revenue.

2 MR. NEGRETE: Objection. Relevance.

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

5 A Yes.

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

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

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

11 MR. NEGRETE: Put the bottle down.

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

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

15 MR. NEGRETE: Objection. Relevance. Privacy.

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

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

20 A Right.

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

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



1 THE WITNESS: No.

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

4 A I'm not sure.

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

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

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

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

12 THE WITNESS: No.

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

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

18 THE WITNESS: We take out expenses.

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

21 A Living expenses.

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

24 A Yes.

25 MR. NEGRETE: Objection. Relevance.

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

4 A Yes.

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

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

10 MR. NEGRETE: Objection. Relevance.

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

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

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

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

22 MR. NEGRETE: Objection. Relevance.

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

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

1 MR. NEGRETE: Objection. Relevance. Privacy.

2 THE WITNESS: I hope so.

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

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

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

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

12 MR. NEGRETE: Objection. Relevance. Privacy.

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

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

19 MR. NEGRETE: Objection. Relevance. Privacy.

20 THE WITNESS: Yes.

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

22 MR. NEGRETE: Objection. Relevance.

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

1 witness.

2 MR. NEGRETE: Answer the question.

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

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

8 MR. NEGRETE: Objection. Relevance. Privacy.

9 THE WITNESS: I think so.

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

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

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

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

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

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

1 return for 2004. Is that correct?

2 MR. NEGRETE: Objection. Relevance.

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

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

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

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

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

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

16 Q What is your answer, sir?

17 A I don't recall.

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

21 MR. NEGRETE: Objection. Relevance.

22 THE WITNESS: I have a retirement.

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

25 A A retirement income from Edison Company.

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

3 MR. NEGRETE: Objection. Relevance.

4 THE WITNESS: \$5,000.

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

9 MR. NEGRETE: Objection. Relevance.

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

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

14 MR. NEGRETE: Objection. Relevance.

15 THE WITNESS: Of course.

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

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

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

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

1 MR. NEGRETE: Objection.

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

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

7 MR. NEGRETE: Objection. Argumentative.

8 Q BY MR. SHELY: Is that right?

9 A I didn't produce them, no.

10 Q Does JuriMed have an accountant --

11 MR. NEGRETE: Objection. Relevance.

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

13 A Not at the present time.

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

16 A Yes.

17 Q -- to help it with tax matters?

18 A Yes.

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

20 MR. NEGRETE: Objection. Relevance?

21 THE WITNESS: His name was Paul Brown.

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

24 MR. NEGRETE: Objection. Relevance.

25 THE WITNESS: Three, four years.

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

4 MR. NEGRETE: Objection. Relevance.

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

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

9 A Santa Ana, California.

10 Q Do you know the address?

11 A No.

12 Q Do you know the phone number?

13 A No.

14 Q You said it was in Santa Ana?

15 A Santa Ana.

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

18 MR. NEGRETE: Objection. Relevance.

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

21 A Yes.

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

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



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

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

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

6 MR. NEGRETE: Objection. Relevance.

7 A Yes.

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

10 MR. NEGRETE: Objection. Relevance.

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

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

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

21 MR. NEGRETE: Objection. Relevance.

22 THE WITNESS: '94 maybe.

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

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

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

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

4           A     Please.

5           Q     -- we can certainly do that.

6           A     I have very much concern right now.

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

9           A     I have one.

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

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

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

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

18                                 (RECESS TAKEN)

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

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

24          A     Yes.  Thank you.

25          Q     Before we broke, I was asking you a

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

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

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

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

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

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

20 THE WITNESS: I don't think so.

21 MR. SHELY: Was the lien ever satisfied?

22 MR. NEGRETE: Objection. Relevance.

23 THE WITNESS: No.

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

1 MR. NEGRETE: Objection. Relevance.

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

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

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

12 A The IRS.

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

14 MR. NEGRETE: Objection. Relevance.

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

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

19 A No.

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

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

25 A

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

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

6 MR. NEGRETE: Objection. Relevance.

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

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

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

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

14 A No.

15 MR. NEGRETE: Objection. Relevance.

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

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

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

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

2 Q Sure. You're ready, sir?

3 A I'm ready.

4 Q All right. What is Exhibit 1?

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

7 THE WITNESS: The document speaks for itself.

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

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

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

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

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

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

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

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

1 paragraph and read that into the record, sir.

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

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

6 THE WITNESS: Okay.

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

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

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

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

25 MR. NEGRETE: Objection. Relevance. Assumes

1 facts not in evidence. Lacking in foundation.

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

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

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

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

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

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

17 A Something like that.

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

20 A Mr. Negrete.

21 Q Excuse me. Mr. Negrete.

22 A Yes, I did.

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



1 MR. NEGRETE: Objection. Argumentative.

2 Assumes facts not in evidence.

3 THE WITNESS: Which e-mails?

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

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

6 e-mails. Is that correct?

7 MR. NEGRETE: Objection. Assumes facts not in

8 evidence.

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

10 Q BY MR. SHELY: And a number of

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

12 Is that correct?

13 MR. NEGRETE: Objection. Calls for speculation.

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

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

16 Q BY MR. SHELY: Were any of the

17 e-mails --

18 A Yes.

19 Q -- between you and Robert Jones the

20 president of Cavitat? Is that correct?

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

22 what you got.

23 Q And is JuriMed run out of your residence

24 that you've described in the Cleveland National

25 Forest?

1 A It's run out of my head.

2 Q I'm sorry?

3 A It's run out of my head.

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

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

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

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

12 Q And where is that computer located?

13 A At my home.

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

17 A That's correct.

18 Q How many computer lines do you have?

19 A I'm sorry. Ask again.

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

22 A Two.

23 Q Are they both used for JuriMed business?

24 A Yes.

25 Q Did you search both of those computers in

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

4 A Absolutely.

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

7 MR. NEGRETE: Objection. Vague and ambiguous.

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

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

15 A Oh, yeah.

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

17 A I have one.

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

20 A Yes.

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

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

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

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

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

5 Q Yes, sir.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Q Does JuriMed provide any services to  
10 Cavitat?

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

13 THE WITNESS: Yes.

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

16 A Excuse me.

17 Q Yes, sir.

18 A The answer is JuriMed, no.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 MR. NEGRETE: Objection. Mischaracterizes

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

3 THE WITNESS: Yes, I do.

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

7 A What do you mean by interest?

8 Q Your financial interest, sir.

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

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

14 A Yes, I do.

15 Q And how much per hour do you charge?

16 A I charge \$125 an hour.

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

19 A Yes.

20 Q Under the JuriMed banner or corporation?

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

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



1 A I don't recall.

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

4 A I don't recall.

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

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

10 Q Who are Jurimed's current clients?

11 MR. NEGRETE: Objection. Relevance.

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

14 MR. NEGRETE: Objection. Trade secret.

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

17 A That's correct.

18 Q And do you represent Hulda Clark?

19 MR. NEGRETE: Objection. Relevance.

20 THE WITNESS: From time to time.

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

24 A Sure.

25 Q Do you understand that, sir?

1 A Yes.

2 Q Do you currently represent Hulda Clark?

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

5 THE WITNESS: From time to time.

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

9 MR. NEGRETE: Objection. Relevance.

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

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

14 A No.

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

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

20 (RECORD READ)

21 MR. NEGRETE: Objection. Relevance.

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

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

25 A No.

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

3 A No.

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

5 A A guesstimate.

6 Q Is a guesstimate?

7 A Uh-huh.

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

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

17 Q Who is them?

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

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

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

23 Q How is it different, sir?

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

1 and I'd charge more.

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

5 MR. NEGRETE: Objection. Calls for speculation.

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

7 THE WITNESS: They listed me as what?

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

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

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

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

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

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

23 Q BY MR. SHELY: Sounds familiar?

24 A Sounds familiar.

25 Q You've written this kind of thing many

1 times. Is that right?

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

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

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

9 MR. NEGRETE: Objection.

10 THE WITNESS: I think so, yes.

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

13 A Oh, yes.

14 Q Is he a historical interest of yours?

15 A Oh, yes.

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

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

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

23 A "The quackbuster operation --

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

1 MR. SHELY: Yes.

2 MR. NEGRETE: Go ahead.

3 THE WITNESS:

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

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

23 MR. NEGRETE: Objection. Calls for speculation.

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

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

5 A Yes.

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

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

10 MR. NEGRETE: Objection. Relevance.

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

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

18 MR. NEGRETE: Objection. Asked and answered.

19 THE WITNESS: There isn't.

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

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

25 THE WITNESS: It's a euphemism.

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

4 A That's correct.

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

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

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

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

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

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

22 MR. NEGRETE: Objection. Mischaracterizes  
23 testimony.

24 A No. It's a euphemism.

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



1                   Go ahead.

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

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

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

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

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

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

16                  MR. NEGRETE:  Objection.

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

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

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

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

3 MR. NEGRETE: Objection. Relevance.

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

13 Q Can you name one of them?

14 A No, I can't.

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

18 MR. NEGRETE: Objection.

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

21 Let me finish my question.

22 MR. NEGRETE: I'm sorry.

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

25 A I wasn't asked for them.

1 Q Do you have them in your possession?

2 A No.

3 Q Have you ever seen them?

4 A Of course.

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

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

9 THE WITNESS: Why would I keep them?

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

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

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

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

20 MR. NEGRETE: Objection. Relevance.

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

1 relevant to any of the issues.

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

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

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

16 Correct?

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

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

21 A No.

22 MR. NEGRETE: Objection. Compound question.

23 THE WITNESS: No.

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

1 statement?

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

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

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

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

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

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

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

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

25 A Absolutely not.

1 MR. NEGRETE: Objection. Argumentative.

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

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

10 THE WITNESS: I've answered the question.

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

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

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

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

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

21 Q What is it a euphemism for?

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

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

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

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

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

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

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

14 (RECORD READ)

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

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

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

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

25 Q What is the control group, sir?

1 MR. NEGRETE: Counsel, relax.

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

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

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

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

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

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

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

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

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

21 MR. NEGRETE: No.

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

24 (RECORD READ)

25 THE WITNESS: Okay.



1 Q BY MR. SHELY: Start.

2 A The American Council on Science and Health.

3 Q American Council on Science and Health?

4 A Uh-huh.

5 Q Who else?

6 A The National Council Against Health Fraud.

7 Q Who else?

8 A Quackwatch.com.

9 Q Anybody else?

10 A Healthwatcher.net.

11 Q Healthwatcher what, sir?

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

13 Q Who else, sir?

14 A A group calling itself The Skeptics.

15 They're out of Albany, New York.

16 Q Anybody else that's in the control group as

17 you've used that term, sir?

18 A Permisius Press (phonetic).

19 Q Anybody else in the control group as you

20 have used that term, sir?

21 A Individuals associated with those

22 organizations.

23 Q List them, sir.

24 A I can't remember all the names.

25 Q List the ones that you do remember.

1 A Stephen Barrett.

2 Q And who else, sir?

3 A Robert Baratz.

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

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

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

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

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

17 (LUNCH RECESS TAKEN)

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

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

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

25 A Yes. Thank you.

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

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

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

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

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

17          A     Yes, I did.

18          Q     What is it?

19                     MR. NEGRETE:  Objection.  Relevance.

20                     Foundation.  Assumes facts not in evidence.

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

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

1 if they were identical?

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

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

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

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

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

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

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

19 THE WITNESS: Okay.

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

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

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

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

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

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

9                   THE WITNESS: They appear to be the same.

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

14                  MR. NEGRETE: Objection.

15                  MR. SHELY: Let me finish, please.

16                  Q     -- off of one of your websites?

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

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

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

25                  A     It says"

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

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

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

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

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

11 Q Yes, sir.

12 A -- address?

13 Q Yes, sir.

14 A That is one of my websites.

15 Q And would you turn to the last page, sir.

16 A Well, there's a problem again.

17 Q Okay.

18 A This document appears to have been written  
19 today.

20 Q It was run off today at lunch, sir. That's  
21 when I ran it off the internet, at lunchtime.

22 A I didn't write this today.

23 MR. NEGRETE: Objection -- hold on. Objection.

24 Don't assume or speculate as to what Mr. Shely did.

25 It's calling for speculation. Relevance. Lacking in

1 foundation.

2 Q BY MR. SHELY: What I'm asking  
3 you, sir, is now that you've had an opportunity to  
4 see this text which I will represent to you was run  
5 off a Google search at lunch after you said you  
6 didn't know if it was from your website now that  
7 you've seen a document that has your website on it  
8 as well as your phone number and name on the last  
9 page does that refresh your recollection as to  
10 whether the words contained in Exhibit 2 were  
11 written by you.

12 MR. NEGRETE: Objection. Relevance. Lacking in  
13 foundation. Calling for speculation. Disregarding  
14 Mr. Shely's representation, go ahead and answer.

15 THE WITNESS: Again, Mr. Shely, it appears to be  
16 something I would have written. But it's dated  
17 today, so I'm not following what you're saying. I  
18 obviously didn't write this today.

19 Q BY MR. SHELY: Look right under  
20 the headline, sir. See it says Sunday,  
21 September 5, 2004?

22 A Yes, I do.

23 Q Does that refresh your recollection as to  
24 whether you wrote this?

25 MR. NEGRETE: Objection. The question has been

1           asked and answered. Relevance. Lacking in  
2           foundation.

3           THE WITNESS: Again, I'm just making my point  
4           that this has today's date on it.

5           Q     BY MR. SHELY: Yes, I understand  
6           the bottom of the page does, sir. What I'm drawing  
7           your attention to is under the headline "Private  
8           Communication from Bolen." It says Sunday,  
9           September 5, 2004.

10                     Does that assist you in refreshing your  
11           recollection as to whether you wrote these words  
12           contained in Exhibit 2?

13           A     I think I've answered this a number of  
14           times Mr. Shely. It appears to be something that I  
15           wrote. But again --

16           Q     I'm going to let you finish. I didn't mean  
17           to interrupt you.

18           A     Again, I don't know if it is or not. It  
19           could be.

20           Q     You don't deny that this is something you  
21           wrote at any rate. Is that correct, sir?

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

24           THE WITNESS: I don't deny it, no.

25           MR. SHELY: I'm going to hand to the court



1 reporter, Mr. Bolen, what's going to be marked as  
2 Exhibit 3. I have a courtesy copy for your counsel  
3 Mr. Negrete.

4 The court reporter will mark this as three.  
5 I ask that you look at it and tell me whether you can  
6 identify it, sir.

7 (Whereupon, the aforementioned document  
8 was marked as defendant's exhibit 3 for  
9 identification and is attached hereto.)

10 MR. NEGRETE: Objection. Relevance. Calls for  
11 speculation, lacking in foundation. I would like to  
12 point out Mr. Shely that there's an indication that  
13 says document subject to protective order.

14 MR. SHELY: Yeah, that issue has been resolved  
15 in the case.

16 MR. NEGRETE: I believe that issue is on appeal  
17 right now before Judge Krieger, and Cavitat would  
18 assert that pending the appeal all confidentiality --  
19 confidential documents remain such.

20 Q BY MR. SHELY: Have you had a  
21 chance to review that document, sir?

22 A Yes, I have.

23 Q Have you ever seen that document before,  
24 sir?

25 A I have.

1 Q What is it?

2 MR. NEGRETE: Objection. Relevance.

3 THE WITNESS: It's titled Cavitat Legal Fund  
4 Participating Agreement as Amended October 1st, 2004.

5 Q BY MR. SHELY: And beneath the  
6 word subscriber, sir, it is printed Tim Bolen and  
7 there's a signature. Is that your signature, sir?

8 MR. NEGRETE: Objection. Relevance.

9 THE WITNESS: Where is the word subscriber?

10 MR. SHELY: Your counsel can help you with that,  
11 sir.

12 THE WITNESS: Oh, I see. Yes, that's my  
13 signature.

14 Q BY MR. SHELY: And to the right of  
15 there it has printed Jan Bolen and there's a  
16 signature Jan Bolen. In your opinion, is that your  
17 wife's signature?

18 A Yes.

19 MR. NEGRETE: Objection. Calls for an expert  
20 opinion. Lacking in foundation. Relevance.

21 Q BY MR. SHELY: Did you see your  
22 wife sign that document, sir?

23 A No, I did not.

24 Q Do you believe that based upon more than 40  
25 years of marriage you would recognize your wife's

1 signature?

2 A Yes.

3 MR. NEGRETE: Objection.

4 Q BY MR. SHELY: And there's no  
5 doubt in your mind at all, sir, is there, that that  
6 is your wife's signature on the first page along  
7 with yours?

8 A Correct.

9 Q Now, you signed it on February 3, 2005. Is  
10 that correct, sir?

11 A It appears that way, yes.

12 Q All right, sir. Why don't you read into  
13 the record the first paragraph after the word  
14 subscription agreement in the title starting with "I  
15 Tim Bolen."

16 MR. NEGRETE: Objection. Relevance. The  
17 document speaks for itself.

18 THE WITNESS:

19 "I Tim Bolen hereby agree to  
20 become participants under the  
21 terms and conditions of CLFPA as  
22 amended October 1st, 2004. For  
23 public relations and consulting  
24 services to CLFPA, I am granted  
25 one quarter of one full share.

1           The present value basis is \$6,250.  
2           CLFPA will consist of only six  
3           full shares. One full share  
4           equals \$25,000 and should the suit  
5           be settled before six full shares  
6           have been subscribed and paid or  
7           vested, the total award amount  
8           will be allowed to participants  
9           and will be distributed on the  
10          basis of amount of participant's  
11          investment as related to one full  
12          share. Example, a 12,500  
13          investment will receive one half  
14          of one full share of the reward."

15           Q     BY MR. SHELY: Why don't you read  
16          the next sentence also, sir.

17           MR. NEGRETE: Objection. Relevance. The  
18          document speaks for itself.

19           THE WITNESS:

20                    "It is understood that should  
21                    no financial award be received and  
22                    any remaining CLFPA legal funds  
23                    have been distributed this  
24                    participating agreement is  
25                    terminated."

1 Q BY MR. SHELY: All right.

2 Mr. Bolen, did you have any role with the formation  
3 of the Cavitat Legal Fund Participating Agreement?

4 MR. NEGRETE: Objection. Relevance. Calls for  
5 a legal conclusion. Ultimate fact. The question is  
6 vague and ambiguous.

7 THE WITNESS: No, I did not.

8 Q BY MR. SHELY: Have you raised any  
9 money on behalf of Cavitat --

10 MR. NEGRETE: Objection. Relevance.

11 Q BY MR. SHELY: -- since the filing  
12 of the lawsuit on August 12, 2004?

13 MR. NEGRETE: Objection as to relevance.

14 THE WITNESS: No.

15 Q BY MR. SHELY: What public  
16 relations services did you provide in connection  
17 with the agreement marked as Exhibit 3?

18 MR. NEGRETE: Objection. Relevance.

19 THE WITNESS: I advised Mr. Jones to keep in  
20 contact continuously with his Cavitat customers, and  
21 I advised him on how to deal with press contacts and  
22 I listened to him.

23 Q BY MR. SHELY: When did you first  
24 meet Bob Jones the president of Cavitat?

25 MR. NEGRETE: Objection. Relevance.

1 THE WITNESS: I don't know the exact date, but  
2 it was in Dallas, Texas at a dental meeting after  
3 this agreement was signed.

4 Q BY MR. SHELY: Is that the dental  
5 meeting where you were first served with subpoenas  
6 to appear for deposition in this case?

7 MR. NEGRETE: Objection. Relevance. Assumes  
8 facts not in evidence.

9 THE WITNESS: Yes. That's the one.

10 Q BY MR. SHELY: Now, had you spoken  
11 to Mr. Jones on the phone before that date --

12 MR. NEGRETE: Objection. Relevance.

13 Q BY MR. SHELY: -- March 4, 2005?

14 MR. NEGRETE: Objection. Relevance.

15 THE WITNESS: Yes, of course.

16 Q BY MR. SHELY: So when you say  
17 first time you met him is when you met him in  
18 person. Is that what you meant?

19 A Correct.

20 Q When is the first time that you spoke with  
21 Bob Jones the president of Cavitat?

22 MR. NEGRETE: Objection. Relevance.

23 THE WITNESS: I don't remember the exact time  
24 when he first called me and told me that he was going  
25 through the FDA approval process. That's when he

1 first told me. That's my earliest recollection.

2 Q Do you know the date which Cavitat sought  
3 clearance for the Cavitat device from the FDA?

4 MR. NEGRETE: Objection. Calls for speculation.  
5 Relevance. Assumes facts not in evidence.

6 THE WITNESS: No, I don't.

7 Q BY MR. SHELY: Can you as you sit  
8 here today give the year in which you first spoke  
9 with Bob Jones?

10 A No, I can't.

11 Q Do you know if it was before the year 2004  
12 at any rate?

13 A I'm sorry over there. I have a back injury  
14 and I can't sit still. I'm sorry.

15 Would you ask your question again?

16 Q Sure. Do you know if the first time you  
17 spoke to Bob Jones was before 2004?

18 A Yes.

19 Q And you believe that it was prior to that  
20 date. Is that what you mean by your answer?

21 A The best indication is when I told you  
22 before that -- my earliest recollection is when he  
23 called me and was going through his FDA clearance.

24 Q Had you heard of Bob Jones prior to the  
25 time that you received that call from him, sir, the

1 very first call?

2 MR. NEGRETE: Objection. Vague and ambiguous.  
3 Relevance.

4 MR. SHELY: Please let him answer the question.  
5 There's nothing vague and ambiguous about that  
6 question. You're obstructing the record  
7 purposefully. It's going to be something that's  
8 going to have to be addressed. If you want to have a  
9 running relevance objection, I will give you that.  
10 You are objecting on every single question  
11 unnecessarily and obstructively.

12 MR. NEGRETE: I'm not objecting to every single  
13 question. I'm objecting to every question that's not  
14 relevant.

15 And as to your proposal to stipulate to  
16 running objection as to relevance, I will accept  
17 that. It would be subject to court approval, but I  
18 do believe that the whole line of questioning -- in  
19 fact, the deposition of Mr. Bolen himself is not  
20 relevant or germane to any issues in this case.

21 And, Mr. Shely, I understand your desire to  
22 object or to take exception to one of my objections,  
23 but you don't have to get upset about it. You can  
24 state a record.

25 MR. SHELY: I'm not upset about it at all. I'd



1 just like you to quit obstructing the deposition.

2 MR. NEGRETE: Mr. Shely, I take exception to  
3 your representation that I'm obstructing. I'm doing  
4 my job. I'm objecting to questions that are not  
5 relevant.

6 As a matter of fact, Mr. Shely, I believe  
7 you're being obstructive in this case by going into  
8 lines of inquiry that are not relevant to this case.

9 MR. SHELY: Thank you for your opinion. We  
10 respectfully disagree with it.

11 Q Mr. Bolen, can you answer the pending  
12 question or do you need to hear it again?

13 A I'd like to hear it again. Thank you.

14 (RECORD READ)

15 THE WITNESS: Yes, I did -- I had.

16 Q BY MR. SHELY: And what was the  
17 context or the circumstances that caused you to hear  
18 of him before, sir?

19 A I had heard his name mentioned in the  
20 dental world.

21 Q In what context, sir?

22 A I don't recall. It's too vague. I don't  
23 remember.

24 Q And do you have -- do you know how long ago  
25 you heard of Bob Jones even though you don't know

1 exactly when you first received a call from him?

2 A I don't know, no.

3 Q Do you consider the Cavitat to be a cutting  
4 edge health professional?

5 MR. NEGRETE: Objection. Calls for a legal  
6 conclusion and expert testimony. Lacking in  
7 foundation. The question is vague and ambiguous.

8 THE WITNESS: I have no knowledge of the Cavitat  
9 instrument whatsoever.

10 Q BY MR. SHELY: You don't claim to  
11 know how the Cavitat purports to work. Is that  
12 correct?

13 A That's correct.

14 Q What does NICO stand for?

15 MR. NEGRETE: Objection. Calls for speculation.  
16 Lacking in foundation. Calls for expert testimony.

17 THE WITNESS: I'd have to think about it. Let  
18 me think what NICO is.

19 MR. SHELY: Sure.

20 THE WITNESS: The first word is neuralgia. I  
21 think the second word is induced. The third word is  
22 cavitational. The "O" word escapes me.

23 Q BY MR. SHELY: Is it fair to say  
24 that you don't hold yourself out as having any  
25 knowledge regarding the controversy whether NICO

1 exists or not?

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

4 THE WITNESS: Ask the question again, please.

5 MR. SHELY: Yeah. Would you read it back to  
6 him, please.

7 (RECORD READ)

8 MR. NEGRETE: Objection. Assumes facts not in  
9 evidence. Calling for speculation.

10 THE WITNESS: It is too vague, Mr. Shely. I  
11 have read some things, but I can't -- your question  
12 is too vague.

13 Q BY MR. SHELY: You don't consider  
14 yourself an expert on the issue of NICO, do you,  
15 sir?

16 MR. NEGRETE: Objection. Assumes facts not in  
17 evidence. Lacking in foundation as to issue.

18 THE WITNESS: Again, would you clarify a little  
19 more for me where you're going with that? I -- I  
20 really need you to focus that just a little bit more.

21 Q BY MR. SHELY: Let me try to  
22 rephrase it. You haven't done any studies about  
23 NICO, have you?

24 MR. NEGRETE: Objection. Assumes facts not in  
25 evidence. Lacking in foundation as to NICO.

1 THE WITNESS: I have read about NICO and the  
2 arguments.

3 Q BY MR. SHELY: Have you done  
4 anything other than read about the arguments and  
5 read articles?

6 A Like what?

7 MR. NEGRETE: Objection. Vague and ambiguous.

8 Q BY MR. SHELY: Anything else, sir.

9 MR. NEGRETE: Objection. Vague and ambiguous.  
10 Overbroad.

11 THE WITNESS: I would need some kind of idea  
12 where -- what you meant. I don't know what you mean  
13 by that.

14 Q BY MR. SHELY: What is Big Pharma?

15 MR. NEGRETE: Objection. Calls for speculation.  
16 Assumes facts not in evidence. Lacking in  
17 foundation.

18 THE WITNESS: Big Pharma is the term commonly  
19 used for the pharmaceutical industry.

20 Q BY MR. SHELY: And you use that  
21 term in your postings, don't you, sir?

22 A Yes, I do.

23 Q Do you remember comparing Big Pharma to  
24 Nazies?

25 MR. NEGRETE: Objection.

1 THE WITNESS: I don't remember.

2 MR. NEGRETE: Assumes facts not in evidence.

3 Q BY MR. SHELY: Have you ever  
4 compared anybody to Nazis in your postings, sir?

5 MR. NEGRETE: Objection. Calls for -- the  
6 question is vague and ambiguous. Also relevance.

7 My understanding is we've got a standing  
8 relevance objection. Is that true, counsel?

9 MR. SHELY: As noted earlier, sir.

10 MR. NEGRETE: Thank you.

11 THE WITNESS: Have I ever compared anyone to  
12 Nazis?

13 MR. SHELY: Yeah, in your postings.

14 THE WITNESS: I think I may have said something  
15 acts like Nazis.

16 Q BY MR. SHELY: Who did you say  
17 acts like Nazis?

18 A I don't recall at this time.

19 Q I'm going to hand to the court reporter,  
20 sir, what's going to be marked as Exhibit 4. I have  
21 a courtesy copy for Mr. Negrete.

22 (Whereupon, the aforementioned document  
23 was marked as defendant's exhibit 4 for  
24 identification and is attached hereto.)

25 Q BY MR. SHELY: When you get it,

1 sir, I'd like to draw your attention to the first  
2 page. Underneath, sir, the heading "But this time  
3 Big Pharma is in a death struggle." Do you see that  
4 near the bottom of the page, sir?

5 MR. NEGRETE: What was that again? Where were  
6 you reading from?

7 Q BY MR. SHELY: Sir, the last line  
8 at the bottom of the page starting "In actuality."  
9 Will you read that into the record, sir? It goes  
10 over to the next page.

11 MR. NEGRETE: Well, first of all, object. The  
12 document speaks for itself. There's no question  
13 pending.

14 Q BY MR. SHELY: Will you read that  
15 into the record, sir, so I can ask you some  
16 questions about it so the jury can have an  
17 understanding what the document says.

18 A Okay. "But this time Big Pharma is in a  
19 death struggle."

20 Q What I was drawing your attention to was  
21 the line that started with "In actuality" at the  
22 bottom of the page.

23 A Okay. Thank you.

24 "In actuality Big Pharma  
25 itself is under siege. Their

1           murderous policies have gotten  
2           them attention they should have  
3           avoided. An attention that isn't  
4           going to go away. Their policies  
5           have gained attention the same way  
6           the Nazi war machine got the free  
7           world's attention and they are  
8           going to see a similar result."

9           Q     Does that refresh your recollection as to  
10           whether you've compared entities or persons to Nazis  
11           in at least some of your postings?

12           MR. NEGRETE:  Objection.  Lacking in foundation.

13           THE WITNESS:  Can you ask the question again,  
14           please.

15           MR. SHELY:  Would you read it back to him  
16           please.

17                               (RECORD READ)

18           MR. NEGRETE:  Objection.  Assumes facts not in  
19           evidence.  Lacking in foundation as to postings.

20           THE WITNESS:  I think you're attempting to  
21           mischaracterize what I said here, Mr. Shely.  It  
22           speaks for itself.

23           Q     BY MR. SHELY:  You did write it  
24           though.  Correct, sir?

25           A     It appears that I did.  Could be if we're

1 using the same guidelines we used before.

2 Q You don't deny that you wrote it. Is that  
3 correct?

4 A No.

5 Q And actually don't you as you think about  
6 it you've made a number of other postings comparing  
7 persons to Nazis.

8 MR. NEGRETE: Objection. Calls for speculation.  
9 Lacking in foundation.

10 MR. SHELY: He can tell me what he knows,  
11 counsel.

12 THE WITNESS: Other postings you're assuming  
13 that -- this is a reference that talked about the  
14 Nazi war machine. That's a totally different issue.  
15 And so but you're trying to mischaracterize what I  
16 said here.

17 Q BY MR. SHELY: Let's go back to  
18 Exhibit 3, sir, if you would. If I do the math  
19 right -- you tell me if you do it differently --  
20 based upon your quarter of a share of six full  
21 shares, you're entitled to 1/24th of any amount that  
22 Cavitat is awarded in this suit. Is that correct?

23 MR. NEGRETE: Objection.

24 Q BY MR. SHELY: Per this agreement.  
25 Is that your understanding of it?



1 MR. NEGRETE: Objection. Improper question as  
2 to form. The question is argumentative.

3 THE WITNESS: I don't think that's right.

4 Q BY MR. SHELY: Why isn't that  
5 right based upon your understanding?

6 A As a matter of fact, 1/24th. I didn't look  
7 at it like that.

8 Q All I'm saying, sir, is there's six total  
9 shares per this agreement. Do you agree with that?

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

12 Q BY MR. SHELY: Is that your  
13 understanding?

14 A Yes. There's six full shares.

15 Q Okay. And you have a quarter of a full  
16 share. Is that correct?

17 A Yes.

18 Q So that would be 1/24th of the total  
19 shares. Is that correct?

20 MR. NEGRETE: Objection. The document speaks  
21 for itself.

22 THE WITNESS: Well, you're not taking into  
23 consideration page two.

24 Q BY MR. SHELY: All right, sir. So  
25 you don't agree that you're entitled to 1/24th?

1 MR. NEGRETE: Objection. Mischaracterizes  
2 testimony.

3 Q BY MR. SHELY: Is that what you're  
4 saying, sir?

5 MR. NEGRETE: Argumentative.

6 THE WITNESS: My -- I don't agree, no.

7 Q BY MR. SHELY: Tell me, sir, how  
8 much you understand you get out of any recovery that  
9 Cavitat gets in this lawsuit.

10 MR. NEGRETE: Objection. Calls for speculation.

11 THE WITNESS: I can speculate, but by the way I  
12 had it explained to me I would get 1/96th.

13 Q BY MR. SHELY: Who explained to  
14 you that you got 1/96th?

15 A Well, perhaps Mr. Jones. But I didn't get  
16 it right. I mean I don't know if I got it right.

17 Q So is it fair to say that you don't know  
18 how much of the percentage of any recovery by Cavitat  
19 that you would get based upon this agreement?

20 A Yes. That's correct. I am not positive of  
21 how that would work because things have changed.

22 Q And how have things changed, sir?

23 A You'd have to ask Mr. Jones. I don't know  
24 that.

25 Q What is your factual basis for saying

1 things have changed? What makes you say that?

2 A I believe they changed the accounting rules  
3 somewhere since I signed this and they had to vote on  
4 it or something, so I don't know what it is.

5 Q You still own whatever percent of the  
6 lawsuit that this document gives you. Isn't that  
7 correct? You haven't given it back to Cavitat.

8 MR. NEGRETE: Objection. Lacking in foundation.  
9 Privacy.

10 THE WITNESS: That's correct. Again, there's  
11 more here.

12 Q BY MR. SHELY: So you would agree  
13 then that you have a financial interest in the  
14 lawsuit brought by Cavitat against my client Aetna.  
15 Correct?

16 MR. NEGRETE: Objection -- withdraw the  
17 objection other than relevance.

18 THE WITNESS: Yes, I agree.

19 Q BY MR. SHELY: That of course puts  
20 you in a biased position as to giving any testimony  
21 in the case, doesn't it?

22 MR. NEGRETE: Objection. Mischaracterizes  
23 testimony. Lacking in foundation. Argumentative.  
24 Improper form.

25 THE WITNESS: I have never been asked to give

1 testimony nor would I be expected to.

2 Q BY MR. SHELY: All I'm asking,  
3 sir, is you're giving testimony in your deposition.  
4 You understand that. Correct?

5 A Not by their request, not by the  
6 plaintiff's request, by yours.

7 Q You understand that you'll be entitled to  
8 financial gain if Cavitat wins this lawsuit based  
9 upon this agreement. Is that correct?

10 A Yes, I do.

11 Q Turn if you would, sir, to the last page of  
12 Exhibit 3, sir. And did you receive that letter from  
13 Sara Jones?

14 A Yes, I was faxed a copy of this.

15 Q And what does the one sentence of the text  
16 of the letter say, sir?

17 A  
18 "Enclosed is Cavitat Legal  
19 Fund Participating Agreement,  
20 CLFPA, awarding you one full share  
21 for your public relations and  
22 consulting contributions to the  
23 partnership."

24 Q Now, have you posted on any internet site  
25 any descriptions of the lawsuit of Cavitat versus

1 Aetna?

2 MR. NEGRETE: Objection. Vague. Overbroad.

3 Ambiguous.

4 THE WITNESS: What do you mean by a description?

5 Q BY MR. SHELY: Have you made any

6 postings referencing the Cavitat versus Aetna

7 lawsuit?

8 A Yes.

9 Q And are those postings a part of your role

10 as a crisis management consultant?

11 A No, they're not.

12 Q Is your -- has Cavitat asked you to make

13 those postings?

14 A No.

15 Q And are you saying that -- has Cavitat

16 asked you not to make the postings?

17 MR. NEGRETE: Objection. Argumentative.

18 Improper as to form.

19 THE WITNESS: No.

20 Q BY MR. SHELY: When you're

21 posting, is that part of the public relations

22 services that you're providing to the partnership

23 based upon page three of Exhibit 3?

24 MR. NEGRETE: Objection. Calls for a legal

25 interpretation.

1 THE WITNESS: I'd like to refer you to Exhibit 2  
2 which you asked me about. And paragraph five says:

3 "What is important here to  
4 recognize is that my newsletter is  
5 separate from my business that of  
6 being a crisis management  
7 consultant in the healthcare  
8 industry. My business card says  
9 'JuriMed Public Relations and  
10 Research Group' below the title is  
11 says 'strategist.'"

12 Q BY MR. SHELY: Are you providing  
13 crisis management services to Cavitat.

14 MR. NEGRETE: Objection. Vague and ambiguous.

15 THE WITNESS: Yes.

16 Q BY MR. SHELY: Describe those  
17 services, please.

18 A I -- my primary function these days is to  
19 listen to Mr. Jones blow off steam.

20 Q Describe for me what you mean by your  
21 primary -- you said role or task -- whatever your  
22 word was was to Mr. Jones blow off steam. What's he  
23 blowing off stream about, sir?

24 A His frustrations in this case.

25 Q And were you involved in any way in working

1 on the original complaint filed in this case?

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

4 THE WITNESS: No, I was not. It came as a  
5 surprise to me.

6 Q BY MR. SHELY: What do you mean it  
7 came as a surprise to you?

8 A Bob Jones called me one day and says, well,  
9 we did it. And I said did what? And he said we  
10 filed our complaint.

11 And I had to think about what -- what it  
12 was he was talking about because I get a lot of  
13 calls. And I had to ask him what specifically he was  
14 talking about.

15 Q To the best of your recollection, sir, when  
16 did you receive that call from Mr. Jones in which you  
17 stated he told you that the lawsuit had been filed?

18 A Either day of or the day after.

19 Q And is it your testimony that you were not  
20 involved in any way with the lawsuit prior to that  
21 time because you didn't know it was going to be  
22 filed?

23 MR. NEGRETE: Objection. The question has been  
24 asked and answered. It's a compound question.

25 THE WITNESS: That's correct.

1 Q BY MR. SHELY: Did you have any  
2 communication with the Walter Gerash law firm, the  
3 Colorado firm that formerly represented Cavitat in  
4 this suit --

5 MR. NEGRETE: Objection.

6 Q BY MR. SHELY: -- prior to the  
7 suit being filed?

8 MR. NEGRETE: Well. Objection. Lacking in  
9 foundation.

10 THE WITNESS: Mr. Shely, I remember some  
11 communications around that time, but I don't think  
12 they were before the suit. I think they were after.

13 Q BY MR. SHELY: And you're pretty  
14 sure that you didn't know Cavitat was going to file  
15 suit until after that event had occurred. Is that  
16 your testimony?

17 A Excuse me a second here. That's correct.  
18 I -- I -- Mr. Jones had said he was thinking about  
19 it, but I get a lot of calls with people thinking  
20 about doing things. And I hadn't -- so when he said  
21 he did it, I went what and I want to see it right  
22 now, where can I get a copy.

23 Q Did you provide -- let me ask you this:  
24 Have you ever spoken with Walter Gerash on the phone  
25 or in person?



1 MR. NEGRETE: The person or the firm?

2 Q BY MR. SHELY: Walter Gerash the  
3 individual.

4 A No, but I'd like to.

5 Q And did you have any communication with  
6 Mr. Andy Reid who works at the Walter Gerash law firm  
7 before the suit was filed on August 12, 2004?

8 MR. NEGRETE: Objection. Assumes facts not in  
9 evidence. Foundation.

10 THE WITNESS: I don't believe so, no. I had  
11 communication -- the first communication I ever had  
12 with Andrew Reid was I believe where can I get a copy  
13 of this.

14 Q BY MR. SHELY: So in other words  
15 your first communication to the best of your  
16 recollection with Andy Reid of the Walter Gerash law  
17 firm was after the lawsuit was filed?

18 A Yes. Right at the time the lawsuit was  
19 filed. Bob was eager to tell me right at that time.

20 Q Did you provide any information to  
21 Cavitat's then lawyers in connection with the  
22 preparation of the suit?

23 MR. NEGRETE: Objection. The question has been  
24 asked and answered. Assumes facts not in evidence.  
25 Lacking in foundation.

1 THE WITNESS: No, I didn't. I was disappointed  
2 that he didn't ask me.

3 Q BY MR. SHELY: Why were you  
4 disappointed?

5 A Well, I don't know. It just was a great  
6 suit, and I wished they had asked me in the first  
7 place.

8 Q And did you understand when he told you  
9 that he had filed suit that it was a RICO suit?

10 MR. NEGRETE: Objection. Lacking in foundation.  
11 Assumes facts not in evidence. Seeks a legal  
12 interpretation.

13 THE WITNESS: Yes, I did.

14 Q BY MR. SHELY: And did you know  
15 what a RICO suit was at that time?

16 A I had certainly heard the name. And I did  
17 some research right away about RICO.

18 Q Had you been involved with a RICO suit  
19 prior to August of 2004?

20 MR. NEGRETE: Objection. Vague and ambiguous.  
21 Lacking in foundation.

22 THE WITNESS: Only as a journalist. I had  
23 written about one before.

24 Q BY MR. SHELY: Which suit do you  
25 claim that you wrote about before, sir?

1           A     Can you give me a minute here?  There might  
2           be more than one.  I can only remember one.  I  
3           remember one.

4           Q     What is the one that you remember, sir?

5           A     There was a counter suit in an Oakland  
6           Superior Court case in the Barrett versus Clark case.

7           Q     And who brought the suit against whom, sir?

8           MR. NEGRETE:  Objection.  Calls for speculation.  
9           Lacking in foundation.  Assumes facts not in  
10          evidence.

11          THE WITNESS:  One of the defendants.  And I  
12          honestly don't remember.  I just don't recall who it  
13          was specifically.

14          MR. NEGRETE:  Do you mind if we take a quick  
15          break right now?

16          MR. SHELY:  If you need to.

17          MR. NEGRETE:  Yes, I need to.

18          MR. SHELY:  All right.

19          MR. NEGRETE:  Thank you.

20          THE VIDEOGRAPHER:  We are going off the record.  
21          The time is 2:10 p.m.

22                                 (RECESS TAKEN)

23          THE VIDEOGRAPHER:  We are back on the record.

24          The time is 2:24 p.m.

25          Q     BY MR. SHELY:  Mr. Bolen, I'm

1 going to hand to the court reporter what will be  
2 exhibit number five. I have a courtesy copy for  
3 your counsel.

4 Mr. Bolen, I'm going to ask you about some  
5 names, whether you've ever worked for certain  
6 individuals. I thought it might be useful to you to  
7 be able to see the names in writing. That's why I  
8 have handed to you Exhibit No. 5.

9 (Whereupon, the aforementioned document  
10 was marked as defendant's exhibit 5 for  
11 identification and is attached hereto.)

12 MR. NEGRETE: I'm going to object to the use of  
13 the document for purposes of names. This is not a  
14 document prepared by Mr. Bolen and would call for  
15 speculation.

16 If there are questions concerning names,  
17 that just simply those questions be asked with  
18 respect to names rather than having Mr. Bolen  
19 speculate into the document that is being presented  
20 to him unless there's some sort of foundation.

21 Q BY MR. SHELY: Mr. Bolen, have you  
22 ever -- you or JuriMed -- you understand when I say  
23 you --

24 A Sure.

25 Q -- I mean you individually and/or JuriMed?

1                   Have you ever done any work for Boyd Haley?

2                   A     No.

3                   Q     Have you ever done any work for Jerry  
4     Bouquot?

5                   MR. NEGRETE:    Objection.   Calls for -- lacking  
6     in foundation.

7                   THE WITNESS:    No, I never have.

8                   Q     BY MR. SHELY:   Have you ever  
9     spoken with Jerry Bouquot?

10                  A     Yes.

11                  Q     On what occasion, sir?

12                  A     He was testifying in a case.

13                  Q     What case was he testifying in, sir?

14                  A     In Wisconsin a dentist there named  
15     Venderheiden.

16                  Q     I'm sorry.   What was the last name?

17                  A     Venderheiden.

18                  Q     Is that the first time that you spoke with  
19     Jerry Bouquot?

20                  A     Yes.

21                  Q     Is that the only occasion on which you have  
22     spoken with Jerry Bouquot?

23                  A     I've spoken to him one other time I think.  
24     I think I've spoken to him twice.   I don't remember  
25     the substance of the second one.

1 Q Have you ever talked to Jerry Bouquot about  
2 Cavitat or NICO?

3 A No.

4 MR. NEGRETE: Objection. Assumes facts not in  
5 evidence.

6 Q BY MR. SHELY: Have you ever  
7 talked to Boyd Haley about Cavitat or NICO?

8 A What did I talk to Boyd Haley about? I  
9 don't think so. I don't believe so, no. I believe I  
10 talked to him about something else.

11 Q Have you ever talked to Dr. Bouquot about  
12 this lawsuit Cavitat versus Aetna?

13 A No, not yet.

14 Q I didn't hear your last answer.

15 A No, not yet.

16 Q Do you intend to?

17 A No.

18 Q Have you ever talked to Wesley E. Shankland  
19 II about Cavitat or NICO?

20 MR. NEGRETE: Objection. Assumes facts not in  
21 evidence. Lacking in foundation.

22 THE WITNESS: I have never met Wesley Shankland,  
23 and I don't think I've talked to him on the  
24 telephone. But I do believe I've got an e-mail from  
25 him once.

1 Q BY MR. SHELY: What was the  
2 subject of the e-mail?

3 A I have no idea. I just think I might have.

4 (TELEPHONIC INTERRUPTION)

5 THE WITNESS: Excuse me. Let me just turn that  
6 off.

7 MR. NEGRETE: Is everything okay?

8 THE WITNESS: I have to monitor.

9 MR. SHELY: If you'd like to take a break to  
10 look at your call, that's okay.

11 THE WITNESS: That wasn't it. I meant to leave  
12 it on vibrate. I got critical things happening.

13 It's okay. I'm sorry. What was your question again?

14 Q BY MR. SHELY: What was the  
15 subject of the e-mail you received from Wesley  
16 Shankland?

17 A Something minor. I believe I gave a copy  
18 of it. I think it was in one of those e-mails.

19 Q You believe it was in the documents that  
20 you produced in response to the subpoena?

21 A Yes. It was minor. Nothing. I don't  
22 remember. Nice article or something like that he  
23 said. Something like that. Innocuous.

24 Q Who is Frank Recker?

25 MR. NEGRETE: Objection. Assumes facts not in

1 evidence. Lacking in foundation.

2 THE WITNESS: Frank Recker --

3 MR. NEGRETE: The question is vague and  
4 ambiguous too.

5 THE WITNESS: Frank Recker is an attorney  
6 dentist -- dentist and attorney out of both Ohio and  
7 Florida. I think he lives in Florida now.

8 Q BY MR. SHELY: Have you and  
9 including in that question of course JuriMed ever  
10 provided any services to or worked for Frank Recker  
11 or any of his clients?

12 MR. NEGRETE: Objection. Compound question.

13 THE WITNESS: You want to break that up?

14 Q BY MR. SHELY: Sure. Have you  
15 including JuriMed ever provided services to Frank  
16 Recker?

17 A No.

18 Q Have you including JuriMed ever provided  
19 services to anybody that you knew was Frank Recker's  
20 client?

21 A Yes.

22 MR. NEGRETE: Excuse me a minute, please. I've  
23 got a note here to call the Judge's office. Is there  
24 something scheduled?

25 MR. SHELY: Not that I know of.



1 MR. NEGRETE: Do you mind if I call him?

2 MR. SHELY: No, I don't. Let's take a break.

3 THE VIDEOGRAPHER: We are going off the record.

4 The time is 2:30 p.m.

5 (RECESS TAKEN)

6 THE VIDEOGRAPHER: We are back on the record.

7 The time is 2:39 p.m.

8 Q BY MR. SHELY: Mr. Bolen, before  
9 the break that we just took, you had indicated that  
10 you had previously provided services to persons that  
11 you knew were lawyer Frank Recker's clients.

12 Do you remember that?

13 A Yes.

14 Q Could you tell me who those individuals or  
15 entities were, please?

16 A An M.D. in Wisconsin named Eleazar,  
17 E-l-e-a-z-a-r, Kadile, K-a-d-i-l-e.

18 Q Let me stop you there. What services did  
19 you or JuriMed -- we still have this understanding I  
20 gather like we did before the break. If I say you  
21 you understand it's you individually or anyone on  
22 JuriMed's behalf?

23 A Yes, sir.

24 Q What services did you provide in connection  
25 with Kadile -- Dr. Kadile?

1 A Public relations services.

2 Q What did you do in terms of providing  
3 public relations services?

4 A I organized his patient support group  
5 and --

6 Q What kind of support group, sir?

7 A Patient support group.

8 Q What was Dr. Kadile charged with?

9 A Charge is not the right term.

10 Q All right.

11 A He had -- it was an administrative hearing  
12 over professional standards. I'm sorry. You  
13 interrupted my question. Let's go back and --

14 Q Yeah, sure.

15 A Where did you want to go? Ask me again,  
16 please.

17 Q Well, why don't you go ahead and list each  
18 of the clients of Frank Recker who you have provided  
19 services to and I'll go back and ask you questions  
20 about them individually.

21 A That's the only one.

22 Q Have you reviewed any depositions that were  
23 taken in this case Aetna -- or excuse me -- Cavitat  
24 versus Aetna?

25 MR. NEGRETE: Objection. Assumes facts not in

1 evidence. Calls for speculation. I guess the  
2 question is if you had received any.

3 THE WITNESS: I -- I don't think so. Maybe, but  
4 I don't think so because weren't they sealed or  
5 something for -- I don't think I -- they were sealed  
6 or something, so I couldn't have done it.

7 Q BY MR. SHELY: Have you seen the  
8 deposition of Dr. Robert Baratz, sir, taken in this  
9 case?

10 A You know I -- Mr. Shely, I've seen so many  
11 depositions of Barrett that I don't recall which --  
12 if I've seen the one in this case. I really don't.

13 Q I'm not sure I understood your answer.  
14 Were you talking about Barrett or Baratz, t-z, with  
15 respect to your last answer?

16 A Barrett. Isn't that who you were referring  
17 to, Stephen Barrett?

18 Q Well, let's start over, sir. With regard  
19 to Dr. Stephen Barrett, have you seen the deposition  
20 of him that was taken in this case?

21 MR. NEGRETE: Well, objection. Foundation.

22 THE WITNESS: I don't know if I have.

23 Q BY MR. SHELY: Do you recall  
24 whether you've reviewed any of the depositions taken  
25 in the case of Cavitat versus Aetna?

1           A     I honestly -- I don't think so. I don't  
2           really know that. Depositions in this case. Could  
3           you give me some examples of some names?

4           Q     Have you seen the deposition of Dr. Robert  
5           Baratz, B-a-r-a-t-z, taken in this case?

6           A     No.

7           Q     Have you seen the deposition of Dr. John  
8           Dodes, D-o-d-e-s, taken in this case?

9           MR. NEGRETE:  Objection.  Lacking in foundation.  
10          Assumes facts not in evidence.

11          THE WITNESS:  No, I have not.

12          Q     BY MR. SHELY:  Have you reviewed  
13          any of the discovery responses involved in the  
14          Cavitat versus Aetna case whether they be  
15          interrogatories, request for admissions or documents  
16          produced by the parties?

17          MR. NEGRETE:  Objection.  Calls for speculation.

18          THE WITNESS:  I am not familiar with all of your  
19          terminology.  Would you break it down -- I'm not an  
20          attorney, so what are you asking me?

21          Q     BY MR. SHELY:  Let's break it down  
22          then.  Have you reviewed any of the depositions  
23          taken in this case other than what I've asked you  
24          about individually a moment or two ago.

25          MR. NEGRETE:  Objection.  Calls for speculation.

1 The question is vague and ambiguous. Overbroad.

2 THE WITNESS: Not that I know of.

3 Q BY MR. SHELY: And did you review  
4 anything in preparation for your deposition here  
5 today in the way of depositions of anybody?

6 MR. NEGRETE: Objection. The question has been  
7 asked and answered in the beginning as to any  
8 documents.

9 THE WITNESS: No.

10 Q BY MR. SHELY: Now, Dr. Kadile in  
11 Wisconsin ended up pleading out. Is that right?

12 MR. NEGRETE: Objection. Calling for  
13 speculation. Lacking in foundation. Vague and  
14 ambiguous.

15 Q BY MR. SHELY: Just tell me if you  
16 know, sir.

17 A Pleading out -- I don't think that's the  
18 term. I think they settled the case.

19 Q Entered into a stipulation with the board.  
20 Is that right?

21 A Yes.

22 MR. NEGRETE: Objection. Calls for speculation.

23 Q BY MR. SHELY: Have you ever done  
24 any lobbying for passage of what are sometimes  
25 called health freedom bills?

1 MR. NEGRETE: Objection. Assumes facts not in  
2 evidence. Lacking in foundation.

3 THE WITNESS: Lobbying is the wrong term.

4 Q BY MR. SHELY: What have you done  
5 in connection with health freedom bills then if you  
6 don't think it's called lobbying?

7 MR. NEGRETE: Objection. Overbroad. Vague and  
8 ambiguous. Assumes facts not in evidence. Also  
9 objection as to point in time. Jurisdiction.

10 Q BY MR. SHELY: You can answer,  
11 sir.

12 A I've been a proponent of health freedom  
13 bills all over the country.

14 Q When you say you're a proponent of health  
15 freedom bills, what action have you taken as a  
16 proponent of health freedom bills? Let's limit it  
17 first as to Wisconsin.

18 A You mean am I a proponent for a health  
19 freedom bill in Wisconsin?

20 Q Yes, sir. Have you ever been?

21 A I don't believe there's a health freedom  
22 bill on the table in Wisconsin.

23 Q Has there ever been in the past, sir?

24 A Possibly. I wasn't involved then.

25 Q Do you recall lobbying for legislation in

1 Wisconsin in 2003?

2 MR. NEGRETE: Objection. Assumes facts not in  
3 evidence as to -- also lacking in foundation.

4 THE WITNESS: I am not a lobbyist, and I am not  
5 involved in lobbying.

6 Q BY MR. SHELY: You're not a  
7 registered lobbyist. Is that correct?

8 MR. NEGRETE: Objection. Mischaracterizes  
9 testimony. Assumes facts not in evidence. Lacking  
10 in foundation.

11 Q BY MR. SHELY: Is that correct?

12 A That's correct.

13 Q In Wisconsin or anywhere. Correct?

14 A Lobbying is not part of my service.

15 Q Have you ever visited the residence of an  
16 attorney prosecuting an administrative proceeding  
17 against one of your clients?

18 MR. NEGRETE: Objection. Vague and ambiguous.  
19 Overbroad. Lacking in foundation.

20 THE WITNESS: You mean as a social guest?

21 Q BY MR. SHELY: No, sir. Just have  
22 you ever gone to their house to let them know that  
23 you knew where they lived?

24 MR. NEGRETE: Objection. Calls for speculation.  
25 Lacking in foundation as to identity of the

1 prosecutor.

2 THE WITNESS: No, absolutely not.

3 Q BY MR. SHELY: Have you ever  
4 appeared at Stephen Barrett's residence?

5 MR. NEGRETE: Objection. Calls for speculation.  
6 Lacking in foundation.

7 THE WITNESS: Appeared. Define appeared.

8 Q BY MR. SHELY: You went to his  
9 house and took a picture?

10 A Yes.

11 Q And then did you then post that picture on  
12 the internet?

13 A Yes.

14 Q Have you ever done any similar action with  
15 respect to any attorney prosecuting either an ALJ  
16 proceeding or a case against one of your clients?

17 A No.

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

20 Q BY MR. SHELY: Who is Owen Fonero?

21 A He is a man in Illinois.

22 Q And how do you know him?

23 A I met him a couple of times personally and  
24 talked to him on the phone at length, and he used to  
25 do a website called Bolenreport.com.



1 Q How long did he do a website called  
2 Bolenreport.com?

3 A Two or three years.

4 Q What time period did that occur, sir?

5 A It ended last year.

6 Q Why did it end, sir?

7 A He wanted to move on to other things.

8 Q Did he not want to be affiliated with your  
9 Bolenreport.com subject matter?

10 MR. NEGRETE: Objection. The question is  
11 argumentative.

12 THE WITNESS: No. He invented it. He asked to  
13 use my name.

14 MR. SHELY: I'm sorry, sir?

15 THE WITNESS: He invented it.

16 Q BY MR. SHELY: He invented the  
17 Bolenreport.com?

18 A Yeah, he did.

19 Q Tell me how that came about as you  
20 understand it, sir.

21 A He called me up and said he wanted to do a  
22 copy of a drudge report for healthcare, and I told  
23 him that was a good idea, and he says there's just  
24 one thing, I need somebody that everybody knows and  
25 that's you, can I use your name, I thought okay,

1           yeah, okay.

2           Q       And when did that occur, sir?  When did the  
3           Bolen Report first appear.

4           A       Three years or four.  Whatever.  Something  
5           like that.  It's on the internet.  Check it out.

6           Q       And what financial gain, if any, did you  
7           benefit from the Bolenreport.com website?

8           A       None.  No gain.  There was no financial --  
9           he paid all the --

10          Q       Tell me how that worked.  Would you write  
11          the pieces or did you not even write the pieces that  
12          were contained in the Bolenreport.com?

13          A       Are you familiar with a drudge report?  He  
14          did a drudge report copy called the Bolen Report,  
15          Bolen for Healthcare.  They're just little summaries  
16          of health news.

17          Q       And what I'm asking you is on the articles  
18          or postings that you posted on Bolenreport.com that  
19          said written by Tim Bolen did you write those or did  
20          someone else ghost write them for you?

21          MR. NEGRETE:  Objection.  Calls for speculation.  
22          Lacking in foundation.

23          THE WITNESS:  There were two parts to it as I  
24          recall -- well, there were three or four parts.  But  
25          he posted my articles on there.

1 Q BY MR. SHELY: And you would  
2 prepare the articles and send them to Mr. Fonero and  
3 then they would appear on the Bolen Report. Is that  
4 how it would work?

5 A He was just on my mailing list. He would  
6 pick them up.

7 Q How many other websites do you have, sir?  
8 Can you list them for me?

9 A I think I have four total.

10 Q I'm sorry?

11 A I think I have four, maybe five.

12 Q Can you list them, sir?

13 A Bolenreport.net and dot com now and --  
14 although dot com is not up, Quackpotwatch.org.

15 Q And can you --

16 A How many is that?

17 Q I think that was three, sir. But the  
18 record will reflect.

19 A And North American Consumers Against Health  
20 Fraud.

21 Q That's the one we looked at earlier as an  
22 exhibit. Is that right? Exhibit 2?

23 A It could be. I think so, yes. Part of it.

24 Q All right. Now, do you receive any revenue  
25 from any hits, if you will, to those websites?

1 MR. NEGRETE: Objection. Privacy.

2 THE WITNESS: That's a trade secret.

3 Q BY MR. SHELY: Well, sir, do you  
4 receive any -- let's start this way: Do you receive  
5 any revenue based upon those websites?

6 A This -- about four months ago we put Google  
7 ads on Bolenreport.net.

8 Q And explain how you would receive money  
9 from that action.

10 MR. NEGRETE: Objection. Assumes facts not in  
11 evidence. Lacking in foundation.

12 THE WITNESS: I believe that the ads that are up  
13 there are dependent upon key words in the text.

14 Q BY MR. SHELY: And who sends you  
15 some money, if anybody, sir?

16 A Google.

17 Q And have you received money from Google?

18 A Yes.

19 Q How much money have you received from  
20 Google?

21 MR. NEGRETE: Objection. Privacy.

22 THE WITNESS: Not a lot. \$140 a month.

23 Q BY MR. SHELY: Now, did you  
24 receive that for each of the websites that you  
25 listed or only for the Bolen.com website?

1           A     I only have Google ads on that one site.

2           Q     And in addition to the Google revenue that  
3           you receive from the websites, do you receive any  
4           other revenue from the websites?

5           A     No.

6           Q     Do you request contributions for your  
7           clients' defense funds on your websites?

8           MR. NEGRETE:  Objection.

9           THE WITNESS:  I think I did have one once where  
10          I requested contributions.

11          Q     BY MR. SHELY:  Who was that for,  
12          sir?

13          A     I believe that was for Hulda Clark.  It was  
14          some time ago.

15          Q     And how much money did you raise for Hulda  
16          Clark?

17          A     I never saw it.  It didn't go to me.

18          Q     You're saying you don't know how much money  
19          was raised for Hulda Clark based upon your --

20          A     Right.  It went to a defense fund.

21          Q     And did you have control of any of the  
22          defense fund proceeds?

23          A     No.

24          Q     Who did?

25          A     I don't remember.  Somebody else though.

1           Somebody.

2           Q     Mr. Negrete represents Hulda Clark also,  
3           doesn't he?

4           MR. NEGRETE:  Objection.  Calls for speculation.  
5           Not relevant.  Assumes facts not in evidence.

6           Tim, give me the bottle.

7           THE WITNESS:  Oh, sorry.  Yes.

8           Q     BY MR. SHELY:  And Mr. Negrete  
9           represented Hulda Clark in a RICO action that she  
10          brought against Stephen Barrett and others, didn't  
11          he?

12          MR. NEGRETE:  Objection.  Calls for speculation.  
13          Assumes facts not in evidence.  Not relevant.  Not  
14          calculated to lead to relevant evidence.  Lacking in  
15          foundation.

16          THE WITNESS:  I believe so, yes, yes.

17          Q     BY MR. SHELY:  What do you recall  
18          about that, sir?

19          MR. NEGRETE:  Objection.  Lacking in foundation.  
20          Assumes facts not in evidence.  The question is vague  
21          and ambiguous.

22          THE WITNESS:  I remember writing about it after  
23          it happened.

24          Q     BY MR. SHELY:  What do you recall  
25          about the circumstances of the RICO suit, sir,

1 against Stephen Barrett in which Hulda Clark was  
2 represented by your attorney Carlos Negrete?

3 MR. NEGRETE: Objection. Lacking in foundation.  
4 Assumes facts not in evidence. Seeks legal  
5 interpretation. Calls for speculation.

6 THE WITNESS: Ask me again.

7 MR. SHELY: The court reporter will read it back  
8 to you.

9 (RECORD READ)

10 MR. NEGRETE: Also I'd add to that objection the  
11 question is vague and ambiguous.

12 THE WITNESS: I don't recall much at all.

13 Q BY MR. SHELY: Do you recall that  
14 the RICO suit that Hulda Clark brought against  
15 Stephen Barrett was dismissed when Hulda Clark could  
16 not produce any evidence to support the RICO charges  
17 against Dr. Barrett? Do you recall that, sir?

18 MR. NEGRETE: Objection. Assumes facts not in  
19 evidence. Calling for speculation. Lacking in  
20 foundation. Not relevant.

21 THE WITNESS: Your question is kind of strange.  
22 Could you rephrase it for me?

23 Q BY MR. SHELY: Dr. Hulda Clark's  
24 RICO suit against Stephen Barrett was dismissed,  
25 wasn't it?

1 MR. NEGRETE: Well, objection. Calls for  
2 speculation, legal interpretation. Assumes facts not  
3 in evidence. Also relevance.

4 THE WITNESS: I've never seen any of the  
5 documentation.

6 Q BY MR. SHELY: The RICO suit  
7 didn't succeed, did it?

8 MR. NEGRETE: Objection. Calls for speculation.  
9 Assumes facts not in evidence. I might add that case  
10 is still pending.

11 THE WITNESS: I don't remember the reasons,  
12 but -- let's see. What was the reason? I don't  
13 think it was your reason.

14 Q BY MR. SHELY: Do you remember  
15 that in that suit Hulda Clark testified that she had  
16 absolutely no evidence supporting the RICO  
17 allegations against Dr. Stephen Barrett? Do you  
18 recall that?

19 MR. NEGRETE: Objection. Assumes facts not in  
20 evidence. Calls for speculation. Lacking in  
21 foundation.

22 THE WITNESS: I'm not aware of any.

23 Q BY MR. SHELY: Didn't you tell me  
24 earlier I think it was this morning that you were a  
25 defendant in a lawsuit in which Stephen Barrett has



1 brought against you and Mr. Negrete?

2 MR. NEGRETE: Objection. Mischaracterizes  
3 testimony. Lacking in foundation. Assumes facts not  
4 in evidence.

5 Q BY MR. SHELY: Do you know that  
6 Mr. Negrete is a defendant in a lawsuit brought by  
7 Stephen Barrett based upon the failed RICO  
8 allegations that he brought on behalf of Hulda Clark  
9 against Stephen Barrett four years or so ago?

10 MR. NEGRETE: Objection. Mischaracterizes the  
11 record, a record. Assumes facts not in evidence.  
12 Lacking in foundation. Calling for speculation.

13 THE WITNESS: Please the question one more time.

14 MR. SHELY: She'll read it back to you, sir.

15 (RECORD READ)

16 THE WITNESS: The answer is yes.

17 Q BY MR. SHELY: Now, have you  
18 ever -- do you know what a case runner is?

19 A No, I don't.

20 Q Have you ever gone out and looked for cases  
21 that could be brought by Mr. Negrete in connection  
22 with what you characterized as cutting edge  
23 healthcare professionals?

24 MR. NEGRETE: Objection. Assumes facts not in  
25 evidence. Lacking in foundation.

1 THE WITNESS: Have I ever gone out and found  
2 cases?

3 MR. SHELY: Yes, sir.

4 THE WITNESS: I don't think that's a good  
5 terminology, no.

6 Q BY MR. SHELY: Have you ever been  
7 involved in getting cases or potential plaintiffs to  
8 Mr. Negrete in connection with what you've  
9 characterized as cutting edge healthcare providers?

10 MR. NEGRETE: Objection. Lacking in foundation.  
11 Assumes facts not in evidence.

12 THE WITNESS: I think I recommended some people.

13 Q BY MR. SHELY: Who have you  
14 recommended Mr. Negrete to, sir?

15 A Well, let's see.

16 MR. NEGRETE: Objection. Lacking in foundation.  
17 Relevance.

18 THE WITNESS: Let me think about that. I can't  
19 think of any right now. I think so. I think I have.

20 Q BY MR. SHELY: Did you  
21 represent -- excuse me. Did you recommend  
22 Mr. Negrete to Hulda Clark, sir?

23 MR. NEGRETE: Objection. Relevance.

24 THE WITNESS: No. That's not the way it  
25 happened.

1 Q BY MR. SHELY: Tell me the way it  
2 did happen, sir, as you understand.

3 A Hulda Clark needed a new attorney and I  
4 told her she needed a more aggressive one and I asked  
5 Carlos to --

6 MR. NEGRETE: Objection as to -- I instruct you  
7 not to testify as to any communications between  
8 yourself and myself.

9 THE WITNESS: Okay. Hulda Clark picked him  
10 herself.

11 Q BY MR. SHELY: Is it fair to say  
12 you suggested to Hulda Clark that she have Carlos  
13 Negrete represent her?

14 A No. I didn't do that.

15 Q What did you do then, sir, with respect to  
16 advising her of Mr. Negrete as a more aggressive  
17 attorney?

18 MR. NEGRETE: Objection. Assumes facts not in  
19 evidence. Lacking in foundation.

20 THE WITNESS: Mr. Negrete was my attorney at the  
21 time.

22 Q BY MR. SHELY: When did this occur  
23 then, sir?

24 A Whenever she hired him. And I asked him as  
25 a personal favor to speak to her about what she might

1 need in the way of an attorney with the understanding  
2 that Dr. Clark and I had a financial arrangement and  
3 there might be a conflict and he agreed to do that.

4 Q What was your financial arrangement with  
5 Hulda Clark?

6 A The same as every other client.

7 Q And by that you mean you had an hourly  
8 arrangement with her?

9 A That's correct.

10 Q Have you ever charged or told anybody that  
11 you charge \$500 an hour for your time?

12 A Yes.

13 Q Who have you told that to?

14 A I don't remember. But I know that I have.  
15 That's what I would charge if I had to testify.

16 Q Has anybody ever paid \$500 an hour?

17 A No.

18 Q What is the most per hour anyone has ever  
19 paid you?

20 MR. NEGRETE: Objection. I believe that's asked  
21 and answered.

22 THE WITNESS: 125.

23 Q BY MR. SHELY: Is the most?

24 A Yeah. I think so.

25 Q Did you recommend Mr. Negrete to Bob Jones?

1 A No.

2 Q Did you recommend Walter Gerash or Andrew  
3 Reid to Bob Jones?

4 A No.

5 Q Did you have any communications with any of  
6 the other attorneys at the Walter Gerash law firm  
7 other than Andy Reid regarding the Cavitat suit?

8 MR. NEGRETE: Objection. Foundation.

9 THE WITNESS: I didn't know there were any.

10 Q BY MR. SHELY: So you don't recall  
11 that you had any communications with Andy Reid?

12 A I did with Andy Reid. I already described  
13 those to you.

14 Q Did you have any other communications with  
15 any other lawyer at the Walter Gerash law firm with  
16 respect to the Cavitat matter?

17 A I answered that I didn't know that there  
18 were any others besides Andrew Reid.

19 Q Did you find in your experience with Andrew  
20 Reid that he was truthful?

21 MR. NEGRETE: Objection. Calls for speculation.  
22 Improper question. Argumentative.

23 Q BY MR. SHELY: You can answer,  
24 sir.

25 A I didn't have enough communication with him

1 to make that kind of determination.

2 Q Is it fair to say that you don't have an  
3 opinion one way or another?

4 A I don't have an opinion.

5 Q You do not?

6 A I don't have an opinion about whether he's  
7 truthful.

8 Q And is the same true with respect to Walter  
9 Gerash?

10 MR. NEGRETE: Objection. Assumes facts not in  
11 evidence.

12 MR. SHELY: I can ask him if he has an opinion.

13 MR. NEGRETE: Well, how can he have an opinion  
14 if he testified that he never talked to him?

15 MR. SHELY: He can say he doesn't have an  
16 opinion.

17 THE WITNESS: I don't have an opinion.

18 Q BY MR. SHELY: Thank you, sir.

19 Who is Jim Turner?

20 MR. NEGRETE: Objection. Foundation.

21 THE WITNESS: The Jim Turner I know is an  
22 attorney in Washington DC from Swank and Turner.

23 Q BY MR. SHELY: And has he ever  
24 hired you including JuriMed?

25 A No.

1 Q Have any of Jim Turner's clients ever hired  
2 you?

3 MR. NEGRETE: Objection. Calls for speculation.

4 THE WITNESS: I don't think so. I don't think  
5 so.

6 Q BY MR. SHELY: How do you know Jim  
7 Turner?

8 A He's a leader in the North American Health  
9 Freedom Movement.

10 Q What is the North American Health Freedom  
11 Movement?

12 A It is a loose conglomeration of activists  
13 involved in health and health related issues in North  
14 America.

15 Q What is the Zapper?

16 MR. NEGRETE: Objection. Calls for speculation.  
17 Seeks expert testimony. Lacking in foundation.  
18 Relevance.

19 THE WITNESS: Could you be more specific?

20 Q BY MR. SHELY: What is the Zapper  
21 recommended by Hulda Clark?

22 MR. NEGRETE: Objection. Calls for speculation.  
23 Assumes facts not in evidence. Relevance.

24 THE WITNESS: It's a little black box about this  
25 size, about that thick. It holds a 9-volt battery.

1           It has two flexible leaves that come off the end that  
2           puts out a frequency. It's a frequency generator or  
3           something like that. That's what I know.

4           Q     BY MR. SHELY: And have you ever  
5           used one?

6           A     Yes.

7           Q     What did you use it for?

8           A     To try it out.

9           Q     What did you understand it could do for  
10          you, sir?

11          A     Dr. Clark believes that it does something  
12          in terms of -- I'm not sure what it does. I'm not  
13          technical.

14          Q     Did you try the Zapper not knowing what it  
15          was supposed to do, sir?

16          MR. NEGRETE: Objection. Mischaracterizes  
17          testimony. Assumes facts. Foundation.

18          THE WITNESS: Well, I guess if you put it that  
19          way, yeah. What is it supposed to do?

20          Q     BY MR. SHELY: You're saying that  
21          you used the Zapper without knowing what it was  
22          supposed to do for you, sir? Is that your  
23          testimony?

24          MR. NEGRETE: Objection. Argumentative.

25          THE WITNESS: I don't know where you're going --



1           what is it that you think it's supposed to do for  
2           you, Mr. Shely? I'm at a loss here.

3           Q       BY MR. SHELY: I'm asking you,  
4           sir, what do you think the Zapper is supposed to do?  
5           What does Hulda Clark say it does?

6           MR. NEGRETE: Objection. Calls for speculation.  
7           Assumes facts not in evidence. Lacking in  
8           foundation. Relevance.

9           THE WITNESS: I don't know what it does.

10          Q       BY MR. SHELY: Do you agree with  
11          Hulda Clark's view that all cancers can be cured?

12          MR. NEGRETE: Objection. Calls for speculation.  
13          Assumes facts not in evidence. Lacking in  
14          foundation. Seeks expert opinion and testimony.

15          THE WITNESS: I hope she's right.

16          Q       BY MR. SHELY: Do you think that  
17          she is?

18          MR. NEGRETE: Same objection.

19          THE WITNESS: In my opinion she's right.

20          Q       BY MR. SHELY: And so in your  
21          opinion all cancers are curable?

22          MR. NEGRETE: Objection. Mischaracterizes  
23          testimony.

24          Q       BY MR. SHELY: Is that right?

25          MR. NEGRETE: Objection. Assumes facts not in

1 evidence.

2 THE WITNESS: I hope so.

3 MR. NEGRETE: Mischaracterizes testimony.

4 Q BY MR. SHELY: And what kind of

5 treatment does she provide to cure cancers today?

6 Are you aware of that with her being your client?

7 MR. NEGRETE: Objection. Speculation. Compound

8 question. Assumes facts not in evidence. Relevance.

9 Q BY MR. SHELY: Have you ever had

10 any treatment from Hulda Clark to address the liver

11 flukes?

12 MR. NEGRETE: Objection. Assumes facts not in

13 evidence. Lacking in foundation. Relevance.

14 Q BY MR. SHELY: Do you believe

15 there's a treatment for liver flukes?

16 A I'm not following you. Would you give me

17 something to look at? That's kind of silly what you

18 just said.

19 Q Do you know whether your client Hulda Clark

20 treats people for what she believes are liver flukes?

21 MR. NEGRETE: Objection. Assumes facts not in

22 evidence. Lacking in foundation. Relevance.

23 THE WITNESS: I'm sorry. Could you show me some

24 documentation where Hulda Clark treats people for

25 liver flukes?

1 Q BY MR. SHELY: You've never heard  
2 that before?

3 A I've heard it from the quackbusters and  
4 that's the only source.

5 Q What's the Rife machine?

6 MR. NEGRETE: Objection. Calls for expert  
7 testimony. Relevance. Assumes facts not in  
8 evidence. Lacking in foundation.

9 Q BY MR. SHELY: You can answer,  
10 sir.

11 A What about the Rife machine?

12 Q What is it?

13 A It's a frequency generator with variable  
14 frequency settings.

15 Q And what's it supposed to do as you  
16 understand it?

17 MR. NEGRETE: Objection. Calls for speculation.  
18 Assumes facts not in evidence. Foundation.  
19 Relevance. Seeks an expert opinion.

20 THE WITNESS: I am not an electronics or  
21 biomedical person. I could not explain that to you,  
22 but I could find somebody who could.

23 Q BY MR. SHELY: Do you know whether  
24 Cavitat manufacturers a Rife machine?

25 MR. NEGRETE: Objection. Calls for speculation.

1 THE WITNESS: That would be a good product line.

2 Q BY MR. SHELY: Do you know whether

3 Cavitat is in that product line, sir?

4 A You know I gotta think about that. He  
5 could be doing some research on that, but I don't  
6 know. You know what? It sounds familiar, Mr. Shely.  
7 But I don't have anything on that.

8 Q Have you ever had any clients that have  
9 used or have been proponents of the Rife machine that  
10 you know of?

11 MR. NEGRETE: Objection. Calls for speculation.  
12 Lacking in foundation. Assumes facts not in  
13 evidence. Relevance.

14 Q BY MR. SHELY: You don't need to  
15 speculate to answer that question, do you,  
16 Mr. Bolen?

17 A You asked me a second question. Let me  
18 focus on the first one. Have I ever had a client  
19 that does something with the Rife machine?

20 Q Yes.

21 A Hulda Clark doesn't use a Rife machine. I  
22 think you're confused.

23 Q I'm asking if you've ever had any other  
24 client other than Hulda Clark just so it's clear that  
25 uses the Rife machine.

1 A No.

2 Q Who is Michael Forrest?

3 MR. NEGRETE: Objection. Relevance. Calls for  
4 speculation. The question is vague and ambiguous.  
5 Assumes facts not in evidence.

6 THE WITNESS: Michael Forrest is a person whom  
7 I've never met but recently spoke to on the telephone  
8 who was not convicted. He settled a case in  
9 Milwaukee Federal Court.

10 Q BY MR. SHELY: He went to prison,  
11 didn't he?

12 MR. NEGRETE: Objection. Calls for speculation.  
13 Assumes facts not in evidence.

14 Q BY MR. SHELY: He went to prison,  
15 didn't he?

16 A Yes, he did.

17 Q And you were raising money for him, weren't  
18 you?

19 A He was not my client.

20 Q I asked you whether you were raising money  
21 for him, sir --

22 A No.

23 Q -- whether you consider him your client or  
24 not.

25 A No, I wasn't.

1 Q Do you consider Michael Forrest a cutting  
2 edge healthcare professional?

3 MR. NEGRETE: Objection. Seeks expert  
4 testimony.

5 THE WITNESS: No.

6 MR. NEGRETE: Please let me finish. Seeks  
7 expert testimony. Assumes facts not in evidence.  
8 Lacking in foundation.

9 MR. SHELY: I'm going to hand to the court  
10 reporter what's going to be the next exhibit. I  
11 believe it's six. And I have a courtesy copy for  
12 your lawyer Mr. Negrete.

13 (Whereupon, the aforementioned document  
14 was marked as defendant's exhibit 6 for  
15 identification and is attached hereto.)

16 Q BY MR. SHELY: Turn to page 3 of  
17 14 if you would on that, sir. At item number four  
18 it says:

19 "Several manufacturers with  
20 the types of devices Michael made  
21 and sold donated 1,000 to 2,000  
22 each to pay Tim Bolen a fraction  
23 of what his time was worth."

24 Is that a true statement?

25 MR. NEGRETE: Objection. Calls for speculation.

1 Lack of authentication. Assumes facts not in  
2 evidence. Foundation. Relevance. Hearsay.

3 Where are you reading from? I didn't get  
4 that again.

5 MR. SHELY: Mr. Bolen will show you.

6 Q Is point number four a true statement, sir?

7 A I don't know if it's a true statement.  
8 Possibly though.

9 Q Well, are you telling me that you do not  
10 recall whether or not you were paid money by  
11 manufacturers of the Rife machine ever?

12 MR. NEGRETE: Objection. Mischaracterizes  
13 testimony. Argumentative.

14 THE WITNESS: I'm sorry. I do not recall.

15 Q BY MR. SHELY: Were you ever paid  
16 any money by manufacturers of Rife machines?

17 A No.

18 Q So are you saying that point number four --  
19 that you were in no way paid any money as reflected  
20 in point number four on page 3 of Exhibit 6?

21 MR. NEGRETE: Objection. Hearsay. Assumes  
22 facts not in evidence. Foundation.

23 Q BY MR. SHELY: That's just not a  
24 true statement in your view?

25 A That's not a true statement.

1 Q You didn't accept any money from  
2 manufacturers of Rife devices ever. Is that what  
3 your testimony is?

4 MR. NEGRETE: Objection. Calls for speculation.

5 THE WITNESS: Not under these circumstances.

6 Q BY MR. SHELY: Under any  
7 circumstances.

8 A I gotta think about that. It's possible,  
9 but I don't recall.

10 Q Okay.

11 A But not under these circumstances.

12 Q You do raise money for cutting edge  
13 healthcare practitioners though, don't you?

14 MR. NEGRETE: Objection. Vague and ambiguous.

15 THE WITNESS: I don't raise money, no. I'm not  
16 a fundraiser.

17 Q BY MR. SHELY: Have you ever heard  
18 of a Dr. Sinaiko, S-i-n-a-i-k-o?

19 A Yes.

20 Q Who is that?

21 A Robert Sinaiko M.D. is one of the most  
22 famous cases in California. It was responsible for  
23 changing the healthcare paradigm in the state his  
24 case.

25 Q And do you know whether or not it's true



1           that there was a defense fund that raised hundreds of  
2           thousands of dollars for Dr. Sinaiko?

3           MR. NEGRETE:  Objection.  Assumes facts not in  
4           evidence.

5           THE WITNESS:  Yes, there was a defense fund.

6           Q     BY MR. SHELY:  And do you know how

7           much money it raised for him?

8           A     I think about \$800,000.

9           Q     And what was your role in connection with  
10          raising money for that defense fund, sir, if any?

11          A     The defense fund was my client.

12          Q     What was the name of the defense fund?

13          A     I believe it was Sinaiko defense fund.  I  
14          don't know.

15          Q     Was there ever any accounting done of the  
16          moneys raised for the Sinaiko defense fund?

17          A     I have no idea.  I was a consultant.  I  
18          believe they did.  I believe they kept very adequate  
19          records.

20          Q     Who is they in that answer?

21          A     The people who ran the defense fund.

22          Q     Who were the people who ran the defense  
23          fund?

24          MR. NEGRETE:  Objection.  Calls for speculation.  
25          Assumes facts not in evidence.

1 THE WITNESS: Let's see. A defense fund was --  
2 I believe they were incorporated. You could look it  
3 up. I think -- I don't know who the founders were,  
4 but there were like five or six people on the board.

5 Q BY MR. SHELY: Did you get paid  
6 from proceeds raised through the Sinaiko defense  
7 fund?

8 MR. NEGRETE: Objection. Calls for speculation.  
9 Assumes facts not in evidence. Foundation.

10 THE WITNESS: Yes.

11 Q BY MR. SHELY: How much were you  
12 paid, sir?

13 A I don't recall. It was ten years ago.

14 Q As you sit here today -- you're saying it  
15 was one of the most famous cases in California  
16 history -- you don't remember how much money you were  
17 paid in connection with the Sinaiko defense fund?

18 A Not much.

19 Q How much is not much?

20 A I don't remember. Maybe eight or \$10,000.

21 Q It's your testimony that you were paid no  
22 more than \$10,000?

23 A I don't remember.

24 Q How did you receive the money?

25 A How did I receive the money?

1 Q Yes, sir. Were checks cut to you?

2 A Yeah.

3 Q And who were they made out to?

4 A Me.

5 Q Individually?

6 A I think so. Probably. A long time ago. I  
7 don't even know if I had JuriMed at the time.

8 Q Did you ever receive any sort of 1099 from  
9 the defense fund?

10 A I don't know.

11 Q Did you report that income on your taxes,  
12 sir?

13 MR. NEGRETE: Objection. Privacy. Relevance.

14 THE WITNESS: You're asking a lot of questions  
15 from a long time ago for details. I don't know.  
16 Probably.

17 Q BY MR. SHELY: Who is Dr. Sika?

18 MR. NEGRETE: Objection. Calls for speculation.

19 Q BY MR. SHELY: If you know, sir.

20 A Can you spell it for me?

21 Q I think it's S-i-k-a.

22 A Oh, Sica?

23 Q Could be. Who is that?

24 A Client of mine -- was a client in  
25 Connecticut.

1 Q And what kind of cutting edge healthcare  
2 did Dr. Sika provide?

3 MR. NEGRETE: Objection. Calls for speculation.  
4 Assumes facts not in evidence. Lacking in  
5 foundation.

6 THE WITNESS: I think one of her things is  
7 kelation therapy.

8 Q BY MR. SHELY: What is kelation  
9 therapy as you understand it, sir?

10 A It's something being tested by the NIH with  
11 a 30 million-dollar grant right now. It has to do  
12 with arteriosclerosis or something like that,  
13 cleaning out the arteries so that the body functions  
14 better.

15 Q Do you know how the treatment proceeds?

16 A I've never had it done. I've had it  
17 offered to me. I've never had it done.

18 Q Who offered to give you kelation therapy?

19 MR. NEGRETE: Objection. Mischaracterizes  
20 testimony.

21 THE WITNESS: A doctor in Wisconsin.

22 Q BY MR. SHELY: Who is that?

23 A I think it was Dr. Kadile.

24 Q Who you talked about earlier in your  
25 deposition?

1 A Yes.

2 Q You would agree that krelation therapy is  
3 not broadly accepted in the medical community  
4 currently. Is that right?

5 MR. NEGRETE: Objection. Calls for speculation.  
6 Expert testimony. Assumes facts not in evidence.  
7 Argumentative.

8 Q BY MR. SHELY: You can answer the  
9 question, sir.

10 A Well, I'd say it's an emerging paradigm.

11 Q If it's emerging then it's not generally  
12 accepted. Would you agree with that?

13 MR. NEGRETE: Objection. Argumentative. Seeks  
14 expert testimony. Foundation. Relevance. Assumes  
15 facts not in evidence.

16 Q BY MR. SHELY: Would you agree  
17 with that, sir?

18 A That what?

19 MR. SHELY: Read back my question before to him,  
20 please.

21 (RECORD READ)

22 THE WITNESS: Yeah, I would.

23 Q BY MR. SHELY: Have you ever heard  
24 of a Bob Beck Blood Electrifier also called a Sota,  
25 S-o-t-a?

1 MR. NEGRETE: Objection.

2 Q BY MR. SHELY: If you want to look  
3 at where I'm getting at it's on page six of the  
4 exhibit in front of you.

5 A Where are you looking?

6 Q In the second paragraph.

7 MR. NEGRETE: What page?

8 MR. SHELY: Page 6 of 14.

9 MR. NEGRETE: Objection as to the use of the  
10 document which has been unauthenticated. Assumes  
11 facts not in evidence. Improperly used for  
12 refreshing of recollection as not having a  
13 foundation.

14 Q BY MR. SHELY: The question, sir,  
15 was have you ever heard of a Bob Beck Blood  
16 Electrifier.

17 A I don't think so. I may have, but it  
18 doesn't look familiar.

19 Q It's not one of the products of any of your  
20 clients to the best of your recollection?

21 MR. NEGRETE: Objection. Calls for speculation.

22 THE WITNESS: Is this all about Michael Forrest?

23 Q BY MR. SHELY: I'm just asking,  
24 sir, whether you've ever heard of that document.  
25 That is an exhibit about Michael Forrest where he

1 admitted breaking the law. But I'm just asking if  
2 you've ever heard of this.

3 MR. NEGRETE: Well, objection to the  
4 characterization of a document that's been  
5 unauthenticated. No foundation laid. Not authored  
6 by this deponent. Calling for speculation. Assumes  
7 facts not in evidence.

8 THE WITNESS: It's possible I've heard of it,  
9 but it doesn't ring a bell.

10 Q BY MR. SHELY: What about a  
11 magnetic pulser?

12 MR. NEGRETE: Same objection.

13 Q BY MR. SHELY: Have you ever heard  
14 of that before, sir?

15 A It sounds familiar. I go to a lot of  
16 shows. I don't know.

17 Q Other than the Zapper, have you ever used  
18 any treatment that you consider done by cutting edge  
19 healthcare practitioner personally?

20 MR. NEGRETE: Objection. Vague and ambiguous.  
21 Calling for expert testimony. Point of time.

22 THE WITNESS: Are you asking me if I have used  
23 what now?

24 Q BY MR. SHELY: In addition to the  
25 Zapper which you talked about earlier that you've

1 used, have you used any product that has been --  
2 whose proponent has been what you described earlier  
3 in your deposition as a cutting edge healthcare  
4 practitioner?

5 MR. NEGRETE: Same objection as to vague and  
6 ambiguous. Calling for speculation. Assuming facts  
7 not in evidence. Overbroad. Vague. Ambiguous.

8 THE WITNESS: One more time. Ask me the  
9 question again. Have I ever gone to a health  
10 practitioner that uses one of these? Is that what  
11 you're asking?

12 Q BY MR. SHELY: Earlier in your  
13 deposition, sir, you used the phrase cutting edge  
14 health professionals.

15 A Right.

16 Q And as I understand it from your earlier  
17 testimony, you consider Hulda Clark one of those.  
18 Correct?

19 MR. NEGRETE: Objection. Mischaracterizes  
20 testimony.

21 THE WITNESS: Not exactly correct, no.

22 Q BY MR. SHELY: How is it not  
23 exactly correct, sir, in your view?

24 MR. NEGRETE: Objection. Argumentative.

25 THE WITNESS: Dr. Clark is a research scientist



1           who writes books.  She's an author and research  
2           scientist.  I don't believe she considers herself to  
3           be a health professional.  That would infer something  
4           different.

5           Q       BY MR. SHELY:  Doesn't she have a  
6           clinic in Tijuana, Mexico?

7           MR. NEGRETE:  Objections.  Calls for  
8           speculation.  Assumes facts not in evidence.  
9           Relevance.

10          THE WITNESS:  I don't believe that's true.

11          Q       BY MR. SHELY:  You don't believe  
12          she has a clinic in Tijuana, Mexico?

13          MR. NEGRETE:  Objection.  Asked and answered.

14          Q       BY MR. SHELY:  Does she have any  
15          facility in Tijuana, Mexico that you're aware of,  
16          sir?

17          MR. NEGRETE:  Objection.  Calls for speculation.  
18          The question is vague and ambiguous.  Overbroad.  
19          Relevance.

20          THE WITNESS:  I'm not privy to her business  
21          interests in Mexico.

22          Q       BY MR. SHELY:  In connection with  
23          her role as your client, has she ever advised you  
24          that she has any sort of facility or office in  
25          Tijuana, Mexico?

1 MR. NEGRETE: Objection. Hearsay. Relevance.  
2 Assumes facts not in evidence. Foundation.

3 THE WITNESS: In exactly that context the answer  
4 is no.

5 Q BY MR. SHELY: In any context,  
6 sir.

7 MR. NEGRETE: Objection. Overbroad. Vague and  
8 ambiguous. Also seeks hearsay testimony.

9 THE WITNESS: Again, please. What are you  
10 asking?

11 Q BY MR. SHELY: Do you know whether  
12 Hulda Clark has any office or facility in Tijuana,  
13 Mexico or whether she ever has?

14 MR. NEGRETE: Objection. Compound question.  
15 The question has been asked and answered.

16 THE WITNESS: I can't actually -- I don't know  
17 enough about what Dr. Clark does in Mexico. I've  
18 answered your question. I don't know what the  
19 situation is.

20 Q BY MR. SHELY: Do you know that  
21 she fled to Mexico to escape an arrest warrant from  
22 Indiana? Do you know that?

23 MR. NEGRETE: Objection.

24 THE WITNESS: I don't know that.

25 MR. NEGRETE: Assumes facts not in evidence.

1 Lacking in foundation. And I can say a false  
2 representation by counsel.

3 MR. SHELY: I'm just asking him if he knows.

4 THE WITNESS: That didn't happen. That never  
5 happened.

6 Q BY MR. SHELY: She never went to  
7 Tijuana?

8 MR. NEGRETE: Objection. Calls for speculation.  
9 Assumes facts not in evidence.

10 Q BY MR. SHELY: What was your  
11 answer, sir?

12 A Of course she went to Tijuana. Everyone  
13 goes to Tijuana in California.

14 Q Do you know if she had patients go down to  
15 Tijuana for her treatment?

16 MR. NEGRETE: Objection. Assumes facts not in  
17 evidence. Calls for speculation. Relevance.

18 THE WITNESS: It's not an area that I deal with  
19 Dr. Clark in at all.

20 Q BY MR. SHELY: Do you get any  
21 money from the sale of Dr. Clark's products?

22 MR. NEGRETE: Objection. Assumes facts not in  
23 evidence. Lacking in foundation. Relevance.

24 Q BY MR. SHELY: What is Dr. Clark's  
25 son's name?

1 MR. NEGRETE: Objection. Relevance. I don't  
2 know if it calls for speculation.

3 THE WITNESS: She has three sons that I recall.  
4 I don't recall all the names.

5 Q BY MR. SHELY: Are any of them  
6 involved with selling her products --

7 MR. NEGRETE: Objection. Assumes facts.

8 Q BY MR. SHELY: -- that you know  
9 of?

10 MR. NEGRETE: Objection. Assumes facts not in  
11 evidence. Lacking in foundation. Relevance.  
12 Argumentative.

13 Q BY MR. SHELY: Do you know, sir?

14 A Your question again.

15 Q He doesn't want you to remember it.

16 Can you read it back for him.

17 MR. NEGRETE: Counsel, that's a  
18 misrepresentation. Your question, if you knew  
19 anything about this, is improper.

20 MR. SHELY: Thank you for your ruling, counsel.

21 (RECORD READ)

22 Q BY MR. SHELY: Who is Jeffrey  
23 Clark?

24 A I'm sorry. There's a question already.

25 Q Let's just move on. Who is Jeffrey Clark?

1           A     Jeffrey Clark is Hulda Clark's second  
2           oldest son I believe.

3           Q     And do you know whether he is involved in  
4           selling any of her products?

5           MR. NEGRETE:  Objection.  Assumes facts not in  
6           evidence.  Lacking in foundation.  Relevance.

7           THE WITNESS:  You keep throwing this outright  
8           lie on the table.  You have to be aware that Hulda  
9           Clark does not sell any products, and it's offensive  
10          that you keep saying it.

11          Q     BY MR. SHELY:  Is it your  
12          testimony that she does not sell Zappers?

13          MR. NEGRETE:  Objection.  Calls for speculation.  
14          Lacking in foundation.  Assumes facts not in  
15          evidence.

16                    Go ahead.

17          Q     BY MR. SHELY:  Does Jeff -- your  
18          answer is, sir?

19          A     Again, you're assuming that Hulda Clark  
20          sells products.  Hulda Clark does not sell products  
21          to my knowledge.  She has told me she does not sell  
22          products and wishes to clearly make that distinction.  
23          She does not sell products or receive any funds from  
24          the sale of products anywhere.

25          Q     Do you know whether her son Jeffrey Clark

1 is involved with any business in which products are  
2 sold?

3 MR. NEGRETE: Objection. Calls for speculation.  
4 Assumes facts not in evidence. Relevance.

5 THE WITNESS: I would assume Mr. Shely that  
6 Jeffrey Clark has a business.

7 Q BY MR. SHELY: What is his  
8 business?

9 MR. NEGRETE: Objection. Calls for speculation.  
10 Assumes facts not in evidence. Relevance.

11 THE WITNESS: I'm not sure. I think he  
12 manufacturers certain kinds of products having to do  
13 with healthcare.

14 Q BY MR. SHELY: They do have to do  
15 with healthcare?

16 A I believe they do.

17 Q What kind of products if you know, sir?

18 MR. NEGRETE: Objection.

19 THE WITNESS: I don't know. Vitamin C.

20 Q BY MR. SHELY: Do you have any --  
21 do you sell vitamin supplements?

22 A No.

23 Q Do you have any advertisements on any of  
24 your websites for vitamin supplements?

25 A We had a holding pattern there for one

1           where we just needed to put a shopping cart. And I  
2           hope -- I mean they were ludicrous whatever we put up  
3           there. I don't sell vitamins.

4           MR. NEGRETE: Do you mind if we take a little  
5           brief break here?

6           MR. SHELY: Sure.

7           THE VIDEOGRAPHER: We are going off the record.  
8           The time is 3:34 p.m.

9                           (RECESS TAKEN)

10           THE VIDEOGRAPHER: This begins videotape number  
11           three in the continuing deposition of Mr. Timothy  
12           Bolen.

13                           The time is 3:48 p.m. on April 12, 2006 and  
14           we are back on the record.

15           MR. SHELY: All right. Let me hand to the court  
16           reporter what I believe is the next exhibit. I  
17           believe we're up to seven. She sell mark that. I  
18           have a courtesy copy for Mr. Negrete.

19                           (Whereupon, the aforementioned document  
20                           was marked as defendant's exhibit 7 for  
21                           identification and is attached hereto.)

22           Q     BY MR. SHELY: The exhibit is  
23           right there, sir.

24           A     Hold on a second.

25           Q     Take a look at that document, sir, and see

1 if you can identify it for me.

2 MR. NEGRETE: I have a question. I think this  
3 came up in Washington DC about the Bates stamp  
4 reference, and I think Mr. Carothers indicated what  
5 the Bates stamp reference refer to is EDO.

6 MR. SHELY: Electronic document produced by  
7 Cavitat.

8 THE WITNESS: I have some questions.

9 Q BY MR. SHELY: I have some  
10 questions too, sir. What is Exhibit 7?

11 A Pardon me?

12 Q What is Exhibit 7?

13 MR. NEGRETE: Objection. Calls for speculation.  
14 Assumes facts not in evidence. Lacking in  
15 foundation.

16 THE WITNESS: That's my question. What is it?

17 Q BY MR. SHELY: You don't know what  
18 it is?

19 A No. It's got some number down here at the  
20 bottom. Great News Wes. What is that? What is  
21 this?

22 Q I will tell you this is a document that has  
23 been produced by your client Cavitat in this  
24 litigation. And my question for you is did you ever  
25 write Quackbuster sued for \$10 million on any of your



1 websites?

2 MR. NEGRETE: Objection as it relates to the  
3 document. Calls for speculation. Assumes facts not  
4 in evidence. An improper document if it's used to  
5 refresh recollection.

6 THE WITNESS: Clearly, Mr. Shely, this was not  
7 originated by me. Somebody is making comments on  
8 here. This is not familiar to me. I remember  
9 writing about that case, but I don't know whether  
10 this is it or not. This is somebody else's writing  
11 here. That's it. It looks like somebody else's.

12 Q BY MR. SHELY: So do you deny that  
13 you wrote anything that is contained in Exhibit 7?

14 MR. NEGRETE: Objection. Calls for speculation.  
15 The question is vague, ambiguous, overbroad.  
16 Objection as to point in time.

17 THE WITNESS: I'd feel better if you went and  
18 got the original document or a copy of it and asked  
19 me about it rather than somebody else's inclusion or  
20 e-mail. I don't know who wrote what on this. This  
21 goes back to 2001. That's five years ago. A lot of  
22 miles and a lot of water under the bridge.

23 Q BY MR. SHELY: Do you recall  
24 writing about the RICO suit that Hulda brought,  
25 don't you, sir?

1 MR. NEGRETE: Objection. The question has been  
2 asked and answered. Lacking in foundation.  
3 Mischaracterizes testimony. Assumes facts not in  
4 evidence.

5 Go ahead.

6 THE WITNESS: Yes, I recall writing about it.  
7 And I'd like to help you. But again, this material  
8 up here is not me. This is someone else in an e-mail  
9 sending somebody something. It could be that some of  
10 this is mine. But where is the original document? I  
11 mean this is somebody else's e-mail. I don't feel  
12 good about commenting on what somebody else says.

13 Q BY MR. SHELY: Let me draw your  
14 attention to the fifth paragraph on the first page.  
15 You see where it says the legal -- it starts with  
16 "The legal action claims that Stephen Barrett and  
17 other parties named have engaged in," and there's a  
18 long list of alleged crimes that they have allegedly  
19 engaged in.

20 Do you see that paragraph?

21 A I do, yes.

22 Q All right. Is it accurate that you have  
23 absolutely no evidence that Stephen Barrett or the  
24 other parties named engaged in any of those crimes?

25 MR. NEGRETE: Objection. Seeks a legal

1 conclusion. Lacking in foundation. Assumes facts  
2 not in evidence. Improper use of hearsay document.  
3 Calling for speculation.

4 Q BY MR. SHELY: You can answer the  
5 question, sir.

6 A You're asking me if I have any evidence of  
7 these things?

8 Q Yes, sir.

9 A Well, maybe.

10 Q Tell me what you think you maybe have.

11 A I think I sent you 24,000 documents  
12 which -- many of which -- probably 14,000 of them  
13 related to Stephen Barrett.

14 Q All I'm asking you, sir, is what facts, if  
15 any, do you contend that you know that Stephen  
16 Barrett committed any of the crimes listed in the  
17 fifth paragraph, page one, Exhibit 7.

18 MR. NEGRETE: Objection. Improper use of an  
19 unauthenticated document. Lacking in foundation.  
20 Calls for speculation. Improper use of document to  
21 refresh recollection. Relevance. Hearsay.

22 Q BY MR. SHELY: You don't have any  
23 facts that Dr. Stephen Barrett has ever committed a  
24 crime, do you, sir, separate and apart from this  
25 document?

1 MR. NEGRETE: Objection. Relevance. Calls for  
2 speculation. Mischaracterizes testimony.

3 THE WITNESS: I believe I did provide you with  
4 some documentation that shows that he did.

5 Q BY MR. SHELY: Tell me what you  
6 think you provided or just tell me what facts you  
7 contend --

8 A I sent you some 27,000 documents. I'd  
9 appreciate it if you would give me something to work  
10 with.

11 Q Sir, you're under oath. What facts, if  
12 any, do you have that Dr. Stephen Barrett has ever  
13 committed a crime?

14 MR. NEGRETE: Objection. Argumentative. Not  
15 relevant. Assumes facts not in evidence. The  
16 question has been asked and answered.

17 THE WITNESS: I sent you an awful lot of  
18 documents about Barrett. And you know you're asking  
19 me to verify these things here and now. Well, that's  
20 interesting. I mean it takes court cases years to  
21 put that kind of information together and you want it  
22 in seconds.

23 Q BY MR. SHELY: Sir, I just want to  
24 know whether you under oath can testify that Stephen  
25 Barrett has ever committed a crime and if so what

1 facts do you have to support such a contention.

2 MR. NEGRETE: Objection as to assumes facts not  
3 in evidence. Calls for speculation. Seeks a legal  
4 conclusion in a case that's still pending. Improper  
5 use of an unauthenticated document. Seeks expert  
6 testimony of a lay witness. Argumentative.

7 MR. SHELY: You're going to see all these  
8 objections back in a motion if you keep this up on  
9 every question just so you're forwarned.

10 MR. NEGRETE: Counsel, you can be forwarned  
11 because your questions are improper. They're not  
12 relevant to any of the issues in this case.

13 MR. SHELY: We respectfully disagree with that  
14 conclusion, sir.

15 MR. NEGRETE: Perhaps you can give a proffer to  
16 the court of how you see another independent third  
17 party action as being relevant to this case.

18 Q BY MR. SHELY: You can answer the  
19 question Mr. Bolen.

20 A Ask it again.

21 Q Separate and apart from Exhibit 7, if you  
22 don't want to be tied to it, as you sit here under  
23 oath today, do you have any facts to support an  
24 allegation that Dr. Stephen Barrett has ever  
25 committed a crime? Yes or no? And if the answer is

1           yes, what are those facts?

2           MR. NEGRETE: Same objection.

3           THE WITNESS: I've seen evidence of perjury.

4           Q     BY MR. SHELY: All right. Tell me  
5 everything you know about that, sir.

6           A     Stephen Barrett testified in a case in  
7 Washington as an expert claiming he was a licensed  
8 M.D. under penalty of perjury. He was caught at it  
9 about seven years after he turned in the license.

10          Q     Are you contending that Dr. Barrett doesn't  
11 have a license, sir?

12          A     That's correct.

13          MR. NEGRETE: Objection. Calls for speculation.

14          THE WITNESS: To my knowledge.

15          Q     BY MR. SHELY: Anything else, sir,  
16 that you contend are facts to support that  
17 Dr. Stephen Barrett has ever committed a crime other  
18 than what you just testified to?

19          A     A crime. Let's see. Do we have any facts?  
20 I sent you some interesting things about that.

21          Q     I'm not interested in interesting things.  
22 I want to know under oath today in your deposition  
23 whether you have any facts or not to support an  
24 allegation.

25          A     I believe I do.

1 Q Well then say what they are, sir.

2 A I believe I do.

3 MR. NEGRETE: You've asked and he's answered the  
4 question.

5 MR. SHELY: He hasn't answered the question.

6 MR. NEGRETE: Counsel, please don't argue the  
7 point. He's answered the question.

8 Q BY MR. SHELY: You don't have any  
9 fact that you can provide. Isn't that the truth,  
10 sir?

11 MR. NEGRETE: Objection. The question is  
12 argumentative.

13 Q BY MR. SHELY: If you do, tell me  
14 what they are.

15 A I've tried to answer your question,  
16 Mr. Shely. You keep running around in the same  
17 circle. I sent you an awful lot of documents about  
18 Stephen Barrett and many of them are relating to  
19 Stephen Barrett I think probably close to 15,000  
20 documents about his activities and I think they're  
21 all very informative.

22 Q It's interesting, sir, that they're  
23 informative.

24 You understand that mail fraud is a crime?  
25 Do you understand that?

1 MR. NEGRETE: Objection. Seeks legal  
2 conclusion.

3 MR. SHELY: Mark these objections for this  
4 question for me, please.

5 MR. NEGRETE: Relevance.

6 THE WITNESS: I understand that mail fraud is a  
7 crime.

8 Q BY MR. SHELY: Do you have any  
9 evidence that Dr. Barrett has ever committed mail  
10 fraud?

11 MR. NEGRETE: Objection. Relevance.

12 THE WITNESS: I don't know that I do right at  
13 this moment.

14 Q BY MR. SHELY: This is your  
15 opportunity, sir, to tell me whether you do or  
16 don't.

17 MR. NEGRETE: Objection. Mr. Bolen is not on  
18 trial. It is not his opportunity. The issues that  
19 you're seeking in these questions have nothing to do  
20 with the issues that are before the court in this  
21 case.

22 Q BY MR. SHELY: Mr. Bolen, I'm  
23 going to give you one more opportunity. Other than  
24 the claim that Dr. Barrett somehow as you said  
25 committed perjury with respect to testimony in a



1 case in Washington DC --

2 A No. Washington state.

3 Q Washington state, do you have any other  
4 facts to support a conclusion --

5 A That's the only one I remember right now.

6 Q As you sit here today, that's the only one  
7 you remember?

8 A Well, yes. I didn't come expecting to  
9 answer questions about 14,700 documents and you  
10 didn't send me anything to review.

11 Q A lot of those have been -- those documents  
12 have been written by you, haven't they, sir?

13 A No.

14 MR. NEGRETE: Objection. Calls for speculation.  
15 Vague and ambiguous.

16 Q BY MR. SHELY: With respect to  
17 Dr. Robert Baratz, do you have any facts to support  
18 an allegation that he has ever committed a crime?

19 MR. NEGRETE: Objection. Assumes facts not in  
20 evidence. Foundation.

21 THE WITNESS: I'm sorry. Are you making a  
22 relation to some specific document where I accused  
23 him of committing a crime?

24 Q BY MR. SHELY: I'm asking if you  
25 have an answer to my question, sir.

1           A     I don't -- at the moment I can't recall  
2 any. Maybe I do. I haven't thought about it.

3           Q     You don't recall, maybe you do and you  
4 haven't thought about it?

5           A     That's correct.

6           Q     As you sit here today, sir, can you testify  
7 under oath that you have any facts to support an  
8 allegation that Dr. Robert Baratz has ever committed  
9 a crime? Yes or no?

10          MR. NEGRETE:  Objection.  Relevance.  Assumes  
11 facts not in evidence.  Lacking in foundation.

12          THE WITNESS:  It's not a yes or no answer.

13          Q     BY MR. SHELY:  What is your  
14 answer, sir?

15          A     I can't answer that question right now.  I  
16 didn't expect to answer that.  I put together a file  
17 on Baratz.  There's files circulating around the  
18 country.

19          Q     Tell me about that.  What document did you  
20 put together that's circulating around the country?

21          A     I don't have a copy of it or I would have  
22 sent you one.  I think you have parts of it, but it  
23 circulates around the country.

24          Q     So you circulate a file relating to Stephen  
25 Barrett (sic) around the country.  Who do you send it

1 to?

2 MR. NEGRETE: Objection. Mischaracterizes  
3 testimony. Assumes facts not in evidence that he's  
4 circulating a file.

5 Q BY MR. SHELY: Who did you send  
6 the file to, sir?

7 A I haven't sent the file to anybody. I said  
8 it's circulating around the country.

9 Q It didn't originate with you, sir?

10 A No.

11 Q Who did it originate from if you know?

12 MR. NEGRETE: Objection. Calls for speculation.  
13 Assumes facts not in evidence.

14 Q BY MR. SHELY: If you know.

15 A It came from probably ten different  
16 sources.

17 Q What were the ten sources?

18 A People involved in cases got together with  
19 files on his depositions where he said one thing one  
20 time and something else the next.

21 Q Did you ever have a copy of that file that  
22 you refer to, sir?

23 A No. I never actually had a copy, but I've  
24 seen it.

25 Q Where -- what was the opportunity where you

1 saw it?

2 A I saw it in a hearing about Baratz's  
3 credibility in Madison, Wisconsin.

4 Q And who had the file that you saw, sir?

5 A Attorney Frank Recker.

6 Q Did you provide any of the materials for  
7 that file that was in the possession of Frank Recker?

8 A It's possible.

9 Q Do you have any recollection whether you  
10 did or did not, sir?

11 A I think I did, but I don't know what.

12 Q You don't have a recollection as to whether  
13 you -- whether you -- any specific thing that you  
14 added to that file. Is that correct?

15 A That's right. No. I'm sorry. I do. I  
16 just now remembered. I think I gave them a file from  
17 a Florida case for a dentist named Phillips.

18 Q And with respect to Phillips what did you  
19 give him?

20 A An investigative file copy of a transcript  
21 from Baratz's testimony in a deposition and an  
22 analysis of his resume.

23 Q You've referred to Dr. Robert Baratz as a  
24 liar for hire, haven't you, sir?

25 MR. NEGRETE: Objection.

1 THE WITNESS: That's possible.

2 Q BY MR. SHELY: As you sit here  
3 today, do you have any definitive answer whether  
4 you've done that or not, sir, or is it possible?

5 A It's possible.

6 Q You don't deny that you've done that?

7 A I don't deny it. I think he is.

8 Q And what is your factual basis for that  
9 conclusion, sir?

10 A Probably two to four boxes of documents  
11 circling around the United States where he's to  
12 testify.

13 Q Is there any facts that you're aware of  
14 such that you would conclude and publish that  
15 Dr. Robert Baratz is a liar for hire?

16 A I've seen voluminous information enforcing  
17 that easily usable in court.

18 Q Tell me about it. What do you recall?

19 A If you would like I could send you a copy.

20 Q Oh, you do have a copy?

21 A I do not, but I can probably arrange it.

22 Q Who has it?

23 A I don't know right now, but I could make  
24 some calls.

25 Q Who would you call?

1 A Probably Frank Recker.

2 Q Who else would you call?

3 A The last attorney that I know that used it  
4 in Massachusetts.

5 Q Is that Claudia Hunter?

6 A Yes.

7 Q Did you send it to her also?

8 A No.

9 MR. NEGRETE: Objection. Assumes facts not in  
10 evidence. Mischaracterizes testimony.

11 Q BY MR. SHELY: Do you know that  
12 Claudia Hunter had such a file?

13 A Yes, she did.

14 Q Who was Claudia Hunter representing at that  
15 time?

16 MR. NEGRETE: Objection. Calls for speculation.

17 THE WITNESS: David Sadaloff D.D.S.

18 Q BY MR. SHELY: And was that in  
19 connection with a dental board proceeding against  
20 him?

21 A Yes.

22 Q And what were the allegations in the  
23 complaint against Dr. Sadaloff as you understand  
24 them?

25 A There were seven allegations, and I don't

1 know exactly what they were, but they were all  
2 dismissed.

3 Q Who paid you to attend part of the hearing?

4 A David Sadaloff.

5 Q How much did David Sadaloff pay you?

6 A \$2,500.

7 Q Did you provide any materials to David  
8 Sadaloff or his attorney Claudia Hunter?

9 A Conversation.

10 Q What did you tell them?

11 A Where to find the information on Baratz's  
12 testimony, how he testifies and how to trip him up,  
13 catch him in a lie.

14 Q What lie did you tell them you could catch  
15 him in, sir?

16 A I can't remember specific examples. But I  
17 remember that he testified for -- something about he  
18 testified for six and a half hours about how a  
19 dentist improperly installed a bridge and he never  
20 installed one himself.

21 Q You're saying that's a lie? You have an  
22 expert opinion? Is that what you're saying?

23 MR. NEGRETE: Objection. Mischaracterizes  
24 testimony. Argumentative. Improper question as to  
25 form.

1 Q BY MR. SHELY: Are you saying that  
2 testimony regarding how to install a bridge was a  
3 lie?

4 A The testimony itself I don't think was a  
5 lie. The fact that he claimed he had expertise to  
6 testify on that was.

7 Q Do you even know anything about  
8 professional degrees that Dr. Baratz has, sir?

9 A Yes.

10 Q What are they?

11 A He's an M.D., a D.D.S. and a Ph.D. Triple  
12 doctor.

13 Q You don't believe those are adequate  
14 credentials to testify regarding a bridge, sir?

15 MR. NEGRETE: Objection. Calls for a legal  
16 conclusion. Expert testimony. Assumes facts not in  
17 evidence. Lacking in foundation.

18 THE WITNESS: The AMA, American Medical  
19 Association, has guidelines for testimony which are  
20 accepted by the court system in this country and he  
21 doesn't qualify.

22 Q BY MR. SHELY: You have never  
23 testified as an expert, have you, sir?

24 A No.

25 Q Have you ever testified in court at all as



1 a fact witness?

2 A No.

3 MR. NEGRETE: Objection. Calls for  
4 speculation -- excuse me. Withdraw that. Seeks a  
5 legal conclusion. Relevance.

6 THE WITNESS: Wait. I may have testified once.  
7 Small claims. Stuff like that.

8 Q BY MR. SHELY: Did you ever  
9 testify in a court relating to anything about  
10 JuriMed?

11 A No. I've been asked to but never.

12 Q Who asked you to testify?

13 A In the Sieger case Connecticut, state and  
14 federal.

15 Q Have you ever represented any of  
16 Mr. Negrete's clients?

17 MR. NEGRETE: Excuse me a minute. Hold on.  
18 Objection. Calls for speculation. Vague and  
19 ambiguous. Lacking in foundation. Relevance?

20 A Hulda Clark and Cavitat.

21 Q Are those the only clients of Mr. Negrete  
22 that JuriMed has represented?

23 MR. NEGRETE: Same objection. Calling for  
24 speculation. Assumes facts not in evidence.

25 THE WITNESS: I think so, yeah.

1 Q BY MR. SHELY: Has Mr. Negrete or  
2 his law firm ever paid you money --

3 MR. NEGRETE: Objection. Relevance.

4 Q BY MR. SHELY: -- for any  
5 services?

6 A No.

7 Q I'm going to hand you the next exhibit,  
8 sir. I think we're up to 8. I'll hand it to the  
9 court reporter. She will mark it and hand you a  
10 copy. I have a courtesy copy for Mr. Negrete.

11 (Whereupon, the aforementioned document  
12 was marked as defendant's exhibit 8 for  
13 identification and is attached hereto.)

14 Q BY MR. SHELY: Tell me when you've  
15 reviewed that document, sir.

16 A Okay. I'm through with it.

17 Q What is that document, sir, that's been  
18 marked as Exhibit 8?

19 A It says it's "More on Quackbusters Accused  
20 of Racketeering (RICO) in Colorado."

21 Q And that's off of one of your websites,  
22 isn't it?

23 A Appears to be, yes.

24 Q And you wrote that piece, didn't you?

25 A It appears I did, yes.

1 Q You're not denying that you wrote it, are  
2 you?

3 A No, I'm not. I remember something like  
4 this, yes.

5 Q Seems familiar to you?

6 A It sure does.

7 Q Let me go ahead and hand you, sir, also so  
8 you can look at these in tandem another exhibit which  
9 will be number nine. I'll hand a copy to the court  
10 reporter as well as a courtesy copy to Mr. Negrete.

11 (Whereupon, the aforementioned document  
12 was marked as defendant's exhibit 9 for  
13 identification and is attached hereto.)

14 Q BY MR. SHELY: Let me have you  
15 look at Exhibit 9, sir. And I'd like to ask you  
16 some questions about both of them.

17 Have you finished reviewing that, sir?

18 A Yes.

19 Q Now, with respect to Exhibit 9, that's also  
20 a posting that you put up on August 12, 2004 entitled  
21 "Quackbusters Accused of Racketeering (RICO) in  
22 Colorado." Is that right?

23 MR. NEGRETE: Objection. Assumes facts not in  
24 evidence.

25 MR. SHELY: Well, let him answer.

1 MR. NEGRETE: Excuse me, counsel. You can  
2 relax? You're making statements here that you  
3 haven't laid a foundation for.

4 Q BY MR. SHELY: Did you write  
5 Exhibit 9, sir?

6 A It looks like something I wrote, yes.

7 Q And did you post it on your quackpotwatch  
8 website?

9 A Yes, I would have.

10 Q And now that you look at this document, you  
11 recall that you wrote this. Is that correct?

12 A Yes, I believe so.

13 Q And is this Exhibit 9 still posted on the  
14 quackpotwatch website?

15 A Well, if you took it off of there today,  
16 Mr. Shely, it is.

17 Q You see that it's printed out at least  
18 today. Is that right?

19 A Yes, I see that.

20 Q What's the status of Mr. Jones' RICO suit  
21 against Aetna, sir?

22 MR. NEGRETE: Objection. Calls for speculation  
23 and a legal conclusion. Assumes facts not in  
24 evidence. Foundation.

25 THE WITNESS: I believe -- I don't exactly know

1           that. I think it's partially dismissed to be  
2           reactivated another time. I don't know. I don't  
3           understand it. I haven't been communicating.

4           Q     BY MR. SHELY: I didn't hear what  
5           you said, sir.

6           A     I haven't had the data of what the status  
7           of that is. I know there's been a change and I'm not  
8           sure exactly what it is.

9           Q     Is it news to you that Mr. Jones' RICO suit  
10          was dismissed in its entirety?

11          MR. NEGRETE: Objection. Calls for speculation.  
12          Assumes fact knots in evidence?

13          THE WITNESS: That's not my understanding.

14          Q     BY MR. SHELY: What is your  
15          understanding, sir, of the RICO allegations against  
16          Aetna?

17          A     Well, I'm not an attorney, so I understand  
18          that -- let's see. From what I remember the RICO  
19          allegation against the defendants was dismissed by  
20          the plaintiff without prejudice. Is that correct?

21          Q     You didn't see the order from Judge Krieger  
22          dismissing the RICO allegation of Mr. Jones and  
23          Cavitat. Is that correct?

24          A     No, I haven't seen it.

25          Q     So you don't know whether that order exists

1 or not. Is that correct?

2 A I don't know if that order exists.

3 Q If it turns out, sir, that the RICO suit  
4 has been dismissed -- because I'll represent to you  
5 that it has -- then your continuing to have this on  
6 your website is misleading, isn't it?

7 MR. NEGRETE: Objection. Argumentative.  
8 Assumes facts not in evidence. Foundation.

9 THE WITNESS: Well, Mr. Shely, I've not been  
10 informed of that. But if you'd like to send me a  
11 memorandum, I'll certainly take that into  
12 consideration.

13 Q BY MR. SHELY: Didn't you do a  
14 posting saying that you were obtaining information  
15 regarding the lawsuit off of the Pacer Electronic  
16 System where you can view pleadings through the  
17 computer?

18 A Yes.

19 Q Are you saying you missed the order in  
20 which all the RICO claims were dismissed?

21 MR. NEGRETE: Objection. Argumentative.

22 THE WITNESS: I don't access Pacer every day.  
23 This case is -- it's important to you. It's a case  
24 that I may never get paid for for me.

25 Q BY MR. SHELY: Did you know that

1 all of Mr. Jones' claims against Aetna were  
2 dismissed including the RICO case?

3 MR. NEGRETE: Objection. Foundation. Assumes  
4 facts not in evidence.

5 THE WITNESS: I'm sorry. Are you telling me  
6 that the Cavitat case has been dismissed?

7 Q BY MR. SHELY: All of Mr. Jones'  
8 claims against Aetna have been dismissed in the RICO  
9 claim. Do you know that or not?

10 A You're referring to Mr. Jones himself?

11 Q Yes, sir.

12 A Oh, yes.

13 Q All five of his claims were dismissed. You  
14 at least know that?

15 A I heard something about that, yes.

16 Q Who did you hear it from?

17 A I think I heard it from Bob Jones. But  
18 again, I thought they were without prejudice meaning  
19 they can refile them.

20 Q You're just not sure one way or the other.  
21 Is that right?

22 A Well, no. The case is active. I have no  
23 idea what's going to happen next.

24 Q You at least agree that there's no RICO  
25 allegations left in the case against Aetna. Is that

1 right?

2 MR. NEGRETE: Objection. Calls for speculation.

3 Assumes facts not in evidence. Foundation.

4 THE WITNESS: RICO allegation.

5 Q BY MR. SHELY: The ones that you

6 wrote about in these posting Exhibits 8 and 9.

7 A Again, I'm not sure what the status of that  
8 is because my recollection is Mr. Jones told me that  
9 it was dismissed by the plaintiff without prejudice  
10 and that it could be refiled at any time. That was  
11 my information at the time.

12 Q You didn't go verify that with respect to  
13 the court record. Is that correct?

14 A No.

15 Q Now, in Exhibit 9 the first line says "It  
16 happened today." And then you said "Delicensed M.D.  
17 Stephen Barrett."

18 What's your basis for saying he doesn't  
19 have a license?

20 A He admits that he gave it up in 1993.

21 Q Are you saying delicensed is equivalent  
22 with an inactive license? Is that what you're  
23 saying?

24 MR. NEGRETE: Objection. Calls for speculation.

25 Assumes facts not in evidence. The question is



1 argumentative.

2 Q BY MR. SHELY: Why did you use the  
3 word delicensed?

4 MR. NEGRETE: Seeks a legal conclusion. Seeks  
5 an expert testimony as to the etymology of the word.

6 THE WITNESS: It's important that Dr. Barrett  
7 puts on his website Stephen Barrett M.D. and I don't  
8 want people to assume that he's a practicing M.D.  
9 It's very important.

10 Q BY MR. SHELY: You wrote that he's  
11 a delicensed M.D. even though that's not true. Is  
12 that right?

13 A It is.

14 MR. NEGRETE: Objection. Assumes facts not in  
15 evidence. Seeks a legal conclusion. Lacks  
16 foundation. I might add it was the subject of a  
17 recent action in a court finding as against  
18 Dr. Barrett.

19 MR. SHELY: We'll get to those rulings later.

20 Q You said that Dr. Barrett and Baratz -- I'm  
21 using your words now -- got themselves named in a  
22 lawsuit in Colorado and then went on to say that it  
23 was for RICO. That's what that paragraph says.

24 Is that correct?

25 MR. NEGRETE: Objection. The document speaks

1 for itself.

2 Q BY MR. SHELY: Let's look at your  
3 words, sir.

4 A Where are you reading now?

5 Q Where you first said Delicensed's M.D.  
6 Steve Barrett." Second line there says "Dr. Barrett  
7 and Baratz got themselves named in a lawsuit in  
8 Colorado for" then you went on and listed RICO.

9 Isn't that what that says?

10 A Yes.

11 Q It's not true though, is it?

12 A Of course it's true.

13 Q Well, how come you had to clarify your  
14 statement on the next day?

15 A The names in the lawsuit.

16 Q Oh, but you wanted to make it clear that  
17 they weren't named as defendants?

18 A That's correct.

19 MR. NEGRETE: Objection. Argumentative.

20 Q BY MR. SHELY: Now, when you wrote  
21 the August 12 posting which is Exhibit 9, you were  
22 trying to imply that they were named in the lawsuit,  
23 weren't you?

24 MR. NEGRETE: Objection. Mischaracterizes  
25 testimony. Assumes facts not in evidence. The

1 question is argumentative. Reasserting that this is  
2 all not relevant.

3 Q BY MR. SHELY: When you wrote that  
4 they got themselves named in a lawsuit, you wanted  
5 people to believe, didn't you -- and if you don't,  
6 tell me you didn't -- that they had been named as  
7 defendants in a lawsuit?

8 A That -- they are named in the lawsuit.

9 Q Not as defendants though are they, sir?

10 A Does it say they were named as defendants?  
11 Are you trying to read something into what I wrote?

12 Q Just tell me if you didn't mean for people  
13 to say that they had been named as defendants.

14 A Mr. Shely, as you can see, I'm a fluent  
15 writer. I would have said they were named as  
16 defendants. I mean that's pretty clear.

17 Q Go to Exhibit 8 then, sir. And under  
18 important point to make in bold you wrote, "I need to  
19 make an important clarification." What was that  
20 clarification, sir?

21 A I spoke to Mr. Reid and he thought it was  
22 important to emphasize that just what it says here,  
23 just exactly what it says. That's the important  
24 point.

25 Q And do you have any evidence at all that

1 Aetna, Quackwatch, NCAHF, Barrett, Baratz, Dodes or  
2 Schissel ever committed a crime? And if so, please  
3 tell me what it is.

4 MR. NEGRETE: Objection. Assumes facts not in  
5 evidence.

6 MR. SHELY: I agree they're not in evidence. I  
7 just want confirmation of that.

8 MR. NEGRETE: Lacking in foundation. Seeks a  
9 legal conclusion.

10 THE WITNESS: I wasn't part of this action. I  
11 never -- not part of it.

12 Q BY MR. SHELY: You posted the  
13 lawsuit the same day it was filed, didn't you?

14 A I think so.

15 Q So you were a part of it, weren't you?

16 MR. NEGRETE: Objection. Argumentative.  
17 Assumes facts not in evidence. Lacking in  
18 foundation. Mischaracterizes testimony. The  
19 question has been asked and answered.

20 THE WITNESS: Part of what?

21 Q BY MR. SHELY: Broadcasting that a  
22 lawsuit had been filed alleging RICO allegations  
23 against Aetna and others named in your article.

24 A What does that mean -- part of it? I don't  
25 get it. This is an article on a website that a

1 lawsuit had been filed. How does that make it part  
2 of it?

3 Q In a lawsuit in which you have an interest  
4 in if Cavitat succeeds. Isn't that right, sir?

5 MR. NEGRETE: Objection. Argumentative as to  
6 point in time. Lacking in foundation.

7 THE WITNESS: You're well aware, Mr. Shely, that  
8 I at this time had no interest in it and I did not  
9 for six months later. You're well aware of that.  
10 You're attempting to misconstrue this information and  
11 you're not doing well.

12 Q BY MR. SHELY: And so you deny  
13 that you had any involvement with Cavitat's lawyers  
14 prior to August 12, 2004. Is that correct, sir?

15 MR. NEGRETE: Objection. The question has been  
16 asked and answered.

17 Q BY MR. SHELY: Is that correct,  
18 sir?

19 A I don't believe I had any communication  
20 with them. I don't think so. If there was, it was  
21 right at the time they were filing the suit or  
22 something, but I don't think so.

23 Q And --

24 A Never knew them. Never heard of them.

25 Don't know them. I had read about them. I had to do

1 the research on who Walter Gerash was. Like that.

2 Q You don't claim to know anything about  
3 Cavitations, do you, sir?

4 MR. NEGRETE: Objection. The question has been  
5 asked and answered I believe.

6 THE WITNESS: Just on a personal note.

7 Q BY MR. SHELY: What do you know on  
8 a personal note?

9 A I've had three teeth removed from  
10 Cavitations.

11 Q When did you have that done?

12 A Probably three years ago.

13 Q Did you have a Cavitat scan?

14 A No. Never heard of it.

15 Q What was the -- was your dental surgeon one  
16 of your clients?

17 A No.

18 Q Have you ever had a root canal?

19 A Unfortunately.

20 Q Have you had those teeth removed?

21 A All but one.

22 Q Do you believe that NICO -- let me ask you  
23 this: Do you recall that you wrote that NICO can  
24 stop a beating heart?

25 MR. NEGRETE: Objection.

1 Q BY MR. SHELY: Do you remember  
2 that?

3 A I remember something about it, yes.

4 Q You don't really believe that, do you?

5 A I think -- I think there's a good case to  
6 be made for that.

7 Q What is that case, sir?

8 A Well, I don't remember now. I read the  
9 literature at the time.

10 Q How were your Cavitations diagnosed?

11 A X-ray. They were that bad.

12 Q So you could see the Cavitations on an  
13 x-ray in your instance, sir?

14 MR. NEGRETE: Objection. Calls for expert  
15 testimony. Assumes facts not in evidence. Lacking  
16 in foundation.

17 THE WITNESS: We could see something on x-ray.  
18 A lot -- it was a lot of infection.

19 Q BY MR. SHELY: Who is the we?

20 A The dentist.

21 Q What is his name?

22 A Benjamin Arrichika.

23 Q Do you know how to spell his last name?

24 A A-r-r-i --

25 Q Where is his office?

1 A Tijuana, Mexico.

2 Q You've had treatment in Tijuana?

3 A Yes.

4 Q Have you had any other treatment in Tijuana  
5 other than for Cavitations, sir?

6 A I had a broken tooth removed.

7 Q And was that at the same time or different  
8 time?

9 A Different time.

10 Q And is your dentist -- I will not attempt  
11 to repeat his name because I don't have the spelling.  
12 Is he in any way involved with Hulda Clark?

13 MR. NEGRETE: Objection. Calls for speculation.  
14 Assumes facts not in evidence. Foundation. Vague  
15 and ambiguous.

16 THE WITNESS: I believe she mentions him in one  
17 of her books.

18 Q BY MR. SHELY: Do you recall in  
19 what context he is mentioned?

20 A That he was a good oral surgeon.

21 Q And do you know whether he had a Cavitat  
22 device?

23 MR. NEGRETE: Objection. Calls for speculation.

24 THE WITNESS: I don't think so.

25 Q BY MR. SHELY: And is it fair to



1 say, sir, you don't have any personal knowledge of  
2 any alleged prospective customers that Cavitat  
3 didn't sell the Cavitat device to as a result of  
4 Aetna's CPB 642?

5 A Please rephrase that for me.

6 Q You understand, sir, from these writings  
7 Exhibits 8 and 9 that Cavitat is contending that it  
8 lost prospective sales of the Cavitat device because  
9 of Aetna's publishing of CPB 642?

10 MR. NEGRETE: Objection. The writings speak for  
11 themselves. Calls for speculation. Assumes facts  
12 not in evidence.

13 THE WITNESS: I think you asked if I know  
14 anybody that didn't buy a Cavitat. If I personally  
15 know anybody?

16 Q BY MR. SHELY: Do you have any  
17 personal knowledge of any sales that Cavitat didn't  
18 make as a result of the allegations that they make  
19 against Aetna in their suit?

20 MR. NEGRETE: Objection. Calls for speculation.  
21 Assumes facts not in evidence. Improper as to form.

22 Q BY MR. SHELY: I assume, sir, that  
23 you don't.

24 A I have heard a name, but I don't remember  
25 if -- I've heard a name or two about people who have

1 rejected it, but I don't remember their names at this  
2 time.

3 Q And who told you about the person or two  
4 who didn't buy the Cavitat device in what you just  
5 referenced in your answer, sir?

6 A I believe Bob Jones.

7 Q You don't have any knowledge independent of  
8 what Mr. Jones told you -- is that correct? -- with  
9 respect to that topic.

10 A I don't think I do, no.

11 Q As you sit here today, you can't say that  
12 you have any personal knowledge of anyone who didn't  
13 buy the Cavitat based upon anything Aetna did or  
14 didn't do. Is that a fair statement?

15 A From a public relations viewpoint, they  
16 couldn't sell a Cavitat after your crap anywhere and  
17 you know it.

18 Q Move to strike that as nonresponsive.

19 Do you have any personal knowledge of any  
20 person or entity that did not buy a Cavitat as a  
21 result of what Cavitat alleges Aetna did or did not  
22 do?

23 MR. NEGRETE: Objection. Calls for speculation.  
24 Assumes facts not in evidence. Lacking in foundation  
25 as to the allegations.

1           A     You've already asked me several times.  
2           I've answered your question several times.

3           Q     All you know is what Mr. Jones told you  
4           with respect to that topic.  Is that a fair  
5           statement?

6           A     I'm not sure of that.  But I never thought  
7           of that question before.  I know that somebody said  
8           something to me other than Mr. Jones, but I don't --  
9           I don't recall.

10          Q     You can't provide any specifics as you sit  
11          here today.  Is that correct?

12          A     That's right.  I can't provide any  
13          specifics.

14          Q     And whatever you do know is based upon what  
15          somebody else told you.  Is that correct?

16          A     Well, yes, of course.  That's the nature  
17          of --

18          Q     Go to Exhibit 9, sir, if you would.  The  
19          fifth paragraph starting with "I have a copy of the  
20          lawsuit on my desk."

21          A     I'm sorry.  Nine?

22          Q     Exhibit 9, sir.

23          A     Yes.  Okay.

24          Q     August 12, 2004.  Fifth paragraph starting  
25          with "I have a copy of the lawsuit on my desk" and

1 where you wrote that.

2 A Yes.

3 Q Why don't you read those two sentences into  
4 the record and then I'll ask you some questions about  
5 them.

6 A

7 "I have a copy of the lawsuit  
8 on my desk (12 pages), and I love  
9 the way it reads. I've put a copy  
10 on my website. It's a model as  
11 far as I'm concerned of the way a  
12 hundred other lawsuits should be  
13 filed against the quackbuster all  
14 over North America."

15 Q Okay. Have you attempted to have any  
16 additional suits filed including RICO allegations  
17 with respect to any of your clients?

18 A No.

19 Q Have you taken any action with respect to  
20 being -- strike that.

21 Are you involved in any other lawsuits  
22 involving RICO allegations other -- through your  
23 clients other than Cavitat versus Aetna?

24 A No.

25 Q Go to page two if you would, sir.

1 A The same Exhibit?

2 Q Exhibit 9. Yes, sir.

3 A Yes.

4 Q And in the last -- next to last

5 paragraph -- by the way, is stay tuned kind of your

6 signature sign off for your postings?

7 A Yes.

8 Q Is that what you use?

9 A Yes.

10 Q Does that help you understand that this is

11 something that you wrote? That gives you

12 confirmation of that?

13 A I've heard other people use it too. But

14 yes, this looks like something I wrote. It looks

15 familiar.

16 Q You wrote, "I won't be truly happy until I

17 see on the nightly TV news the quackbusters all of

18 them taken away in shackles by the federal marshals.

19 So are you saying -- you say, "I work on

20 that every day and I'm getting closer."

21 So are you saying that the persons that you

22 characterize as quackbusters have committed crimes?

23 A I believe so, yes.

24 Q What crimes do you believe the persons that

25 you characterize as quackbusters have committed?

1 MR. NEGRETE: Objection. Assumes facts not in  
2 evidence. Lacking in foundation.

3 Q BY MR. SHELY: I wanted to confirm  
4 that.

5 A I think that -- it is my opinion that there  
6 is a conspiracy here to -- in North America to  
7 suppress cutting edge healthcare in favor of the  
8 status quo. And personally I think that's a criminal  
9 act. I'm appalled at the number of people dying from  
10 the lack of healthcare in this country.

11 Q Who's involved in this conspiracy that you  
12 see, sir?

13 A That's a -- that's a matter for  
14 speculation. You're asking me to speculate, but I  
15 think I've already named them.

16 Q Nobody else other than who you've named  
17 earlier in your deposition. Is that right?

18 A Probably. But you know I came here today  
19 to answer questions about the Cavitat case,  
20 Mr. Shely. And you have spent maybe ten minutes on  
21 the Cavitat case today, so I wasn't prepared.

22 And I'm very tired. I've been up almost  
23 every night. My wife is in serious condition and I  
24 wasn't prepared to think about these things.

25 MR. NEGRETE: Do you need to take a break?

1 Q BY MR. SHELY: Would you like to  
2 take a break, sir?

3 A No. I'm okay. Let's just finish up. I'm  
4 just getting very tired. I was thinking of having  
5 some caffeine. Maybe not.

6 MR. NEGRETE: Do you need some?

7 THE WITNESS: No.

8 MR. SHELY: Why don't we take a short break and  
9 let him collect himself and then we'll start again.

10 Mr. Bolen, if at any time through the  
11 remainder of the deposition you would like to take a  
12 break of course as you've done all day just let us  
13 know.

14 THE VIDEOGRAPHER: We are going off the record.  
15 The time is 4:40 p.m.

16 (RECESS TAKEN)

17 THE VIDEOGRAPHER: We are back on the record.  
18 The time is five injury 5:00 p.m.

19 MR. NEGRETE: Mr. Shely, I'd like to point out  
20 for the record that we only wanted five minutes and  
21 we've been waiting here almost 20 minutes. We'd like  
22 to conclude this deposition today.

23 MR. SHELY: You know I didn't know that you were  
24 waiting. I understood from Mr. Bolen that he was  
25 tired and needed a break, but we can certainly move

1 along now.

2 MR. NEGRETE: Actually, I talked to your  
3 receptionist about 15 minutes ago indicating that we  
4 were ready. That's okay. Let's keep on going.

5 Q BY MR. SHELY: All right, sir.

6 Mr. Bolen, Cavitat filed its suit against Aetna on  
7 August 12, 2004. We're on agreement on that?

8 MR. NEGRETE: Objection. Lacks foundation.  
9 Assumes facts not in evidence. Calls for  
10 speculation.

11 Q BY MR. SHELY: Isn't that what you  
12 said in your posting, sir?

13 A You're asking me if that's when they filed  
14 their suit?

15 Q Yes.

16 A Yes.

17 Q Do you have any evidence, any facts at all  
18 that there was any communication between Aetna and  
19 Quackwatch relating to the Cavitat device prior to  
20 that date?

21 MR. NEGRETE: Objection. Calls for speculation.  
22 Assumes facts not in evidence. The question is  
23 argumentative.

24 THE WITNESS: I was never asked by anyone to  
25 provide any information, so I don't think I do. If I



1 do, I wouldn't recognize it.

2 Q BY MR. SHELY: As you sit here  
3 today, sir, under oath, do you have any facts to  
4 support a contention there was any communication  
5 between Aetna and Quackwatch relating to Cavitat  
6 prior to August 12, 2004?

7 MR. NEGRETE: Objection. Assumes facts not in  
8 evidence. Lacking in foundation. Relevance.

9 THE WITNESS: Do I know of any facts? Is that  
10 what you're asking me? They're on your website.  
11 There's a big connection there. On your website  
12 you're using them as your reference -- excuse me --  
13 your client's website. It's pretty clear.

14 Q BY MR. SHELY: Mr. Bolen, are you  
15 aware of any facts that Aetna and Quackwatch had any  
16 communication at all regarding Cavitat prior to  
17 August 12, 2004?

18 A I just answered your question.

19 MR. NEGRETE: Same objection.

20 Q BY MR. SHELY: And what are those  
21 facts, sir?

22 A I just answered your question. You have  
23 them on Aetna's website repeatedly probably -- I  
24 don't know -- 37, 47 times. They're a regular  
25 resource.

1 Q Are you contending that those references  
2 relate to the Cavitat device, sir?

3 MR. NEGRETE: Objection. Improper question as  
4 to form with respect to the contention. Not  
5 relevant.

6 THE WITNESS: Your question was out there. I  
7 don't think you're relating it to -- would you  
8 clarify it for me a little bit, please? I can't get  
9 what you were going with.

10 Q BY MR. SHELY: All right, sir.  
11 Let me try it again. Do you have any evidence of  
12 any communication between Aetna and Quackwatch  
13 relating to the Cavitat device prior to August 12,  
14 2004?

15 A It's -- again, it's all over Aetna's  
16 website. That's a communication. That's  
17 communication to the public, the relationship between  
18 the two right there. Very clear.

19 Q And is it your contention that there's  
20 anything on there relating to the Cavitat prior to  
21 August 12, 2004?

22 A Well, actually I never looked before that.  
23 I looked after I got -- I was doing the article about  
24 the lawsuit. Then I looked and I read it.

25 Q So you don't have any -- other than any

1 reference by Aetna to the Quackwatch website, are you  
2 aware of any communications between Aetna and  
3 Quackwatch relating to Cavitat?

4 MR. NEGRETE: Same objection as before. It  
5 calls for speculation. Improper as to form.

6 MR. SHELY: It's not speculation if he knows.  
7 I'm asking if he knows.

8 MR. NEGRETE: It's not relevant.

9 MR. SHELY: We'll get that ruled on later. You  
10 have a running objection. You know that's  
11 obstructionist for you to continue to do that.

12 MR. NEGRETE: I apologize, counselor.

13 THE WITNESS: It's the same question and the  
14 same answer. The relationship between Quackwatch and  
15 Aetna is as clear as the nose on your face. It's  
16 right there on Aetna's website and it's on  
17 Quackwatch's website. It's right there.

18 Q BY MR. SHELY: Other than what you  
19 contend is on Aetna's website, are you aware any of  
20 communications between Aetna and Quackwatch relating  
21 to the Cavitat prior to August 12, 2004 other than  
22 what you say is on the website?

23 A I don't understand what you're getting at.  
24 You mean do I have copies of letters?

25 Q Anything, sir. Anything at all. Letters,

1 e-mails, phone calls. Anything at all. Do you have  
2 anything or not?

3 A I'm awfully tired.

4 MR. NEGRETE: Counsel, the question is improper  
5 as to form.

6 Q BY MR. SHELY: It's all right if  
7 yo don't sir. Just tell me you don't and we'll move  
8 on to the next topic.

9 MR. NEGRETE: Counsel, this deponent is not a  
10 party. It's not time for him to put up.

11 THE WITNESS: I've never been involved in  
12 anything having to do with that. Why would I know  
13 that?

14 Q BY MR. SHELY: Tell me, sir, that  
15 you don't and we'll move on.

16 A I don't know that I don't know that. I  
17 don't know the answer to that. Had somebody asked me  
18 that, I'd say I'll look into it.

19 Q So as you sit here today you can't provide  
20 any evidence of any communication between Aetna and  
21 Quackwatch prior to August 12, 2004 relating to  
22 Cavitat. Right?

23 A Mr. Shely, that's a silly question. I came  
24 here today to be asked specific questions of you.  
25 Had you asked me to provide anything, I would have

1 researched it. I can't possibly do that here in a  
2 few seconds.

3 Q You don't have anything that you're  
4 withholding from me, sir?

5 A You didn't ask me to bring anything.

6 Q You don't have any knowledge that you can  
7 say you have regarding any alleged communications.  
8 Is that right?

9 A Alleged communications between --

10 Q Aetna and Quackwatch prior to August 12,  
11 2004 relating to the Cavitat device.

12 MR. NEGRETE: Objection. Calls for speculation  
13 as to allegations.

14 THE WITNESS: I don't have any information one  
15 way or the other. That's my answer.

16 MR. SHELY: All right, sir.

17 THE WITNESS: Thank you.

18 MR. SHELY: I'm going to hand you what is going  
19 to be marked as Exhibit 10 by the court reporter, and  
20 I have a courtesy copy for Mr. Negrete.

21 (Whereupon, the aforementioned document  
22 was marked as defendant's exhibit 10 for  
23 identification and is attached hereto.)

24

25 Q BY MR. SHELY: Would you review

1 Exhibit 10, sir, and tell me whether you can  
2 identify it.

3 You tell me when you've had a chance to  
4 review that, sir, and I'll ask you some questions  
5 about it.

6 A Okay. I'm ready.

7 Q Did you write that, sir? What is Exhibit  
8 10 if you know?

9 A It appears I did, yes.

10 Q And you wrote it on Sunday, January 3,  
11 2005?

12 A Looks like it.

13 Q And having read it is there anything in  
14 there that you now disagree with having had a little  
15 more than a year go by?

16 A I can't find anything that I would disagree  
17 with.

18 Q Would you turn to page two of the exhibit,  
19 please. At the top of that page it says: "(1) The  
20 Racketeering (RICO) Prosecutions." Why don't you  
21 read after that, sir, that paragraph.

22 A

23 "On March 5, 2005 in Dallas,  
24 Texas at 5:00 p.m. a meeting will  
25 be held where famous civil rights

1 attorney Walter Gerash, RICO  
2 expert attorney Andrew Reid,  
3 Washington DC health advocate  
4 attorney Jim Turner and some  
5 others will be laying out how to  
6 attack the quackbuster conspiracy  
7 in your area using the Federal  
8 Racketeering Influenced and  
9 Corrupt Organization Act (RICO)."

10 Q Now, you attended that meeting in Dallas,  
11 didn't you, sir?

12 A Yes, I did.

13 Q Describe for me how it was, quote, laid out  
14 how to attack the quackbuster conspiracy using the  
15 Federal Racketeering Influenced and Corrupt  
16 Organization Act.

17 A It didn't actually happen that way once I  
18 got there. Walter Gerash didn't show up. Andrew  
19 Reid was there part time and talked about something  
20 different. And I'm not sure -- I think Turner was  
21 there, but it didn't come out that way.

22 Q Did you speak at that meeting?

23 A Yes.

24 Q What was the topic of your speech, sir?

25 A The quackbusters.

1 Q And what did you say about the  
2 quackbusters?

3 A Whatever I usually say.

4 Q Tell me what that is.

5 A There's no particular thing. That's it. I  
6 talk about how the quackbusters knock on my website.

7 Q Can you be any more specific, sir, as to  
8 what you -- what topics you covered in your speech at  
9 the meeting on March 5, 2005 in Dallas Texas?

10 A I talked about -- no, I can't. I can't be  
11 specific. I don't remember the details.

12 Q How long did you speak?

13 A I don't remember that either. Fifteen  
14 minutes maybe.

15 Q Were you paid to speak?

16 A No.

17 Q Sorry, sir?

18 A No.

19 Q Did you have your hotel room paid for?

20 A Yes, I believe so.

21 Q Who paid for that?

22 A I think so. It would have been Bob Jones.

23 Q Cavitat?

24 A Could be, yeah. I never saw the bill that  
25 I can recall. I may have paid for it myself, but I



1 don't know.

2 Q Do you know that Cavitat paid for your  
3 hotel room?

4 A I hope it did. I think it did.

5 Q You don't have any recollection whether it  
6 did or didn't?

7 A No.

8 Q Now, there's a reference a couple  
9 paragraphs below that there are going to be  
10 successive meetings held in various locations  
11 throughout America. Do you see that?

12 A I'm sorry. Where are you reading?

13 Q The fourth paragraph on that page, sir.  
14 Second line.

15 A I see it, yes.

16 Q Were there any successive meetings that  
17 were held at various locations throughout North  
18 America that you're aware of?

19 A No, didn't come about.

20 Q Do you do a lot of travel in connection  
21 with JuriMed?

22 A Quite a bit.

23 Q What do you travel to do?

24 A Speak at places or take clients somewhere.

25 Q What kind of organizations have you spoken

1 at regarding RICO prosecutions?

2 A None.

3 Q Is it your testimony that you've never  
4 spoken about RICO prosecutions at any meeting since  
5 August 12, 2004?

6 A I don't think I've spoken about RICO  
7 prosecutions per se unless I mentioned that there was  
8 a RICO case going on anywhere. I'm not an expert on  
9 RICO.

10 Q You acknowledge you're not an expert on  
11 RICO. Correct?

12 A Right.

13 Q And have you given any speeches since  
14 August 12, 2004 regarding the Cavitat lawsuit against  
15 Aetna?

16 A You mean about it? I'm not sure if I have.  
17 Possibly I mentioned it in passing.

18 Q If you mentioned it in passing, what would  
19 you have said? What's your recollection?

20 A I don't know. That it was in existence and  
21 get the details on my website.

22 Q And you've got that mentioned that  
23 quackbusters run out of a New York ad agency, but you  
24 said this morning there isn't really an ad agency.  
25 Right?

1           A     That's a euphemism. The term a New York ad  
2           agency is a euphemism.

3           Q     Do you think that the American Dental  
4           Association is involved in any conspiracy, sir?

5           MR. NEGRETE:   Objection. Calls for speculation.

6           THE WITNESS:   Could be. I don't have any  
7           evidence of that.

8           Q     BY MR. SHELY:   Do you have any  
9           evidence that there is any conspiracy of the State  
10          Board of Dental Examiners with respect to  
11          prosecuting what you've described as cutting edge  
12          healthcare professionals?

13          A     Did you say the state board as in  
14          individual states?

15          Q     Yes, sir.

16          A     I suspect there is. I do.

17          Q     Putting aside whether you suspect there is,  
18          do you have any evidence or facts in support of that  
19          suspicion, sir, or would you have to speculate?

20          A     I'd say that it's certainly an avenue that  
21          needs to be explored.

22          Q     Whether or not it's to be explored another  
23          day, as you sit here today, do you have any evidence  
24          that you contend supports such a conspiracy?

25          A     You know over the years I've seen a lot of

1 material about that, but I don't -- for right now and  
2 late in the day I don't remember that. But that's a  
3 good idea. I think I'll do an article on it.

4 Q But as you sit here today you can't provide  
5 and facts under oath?

6 A Not right this minute.

7 Q Well, are you saying that you're too tired  
8 to proceed with the deposition such as you can't do a  
9 recollection?

10 A No. I just don't remember right now.

11 Q Okay.

12 A And but I'm making a mental note to look  
13 into it because I think that would be a very good  
14 article for my readers.

15 Q Do you think that there is any conspiracy  
16 at all with respect to -- in which Cavitat is an  
17 alleged target of that conspiracy?

18 A Yes.

19 Q And would you describe that, sir.

20 A I can't describe it. I think Cavitat has  
21 described it. I think Cavitat -- I think there's  
22 some writing that they did. That sounds about right.  
23 So whatever that was that they said I agreed with it.  
24 I thought it was about right.

25 Q Object to the response.

1                   Can you tell me whether you believe whether  
2                   Cavitat is a target of a conspiracy and if so what  
3                   facts or evidence you have to reach that conclusion.

4                   A        Again, I haven't been asked to provide any  
5                   information on that so I haven't researched it.

6                   Q        And because you haven't researched it, you  
7                   don't have any. Is that correct?

8                   A        Not at this time, no.

9                   Q        And you've never had any, have you, sir?

10                  A        Possible that I have.

11                  Q        You might have forgotten it?

12                  A        Mr. Shely, I get -- some days I have -- my  
13                  phone rings at 6:30 in the morning and quits at 9:00  
14                  at night. An awful lot of people talk to me.

15                  Q        So any evidence you would have would be  
16                  based upon what someone told you then?

17                  A        Well, people give me clues on where to look  
18                  to see if I'm interested in some issue, et cetera, et  
19                  cetera. They want my help or to guide them through  
20                  an issue, or they'll tell me that there's something  
21                  interesting happening and that I ought to look into  
22                  it or this is out there.

23                                My wife is in the hospital serious. I  
24                                deleted her bulk folder. She's still 6,000 e-mails  
25                                behind. I'm going to have to take a -- I don't know

1           what I'm going to do. We -- that's why I sent you  
2           24,000 communications because we're inundated. We  
3           have to throw out things. We get so much material  
4           that -- that's it. I get so much. So I'm not  
5           avoiding your question. I'm just telling you it's  
6           possible.

7           Q       But as you sit here today under oath you  
8           can't provide any such evidence. Is that a fair  
9           statement, sir?

10          A       At the moment. That's correct. For the  
11          moment I cannot, not to say that I couldn't if I had  
12          to.

13          Q       Have any of your clients -- well, let me  
14          ask you this: Are you aware of any other persons or  
15          entities who have told you they want to bring a RICO  
16          suit modeled after the one in Cavitat versus Aetna?

17          A       Yes.

18          Q       And would you describe that for me, sir.

19          A       There's a chiropractor in Florida that  
20          wants to do it, but he wants somebody else to fund  
21          it.

22          Q       What's the chiropractor in Florida's name?

23          A       I don't remember his name. There were some  
24          others, but they don't understand what it is.

25          Q       When you listed your websites this

1 morning -- correct me if I'm wrong here, but I don't  
2 recall that you listed the Save Dr. Clark website.  
3 Have you ever had such a website?

4 A Yes, I did.

5 MR. SHELY: Let me hand to the court reporter  
6 what will become Exhibit No. 11.

7 (Whereupon, the aforementioned document  
8 was marked as defendant's exhibit 11 for  
9 identification and is attached hereto.)

10 MR. SHELY: And I have a courtesy copy for  
11 Mr. Negrete.

12 MR. NEGRETE: Object to this document. It's  
13 something that's not been disclosed previously.

14 THE WITNESS: There's more than one document  
15 here. Are you aware of that?

16 Q BY MR. SHELY: Well, just tell me  
17 what it is, sir. Let me make sure. These are pages  
18 from your website Save Dr. Clark. Is that correct?  
19 Exhibit 11.

20 A Appear to be, yes.

21 Q And it says opinion by Tim Bolen up there,  
22 doesn't it?

23 A Yeah, it does.

24 Q And it says that the reason for this  
25 website is because you believe that there is a

1           blatant outright attempt to stop a cure for cancer  
2           and other diseases from becoming mainstream.

3                     You wrote that.   Correct?

4           A     Yes, I did.

5           Q     And you said that you're part of the Clark  
6           team of which you are proud to be a member.  Is that  
7           correct?

8           A     This was written in 1999.

9           Q     Is it correct that that's what you wrote?

10          A     Where do you see that?

11          Q     At the bottom of the first page, sir, under  
12          the word solutions.

13          A     Yes.

14          Q     And with respect to the Save Dr. Clark  
15          website of yours, one of the goals of that was to  
16          raise money for Dr. Clark.  Is that correct?

17          A     For her defense, yes.

18          Q     And how much money was raised, sir?

19          A     I have no idea.  You already asked me that  
20          earlier today.

21          Q     Are you saying that the money -- none of  
22          the money for Dr. Clark's defense fund came to you?  
23          Is that your testimony?

24          A     I don't know if it did or not.  It might  
25          have.



1 Q If some of it might have, how much might  
2 have come to you?

3 A From this? I don't know. Might have. I  
4 don't know.

5 Q What percentage of the total fund for  
6 Dr. Clark's defense came to you, sir?

7 A I have no idea.

8 Q Did you keep any of it?

9 A Keep any of what?

10 Q Of the money that came from Dr. Clark's  
11 defense fund.

12 A I may have a quarter in my pocket.

13 Q How much did you have to start with, sir?

14 A I have no idea.

15 Q Would that have been something that was  
16 reported on your tax return?

17 A Could be.

18 MR. NEGRETE: Objection.

19 Q BY MR. SHELY: Go, sir, to the  
20 third page of Exhibit 11. And you wrote, didn't  
21 you, that Hulda Clark's basic theory is simple?

22 A Where are you going?

23 Q Page three. Third page of Exhibit 11.

24 A It's also marked page one of one you mean?

25 Q Yeah, there's some overlap on the printout.

1 It's a four page exhibit.

2 A The second page one of one?

3 Q Yes, sir.

4

5 "Hulda Clark's basic theory

6 is simply. She says the toxins

7 and parasites in our bodies are

8 responsible for the occurrence of

9 disease. Remove she says those

10 toxins and parasites and keep them

11 out and you can defeat any

12 disease."

13 Did you write that?

14 A Yes.

15 Q Do you believe it?

16 A Yes.

17 Q Under Dealing With Problems did you write

18 "Hulda Clark has gained fame with her startling

19 method to the discover which toxins and parasites

20 have invaded the body and the means to rid the human

21 body of the interference" --

22 A I'm sorry. Where are you?

23 Q Under the right hand column dealing with

24 problems. The first paragraph which says:

25 "Hulda Clark has gained fame

1 with her startling method to  
2 discover which toxins and  
3 parasites have invaded the body  
4 and the means to rid the human  
5 body of interferences."

6 Did you write that?

7 A Yes, I did.

8 Q Do you believe it?

9 A Yes.

10 Q Do you still believe it?

11 A Yes.

12 Q Go down four paragraphs if you would, sir.

13 And it says "The Zapper." We talked about that  
14 earlier in the deposition. Do you recall that?

15 A Yes, I do.

16 Q

17 "The Zapper, another  
18 controversial device is meant for  
19 a different purpose. The Zapper's  
20 basic principal is that the  
21 frequencies it gives off tuned to  
22 be within a specific range can  
23 kill a host of body invaders  
24 without harming the human body."

25 Is that what you wrote?

1 A That's correct.

2 Q Did you believe it when you wrote it?

3 A I believe that when I wrote it it was  
4 correct.

5 Q And do you believe it still today?

6 A You know I'm not a Clark expert, so I was  
7 just quoting from other documents.

8 Q Based upon your personal experience from  
9 using the Zapper, do you agree with what you wrote in  
10 1999?

11 A I'd say it's substantially the same.

12 Q Did your health improve after you used the  
13 Zapper?

14 MR. NEGRETE: Objection. Calls for expert  
15 testimony.

16 THE WITNESS: I didn't use -- I haven't used the  
17 Zapper for health improvement.

18 MR. SHELY: I didn't hear what you said.

19 THE WITNESS: I haven't used the Zapper for  
20 health improvement.

21 Q BY MR. SHELY: Why did you use it?

22 A I tried it out to see if it -- what if  
23 anything it would do. But I couldn't make any  
24 scientific judgement about it.

25 Q It didn't do anything for you. Is that a

1 fair statement, sir?

2 A It would be a fair statement to say that if  
3 I were in trouble I would definitely try it  
4 definitely because it does make sense to me. But I  
5 can't explain it here. I'm not a scientist, but the  
6 way Clark explains it I like.

7 Q There's also, sir, if you turn the page,  
8 the fourth page of Exhibit 11, there's some -- do you  
9 see there's some testimonials? Did you post those on  
10 the Save Dr. Clark website?

11 A Yeah.

12 MR. NEGRETE: Excuse me a minute, counsel. I  
13 show this as page 29 of 45 pages. I'd object to this  
14 document as not being a complete document. As a  
15 matter of fact, it has -- the deponent has testified  
16 it seems like there's four different documents in  
17 this exhibit. This one indicates 29 of 45.

18 Q BY MR. SHELY: Mr. Bolen, you  
19 agree that the fourth page of Exhibit 11 is from the  
20 SaveDr.Clark.net website, don't you?

21 A I couldn't -- I haven't looked at this  
22 website in a very long time. This is a 1999 website.

23 Q Okay. Did you -- earlier this morning I  
24 asked you about whether Dr. Clark's treatment was  
25 used for liver flukes. And I didn't know whether you

1 had any -- my recollection is -- correct me if I'm  
2 wrong -- you didn't know one way or the other on  
3 that. Is that correct?

4 MR. NEGRETE: Objection. Mischaracterizes  
5 testimony.

6 MR. SHELY: Just tell me what you said.

7 THE WITNESS: Something about liver flukes. I  
8 didn't know that you -- you had suggested that liver  
9 flukes itself was a disease, and I questioned that.  
10 How do you treat liver flukes?

11 Q BY MR. SHELY: Do you at least  
12 agree that in a testimonial on the Save Dr. Clark  
13 website of yours that someone wrote -- and I'm on  
14 the right hand column, sir -- "When I did her  
15 parasite cleans, kidney cleans and liver cleans, I  
16 passed many parasites from my body and even kept a  
17 sample in a specimen bottle. They were clearly the  
18 ones she shows in her books."

19 A Where exactly are you reading.

20 Q You see under Arthur Lloyd on the right  
21 hand column? If you go to the last two sentences of  
22 that is what I just read.

23 A Yes. What was your original question this  
24 morning? Do you recall?

25 MR. NEGRETE: Objection. The record speaks for

1           itself.

2           Q       BY MR. SHELY: I'm just saying,  
3       sir, does this refresh your recollection as to  
4       whether Dr. Clark's theories involve ridding the  
5       human body of liver flukes.

6           MR. NEGRETE: Objection. Calls for speculation.

7           THE WITNESS: I don't think you're quite on the  
8       same page as Clark is. I think you're using two  
9       different references out of context, Mr. Shely. You  
10      had suggested I thought that liver flukes were a  
11      disease of some kind. That was the recollection I  
12      have. And here this person is clearly talking about  
13      doing some kind of cleans to rid themselves of flukes  
14      out of their intestines. Everybody does that. You  
15      do that to your dogs and cats twice a year. Your  
16      horses the same. So it's nothing unusual. I don't  
17      know how to answer.

18          MR. SHELY: We'll go to the next exhibit which  
19      by my count will be 12. I'm going do hand it to the  
20      court reporter for marking. I have a courtesy copy  
21      for Mr. Negrete.

22                               (Whereupon, the aforementioned document  
23                               was marked as defendant's exhibit 12 for  
24                               identification and is attached hereto.)

25          Q       BY MR. SHELY: Have you had a

1 chance to look at Exhibit 12, sir?

2 A Yes.

3 Q What is it?

4 A It says "Support the Millions of Health  
5 Freedom Fighters Newsletter."

6 Q And is this something that you've posted on  
7 one of your websites?

8 A Yes.

9 Q And how much money has been sent to you in  
10 response to your request for funds to be sent to you?

11 A I'm going to guess \$150.

12 Q Did it all come in at once, sir?

13 A I don't think so.

14 Q And how many honorary certificates have you  
15 sent out?

16 A I have no idea.

17 Q Have you sent out one?

18 A Well, I haven't sent them out, not me.

19 Q Who would?

20 A My wife would.

21 Q So do you have any other methods in which  
22 you're trying to raise funds other than what we've  
23 talked about in the deposition to date with respect  
24 to defense funds or requests for a money be sent in  
25 to support you as reflected on Exhibit 12?



1 MR. NEGRETE: Objection. Compound question.

2 THE WITNESS: Not that I know of.

3 Q BY MR. SHELY: What were JuriMed's  
4 revenues for 2005?

5 A I haven't done my taxes.

6 Q Was it more or less than 2004, sir?

7 A Probably the same.

8 Q And by same you mean \$60,000 of revenue?

9 A I think so, yeah.

10 Q From which you and your wife have taken out  
11 your expenses. Is that correct?

12 A Yes.

13 Q And what percentage of the \$60,000 were  
14 expenses in your view, sir, for 2005?

15 A For expenses? For personal expenses?

16 Q Whatever you mean by expenses.

17 A Well, we take out personal expenses. We  
18 can't afford to take a salary out of the company yet.

19 Q How much were the personal expenses that  
20 you took out of revenues of JuriMed for 2005?

21 A I haven't done that yet. Food. Clothing.

22 Q Does JuriMed keep a record as to the money  
23 that you take out of the revenues?

24 A Sure.

25 Q Yes or no?

1 A Yes, of course.

2 Q And are you saying that you can't tell me  
3 how much money you and your wife took out for  
4 expenses out of revenue for JuriMed in 2004 or 2005?

5 A No.

6 MR. NEGRETE: Objection. Asked and answered.

7 Q BY MR. SHELY: You can't?

8 A No. I wasn't prepared to answer those  
9 questions.

10 Q How many people do you really send your  
11 newsletter to, sir? Do you have a list?

12 A Trade secret here.

13 Q Certainly not millions, is it?

14 A Oh, I don't think so, no.

15 Q And how many people is your newsletter sent  
16 out to?

17 A Roughly -- well, I have different ones.

18 Q Can you describe for me what you know as to  
19 the newsletters that you send out?

20 A 275,000.

21 Q For which of your publications?

22 A Millions of Health Freedom Fighters  
23 Newsletters.

24 Q You're saying that every time you send out  
25 a Millions of Health Freedom Fighters Newsletter you

1 send it to 275,000 e-mail addresses?

2 A No.

3 MR. NEGRETE: Objection. Mischaracterizes  
4 testimony.

5 Q BY MR. SHELY: Tell me what you  
6 mean, sir.

7 A It changes. Subscribers come and go.  
8 Grows.

9 Q Have you ever been asked to cease and  
10 desist from sending your Millions of Health Freedom  
11 Fighters Newsletters to certain recipients?

12 MR. NEGRETE: Objection. Seeks a legal  
13 conclusion, legal interpretation.

14 THE WITNESS: Well, not cease and desist. You  
15 make it sound like you will cease and desist sending  
16 me some legal -- never.

17 Q BY MR. SHELY: Have you ever lost  
18 your privileges on any of the internet services that  
19 you use to send newsletters because you're sending  
20 newsletters to persons who didn't want it?

21 MR. NEGRETE: Objection. Calls for speculation.  
22 Vague and ambiguous.

23 THE WITNESS: I pursue those people who accuse  
24 me of spamming and I go after them and warn them. And  
25 I think once that did occur but they didn't remove

1 me. I removed myself.

2 Q BY MR. SHELY: Where did you move?

3 From what to what, sir?

4 A I moved servers.

5 Q From what server to what server?

6 A I don't know what you mean by that.

7 Q What did you mean when you said you moved  
8 from one to the other?

9 A Let's see. One of the quack dots  
10 threatened to sue my server, and they're a small  
11 company and so I moved to a bigger company.

12 Q You don't remember the names of the  
13 companies?

14 A No, I don't remember them.

15 Q Have you ever had anyone linked to one of  
16 your websites and then use some of your material on  
17 their website without first communicating with you?

18 MR. NEGRETE: Objection. Calls for speculation.  
19 Lack of foundation.

20 Q BY MR. SHELY: If you know.

21 A Probably.

22 Q That's not unusual, is it, in your  
23 experience?

24 MR. NEGRETE: Objection. Vague and ambiguous.

25 A Yeah, I can't think of any. It sounds

1 familiar, but usually people ask me for permission.

2 Q Doesn't always happen though. Is that  
3 correct?

4 A Correct.

5 MR. SHELY: Let me mark, sir, the next exhibit,  
6 what will be Exhibit 13. I'm handing a copy to the  
7 court reporter to mark and a courtesy copy to  
8 Mr. Negrete.

9 (Whereupon, the aforementioned document  
10 was marked as defendant's exhibit 13 for  
11 identification and is attached hereto.)

12 THE WITNESS: Yeah, I read it.

13 Q BY MR. SHELY: Is Exhibit 13 one  
14 of your postings, sir?

15 A Sure looks like it.

16 Q You don't deny it, do you?

17 A No, of course not.

18 Q And what is the date of your posting, sir?

19 A Looks like April 14, 2005.

20 Q Almost exactly a year ago. Right?

21 A How about that?

22 Q Now, what was your source of information  
23 for this posting, sir?

24 A Bob Jones.

25 Q What precisely did Bob Jones tell you --

1           A     I'm not sure of that come to think of it.  
2           I think so. Go ahead.

3           Q     When you say you're not sure of it, do you  
4           think you talked to somebody else?

5           A     I think so. I can't remember who else I  
6           talked to.

7           Q     Who else did you talk to besides Bob Jones  
8           if anyone, sir?

9           A     I don't think anybody.

10          Q     All right. So are you saying that your  
11          sole source of information for this posting was Bob  
12          Jones?

13          MR. NEGRETE: Objection. Mischaracterizes the  
14          testimony.

15          Q     BY MR. SHELY: Sir, I don't want  
16          to mischaracterize your testimony. Just tell me who  
17          your sources were if you would for the information  
18          that caused you to post Exhibit 13.

19          A     My recollection is it was Bob Jones.

20          Q     Now, you certainly weren't at this  
21          deposition, were you?

22          A     No. I wish I had been.

23          Q     And Mr. Jones wasn't at the deposition  
24          either, was he?

25          MR. NEGRETE: Objection. Calls for speculation.

1 THE WITNESS: I don't know. I don't know.

2 Wasn't he?

3 Q BY MR. SHELY: Is that not  
4 something you discussed when Mr. Jones called you  
5 and told you to post something about the deposition?

6 A He didn't tell me to post anything.

7 Q Why did you post this, sir?

8 A Well, it was interesting. It's dues.

9 Q And this was part of your public relations  
10 service for Cavitat. Is that right?

11 A No. This was my newsletter and that's not  
12 part of my -- it's not part of my services.

13 Q And you were also attempting to intimidate  
14 the witnesses who were coming up after Dr. Barrett's  
15 deposition, weren't you?

16 MR. NEGRETE: Objection. Argumentative.  
17 Improper question.

18 THE WITNESS: I was attempting to intimidate  
19 them?

20 MR. SHELY: Yes.

21 MR. NEGRETE: Also calls -- assumes facts not in  
22 evidence. Lacks foundation.

23 Q BY MR. SHELY: Have you ever  
24 written that Dr. Baratz has good reason to fear you  
25 physically?

1 MR. NEGRETE: Wait a minute. Objection. Vague  
2 and ambiguous.

3 Q BY MR. SHELY: There's nothing  
4 vague and ambiguous about it. Yes or no?

5 A It sounds familiar. You got something?  
6 Show me.

7 Q Sounds like something you'd say?

8 A He fears me period. He dives over the  
9 table. He runs across the hall. He acts like a  
10 child. It's amazing. Or he acts like he does.  
11 Could be an act.

12 Q Why do you say "We are heading for a  
13 healthcare Nuremberg, sir?"

14 A Nuremberg was an examination of the  
15 problems of World War Two, and I think that's what's  
16 necessary in healthcare. I think that North America  
17 needs to carefully examine what's happening in  
18 healthcare so that we can improve the situation in  
19 North America because the facts and statistics are  
20 showing that a healthcare crisis in America is  
21 causing serious problems to our economy, Canada. And  
22 I believe that we need to examine it as a society, as  
23 a government and as people.

24 And I am disappointed that the people  
25 within the structure are not doing any



1 self-examination which they should be doing because  
2 healthcare is horrible in this country compared to  
3 what it could offer. And it's vital that we make  
4 those changes now. And I'm very concerned as an  
5 activist which I am that those changes and those  
6 people who are attempting to make the changes are  
7 under assault by the quackbusters. I don't find that  
8 to be amusing or a good thing for America.

9 Q Are the people that you believe are trying  
10 to change the healthcare system persons that you  
11 refer to as cutting edge health professionals like  
12 Hulda Clark?

13 A The cutting edge health professionals are a  
14 part of the system attempting to make change.  
15 They're personally involved in that issue. They're  
16 the ones taking the majority of the heat for the  
17 change unrealistically I believe. But they're  
18 certainly not all of those attempting to make change.  
19 The change is going on in the legislatures which you  
20 asked me if I was involved in. The change is going  
21 on in the media. The change is coming and it's  
22 coming at us very hard and very fast but not fast  
23 enough to suit me.

24 Let me explain this: Five and a half weeks  
25 ago, I took my wife to the best hospital in southern

1 California, Mission Hospital, with a staff infection.  
2 And they managed to save her life over four or five  
3 days.

4 But the doctor -- he was wonderful. He's  
5 an internist. And he and I had a talk about the  
6 quality of healthcare. And he said this is a great  
7 hospital. I said I agree with you. It's very good.  
8 I've known the originators. I know it well. But the  
9 problem that you have -- he says, oh, we don't have  
10 any problems. I said, yes, you do. You are only  
11 allowed to offer in this hospital that which an  
12 insurance company will pay for. That means to me  
13 that you're 15 years behind the times. And he said  
14 are we on the same page.

15 So what's happening here is there needs to  
16 be a coordination between the people who are  
17 attempting to make that change and the people who are  
18 in the power structure like Aetna Insurance. And  
19 it's being blocked by these people who tend to  
20 characterize all of the people in the change agent as  
21 something less than human and I don't approve of  
22 that.

23 I am on the opposite side as an activist  
24 and all of my writings reflect my upset with that  
25 situation and they will continue to do so. I am

1 reaching a larger and larger audience. I am getting  
2 more and more radio time and television time and I've  
3 just started. I insist on change.

4 Q Thank you, Mr. Bolen. I'm sure you'll  
5 understand for the record I need to object to that as  
6 nonresponsive for purposes of court rules?

7 MR. NEGRETE: And I oppose that objection.

8 MR. SHELY: I would think nothing else.

9 MR. NEGRETE: Okay.

10 Q BY MR. SHELY: Do you think, sir,  
11 that what you characterize as the North American  
12 medical community should approve the, quote, cutting  
13 edge technologies, close quote, that you've  
14 described such as the Zapper?

15 A I'm sorry. Again.

16 Q Do you think that the North American  
17 medical community should approve as a cutting edge  
18 technology the Zapper?

19 A I think that a simpler method of testing  
20 new devices needs to be in place other than an FDA  
21 800 million-dollar study which is the norm for  
22 devices like the Zapper needs to be in place.

23 Q Do you believe that the FDA is engaged in  
24 any conspiracy against any of your clients, sir?

25 A No. I don't have any evidence of that.

1 But the FDA is a bureaucracy that's hard to deal  
2 with.

3 Q Do you have any evidence that anyone at the  
4 FDA has done anything illegal or improper with  
5 respect to any application for clearance of any  
6 medical device?

7 MR. NEGRETE: Objection. Calls for speculation.  
8 Assumes facts not in evidence. Seeks expert  
9 testimony.

10 THE WITNESS: I have not personally been  
11 involved in anything having to do with any of that.

12 Q And do you believe that the North American  
13 medical community should approve what you  
14 characterize as the cutting edge technology of the  
15 Cavitat?

16 MR. NEGRETE: Objection. Calls for expert  
17 testimony. Assumes facts not in evidence.  
18 Foundation.

19 THE WITNESS: I believe it has.

20 Q BY MR. SHELY: I didn't hear your  
21 answer.

22 A I believe it has.

23 Q What's your basis for that statement, sir?

24 A The FDA website clearly talks about the  
25 approval of the 510K and gives a description of it

1 and talks about the testing. In fact, the newest  
2 website is very good. They've made some changes in  
3 the last few weeks.

4 Q Do you believe that the North American  
5 medical community should approve the cutting edge  
6 technology of the Syncrometer?

7 MR. NEGRETE: Objection. Calls for speculation.  
8 Seeks a legal conclusion. Expert testimony.

9 THE WITNESS: The answer is the same as the  
10 Zapper. There needs to be a clearer, simpler, easier  
11 process to test and approve devices like that other  
12 than an 800 million-dollar testing process through  
13 the FDA.

14 Q BY MR. SHELY: Do you believe that  
15 the North American medical community should approve  
16 what you characterize as the cutting edge technology  
17 for the Rife Machine?

18 MR. NEGRETE: Objection. Foundation calls for.  
19 Expert testimony.

20 THE WITNESS: Same answer as the last answer.  
21 Do you need me to repeat it again?

22 Q BY MR. SHELY: Was that a yes you  
23 think?

24 A It's the same answer I believe that there  
25 needs to be a testing for each of these. The Rife

1 unit I believe will be soon approved in this country.

2 Q You agree that it hasn't yet accepted or  
3 gained widespread acceptance, sir?

4 MR. NEGRETE: Objection. Calls for speculation.  
5 Seeks expert testimony. Assumes facts not in  
6 evidence. Lacking in foundation.

7 THE WITNESS: To my knowledge it has not  
8 received widespread acceptance in the United States  
9 but clearly in other countries it has.

10 Q BY MR. SHELY: Do you have health  
11 insurance, sir?

12 A No.

13 Q Have you ever had health insurance?

14 A Yes.

15 Q When was the last time that you had health  
16 insurance?

17 A Southern California Edison.

18 Q And how are you paying for your wife's  
19 current treatment, sir?

20 MR. NEGRETE: Objection. Privacy. Assumes  
21 facts -- excuse me. Privacy.

22 THE WITNESS: Do I have to answer that?

23 Q BY MR. SHELY: You did raise the  
24 issue of your wife being in the hospital, did you  
25 not, sir?

1 MR. NEGRETE: That's not raising an issue,  
2 counselor.

3 Q BY MR. SHELY: You referenced your  
4 wife's stay in the hospital. You told me you don't  
5 have the health insurance. Are you getting the  
6 treatment for free or are you paying for it, sir?

7 MR. NEGRETE: Counselor, that doesn't give you  
8 the right to invade his privacy. It's not germane to  
9 any of the issues in this case.

10 THE WITNESS: I've applied for MSI and  
11 qualified.

12 Q BY MR. SHELY: What is MSI, sir?

13 A Medical Services for the Indigent.

14 Q And did you say you have or have not  
15 qualified?

16 A I have.

17 Q Tell me again, sir, if you have told me  
18 maybe I haven't asked the question, but exactly what  
19 PR service you provide for Cavitat if it's not your  
20 newsletter.

21 MR. NEGRETE: Objection. The question has been  
22 asked and answered.

23 THE WITNESS: Helping with media and having  
24 contact with his support base.

25 Q BY MR. SHELY: Okay. What -- when

1 you say help him, you mean Mr. Jones?

2 A Yes.

3 Q All right. What help have you provided  
4 Mr. Jones with respect to what you characterize as  
5 his media?

6 A Well, when Aetna put that article in  
7 Business Week about the counter suit that was dropped  
8 a week later or dismissed by the judge a week later,  
9 I helped him -- advised him how to set up the  
10 interviews on their site to make the story balanced.

11 Q Did you know that the lawyers for Cavitat  
12 called Business Week initially?

13 MR. NEGRETE: Objection, calls for speculation,  
14 assumes facts not in evidence.

15 MR. SHELY: He can tell me if knows.

16 THE WITNESS: I don't know that.

17 Q BY MR. SHELY: And what other  
18 services have you provided to Cavitat with its media  
19 other than what you just described?

20 A I've counseled Mr. Jones on what he might  
21 have to do to counteract the Barrett strategy, the  
22 posting of -- the posting of the counter suit and  
23 Barrett's commentaries on his website that has  
24 7 million hits.

25 Q What did you tell Mr. Jones in that regard?



1           A     That he needed to communicate again with  
2           his support network. That was his primary worry was  
3           that he would lose his support network of expert  
4           witnesses and customers.

5           Q     What is your understanding of the Cavitat  
6           or Mr. Jones' support network? What is that?

7           A     His customer base and his dentists in the  
8           biological dentistry movement.

9           Q     Do you know how many Cavitats Mr. -- or  
10          excuse me. Do you know how many Cavitat devices  
11          Cavitat has sold in its history?

12          A     I have no idea.

13          Q     And you don't know how much they sell for  
14          either, do you?

15          A     I heard once, but I don't know. I heard it  
16          was like \$17,000 or something like that. Maybe more.

17          Q     Mr. Jones ever tell you when he started  
18          selling his Cavitat devices, what year?

19          A     No. I don't have any assumption.

20          Q     Is it a fair statement you don't know when  
21          Cavitat started selling its Cavitat devices? Is that  
22          a fair statement?

23          MR. NEGRETE: Objection. The question has been  
24          asked and answered.

25          THE WITNESS: I don't know.

1 MR. SHELY: I am going to hand to the court  
2 reporter, sir, what is going to be marked as Exhibit  
3 15, and I have a courtesy copy for Mr. Negrete.

4 (Whereupon, the aforementioned document  
5 was marked as defendant's exhibit 14 for  
6 identification and is attached hereto.)

7 THE WITNESS: I need to take two or three  
8 minutes to get rid of this.

9 MR. SHELY: Absolutely, sir. We'll take a  
10 minute and come back.

11 THE VIDEOGRAPHER: This ends videotape number  
12 three in the continuing deposition of Mr. Timothy  
13 Bolen.

14 The time is 6:04 p.m. on April 12, 2006 and  
15 we are off the record.

16 (RECESS TAKEN)

17 THE VIDEOGRAPHER: This begins videotape number  
18 four in the continuing deposition of Mr. Timothy  
19 Bolen.

20 The time is 6:13 p.m. on April 12, 2006 and  
21 we are back on the record.

22 Q BY MR. SHELY: Mr. Bolen, did you  
23 have an opportunity to look at Exhibit 14 yet?

24 A No, I have not.

25 Q Would you look at that for me, sir. I'm

1 going to ask you about the first two pages, sir, but  
2 you're free to review it all if you like.

3 A I've read the first two pages.

4 Q I'm going to ask you one thing about the  
5 back page, but I'll let you read that when we get to  
6 that. What is Exhibit 14, sir?

7 A It's -- this is the first time I've  
8 actually seen this in print.

9 Q You mean you published it and you don't go  
10 see what it looks like?

11 A I'm not a subscriber to the magazine. They  
12 haven't yet sent it to me. Maybe they did. I didn't  
13 see it yet.

14 Q Did you write this article which is called  
15 "The State Versus an Advocate for the Little Guy"?

16 A Well, that wasn't the title that I gave it.  
17 It's been -- it looks like it's from editing, but it  
18 looks like I did.

19 Q You at least wrote the article?

20 A Yes, I did.

21 Q And in the introduction where they gave  
22 your background it says that you are a crisis  
23 management consultant and that you also direct the  
24 operations of JuriMed Public Relations and Research  
25 Group which provides strategies for government

1           besieged health professionals. Right?

2           A     That's what it says.

3           Q     That's what it says on your business card?

4           A     Strategies for government besieged health  
5 professionals is on my card.

6           Q     And you say that you're an expert in  
7 healthcare politics. Do you see that, sir?

8           A     I've been called that, yes.

9           Q     Do you think that you're an expert on  
10 healthcare politics?

11          A     I think that's a little bit of a stretch  
12 but not far. I'm pretty well recognized.

13          Q     At least would you agree that your  
14 expertise is more in healthcare politics than in the  
15 science of medicine?

16          A     Yes.

17          Q     In the first paragraph of your article,  
18 sir -- and this was posted March 21, 2006?

19          A     You got me.

20          Q     It says it is.

21          A     Okay. Good.

22          Q     And --

23          A     Was this on the internet? Is that where  
24 you got this?

25          Q     You can look at the bottom of --

1 MR. NEGRETE: Well, objection as to calling for  
2 speculation. An unauthenticated document. Lacking  
3 in foundation.

4 MR. SHELY: It is. I will represent to you,  
5 sir, that we got it off the internet.

6 MR. NEGRETE: Objection because it makes no  
7 difference whether you make that representation. It  
8 lacks in foundation.

9 MR. SHELY: We'll take a break.

10 MR. NEGRETE: No, we're not taking a break.  
11 We're not going off the record.

12 MR. SHELY: Yes, we are. I'm not going to have  
13 an objection to the document on that basis. If you  
14 want to make the objection --

15 MR. NEGRETE: We're not going off the record. I  
16 don't want to waste more time.

17 MR. SHELY: You're the one making the  
18 objections, so we'll go ahead and do that.

19 MR. NEGRETE: That doesn't allow you to go off  
20 the record. We are not going to go off the record.

21 MR. SHELY: Yes, it does. It's my deposition.  
22 We are going to go off the record until we get the  
23 exhibit which will be the next exhibit. It will not  
24 take long. It's your objection.

25 MR. NEGRETE: We're not going off the record.

1 The record still stands.

2 MR. SHELY: Go off the record.

3 MR. NEGRETE: No, you can't instruct her to go  
4 off the record.

5 MR. SHELY: I certainly can instruct her to go  
6 off the record.

7 MR. NEGRETE: I certainly disagree with you,  
8 counsel.

9 MR. SHELY: Back on, please.

10 MR. NEGRETE: We never were off.

11 MR. SHELY: That's fine. I'm going to hand to  
12 the court reporter what is going to be Exhibit 15.  
13 And we've just run it off the internet to address the  
14 objection of Mr. Negrete. I have also run off a  
15 courtesy copy for Mr. Negrete. And so let's let the  
16 court reporter mark it and I will ask you some  
17 questions about it.

18 (Whereupon, the aforementioned document  
19 was marked as defendant's exhibit 15 for  
20 identification and is attached hereto.)

21 MR. NEGRETE: Lacking in foundation. Whether  
22 you ran it off or not is of no consequence. It lacks  
23 foundation.

24 MR. SHELY: I understand your objection. You  
25 must be concerned about it. Let's just let the

1 witness get it in front of him.

2 Q All right. Mr. Bolen, when you've had an  
3 opportunity to look at Exhibit 15 the first two pages  
4 and have convinced yourself that the text is the same  
5 as 14, then I'll go ahead and ask my questions.

6 MR. NEGRETE: Objection. The document speaks  
7 for itself. Lacking in foundation as to whether he  
8 convinces himself or not.

9 THE WITNESS: It appears to be similar.

10 Q BY MR. SHELY: Thank you,  
11 Mr. Bolen. In the first paragraph, sir -- and just  
12 as to Exhibit 15, you wrote this article. Right?  
13 There's no dispute about that?

14 MR. NEGRETE: Well, objection. Lacking in  
15 foundation. Calls for speculation.

16 Q BY MR. SHELY: I don't want you to  
17 speculate. Just tell me whether you wrote the  
18 article or not, sir.

19 A I wrote an article like this. And the  
20 reason I say like this is because this is the first  
21 time I've seen it in print and I wrote it some time  
22 ago. And I did find some obvious things that I think  
23 were edited. That isn't the way I write things. So  
24 it may have been edited. That's my point.

25 Q You haven't seen the published version of

1           this article that you wrote before today. Is that a  
2           correct statement?

3           A       That's correct.

4           Q       All right, sir. Let me ask you about the  
5           first paragraph of the article. It says:

6                        "Almost all of my crisis  
7                        management" -- and crisis  
8                        management is in quotes -- "work  
9                        in North America surrounds unique  
10                      problems of cutting edge  
11                      healthcare professionals  
12                      representing them before the press  
13                      and public and when their right to  
14                      practice their paradigm is  
15                      challenged by public agencies  
16                      organizing their defense and  
17                      offense and helping their legal  
18                      defense teams by providing  
19                      experts, et cetera."

20                      Did I read that correctly, sir?

21           MR. NEGRETE: Objection. Calls for speculation.  
22           Lacking in foundation. Lacking authentication of  
23           this document.

24           Q       BY MR. SHELY: Did I read that  
25           correctly, sir?



1           A     You read that correctly.

2           Q     And do you believe, sir, based on your best  
3           recollection whether anything that you wrote as to  
4           that sentence was edited from when you submitted it  
5           to the way that it read?

6           MR. NEGRETE:  Objection.  Improper use of this  
7           document which has been unauthenticated and lacking  
8           in foundation.

9           MR. SHELY:  Stop it.  Stop it.  This is  
10          ridiculous.  Anything can refresh a recollection.  
11          Anything.  It doesn't have to be admissible or not.

12          MR. NEGRETE:  Counsel, please let me finish my  
13          objection.

14          MR. SHELY:  You're just obstructing.

15          MR. NEGRETE:  No, I'm not, counsel.

16          MR. SHELY:  You're obstructing.

17          MR. NEGRETE:  This is a document that he did not  
18          author.

19          MR. SHELY:  Why does it say by Tim Bolen on it?

20          MR. NEGRETE:  This is not his website.  You ran  
21          off there and you get angry and you make it want to  
22          appear that it's his website or his posting.

23          MR. SHELY:  I never said it's his website.  It's  
24          never been said.  Check the record.

25          Q     Mr. Bolen, did you write this article or

1 not?

2 A I honestly don't know if this is the  
3 version that I wrote, Mr. Shely. You know I haven't  
4 seen it in a while, but it sounds a little like me.

5 Q Sounds like you because it talks about your  
6 crisis management work in North America. Right?

7 A Exactly.

8 Q What we've been talking about almost all  
9 day here.

10 A Sure.

11 Q Is doesn't seem like an impostor wrote this  
12 article -- right? -- to you.

13 A Probably not.

14 Q Now, when you say that you organize their  
15 defense in referring to cutting edge healthcare  
16 professionals, what do you mean by that?

17 A Public relations.

18 Q In what respect, sir?

19 A Well, one of the primary issues for cutting  
20 edge health professionals is the fact that when a  
21 state agency makes an accusation against them they  
22 frequently put it in the newspaper and the cutting  
23 edge health professional patient base drops to zero.

24 So and it's a tactic that many states use.  
25 Many states have adopted rules and regulations not

1 allowing that. In fact, in many states the courts  
2 have ordered them not to do that. And that's an  
3 incredibly important thing for them to be able to  
4 defend their reputations, not just their legal  
5 defense.

6 In fact, it's more important I think in the  
7 beginning to defend their reputation than it is to  
8 defend the case because that will take a year.  
9 They've got to stay stable with their patient base.  
10 They've got to stay stable in their own hometown.  
11 They've got to stay stable with their peers so their  
12 peers don't shun them. And that's a very important  
13 aspect of public relations, and we go right at that  
14 quickly to establish it.

15 Q Do you only do that if something has  
16 appeared publicly regarding the charge?

17 A Not necessarily. Sometimes we anticipate  
18 if there is the possibility -- well, if it's a state  
19 where they don't allow an accusation to be filed, I  
20 mean to be put in the newspaper where there's a  
21 regulation against it, it's not necessary. There's  
22 many states where it's standard for them to put an  
23 accusation in the paper. California was that way.  
24 It isn't any more.

25 Q Is there anything else that you believe is

1 a part of what you said is organizing their defense  
2 other than the public relations work that you just  
3 described?

4 A Well, let's see. I think it's important  
5 sometimes when I set up the strategy teams and that's  
6 what I do is set up a strategy team within it and  
7 then they -- I show them how to deal with the press.  
8 So I teach people how to organize their own campaign  
9 and maintain their own campaign for a long period of  
10 time.

11 Q Now, did you do that for Cavitat?

12 A I wish I had. I did not. Cavitat got me  
13 in the case six months after the case was filed, and  
14 I would have loved to be in it six months before.

15 Q When you wrote that you organize the  
16 cutting edge healthcare professionals offense, what  
17 do you mean by that?

18 A Well, in many states we do the same thing.  
19 You asked about Wisconsin, but we don't actually have  
20 a bill there. But in Connecticut you asked about the  
21 Sieger case there. We organized an offense there to  
22 make the case important to the media to get some  
23 regulations and some laws changed and we consider  
24 that to be offense rather than defense.

25 And we'll take a case against a cutting

1 edge health professional and -- I realize that  
2 85 percent -- I think 88 percent of all U.S. adults  
3 now use something alternative in their daily life,  
4 alternatives of medical paradigm and believe in it.

5 So consequently I know that 88 percent of  
6 the media is using something. 88 percent of the  
7 legislature is using something because they're  
8 adults.

9 So the reality shift in the health paradigm  
10 is going on in this country on a day to day basis.  
11 More and more people are using supplements and things  
12 to stay healthy. I'd say here in California we  
13 prefer to be healthy -- we'd rather be healthy than  
14 medicated. I think that's an important aspect.

15 When I say offense we'll take the situation  
16 and say here is what's happened to the legislature.  
17 And then we'll take the people involved in the case,  
18 the patients which can be 2500 patients -- and in the  
19 mid western states they all know their legislators,  
20 and they all over the state personally go and see  
21 their legislators and they tell them what's going on  
22 and they ask for change right now. And that's an  
23 offensive thing not a defensive thing.

24 They personally -- once you get the story  
25 out to them and they understand the issues and they

1 can relate the story themselves -- Mary and Bob can  
2 relate the story to Senator John or Senator Paul or  
3 whatever they are, then we get things done on a state  
4 level.

5 In Connecticut we had some successes there,  
6 and we're having successes in a lot of places. As  
7 you're probably aware the Health Freedom Law are  
8 extensive. Not just Health Freedom but laws -- like  
9 in California the Unlicensed Health Professional  
10 Bill. The only way we were able to get that bill  
11 passed was to take cases of where people,  
12 practitioners have been prosecuted and make the  
13 legislators aware. And here the largest -- I think  
14 it's the largest population state in the union we  
15 have more health freedom here than in most other  
16 places because this is an aware state.

17 That's what I mean by offense. We take the  
18 cases and the horror stories and the wrongness of the  
19 issue and what needs to be changed and present it.  
20 And when I say -- there are hundreds of thousands of  
21 people, activists in this country right now trying to  
22 make healthcare change whether they're in issues --  
23 that's an offense.

24 The anti-amalgam people. They're huge.

25 Q Who are those? What are the anti-amalgam

1 people?

2 A They're against mercury amalgams in teeth.  
3 They explain to the public that amalgam is mercury  
4 and there's 52 percent mercury in there and that we  
5 need to deal with that issue.

6 There's the anti-fluoride people. They  
7 explain to people that that's not good for the in the  
8 water. We can't keep this up. There's problems with  
9 it.

10 There's the anti-vaccination people. And  
11 those are the people who are against certain things.  
12 There's just literally so many right now and of  
13 course many of them are my readers or send me  
14 readers.

15 And then on the other hand there's the  
16 issue people, like multiple chemical sensitivity  
17 people. These are people who -- the first time I  
18 ever had lunch with them it was horrible. I thought  
19 was a tough guy, but I couldn't understand the  
20 problems of these people who have allergies to  
21 multiple chemicals and they can't make their bodies  
22 work correctly and they're always in bed and they  
23 don't get adequate understanding. But they're  
24 getting stronger, the advocacy is better and they're  
25 getting more powerful.

1           The chronic fatigue people. The chronic  
2           fatigue people have done wonders in state politics in  
3           an offensive way to educate the public and  
4           legislators and educate the establishment that  
5           chronic fatigue is an issue.

6           So offense -- when I say offense, it's  
7           proactive. It's a proactive stance about health  
8           issues. And I show people how to do it, how to do it  
9           in their own state or their own case. I'm very good  
10          at it.

11          Q     Is part of your offense calling people liar  
12          for hire?

13          A     Only when it's necessary. Only when it's  
14          true.

15          Q     You've certainly done it before, haven't  
16          you?

17          A     Yes, I have.

18          Q     And you've told me all that you could early  
19          in the deposition as to what you claim that  
20          Dr. Barrett or Dr. Baratz were liars. Correct?

21          A     I'm sorry. You asked me about Dr. Baratz.

22          Q     And that's who you've said is a liar for  
23          hire?

24          A     Who is that?

25          MR. NEGRETE: Objection. Mischaracterizes



1 testimony.

2 MR. SHELY: I'll start over.

3 THE WITNESS: Please be specific.

4 Q BY MR. SHELY: You've called

5 Dr. Baratz a liar for hire. Correct?

6 A You know you're crossing the names the  
7 same. Is that how you pronounce his name?

8 Q B-a-r-a-t-z.

9 A Okay. That name I've heard him say his  
10 name was Baratz. That's a significant difference  
11 from Barrett. I've heard him testify to that. He  
12 said his name was Baratz. My name is Robert Baratz.  
13 So that's who I know him as, not Barrett. It's  
14 Stephen Barrett, Robert Baratz.

15 Q Okay. Anyway, Robert Baratz as you said is  
16 the person you've called a liar for hire. Correct?

17 A That's correct.

18 Q And you haven't thought of any additional  
19 facts to support that statement other than what  
20 you've testified to earlier in your deposition. Is  
21 that right?

22 A I don't remember exactly what, but there's  
23 plenty of files that show that to be true.

24 Q But you couldn't present any facts in your  
25 deposition. You just said it was in a file

1           somewhere.

2           A     You didn't ask me to provide those for this  
3           deposition, Mr. Shely. I mean I didn't have them to  
4           provide at the time, but they're definitely out  
5           there.

6           Q     You told me everything that you knew in  
7           support of that charge -- is that a fair  
8           statement? -- as you sit here today.

9           A     Yes, at this time. But I think you'll --  
10          if you like I could get you a package.

11          Q     Why don't you tell me what you mean when  
12          you say helping their defense team. Is that like  
13          Mr. Negrete?

14          MR. NEGRETE: Objection. Calls for -- excuse  
15          me. Assumes facts not in evidence. Would cross over  
16          to attorney-client privilege, attorney work product.

17          THE WITNESS: It says right there. You did read  
18          the whole sentence.

19          Q     BY MR. SHELY: It's organizing  
20          their defense and offence and helping their legal  
21          defense teams by providing experts, et cetera.

22          A     That's correct.

23          Q     Do you provide any assistance to legal  
24          defense teams such as Mr. Negrete other than  
25          providing experts?

1           A     I don't think I've provided any assistance  
2           to Mr. Negrete under any circumstances.

3           Q     Did you used to work with a lawyer named  
4           Mr. Beninghoff.

5           A     Yes.

6           Q     Is that Charles Beninghoff?

7           A     Yes.

8           Q     Was he also a lawyer from San Juan  
9           Capistrano?

10          A     Yes.

11          Q     And he was disbarred, wasn't he?

12          A     Yes, he was.

13          MR. NEGRETE:  Objection.  Calls for speculation.

14          Q     BY MR. SHELY:  And he pled guilty  
15          to income tax evasion, didn't he?

16          A     I believe so, yes.

17          Q     And he was the lawyer that you worked with  
18          before you worked with Mr. Negrete.  Is that correct?

19          MR. NEGRETE:  Objection.  Assumes facts not in  
20          evidence.  Lacking in foundation.  Mischaracterizes  
21          testimony.  He never testified that he worked for me.

22          Q     BY MR. SHELY:  When is the first  
23          time that you've worked with Mr. Negrete on a case,  
24          sir?  What year?

25          MR. NEGRETE:  Objection.  Assumes facts not in

1 evidence. Lacking in foundation.

2 THE WITNESS: I don't believe I've worked with  
3 him on a case yet. I don't think so. I mean we know  
4 each other and he's my attorney, but I don't believe  
5 I've worked on cases with him.

6 Oh, wait. Hulda Clark.

7 Q You told me about Hulda Clark, haven't you?

8 A Yeah. But the problem is that I'm sporadic  
9 with Hulda Clark and I don't always work with her or  
10 for her.

11 There was a couple year period that I  
12 didn't do anything for her. I'd see her but I didn't  
13 do anything. So now I just do minor stuff for her.  
14 I take her to conferences, set up speaking engagement  
15 and that sort of thing. So I get a fee for that and  
16 then I don't see her again for three or four or five  
17 months.

18 So it's not at the same time if you're  
19 trying to think that I'm at the same time. I know  
20 that Mr. Negrete is her attorney, but I would say  
21 that's a different relationship. He's probably all  
22 the time. That's a different thing for me. I'd love  
23 to get a retainer from clients that go on for years  
24 but I don't. I get paid for my work when I work.

25 Q Did you not introduce Hulda Clark to

1 Mr. Negrete?

2 MR. NEGRETE: Objection. The question has been  
3 asked and answered.

4 THE WITNESS: Yes, I did.

5 Q BY MR. SHELY: And what year was  
6 that?

7 A I don't remember.

8 Q Did you ever work with Mr. Negrete during  
9 the same period that you worked with Mr. Beninghoff  
10 or did you finish working with Mr. Beninghoff and  
11 start working with Mr. Negrete?

12 MR. NEGRETE: Objection. Assumes facts not in  
13 evidence. Lacking in foundation. Mischaracterizes  
14 testimony.

15 THE WITNESS: I don't recall -- I don't think  
16 I've ever worked with Mr. Negrete on anything. We  
17 don't work with each other. We have the same client.  
18 I mean to me that's like a plumber and a roto roter  
19 guy have the same client. They don't work together.

20 Q BY MR. SHELY: Which one are you?

21 MR. NEGRETE: Objection.

22 THE WITNESS: I think I'm a plumber.

23 MR. SHELY: Let me hand to the court reporter  
24 what will be Exhibit 16. I have a courtesy copy for  
25 Mr. Negrete.

1 (Whereupon, the aforementioned document  
2 was marked as defendant's exhibit 16 for  
3 identification and is attached hereto.)

4 Q BY MR. SHELY: Before you look at  
5 that, sir, let me ask you one more question. Is  
6 Mr. Negrete representing you currently in any legal  
7 proceeding?

8 A This one.

9 Q Any others?

10 A The Barrett versus Clark.

11 Q Any other besides those two?

12 A I don't think so.

13 Q I recognize, sir, that Exhibit 16 is in  
14 fairly small print, but what I'm really going to ask  
15 you about is the first two paragraphs and ask you  
16 whether after you read that you can tell me what  
17 meeting you introduced Dr. Clark at.

18 A What is this from? I've never seen this  
19 before.

20 Q Take a look and see if you can tell me?

21 MR. NEGRETE: Give me a second. Let me read it  
22 first.

23 Q BY MR. SHELY: Feel free to read  
24 as much as you want. I have questions I'm going to  
25 ask you on the first page.

1 MR. NEGRETE: You're just going to limit it to  
2 the first page?

3 MR. SHELY: Right now. He can read more if I  
4 move on.

5 Q Did you have a chance to look at that, sir?

6 A Yeah, sort of. I didn't bring strong  
7 enough glasses for that.

8 Q Can you tell me, sir, what meeting you were  
9 producing Dr. Clark at?

10 A I really don't know what you're talking  
11 about here. This is not familiar to me at all. I  
12 don't remember anything like this. What is this?  
13 Can you give me some idea what it's supposed to be?

14 Q All I can ask you, sir, is do you recall  
15 introducing Dr. Clark at any meeting where you were  
16 there with Mr. Negrete?

17 A I've introduced Dr. Clark at meetings for  
18 years.

19 Q Do you recall whether Mr. Negrete was ever  
20 there at any meeting?

21 A He certainly was.

22 Q The third line, third sentence.

23 A Can you give me some idea what this is?

24 Q Let me ask you, are these your words:

25 "I am a crisis management

1 consultant. I arrange cases like  
2 this and I hire for my clients the  
3 very best attorney and someone I  
4 am going to introduce to you here  
5 one of the finest attorneys in the  
6 country and also my friend is  
7 Carlos Negrete standing right over  
8 there"?

9 Does that sound familiar to you?

10 A No, none of this does. I don't have any  
11 idea what the reference is here. I mean there's  
12 nothing about -- am I supposed to introduce? Is that  
13 what you're suggesting, that I introduced her and  
14 these are my words? I don't get it. I mean what is  
15 this? Where is this from? Is it from a book?

16 Q I'm just asking you, sir, do you recall  
17 making those remarks?

18 A No, I don't. This is really odd.

19 MR. NEGRETE: It's okay. You've answered the  
20 question.

21 Q BY MR. SHELY: You mentioned a  
22 little earlier that you had a file or a package  
23 regarding Dr. Robert Baratz. Does anything in that  
24 file mention Aetna?

25 MR. NEGRETE: Objection. Mischaracterizes



1 testimony. He did not testify that he has a file.

2 Q BY MR. SHELY: Sir, I don't want  
3 to mischaracterize your testimony. Do you recall  
4 your testimony regarding the file on Dr. Robert  
5 Baratz that you said you had seen before?

6 A Yes.

7 Q Do you know whether there's anything in  
8 that file that mentions Aetna?

9 A Mr. Shely, I haven't seen the file in a  
10 while. And it's probably been enlarged because  
11 everybody enlarges it and passes it on to the next.  
12 So I don't know where it's at. I asked to get a copy  
13 and I didn't follow up on it. And I actually -- I  
14 actually tried to get a copy when you first wanted  
15 the information that I was going to see that you got  
16 a box of that stuff. And I -- and I couldn't run it  
17 down at the time. I mean I guess I didn't work that  
18 hard at it. It wasn't -- I was only required to give  
19 you what I had. And I thought it would be  
20 interesting reading for you and Aetna to know what  
21 Baratz is all about. I suggest you get a copy for  
22 yourself.

23 Q All I'm asking you, sir, is is it a fair  
24 statement that you can't testify that anything in  
25 that file that you described even mentions Aetna.

1 MR. NEGRETE: Objection. Calls for speculation.

2 THE WITNESS: You're asking me to speculate. I  
3 have no idea at this point what's in that file.

4 Q BY MR. SHELY: Okay. And who  
5 would you ask if you wanted to get a copy of it?  
6 Who would you call?

7 A I'd ask Claudia Hunter where it went.

8 Q Was she the last person you know who had  
9 it?

10 A Somebody else had it since then, somebody  
11 that's doing a case with Baratz as a witness. I  
12 gotta think about that.

13 Q Let me give you a minute.

14 A I'm trying to think right now. It would be  
15 safe to say that there's -- that anywhere these days  
16 where Baratz goes to testify that file is going to  
17 follow him.

18 Q Can you testify, sir, who had the file  
19 after Claudia Hunter?

20 MR. NEGRETE: Objection. Calls for speculation.

21 THE WITNESS: I suspect an attorney in  
22 California, but I don't know for sure.

23 Q BY MR. SHELY: Have you ever -- do  
24 you know whether Mr. Negrete has a copy of that  
25 file?

1 A He does not. Not that I know of.

2 MR. NEGRETE: Objection. Calls for speculation.

3 Q BY MR. SHELY: Do you know who  
4 provided the file to Claudia Hunter? Did you say  
5 Frank Recker or somebody else?

6 MR. NEGRETE: Objection. Mischaracterizes his  
7 testimony. He didn't say.

8 THE WITNESS: I don't think I said --

9 Q BY MR. SHELY: Let me withdraw it.  
10 Do you know who provided the file on Robert Baratz  
11 to Claudia Hunter, sir?

12 A You know, I don't recall. I'm sorry.

13 Q I'm sorry?

14 A Somebody did. I don't know.

15 Q Did you have any involvement in providing  
16 that file to Claudia Hunter?

17 A Yes.

18 Q What involvement did you have, sir?

19 A I think I told her that it was available  
20 and gave her some places to call to look for it who  
21 had a copy.

22 Q What places did you tell her?

23 A Probably Frank Recker and some other  
24 attorney.

25 Q What other attorneys? Do you recall their

1 names?

2 A I gotta think about that. Let's see. It  
3 was that guy in Texas. I don't remember his name.  
4 First name was Tim like mine. I remember that.  
5 There was a case involving Baratz was a witness  
6 against Ephedra. So it was Ephedra case.

7 Q Do you know whether Jim Turner has ever had  
8 a copy of that file?

9 A He might. If not he should have one. I  
10 think he might.

11 Q When you say he might, have you discussed  
12 it with him before? Did you see him with it? What  
13 makes you say that?

14 A He and I have talked about it.

15 Q When did you last talk about it?

16 A Probably -- I don't know -- a year and a  
17 half ago, a year ago.

18 Q So did Mr. Turner have a copy of that file  
19 as of a year, year and a half ago?

20 A I don't know.

21 MR. NEGRETE: Objection. Calls for speculation.

22 Q BY MR. SHELY: Did he tell you  
23 that he had it?

24 A I don't know, no. I don't remember. I  
25 know he knows about the file.

1 Q Mr. Robert Jones president of Cavitat --  
2 did he ever tell you that he testified in front of a  
3 grand jury?

4 A Grand jury. I believe he mentioned that,  
5 yes.

6 Q What did he mention?

7 A Just that he testified in front of a grand  
8 jury I think in Colorado perhaps.

9 Q And did he tell you the reason that he had  
10 to testify in front of a grand jury?

11 MR. NEGRETE: Objection. Hearsay.

12 THE WITNESS: It wasn't involving him. I  
13 remember that. Somebody else.

14 Q BY MR. SHELY: Did Mr. Jones ever  
15 tell you that he was being investigated in  
16 connection with the unauthorized practice of  
17 medicine?

18 MR. NEGRETE: Objection. Just answer the  
19 question.

20 THE WITNESS: No.

21 Q BY MR. SHELY: He didn't tell you  
22 that? You don't know that. Is that right?

23 A It sounds like something Baratz would say.  
24 I don't know that, no.

25 Q Would it surprise you if Mr. Jones said

1 that?

2 A Mr. Jones -- I don't believe Mr. Jones ever  
3 told me that, no.

4 Q Based upon what you know about Mr. Jones,  
5 would it surprise you if he had told somebody that?

6 A That what?

7 Q That he had testified in front of a grand  
8 jury in connection with authorized practice in  
9 medicine?

10 MR. NEGRETE: Objection. Calls for speculation.  
11 Argumentative.

12 THE WITNESS: He was testifying on -- about  
13 something else entirely is what I remember. It  
14 didn't have to do with him practicing medicine or  
15 anything else.

16 Q BY MR. SHELY: What was the  
17 subject matter?

18 A No accusations that I know of have ever  
19 been filed against him by any agency.

20 Q What is the subject matter of what you  
21 understand his grand jury testimony was about?

22 MR. NEGRETE: Objection. Calls for speculation.  
23 Assumes facts not in evidence. Foundation. Hearsay.

24 Q BY MR. SHELY: What did he tell  
25 you?

1           A     Some other guy -- some doctor was under  
2           investigation and they were asking him about  
3           information about some M.D. or something.

4           Q     Did it relate to the Cavitat device in any  
5           way?

6           A     I don't believe it did. I don't know.

7           Q     You don't know?

8           A     I just remember a conversation where he  
9           said he had to be in Denver or something or he was in  
10          Denver testifying in front of a grand jury for -- oh,  
11          wait a minute. Some guy. I don't remember the guy's  
12          name. I mean I remember the name, but I don't  
13          remember the name, that a grand jury was looking at  
14          something and I believe it was all dropped. The  
15          investigation was dropped.

16          Q     Do you know that certain practitioners that  
17          use the Cavitat advocated pulling all of the  
18          patients' teeth to cure multiple sclerosis?

19          MR. NEGRETE: Objection. Calls for speculation.

20          Q     BY MR. SHELY: Have you ever heard  
21          that?

22          MR. NEGRETE: Assumes facts not in evidence.  
23          Hearsay.

24          Q     BY MR. SHELY: Have you ever heard  
25          that, sir?

1 A I've never heard that.

2 Q Does that make sense to you based on your  
3 experience?

4 MR. NEGRETE: Objection. Seeks expert testimony  
5 of a lay witness. Lacking in foundation. Assumes  
6 facts not in evidence.

7 THE WITNESS: I've heard that from a lot of  
8 difference sources over the years that teeth -- what  
9 happens in your mouth affects your whole body.  
10 That's a pretty common -- the anti-amalgam people  
11 talk about that all the time.

12 Q BY MR. SHELY: Do you have any  
13 fillings in your mouth, sir?

14 A Yes, one or two.

15 Q Have you ever had any fillings pulled out?

16 A No, just with the teeth. My fillings are  
17 40 years old.

18 Q Have you ever -- do you know that certain  
19 users of the Cavitat advocate having teeth removed to  
20 cure headaches?

21 MR. NEGRETE: Objection. Calls for speculation  
22 and seeks expert testimony. Assumes facts not in  
23 evidence. Foundation.

24 THE WITNESS: I haven't heard that.

25 Q BY MR. SHELY: Have you ever heard



1 that certain users of the Cavitat device advocate  
2 the removal of healthy teeth to prevent cancer?

3 MR. NEGRETE: Same objection.

4 THE WITNESS: I don't think I've heard that  
5 either.

6 Q BY MR. SHELY: Has Dr. Michael  
7 Margolis ever been a client of yours?

8 A No.

9 Q Have you ever spoken with Dr. Margolis?

10 A If he was at the conference in Dallas I may  
11 have, but I met an awful lot of people.

12 Q You don't recall anything other than the  
13 conference in Dallas in terms of having any meetings?

14 A Nothing of any note that I would remember.

15 Q Nothing relating to Cavitat or NICO. Is  
16 that a fair statement?

17 A Right. Is he in Arizona? Is that who he  
18 is?

19 Q Dr. Margolis is in Arizona, sir?

20 A Yeah. I don't think so.

21 MR. SHELY: I'm going to hand to the court  
22 reporter, sir, the next Exhibit which is going to be  
23 number 17 I believe, and I have a courtesy copy for  
24 Mr. Negrete.

25

1                   (Whereupon, the aforementioned document  
2                   was marked as defendant's exhibit 17 for  
3                   identification and is attached hereto.)

4                   Q     BY MR. SHELY:  Sir, I'm going to  
5                   ask you some questions about that document in a  
6                   moment.  Is Dr. Medlock one of your clients?

7                   A     How do you spell that?

8                   Q     M-e-d-l-o-c-k.

9                   A     No.

10                  Q     Do you know that he's one of your Cavitat  
11                  legal fund partners?

12                  A     I don't know that.

13                  Q     Has Dr. Culpits ever been a client of  
14                  yours?

15                  A     I don't know that name either.

16                  Q     Has Dr. Galeros ever been a client of  
17                  yours, sir?

18                  A     No.

19                  Q     Have you ever seen what is marked as  
20                  Exhibit 17 before, sir?

21                  A     No, I haven't.

22                  Q     Do you know that -- have you ever heard  
23                  that the Ninth Circuit Court of Appeals last year  
24                  wrote:

25                                 "When called on to put up or

1 shut up they shut up. Negrete and  
2 Clark voluntarily dismissed their  
3 cross-complaint rather than  
4 respond to Barrett's discovery  
5 request for proof of the  
6 allegations. This creates a  
7 strong inference that Negrete and  
8 Clark lacked probable cause for  
9 the accusations"?

10 Have you ever heard that before --

11 A No, I haven't.

12 Q -- with respect to the RICO suit that  
13 Mr. Negrete was representing Dr. Clark in against  
14 Dr. Barrett?

15 MR. NEGRETE: Objection. Assumes facts not in  
16 evidence. Seeks a legal interpretation of an opinion  
17 and a document lacking in foundation. Assumes facts  
18 not in evidence.

19 Could you please read the question back  
20 again?

21 THE WITNESS: Yeah. What was the question? I'm  
22 sorry.

23 MR. SHELY: Go ahead and read it back.

24 THE REPORTER: Counsel, can you be kind enough  
25 to repeat it?

1 MR. SHELY: Certainly.

2 Q Have you ever heard, sir, that the Ninth  
3 Circuit Court of Appeals concluded:

4 "When called on to put up or  
5 shut up that they shut up.  
6 Negrete and Clark voluntarily" --

7 A Excuse me. Where are you reading from?  
8 What page?

9 Q I'm going to let you follow along. Third  
10 page, sir.

11 A Where on the third page?

12 Q Do you see where it says "Lack of probably  
13 cause" --

14 A Yes.

15 Q -- "Can be inferred from the severity and  
16 the sensational nature of the crimes alleged by  
17 Negrete and Clark"? Do you see that?

18 A Yes.

19 Q Okay. And then below there:

20 "When called on to put up or  
21 shut up, they shut up. Negrete  
22 and Clark voluntarily dismissed  
23 their cross-complaint rather than  
24 respond to Barrett's discovery  
25 request for proof of their

1                   allegations. This creates a  
2                   strong inference that Negrete and  
3                   Clark lack probable cause for  
4                   their accusations."

5                   Have you ever heard that before?

6                   MR. NEGRETE: Objection. Hearsay. Also assumes  
7                   facts not in evidence. Lacks foundation. Calls for  
8                   speculation.

9                   Q     BY MR. SHELY: Have you ever heard  
10                  that before, sir?

11                  A     Not in those words. I've never seen this  
12                  before.

13                  Q     Has Mr. Negrete ever told you that he lost  
14                  in the Ninth Circuit Court of Appeals?

15                  A     Yes.

16                  MR. NEGRETE: Objection. Objection.  
17                  Attorney-client privilege with respect to  
18                  communications between Mr. Bolen and myself.

19                  Q     BY MR. SHELY: Turn to the last  
20                  page, sir. I asked you earlier in your deposition  
21                  whether you were aware that Hulda Clark had admitted  
22                  that despite her investigation of Dr. Barrett that  
23                  she was not aware of any illegal conduct by him.

24                  Does that sound familiar to you, sir?

25                  MR. NEGRETE: Objection. Calls for speculation.

1 Calls for interpretation of a document.

2 THE WITNESS: Yeah. Where are going with that?

3 I don't get it. What are you asking me?

4 Q BY MR. SHELY: Have you ever heard  
5 that before?

6 MR. NEGRETE: Objection. Hearsay. Vague and  
7 ambiguous as to point in time.

8 MR. SHELY: You're nervous about this, aren't  
9 you?

10 MR. NEGRETE: Not at all.

11 MR. SHELY: You're talking too fast.

12 MR. NEGRETE: Not at all because the case is  
13 stayed, Mr. Shely.

14 MR. SHELY: Give the court reporter a break.  
15 I'm only asking what the opinion says. Do you want  
16 to stipulate to it?

17 MR. NEGRETE: Relax, Mr. Shely. You're talking  
18 a little fast for the reporter.

19 MR. SHELY: Right. I know you always do the  
20 opposite.

21 Q Mr. Bolen, all I'm asking you is do you  
22 know that the case in which this opinion is written  
23 was the RICO counter claim that Hulda Clark  
24 represented by Mr. Negrete brought against  
25 Dr. Barrett?

1           A     Well, thank you for informing me of what I  
2           wasn't -- like I said, I have not seen this before,  
3           but I have some idea.

4           Q     And we know that you publicized the filing  
5           of that RICO suit when Hulda Clark sued Dr. Barrett  
6           for RICO. You recall we talked about that?

7           A     I believe so, yes.

8           Q     And have you ever heard that the Ninth  
9           Circuit ruled that: "The scurrilous nature of the  
10          defendants' allegations of wrong doing" -- and you  
11          understand that's the RICO allegations, don't you,  
12          sir?

13          MR. NEGRETE:  Objection.

14          A     I don't know anything of the sort.

15          MR. SHELY:

16                    "And their efforts," meaning  
17                    Mr. Negrete's and Ms. Hulda  
18                    Clark's efforts, "to publicize  
19                    them widely on the internet when  
20                    coupled with their utter failure  
21                    to offer any proof of their  
22                    charges give rise to a compelling  
23                    inference of malice."

24                    Have you ever heard that before?

25          MR. NEGRETE:  Objection.  Calls for hearsay

1 testimony and interpretation of a legal document.

2 Lacking in foundation.

3 THE WITNESS: I'm sorry. Where are you reading?

4 MR. SHELY: I'm on page three, sir, of the  
5 opinion.

6 THE WITNESS: These pages aren't numbered. Are  
7 your pages numbered?

8 MR. SHELY: I just counted one, two, three,  
9 four, sir.

10 THE WITNESS: Okay. Where you reading now,  
11 please? Do it again.

12 Q BY MR. SHELY: It starts "The  
13 scurrilous nature, Barrett prevails under either  
14 standard," about an inch and a half up from the  
15 bottom.

16 A I see it now.

17 Q Okay. Read that into the record and I want  
18 to ask you a question about it.

19 A I'm sorry. Where do you want me to start?

20 Q Starting at Barrett prevails.

21 A Barrett prevails under either standard.

22 "The scurrilous nature of the  
23 defendants' allegations of  
24 wrongdoing and their efforts to  
25 publicize them widely on the



1 internet when couple with their  
2 uter failure to offer any proof of  
3 their charges gives rise to a  
4 compelling inference of malice.  
5 The district court's judgment is  
6 reversed and this case is remanded  
7 for further proceedings."

8 Q And do you understand, sir -- have you  
9 previously heard that the Ninth Circuit Court of  
10 Appeals of Federal Court held that the effort of  
11 Dr. Clark and Mr. Negrete to publicize widely on the  
12 internet the RICO allegations gave rise to a  
13 compelling inference of malice?

14 MR. NEGRETE: Objection. Calls for speculation.  
15 Assumes facts not in evidence. Calls for hearsay  
16 testimony.

17 THE WITNESS: I don't understand any of what  
18 you're talking about. I don't know the legal  
19 inference that's here, not at all.

20 Q BY MR. SHELY: We at least know  
21 that you were the one that publicized the RICO  
22 allegations that Hulda Clark brought against  
23 Dr. Barrett when it was filed in 2001. We know  
24 that, don't we?

25 MR. NEGRETE: Objection. Assumes facts not in

1 evidence.

2 Q BY MR. SHELY: Well who else did

3 it? You were one of the persons.

4 A Stephen Barrett did.

5 Q Oh, okay. But you did it first on the date  
6 the suit was filed, didn't you?

7 MR. NEGRETE: Objection. Calls for speculation.  
8 Assumes facts not in evidence.

9 Q BY MR. SHELY: Is that true, sir?

10 MR. NEGRETE: Is what true?

11 Q BY MR. SHELY: Did you publicize  
12 the filing of the RICO suit against Stephen Barrett  
13 by Dr. Hulda Clark on the date that it was filed?

14 A I don't know that. I don't know that. I  
15 remember writing an article about it.

16 Q You publicized it on the day of or the day  
17 after, didn't you?

18 MR. NEGRETE: Objection as to point in time.

19 THE WITNESS: I don't remember.

20 Q BY MR. SHELY: You don't remember?

21 You don't think it's important?

22 MR. NEGRETE: Objection. Mischaracterizes his  
23 testimony. He didn't testify at all as to its  
24 importance.

25 Q BY MR. SHELY: Now, you also

1 publicized Cavitat's RICO suit against Aetna on the  
2 internet the day it was filed, didn't you, sir?

3 A Or the day after.

4 Q We looked at I think it was Exhibit 8 and 9  
5 where you posted on August 12 and August 13. Isn't  
6 that right?

7 A Okay.

8 Q You don't deny that. You can go back and  
9 look if you want.

10 A Thank you.

11 Q And are you denying that you publicized the  
12 RICO lawsuit against Dr. Stephen Barrett filed in  
13 2001 on the day that it was filed?

14 A I'm not denying anything of the sort.

15 Q You did publicize it. Correct?

16 MR. NEGRETE: Objection. Mischaracterizes  
17 testimony. It's really bordering on harassing the  
18 witness.

19 Q BY MR. SHELY: Did you publicize  
20 the lawsuit that Dr. Hulda Clark filed against  
21 Stephen Barrett for RICO when it was filed?

22 MR. NEGRETE: The question has been asked and  
23 answered. Objection.

24 THE WITNESS: Possibly.

25 Q BY MR. SHELY: And Mr. Negrete was

1 the --

2 A How long ago was that? Five years ago?  
3 You want me to remember what day and what minute I  
4 publicized something or put something on the internet  
5 five years ago?

6 Q If you can't remember the day of --  
7 Mr. Negrete asked you to publicize that lawsuit in  
8 2001, didn't he?

9 A No.

10 MR. NEGRETE: Objection as to any communications  
11 between myself and Bolen.

12 THE WITNESS: I don't think it was now that I  
13 recall. I don't think it was right away. I don't  
14 think it was. I think it was a while before I found  
15 out. I'm not sure. I don't believe at the time that  
16 Dr. Clark was a client of mine. I think I was  
17 involved in something else.

18 Q BY MR. SHELY: Did Mr. Negrete ask  
19 you to publicize that lawsuit that Hulda Clark filed  
20 against Dr. Stephen Barrett?

21 A No.

22 MR. NEGRETE: Objection. Attorney-client  
23 privilege.

24 MR. SHELY: There's nothing privileged about  
25 that. You know better than that.

1 Q Yes or no, sir?

2 A No.

3 Q Who asked you to publicize it?

4 A No one.

5 MR. NEGRETE: Objection. Assumes facts not in  
6 evidence.

7 THE WITNESS: No one asked me to.

8 Q BY MR. SHELY: How did you learn  
9 of the filing of the suit by Dr. Hulda Clark against  
10 Stephen Barrett in 2001, sir?

11 A I'm not sure. Maybe I was keeping up with  
12 the filings at the time. After all I was a defendant  
13 in the case. I was keeping up with that case.

14 Q Well, who asked you to publicize the RICO  
15 lawsuit against Aetna on August 12 and August 13, if  
16 anybody?

17 A No one asked me to publish it.

18 Q But you became aware of it through  
19 Cavitat's attorneys. Was that your testimony?

20 A I believe Bob Jones told me that he had  
21 finally filed it, and I asked him for a copy and he  
22 told me to get ahold of his attorney and I got it  
23 from them.

24 Q Have you ever retracted anything that  
25 you've written on your postings?

1 A I believe so, yes.

2 Q What?

3 A I don't recall.

4 Q Have you ever posted anything that you --  
5 excuse me.

6 Have you ever retracted anything that you  
7 have written about persons you call the quackbusters?

8 MR. NEGRETE: Objection. The question is vague  
9 and ambiguous and overbroad.

10 THE WITNESS: I don't believe I've ever been  
11 asked to do so.

12 Q BY MR. SHELY: Do you agree that  
13 accusing someone of a crime via a RICO suit is a  
14 serious matter and could harm that person's  
15 reputation and business?

16 MR. NEGRETE: Objection. Calls for a legal  
17 conclusion and legal interpretation. Expert  
18 testimony. The question is argumentative.

19 Q BY MR. SHELY: You can answer,  
20 sir.

21 A I am not an attorney. I have no knowledge  
22 of that.

23 Q Well, what would be your layperson view of  
24 accusing somebody of a federal crime? Would that  
25 likely help their reputation or hurt it?

1 MR. NEGRETE: Objection. Calls for speculation.  
2 Improper hypothetical. Seeks expert testimony of a  
3 lay person.

4 Q BY MR. NEGRETE: What would you  
5 say, sir?

6 A I have no idea. I have no idea.

7 Q If someone accused you of a crime, do you  
8 think that would help your reputation?

9 MR. NEGRETE: Objection. Improper hypothetical.  
10 Calls for speculation.

11 THE WITNESS: If someone accused me of a crime,  
12 would it help my reputation?

13 MR. SHELY: Yes, sir.

14 THE WITNESS: I don't know. I guess if I want  
15 to get a job with the mafia it might.

16 Q BY MR. SHELY: So I guess from  
17 your attempted humor you would agree that accusing  
18 someone of racketeering would not help their  
19 reputation?

20 MR. NEGRETE: Objection. Calls for expert  
21 testimony. Calls for speculation.

22 THE WITNESS: You keep asking the same question.  
23 It's the same answer. I don't know that. I wouldn't  
24 know. It would --

25 Q BY MR. SHELY: It doesn't bother

1 you to accuse someone of a crime as to what effect  
2 that might have on someone's reputation. Is that  
3 what you're saying? You don't worry about that?

4 MR. NEGRETE: Objection. Calls for speculation.

5 THE WITNESS: I'm not aware that a criminal RICO  
6 action has been filed against anyone. I believe a  
7 civil RICO action was filed and that's not an  
8 accusation of crime.

9 Q BY MR. SHELY: Exhibits 8 and 9,  
10 sir.

11 A What about it?

12 Q Take a look at it. Look at your posting.

13 A Okay. Eight.

14 Q You include the allegation in the Cavitat  
15 lawsuit against Aetna and others verbatim in your  
16 posting on August 13, 2004 what is Exhibit 8, didn't  
17 you?

18 A Appears that way, yes.

19 Q And then you said that RICO is a law  
20 designed to attack organized criminal activity and  
21 preserve marketplace integrity by investigating,  
22 controlling and prosecuting persons who participate  
23 or conspire to participate in racketeering.

24 You wrote that, didn't you?

25 A Right out of Black's Law.



1 Q All right. Now, do you think there's  
2 anything in there that could help somebody's  
3 reputation if they were accused of that?

4 MR. NEGRETE: Objection. Compound.

5 THE WITNESS: I didn't make that accusation.  
6 That's a court document -- any court document. There  
7 it is. That's a court document. That's what was  
8 said in court. That's what happened.

9 Q BY MR. SHELY: What I'm asking  
10 you, sir, is if you know that the RICO case has been  
11 dismissed which it has --

12 MR. NEGRETE: Objection. Assumes facts not in  
13 evidence.

14 MR. SHELY: Please don't misrepresent. There is  
15 no pending RICO case against Aetna.

16 THE WITNESS: That wasn't my understanding.

17 Q BY MR. SHELY: But if you check it  
18 out, sir, with Pacer, are you going to retract those  
19 postings tomorrow?

20 MR. NEGRETE: Objection. Mischaracterizes  
21 testimony. The question is argumentative.

22 Q BY MR. SHELY: Doesn't a good  
23 reporter retract something that he knows is wrong?

24 MR. NEGRETE: Objection. Seeks expert testimony  
25 of a lay witness. Calls for speculation.

1 THE WITNESS: Perhaps I could follow the lead of  
2 your public relations person Stephen Barrett and I  
3 would follow his lead in withdrawing the complaint  
4 from his website after it was thrown out by the  
5 judge -- dismissed by the judge. He's an older, more  
6 seasoned advocate than I, and what should I do but  
7 follow his lead in the way he would do it.

8 But Mr. Shely if you have a commentary that  
9 you'd like to make about the case and you'd like to  
10 forward it to me, I'll print it. How is that? Or if  
11 Aetna would you like to make a commentary I'll print  
12 it verbatim.

13 Q Why didn't you report to your readers that  
14 the RICO case has been dismissed?

15 MR. NEGRETE: Objection. Argumentative.

16 THE WITNESS: No one asked me to.

17 Q BY MR. SHELY: And you came in  
18 today not even knowing that was the case. Right?

19 A Knowing what was the case?

20 Q You came into the deposition today not even  
21 knowing that the RICO case had been thrown out last  
22 Spring. Right?

23 A My information wasn't that it was thrown  
24 out, that it was sort of stayed. That's what I  
25 heard.

1 Q And you didn't check that out as a good  
2 reporter and go look at the court's orders, did you?

3 A I'm not going to look at your case every  
4 day. Why would I?

5 Q You never looked at it. Right?

6 A Why don't you send me a memorandum and I  
7 will clear it up. You are on my mailing list, are  
8 you not? Why didn't you correct me?

9 Q No, sir. I've been fortunate not to be on  
10 it. But all I'm saying is if you learn that  
11 something is wrong that you posted why don't you  
12 retract it.

13 A Absolutely --

14 MR. NEGRETE: Objection. Argumentative  
15 overbroad. Vague and ambiguous.

16 THE WITNESS: Sure. I'll be glad to.

17 Q BY MR. SHELY: You agree with  
18 that?

19 A Absolutely. Please correct me. Please do.

20 MR. SHELY: Let's take a break. I think we're  
21 relatively close.

22 MR. NEGRETE: No. I don't want to take a break  
23 at this time. I'd like the deposition concluded.

24 MR. SHELY: Well, I know you'd like to and I'd  
25 like to also. But I'm going to take a break and put

1 together hopefully the last of my questions and it  
2 won't take long and then we'll be back and finish it.

3 MR. NEGRETE: How long are you going to be? I  
4 don't agree to taking a break at this time. We'd  
5 like the deposition to be completed.

6 MR. SHELY: Feel free to sit here if you'd like.  
7 We'll be back momentarily.

8 MR. NEGRETE: I might add for the record that  
9 today is Passover and we'd like to have this  
10 deposition completed as soon as possible and  
11 certainly before sunset which is just about to be.

12 MR. SHELY: Back on.

13 MR. NEGRETE: We weren't off.

14 MR. SHELY: Great. Let me hand to the court  
15 reporter the next Exhibit which I think is 18, and I  
16 have a courtesy copy for Mr. Negrete.

17 (Whereupon, the aforementioned document  
18 was marked as defendant's exhibit 18 for  
19 identification and is attached hereto.)

20 Q BY MR. SHELY: Mr. Bolen, have you  
21 ever seen that document before?

22 A No, I've never seen it before.

23 Q Are you aware of any campaign by Cavitat to  
24 contact the State Board of Dental Examiners?

25 A I've heard something about that.

1 Q What have you heard about it, sir?

2 A That --

3 MR. NEGRETE: Objection. Hearsay.

4 THE WITNESS: It is hearsay. That some letters  
5 were sent out.

6 Q BY MR. SHELY: Who do you  
7 understand the letters were sent out to, sir?

8 A I don't know. I know they were sent out --  
9 I believe they were sent out by Jim Turner.

10 Q Who told you that letters were sent out by  
11 Jim Turner?

12 MR. NEGRETE: Objection. Hearsay?

13 THE WITNESS: Possibly Bob Jones. I remember  
14 some letters. This is something about it that  
15 letters were sent out to the board. I don't know the  
16 subject of it. Something about I don't know what.

17 Q BY MR. SHELY: Have you ever  
18 spoken with Jim Turner about the letters that have  
19 been sent out on Cavitat's behalf?

20 A Briefly. Sending a letter or something  
21 like that. He said, yeah, I'm sending out a letter.

22 Q When did that conversation occur?

23 A Whenever during the process.

24 Q Do you know when the letters were sent out?

25 A It was -- I have no idea.

1 Q Was it in 2005?

2 MR. NEGRETE: Objection. Calls for speculation.

3 Q BY MR. SHELY: Is your testimony  
4 you don't recall when you talked to Jim Turner about  
5 sending letters out to state board of dental  
6 examiners on behalf of Cavitat?

7 A Mr. Shely, I'm sure if you get a copy there  
8 will be dates on them. That will be better to answer  
9 your questions than me.

10 Q Actually, Mr. Bolen, we've been waiting for  
11 Cavitat to produce those.

12 A I see. I don't have copies.

13 MR. SHELY: Mr. Negrete, do you have copies?

14 MR. NEGRETE: Not that I'm aware that you're  
15 referring to. I don't.

16 Q BY MR. SHELY: But were you --  
17 other than speaking with Mr. Turner about the  
18 letters being sent out to Cavitat -- excuse me -- to  
19 state dental boards on behalf of Cavitat, did you  
20 have any other involvement with that initiative?

21 A No. After the fact I would just mention it  
22 in passing and it's something familiar. I had heard  
23 it a couple of times, but I didn't see any copies of  
24 anything.

25 Q Did you ever review a draft of such letter?

1 A No.

2 Q Is part -- are part of your crisis  
3 management services that you provide to Cavitat  
4 assisting in sending out such types of letters?

5 MR. NEGRETE: Objection. Calls for speculation  
6 and assumes facts not in evidence. Lacking in  
7 foundation.

8 THE WITNESS: This appears to be like a legal  
9 letter, and I wouldn't send out a legal letter. I  
10 might send a letter to a patient support group  
11 informing them of the problem. But I wasn't involved  
12 in anything legal because I have no expertise in  
13 that -- you know, that's not a good thing. Anybody  
14 would rely on anything legal from somebody who is not  
15 is -- and I'm certainly not going to give legal  
16 advice.

17 Q BY MR. SHELY: Do you know who  
18 came up with the idea to send letters to state  
19 boards of dental examiners on behalf of Cavitat?

20 A No, I don't.

21 Q It at least wasn't your idea. Is that your  
22 testimony?

23 A No. I found out about it after the fact or  
24 during the fact or something -- somebody said  
25 something to me about sending out letters to the

1 dental board. I wasn't involved in it. I didn't  
2 actually understand what the reasoning for it was,  
3 Mr. Shely. I to this day don't.

4 MR. SHELY: Let me hand to the court reporter  
5 the next exhibit which is No. 19. I have a courtesy  
6 copy for Mr. Negrete.

7 (Whereupon, the aforementioned document  
8 was marked as defendant's exhibit 19 for  
9 identification and is attached hereto.)

10 Q BY MR. SHELY: Can you identify  
11 Exhibit --

12 A I haven't finished reading it.

13 Q Oh, okay. Tell me when you have.

14 A Okay. I've read it.

15 Q What is Exhibit 19, sir?

16 A It's an article called "Black Days for  
17 Quackbusters."

18 Q Did you write that article, sir?

19 A I believe I did, yes.

20 Q Do you see the paragraph that starts under  
21 the "Warrior Class," sir?

22 A Yes.

23 Q Why don't you read that into the record.

24 I'm going to ask you a question about it.

25 A



1                   "Since the beginning of time  
2                   there have been those of us who  
3                   thrive on conflict. Those who  
4                   keep their sword razor sharp and  
5                   train endlessly making contingency  
6                   plans for the next assault even  
7                   though it may not happen. There  
8                   are those of us who understand  
9                   quite well the psyche and the  
10                  methodology of Attila the Hun the  
11                  reasoning and execution of  
12                  Attaturk, Charlemagne and the old  
13                  master Sun Tzu. There are those  
14                  of us who understand war quite  
15                  well."

16                Q     Are you one of those persons, sir?

17                A     Yes.

18                Q     Even though you've never been in combat?

19                MR. NEGRETE:  Objection.  Assumes facts not in  
20                evidence.

21                THE WITNESS:  What makes you think I haven't  
22                been in combat?

23                Q     BY MR. SHELY:  Have you been in  
24                combat, sir?

25                A     Yes.

1 Q On what occasion?

2 A I was in the Cuban Blockade.

3 Q And what was your role in that, sir?

4 A Combatant.

5 Q And what was your role?

6 A What do you mean my role?

7 Q What rank did you have?

8 A I was a sailor on a ship in the conflict --

9 Q Anything else?

10 A -- where shots fired.

11 Q Anything else, sir?

12 A That's conflict if you ask me.

13 Q Read a little bit -- on the next paragraph

14 you wrote that:

15 "The Bob Jones Cavitat device

16 shows that dentistry's highly

17 profitable root canal method is

18 and always has been an oral

19 cess-pool of bacteria of the worst

20 kind, the kind that can, will and

21 does literally stop the human

22 heart from beating."

23 What was your factual basis for that

24 statement, sir?

25 A Let's see. You had a source for that back

1 in one of these things. Rather than me looking for  
2 it, there's a number of authoritative writeups from  
3 scientists on the internet that were my source for  
4 that. One I remember is Bernie Windham from the  
5 university of Florida. But there's quite a few.  
6 There's probably 25 or 30 sources for this.

7 Q Has Christopher Husser ever been one of  
8 your clients?

9 A No.

10 Q What about Michael R. Jackson in Texas?

11 A I don't know that name.

12 Q What about Stephen Evans? Has he ever been  
13 a client of yours?

14 A That name is familiar. He's not my client.

15 Q Has Tony Lim ever been a client of yours?

16 A Who?

17 Q Tony Lim, L-i-m.

18 A No. It sounds like a potential client list  
19 for me. Thank you.

20 Q Has Heather Harris ever been a client of  
21 yours?

22 A No.

23 Q Has Aida Frazier ever been a client of  
24 yours?

25 A No.

1 Q Has Nick Meyer ever been a client of yours?

2 A No.

3 Q Has Sheldon Katz, K-a-t-z, ever been a  
4 client of yours?

5 A No.

6 Q Has Alex Pana, P-a-n-a, ever been a client  
7 of yours?

8 A No.

9 Q Has Dr. Shen ever been a client of yours?

10 A Shen?

11 Q Shen.

12 A S-h-e-n?

13 Q Yes, sir.

14 A No.

15 Q Has Dr. Larry Bennett ever been a client of  
16 yours?

17 A No.

18 Q Has Dr. David Angelsberg ever been a client  
19 of yours?

20 A No.

21 Q Has Dr. Richard Keller ever been a client  
22 of yours?

23 A No.

24 Q Have you ever heard of Dr. Robert Grier?

25 A No.

1 Q Has Dr. Michael G. Rehme, R-e-h-m-e, ever  
2 been a client of yours?

3 A No.

4 Q Has Dr. Pamela Lilly ever been a client of  
5 yours?

6 A No, sir.

7 Q Has Dr. Martha Cortez ever been a client of  
8 yours?

9 A No.

10 Q Has James Murphy ever been a client of  
11 yours?

12 A No.

13 Q I think I asked you this morning, but I  
14 want to make sure. Jerry Bouquot has never been a  
15 client of yours. Is that correct?

16 A No, he never has.

17 MR. NEGRETE: I'd like to ask the reporter at  
18 what time are we now in the deposition? How many  
19 hours have gone by.

20 THE VIDEOGRAPHER: I question that because  
21 although we were on the record --

22 MR. NEGRETE: We were on the record. Up to now  
23 what is the time count pursuant to the tapes.

24 Q BY MR. SHELY: Has Dr. John Tate  
25 ever been a client of yours, sir?

1 A No.

2 Q Has Robert Stephen ever been a client of  
3 yours?

4 A No.

5 Q Has Dr. John Laughlin, L-a-u-g-h-l-i-n,  
6 ever been a client of yours?

7 A No.

8 Q Has Dr. Thompson in Arora, Colorado ever  
9 been a client of yours?

10 A No.

11 Q Has Phillip Sukel ever been a client of  
12 yours?

13 A How do you spell that?

14 Q S-u-k-e-l, sir.

15 A No.

16 Q Has Dr. Robert Kulas ever been a client of  
17 yours?

18 A No.

19 Q Let me hand you what will be the next  
20 exhibit, please.

21 MR. NEGRETE: Madam reporter, videographer, how  
22 much time have we gone so far?

23 THE VIDEOGRAPHER: I show my log as being six  
24 hours and 52 minutes.

25 MR. SHELY: Can you mark the next document as an

1 exhibit, please.

2 (Whereupon, the aforementioned document  
3 was marked as defendant's exhibit 20 for  
4 identification and is attached hereto.)

5 Q BY MR. SHELY: Have you seen  
6 Exhibit 20 before, sir?

7 MR. NEGRETE: First of all, let me object. This  
8 is potentially attorney-client privilege.

9 MR. SHELY: Mr. Bolen produced it.

10 MR. NEGRETE: Mr. Bolen is my client.

11 Q BY MR. SHELY: Thanks for  
12 producing it. Have you ever seen the document  
13 before, sir?

14 MR. NEGRETE: Well, even if it's produced it's  
15 still attorney-client privilege. I'd object to its  
16 use.

17 MR. SHELY: Objection is noted.

18 THE WITNESS: I don't believe I've ever seen  
19 this.

20 Q BY MR. SHELY: You don't believe  
21 you have. Does this at least refresh your  
22 recollection that you and Mr. Negrete and Mr. Turner  
23 have been working together since at least 2001?

24 MR. NEGRETE: Objection.

25 THE WITNESS: I've known Mr. Turner for probably

1 longer than that.

2 Q BY MR. SHELY: And so you have  
3 been working with Mr. Turner and Mr. Negrete since  
4 at least 2001 as reflected by this e-mail. Isn't  
5 that right?

6 MR. NEGRETE: Objection. Mischaracterizes the  
7 document.

8 THE WITNESS: Knowing somebody and working with  
9 them are different things.

10 Q BY MR. SHELY: I'm just asking you  
11 have you worked with Mr. Turner and Mr. Negrete  
12 since 2001?

13 A I've known them both, yes.

14 Q Have you known them both since 2001?

15 A I never officially worked with Carlos  
16 Negrete official or received any money from him or  
17 been involved in any -- we've had common clients any  
18 time and the same thing with Turner. Tim Turner is  
19 an activist I know and an attorney. Yes, of course I  
20 know him.

21 Q Who is David Amrine?

22 A David Amrine is the owner of a website and  
23 a business called -- I think it's Dr. Clark dot net.

24 Q Does he work with Jeffrey Clark --

25 A No.



1 Q -- in that business?

2 A No. He has his own company and he's  
3 independent completely. There's no relationship to  
4 Clark at all either one that I know of.

5 MR. SHELY: I'll pass the witness.

6 MR. NEGRETE: Sorry?

7 MR. SHELY: I said I pass the witness.

8

9 EXAMINATION

10

11 Q BY MR. NEGRETE: Mr. Bolen, did  
12 you have any participation in the design of the  
13 Cavitat?

14 A No.

15 Q Mr. Bolen, did you participate in any way  
16 in development of legal strategies of the Cavitat  
17 litigation with Aetna?

18 MR. SHELY: Objection. Leading.

19 THE WITNESS: No.

20 MR. NEGRETE: I have no further questions.

21 MR. SHELY: Thank you for your time, Mr. Bolen.

22 THE VIDEOGRAPHER: This ends videotape number  
23 four and this ends the deposition of Mr. Timothy  
24 Bolen.

25 The time is 7:40 p.m. on April 12, 2006 and

1 we are off the record.

2

3 (Deposition session concluded at 7:40 p.m.)

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1 I certify (or declare) under penalty of perjury  
2 under the laws of the State of California that the  
3 foregoing is true and correct.

4  
5 Executed at \_\_\_\_\_ on \_\_\_\_\_.  
6 (Place) (Date)

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