

1
2 UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF NEW JERSEY
4 CIVIL ACTION NO. 2:06-cv-01051-DMC-MF

4 NXIVM CORPORATION, f/k/a
5 EXECUTIVE SUCCESS PROGRAMS, INC.
6 and FIRST PRINCIPLES, INC.,
7 Plaintiffs,

8 v.

8 MORRIS SUTTON, ROCHELLE SUTTON,
9 THE ROSS INSTITUTE, RICK ROSS,
10 a/k/a "RICKY" ROSS, STEPHANIE
11 FRANCO, PAUL MARTIN, Ph.D., and
12 WELLSRING RETREAT, INC.,
13 Defendants.

12 RICK ROSS,
13 Counterclaim-Plaintiff,

14 v.

15 KEITH RANIERE, NANCY SALZMAN,
16 KRISTIN KEEFFE, INTERFOR, INC.,
17 JUVAL AVIV, ANNA MOODY, JANE DOE
18 and JOHN DOES 1-10,

19 Counterclaim-Defendants.

20 DAY III DEPOSITION OF NANCY SALZMAN
21 Newark, New Jersey
22 Wednesday, June 10, 2009
23
24

25 Reported by:
JOMANNA DeROSA, CSR
JOB NO. 23148

June 10, 2009
10:18 a.m.

Day III Deposition of NANCY SALZMAN,
held at the offices of Tompkins McGuire,
100 Mulberry Street, Newark, New Jersey,
pursuant to Notice, before Jomanna DeRosa, a
Certified Shorthand Reporter and Notary
Public of the State of New York.

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2 APPEARANCES:
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BY: WILLIAM B. MCGUIRE, ESQ.
ALSO PRESENT:
LAURA MICHALAK, Lowenstein Sandler

IT IS HEREBY STIPULATED AND AGREED, by
and between the attorneys for the respective
parties herein, that filing and sealing be
and the same are hereby waived.

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

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be sworn to
and signed before any officer authorized to
administer an oath, with the same force and
effect as if signed and sworn to before the
Court.

SALZMAN - DAY III
NANCY SALZMAN, called as a witness,
having been duly sworn by a Notary
Public, was examined and testified as
follows:
CONTINUED EXAMINATION BY
MR. SKOLNIK:
Q. Good morning, Ms. Salzman.
MR. SKOLNIK: Before we begin, let
me put on the record a request for the letter
that Barbara Bouchev and others sent to NXIVM
in connection with their leaving the company
in or about April of 2009.
MR. MCGUIRE: I'll consider it.
Q. Let me ask you to refer to the
three articles that we marked yesterday as
Salzman 39, 40 and 41.
(Discussion off the record.)
Q. Ms. Salzman, are you prepared to
identify the trade secrets that are revealed in
Salzman 39 to 41?
MR. MCGUIRE: Mr. Skolnik, I'm
going to object. That's the subject matter
and will be the subject matter of expert
testimony. She is not an attorney. There

1 SALZMAN - DAY III
2 will be an expert. Expert discovery when it
3 starts will disclose what a professional
4 believes and will assert the trade secrets
5 are.

6 MR. SKOLNIK: Well, just so the
7 record is clear, it is impossible for anyone
8 who is not within NXIVM to know what NXIVM's
9 trade secrets are. They can opine about why
10 something might or might not be a trade
11 secret.

12 But nobody who is not intimately
13 involved and familiar with NXIVM could
14 conceivably know what it is that NXIVM
15 considers secret, that no one else knows, that
16 they try to keep secret, that no one is using
17 competitively. That's all internal fact
18 information. It is not the subject of expert
19 testimony.

20 So if you want to stand on that
21 position, so be it. Let me ask some other
22 questions.

23 MR. MC GUIRE: Mr. Skolnik, there
24 will be expert testimony. When you say
25 there's nobody at NXIVM, NXIVM has IP counsel.

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1 SALZMAN - DAY III
2 MR. SKOLNIK: That's not -- that's
3 not somebody within NXIVM.

4 MR. MC GUIRE: All right.

5 Q. Ms. Salzman, you're the president
6 of NXIVM?

7 A. I am.

8 Q. You're the owner of NXIVM?

9 A. I am.

10 Q. Okay. You are the person currently
11 at NXIVM who is most knowledgeable about NXIVM's
12 trade secrets?

13 A. When you say "most knowledgeable"
14 about their trade secrets, I -- yes.

15 MR. MC GUIRE: You're assuming --
16 you're asking now about any paid employees --

17 A. I'm not -- what I can tell you is
18 that I'm not an attorney.

19 Q. I understand.

20 A. I have certain knowledge about the
21 modeling. I've been given a certain task with
22 respect to protecting it. And although I haven't
23 had long discussions about individual things that
24 we call trade secrets, I have an understanding of
25 what the -- what the overall trade secret is and

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1 SALZMAN - DAY III
2 what my job is in terms of protecting it.

3 Q. And when you say you "have an
4 understanding of what the overall trade secret
5 is," is there one overall trade secret or are
6 there several?

7 A. The entire method is the trade
8 secret.

9 Q. And --

10 A. What is derived from it is the
11 expression of the trade secret.

12 Q. When you say "the entire method,"
13 you're talking about the rational inquiry method?

14 A. That's correct.

15 Q. Okay. And it's your position that
16 the method is the trade secret, and materials that
17 are derived from the method are or are not trade
18 secrets?

19 A. They're the expressions of the
20 trade secret.

21 Q. They're the expressions of the
22 trade secrets.

23 But just so that I'm clear, you're
24 declining to identify today what trade secrets you
25 believe are revealed in Salzman 39 through 41?

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1 SALZMAN - DAY III

2 A. No.

3 MR. MC GUIRE: She can give you her
4 understanding.

5 A. No. I can give you my
6 understanding. I spent a lot of time thinking
7 this through.

8 Q. Oh, okay.

9 MR. MC GUIRE: Bearing in mind
10 she's not an attorney.

11 A. Right. And that I don't --

12 MR. MC GUIRE: She can give you her
13 understanding.

14 A. I can give you my understanding --

15 Q. Okay.

16 A. -- which I'm certainly willing to
17 do, and that's the best I think I can do.

18 Q. Okay.

19 A. It's my under --

20 MR. MC GUIRE: There's no question,
21 is there? There's no question pending.

22 Q. Give me your understanding of all
23 of the trade secrets that are revealed in
24 Salzman 39.

25 A. It's my understanding that the

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1 SALZMAN - DAY III
2 entire rational inquiry method is the trade secret
3 and that the modules themselves are the expression
4 of the trade secret.

5 It's also my understanding that the
6 reason that we have the confidentiality and the
7 nondisclosure is because those modules express the
8 trade secret. And, therefore, we have protected
9 them and we have not publicized them.

10 When the material was taken and
11 given to someone other than someone who signed the
12 disclosure, a breach was done. And when that
13 information was then published, the information
14 from the modules that was published opens a window
15 for someone to begin to research the trade secret
16 and figure out what it is.

17 Q. So once again, like Mr. Ranieri,
18 you find windows to the trade secrets in the
19 article, rather than the trade secrets themselves?

20 A. That's correct.

21 Q. Okay. Let me ask you this: Within
22 Salzman 39, have you found any excerpts from NXIVM
23 materials that are not registered at the copyright
24 office?

25 A. When you -- I have a question about
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1 SALZMAN - DAY III
2 that. When you say "registered at the copyright
3 office," do you mean publicly available or
4 registered?

5 Q. Registered.

6 A. Because they're not publicly
7 available, to the best of my knowledge today.

8 Q. Let me ask the question again. Do
9 you find any excerpts from NXIVM material in the
10 article identified as Salzman 39 that is not
11 registered at the copyright office?

12 MR. MC GUIRE: As opposed to being
13 publicly available.

14 A. In 39 he describes things, but he
15 doesn't disclose things from the modules
16 themselves. So he makes a commentary on things
17 that he got from the modules themselves.

18 But in addressing them, to the best
19 of my understanding, he either describes them in a
20 way that is what I believe to be consistent with
21 what they are or inconsistent with what they are.
22 So he either makes statements about them that are
23 true or statements about them that are false.

24 Overall, I find that he makes a lot
25 of statements that are false in this article, and
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2 in doing so it either demands that we clarify, and
3 in doing so release trade secrets, or allow the
4 people who read these articles to believe that
5 what he's stating is representative of our trade
6 secrets.

7 Q. Do you find anything in these
8 articles where he is quoting from or discussing
9 NXIVM materials that have not been registered at
10 the copyright office?

11 MR. MC GUIRE: Isn't the correct
12 question whether they've been published rather
13 than registered?

14 MR. SKOLNIK: Bill, my question is
15 what my question is.

16 MR. MC GUIRE: Okay. You're
17 talking about all three articles now?

18 MR. SKOLNIK: Still on article 39.
19 We'll go to the others.

20 MR. MC GUIRE: I thought you used
21 the plural in your question. You said in
22 these "NXIVM materials." Would you be more
23 precise?

24 MR. SKOLNIK: Would you read back
25 my question.

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1 SALZMAN - DAY III
2 (The requested portion of the
3 record was read.)

4 MR. SKOLNIK: Withdrawn.

5 Q. Do you find anything in the article
6 identified as Salzman 39 where the author is
7 quoting from or commenting on NXIVM materials that
8 have not been registered at the copyright office?

9 THE WITNESS: Can I just ask my
10 lawyer a question?

11 MR. SKOLNIK: Not while a question
12 is pending.

13 MR. LEONARD: Unless it involves a
14 privilege issue.

15 MR. SKOLNIK: Unless it involves
16 privilege. Correct.

17 MR. MC GUIRE: Is it a privilege
18 issue you want to ask me about?

19 THE WITNESS: I'm not sure.

20 MR. MC GUIRE: Answer as best you
21 can.

22 A. No.

23 Q. Again with respect to Salzman 39,
24 the Hochman article, are you aware of any
25 competitor of NXIVM who is using any trade secret

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 2 revealed in the article after reading the article?
 3 MR. MC GUIRE: Object to the form
 4 of the question.
 5 But go ahead and answer it if you
 6 can.
 7 A. Not that I know of.
 8 Q. Let's now look at Salzman 40, the
 9 article by Paul Martin called "Robert Jay Lifton's
 10 eight criteria." And once again, let me ask you
 11 to give us your understanding of what trade
 12 secrets are revealed in Salzman 40.
 13 A. Well, in Salzman 40 there are
 14 direct quotes from multiple modules that I've
 15 outlined here which I think give a window to our
 16 trade secret quite directly.
 17 Q. Okay. And once again, it's your
 18 testimony that the quotes give a window to the
 19 trade secret rather than revealing the trade
 20 secret itself?
 21 A. They're an expression of the trade
 22 secret.
 23 Q. Okay. Are there any quotes in
 24 Salzman 40 from any NXIVM materials that are not
 25 registered at the copyright office?

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1 SALZMAN - DAY III
 2 A. No.
 3 Q. Let's look at article Salzman 41.
 4 And once again, will you give us your
 5 understanding of what trade secrets, if any, are
 6 revealed in Salzman 41?
 7 A. There are -- there are quotes from
 8 the "12 Point Mission Statement" on the first
 9 page. And again it's, in my opinion, a window.
 10 And I outlined the areas that I think are windows
 11 in the same way that I did in the previous
 12 articles.
 13 Q. All right. So once again, it's
 14 your testimony that Salzman 41 contains windows to
 15 the trade secrets but does not reveal the trade
 16 secrets themselves. Is that right?
 17 A. Yes. They reveal an expression of
 18 the trade secret.
 19 Q. Okay. And let me ask you once
 20 again if there are any quotes or excerpts in
 21 Salzman 41 from NXIVM materials that are not
 22 registered at the copyright office?
 23 A. No.
 24 Q. Are you aware -- referring back to
 25 Salzman 40, are you aware of any competitor who is

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1 SALZMAN - DAY III
 2 using any of the trade secrets revealed in
 3 Salzman 40 after reading the article?
 4 A. No.
 5 Q. And the same question with respect
 6 to Salzman 41. Are you aware of any competitor of
 7 NXIVM's who is using any of the trade secrets
 8 revealed in Salzman 41 after reading the article?
 9 A. No.
 10 Q. Okay. You testified on Monday
 11 about NXIVM's various committees. Do you recall
 12 that testimony?
 13 A. Yes.
 14 Q. Is Mr. Raniere on any of those
 15 committees?
 16 A. No.
 17 Q. You also told us that you do
 18 professional coaching. Is that right?
 19 A. Yes.
 20 Q. What does that mean? What is
 21 professional coaching?
 22 A. I coach professionals. It means I
 23 coach -- I do coaching for professional issues.
 24 Q. Okay. So in other words, the
 25 professional is an adjective describing the people

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1 SALZMAN - DAY III
 2 you are coaching, rather than that you are doing
 3 coaching that is professional?
 4 A. Yes.
 5 Q. Okay. What do you charge for
 6 one-on-one coaching?
 7 A. I charge the people that I coach
 8 the training fees. And I -- I am not charging
 9 individuals for professional coaching separate
 10 from their training fees this time.
 11 Q. Have you ever charged on a basis
 12 other than the training fees?
 13 A. Yes.
 14 Q. And when you charge on a basis
 15 other than the training fees, was that on an
 16 hourly rate?
 17 A. It was on -- no. It was a period
 18 of time.
 19 Q. Have you ever charged on an hourly
 20 basis?
 21 A. Since I've been doing this? No.
 22 Q. Isn't it true that you charged
 23 Clare Bronfman \$1,000 an hour to coach her?
 24 A. I don't think I charged her -- I
 25 don't think I was charging her \$1,000 an hour per

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1 day. I think Clare negotiated a fee based on
2 her -- based on what she thought it was worth to
3 her to have me coach her for a year.

4 Q. All right. We might come back to
5 that.

6 You told us that you met
7 Mr. Raniere through Sandy Padilla. Is that right?

8 A. Yes.

9 Q. Who is she?

10 A. She is married to my ex-husband.

11 Q. Is she currently involved with
12 NXIVM?

13 A. She is not.

14 Q. Has she ever been?

15 A. Yes, she has.

16 Q. When did she leave?

17 A. She stopped taking formal classes
18 about two years ago.

19 Q. Why did she leave?

20 A. She started a business and she was
21 busy. She said she was too busy to keep her
22 membership, but if an intensive came up or
23 something she was interested in, she would take
24 the intensive as opposed to being involved in the

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1 ongoing program.

2 Q. When she left, did you require her
3 to return all the written materials that she had
4 from NXIVM?

5 A. I did not.

6 Q. Did she return the materials?

7 A. Not that I remember.

8 Q. Now, your meeting with
9 Mr. Raniere -- your first meeting with Mr. Raniere
10 through Sandy Padilla took place at Toni Natalie's
11 place of business, didn't it?

12 A. That's correct.

13 Q. Mr. Raniere had an office at her
14 company at that time?

15 A. To the best of my recollection.

16 Q. And he was the conceptual founder
17 of her company. Is that right?

18 A. He was.

19 Q. They were business partners,
20 Mr. Raniere and Toni Natalie?

21 A. It appeared that way to me.

22 Q. In fact, he owned 80 percent of her
23 company; didn't he?

24 A. I believe --

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1 MR. MC GUIRE: If you know.

2 A. I think they had a business
3 arrangement where he owned 20 percent of her
4 company unless there was an ethical issue, and in
5 that case it reverted to he owned 80 percent and
6 she owned 20.

7 Q. And in addition to being business
8 partners and co-owning her company, Mr. Raniere
9 and Toni Natalie also had a romantic relationship.
10 Is that right?

11 MR. MC GUIRE: If you know.

12 A. They did.

13 Q. You testified that Mr. Raniere is
14 compensated by NXIVM in the form of the company
15 upholding a certain value. Do you remember that
16 testimony?

17 A. Yes.

18 MR. MC GUIRE: Can you tell me
19 where that is?

20 MR. SKOLNIK: She answered the
21 question, Bill.

22 MR. MC GUIRE: I'm asking you, can
23 you tell me where that is in the transcript?

24 MR. SKOLNIK: No, because nobody

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1 has a transcript yet.

2 MR. MC GUIRE: Of what, Raniere's?

3 MR. SKOLNIK: No. This is -- this
4 is Salzman's testimony.

5 MR. MC GUIRE: I beg your pardon.

6 Q. Is there any other way in which
7 Mr. Raniere is compensated?

8 A. No.

9 Q. So he's not compensated in any
10 other way by NXIVM. Is that right?

11 A. That's right.

12 Q. And he's not compensated in any
13 other way by First Principles?

14 A. Directly compensated?

15 Q. Directly or indirectly.

16 A. In terms of money?

17 Q. In terms of anything that would
18 qualify as compensation.

19 MR. MC GUIRE: Well, how do you
20 define "compensation"?

21 Q. What are you -- what are you
22 contemplating when you're -- when you're wondering
23 whether I'm talking about direct or indirect?

24 MR. MC GUIRE: Never mind. If you

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1
2 didn't understand the question, ask him to
3 repeat it. You don't -- you don't have to
4 give him your thoughts.

5 What do you mean by "compensation"?

6 Q. Is he compensated in money?

7 A. Himself directly?

8 Q. Himself or some entity that he
9 would benefit from.

10 A. There is an entity that he would
11 benefit from that is compensated.

12 Q. And who pays that compensation?

13 A. First Principles.

14 Q. And how much has he been paid thus
15 far?

16 A. He is not paid through that entity
17 at any time.

18 Q. How much has the entity been paid?

19 A. I don't know that the entity has
20 been paid directly because the 10 percent royalty
21 fee that we are to pay to that entity, we are to
22 pay when this company is successful. And our
23 legal bills have been so high that I don't believe
24 we've been able to compensate that 10 percent.

25 It was an agreement, though, that

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SALZMAN - DAY III

1
2 we would pay a 10 percent royalty on profits of
3 the company, and that that 10 percent royalty
4 would be put into a trust, and that trust would
5 determine where that money went in terms of
6 scientific endeavors that Mr. Raniere believed
7 were valid, and it would -- the money would go to
8 studying those things.

9 Q. And the company that you're
10 referring to that pays that royalty is First
11 Principles?

12 A. That's correct.

13 Q. And how will First Principles --
14 how do you anticipate that First Principles will
15 become profitable?

16 A. First Principles is not a
17 profit-making endeavor. First Principles is a
18 licensing organization, and the monies that go in
19 that are for the royalties are to be used in a --
20 in a certain way that he designated, and that was
21 for scientific study.

22 Q. And the royalty income that First
23 Principles receives, it receives from NXIVM?

24 MR. MC GUIRE: Object to the form
25 of the question.

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1
2 A. NXIVM leases the technology through
3 First Principles. First Principles has the right
4 to lease the technology, the information that --
5 the body of knowledge that we develop our
6 educational modules from. That money goes there.
7 And the purpose of that money is to -- to be used
8 to do scientific study on whatever Mr. Raniere
9 believes is a valid study being done in the world.

10 Q. So once again, NXIVM pays a
11 licensing fee in the form of a royalty to First
12 Principles?

13 A. If it is profitable -- when it --
14 if and when it is profitable.

15 Q. Only when NXIVM is profitable?

16 A. That's correct.

17 Q. And Mr. Raniere would -- or the
18 entity that he has designated or will designate
19 receives some portion of the profits of First
20 Principles if and when First Principles is
21 profitable?

22 A. Correct.

23 Q. And my question is: How will First
24 Principles ever be profitable?

25 What are First Principles'

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1
2 expenses?

3 A. The patenting fees.

4 Q. Anything else?

5 A. I don't think so, not now.

6 Q. All right. We've talked about
7 compensation to Mr. Raniere from NXIVM and First
8 Principles.

9 Does he receive compensation from
10 any other of NXIVM's affiliated companies?

11 A. Not to the best of my knowledge.

12 Q. You testified that you first heard
13 about Rick Ross from Michael Sutton. Is that
14 right?

15 A. That's correct.

16 Q. He called to tell you that Mr. Ross
17 was attempting to deprogram him. Is that right?

18 A. Yes, that's correct.

19 Q. What did you tell Michael when he
20 told you that?

21 A. I don't think I told him much in
22 the first phone call other than -- he didn't have
23 much more to say about it, to the best of my
24 recollection. And I told him to get as much
25 information as he could and get back to me.

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2 Q. Okay. And that was in the first
3 phone call. You testified yesterday that there
4 were other phone calls from Michael Sutton. Is
5 that right?

6 A. I think there was at least one
7 other on that trip.

8 Q. Okay. And what did Mr. Sutton,
9 Michael Sutton tell you in that second
10 conversation and what did you say to him?

11 A. What I remember is that it was
12 something that was ongoing. It wasn't just one
13 interaction. And I think that was mostly he was
14 just letting me know what had happened.

15 Q. Okay. In other words, you told --
16 you asked Mr. Sutton to find out as much
17 information as he could?

18 A. Right.

19 Q. And when he called you on a second
20 or subsequent times, he did tell you as much as he
21 could about what was going on?

22 A. Right. I think I asked him a lot
23 of questions about what he was being told and what
24 he thought of what he was being told. It was more
25 me asking questions and having him share with me

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1 SALZMAN - DAY III

2 what he thought of the experience that he was
3 having, what he believed what he said -- what
4 Mr. Ross said. I think it was that kind of a
5 phone call.

6 Q. Okay. Is it fair to say that in
7 those conversations, Mr. Sutton gave you a fairly
8 complete explanation of what it is that was going
9 on between him and Mr. Ross?

10 MR. MC GUIRE: Object to the form
11 of the question. How would she know whether
12 it's complete or not?

13 Q. Did you consider yourself to be
14 well informed about what Mr. Sutton and Mr. Ross
15 were discussing?

16 MR. MC GUIRE: Object to the form
17 of the question.

18 If you can answer, go ahead.

19 A. No. I was more interested in what
20 Mr. Sutton's belief about his experience was.

21 Q. Did Mr. Sutton tell you about his
22 experience with Mr. Ross?

23 A. Yes.

24 Q. Did he describe the process that he
25 was going through with Mr. Ross?

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1 SALZMAN - DAY III

2 A. He -- yeah, I think he did.

3 Q. Did he tell you about the sorts of
4 things that Mr. Ross was saying to him?

5 A. He didn't get into specifics as
6 much as I was more concerned with what he believed
7 about the things Mr. Ross was saying. So it was
8 more commentary from Michael's perspective of the
9 validity of what he was being told.

10 Q. And in the context of Michael
11 commenting on the validity of what he was being
12 told, did he tell you what he was being told?

13 A. He told me that what he was being
14 told was illogical to him, and he questioned the
15 validity to Mr. Ross.

16 Q. And did you ask Mr. Sutton what it
17 was that he found illogical?

18 A. I don't remember, but I think I
19 did.

20 Q. What else, if anything, do you
21 remember Michael Sutton telling you about
22 Mr. Ross' attempt to deprogram him?

23 A. That it was lengthy and that he --
24 it didn't change his beliefs about anything that
25 Mr. Ross discussed.

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1 SALZMAN - DAY III

2 Q. Do you remember any of the details
3 of what Mr. Sutton told you that Mr. Ross
4 discussed?

5 A. No, not right -- I can't -- I have
6 different things in my mind that I'm remembering,
7 but I don't think they were from that
8 conversation.

9 I think my major concern was
10 Michael's experience, and I was asking him more if
11 he felt the things that Ross was saying were
12 valid.

13 Q. Other than having another
14 conversation with Michael Sutton, is there
15 anything that would help you to remember the
16 details of your conversations with him back then?

17 A. Well, having a conversation with
18 him probably would or --

19 Q. Other than that?

20 A. I have a lot of other thoughts in
21 my mind about what Mr. Ross says to people that I
22 have, but I don't remember Michael telling me
23 those things.

24 Q. Do you have any notes of your
25 conversation with Michael Sutton?

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2 A. No.

3 Q. Did you take any notes at the time?

4 A. No. I don't traditionally take
5 notes of phone calls.

6 Q. So Michael Sutton told you that he
7 questioned Mr. Ross' credentials. Is that right?

8 A. Mr. Sutton told me he questioned --

9 Q. That he -- that he, Mr. Sutton,
10 questioned Mr. Ross' credentials.

11 A. I asked him what Mr. Ross'
12 credentials were and -- because I had never heard
13 of a cult deprogrammer before.

14 Q. Okay. Did you suggest to Michael
15 Sutton that he try to get other opinions?

16 A. I don't remember when I suggested
17 that to him. I don't think it was in the first or
18 the second phone call. I thought it was
19 afterwards, but I did suggest it to him.

20 Q. Okay. And I think you told us
21 yesterday that you thought it was a good idea if
22 someone were to investigate NXIVM to determine if
23 it's a cult. Is that right?

24 A. Yes, I did.

25 Q. And you discussed that subject with

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2 other NXIVM insiders. Is that right?

3 A. I'm sure I did.

4 Q. I think you told us that Barbara
5 Jeske agreed with that assessment?

6 A. Yes.

7 Q. And Carole Burgeron?

8 A. Yes.

9 Q. And Keith Raniere?

10 A. Yes.

11 Q. Okay. And you passed that
12 suggestion on to Michael Sutton?

13 A. I did.

14 Q. So the idea to have someone other
15 than Mr. Ross evaluate NXIVM was actually your
16 idea and Mr. Raniere's and Ms. Jeske's and
17 Ms. Burgeron. Is that right?

18 MR. MC GUIRE: Object to the form
19 of the question.

20 If you can answer it, try.

21 A. I'm not sure that I remember how
22 the idea came about. I remember that we thought
23 it was a good idea. So I can't say it was my idea
24 or Barbara's idea or Carole's or Keith's or
25 Michael's, but I do remember that we all

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2 determined it was a good idea.

3 Q. And is it fair to say that you
4 encouraged Mr. Sutton to do so?

5 A. Yes.

6 Q. NXIVM hired Interfor through Nolan
7 and Heller. Is that right?

8 A. That's correct.

9 Q. And initially Interfor was hired to
10 investigate Kristin Snyder's disappearance. Is
11 that right?

12 A. That's correct.

13 Q. Why did NXIVM want to investigate
14 Kristin Snyder's disappearance?

15 A. There were a lot of things about it
16 that seemed odd to us, and we -- we felt that we
17 should investigate it because of those things.

18 Q. What was the -- what was the
19 objective of the investigation?

20 A. To determine if she really had --
21 had died.

22 Q. Why was that important to NXIVM?

23 A. Well, Kristin Snyder disappeared
24 while she was taking one of our courses. At that
25 time both Ester Chippone and Ed Kinum, who were

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2 teaching the course, were very concerned that she
3 didn't come back, and then when they found out
4 that she had disappeared, communicated with the
5 Alaskan police. They communicated several times,
6 to the best of my recollection.

7 And the police never attributed or
8 linked any part of her disappearance to NXIVM,
9 taking the course or anything like that.

10 Later she -- within a period of
11 less than three weeks, maybe between two and three
12 weeks, they had a memorial service for her. They
13 determined that she had died after she
14 disappeared, and she had only been missing for a
15 very short period of time.

16 Q. Who is "they"?

17 A. Her partner, Heidi Clifford, and I
18 believe her family because they had a memorial
19 service for her within three weeks.

20 That seemed very odd to me because
21 when I really looked at how long people evaluate
22 or remain hopeful that loved ones will be found
23 after their disappearance, whether it's in a
24 situation of war or a situation of disappearance
25 or even when the World Trade Center collapsed,

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1 people remained hopeful for weeks, months and even
2 years that they would still find their loved ones
3 and, I don't believe, had memorial services.

4 But to do it within three weeks, it
5 seemed odd that they came to the conclusion that
6 yes, she -- without finding a body or any other
7 evidence, that yes, not only did she disappear,
8 but she died and had a memorial service.

9 Q. But a suicide note was found;
10 wasn't it?

11 A. There was an original -- an
12 original note that was left that was not the note
13 that was publicized in the newspaper a year later,
14 so that also seemed odd to us. And the note that
15 was publicized in the newspaper a year later
16 mentioned NXIVM -- I've been taking a course in
17 NXIVM, a/k/a executive success programs.

18 The name NXIVM had not been
19 released to the public at the time, and she would
20 have had no way of knowing that we were going to
21 change our name because the name was released
22 after her disappearance and her alleged death. So
23 that seemed very odd to us.

24 And that note was not the note that

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1 the police showed Ester Chippone when she was
2 originally missing.

3 So all of those things together
4 caused us to believe that somehow something had
5 happened.

6 And a year later, after there was
7 no mention of it in the Alaskan newspaper for an
8 entire year, all of a sudden this note surfaced
9 and it was publicized on Mr. Ross' website and in
10 the local Times Union in Albany, New York. And
11 all of those things seemed very odd to us.

12 Q. You told us, I think, on Monday
13 that you received data from Mr. Aviv but that
14 nothing could be verified. Right?

15 A. There were a lot of information
16 reports that I got through Kristin and through Joe
17 O'Hara that were not very final.

18 Q. And were these information reports,
19 written reports or oral reports?

20 A. The reports that I received mainly
21 were oral reports from Kristin or from Joe. And I
22 would ask them what verification there was, and
23 there wasn't any specific verification.

24 Q. What data do you recall receiving

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1 in these reports?

2 A. Well, the things that were the most
3 disturbing to me were reports about Keith Raniere,
4 reports that Senator D'Amato was doing things that
5 were counter to our objectives, and they were
6 about -- they had a lot to do with things that
7 caused me concern for Keith -- Keith's well-being,
8 that we were being followed, that Keith was being
9 tracked, and finally that there was a sealed
10 indictment about Keith which caused me great
11 concern.

12 And at that time I went to see an
13 attorney named Gerry Shargel because I was -- I
14 was told by him that I needed to get a criminal
15 attorney.

16 Q. Who had a sealed indictment or who
17 were you told had a sealed indictment against
18 Keith?

19 A. The FBI.

20 And I had no verification about any
21 of this. It was just all hearsay.

22 But there were a lot of things that
23 were coming up from Mr. Aviv that were very --
24 could be very frightening, certainly things of

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1 concern that would cause me to want to get more
2 information, even though it was unsubstantiated.
3 So I wanted more information because they were
4 things like that. That to me seemed very
5 upsetting. I didn't understand how those things
6 worked.

7 Q. What were you told that the FBI's
8 sealed indictment related to?

9 A. He didn't tell me.

10 Q. Did you ever find out whether or
11 not there in fact was an FBI sealed indictment?

12 MR. MC GUIRE: Object to the form
13 of the question.

14 Go ahead.

15 THE WITNESS: Well, this relates to
16 what happened when I went to Gerry Shargel.
17 Should I explain?

18 MR. MC GUIRE: No.

19 Q. So your only information about that
20 came through conversations with Mr. Shargel. Is
21 that right?

22 A. The questions you're asking, yes.

23 Q. Okay. What, if any, data from
24 Mr. Aviv were you receiving in these reports that

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2 related to Rick Ross?

3 A. That Rick Ross was -- that Rick
4 Ross had our information, that he was planning to
5 publish more information after our legal case was
6 over, that he had pictures of Keith Raniere that
7 were -- he had a large library of Keith Raniere
8 that were compromising, that he had somehow bugged
9 our houses and was taking pictures of things that
10 went on within our homes.

11 And he was using that information,
12 mainly with respect to Keith, by showing it to
13 members of our organization or people, and he was
14 going to publicize them on the web as soon as the
15 case was over.

16 Q. And all of that information came
17 from Mr. Aviv?

18 A. Correct.

19 Q. And was ever -- any of it ever
20 verified?

21 A. It was not.

22 Q. Now, some of the information that
23 you just told us was included in the Interfor
24 report that was previously identified as NXIVM 18.
25 Is that right?

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2 A. Yes.

3 Q. Okay. And you were first told
4 about this report by Kristin Keeffe. Is that
5 right?

6 A. I believe I was.

7 Q. And you discussed the report with
8 Kristin Keeffe?

9 A. I did.

10 Q. You discussed the report with
11 Joseph O'Hara?

12 A. I believe I did.

13 Q. And you discussed the report with
14 Keith Raniere?

15 A. I did.

16 Q. Now, at the point when NXIVM 18 was
17 delivered to NXIVM, you had already paid Interfor
18 quite a bit of money; hadn't you?

19 A. I had.

20 Q. So you had discussed the report
21 with Kristin Keeffe, with Joseph O'Hara, with
22 Keith Raniere and had paid Interfor a lot of
23 money, but your testimony is that you never read
24 the report?

25 A. I don't remember when I read the

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2 report for the first time. I remember that
3 Kristin told me about the report, and I discussed
4 it with Keith after she told me about it. She had
5 also told him about it when we talked about it. I
6 don't remember when I read the report.

7 Q. So it's possible that you read it
8 in some close proximity to when NXIVM received it?

9 A. It's possible.

10 Q. You told us that there were several
11 things in the report that you found inappropriate
12 or that Interfor's work had gone beyond what you
13 felt was appropriate. Is that right?

14 A. Yes.

15 Q. Did you -- did you make that
16 objection to Interfor?

17 A. I think I told Joe O'Hara and
18 Kristin that I didn't understand the purpose of
19 why we were doing this. And I'm pretty sure that
20 I discussed it also with Rich Weiner who -- it was
21 his advice to hire them.

22 So I think my -- I took their
23 advice to hire Juval Aviv, and I was operating
24 under their advice to continue to have Juval Aviv,
25 and so I think I directed my comments mainly to

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2 them.

3 Q. Okay. But to whatever -- to
4 whatever extent you were upset by the contents of
5 the status report, you continued to work with
6 Interfor for several more months. Isn't that
7 right?

8 A. Yes.

9 Q. Okay. Did you ever come to learn
10 that Kristin Keeffe had provided Interfor with the
11 phone numbers referred to in the report as numbers
12 that Rick Ross had called?

13 A. I did come to learn that.

14 Q. Okay. Did you ever learn that
15 Kristin --

16 A. Wait. Could you ask that question
17 again.

18 MR. SKOLNIK: Would you read it
19 back.

20 (The requested portion of the
21 record was read.)

22 A. I came to learn, actually, when I
23 was having a conversation with my attorney that --

24 MR. MC GUIRE: Don't talk about our
25 conversations, but if you want to clarify your

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 2 answer, go ahead.
 3 THE WITNESS: Right.
 4 A. It had to do with a conversation I
 5 had with my attorney.
 6 Q. Other than through your attorney,
 7 did you ever learn that Kristin Keeffe was the
 8 source of the phone numbers in the Interfor
 9 report?
 10 MR. MC GUIRE: Object to the form
 11 of the question.
 12 Go ahead, if you can answer.
 13 MR. LANDY: Peter, what phone
 14 numbers are you referring to? Are you
 15 referring to the section entitled
 16 "Communications" on page 6, which is
 17 NXR 00173, which has names but not phone
 18 numbers?
 19 Q. There is a list of names on
 20 page 6 --
 21 A. Yes.
 22 Q. -- which represents people to whom
 23 Ross made phone calls. Is that right?
 24 A. Yes.
 25 Q. My question is: Did you ever come
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 2 Q. In your answers to the series of
 3 questions about Kristin Keeffe providing
 4 information to Interfor, you referred to
 5 conversations with attorneys. Was that attorney
 6 Joe O'Hara?
 7 A. No.
 8 Q. What attorneys are you talking
 9 about?
 10 A. Mr. McGuire.
 11 Q. You have NXIVM 18 in front of you.
 12 Let me -- let me also ask you to just pull out the
 13 indemnification agreement, which is Salzman 4.
 14 MR. MC GUIRE: Peter, there's no
 15 question pending. Would you mind asking her a
 16 question?
 17 MR. SKOLNIK: Right.
 18 Q. Before we go on to those questions,
 19 let me -- let me refer back to the phone numbers
 20 in the Interfor report.
 21 MR. LANDY: You mean names here?
 22 A. Are there phone numbers?
 23 Q. I'm sorry. The names.
 24 As the -- as the president of NXIVM
 25 who had paid quite a bit of money for this report,
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 2 to learn that it was Kristin Keeffe who provided
 3 Interfor with the phone numbers that led Interfor
 4 to these names?
 5 A. No. I've never been told that
 6 directly by Kristin Keeffe.
 7 Q. Have you been told that by anyone
 8 other than your attorneys?
 9 MR. LEONARD: Object to the form of
 10 that question.
 11 A. No.
 12 Q. Did you ever come to learn that
 13 Kristin Keeffe had provided Interfor with the
 14 names that are listed on page 6?
 15 A. I don't have direct information
 16 from Kristin that she did that, no.
 17 Q. Do you have indirect information?
 18 A. Well, I've had conversations with
 19 my attorneys on that. I never asked Kristin
 20 direct --
 21 MR. MC GUIRE: No. You've answered
 22 the question.
 23 Q. You never asked Kristin directly
 24 whether or not she provided that information?
 25 A. That's correct.
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 2 isn't the source of those phone numbers something
 3 that you would have wanted to know?
 4 A. Well, I guess it wasn't. I assumed
 5 the source of these communications was Juval Aviv.
 6 It doesn't say anywhere on this report that
 7 this -- that his information came from any other
 8 place other than him.
 9 Q. Okay. And what about the
 10 information about Mr. Ross' banking transactions?
 11 A. I wasn't sure why he had that
 12 there. I remember I questioned why we were even
 13 looking into that.
 14 Q. And did you question what the
 15 source was of that information?
 16 A. No. I wasn't interested in that.
 17 That wasn't why I was there.
 18 THE WITNESS: Can I have a break,
 19 please?
 20 MR. SKOLNIK: Sure. Let's all take
 21 a break.
 22 (Recess taken.)
 23 Q. You had retained Interfor several
 24 months before the November 23rd, 2004, date on the
 25 status report. Is that right?
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2 A. That is correct.

3 Q. And at the point when you
4 authorized Interfor to investigate Mr. Ross, one
5 of the things you wanted to know was who Mr. Ross
6 was talking to. Isn't that right?

7 A. I don't know -- I don't remember
8 ever asking him who he was talking to. I think
9 that was Mr. Aviv's idea.

10 Q. Was it one of the things that NXIVM
11 wanted to find out?

12 A. Well, we wanted to know what he was
13 saying. Mr. Aviv thought that would be a good
14 idea.

15 Did we want to know who he was
16 saying it to? I guess we did.

17 Q. Okay. Now, the status report,
18 NXIVM 18, is dated November 23rd, 2004. Do you
19 see that?

20 A. I do.

21 Q. And you just told us that Interfor
22 had been retained some months before that. Right?

23 A. Yes.

24 Q. The indemnification agreement is
25 also dated November 23rd, 2004. Do you see that?

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2 A. Yes.

3 Q. Isn't it a fact that Interfor
4 insisted on receiving the signed indemnification
5 agreement as a condition of delivering the report
6 to NXIVM?

7 A. Not to my knowledge.

8 Q. Do you have any other explanation
9 for why those two documents are dated on the exact
10 same day?

11 MR. MC GUIRE: Object to the form
12 of the question.

13 A. My recollection is not that way,
14 no.

15 Q. When you say your "recollection is
16 not that way," what do you mean?

17 A. I don't recall that this report was
18 linked with this in any way.

19 Q. Hadn't Interfor been asking for the
20 signed indemnification agreement for quite some
21 time?

22 A. I don't remember that. I remember
23 that I was asked to sign it on or about the day
24 that I did sign it.

25 Q. And that was on the same day that

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2 the status report was delivered?

3 A. It appears, yes.

4 Q. You testified about a dinner at
5 your house with Juval Aviv and Keith Raniere.
6 That dinner took place after the delivery of this
7 report; didn't it?

8 A. I don't remember.

9 Q. But it might have?

10 MR. MC GUIRE: Object to the form
11 of the question.

12 Go ahead.

13 A. It could have.

14 Q. Okay.

15 A. I don't -- I think it was earlier
16 in my association with him, but I can't remember.

17 Q. And are you aware that the
18 recording that Interfor made of its meeting with
19 Mr. Ross is also dated November 23rd, 2004?

20 A. No, I wasn't.

21 Q. You testified that Frank Parlato
22 was hired by Clare Bronfman but he worked for
23 NXIVM. Is that right?

24 A. He did work for NXIVM.

25 Q. Did either Clare Bronfman or Sara

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2 Bronfman hire other people who did their work for
3 NXIVM?

4 A. I can't think of any. I can't
5 think of any.

6 Q. Okay. Who actually paid Interfor?

7 A. I believe my attorneys.

8 Q. Well, what was the -- what was the
9 source of the money that was used to pay Interfor?

10 A. NXIVM.

11 Q. And what about Sitrick? What was
12 the source of the money used to pay Sitrick?

13 A. NXIVM.

14 Q. And did that come out of NXIVM's
15 income from its training programs or was it money
16 that was contributed to NXIVM to cover those
17 expenses?

18 A. There wasn't money contributed to
19 NXIVM to cover expenses.

20 Q. Okay. You told us about NXIVM
21 investigating Kristin Snyder and Rick Ross. And I
22 think you told us yesterday that you don't know if
23 NXIVM investigated Morris and Rochelle Sutton and
24 Stephanie Franco, but it might have. Is that
25 right?

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2 MR. MC GUIRE: Object to the form
3 of that question.

4 A. Yes, I don't remember asking for
5 that investigation. I don't -- I don't remember
6 if my attorneys did.

7 Q. So you don't know whether or not
8 NXIVM investigated the Suttons or Stephanie
9 Franco?

10 A. I don't remember it.

11 Q. Okay. Other than Kristin Snyder
12 and Rick Ross and possibly the Suttons and
13 Ms. Franco, who else has NXIVM investigated?

14 MR. MC GUIRE: Object to the form
15 of that question.

16 A. I can't think of anyone.

17 MR. MC GUIRE: Is there a question
18 pending?

19 MR. SKOLNIK: I'm letting the
20 witness think.

21 MR. MC GUIRE: She's answered it.

22 A. I can't think of anyone.

23 Q. Did NXIVM ever investigate Toni
24 Natalie?

25 MR. MC GUIRE: What's that got to

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2 do with this case, Mr. Skolnik?

3 MR. SKOLNIK: Quite a bit.

4 MR. MC GUIRE: I've allowed --

5 MR. SKOLNIK: Quite a bit.

6 MR. MC GUIRE: -- broad
7 questioning, but we're getting into a lot of
8 totally irrelevant areas.

9 But if you can answer the question,
10 go ahead.

11 A. I think -- I know that Kristin did
12 an investigation on Toni Natalie. I don't know if
13 that was done by NXIVM.

14 Q. But it was done by Kristin Keeffe?

15 A. I know that Kristin Keeffe did an
16 investigation on Toni Natalie, and I don't
17 remember if NXIVM was involved in that. Our
18 association with Toni happened before NXIVM --
19 well, I guess during NXIVM as well. I forgot
20 about that. There was an investigation of Toni.
21 It may have been.

22 Q. What about any psychiatrists or
23 psychologists who had treated people who attended
24 NXIVM's training? Have you ever investigated any
25 of those psychiatrists or psychologists?

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2 A. I think we tried to figure out who
3 Carlos Rueada was while we were working with
4 Mr. Aviv. We had never heard of him before, and
5 he started writing about us or commenting about
6 us. So yes, we probably did. I forgot about him.

7 Q. Anyone else that you've forgotten
8 about?

9 A. Unless you remind me, I probably
10 won't remember.

11 Q. In the investigation that Kristin
12 Keeffe conducted of Toni Natalie, did she obtain
13 Toni Natalie's telephone records?

14 A. I don't know.

15 Q. Did she obtain Toni Natalie's bank
16 records or financial information?

17 A. I don't know. I believe -- I don't
18 know.

19 Q. Has NXIVM investigated other people
20 with whom it was in litigation?

21 A. Maybe Joe O'Hara. Maybe Joe
22 O'Hara.

23 Q. Anyone else that you can think of?

24 A. I'm sorry. I'm having a hard time
25 thinking.

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2 It's probably safe to say that if
3 we're in litigation with someone, we're gathering
4 as much information as we can on the
5 circumstances, which is what happened with Toni
6 Natalie and with Joe O'Hara.

7 I can't think of anything right
8 now. I'm sorry.

9 Q. Did NXIVM obtain any telephone
10 records from Mr. O'Hara?

11 A. Not that I know of.

12 Q. What about any banking or financial
13 information?

14 A. I know that we were in
15 communication with the district attorney's office,
16 and there was -- there were subpoenas for his
17 banking information, and that I did come to know
18 information about his banking information through
19 the district attorney's office.

20 Q. In any of the other investigations
21 of people with whom NXIVM has been in litigation,
22 has NXIVM ever obtained banking or financial or
23 telephone records?

24 A. I believe that Kristin was in
25 contact with the FBI during the investigation of

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1 Toni Natalie, and I know it was bankruptcy
2 information, so it probably related to that,
3 banking information.

4 Q. And are you telling us that Kristin
5 obtained banking information on Toni Natalie from
6 the FBI?

7 A. I don't -- I remember seeing a
8 report that she -- that had to do -- that had
9 been -- I remember seeing some information and her
10 telling me information that she was communicating
11 with the FBI on.

12 Q. Kristin Keeffe also had contacts
13 within local law enforcement in the Albany area;
14 didn't she?

15 A. The district attorney's office.

16 Q. And did she ever use those contacts
17 to obtain information on people that NXIVM wanted
18 to investigate?

19 A. Not to the best of my knowledge,
20 other than what happened with Joe O'Hara.

21 Q. You testified that NXIVM's commerce
22 department was asked to record all resignations by
23 people who indicated that they had resigned
24 because of events. Do you recall that testimony?

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1 A. That they did exit interviews, yes.

2 Q. What "events" are you referring to?

3 A. It's customary in our company that
4 when somebody resigns, that their field trainer or
5 their proctor does an exit interview. Whatever
6 events lead up to their resignation come out in
7 that interview.

8 Q. So in other words, you're talking
9 generically about whatever event led to the
10 resignation?

11 A. Correct.

12 Q. You're not referring to the events
13 connected with this litigation?

14 A. I asked that those be kept in a
15 special file and given to Karen Unterreiner.

16 Q. Who was in the commerce department?

17 A. Barbara Jeske, Barbara Bouchey,
18 Edgar Boone, Susan Dones, Alex Betancourt, Ester
19 Chippone, at one time Dawn Morrison. And I think
20 that's it.

21 Q. And did all of those people conduct
22 exit interviews?

23 A. Yes.

24 Q. Did they conduct them as

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1 individuals or were groups assigned to conduct the
2 exit interviews?

3 A. Either they conducted them or the
4 people in their organizations conducted them.

5 Q. The people within their
6 organizations?

7 A. That's correct.

8 Q. So those might have been people
9 outside of the commerce department?

10 A. Yes.

11 Q. And was it through these exit
12 interviews that NXIVM determined the reason for
13 the resignation?

14 A. Yes.

15 Q. Were these exit interviews
16 something separate and distinct from the Karen
17 Unterreiner/Kristin Keeffe project that's
18 reflected in Salzman 17 through 20?

19 A. Exit interviews in general were a
20 policy of the company. Yes, they were separate.

21 Q. Okay. And I just want to confirm
22 that you testified yesterday that no one has
23 copies of the facilitator notes. Is that right?

24 A. Right, yes.

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1 Q. Okay. In connection with the
2 settlement of your lawsuit with John Hochman, is
3 it your testimony that you don't know if NXIVM
4 asked for and recovered the NXIVM materials that
5 he had?

6 A. Yes, I don't know.

7 Q. Was Mr. Hochman paid anything in
8 connection with the settlement?

9 MR. MC GUIRE: Object. It has
10 nothing to do with this case.

11 Are you prepared to give us the
12 terms of the settlement agreement with
13 Mr. Ross and the terms of it? I've been
14 denied that until now, so --

15 MR. SKOLNIK: That has nothing to
16 do with claims in this lawsuit.

17 MR. MC GUIRE: Don't answer that
18 question.

19 Q. Okay. Was Mr. Hochman paid for the
20 transfer of the copyright in his article?

21 MR. MC GUIRE: Don't answer that
22 question.

23 Q. You testified that Sheila Johnson
24 called you about two years ago?

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2 A. Yes.

3 Q. And she asked you to keep something
4 confidential that relates to this lawsuit. Is
5 that right?

6 A. No. I testified I -- she asked me
7 to keep the contents of that telephone call
8 separate and confidential.

9 Q. But it had nothing to do with this
10 lawsuit?

11 A. No.

12 Q. Okay. And you testified that you
13 asked Barbara Bouchey and the others who left in
14 April to return their NXIVM materials. Is that
15 right?

16 A. I testified that some of them had
17 returned their materials and some of them were
18 asked to return the materials.

19 Q. But I think you also told us that
20 it is not NXIVM's normal practice to require those
21 who leave to return their materials. Is that
22 right?

23 A. Yes.

24 Q. You also told us that there are
25 some circumstances when NXIVM might give some of

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2 its materials to students before receiving a
3 signed application. Is that right?

4 A. No.

5 Q. There are no circumstances under
6 which NXIVM would give a student materials before
7 receiving a signed application?

8 A. Materials -- I'm sorry. I don't --

9 Q. Course materials.

10 A. No -- well, no. Course materials?
11 I don't think so.

12 Q. Okay. And you told us yesterday
13 that there are some people who over the course of
14 NXIVM's history have been asked to leave NXIVM.
15 Is that right?

16 A. Well, not exactly asked to leave.

17 It's been offered -- the possibility of them
18 leaving has been offered to them. It's been --
19 it's been a suggestion. They don't have to leave.

20 Q. So no one is ever told that they
21 must leave. Is that right?

22 A. Exactly.

23 Q. But sometimes people -- the
24 suggestion is made that they leave?

25 A. The suggestion is that it might be

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2 a good idea because it doesn't seem to be a good
3 fit.

4 Q. And have some of the people to whom
5 that suggestion was made actually left?

6 A. I believe so.

7 Q. And were the people who did
8 actually leave after that suggestion required to
9 return their course materials?

10 A. I believe so.

11 Q. You have a degree in nursing. Is
12 that right?

13 A. I do.

14 Q. Do you have any professional
15 degrees?

16 A. Beyond the degree in nursing?

17 Q. Right.

18 A. No.

19 Q. You don't hold any degree in
20 counseling; do you?

21 A. I don't.

22 Q. Any other degrees other than
23 nursing?

24 A. No.

25 Q. And you've taken courses in

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2 hypnosis. Is that right?

3 A. I have.

4 Q. Is there any difference whatsoever
5 between NXIVM and ESP?

6 MR. MC GUIRE: You mean, as far as
7 she knows.

8 A. They're separate companies. When
9 we started -- when we started doing business, we
10 started doing business as Executive Success
11 Programs. We then changed the name to NXIVM.
12 We're operating under the name of NXIVM now.

13 Q. Is the only difference between ESP
14 and NXIVM the change in name?

15 A. This time, yes.

16 Q. Was there ever a difference?

17 A. Between ESP and NXIVM?

18 Q. Right.

19 A. Only hypothetical.

20 Q. What was the hypothetical
21 difference?

22 A. We had some ideas about how we were
23 going to change the name, but we then made -- we
24 then began to operate under the name of NXIVM.

25 Q. NXIVM and ESP maintain separate

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 2 websites. Is that right?
 3 A. They do.
 4 Q. Why do they have two different
 5 websites?
 6 A. I think because some people know us
 7 under the name of ESP and we use both.
 8 Q. When you say you "use both," do you
 9 sometimes identify yourself as ESP today?
 10 A. I think I do.
 11 Q. Do you ever enter into any
 12 agreements with students or vendors or anyone else
 13 in the name of ESP rather than NXIVM?
 14 A. I think I use NXIVM on legal
 15 documents.
 16 You know, I'm not sure about that
 17 answer. I'm thinking about the answer, and I
 18 think that NXIVM -- the way that we use NXIVM as
 19 NXIVM is the parent corporation. That's pretty
 20 much how we think of it, as the parent
 21 corporation, and ESP is one of the companies under
 22 the parent corporation. But I think that's pretty
 23 much how it's used now. That's why we still do
 24 use both.
 25 And recently when I was in a board
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 2 meeting, we were discussing offering certain
 3 curriculum in ESP that we might not offer -- that
 4 would be specific to ESP and only offered through
 5 ESP, and then we might have other curriculum in
 6 NXIVM.
 7 But we haven't furthered that yet.
 8 It was a hypothetical because we were thinking
 9 that NXIVM would be the umbrella company and ESP
 10 would be one of the companies within it.
 11 MR. SKOLNIK: Let me ask the
 12 reporter to mark this as Exhibit 42.
 13 (Exhibit Salzman 42 marked for
 14 identification.)
 15 MR. SKOLNIK: Ms. Salzman, the
 16 reporter has marked as Salzman 42 a document
 17 with the Bates stamp number SP1302.
 18 A. Yes.
 19 Q. Do you recognize this document?
 20 A. I don't think I've ever seen it
 21 before. I may have seen it. It's dated in 2004.
 22 Q. Do you recognize the handwriting on
 23 the document?
 24 A. No, I don't.
 25 Q. Okay. Just a few questions about
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 2 the companies listed on the document. The
 3 document is titled "Executive Success Programs &
 4 Affiliated Companies." Is that right?
 5 A. Yes.
 6 Q. And the first company in the
 7 left-hand column is NXIVM Corporation?
 8 A. Right.
 9 Q. And you are the owner?
 10 A. I am.
 11 Q. And there's also an entity a few
 12 down, NXIVM, LLC. Do you see that?
 13 A. Yes.
 14 Q. Has that actually been dissolved?
 15 A. I don't know.
 16 Q. You were the owner of NXIVM, LLC?
 17 A. Yes.
 18 Q. And you're the owner of Executive
 19 Success Programs, Inc.?
 20 A. I am.
 21 Q. And of First Principles
 22 Incorporated?
 23 A. Yes.
 24 Q. Do all of the entities that we've
 25 discussed so far, Executive Success Programs,
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 2 Inc.; NXIVM, LLC; and First Principles Inc., do
 3 they all utilize the same concepts as NXIVM?
 4 A. Which companies? I'm sorry.
 5 Q. Executive Success Programs, Inc.;
 6 NXIVM, LLC; and First Principles Inc.
 7 A. First -- do they all -- do they all
 8 use the same --
 9 Q. The same concepts as NXIVM does?
 10 A. I don't know that these are -- that
 11 we use these companies separately. I think NXIVM
 12 and ESP are the ones that we use, and First
 13 Principles licenses the intellectual property to
 14 NXIVM and ESP.
 15 Q. Does First Principles hold all of
 16 NXIVM's intellectual property?
 17 A. I believe it does.
 18 Q. You see there are two listings,
 19 NXIVM Properties --
 20 A. Yes.
 21 Q. -- and Executive Housing &
 22 Properties. Do you see those two?
 23 A. Yes.
 24 Q. And you're the owner of both of
 25 those?
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2 A. I am.

3 Q. And one is a Delaware corporation
4 and the other is a New York corporation?

5 A. Yes.

6 Q. What is the relationship of those
7 entities to NXIVM or to ESP?

8 A. I own them.

9 Q. Is there any other relationship
10 other than your ownership?

11 A. I don't think so.

12 Q. Do either of those companies
13 utilize any of NXIVM's concepts?

14 A. No.

15 Q. Or utilize any of NXIVM's
16 intellectual property?

17 A. No.

18 Q. And then there's a company called
19 The Art of Movement, Inc. You're the owner of
20 that?

21 A. Yes.

22 Q. And what is the relationship of The
23 Art of Movement to NXIVM or ESP?

24 A. It is housed within the building
25 that is our training center.

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2 Q. Any other relationship?

3 A. No.

4 Q. And does The Art of Movement use
5 any of NXIVM's concepts?

6 A. It does not.

7 Q. And then there's a listing for The
8 Ethical Foundation, and it lists as owners Joe
9 O'Hara, Derek Abraham and Jim Loperfido. Is that
10 right?

11 A. That's correct.

12 Q. And that, too, had two corporate
13 entities, one in Massachusetts and one in
14 New York?

15 A. That's correct.

16 Q. Why is that listed as a
17 nonaffiliated company?

18 A. It was a foundation that Joe O'Hara
19 ran that was responsible for scientific research.
20 It was a foundation.

21 Q. What, if any, was its relationship
22 to NXIVM or ESP?

23 A. Joe O'Hara originally had this
24 foundation. It was called Humanalysis. And when
25 we talked about creating a foundation that would

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2 do the scientific research, Joe suggested that
3 Humanalysis was a very good foundation and we
4 should use that since it was doing the same type
5 of work.

6 And he then took over The Ethical
7 Foundation, and he was -- I believe he and Derek
8 Abraham and Joe Loperfido were the three people
9 who were the -- the people who were running that
10 foundation.

11 Q. And when you say it was doing the
12 same sort of work as NXIVM, does it utilize a --

13 A. No. It was the same sort of
14 research that we -- scientific research that we
15 were interested in doing.

16 Q. Okay. Does it use any of NXIVM's
17 concepts?

18 A. It does not.

19 Q. And then there's The Think Fund,
20 LLC, and the owner is Keith Ranieri. Is that
21 right?

22 A. That's correct.

23 Q. And why is that a nonaffiliated
24 company?

25 A. To the best of my knowledge,

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2 nothing was ever done with that company. I don't
3 even know if it's still -- oh, it's nonactive. I
4 don't think it was ever used. It was an idea of
5 Keith's that I don't think he ever used.

6 Q. Okay.

7 A. And I can't remember what it was
8 about.

9 Q. What about Buyers Advocate, Inc.?
10 Pam Cafritz is the owner of that?

11 A. She is.

12 Q. And why is that listed as
13 nonaffiliated?

14 A. Because it was nonaffiliated. It
15 didn't have anything to do with my company.

16 Q. What, if any, relationship did it
17 have to NXIVM or ESP?

18 A. I just think Pamela was a member of
19 both. She owned that and she was a member of ESP.
20 I don't remember Buyers Advocate actually doing
21 anything for us ever.

22 Q. And does Buyers Advocate use any of
23 NXIVM's concepts?

24 A. No, it does not.

25 (Exhibit Salzman 43 marked for

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2 identification.)

3 Q. Ms. Salzman, do you recognize the
4 document that's been marked as Salzman 43?

5 A. Yes, I do.

6 MR. SKOLNIK: And for the record,
7 it's a Status Report dated May 19th, 2005,
8 from Joseph O'Hara, and it bears Bates
9 Nos. SP1879 through SP1886.

10 Q. Do you know what the -- what this
11 report is about?

12 MR. LANDY: Before we go into this,
13 I would note further for the record that on
14 the cover page, it indicates this document was
15 prepared for Richard N. Dean, Esquire and
16 Coudert Brothers LLP. This may be --
17 obviously it was produced at some point by
18 someone. I imagine that the source of this is
19 -- the original source of this is Joseph
20 O'Hara. But to the extent that this document
21 reflects work product of Coudert Brothers, I
22 note that.

23 MR. MC GUIRE: I would join in
24 that. If this document was produced, and I
25 have no reason to doubt it was not produced,

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2 it was inadvertently or improperly produced.

3 And I would urge counsel to return
4 this because on its face, it clearly indicates
5 that it was prepared for a law firm. And
6 counsel should have recognized that when they
7 received it.

8 MR. SKOLNIK: It was produced by
9 NXIVM in its supplemental production. If you
10 want to make a written request for its return,
11 I'll certainly consider that.

12 MR. MC GUIRE: In the meantime, I
13 suspect, although I do not know, that this was
14 probably also produced by Mr. O'Hara.

15 MR. SKOLNIK: It bears no Bates --

16 MR. MC GUIRE: I understand that.
17 But I don't know whether this is the full
18 marking.

19 Q. To your knowledge, did Coudert
20 Brothers ever represent NXIVM in this litigation?

21 A. They represented us for a period of
22 time.

23 Q. In this litigation?

24 A. I would think so.

25 Q. Do you know why this document was

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2 prepared?

3 A. I believe I know why this document
4 was prepared.

5 Q. Why?

6 A. When Joe O'Hara left my company, he
7 had all of my corporate books and he wouldn't
8 return them. I believe that -- I believe that I
9 hired Coudert Brothers and I asked them to help me
10 recover my -- the information on my corporation so
11 that I could resume business.

12 Q. Okay. So --

13 MR. MC GUIRE: All the more reason
14 to suggest that this is a protected document.

15 Q. All right. So is it fair to say
16 that you ordered that this be prepared?

17 A. Well, I ordered -- I asked Coudert
18 to help me with that problem.

19 Q. Okay. I have no more questions
20 about the document.

21 MR. MC GUIRE: Can we -- do you
22 want me to write you a letter, or can we agree
23 that this was inadvertently --

24 MR. SKOLNIK: No. I'd like you to
25 write me a letter.

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2 MR. MC GUIRE: Fair enough. I'll
3 do that.

4 MR. SKOLNIK: I mean, I don't -- I
5 don't deny that it was inadvertent. But just
6 to keep the record clear.

7 MR. MC GUIRE: Okay. That's fine.

8 Q. Let me ask you to refer to
9 Salzman 24, which is the handwritten time line
10 that you looked at yesterday.

11 A. Okay.

12 Q. I think you testified yesterday
13 that Keith Raniere first gave rights to the
14 rational inquiry method to Pam Cafritz. Is that
15 right?

16 A. I believe that -- I believe he did.

17 Q. Do you know the form in which he
18 gave her rights?

19 A. I don't know. I remember -- I
20 don't -- I don't know. I believe that -- I don't
21 remember.

22 Q. Is it your understanding that he
23 gave Pam Cafritz an exclusive license to the
24 rational inquiry method?

25 A. I don't remember. It was before --

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2 I don't -- I don't remember how that -- I don't
3 remember what that was about, but I do remember
4 that I made an agreement with Pam.

5 Q. And was the reason that you made an
6 agreement with Pam because you understood that she
7 held certain rights to the rational inquiry
8 method?

9 A. I think so.

10 Q. So did both Pam Cafritz and Keith
11 Ranieri assign their rights in the rational
12 inquiry method to First Principles?

13 A. I don't remember that we -- I don't
14 remember memorializing that. I remember knowing
15 that.

16 Did she sign them over to me? Did
17 he sign them over to me?

18 I think the rational inquiry method
19 licensure was done through Arlen Olson. I don't
20 remember Pamela being involved necessarily in that
21 meeting.

22 But I remember discussing with Pam
23 in the beginning or Keith discussing with me at a
24 certain -- at some point that before that, Pam was
25 the only person who had any rights to that. It

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2 was in a discussion.

3 Q. You notice that on this time line,
4 the fourth entry from the right refers to a
5 licensing agreement between Pam Cafritz and First
6 Principles?

7 A. Oh, I remember what that was now.

8 Buyers Advocate -- I believe that
9 Pam was marketing -- Pam was one of the first
10 people to market rational inquiry. Pam and Keith
11 had been involved in doing business before I met
12 Keith. I think part of how we decided to market
13 rational inquiry included Pam because she had some
14 rights to it as well.

15 Q. How did you and Keith and Pam
16 decide to market rational inquiry?

17 A. In the form -- it wouldn't be -- it
18 would be a networking organization. Pam was going
19 to work with me on creating a networking
20 organization where people would be invited as
21 opposed to generally -- the general public being
22 invited.

23 Q. Were you going to seek investors
24 into this entity?

25 A. No, we never were.

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2 Q. Was any written iteration of the
3 rational inquiry method shown to any third
4 parties?

5 A. No. But Pam and I were going to
6 work together.

7 Q. What else do you remember about the
8 plan to market rational inquiry that you made with
9 Pam and Keith Ranieri?

10 A. In order to maintain the
11 confidentiality, because it wasn't going to be
12 offered to the general public, but only under the
13 conditions of the people who came in were invited
14 and recommended to take the course, that Pam would
15 work in the marketing portion of how we would
16 bring it to the -- bring it to people or bring
17 people to the program.

18 Q. So am I understanding that it was
19 not the rational inquiry method as a piece of
20 intellectual property that was being marketed but
21 rather the --

22 A. The programs.

23 Q. -- the programs that would derive
24 from it? Yes?

25 A. Yes, that's right.

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2 Q. The first entry on this time line
3 says PC -- and we've identified that as Pam
4 Cafritz -- loaned monies slash -- I guess that's
5 services, "SVCS" -- to Keith Ranieri.

6 What do you know about that?

7 A. Where is that?

8 Q. The very first entry on the time
9 line.

10 A. I don't -- I don't -- I don't know.
11 That must have happened before I met Keith. I
12 believe when I met --

13 MR. MC GUIRE: Don't guess.

14 A. -- when I met Keith there was
15 something about a loan, but I don't remember. It
16 was a long time ago. I don't remember.

17 Q. You have no idea how much that loan
18 was for?

19 A. No. I don't remember.

20 Q. Do you have any knowledge about
21 whether or not the loan has been repaid?

22 A. I don't -- I don't think it has.

23 Q. You don't think it has?

24 A. I don't know whether it has or not.

25 I don't know anything about it is what I can tell

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2 you.

3 Q. Pam Cafritz is in charge of ethics
4 at NXIVM?

5 A. That's correct.

6 Q. What else does she do at or for
7 NXIVM?

8 A. She's a field trainer. She holds a
9 high rank in the organization.

10 Q. What rank does she hold?

11 A. She's a senior counselor. She
12 heads up the ethics committees. She occasionally
13 runs classes. She coaches individuals. I think
14 that's it.

15 Q. Is she involved in any way in this
16 litigation?

17 A. I don't think so.

18 Q. Has she ever attended meetings
19 where NXIVM is strategizing about this litigation?

20 A. Well, Pam has been on the executive
21 board for a long time, the executive board before
22 April, so it's possible.

23 Q. This litigation is discussed at
24 executive board meetings?

25 A. I'm not sure. That's why I said

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2 it's possible. I know that the executive board
3 knows about the litigation. I don't know that
4 we've ever strategized within the executive board.

5 Q. Are there any attorneys on the
6 executive board?

7 A. No.

8 Q. Do attorneys attend all executive
9 board meetings?

10 A. No.

11 I don't think she has ever been in
12 a meeting. I'm kind of -- I can't -- I don't
13 think she's ever been at an attorney meeting.

14 Q. Is there a secretary or someone who
15 is charged with keeping notes of executive board
16 meetings?

17 A. Yes.

18 MR. SKOLNIK: I would call for
19 production for all minutes of executive board
20 meetings.

21 MR. MC GUIRE: Aren't you the one
22 that told me discovery was over a long time
23 ago?

24 MR. SKOLNIK: This is newly
25 discovered evidence, Bill.

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2 MR. KOFMAN: And I had previously
3 requested minutes of any meetings. And
4 obviously in the interrogatories, that's a
5 continuing request.

6 MR. MC GUIRE: Even though those
7 meetings may have nothing to do with this
8 litigation?

9 THE WITNESS: I don't think they
10 do.

11 MR. SKOLNIK: Let me modify the
12 request for any executive board meetings in
13 which any aspect of this litigation was
14 discussed.

15 MR. LEONARD: Why are you entitled
16 to that? Seriously, why are you entitled to
17 that? Don't smirk. Answer the question.

18 MR. SKOLNIK: I believe I'm
19 entitled to it, Bob, and I don't believe that
20 it's --

21 MR. LEONARD: Tell me why.

22 MR. SKOLNIK: -- I don't believe
23 that it's your right to make that objection.

24 MR. LEONARD: I'm just curious.

25 MR. SKOLNIK: Well, your curiosity

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2 can be settled and served somewhere else, not
3 here.

4 MR. MC GUIRE: Well, let me ask the
5 same question, then. Do I have standing to
6 ask that question?

7 MR. SKOLNIK: Yes, you do.

8 MR. MC GUIRE: Okay. I've asked
9 the question. Why do you think you're
10 entitled to it?

11 MR. SKOLNIK: Because it may lead
12 to the discovery of admissible evidence, and
13 it may in fact contain indications of the
14 degree to which NXIVM was involved and was
15 aware of the sting operation, the Interfor
16 report and all of its dealings with Rick Ross.
17 Is that enough?

18 MR. LEONARD: So what's the time
19 frame that you're interested in?

20 MR. SKOLNIK: While this litigation
21 was pending and in anticipation of this
22 litigation.

23 MR. LEONARD: There's got to be a
24 stopping point.

25 MR. SKOLNIK: Look, I'm not about

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 2 to have -- you know, this is not oral
 3 argument, Bob.
 4 MR. LEONARD: You're not entitled
 5 to last week's minutes, that's for sure.
 6 MR. MC GUIRE: You're going to send
 7 me a letter on that?
 8 MR. SKOLNIK: Yeah.
 9 MR. MC GUIRE: Okay.
 10 Q. Who was involved in the formation
 11 of ESP?
 12 A. I believe Keith Raniere and myself.
 13 Involved -- I'm sorry. When you
 14 say "involved," could you clarify?
 15 Q. Both in conceptualizing the
 16 formation of ESP and in actually setting up the
 17 company.
 18 A. Could you clarify "setting up the
 19 company"?
 20 Q. Preparing materials, finding work
 21 space, preparing documents to register the
 22 corporate entity; other than attorneys.
 23 A. I think I did.
 24 Q. What role, if any, did Kristin
 25 Keeffe play in organizing and setting up ESP?
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 2 A. I don't think she organized or set
 3 up the administrative portion, the preparing of
 4 documents or finding the space.
 5 Q. What role, if any, did she play?
 6 A. She was one of the first people to
 7 be involved in the program itself.
 8 Q. What role did Keith Raniere play in
 9 the formation of ESP?
 10 A. He came up with -- he and I came up
 11 with -- well, he came -- I think we came up with
 12 the concept together -- well, it was his concept,
 13 and we came up with the original -- the original
 14 plans to set up a company together.
 15 Q. What role, if any, did Toni Natalie
 16 play in organizing the corporation known as ESP?
 17 A. She was also one of the first
 18 students, I believe, like Kristin. I actually
 19 think that Toni may have showed me how to or given
 20 me information on setting up a corporation, but
 21 she wasn't actually involved in the setting up of
 22 the corporation. She was just giving me
 23 information.
 24 Q. Was money required to start the
 25 corporation?
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 2 A. I don't understand. What -- in
 3 what way?
 4 Q. Were there capital contributions to
 5 the formation of ESP?
 6 A. If there were, I believe I made
 7 them.
 8 Q. Okay. What about First Principles?
 9 Who was involved in the formation of First
 10 Principles?
 11 A. Other than attorneys or --
 12 Q. Other than attorneys.
 13 A. I think First Principles, Keith and
 14 I also discussed, and then I incorporated it.
 15 Q. And you're the sole shareholder of
 16 First Principles?
 17 A. I am.
 18 Q. And you're the sole shareholder of
 19 NXIVM?
 20 A. Yes.
 21 Q. And you have always been the sole
 22 shareholder of both of those entities?
 23 A. Yes.
 24 Q. When did Keith Raniere cease having
 25 a formal or official capacity at NXIVM?
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 2 MR. LEONARD: Object to the form of
 3 the question.
 4 MR. MC GUIRE: Join.
 5 A. I don't understand the question.
 6 Q. Has there been any change in the
 7 nature of Keith Raniere's role at NXIVM since the
 8 time it was formed?
 9 MR. MC GUIRE: I object to the form
 10 of that question. That suggests he did have
 11 something. You're assuming something. So the
 12 question is improper. There's no foundation
 13 for it. And I object to the form.
 14 Q. Can you answer the question?
 15 A. I'm wondering about the assumption
 16 of a role within the company. It presupposes he
 17 had a role in the company.
 18 Q. So it's your testimony that he
 19 never had a role in the company?
 20 A. He's the conceptual founder. He
 21 always had that position. He's the conceptual
 22 founder of the company. Is that what you're
 23 referring to?
 24 Q. Well, no. I'm referring to any
 25 other part that he played in NXIVM's business,
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2 teaching, writing, providing intellectual
3 property.

4 A. As the conceptual founder, he --
5 and my mentor, he has developed all of the
6 concepts of NXIVM. In the beginning he taught the
7 first 20 modules, and then he didn't teach modules
8 as soon as I learned how to do them. And he
9 taught me how to -- how to do that process, and
10 then he never did that again.

11 Q. Okay. You just mentioned his
12 mentoring of you.

13 A. There's another thing. He
14 taught -- he conducted forums and occasionally
15 will still do that.

16 Q. Mr. Raniere mentored you for some
17 six months almost on a daily basis before the two
18 of you decided to open Executive Success Programs.
19 Is that right?

20 MR. MC GUIRE: Object to the form
21 of the question.

22 If you understood it, you can
23 answer it.

24 A. He did.

25 Q. Okay. You paid him for that

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2 mentoring; didn't you?

3 A. I did not.

4 Q. Didn't you pay him indirectly
5 through payments or loans that you made to Toni
6 Natalie?

7 A. It wasn't paying him. It had
8 nothing to do -- he didn't -- that was not an
9 agreement I ever made with him. I made payments
10 to Toni Natalie.

11 Q. Which you understood would go to
12 him. Isn't that right?

13 A. No, that's not true.

14 Q. Was there some connection between
15 the payments or loans you made to Toni Natalie and
16 Mr. Raniere's mentoring of you?

17 A. Ms. Natalie asked me to help her
18 when she was in a financial bind. And I supported
19 the endeavor that she was doing because it was a
20 concept of Keith's. But it had nothing to do with
21 the -- it had -- it wasn't an agreement that he
22 would get money because of that. It was something
23 I chose to do at the request of Ms. Natalie.

24 Q. Did Mr. Raniere suggest to you that
25 he thought that you should loan the money to Toni

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2 Natalie?

3 A. He did not.

4 Q. How regularly do you speak to
5 Mr. Raniere?

6 A. Probably daily.

7 Q. Do you also communicate with him
8 via e-mail?

9 A. When I'm sending something to him,
10 yes.

11 Q. And when you say you speak to him
12 daily, is that on the telephone or in person or
13 some combination?

14 A. On the telephone, sometimes in
15 person. I see him fairly frequently.

16 Q. What about Kristin Keeffe? How
17 regularly do you speak to or communicate with
18 Kristin Keeffe?

19 A. I speak with Kristin very
20 regularly.

21 Q. Also daily?

22 A. I can't say that I speak with
23 Kristin daily.

24 Q. Several times a week?

25 A. At least a couple of times a week.

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2 Q. And you also exchange e-mail with
3 Kristin Keeffe?

4 A. From time to time.

5 Q. What about Pam Cafritz? How often
6 do you communicate with her?

7 A. I would say a couple of times a
8 week to maybe even several times a week.

9 Q. And do you meet with her or do you
10 speak to her on the phone, both?

11 A. Both.

12 Q. And do you exchange e-mails with
13 Pam Cafritz?

14 A. Occasionally, from time to time;
15 not that often. Occasionally we have something
16 to --

17 Q. Does Pam Cafritz have any ownership
18 interest in any of your companies?

19 A. No.

20 MR. MC GUIRE: What time are you
21 going to break for lunch?

22 MR. SKOLNIK: This might be a good
23 time.

24 (Luncheon recess: 12:35 p.m.)

25 (Exhibit Salzman 44 marked for

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2 identification.)

3 Q. Ms. Salzman, is it true that at
4 some point Clare Bronfman loaned you, in the form
5 of a loan to NXIVM Properties, LLC, \$2 million so
6 that you could buy more townhouses?

7 A. No.

8 Q. What part of that statement is
9 untrue? Did she loan you \$2 million?

10 A. She refinanced properties I already
11 had with that \$2 million.

12 Q. Properties that you already had, so
13 there was no purchase of additional townhouses?

14 A. That's correct.

15 Q. And is it true that you do now or
16 did in the past rent townhouses to students who
17 move to the Albany area?

18 A. Yes.

19 Q. And is it true that you bought a
20 townhouse for Keith Raniere?

21 A. I bought a townhouse that we use as
22 a library and a music room for Keith Raniere.

23 Q. Does he live in that -- in that
24 townhouse?

25 A. No.

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2 Q. Did you buy Keith Raniere the house
3 that he currently lives in?

4 A. No.

5 MR. SKOLNIK: Let me ask the
6 reporter to hand you a document that's been
7 marked now as Salzman 44. And let the record
8 reflect that this is an unsigned version of a
9 Promissory Note for \$275,000 dated
10 November 25th, 2003.

11 Q. Do you recognize this document?

12 A. I do.

13 MR. MC GUIRE: Is there any marking
14 on this as to a Bates number?

15 MR. SKOLNIK: There is, but it did
16 not come through in the -- in the
17 photocopying. It was -- it was produced by
18 NXIVM.

19 MR. MC GUIRE: Yeah. Okay.

20 Q. Was this note ever actually
21 executed?

22 A. No.

23 Q. Did Michael Sutton, in fact, loan
24 First Principles \$275,000?

25 A. No.

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2 Q. Did he loan them any amount of
3 money?

4 A. He did.

5 Q. How much did he loan them?

6 A. \$175,000.

7 Q. Okay. And what was that loan for?

8 A. I think it was one of the
9 scientific research projects that Keith Raniere
10 was doing that he lent me money for.

11 Q. Is that the only money that Michael
12 Sutton has loaned to you or to NXIVM?

13 A. I think so. I don't remember.

14 Q. There might be others?

15 A. There could be. I don't remember.

16 Q. Okay. Was -- the loan for
17 \$175,000, has that been repaid?

18 A. I believe -- I don't remember. I
19 don't believe it's still outstanding. I don't
20 remember what happened. I'm sorry. My memory is
21 not clear. I can't say yes or no.

22 Q. Okay. Would you agree that next to
23 Keith Raniere, you are probably the person most
24 familiar with the rational inquiry method?

25 A. Yes.

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2 Q. Does the rational inquiry method
3 address lying?

4 A. Yes.

5 Q. What does the rational inquiry
6 method teach about lying?

7 A. It defines lying, and it talks
8 about what occurs when someone lies, and it
9 addresses the problem with lying.

10 Q. Does it address in any way the
11 propriety or ethics of lying?

12 A. There is a module where it talks
13 about honesty and nondisclosure, and then there's
14 a module that -- it talks about a strategy that
15 involves nondisclosure, and I think there's an
16 example of a time when someone might lie.

17 Q. And when you say a strategy of
18 nondisclosure, is that a strategy of using
19 nondisclosure in lieu of telling a lie?

20 A. It talks about nondisclosure and
21 what it means to not disclose as opposed to lie.
22 It defines both concepts.

23 Q. Okay. And I think you said that it
24 describes circumstances when it would be
25 acceptable to lie?

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2 A. It defines a circumstance under
3 which one might choose to lie and why it would be
4 a strategy that one would use upholding a value.

5 Q. Okay. And in applying the rational
6 inquiry method to uphold a value, is it ever
7 acceptable to lie in order to protect NXIVM
8 against attack by perceived enemies?

9 A. The module itself addresses lying
10 in terms of a philosophical understanding of
11 lying. It doesn't say you should lie or you
12 shouldn't lie. It talks about human behavior and
13 human choice. So there's never a place where we
14 talk about or we advise people that it's a good
15 idea to do this.

16 Instead what we do is we evaluate
17 human decision-making, human choices, what it
18 means to the human psychodynamic to lie and not to
19 lie and circumstances under which people do lie
20 that might be perceived as upholding of an ethic.

21 So the answer would be no.

22 Q. Well, but if the lie is intended to
23 uphold an ethic, then a lie designed to protect
24 NXIVM against an attack by a perceived enemy would
25 be acceptable. Is that correct?

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2 MR. MC GUIRE: Objection to the
3 form of the question. It doesn't follow it at
4 all.

5 A. The question that you ask
6 presupposes or has an assumption that we advise
7 our students what to do --

8 Q. No. Let me -- let me be clear.

9 MR. MC GUIRE: Let her -- let her
10 finish her answer, Mr. Skolnik. Don't cut her
11 off, please.

12 Were you finished with your answer?

13 THE WITNESS: No.

14 A. I find difficulty at times
15 answering your questions because the
16 presuppositions on which they're based I don't
17 agree with.

18 We don't advise our participants in
19 our program that that is something they should do.
20 We talk to them about realms of possibility and
21 what human beings do do and why they do it.

22 Q. Okay. Separately from what you
23 advise your students, in terms of your own
24 personal understanding of the rational inquiry
25 method and your own application of the rational

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2 inquiry method, are there circumstances when the
3 rational inquiry method would lead you to conclude
4 that it is acceptable to lie?

5 MR. LEONARD: Object to the form.

6 MR. MC GUIRE: Join.

7 A. The rational inquiry method, in my
8 understanding and in my own personal use, is a
9 method that I've used to become more consistent in
10 my thought pattern and my intellectual process and
11 my decision-making and my behavioral choices.

12 The rational inquiry method doesn't
13 advise or not advise one to lie or not lie. It
14 explains what happens if one does choose to lie,
15 the consequences of it and the responsibility in
16 doing such a thing.

17 Q. Do you believe that it is ever
18 acceptable to lie under oath?

19 A. No.

20 Q. During his deposition Mr. Ranieri
21 testified, and I'm quoting:

22 "I suspect I could derive a
23 situation under which lying under oath would be
24 acceptable."

25 Do you agree with his statement?

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2 MR. LEONARD: Can I have a citation
3 for that, please?

4 MR. SKOLNIK: I don't have it.

5 MR. LEONARD: So I'm clear, you're
6 representing that's a verbatim direct quote?

7 MR. SKOLNIK: Yes.

8 MR. LEONARD: But you won't give me
9 the citation for it?

10 MR. SKOLNIK: The verbatim direct
11 quote is:

12 "I suspect I could derive a
13 situation under which lying under oath would
14 be acceptable."

15 MR. LEONARD: I object to the form
16 of the question.

17 A. What was the question?

18 Q. Do you agree with Mr. Ranieri on
19 that position?

20 A. Knowing Mr. Ranieri or just on your
21 question?

22 Q. No. I'm asking you whether or not
23 you believe that you could also derive a situation
24 under which lying under oath would be acceptable?

25 MR. LEONARD: Object to the form.

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2 MR. MC GUIRE: Join in the
3 objection. It's inconsistent with what she
4 just said.

5 A. I believe the situation that he was
6 referring to would not be a situation that would
7 be -- a situation that might actually come up.

8 But knowing Keith, he can come up
9 with a circumstance to question just about
10 anything as a scientist, from a scientific
11 perspective, and I believe that's what he was
12 referring to.

13 When you asked the question, I
14 thought of the same thing, that could I derive a
15 situation where my life was at risk or I was
16 protecting someone's life?

17 But I don't believe that situation
18 would ever occur, and so I chose to answer it no
19 because I think it's so far out there that it
20 wouldn't occur.

21 Q. Okay.

22 A. And also, I didn't think the scope
23 of your question really was including could I
24 possibly come up with, in my wildest imaginations,
25 a possibility that could cause me to if my life

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2 depended on it or someone else's life depended on
3 it. I don't think those situations are normal
4 situations.

5 Q. You testified yesterday under oath
6 that you never represented to anyone that you have
7 a master's degree; didn't you?

8 A. I did.

9 Q. And that was a lie; wasn't it?

10 A. No.

11 (Exhibit Salzman 45 marked for
12 identification.)

13 MR. SKOLNIK: Let me represent for
14 the record that this is a copy of the
15 transcript of a deposition of Nancy Salzman
16 taken in the United States Bankruptcy Court
17 for the Northern District of New York, In Re
18 Toni F. Natalie, Chapter 7 Debtor. And the
19 deposition was conducted on November 15, 2000.
20 The transcript bears Bates Nos. SP0434 through
21 0465.

22 Q. And let me ask you, Ms. Salzman, to
23 turn to page 23. I'm going to read for the record
24 the questioning beginning at line 21 of page 23 of
25 this transcript, page 52 of the embedded

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2 transcript.

3 QUESTION: Did you ever tell
4 anybody that you had a master's degree.

5 ANSWER: (Pause.)

6 QUESTION: It's a yes or no.

7 ANSWER: I did.

8 QUESTION: Who did you tell?

9 ANSWER: I wanted to take a course
10 that I couldn't get into without a master's
11 degree, and so I told the people who ran the
12 course that I had a master's degree."

13 Q. Did I read that correctly?

14 A. Yes.

15 Q. Was that your testimony during that
16 deposition?

17 A. Yes.

18 Q. Were you telling the truth then?

19 A. Yes.

20 Q. So you were lying here yesterday
21 under oath. Is that right?

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

24 MR. MC GUIRE: How about going to
25 the next page?

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2 MR. SKOLNIK: Can you read back the
3 pending question.

4 (The requested portion of the
5 record was read.)

6 A. I forgot about that. I corrected
7 it, and so I forgot about it.

8 Q. Okay. Did you read the Kristin
9 Keeffe deposition transcript?

10 A. I did.

11 Q. When you read it, did you conclude
12 that Kristin Keeffe lied about anything during her
13 deposition?

14 A. There were things in her deposition
15 that were inconsistent with my memory of the
16 things that occurred.

17 Q. What do you recall that she
18 testified to that is inconsistent with your
19 recollection?

20 A. I would have to go back and look at
21 it. There were a couple of things that I
22 questioned.

23 Q. Sitting here today, do you recall
24 any of them?

25 A. I would have to look at it. I

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 2 can't remember right now.
 3 Q. Just before we leave that subject,
 4 can you remember generally the areas where your
 5 recollection differed from Kristin Keeffe's?
 6 A. How many times she interacted with
 7 Frank Parlato and the way that she described her
 8 relationship with him.
 9 I think also, to my recollection,
 10 the way that she related with Juval Aviv didn't
 11 seem consistent with what I remembered.
 12 Q. What about the way in which she
 13 testified to her interaction with Juval Aviv was
 14 inconsistent with your recollection?
 15 A. I thought they were friends. I
 16 thought they developed a friendship and she
 17 communicated with him more than what was
 18 reflected -- or what her answers reflected.
 19 Q. Was there anything else about her
 20 testimony concerning her dealings with Interfor
 21 that were inconsistent with your recollection?
 22 A. Mostly I think it was the frequency
 23 at which she communicated with Juval Aviv and the
 24 way her relationship was.
 25 Q. What about her testimony about her
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 2 communications with Keith Ranieri? Is there
 3 anything about that which was inconsistent with
 4 your knowledge or your recollection?
 5 A. I think her communications with
 6 Keith Ranieri were more frequent than she
 7 indicated as well.
 8 Q. In addition to your belief that her
 9 communications with Keith Ranieri were more
 10 frequent than she indicated, did you also find
 11 that any of her representations about her
 12 discussions with Keith Ranieri in terms of their
 13 substance were different than your understanding?
 14 MR. LEONARD: Object to form.
 15 MR. MC GUIRE: Join.
 16 A. I don't remember noting that.
 17 (Exhibit Salzman 46 marked for
 18 identification.)
 19 MR. SKOLNIK: Ms. Salzman, the
 20 document marked Salzman 46 is a "Declaration
 21 of Nancy Salzman in Support of Motion for
 22 Protective Order" that was filed in the United
 23 States District Court for the Northern
 24 District of New York.
 25 Q. And do you recognize the document?
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 2 Ms. Salzman, do you recognize it?
 3 A. Yes.
 4 Q. And it's dated June 8th, 2005. And
 5 is that your signature on page 7?
 6 A. It is. I was just familiarizing
 7 myself with it.
 8 Q. All right. Let me ask you to turn
 9 to paragraph 3 which begins on the first page.
 10 And in this declaration in paragraph 3, you say:
 11 "The Plaintiffs' programs and
 12 Rational Inquiry system, which involves analyzing
 13 and optimizing how the mind handles data, are
 14 embodied in written materials developed by
 15 plaintiffs over many years. These materials,
 16 which are trademarked, patent pending, copyrighted
 17 and proprietary in nature, are used in Plaintiffs'
 18 training programs and are essential to Plaintiffs'
 19 business (the 'Protected Materials')."
 20 Did I read that correctly?
 21 A. Yes.
 22 Q. Okay. So based upon your
 23 declaration here, is it your position that the
 24 rational inquiry method and NXIVM's programs are
 25 embodied in written materials?
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 2 A. The materials are representative
 3 of -- yes.
 4 Q. Are the rational inquiry method and
 5 NXIVM's programs embodied in written materials?
 6 A. Yes.
 7 Q. Okay. Let me ask you to pull out
 8 the affidavit that we looked at yesterday as
 9 Salzman 26. And in paragraph 7 of this affidavit
 10 you say:
 11 "First Principles, Inc. has
 12 developed comprehensive proprietary program
 13 materials which are proprietary in nature
 14 (hereinafter referred to as Protected Materials)
 15 for which it has many pending patents."
 16 Did I read that correctly?
 17 A. Yes.
 18 Q. Is it true that at the time you
 19 signed this, First Principles had many pending
 20 patents?
 21 A. First Principles did.
 22 Q. Many pending patents?
 23 A. Yes.
 24 Q. Where were those patents pending,
 25 do you know?
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2 A. I guess in the United States.

3 Many pending patents. I think we
4 did at the time. I think we had several.

5 Q. Okay. Are any of those patents
6 still pending?

7 A. The rational inquiry method itself.

8 Q. That patent is still pending?

9 A. Yes, it is.

10 Q. Where is it your understanding that
11 it is pending?

12 A. In this country.

13 Q. In the United States?

14 A. Yeah. And I think -- yes, in this
15 country.

16 Q. Okay. And what's the basis for
17 your understanding about the status of NXIVM's
18 patent -- or First Principles' patent
19 applications?

20 A. My discussion with my patent
21 attorney this morning.

22 Q. In paragraph 9 of this affidavit
23 you say:

24 "The principal training materials
25 for the training programs are written manuals

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2 developed by NXIVM and its consultants using the
3 pending patents of First Principles, Inc. and
4 which are all proprietary in nature, having been
5 developed at significant time and expense."

6 Did I read that correctly?

7 A. Yes.

8 Q. Is it true that the principal
9 training manuals for the training programs are
10 written manuals?

11 A. Yes.

12 Q. What manuals are you referring to?

13 A. The principal training manuals for
14 the training programs.

15 Q. Do those manuals have names?

16 A. No. They're a series of modules
17 that have been compiled for the different training
18 programs.

19 Q. Are those the modules that have
20 been registered with the copyright office?

21 A. I'm sorry?

22 Q. Are those the modules that have
23 been registered with the copyright office?

24 A. Yes.

25 Q. To which of these training

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2 materials that you refer to in paragraph 9 was
3 Stephanie Franco given access?

4 A. The training manual for
5 participants who came to the 16-day intensive and
6 the five-day intensive.

7 Q. Anything else?

8 A. She received certain copies of
9 coach notes or facilitator's instructions, I
10 believe, for coaching modules as well, the
11 student -- the coach's student notes.

12 Q. Now, you told us yesterday that
13 NXIVM now has 600 modules. Is that correct?

14 A. I said in excess of 600.

15 Q. In excess of 600.

16 How many -- how many of those
17 modules did Stephanie Franco have access to?

18 A. I would say about 100.

19 Q. Now, is it true that you have no
20 direct knowledge that Mr. Ross or Dr. Martin knew
21 that the materials that Mr. Ross received from
22 Jeffrey Sutton were alleged to be confidential?

23 A. I believe that I -- actually, last
24 night while I was reviewing those articles, I
25 believe that that's probably not true since in

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2 each of the articles, it's stated that the
3 material is confidential.

4 So if Mr. Ross didn't know the
5 material was confidential when he took it, it says
6 within the material itself that it is confidential
7 in more than one place, according to the articles.

8 Q. But you have no direct knowledge
9 other than that?

10 A. That he read it? I have no direct
11 knowledge that he read it. I have direct
12 knowledge that they read it and they knew.

13 Q. Okay. Mr. Sutton told you that he
14 told Mr. Ross that he couldn't give Mr. Ross the
15 materials because he had signed a confidentiality
16 agreement. Is that right?

17 MR. KOFMAN: Objection to form.

18 MR. SKOLNIK: I'm talking about

19 Michael Sutton.

20 MR. KOFMAN: Okay.

21 Q. Michael Sutton told you that he
22 told Mr. Ross that he couldn't give Mr. Ross the
23 materials because he, Michael Sutton, had signed a
24 confidentiality agreement. Is that right?

25 A. He did tell me that.

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2 Q. Okay. And Mr. Kassin told you that
3 he told Mr. Ross that he couldn't give him the
4 materials because he, Mr. Kassin, had signed a
5 confidentiality agreement. Is that right?

6 A. Yes.

7 Q. Okay. But you have no personal
8 knowledge of whether or not Mr. Ross understood
9 that Stephanie Franco had signed such an
10 agreement; do you?

11 A. I have no direct knowledge.

12 Q. And Jeffrey Sutton never signed
13 such an agreement; did he?

14 A. He did not.

15 MR. SKOLNIK: I'm going to -- in an
16 attempt to just keep the paper down, I'm going
17 to read you some quotes from one of
18 Mr. Ranieri's affidavits. We can pull it out,
19 if you like, but it's going to -- I mean,
20 they're not -- they're not -- they're not
21 controversial quotes. If you want to see the
22 quote after I -- after I read it, I'm happy to
23 enter it as an exhibit.

24 MR. MC GUIRE: Why don't we take it
25 one at a time.

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2 MR. LEONARD: Is it marked at
3 Ranieri's deposition?

4 MR. SKOLNIK: Yeah. It was
5 Ranieri 11.

6 Q. In paragraph 37 of the Ranieri
7 affidavit that is marked as Ranieri 11, he says:
8 "When someone signs up for a
9 program, they sign a confidentiality agreement.
10 The first module they take is Rules and Rituals.
11 Within this module they learn of the 12-point
12 mission statement."

13 And my question is: Do you
14 consider Rules and Rituals to be a key module?

15 MR. MC GUIRE: How do you define
16 "key"?

17 A. How would you define "key"?

18 Q. Is it an important module in terms
19 of the structure of NXIVM's teaching?

20 A. I think it orients the participant
21 to the program and to how things are run and
22 answers questions of why we run them that way.

23 Q. Okay. And within the Rules and
24 Rituals module, the students learn of the 12-point
25 mission statement.

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2 Would you -- is it your position
3 that Rules and Rituals and the mission statement
4 are important and valuable NXIVM trade secrets?

5 A. I think they're representative of
6 the trade secrets.

7 Q. What about the module called
8 Tribute? Is that an important and valuable trade
9 secret of NXIVM's?

10 A. I think it's a portion. I think
11 that -- I think it's an important and valuable
12 secret of NXIVM's. Is it -- I think it expresses
13 a key element of rational inquiry.

14 Q. Do you consider it a foundational
15 model?

16 A. It's one of the original 20
17 foundational modules in the matrix. I think it's
18 a key concept -- foundational -- yeah, I guess
19 it's a foundational module.

20 Q. Okay. What about -- what about
21 Face of the Universe? Is that an important and
22 valuable NXIVM trade secret?

23 A. Yes.

24 Q. Yes?

25 A. Trade secret? I don't -- I don't

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2 know if I can define it as a trade secret. I
3 think it expresses a trade secret.

4 Q. Okay. Is it also a foundational
5 module?

6 A. I don't know that I -- I don't know
7 that I consider it a foundational module, though.

8 Q. Okay. Can you give it any rank in
9 the importance of NXIVM's module?

10 A. It's very important, but I don't
11 know that I consider it a foundational module.

12 Q. Okay. Now, you have personally
13 created some written materials for ESP and NXIVM.
14 Is that right?

15 A. Yes.

16 Q. Have you transferred or assigned
17 your own personal rights in those materials to ESP
18 or NXIVM?

19 A. I don't understand the question.

20 Q. Have you ever signed a written
21 assignment transferring to ESP or NXIVM your
22 ownership interest in intellectual property that
23 you create for those entities?

24 A. No.

25 Q. No.

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1
2 What about Keith Raniere? Has he
3 ever signed a written assignment of his ownership
4 of intellectual property that he creates?

5 A. I know that the patents -- I have
6 the -- the First Principles holds the licensing
7 rights to the concepts. I'm not sure how that
8 relates to your question, though.

9 Q. Okay. Has Keith Raniere written
10 any materials that are copyrighted rather than
11 patented?

12 A. The mission statement.

13 Q. And has he assigned the copyright,
14 his copyright interest as the creator of the
15 mission statement, to NXIVM or ESP or First
16 Principles?

17 A. Could you ask that again?

18 Q. Has Mr. Raniere transferred or
19 assigned his copyright ownership interest in the
20 mission statement to either NXIVM or ESP or First
21 Principles?

22 A. In writing?

23 Q. In writing.

24 A. I don't believe so.

25 Q. Have you ever entered into a

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1
2 work-for-hire agreement with NXIVM or ESP or First
3 Principles?

4 A. No, I don't think so.

5 Q. Has Mr. Raniere ever entered into a
6 work-for-hire agreement with any of those
7 entities?

8 A. No.

9 Q. Okay. Returning to Mr. Raniere's
10 affidavit. In paragraph 41 of Raniere 11, he
11 said:

12 "We started our company with 20
13 basic copyrighted modules and have now grown to
14 over 250 modules. Work and Value was and is the
15 foundational module for the whole ethos and
16 intensive curriculums. This is another one of the
17 copyright modules that is being given away and
18 disparaged."

19 Would you agree that Work and Value
20 is an important and valuable trade secret?

21 A. It's a foundational module.

22 Q. It is a foundational module.

23 Is it a -- is it a trade secret,
24 that module?

25 A. I think it expresses the trade

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1
2 secret.

3 Q. Were you personally involved in the
4 decision to hire Sitrick?

5 A. Yes, I was.

6 Q. Did you ever consult directly with
7 Sitrick?

8 A. Yes, I did.

9 Q. How many times?

10 MR. MC GUIRE: You mean with or
11 without counsel?

12 Q. Was counsel present when you
13 consulted with Sitrick?

14 A. I don't remember.

15 Q. How many times did you meet with
16 Sitrick?

17 A. I don't remember, but not many.

18 Q. Separately from your personal
19 meetings with Sitrick, were you ever consulted
20 about NXIVM's dealings with Sitrick?

21 A. Yes.

22 (Exhibits Salzman 47 and 48 marked
23 for identification.)

24 MR. SKOLNIK: Referring first,
25 Ms. Salzman, to the letter marked Salzman 47,

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1
2 which bears various Bates numbers, but for
3 identification purposes SP0012 through 15.
4 It's a letter from Sitrick and Company dated
5 December 3, 2004, addressed to Joseph O'Hara.

6 Q. Do you recognize Salzman 47?

7 MR. MC GUIRE: Let me place on the
8 record my objection to this as well. It's
9 clearly marked "Confidential - Attorney Client
10 Privilege." I recognize that Mr. O'Hara is
11 involved. But this is another document that
12 never should have been produced.

13 Q. Do you recognize the document?

14 A. Yes.

15 Q. And on the third page of the
16 document, is that your signature?

17 A. Yes.

18 Q. Okay. And turning now to
19 Salzman 48. Do you recognize Salzman 48?

20 A. It's an invoice.

21 Q. Have you seen it before?

22 A. I believe I have.

23 Q. You have?

24 A. I think I have.

25 Q. Okay. When this invoice came to

1 SALZMAN - DAY III
 2 NXIVM, did you review it?
 3 MR. MC GUIRE: Are you representing
 4 that this is an invoice that was sent to
 5 NXIVM, Mr. Skolnik?
 6 MR. SKOLNIK: I'm representing that
 7 it was produced by NXIVM in this litigation,
 8 and it says "Sitrick Invoice Analysis." I'm
 9 asking the witness if she recognizes it.
 10 A. I believe I've seen this before.
 11 Q. Okay. And when you saw it before,
 12 did you see it in connection with reviewing it to
 13 authorize payment?
 14 A. I think I was evaluating it with
 15 respect to the payment.
 16 Q. Okay. And let me call your
 17 attention to the entry on the first page, second
 18 from the bottom, 12/10/2004, and it refers to a
 19 meeting with N. Salzman and Kristin Keeffe of ESP.
 20 A. Yes.
 21 Q. Do you see that?
 22 A. Uh-huh.
 23 Q. Do you have any reason to believe
 24 that you did not meet with Interfor on the 28th of
 25 October?

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 2 MR. LANDY: Objection to form.
 3 A. With Interfor?
 4 Q. I'm sorry. With Sitrick?
 5 A. No.
 6 Q. Okay. And similarly, the third
 7 entry on the second page refers to a meeting held
 8 on November 1, 2004?
 9 A. Yes.
 10 Q. Participated in meeting with
 11 Kristin Keeffe and Nancy Salzman?
 12 A. Yes.
 13 Q. And do you recall that meeting as
 14 well?
 15 A. I remember that I had a few
 16 meetings. I didn't think there were many.
 17 Q. Okay. And where were those
 18 meetings held?
 19 A. In their offices, in their -- in
 20 their New York office.
 21 Q. In their New York office?
 22 A. Yes.
 23 Q. Okay. The record will reflect any
 24 other meetings.
 25 But if there are entries on this

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 2 invoice that refer to either meetings with you or
 3 telephone calls with you, you have no reason to
 4 believe that those did not take place; do you?
 5 A. No.
 6 Q. Okay.
 7 (Exhibit Salzman 49 marked for
 8 identification.)
 9 MR. SKOLNIK: Ms. Salzman, the
 10 document marked Salzman 49 was produced to us
 11 by NXIVM with Bates No. SP1840, and it's an
 12 e-mail "Re: Sitrick" from Joe O'Hara, and
 13 it's addressed to the kunterre e-mail address,
 14 which Mr. Raniere told us is a place where he
 15 receives e-mails, to you and to Kristin
 16 Keeffe.
 17 Q. Do you recognize Salzman 49?
 18 MR. MC GUIRE: Let me just say for
 19 the record, Mr. Skolnik, to complete things,
 20 there's a JJO marking on that. And when these
 21 SP markings were received, there was a letter
 22 sent to you and other counsel indicating that
 23 these were documents produced by Mr. O'Hara,
 24 not produced by NXIVM originally, but were
 25 produced by Mr. O'Hara. But in the interest

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 2 of fullness, we wanted you to know that it has
 3 an NP -- or rather, an SP designation.
 4 MR. SKOLNIK: I understand.
 5 MR. MC GUIRE: Okay. So we reserve
 6 our rights on this as well.
 7 Q. Do you recognize the document?
 8 A. I'm still reading it.
 9 Q. Okay.
 10 A. I recognize it.
 11 Q. And it refers to a fully executed
 12 original of the letter of agreement. Is it your
 13 understanding that that is the document that we
 14 looked at previously, Salzman 47?
 15 A. In the -- oh, this fully
 16 executed -- I imagine that is what that is.
 17 Q. Okay. And in Salzman 49 there's
 18 the statement:
 19 "According to Kristin, Keith and
 20 Nancy have already signed off on the release of
 21 that payment to Sitrick."
 22 To the best of your recollection,
 23 did you and Keith Raniere review this agreement
 24 and sign off on payment to Sitrick?
 25 A. I don't really remember Keith ever

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2 getting involved in signing off on payments.

3 Q. What about getting involved in
4 reviewing the agreement with Sitrick? Did
5 Mr. Raniere get involved with that?

6 A. I don't know if he -- if he got
7 involved with it.

8 He did teach me how to read
9 contracts. So in the beginning when I first
10 started with the company, I asked him to read
11 contracts with me and help me understand them.

12 Q. So is it possible that -- well, you
13 don't recall whether or not you reviewed this
14 contract with him?

15 A. I don't remember.

16 Q. But you might have?

17 A. It's possible.

18 Q. Okay.

19 MR. SKOLNIK: Why don't we take a
20 break now, and then when we come back, there
21 will be four more documents to review.

22 (Recess taken.)

23 (Exhibits Salzman 50 - 53 marked
24 for identification.)

25 MR. SKOLNIK: Ms. Salzman, let's

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2 take these one at a time.

3 Starting with Salzman 50, this is a
4 September 2, 2004, letter addressed to Anna
5 Moody. And it has two sets of Bates stamps,
6 but one of them is SP0408 to SP0411. And let
7 me ask you to turn to the third page, and you
8 see it has an indication of a bcc with
9 attachments to both you and Keith Raniere.

10 Q. Do you see that?

11 A. Yes.

12 Q. Okay. Do you recognize Salzman 50?

13 A. Yes.

14 Q. Okay. Do you recall receiving it?

15 A. I don't actually recall receiving
16 it. I recall seeing it.

17 Q. Okay. Do you have any reason to
18 believe you didn't receive it?

19 A. No.

20 Q. Okay. Were you involved in the
21 drafting or the editing or suggesting changes to
22 NXIVM's agreement with Interfor?

23 A. Are you talking about this letter?

24 Q. No. I'm talking about the terms of
25 engagement that were entered into with Interfor.

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2 A. I remember -- I don't remember if
3 I -- if I edited it.

4 Q. Whether or not you were involved in
5 drafting it or editing it or making suggested
6 changes to it, suggestions to the content of it.

7 A. I can't remember.

8 Q. You can't remember. Okay.

9 Do you have a copy of this document
10 in your files?

11 A. This one?

12 Q. Yeah.

13 MR. MC GUIRE: You mean in NXIVM's
14 files?

15 A. I don't know that I -- I don't know
16 if I do. I don't -- I don't remember.

17 Q. Were you ever asked to look for
18 documents like this and produce them in this
19 litigation?

20 A. Yes.

21 I believe I saw this when I was
22 preparing for the case. I'm familiar with it. I
23 don't remember when I first saw it.

24 Q. But again, you have no reason to
25 believe that you didn't first see it at about the

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2 time it was sent?

3 A. No.

4 Q. Okay. Do you have any
5 understanding about why Keith Raniere was copied
6 on this letter?

7 A. I think Joe O'Hara copied Keith on
8 a lot -- on, if not all of the correspondence
9 between myself and him, a lot of it.

10 Q. Was Mr. Raniere involved in
11 drafting or editing or suggesting changes to the
12 agreement with Interfor?

13 A. I don't remember.

14 MR. SKOLNIK: Let's look at
15 Salzman 51. It's the letter dated
16 November 19th, 2004, to Patty Maniace,
17 M-A-N-I-A-C-E. And again, on the final page,
18 you and Keith Raniere are bcc'ed with
19 attachments.

20 Q. Do you see that?

21 A. Right.

22 Q. And this document also bears two
23 sets of Bates numbers, one of which is SP0786 to
24 0788.

25 MR. MC GUIRE: And there are

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2 additional --

3 MR. SKOLNIK: I said there are two
4 sets of Bates.

5 MR. MC GUIRE: Yeah. Well, you
6 named one of them, but you didn't name the
7 other one.

8 MR. SKOLNIK: Right. I'm not going
9 to clutter the record with two sets. We'll
10 all know what document we're looking at.

11 Q. Do you recall receiving this
12 document?

13 A. I don't.

14 Q. Do you recognize the document?

15 A. I saw it when I was preparing.

16 Q. Do you have any reason to believe
17 that you did not receive this document at about
18 the time it was sent to you?

19 A. No.

20 MR. SKOLNIK: And Salzman 52 is a
21 November 8th, 2004, letter addressed to Anna
22 Moody bearing two sets of Bates numbers, one
23 of which is SP0737 through 0740. And again on
24 the third page it says bcc with attachments to
25 Keith Raniere, Nancy Salzman and Kristin

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2 Keeffe.

3 Q. Do you see that?

4 A. Yes.

5 Q. Do you recognize Salzman 52?

6 A. I don't remember this.

7 Q. You don't remember it, but do you
8 have any reason to believe that you didn't receive
9 it at about the time it was sent to you?

10 A. No. I don't know. I question a
11 lot of Joe O'Hara's submissions in this case, so I
12 don't know.

13 Q. Other than the fact that you
14 question Mr. O'Hara's submissions, do you have any
15 other reason to believe that you didn't receive
16 this at about the time it was sent to you?

17 A. I don't -- I don't remember he
18 revised the terms of engagement, and I don't know
19 why he would have. So I don't --

20 Q. Were you involved in any
21 discussions with Mr. O'Hara about revision to the
22 terms of engagement?

23 A. I don't remember.

24 Q. You don't remember?

25 A. No.

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2 MR. SKOLNIK: And finally,
3 Salzman 53, which is a combination of an
4 e-mail from Joe O'Hara to Kristin Keefe with
5 cc's to kunterra, the e-mail address that
6 Mr. Raniere uses, to you.

7 Q. And who is "sage11," do you know?

8 A. Kathy Russell.

9 Q. Kathy Russell.

10 And the e-mail attaches a draft of
11 a November 19th, 2004, letter to Patty Maniace.
12 And the combined document of the e-mail with its
13 attachment has two sets of Bates numbers, one of
14 which is SP 0775 through 777.

15 Do you recognize Salzman 53?

16 A. Yes -- well, no. I'm reading it.

17 I have no reason to believe I
18 didn't see this before. I just don't really
19 remember.

20 Q. In the -- in the e-mail from
21 Mr. O'Hara to Kristin Keefe, in the second line
22 he says to Kristen Keefe:

23 "Please review the materials that
24 Juval faxed to me yesterday - and let me know if
25 they are detailed enough for you."

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2 Do you have any idea what that
3 reference is to?

4 A. No.

5 Q. You testified yesterday that you
6 received weekly reports from Kristin Keefe and
7 sometimes from Joe O'Hara. Is that right?

8 MR. LANDY: That probably would
9 have been on Monday.

10 A. I believe so.

11 Q. And did those weekly reports cover
12 their dealings with Interfor and with Sitrick?

13 A. They were usually updates as to
14 what went on during the week, so they would have
15 been included.

16 Q. So what went on during the week,
17 including what went on with respect to Interfor
18 and Sitrick?

19 A. Yes.

20 Q. Okay. And those meetings where you
21 got these reports, were they -- were they
22 interactive meetings? Did you ask questions and
23 make suggestions?

24 A. Yeah, I think I probably did.

25 Q. Okay. What do you recall about

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1 what you were told during any of those meetings
2 about Rick Ross?

3 A. I recall getting a lot of the
4 information on his history, people he was
5 communicating with supposedly, the things that
6 were in that report, things that pretty much I've
7 already stated about the pictures that he had, his
8 intent.

9 I don't remember a lot more than
10 I've already talked about. I don't remember it.
11 I mean, that's what I remember.

12 Q. Is it -- is it fair to say that
13 Kristin Keeffe and Joe O'Hara were responsible to
14 keep you fully apprised of what they were learning
15 about Rick Ross through Interfor?

16 MR. MC GUIRE: Object to the form
17 of the question.

18 But you can answer it, if you can.

19 A. I think it was my intent for them
20 to keep me informed.

21 Q. Okay. And once you were informed
22 by Kristin Keeffe and/or Joe O'Hara, did you
23 report what you had learned to Keith Ranieri?

24 A. I would usually talk to Keith about

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1 anything that I thought was noteworthy.

2 Q. And in those conversations with
3 Keith Ranieri, did he ask questions and make
4 suggestions?

5 A. Only if I asked questions, he would
6 answer them.

7 Q. Now, before Interfor actually met
8 with Rick Ross, you had been told that Interfor
9 planned to meet with Mr. Ross. Is that right?

10 A. I was told that -- that it was one
11 of the things that he wanted to do.

12 Q. Did you make any objection to that
13 idea?

14 A. To a meeting with Rick Ross?

15 Q. Right.

16 A. I don't think I did.

17 Q. Did you explicitly approve a
18 meeting with Rick Ross?

19 A. I don't think I did that, either.
20 I think it was just part of the report.

21 Q. Did you make any suggestions about
22 what Interfor should try to learn during that
23 meeting?

24 A. I don't think so.

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1 Q. And at the time when you were told
2 that Interfor was going to be meeting with Rick
3 Ross, you knew that a lawsuit was already pending
4 against Rick Ross. Isn't that right?

5 A. Yes.

6 Q. You testified that Kristin Keeffe
7 told you that she wanted to portray the daughter
8 of the fictional mother who wanted to extricate
9 her daughter from NXIVM, and that you told Kristin
10 you thought that that was a bad idea. Is that
11 right?

12 A. That's correct.

13 Q. So once again, you knew about the
14 plan to involve Mr. Ross in a supposed
15 intervention, a fictional intervention, before it
16 took place. Is that right?

17 MR. LEONARD: Objection to form.

18 MR. MC GUIRE: Objection to form.

19 Go on.

20 A. I knew that the lawyers were
21 discussing that with him, and that it was his
22 desire to do that.

23 Q. With "him" being who?

24 A. With Juval Aviv. I knew that they

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1 had had meetings about it and I knew that they
2 were thinking about that.

3 Q. And once again, did you express any
4 reservation about them doing that?

5 A. I can't think of any reason why I
6 would have. I wouldn't have known to.

7 Q. And is -- did you discuss with
8 Keith Ranieri the plan for Interfor to meet with
9 Rick Ross?

10 MR. LEONARD: Object to form.

11 A. I don't remember.

12 Q. Did you discuss with Keith Ranieri
13 the plan to present a fictional family to Rick
14 Ross to urge him to deprogram him?

15 MR. MC GUIRE: Object to form.

16 A. These things were presented to me
17 in a hypothetical situation. It was the lawyer --
18 the lawyers wanted to hire Juval Aviv. I agreed
19 to hire Juval Aviv in reference to the Kristin
20 Snyder event. These other things came later as
21 hypotheticals.

22 I voiced concern about the idea.
23 It didn't seem like an idea that made sense to me.
24 I didn't -- it was their decision to do what they

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2 wanted to do to get the information that they
3 thought they needed, which I assumed was fine
4 because the lawyers are the ones who requested it
5 and interfaced mainly with Juval Aviv.

6 Q. And when these were presented to
7 you as hypotheticals, particularly since you had
8 some concerns, did you discuss these plans with
9 Keith?

10 A. I think I voiced my concerns for
11 the students and for the -- for my employees,
12 which I didn't think would be involved in a
13 private investigator's work.

14 I didn't understand what private
15 investigators did, and it didn't occur to me that
16 private investigators would involve participants
17 in my program or employees in my company.

18 Q. So you expressed your concern for
19 the students and the employees to Keith?

20 A. To the people who brought up these
21 things to me.

22 Q. Well, my question is: When you --
23 when you -- when these ideas were brought to your
24 attention as hypotheticals, did you discuss with
25 Keith Raniere what he thought of these ideas?

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2 A. I don't remember. They were
3 hypotheticals when they were brought up. I didn't
4 really think they were going to happen.

5 Q. So you don't remember whether or
6 not you discussed them with Keith Raniere?

7 A. I don't.

8 Q. But you might have discussed them
9 with him?

10 A. I might have.

11 Q. You testified that the sting was
12 designed to find out what Mr. Ross does in
13 deprogramming. Right?

14 A. I believe that's what they were
15 hypothesizing.

16 Q. And did it have any other purpose,
17 the sting?

18 A. No. I think that's what it was
19 for.

20 Q. To find out what Mr. Ross does to
21 deprogram. Is that right?

22 A. I think so.

23 Q. Okay.

24 A. Or what he says about us.

25 Q. But you already knew all about that

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2 from Michael Sutton; didn't you?

3 MR. MC GUIRE: All about what?

4 MR. SKOLNIK: The way Mr. Ross goes
5 about trying to deprogram.

6 Q. You already knew all about that,
7 what he had done with Michael Sutton; didn't you?

8 A. I don't know that I knew all about
9 it.

10 Q. You knew quite a bit from
11 Mr. Sutton; didn't you?

12 MR. MC GUIRE: Object to the form.

13 A. I knew what Michael had told me.

14 Q. Have you had the occasion to
15 chastise Kristin Keeffe for anything that she's
16 done in connection with this litigation?

17 MR. MC GUIRE: Object to the form
18 of that.

19 A. I don't understand what you're
20 asking.

21 Q. Well, you told us about --
22 withdrawn.

23 Did you ever criticize or scold
24 Kristin Keeffe about her conduct in relation to
25 this litigation?

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2 A. There have been times that I've
3 voiced concerns.

4 Q. What concerns have you voiced?

5 MR. MC GUIRE: So long as they're
6 not concerns that were addressed by counsel,
7 you can answer that.

8 A. There was a time that I was
9 disturbed about the way she was relating with
10 Frank Parlato and some of the situations that went
11 on about how she was relating with Mr. Aviv.

12 Q. Did Ms. Keeffe ever tell you that
13 she had destroyed any documents relating to this
14 case?

15 A. I don't believe she ever told me
16 that she destroyed documents. She told me she's
17 misplaced documents.

18 Q. What documents did she tell you she
19 had misplaced?

20 A. I think she had a tape that she
21 couldn't find that she thought that she put in a
22 locked room. And I remember during this time,
23 during document production, there were some things
24 that she couldn't find that she thought that she
25 may have misplaced.

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 2 I don't ever remember her telling
 3 me she destroyed something.
 4 Q. What about deleting an e-mail? Did
 5 she ever tell you that she deleted e-mails?
 6 A. I don't think so. I don't
 7 remember.
 8 Q. So she might have told you that?
 9 A. No, I don't think -- I think I
 10 would have remembered. I don't ever remember her
 11 telling me she would delete e-mails. I think that
 12 would stand out in my memory as well. I don't
 13 have a recollection of any of that.
 14 (Exhibit Salzman 54 marked for
 15 identification.)
 16 MR. SKOLNIK: Ms. Salzman,
 17 Salzman 54 is a Memorandum dated November 24,
 18 2004, addressed to you and to Keith Raniere.
 19 It says:
 20 "RE: 'Status Report' Concerning
 21 Rick Ross."
 22 Do you recognize Salzman 54?
 23 A. Yes. I first saw it at Keith
 24 Raniere's deposition.
 25 Q. That was the first time you saw the
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 2 document?
 3 A. That's correct. To the best of my
 4 memory, I had never seen it before.
 5 MR. LANDY: For the record,
 6 Salzman 54 is the document that was previously
 7 marked as NXIVM 9. It was discussed on Monday
 8 of this deposition.
 9 MR. SKOLNIK: Right.
 10 MR. LANDY: It's now been marked
 11 twice.
 12 Q. Is it your testimony that you never
 13 received Salzman 54?
 14 A. It is.
 15 Q. You did, however, receive a copy of
 16 the status report. Is that right?
 17 MR. MC GUIRE: Which status report?
 18 MR. SKOLNIK: NXIVM --
 19 A. At some point --
 20 MR. SKOLNIK: -- 18.
 21 A. At some point I saw that, but I did
 22 not -- I did not get this in conjunction with
 23 this.
 24 Q. Now, you told us a minute ago that
 25 you first saw this at Keith Raniere's deposition.
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 2 This document was produced to us quite some time
 3 ago by NXIVM. It bears Bates numbers SP0554 and
 4 555.
 5 Did you not see this document at
 6 that time?
 7 MR. MC GUIRE: It also bears the
 8 legend JJO, which I've explained before.
 9 MR. SKOLNIK: Right.
 10 A. I didn't see it when it came in
 11 from JJO.
 12 Q. Did you see it when NXIVM produced
 13 it to us?
 14 A. I didn't.
 15 Q. You didn't?
 16 A. I didn't see all of the documents.
 17 Q. Okay. And is it your testimony
 18 that the document is a fabrication?
 19 A. I never received it. I don't know
 20 if he wrote it then and didn't deliver it, but I
 21 never saw it.
 22 Q. About how many times did you speak
 23 to or meet with Juval Aviv?
 24 A. I don't remember, but it's not my
 25 recollection that I met with him a lot of times.
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 2 I met with him, I believe, periodically and a
 3 couple of times at the end. But it's not my
 4 recollection that I interacted with him more than
 5 a few times in the beginning. And then I think
 6 there was a period of time where I didn't see him
 7 at all, and then in the end I saw him about three
 8 times.
 9 Q. What about Anna Moody? How often
 10 did you speak to or meet with Anna Moody?
 11 A. I believe there was one meeting
 12 where I saw Anna Moody where Juval Aviv wasn't
 13 there. And in most of the meetings that I had
 14 with Juval Aviv in his offices, she would at least
 15 be there for a portion of the meeting.
 16 Q. And what did you and Mr. Aviv
 17 discuss during the meetings with him?
 18 A. In the early meetings we talked
 19 about -- the early meeting that I remember, I told
 20 him a lot about my company. He already knew, and
 21 he asked me a lot of questions. I think it was a
 22 meeting, kind of. He told me about his work and
 23 what he did.
 24 I think he gave me -- in the first
 25 meeting, I think he gave me an update at one point
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1 where he talked to me about some of the things
2 that he had found out about Keith, some things
3 about D'Amato. I think he talked a little bit
4 about Rick Ross.

5 Q. What do you remember him telling
6 you about --

7 MR. MC GUIRE: Mr. Skolnik, this
8 has all been gone over. It was in -- I
9 believe in Mr. Landy's examination the first
10 day. This is repetitive.

11 This witness is here, and she's
12 going to be leaving at 5:00, and we're wasting
13 time going into what was covered by Mr. Landy.
14 And if I'm mistaken, Mr. Landy can correct me.
15 My recollection is he was exhaustive in those
16 questions.

17 MR. LANDY: The record will speak
18 for itself as to what my questions were. I'm
19 not going to take a position to what extent
20 Mr. Skolnik has the ability to cross-examine.
21 I can't tell you at this point exactly what I
22 said and what I didn't say. But it's his
23 right to ask the questions.

24 MR. SKOLNIK: And as we discussed

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1 yesterday, Bill, this deposition can run today
2 until 6:00. Seven hours a day.

3 MR. MC GUIRE: It can, but it won't
4 because I've got to get out of here at 5:00.

5 And you told me repeatedly on
6 Monday and Tuesday that you thought you would
7 be finished, long finished, that we wouldn't
8 even take the entire day on Wednesday. And
9 we're now -- you've been examining for almost
10 one full day.

11 And I'm asserting that this is
12 repetitive with no reason for it.

13 MR. SKOLNIK: Can you repeat the
14 question.

15 (The requested portion of the
16 record was read.)

17 A. He didn't like Rick Ross, in my
18 opinion. He had a previous relationship with Rick
19 Ross. He said that Rick Ross asked him to falsify
20 records, and he didn't want to work with him as a
21 client, that Rick Ross wanted him to be working --
22 wanted him to work with him -- wanted Juval to
23 work with him.

24 Q. Did he tell you under what

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1 circumstances he had previously worked with Rick
2 Ross?

3 A. He may have. I don't recall. I
4 don't recall.

5 Q. Did he tell you what documents Rick
6 Ross wanted him to falsify?

7 A. No, and I didn't ask.

8 (Exhibit Salzman 55 marked for
9 identification.)

10 MR. SKOLNIK: Ms. Salzman,
11 Salzman 55 is a one-page document, Bates
12 No. SP0069, and it's a letter from Juval Aviv
13 to Judd Bernstein dated May 24th, 2005.

14 Q. And in the letter Mr. Aviv says:

15 "I spoke with Nancy Salzman and she
16 brought me up to date as to you coming on board.
17 I suggested that before we begin working together
18 that we all meet and go over the evidence in order
19 to strategize on how to deal with the issues best.
20 We only have one chance with him and we want to do
21 it right."

22 Did I read that correctly?

23 A. Yes.

24 Q. In the conversation that Mr. Aviv

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1 says he had with you and his suggestion to you
2 that you begin working together and go over the
3 evidence, what evidence is he referring to, do you
4 know?

5 MR. MC GUIRE: Object to the form
6 of the question. How would she know?

7 MR. SKOLNIK: Because it was a
8 telephone conversation with her.

9 MR. MC GUIRE: What are you talking
10 about now?

11 A. I don't -- I'm not sure that I know
12 what this is about.

13 Q. You don't recall a telephone
14 conversation with Juval Aviv about bringing Judd
15 Bernstein on board?

16 A. I'm sure that I told him that I was
17 bringing Judd Bernstein on board. I don't know
18 what this refers to, though. I don't remember.

19 Q. And by "this," you mean the
20 suggestion that we "go over the evidence"? You
21 don't know what that refers to?

22 A. I don't remember.

23 Q. Do you remember Mr. Aviv suggesting
24 to you that you only have one chance and you want

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2 to do it right?

3 A. I don't remember. I don't
4 remember. I remember we had a meeting in Judd
5 Bernstein's office, I believe, with Juval Aviv. I
6 believe they all met and we talked about my case.
7 I don't know. I don't remember this.

8 Q. In the context of the meeting that
9 you all had, was there a discussion about having
10 one chance to do something with Rick Ross and
11 wanting to do it right?

12 A. You know, I don't remember. I
13 remember that Judd thought it was important that I
14 get a good lawyer. I remember he introduced me --
15 I mean, Gerry. I remember he introduced me to
16 Judd, and I remember we had a meeting to introduce
17 Juval to Judd.

18 Q. And was this in connection with the
19 FBI sealed indictment of Keith Raniere?

20 MR. LEONARD: Objection to the form
21 of the question.

22 A. That was why Gerry Shargel was
23 involved with me, why I was involved with Gerry
24 Shargel. And I told Gerry Shargel, I think, about
25 my situation at the time. I remember he

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2 introduced me to Judd Bernstein and recommended
3 that I use Judd Bernstein as an attorney.

4 Q. And did he recommend that you use
5 Judd Bernstein as an attorney in connection with
6 that indictment?

7 A. No. I think it was about the other
8 things. Gerry was -- Gerry was my attorney in
9 connection with if there even was an indictment.
10 But Gerry recommended that I use Judd Bernstein as
11 my attorney for this case.

12 Q. For this case?

13 A. I believe.

14 Q. So you don't know who the "him" in
15 that sentence -- that last sentence of that
16 paragraph is?

17 A. I don't remember.

18 Q. Okay. Do you know who Joe Navas
19 is, N-A-V-A-S?

20 A. Is that on this document?

21 Q. No. We're done with that document.

22 A. Is that a man or a woman?

23 Q. A man, first name Joe.

24 A. I don't think so.

25 Q. Has NXIVM been involved in any

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2 litigation with Toni Natalie?

3 A. The bank -- well, I was involved
4 with her in her bankruptcy personally. I know
5 that Kristin Keeffe was also involved with her
6 bankruptcy personally. I don't -- I don't think
7 my company was, not that I can think -- not that I
8 can remember or think of.

9 Q. Are you aware of any letter or
10 letters from Keith Raniere to Toni Natalie that
11 were introduced as exhibits in court litigation?

12 A. In her bankruptcy?

13 Q. In that litigation or any other
14 involvement.

15 A. I remember that Toni submitted some
16 sort of a letter that she said she received from
17 Keith.

18 Q. Have you seen that letter?

19 A. It was a long time ago, but I did
20 see it in the bankruptcy case.

21 Q. And what do you recall about that
22 letter?

23 A. I recall that she was claiming that
24 he was harassing her with that letter.

25 Q. What about the contents of the

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2 letter were harassing?

3 A. It was a -- it was an odd letter.
4 It didn't seem consistent with anything Keith
5 would do, in my understanding of Keith.

6 And I remember that after Toni left
7 my company and stopped being involved with us, she
8 started to accuse members of our organization of
9 harassing her, including Keith, which I didn't
10 think was happening really.

11 Q. The letter that was introduced that
12 you say that you've seen, isn't that the letter
13 that Mr. Ross was referring to when he says that
14 Mr. Raniere was stating crazy things about the
15 Christ child and how you will bear my seed in your
16 womb? Isn't that that letter?

17 MR. LEONARD: Object to the form.

18 MR. MC GUIRE: Object to that. How
19 would she know? Where is there any foundation
20 for that?

21 Q. You've seen the letter. Right?

22 MR. MC GUIRE: Well, we don't know.
23 She saw a letter. Whether it's the same one
24 or not --

25 MR. SKOLNIK: I'm asking her if

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 2 that's the letter.
 3 MR. MC GUIRE: Well, lay a
 4 foundation for it. She saw --
 5 MR. SKOLNIK: This is a deposition.
 6 I don't have to lay a foundation for anything.
 7 I'm asking the witness a question.
 8 MR. MC GUIRE: Oh, you don't? Oh,
 9 I'm sorry, judge.
 10 Q. The letter that you saw --
 11 A. Yes.
 12 Q. -- that Toni Natalie placed in
 13 court --
 14 A. Claimed that Keith had done that I
 15 didn't think he had.
 16 Q. I understand.
 17 A. I don't know that it said that, but
 18 it alluded to some crazy thing, like something
 19 that -- I don't know that it had that in it, but
 20 it was -- it was crazy like that.
 21 Q. "Crazy like that." Okay.
 22 And you testified that Kristin
 23 Keefe told you that Juval Aviv had told her that
 24 Ross claimed to have a large volume of photos of
 25 Keith Raniere in compromising situations. Is that

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 2 Oh, my God.
 3 MR. LEONARD: That's on the first
 4 page.
 5 THE WITNESS: Is that -- oh, the
 6 second page, did you say?
 7 MR. SKOLNIK: It's on the first
 8 page?
 9 MR. LEONARD: Yes.
 10 MR. SKOLNIK: Okay. Well, I don't
 11 have the document anymore because I gave it
 12 to --
 13 MR. MC GUIRE: Do you want it back?
 14 Q. The statement says -- or the
 15 transcript quotes Mr. Ross as saying:
 16 "I have 200 photographs of Raniere
 17 at one of his functions."
 18 Is that right?
 19 A. That's correct.
 20 Q. And according to the transcript, he
 21 also said:
 22 "I have him in compromising poses
 23 with girlfriends."
 24 But it doesn't place any number on
 25 those photos; does it?

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 2 right?
 3 MR. LEONARD: Object to form.
 4 A. Yes.
 5 Q. Did you read the transcript that
 6 Mr. Landy introduced during Mr. Raniere's dep?
 7 A. Did I read the transcript --
 8 Q. The excerpt of the deposition of
 9 Interfor's interview of Mr. Ross that Mr. Landy
 10 introduced during Mr. Raniere's deposition.
 11 A. Did I hear it or did I read it?
 12 Q. Did you read it?
 13 A. That day?
 14 Q. That day or at any other time.
 15 A. If we had copies of it that day, I
 16 probably would have read along with him.
 17 Q. Well, let me give you my copy,
 18 which is Raniere 17.
 19 A. Thank you.
 20 Q. My questions will relate only to
 21 the information on the second page relating to
 22 photographs.
 23 A. "I have 200 photographs of Raniere
 24 at one of his functions. I have him in
 25 compromising poses with girlfriends."

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1 SALZMAN - DAY III
 2 A. It's the next sentence.
 3 Q. It's the next sentence. It's a
 4 separate sentence.
 5 A. It's the next sentence.
 6 Q. Okay. Were photos of Mr. Raniere
 7 at one of his functions ever on a
 8 password-protected NXIVM website?
 9 A. Were photos of --
 10 Q. Of Keith Raniere at one of his
 11 functions ever on a password-protected NXIVM
 12 website?
 13 MR. MC GUIRE: What do you mean,
 14 "at one of his functions"?
 15 MR. LEONARD: Object to the form.
 16 MR. MC GUIRE: You have to object
 17 to the form.
 18 A. Are you talking about in
 19 compromising --
 20 Q. No. I'm just talking about
 21 photographs of Raniere at one of his functions.
 22 A. And on what website are you asking?
 23 Q. I'm asking whether or not, to your
 24 knowledge, such photographs were ever available on
 25 a password-protected NXIVM website or a password

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2 protection section of a NXIVM website?

3 A. It's possible that if there were
4 pictures from a function at NXIVM and Keith was in
5 those pictures and they were on a website, they
6 would have been password protected because they
7 wouldn't be available to the general public.

8 Q. Okay. And how many people had
9 access to the password necessary to view those
10 photographs?

11 MR. LEONARD: Object to form.

12 A. I don't know exactly. It would
13 have been the people who were the higher rank in
14 the organization who wouldn't disclose or copy
15 those pictures for the general public.

16 I don't know if that actually ever
17 happened, but it was not our practice to put
18 pictures of Keith up on our website, any pictures.

19 Q. And when they were put up, they
20 were password protected?

21 A. No. There was a request to have
22 them put up, and it was hypothesized that if we
23 did, they wouldn't be accessible to the general
24 membership because we didn't want them to be
25 public.

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2 Q. Is it your testimony that at no
3 time have pictures of a function that included
4 Keith Raniere ever been posted on a
5 password-protected section of the NXIVM website?

6 A. I can't remember that it happened
7 or it didn't at this point.

8 Q. Okay.

9 MR. MC GUIRE: Are you suggesting,
10 Mr. Skolnik, that those included compromising
11 poses with girlfriends?

12 MR. SKOLNIK: No, we're getting
13 there.

14 MR. MC GUIRE: We're getting there.
15 Okay.

16 Q. I'll take back -- well, hold on to
17 it now.

18 When were you first told about nude
19 photos of Keith Raniere with a bow tied around his
20 erect penis?

21 A. Shortly after Toni Natalie left my
22 company.

23 Q. And who told you?

24 A. I believe it was Pamela Cafritz.

25 Q. And what did she tell you?

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2 A. She told me that there were some
3 photographs that belonged to her that she had
4 stored or that she had left in one of her things
5 in a box that she was storing at Toni Natalie's
6 house and that she thought Toni might have them.

7 Q. These are photographs that belonged
8 to Pam Cafritz?

9 A. They were photographs that belonged
10 to Pam from college, she said.

11 Q. From college.

12 And they included photographs of
13 Keith Raniere with a bow tied around his erect
14 penis?

15 A. No, but Toni thought they were --
16 they were Keith Raniere.

17 Q. Are you familiar with the time that
18 Kristin Keeffe was arrested?

19 A. I don't think Kristin Keeffe was
20 arrested.

21 Q. So you're not familiar with the
22 event?

23 MR. MC GUIRE: Are you representing
24 there was such an event?

25 MR. SKOLNIK: Yes.

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2 MR. MC GUIRE: Okay.

3 A. I am not familiar with it, no.

4 MR. MC GUIRE: Will you send us the
5 basis for that, Mr. Skolnik?

6 MR. SKOLNIK: There's been
7 testimony about it in this case so far.

8 MR. MC GUIRE: There might have
9 been questions about it. But I'd like to know
10 the basis for that assertion that she was
11 arrested.

12 MR. LEONARD: Is there a police
13 report?

14 Mr. Skolnik, is there a police
15 report that you're aware of?

16 MR. SKOLNIK: There is a police
17 report that I'm aware of. I don't have a copy
18 of it.

19 MR. LEONARD: Have you seen it?

20 MR. SKOLNIK: No.

21 Do you have any other questions for
22 me today?

23 MR. LEONARD: I'm sure I will have
24 some more before the end of this day.

25 MR. SKOLNIK: A lot of luck.

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 2 This is a good time to take a
 3 break.
 4 MR. LEONARD: We can keep going.
 5 There's no reason to take a break.
 6 MR. MC GUIRE: Is this going to
 7 prevent this thing from ending at roughly
 8 5:00?
 9 MR. SKOLNIK: At roughly 5:00? It
 10 might.
 11 MR. MC GUIRE: Then maybe we
 12 shouldn't go on breaks.
 13 MR. SKOLNIK: I think we'll be
 14 fine.
 15 MR. MC GUIRE: Let the record show
 16 that Mr. Skolnik has left the room.
 17 (Recess taken.)
 18 Q. Ms. Salzman, did anyone ever advise
 19 you to retain documents regarding the subject
 20 matter of this litigation?
 21 A. I think my lawyers told me to.
 22 Q. Was that in the form of a written
 23 notice or just oral instructions?
 24 A. I don't remember, but I knew that I
 25 was supposed to keep anything.

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 2 Q. Referring to NXIVM 1, which is our
 3 30(b)(6) notice.
 4 MR. LANDY: Salzman 1?
 5 MR. SKOLNIK: Yes, I'm sorry,
 6 Salzman 1. Sorry, NXIVM 1.
 7 Q. And you told us that you would be
 8 prepared to testify with respect to items 11 and
 9 12.
 10 Focusing on item 11 on page 4, the
 11 amounts, nature and dates of all financial losses
 12 to plaintiffs proximately caused by the Ross and
 13 Wellspring defendants' actions.
 14 And with my clarification that by
 15 "the Ross and Wellspring defendants' actions," I'm
 16 referring to the publication of the Martin and
 17 Hochman articles, are you able to itemize the
 18 amounts, nature and dates of financial losses to
 19 NXIVM?
 20 MR. MC GUIRE: Those were the
 21 subject matter of testimony of other counsel.
 22 I forget if it was Mr. Kofman or Mr. Landy.
 23 But there has certainly been testimony which
 24 finalized or culminated in the fact that there
 25 will be an expert doing expert discovery who

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 2 will testify to that. But she gave you her
 3 views.
 4 Q. And let me ask you to look at
 5 Salzman 17. Is Salzman 17 and the testimony that
 6 you gave about Salzman 17 the sum total of your
 7 ability to testify about the amount, nature and
 8 dates of financial losses to NXIVM?
 9 A. I clarified it with Karen
 10 Unterreiner last night.
 11 Q. What did you clarify?
 12 A. How she came to these totals in
 13 Exhibit A and Exhibit B.
 14 Q. What did you learn from Karen
 15 Unterreiner about how she came to these totals?
 16 A. That she did a retrospective
 17 calculation of all of the students that we had
 18 from the beginning of opening the company until
 19 2005, and she came up with an average time period
 20 that somebody was a member of our organization,
 21 and that was 36 months.
 22 And during that time, the average
 23 that they spent, she added the -- so during that
 24 time she added them all together and she came up
 25 with this average of 6,000 per person.

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 2 And then she took those same
 3 figures and she calculated that the average -- how
 4 many people came from referrals, direct and
 5 indirect, and she came up with this 32 five, and
 6 then that's how she came up with those figures.
 7 Q. The 6,000 per person listed on --
 8 for loss of existing clients, did her calculation
 9 arrive at \$6,000 after deducting amounts that
 10 people had already paid?
 11 A. The 6,000 was the average revenue
 12 per person who took one -- who took our program.
 13 Q. But this document then lists 170
 14 individuals who are identified as existing clients
 15 who left, and her calculations are applied to
 16 those 170 people.
 17 And my question is: Do you know
 18 whether or not she accounted for the -- for the
 19 monies that those 170 people had already paid in
 20 arriving at the \$6,000 in revenue?
 21 Were they going to each pay another
 22 6,000, or was the average of 6,000 the total that
 23 an average NXIVM student would pay, and these
 24 people had already paid some of it?
 25 MR. MC GUIRE: Object to the form

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 2 of that question.
 3 A. To the best of my knowledge, she
 4 evaluated the people based on where they were with
 5 respect to -- if they had just come in and just
 6 started taking a program or they hadn't taken a
 7 program at all.
 8 But I actually think that I don't
 9 know if that question -- if I asked her that
 10 question. I don't think that I asked her that
 11 question.
 12 Q. So you don't know how she arrived
 13 at that?
 14 A. That was how she arrived at the
 15 people who didn't come.
 16 Q. Okay. Do you know --
 17 A. I believe she -- I believe she did,
 18 but I --
 19 MR. MC GUIRE: There's no question
 20 pending.
 21 THE WITNESS: Okay.
 22 Q. Do you know what questions were
 23 asked that led to the lists on Exhibits A, B and
 24 C?
 25 MR. MC GUIRE: If you know.

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 2 A. No, I don't.
 3 Q. Who would know?
 4 A. Probably the people who are in
 5 this -- represented in this. There are
 6 documents -- there are documents here where I
 7 think they explain.
 8 Q. Okay. Do you know whether or not
 9 NXIVM sought to determine whether the people
 10 listed on Salzman 17 in Exhibits A, B and C read
 11 the Martin or Hochman articles?
 12 A. Do I know directly?
 13 Q. Yes.
 14 A. I don't know directly.
 15 Q. So you don't know whether or not
 16 the people listed on Exhibits A, B and C in
 17 Salzman 17 read the Martin or Hochman articles, as
 18 opposed to the Forbes article, the Times Union
 19 coverage or other press. Is that right?
 20 A. I don't know that personally.
 21 Q. Okay. Do you know if anybody at
 22 NXIVM asked that question?
 23 A. I am not sure.
 24 Q. Turning to Exhibit B, and let me
 25 just refer you to the page in Exhibit B that

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 2 begins with person 225, Leslie Fleming.
 3 Do you have that page in front of
 4 you?
 5 A. I do.
 6 Q. Do you see numbers 249 and 250?
 7 A. 249. I see there are two Margaret
 8 Smiths.
 9 Q. Is it your understanding that those
 10 are different Margaret Smiths?
 11 A. I would think they were.
 12 Q. What about 251 and 252, Maria
 13 Fernanda Franco and just Maria Franco? Different
 14 people?
 15 A. I imagine.
 16 Q. And 269 and 270, two Megan
 17 Olmsteads, O-L-M-S-T-E-A-D?
 18 A. I hadn't seen that before.
 19 Q. How about 277 and 278, a couple of
 20 Mike Flemings?
 21 A. It appears so.
 22 Q. And 297 and 298, two gentlemen
 23 named Paul Toffoli, T-O-F-F-O-L-I?
 24 A. I do see that.
 25 Q. On the next page there's an entry

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 2 number 325. Her name is Rose Kennedy. Do you
 3 know whether or not that's JFK's now-deceased
 4 mother?
 5 A. I'm doubting it.
 6 Q. How about John Lennon? He's on
 7 here, too. Do you know if that's the now-deceased
 8 Beatle, John Lennon?
 9 A. Is that true?
 10 Q. Yeah.
 11 A. I don't know.
 12 MR. LEONARD: Do you know that it's
 13 not somebody named John Lennon from Albany,
 14 New York?
 15 MR. MC GUIRE: That was just a
 16 little humor on Mr. Skolnik's part.
 17 Q. And finally, numbers 334 and 335,
 18 two Shelly Weights, W-E-I-G-H-T. Same person?
 19 A. I don't know, but I will find out.
 20 Q. Okay. And under the VIP business
 21 and societal leaders --
 22 MR. MC GUIRE: What page were you
 23 on?
 24 MR. SKOLNIK: Well, it's --
 25 MR. MC GUIRE: Is that Roman

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2 numeral III?

3 MR. SKOLNIK: It's Roman numeral
4 III, yes.

5 MR. MC GUIRE: Yeah. I know where
6 you are.

7 Q. And Exhibit B is meant to be
8 prospective clients of NXIVM's. Right?

9 A. Yes.

10 Q. Deepak Chopra?

11 A. Yes.

12 Q. And --

13 A. I actually met with Deepak Chopra.

14 Q. And what led you to conclude that
15 he was a prospective client?

16 A. I was introduced to him by someone
17 who had a close business relationship with him and
18 took my 16-day intensive and really liked it and
19 introduced me to him, and we had lunch together.

20 Q. And did he tell you that he was
21 planning to attend NXIVM courses?

22 A. I think the meeting was very
23 positive. And he invited me to a dinner after
24 that, and it was a very positive interaction.

25 Later I came to find out that he read the website

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2 and the letters and he decided not to come or not
3 to work with us.

4 Q. When you say "he read the website
5 and the letters" --

6 A. Rick Ross' website and the
7 articles.

8 Q. Who told you that he read those
9 rather than the Forbes article?

10 A. The person who brought in -- who
11 originally enrolled, the people who brought me to
12 meet him.

13 Q. So they told you that he read those
14 articles and decided that he didn't want to be
15 associated with NXIVM. Is that right?

16 A. Right.

17 Q. Okay. Now, in that same Roman
18 numeral III you list Goldie Hawn as a prospective
19 client. NXIVM's relationship with Goldie Hawn was
20 only that she was going to come and speak. Isn't
21 that right?

22 A. Well, she was a VIP business person
23 that we were interacting with who cancelled us
24 because of this.

25 Q. Yeah. But this is meant to be a

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2 list of prospective clients who you lost. She was
3 not a prospective client, was she?

4 A. She wasn't a -- well, yes, she was,
5 because she was very interested in our courses
6 when we hired her.

7 Q. So anybody who expresses interest
8 in your courses you view as a prospective client.
9 Is that right?

10 A. Well, when we hired her, she said
11 she wanted to take the course.

12 Q. And isn't it a fact that when she
13 cancelled her appearance, she attributed that to
14 negative publicity appearing on MSNBC?

15 A. Yes.

16 Q. Now, all of the people on
17 Exhibit B, the prospective clients, you told us
18 yesterday in some detail about the screening that
19 people have to go through before they're accepted
20 into NXIVM's courses. Is that right?

21 A. Yes.

22 Q. None of the people on Exhibit B as
23 prospective clients had gone through that
24 screening; had they?

25 A. I think that we always put people

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2 through that or we always discuss it with them.

3 Q. Once they -- once they want to
4 register for a course?

5 A. No. I think we discuss it with
6 them pretty early in our interaction with them.

7 Q. Are you saying that all of the
8 people on Exhibit B were prescreened?

9 A. I imagine that these people would
10 be prescreened. I would tell them about --

11 MR. MC GUIRE: What are you
12 pointing to, Ms. Salzman, so the record will
13 reflect?

14 A. Are you talking about the VIP
15 business?

16 Q. No, no. I'm talking about the 365
17 people listed as prospective clients in Roman
18 numeral I of Exhibit B.

19 A. I assume that when these people are
20 contacted, they're told about how our program
21 works. I'm going to make an assumption.

22 Q. Well, but yesterday you testified
23 about some exploration that is done by NXIVM to
24 see whether or not these people can qualify
25 because they don't have a prior association that

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2 you consider to be problematic. Isn't that right?

3 MR. MC GUIRE: Object to the form
4 of that question.

5 A. I'm sorry. I just don't understand
6 what you're saying. I don't know where you're
7 going and what you're even asking.

8 Q. What I'm asking is: You told us
9 yesterday that NXIVM prescreens applicants --

10 A. That's correct.

11 Q. -- in order for NXIVM to decide
12 whether or not there is something about their
13 experience or their background that would make
14 NXIVM not want to have them as a student?

15 A. Yes, that's true.

16 Q. Okay. And my question is: Had the
17 365 people listed in Roman numeral I already gone
18 through that kind of screening?

19 A. I don't know.

20 Q. And if they hadn't gone through
21 that screening, there is no way for NXIVM to know
22 whether or not they would have been accepted?

23 A. If they hadn't.

24 Q. If they hadn't gone through the
25 screening?

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2 A. If they hadn't gone through.

3 Q. Okay. Now, you also told us that
4 20 people attended the seminar at the home of the
5 Kassins. Is that right?

6 A. To the best of my recollection.

7 Q. And did you view all of those 20
8 people as potential students?

9 A. Yes.

10 Q. Would they be potential students or
11 would they be people -- well, let me ask this
12 question: You don't know, I think you told us,
13 whether or not any of them took more courses. Is
14 that right?

15 A. Right, I don't know.

16 Q. Okay. If they didn't take more
17 courses, would those people be listed on Exhibit A
18 or Exhibit B?

19 Would they be people who left or
20 would they be potential students who never came?

21 MR. MC GUIRE: Does that suggest
22 that on either A or B, Mr. Skolnik?

23 MR. SKOLNIK: I don't know because

24 I don't know who the 20 people were. I'm just
25 trying to see how NXIVM categorizes potential

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2 students and students who leave.

3 MR. MC GUIRE: Well, you have to
4 make a representation that their names appear
5 on either A or B. Otherwise, it's a -- it's a
6 question that has no meaning.

7 MR. SKOLNIK: Well --

8 MR. MC GUIRE: Either they're
9 making a claim for those 20 or not.

10 Q. Let me ask this: If someone -- if
11 someone has attended something like a seminar at
12 the Kassins and then never takes another course,
13 would that person qualify to be listed as an
14 Exhibit A, loss of existing client?

15 A. That's an introductory program that
16 we don't usually teach. I believe they would be
17 considered existing.

18 Q. Okay. Do you know of anyone who
19 stopped taking a NXIVM course because they read
20 the Hochman and Martin articles on the Ross
21 website?

22 A. I believe -- you mean, as opposed
23 to the Ross website itself?

24 Q. Well, as opposed to the Ross
25 website itself or, for that matter, as opposed to

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2 Forbes magazine or the Times Union or something on
3 MSNBC or some other press?

4 A. I don't know that I differentiate
5 it.

6 Q. Okay. Do you know of anyone who
7 did not start to take courses at NXIVM because
8 they had read the Hochman and Martin articles?

9 A. My belief is that the people who
10 stopped taking the course read the website, and
11 what gave the website credibility to them were
12 those articles.

13 Q. Well, that's your belief.

14 I'm asking whether you have any
15 personal knowledge, whether anybody told you that
16 that was the case?

17 A. I don't remember whether it was
18 differentiated in that way. I do remember the
19 articles were considered to be what gave the
20 website its credibility.

21 Q. Were considered by who?

22 A. The people who read it. It wasn't
23 just the website. Those articles were taken to be
24 credible articles.

25 Q. Okay. But you can't -- you can't

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1 name for us any individual who either told you
2 that they stopped taking the NXIVM course because
3 they had read the Martin and Hochman articles or
4 who told you that they were not going to take the
5 course because they had read those articles. Is
6 that right?

7 A. I don't remember that -- those
8 articles being cited separately of then the
9 website itself.

10 Q. Okay. What would a NXIVM
11 competitor have to do in order to duplicate a
12 NXIVM module?

13 MR. MC GUIRE: How would she know?

14 A. I'm not sure.

15 Q. Would they -- would they need to
16 take the course in order to duplicate the entire
17 module?

18 MR. MC GUIRE: Object to the
19 question -- to the form of that question.

20 She's not the person to ask that question to.

21 But if you can answer it, go ahead.

22 A. You mean, if they could duplicate
23 it exactly?

24 Q. If they could duplicate NXIVM's

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1 teaching without taking the course.

2 A. I don't know.

3 Q. Let me ask you this question: Do
4 you believe that it's possible for a person to
5 compete with NXIVM by using only what was
6 disclosed in the Martin and Hochman articles?

7 A. I'm not sure.

8 Q. But you know of no people who have
9 done that?

10 A. I know of no people who have done
11 that.

12 Q. Did you directly or through others
13 ask people to write letters to NXIVM explaining
14 the reasons why they are no longer taking NXIVM
15 courses?

16 A. I asked the people who left to
17 document it to the best -- the people who knew the
18 people who were leaving to document it to the best
19 of their ability.

20 Q. And is that pack of letters that
21 was marked yesterday as Salzman 19, is that the
22 complete collection of those letters?

23 A. I believe it is.

24 Q. Okay. Did any people leave NXIVM

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1 before the Hochman and Martin articles were posted
2 on the website?

3 A. Ever?

4 Q. Ever.

5 A. I think so.

6 Q. Do you keep records of why those
7 people left?

8 A. Sometimes people will take a single
9 course and not have a membership. Not everybody
10 who comes is a long-term member. Most people have
11 a coach and they have a coaching relationship, and
12 when they terminate or their membership expires,
13 either they'll renew or not renew. It's not --
14 it's not always that they leave as much as they
15 take a course and the course ends.

16 So some people -- I don't know if I
17 would call it leaving. They come and take a
18 course, and then I hear from them the next time
19 they take a course.

20 Q. Okay. Let me ask you to turn to
21 Salzman 27 marked yesterday. If you would turn
22 again to page 31 and to your response to
23 question 33.

24 A. Yes.

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1 Q. And again, just so that we know
2 what we're talking about, these are NXIVM's Second
3 Amended Responses to Defendant Stephanie Franco's
4 Second Set of Interrogatories to NXIVM.

5 And in your response to question 33
6 you list competitors, including companies that
7 provide services, including but not limited to a
8 long list of categories of companies. Is that
9 right?

10 A. Yes.

11 Q. And those are the companies that
12 you consider to be NXIVM competitors. Is that
13 right?

14 A. Yes.

15 Q. Now, included in that list are
16 people involved in corporate turnaround. Do you
17 see that?

18 A. Yes.

19 Q. And also in corporate
20 restructuring. Do you see that?

21 MR. MC GUIRE: Where do you --
22 where is that, Mr. Skolnik?

23 MR. SKOLNIK: It's about five lines
24 into that paragraph.

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 2 A. Yes.
 3 Q. Corporate restructuring, corporate
 4 strategy, corporate turnaround?
 5 A. Yes.
 6 Q. All right. Is it NXIVM's position
 7 that all law firms who counsel clients with
 8 respect to corporate turnaround or corporate
 9 restructuring and corporate counseling are NXIVM's
 10 competitors?
 11 MR. MC GUIRE: Are they listed
 12 there?
 13 A. I don't know. I don't think so.
 14 Q. You don't think so?
 15 A. I don't think so.
 16 Q. You also list people engaged in
 17 psychology and psychiatry.
 18 Is it NXIVM's position that all
 19 psychologists are competitors of NXIVM?
 20 MR. LEONARD: Asked and answered.
 21 A. All psychologists? Psychologists
 22 who have a practice that learning our model would
 23 interfere with what they're doing.
 24 Q. So only some psychologists are
 25 competitors?
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 2 A. Well, those psychologists would be.
 3 Q. And what about psychiatrists? Are
 4 all psychiatrists your competitors?
 5 A. Only psychiatrists who see clients
 6 that come to them with things that our training
 7 would handle that aren't psychiatric medical
 8 issues.
 9 Q. You also list think tanks.
 10 Are all think tanks NXIVM's
 11 competitors?
 12 A. I think to some degree these
 13 things -- depending on what they do. That's why
 14 we screen. It depends on what they do if we think
 15 it would be a conflict.
 16 Q. I'm not asking about people who you
 17 believe would be a conflict. I'm asking about
 18 people that you view as competitors of NXIVM.
 19 A. Yes. I'm answering your question.
 20 I'm sorry if you don't like the answer.
 21 Q. You're familiar with NXIVM's patent
 22 applications?
 23 A. Yes.
 24 Q. In your view, is it possible for a
 25 person to compete with NXIVM by using only what
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 2 was disclosed in the patent applications?
 3 MR. MC GUIRE: I object to the --
 4 to that form of that question. That really
 5 calls for an expert's opinion.
 6 A. I don't know.
 7 Q. Which, in your opinion, gives a
 8 more complete and accurate insight into the
 9 rational inquiry method and NXIVM's modules, the
 10 Martin Hochman articles or NXIVM's patent
 11 application?
 12 MR. MC GUIRE: Same objection.
 13 A. I believe the purpose for patenting
 14 is to protect the intellectual property. I
 15 believe it's a -- it's a different intent. I
 16 don't believe that the patent application -- I
 17 believe the patent application affords me a
 18 protection. I don't believe the Martin -- the
 19 Martin articles and Hochman articles were doing
 20 that.
 21 Q. That wasn't my question. I'm not
 22 asking about what you considered to give you
 23 protection.
 24 I'm asking: Which, in your
 25 opinion, gives a third party a more complete and
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 2 accurate insight into the rational inquiry method
 3 and NXIVM's modules, the articles or the patent
 4 application?
 5 MR. MC GUIRE: I'm objecting on the
 6 same grounds as stated before.
 7 A. I don't know.
 8 Q. Which, in your opinion, reveals or
 9 contains more windows into NXIVM's trade secrets,
 10 the Martin and Hochman articles or the patent
 11 application?
 12 MR. MC GUIRE: Same objection.
 13 A. I don't know.
 14 Q. You don't know?
 15 A. I don't know.
 16 Q. You've looked at the windows or
 17 you've identified windows in the Martin and
 18 Hochman articles. Is that right?
 19 A. I have.
 20 Q. Have you identified windows in the
 21 patent application?
 22 A. I know that -- I think the patent
 23 application speaks about the invention itself and
 24 I think it's accurate.
 25 Q. It's supposed to be accurate; isn't
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2 it?

3 A. It is accurate.

4 Q. And do you remember that it
5 contains a detailed description of the modules?

6 A. Yes, it does.

7 Q. And with that detailed description
8 of the modules, does it contain more windows into
9 NXIVM's trade secrets than the Martin and Hochman
10 articles?

11 MR. MC GUIRE: Same objection.

12 A. I think it would have -- it would
13 have more.

14 Q. The patent application would have
15 more -- more windows?

16 A. The completed patent application
17 which isn't public.

18 Q. The patent application that is
19 available on the Internet, does that have more
20 windows into NXIVM's trade secrets than the Martin
21 and Hochman articles?

22 MR. MC GUIRE: First of all, she'd
23 have to find out whether she knows what is
24 posted on the Internet.

25 A. Right. I'm not sure what's posted
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2 on the Internet. I know that the application with
3 the attached modules is not public, the national
4 application, and I don't believe there were
5 modules in the international one.

6 Q. There's a detailed description of
7 the modules in the international application;
8 isn't there?

9 MR. MC GUIRE: Only if you know.

10 A. I don't -- I don't know.

11 Q. You don't know; okay.

12 A. To the best of my knowledge, I
13 don't think so.

14 MR. SKOLNIK: Okay. I'm going to
15 pass the witness back to Mr. Kofman and
16 Mr. Landy.

17 But let me state for the record
18 that Ms. Salzman has been deposed solely in
19 connection with the claims that are currently
20 part of this lawsuit. And I'm going to
21 reserve my right to recall Ms. Salzman,
22 Mr. Raniere and Ms. Keeffe if any part of the
23 pending motion is granted.

24 MR. LEONARD: And I'll reserve my
25 right to oppose that application.

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2 MR. MC GUIRE: Absolutely.

3 MR. KOFMAN: And I'll just put on
4 the record the same thing as Mr. Skolnik,
5 which is my questions that I've asked have
6 been to issues that are in this lawsuit, not
7 in your pending motion and not in the action
8 that was brought in Niagara County.

9 And so if that matter should become
10 part of this lawsuit, I would reserve my right
11 to retake the deposition or take depositions
12 in that -- in that action.

13 MR. MC GUIRE: I understand your
14 position, and we reserve our rights for both.

15 MR. KOFMAN: I think Mr. Landy is
16 going to go first.

17 EXAMINATION BY

18 MR. LANDY:

19 Q. Good afternoon, Ms. Salzman. I
20 only have a few more follow-up questions for you.

21 Earlier today, Ms. Salzman, you,
22 correct me if I'm wrong, testified that you had
23 had at least one conversation with Kristin Keeffe
24 in which you expressed concerns over the nature of
25 her relationship with Frank Parlato. Is that

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2 correct?

3 A. Yes.

4 Q. What were your concerns?

5 A. She seemed to be spending a lot of
6 time and effort giving him a lot of information,
7 that I didn't know whether he -- it was necessary,
8 all the time she was spending with him. And she
9 seemed to be promoting his work with us to him,
10 more than I had given her a reason to believe she
11 should.

12 Q. Was it your belief that the
13 information that Mr. Parlato had when we spoke to
14 the Village Voice came from Kristin Keeffe?

15 A. I don't know.

16 Q. Did you ever speak to anybody at
17 the Village Voice yourself?

18 A. I don't remember.

19 Q. After you learned that Mr. Parlato
20 had made statements which you testified were not
21 authorized, you didn't contact the Village Voice?

22 A. No.

23 MR. LANDY: I'm going to introduce
24 a one-page document as Salzman Exhibit 56
25 which bears the Bates numbers INTERFOR 00567.

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2 (Exhibit Salzman 56 marked for
3 identification.)

4 Q. Have you ever seen this document
5 before?

6 A. I authorized it.

7 Q. How do you know that?

8 A. Because it's got my stamp on it.
9 I'm assuming I authorized it.

10 Q. Did NXIVM in fact make a payment to
11 Friedman Kaplan Seiler & Adelman LLP of \$59,366.89
12 on April 20th, 2007?

13 A. I'm assuming we did from this check
14 in my hand.

15 Q. And was that in connection with
16 legal services provided to Interfor, Incorporated
17 for the period of January 1, 2007, through
18 January 31, 2007?

19 A. I don't know what the time period
20 was.

21 Q. If it refreshes your recollection,
22 I'll refer your attention to the line just above
23 the gray area that states "General Acct" --

24 A. Oh, it says there. Yes. Sorry.

25 Q. So do you have any reason to

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2 believe that this check was not a payment of
3 Friedman Kaplan Seiler & Adelman's invoice for
4 services provided in the month of January 2007?

5 A. No, I have no reason to believe
6 that.

7 Q. One more question. Do you -- are
8 you aware of whether NXIVM made any payments to
9 Friedman Kaplan Seiler & Adelman in connection
10 with its representation of Interfor, Incorporated
11 after April 20, 2007?

12 A. I'm not aware that we did.

13 Q. I'd like to turn your attention
14 back to the document that was marked as Salzman 5,
15 specifically to the third page of that document,
16 the handwritten paragraph.

17 A. Yes. Which page?

18 Q. On the third page of the document,
19 there's a handwritten paragraph there that we
20 discussed on Monday.

21 A. Yes.

22 Q. The first sentence reads as
23 follows, and correct me if I read this
24 incorrectly:

25 "NXIVM retains the right to

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2 terminate its ongoing liabilities for all fees and
3 expenses incurred pursuant to this retainer on
4 three days' written notice without prejudice to
5 any indemnification agreements that may exist
6 between NXIVM and Interfor."

7 Did I read that correctly?

8 A. Yes.

9 Q. It's your understanding that NXIVM
10 exercised its right to terminate on three days'
11 written notice. Is that correct?

12 A. Yes.

13 Q. Do you know when that happened?

14 A. I thought it was in June. I don't
15 remember exactly.

16 Q. Do you know how it was done?

17 A. It was done in a -- it was a
18 letter, wasn't it, by our attorney?

19 Q. There might have been some
20 confusion. I believe yesterday you testified that
21 it was a letter by you.

22 Do you believe it may have been a
23 writing from your attorney?

24 A. I think I -- I may -- I think I
25 signed it, but I don't remember exactly. But I do

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2 remember it was on advice of counsel.

3 Q. I will represent to you that in
4 October of 2007, Paul Yesawich wrote an e-mail to
5 Heather Windt, who was at that time an associate
6 at Friedman Kaplan Seiler & Adelman, stating that
7 no further payments would be made in connection
8 with this retainer agreement.

9 Does that refresh your recollection
10 as to how the -- this provision was exercised?

11 A. I remember that Paul Yesawich gave
12 us the advice and that I thought it was his
13 advice. I thought I might have signed a letter
14 that he drafted.

15 Q. The next provision -- or the next
16 sentence in the handwritten paragraph states:
17 "Such termination shall not impair
18 NXIVM's obligation under this retainer agreement
19 to pay fees and expenses incurred before the
20 effective date of such termination."

21 Did I read that correctly?

22 A. You did.

23 Q. Do you have an understanding of
24 what that means?

25 A. Yes.

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2 Q. What does that mean?

3 A. It means that before I notified
4 you, I'm responsible for the things that occurred
5 before that; before I notified you.

6 Q. Would you agree, then, Ms. Salzman,
7 that pursuant to the retainer agreement that has
8 been marked as Salzman Exhibit 5, NXIVM was
9 responsible to pay any fees that it currently owed
10 Friedman Kaplan Seiler & Adelman as of the date of
11 Mr. Yesawich's e-mail?

12 MR. LEONARD: Objection.

13 A. I'm not sure.

14 Q. Why aren't you sure?

15 A. Based on what Mr. Yesawich told me.

16 Q. Did you have an understanding at
17 the time that you understood the -- start the
18 question again.

19 Did you have an understanding at
20 the time that you understood the termination to
21 have taken place that NXIVM had a current balance
22 due to Friedman Kaplan Seiler & Adelman?

23 A. Yes. Did I understand at the time
24 I terminated? I thought so. But after speaking
25 to Mr. Yesawich, I wasn't sure that that was true.

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2 Q. You need not answer this question
3 if it was legal advice. Did you have an
4 understanding that -- was it your understanding
5 that fees that were then due and owing no longer
6 needed to be paid, or that at that time there were
7 no fees that were currently due?

8 MR. MC GUIRE: Now, I'm going to
9 object to that because as she's indicated, she
10 received advice from counsel.

11 MR. LANDY: It wouldn't be legal
12 advice if he said, I checked and your bill
13 is -- you have a zero balance.

14 MR. MC GUIRE: He gave her advice
15 on why not to pay.

16 MR. LANDY: If he gave her legal
17 advice on why she was not obligated to pay,
18 that would be privileged.

19 MR. MC GUIRE: That's what I'm
20 saying.

21 MR. LANDY: If he informed her of
22 the fact that there wasn't a bill due, that
23 would not be legal advice.

24 MR. MC GUIRE: I don't think we're
25 claiming that your contention is there was a

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2 bill due as of that date. Then I think we can
3 stipulate that there were several bills at
4 Friedman Kaplan that were not paid.

5 MR. LANDY: Correct. All right.

6 Q. You also testified earlier today
7 that you had -- that you had a conversation with
8 Ms. Keeffe in which you discussed concerns you had
9 relating to her relationship with Juval Aviv. Is
10 that correct?

11 A. Yes.

12 Q. What were those concerns?

13 A. Well, I thought that they became
14 very friendly, and I thought that she was inspired
15 to believe that we needed him to do -- or that he
16 could perform certain services that I didn't think
17 he was performing well.

18 Q. You also testified earlier that in
19 connection with reviewing Ms. Keeffe's testimony
20 in this case, that your recollection was at odds
21 with her testimony concerning the frequency of her
22 communications with Mr. Aviv. Is that correct?

23 A. Yes.

24 Q. Okay. Was it your recollection
25 that she communicated with Mr. Aviv more than she

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2 testified to having done so?

3 A. From my recollection, I thought she
4 had more of an ongoing dialogue with him.

5 Q. Do you have an understanding of --
6 strike that.

7 In the 2004 to 2005 time frame,
8 what's your understanding of how often Ms. Keeffe
9 communicated with Mr. Aviv?

10 A. I think she communicated with him
11 regularly. I don't know how often, but it seemed
12 regular to me. And she seemed overly optimistic
13 about his results or what she thought his results
14 were.

15 Q. And you had weekly update
16 conversations with her. Is that correct?

17 A. Correct.

18 Q. Was it your understanding that she
19 spoke to Mr. Aviv every week?

20 A. I don't remember if it was every
21 week.

22 MR. LANDY: All right. Nothing
23 further.

24 EXAMINATION BY

25 MR. KOFMAN:

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1 Q. Ms. Salzman, good afternoon. I
2 have a few questions.

3 Following up on something you told
4 Mr. Skolnik, what tape did Kristin Keefe tell you
5 she had lost?

6 A. It was a tape that she had given to
7 Tobin & Dempf. They were our first attorneys on
8 this case. It may have been our tape of Michael
9 Sutton and his sister, Stephanie.

10 Q. And did she say she had lost it or
11 that Tobin & Dempf had lost it?

12 A. She couldn't find it.

13 Q. And you mentioned that it was
14 supposed to have been in a locked room?

15 A. She thought -- I thought she had
16 the tape, and I thought that she thought she had
17 the tape. I remember that she then asked me to
18 call Tobin & Dempf to see if they had the tape,
19 which I did.

20 Q. And what did they say?

21 A. They said it was too long ago and
22 they didn't -- they believed that they didn't have
23 the records at all.

24 Q. Why did you believe that she had

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1 the tape?

2 A. I think in our first conversation,
3 she thought she had the tape.

4 Q. Okay. Ms. Salzman, do you contend
5 that Stephanie Franco -- strike that.

6 Does NXIVM contend Stephanie Franco
7 obtained any materials improperly, any of NXIVM's
8 course materials?

9 A. If she had facilitator's notes,
10 those were things that we didn't give out to
11 students.

12 Q. Okay. Would it have been given out
13 to someone in the coaching curriculum?

14 A. They didn't take facilitator notes
15 home with them.

16 Q. But the student notes that she had,
17 she was entitled to possess. Correct?

18 A. Yes.

19 Q. And do you know whether she was
20 properly -- whether she was properly given the
21 facilitator notes for use in the -- in the NXIVM
22 training center?

23 A. If she was properly given them?

24 Q. Yes. Was she entitled to have them

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1 based on her rank or position in the company?

2 A. I believe she facilitated modules,
3 and so she would have had access to them during
4 the modules themselves.

5 Q. I asked you yesterday if you knew
6 who was the proctor at the session where Stephanie
7 facilitated. Do you know who that was?

8 A. I wasn't able to find that out.

9 Q. And it was the proctor's -- it
10 would have been the proctor's responsibility to
11 collect that at the end of the day from Stephanie?

12 A. That's correct.

13 Q. Who were proctors in -- how many
14 proctors were in Albany at that time?

15 A. I can't remember. We had at that
16 time I think about 30 people who were at that
17 level in the company, and any proctor in the
18 company could have been there.

19 Q. And it would have been their
20 responsibility to make a record of what they gave
21 out and what they took back?

22 A. That's correct.

23 Q. Have you seen any notes from that
24 training session as to what was given out and what

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SALZMAN - DAY III

1 was taken back?

2 A. I don't think that I have.

3 Q. Do you know if they exist?

4 A. I don't. When I go -- I mean, I
5 don't -- I don't know if they exist.

6 Q. In the ordinary course, would that
7 have been some record that would have been made at
8 the training session?

9 A. Yes.

10 Q. You told Mr. Skolnik that you
11 believed that Stephanie Franco had access to 100
12 modules.

13 How many modules did she receive in
14 the 16-day intensive?

15 A. I believe there are 80 in the
16 16-day.

17 Q. And how many at -- how many
18 different modules in the five-day that she took
19 subsequently?

20 A. There are 25 in the five-day, but
21 that was repeated.

22 Q. So some of them may have been
23 duplicated?

24 A. Yes.

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1 SALZMAN - DAY III

2 Q. Do you have any evidence that
3 Stephanie Franco was not genuine when she said in
4 2001 that she was interested in learning NXIVM's
5 course materials?

6 MR. MC GUIRE: Now or then?

7 Q. What's your understanding now? Do
8 you have any information that she was not being
9 genuine to you?

10 A. I don't know.

11 Q. Okay. Is it your contention that
12 Stephanie Franco made use of the NXIVM materials
13 in violation of confidentiality agreements that
14 she signed?

15 A. Yes.

16 Q. What do you contend that she made
17 that violated the confidentiality agreements?

18 A. She gave them away. She gave them
19 to someone who wasn't involved in the course.

20 Q. Either Jeffrey Sutton or Rick Ross?

21 A. Correct.

22 Q. If she gave it -- now, would giving
23 it to someone to conduct an intervention
24 constitute an improper use if the material wasn't
25 published anywhere?

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1 SALZMAN - DAY III

2 A. I don't understand the question.

3 Q. If what had happened here was that
4 the materials had been given only -- they had been
5 given to Rick Ross, who then tried to conduct an
6 intervention with Michael Sutton, would that
7 standing alone constitute a violation of
8 Stephanie's confidentiality agreement?

9 A. I believe it would.

10 Q. Are you aware of anything Stephanie
11 Franco has done other than giving the module --
12 the course materials either to Jeffrey or to Rick
13 Ross that constitutes a violation of her
14 confidentiality agreements?

15 A. I have a recollection of an article
16 that Michael showed me once that reflected some of
17 the -- that she wrote that reflected some of the
18 information that she learned in that course.

19 MR. KOFMAN: Mark this as
20 Salzman 57.

21 (Exhibit Salzman 57 marked for
22 identification.)

23 Q. Ms. Salzman, is that the article
24 that Michael showed you?

25 A. Let me read it and I'll let you

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1 SALZMAN - DAY III

2 know.

3 Q. Sure.

4 A. I don't remember.

5 Q. Is that the article that Michael
6 showed you?

7 A. I don't think so.

8 Q. Do you remember the title of the
9 article that Michael showed you?

10 A. I don't, but I don't think this is
11 it.

12 Q. Are there any -- is there anything
13 in this article that you think that is --
14 Stephanie took from NXIVM?

15 A. No.

16 Q. Okay. Are you aware of anything
17 that Stephanie Franco has done since the filing of
18 this lawsuit to harm NXIVM?

19 A. No.

20 Q. Are you aware of anything that
21 Morris and Rochelle Sutton have done since the
22 filing of this lawsuit to harm NXIVM?

23 A. You mean other than what was in
24 this lawsuit?

25 Q. Other than what's alleged in this

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1 SALZMAN - DAY III

2 lawsuit, which predates the filing of -- which are
3 allegations that predate the filing of the
4 lawsuit?

5 MR. MC GUIRE: I don't like the
6 question, but weren't these asked and answered
7 before?

8 MR. KOFMAN: Not of her. They
9 haven't been.

10 MR. MC GUIRE: Okay, if you
11 represent that. I know I heard that.

12 A. No.

13 Q. Did you ever tell Stephanie Franco
14 that a commission was -- that Michael was going to
15 receive a commission for enrolling her?

16 A. Not that I remember.

17 Q. Okay. You mentioned that Michael
18 Sutton made a loan. Do you remember what the
19 terms of the loan were?

20 A. No.

21 Q. Does interest accrue on the loan?

22 A. I don't remember the terms, but I
23 would imagine. I don't remember the terms.

24 Q. Do you remember when the loan --
25 the loan comes due?

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1 SALZMAN - DAY III
 2 A. No. I'm sorry. I don't -- I don't
 3 remember right now.
 4 Q. And it's your understanding that
 5 that loan was not used to pay legal fees in this
 6 lawsuit?
 7 A. I don't think it was.
 8 Q. Who made the decision to file a
 9 lawsuit on behalf of NXIVM?
 10 A. I think ultimately it was me.
 11 Q. Did you consult with Keith Raniere?
 12 A. I believe I did.
 13 Q. You mentioned in response to a
 14 couple -- to some of Mr. Skolnik's questions that
 15 a module expresses a trade secret.
 16 Does it express the whole trade
 17 secret -- does each module express the whole trade
 18 secret or part of the trade secret?
 19 A. I think the expression of the -- of
 20 the trade secrets are in all of the modules. Is
 21 it a whole expression? It may be. It may be.
 22 Q. Each module may contain a whole
 23 expression of the trade secret?
 24 A. In how it's expressed. I think the
 25 modules demonstrate -- well, I'd say they express

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1 SALZMAN - DAY III
 2 portions of it.
 3 (Exhibit Salzman 58 marked for
 4 identification.)
 5 MR. KOFMAN: And for the record,
 6 Salzman 58 is documents produced to us in
 7 discovery bearing Bates stamp Nos. P000004734
 8 through 4740.
 9 Q. Do you recognize these documents?
 10 A. Not really.
 11 Q. To the best of your understanding,
 12 do these documents express the revenue that
 13 Executive Success Programs earned from rational
 14 inquiry from the years starting July 1998 through
 15 June 30th -- through June 2005?
 16 A. It appears they do.
 17 Q. Do you have any reason to believe
 18 that these figures are inaccurate?
 19 A. I don't.
 20 Q. Is that -- would you ordinarily
 21 review revenue at the end of a fiscal year?
 22 A. Yes, I do.
 23 Q. And do these sound about right?
 24 A. They do.
 25 MR. KOFMAN: I have no further

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1 SALZMAN - DAY III
 2 questions, Ms. Salzman. Thank you.
 3 (Time Ended: 5:06 p.m.)
 4
 5
 6
 7 NANCY SALZMAN
 8
 9 Subscribed and sworn to
 10 before me this day
 11 of June, 2009
 12
 13 _____
 14
 15
 16
 17
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1 CERTIFICATE

2 STATE OF NEW YORK)

3)ss:

4 COUNTY OF NEW YORK

5 I, JOMANNA DeROSA, a Certified

6 Shorthand Reporter and Notary Public within

7 and for the State of New York, do hereby

8 certify:

9 That NANCY SALZMAN, the witness whose

10 deposition is hereinbefore set forth, was

11 duly sworn by me and that such deposition is

12 a true record of the testimony given by such

13 witness.

14 I further certify that I am not

15 related to any of the parties to this action

16 by blood or marriage, and that I am in no

17 way interested in the outcome of this

18 matter.

19 In witness whereof, I have hereunto

20 set my hand this 22nd day of June, 2009.

21

22 _____

23 JOMANNA DeROSA

24

25

1 ***ERRATA SHEET***

2 NAME OF CASE: NXIVM v. Sutton

3 DATE OF DEPOSITION: 6/10/09

4 NAME OF WITNESS: N. Salzman

5 Reason codes:

6 1. To clarify the record.

7 2. To conform to the facts.

8 3. To correct transcription errors.

9 Page _____ Line _____ Reason _____

10 From _____ to _____

11

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14

15 Page _____ Line _____ Reason _____

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24 _____

25 NANCY SALZMAN

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