

In The Matter Of:
NXIVM CORPORATION v.
MORRIS SUTTON

KEITH A. RANIERE
Vol. III
May 13, 2009

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1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF NEW JERSEY

3 -----*
 4 NXIVM CORPORATION, formerly known as
 EXECUTIVE SUCCESS PROGRAMS, INC. and
 FIRST PRINCIPLES, INC.,
 5 Plaintiffs, No. 2:06-cv-01051
 (DMC/MF)

6 vs.

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

10 -----*
 11 RICK ROSS,
 Counterclaim-Plaintiff,

12 vs.

13 KEITH RANIERE, NANCY SALZMAN,
 14 KRISTIN KEEFFE INTERFOR, INC.,
 JUVAL AVIV, ANNA MOODY, JANE DOE
 15 and JOHN DOES 1-10,
 Counterclaim-Defendants.

16 -----*
 17 (Caption continued on following page)

18 CONFIDENTIAL

19 VIDEOTAPED DEPOSITION OF: KEITH A. RANIERE
 20 (Volume III)

21 DATE TAKEN: WEDNESDAY, MAY 13, 2009

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1 (Continued)

2 INTERFOR, INC., JUVAL AVIV, and
 ANNA MOODY,
 3 Cross-Claimants,

4 vs.

5 NXIVM CORPORATION, KEITH RANIERE,
 6 NANCY SALZMAN and KRISTIN KEEFFE,
 Cross-Claim Defendants.

7 -----*
 8 T R A N S C R I P T of the stenographic
 9 notes of the proceedings in the above-entitled
 10 matter, as taken by and before CHERYL McGANN, a
 11 Certified Court Reporter and Certified Realtime
 12 Reporter of the State of New Jersey, held at the
 13 offices of DRINKER BIDDLE & REATH LLP, 500 Campus
 14 Drive, Florham Park, New Jersey, on Wednesday,
 15 May 13, 2009, commencing at 10:04 a.m.

16
 17
 18
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 25

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1 A P P E A R A N C E S (Continued) :

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20 Mary Knodel
 21 LOWENSTEIN SANDLER PC
 Nancy Salzman
 22 Karl Petry, Videographer

23
 24
 25

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1 I N D E X

2 WITNESS	CROSS	REDIRECT	RE CROSS
	(Cont'd)		
3 KEITH ALAN RANIERE			
4 By Mr. Skolnik: 433			625
4 By Mr. Kofman:	608		

5 E X H I B I T S

6 Exhibit	Description	For Identification
7 Raniere-18	One-page U.S. Copyright Office document entitled Public Catalog	521
8 Raniere-19	Application for Letters Patent Bates stamped P00000685 through 768	539
9 Raniere-20	Confidentiality Agreement Effective 5/13/06 Bates stamped SP1013-2030	554
10 Raniere-21	5/10/04 Memorandum Bates stamped SP1163-1165	556
11 Raniere-22	Note to Keith with attachments Bates stamped SP0903-0907	556
12 Raniere-23	1/26/05 e-mail Bates stamped SP0480	556
13 Raniere-24	8/7/04 e-mail Bates stamped SP1284	556
14 Raniere-25	11/28/04 e-mail Bates stamped SP1814	556
15 Raniere-26	Memorandum to K. Russell Bates stamped SP0429	557
16 Raniere-27	4/8/04 Memorandum Bates stamped SP0432	557
17 Raniere-28	Confidential and Legal Product Memorandum to K. Russell from J.J. O'Hara Bates stamped SP0518	557
18 Raniere-29	12/9/04 e-mail Bates stamped NXR00079 through 80	594
19 Raniere-30	4/27/09 letter, Campion from Kofman	608
20 Raniere-31	Odin and the Sphinx by Keith Ranieri	

1 * * *

2 (Exhibits attached.)

3 INFORMATION REQUESTED

4

5 (Request) Page 467

6 (Request) Page 506

7 (Request) Page 530

8 (Request) Page 608

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1

2 **CONTINUED CROSS-EXAMINATION BY MR. SKOLNIK:**

3 Q. Mr. Ranieri, before we begin, to avoid any

4 possible confusion I want to put on the record the

5 agreement that I have reached with counsel for you

6 and for NXIVM.

7 That agreement is that counsel will not

8 instruct you not to answer questions concerning the

9 Interfor report, the purported sting and

10 communications with Joseph O'Hara about those two

11 subjects. We have further agreed that counsel for

12 you and NXIVM reserve all of their rights with

13 respect to the admissibility of such testimony as

14 well as their rights to challenge the findings and

15 conclusions of the opinions by Judge Treece and all

16 of their rights to the applicability of the

17 attorney-client and work product privileges to

18 questions that are not covered by that above

19 agreement.

20 Do you understand that?

21 **A. I wasn't aware of that but --**

22 **MR. LEONARD:** That's correct.

23 **A. -- okay. Then yes.**

24 Q. Are you today under the influence of any

25 drugs or any other substance that would prevent you

1 **THE VIDEOGRAPHER:** Today's date is

2 May 13, 2009, at the time indicated on the video

3 screen. We're here in Florham Park, New Jersey, to

4 take the continuing deposition of Keith Ranieri in

5 the matter of NXIVM versus Morris Sutton.

6 At this time, would the attorneys please

7 identify themselves and the clients they represent.

8 **MR. SKOLNIK:** Yeah. I'm Peter Skolnik

9 of Lowenstein Sandler. I represent all of the Ross

10 parties.

11 **MR. KOFMAN:** Harold Kofman from Riker

12 Danzig. I represent Stephanie Franco, Morris Sutton

13 and Rochelle Sutton.

14 **MR. McGUIRE:** Tompkins McGuire

15 representing NXIVM, Nancy Salzman, and Kristin

16 Keeffe.

17 **MR. LEONARD:** Robert Leonard and Tom

18 Campion -- Thomas Campion on behalf of Keith

19 Ranieri.

20 **MR. SKOLNIK:** Would you swear the

21 witness.

22

23 **KEITH ALAN RANIERE,** residing at

24 3 Flintlock Lane, Clifton Park, New York 12065,

25 is duly sworn and testifies on his oath as follows:

1 from answering my questions fully and truthfully?

2 **A. No.**

3 Q. You told us last time that the statement in

4 your bio, which was Ranieri-1, saying that you have

5 total retention is accurate as far as how someone

6 would measure retention.

7 Do you remember that testimony?

8 **A. To some degree, yes.**

9 Q. Okay. How would you measure retention?

10 **A. Oh, I have no idea. I guess I would seek to**

11 **have the test that they use to measure retention. I**

12 **think they show people different cards and see how**

13 **they remember them or I think there are things with**

14 **digital span so I don't know.**

15 Q. Have you taken that test?

16 **A. I've taken tests like that.**

17 Q. So what is the basis for your statement that

18 you have total retention, as far as that's the way

19 you measure retention?

20 **A. When I was a child I was tested, and I had**

21 **seen a report that said I had had total retention.**

22 **I was told by guidance counselors in school that had**

23 **seen those reports. That's -- I mean, I think there**

24 **are other things -- other people along the way who**

25 **had been somehow associated with those tests that**

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1 had said similar things.
2 Q. Okay. Over what kind of materials or
3 information do you have total retention?
4 **A. I have no idea. I --**
5 Q. Do you have total retention of books or
6 articles that you read?
7 **A. I don't understand "total retention" other**
8 **than what I've been told.**
9 Q. Well, do you believe that you retain
10 virtually everything that you read in books and
11 articles?
12 **A. No.**
13 Q. What about the results of research that
14 you've conducted? Do you have total retention over
15 that?
16 **A. I don't know what you mean by "total**
17 **retention," but if you say do I remember every bit**
18 **of sensory input I've had with respect to something**
19 **like that, I would say no.**
20 Q. What about the contents of lectures that
21 you've attended?
22 **A. Depending if I'm paying attention, I'll have**
23 **more or less retention.**
24 Q. Conversations?
25 **A. The same thing.**

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1 Q. You may -- you may retain all of it,
2 depending upon whether you're paying attention?
3 **A. Actually, I don't know if I would say I**
4 **retain all of it. You know, the label total**
5 **retention or the assessment total retention was not**
6 **something I gave to myself. I -- you know, I don't**
7 **know if there's such a thing as a total retention, a**
8 **what I would call like a video memory.**
9 Q. Well, I'm still trying to understand why you
10 told us that the statement on your own bio that says
11 that you have total retention, that you told us that
12 that's accurate.
13 **A. I believe that's true.**
14 Q. But what does total retention mean to you?
15 **A. It's something that I was told, I was**
16 **assessed by psychologists and that I scored as**
17 **having total retention.**
18 Q. So your belief comes from what you were told
19 by other people?
20 **A. Yes.**
21 Q. Okay. Do you by any chance recall how many
22 times you testified "I don't recall" during the
23 prior two days of your deposition?
24 **A. No, I don't recall.**
25 Q. When was First Principles established?

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1 **A. I think it was pretty early on. I'm not**
2 **sure. I'm not sure. I don't know the exact date.**
3 Q. Can you give us an approximate date?
4 **A. That's why I'm trying to think because I**
5 **wasn't involved in it. I'm thinking on where I have**
6 **seen the name. I've seen the name on the back of**
7 **the Ethos brochure, so no. I don't know even the**
8 **year.**
9 Q. Do you know why First Principles was
10 established?
11 **A. Yeah. It's my understanding that First**
12 **Principles is -- controls, if you will, the**
13 **deployment of the information in the patents, and I**
14 **think they have the patents or different trademarks**
15 **or things like that assigned to them, although I'm**
16 **not sure if that's how it is currently.**
17 Q. Okay. Do you know what First Principles is?
18 **A. It's a corporation.**
19 Q. And you believe that it's the assignee of
20 rights in patents?
21 **A. Yeah. I believe it's a recipient of**
22 **royalties. I believe that it is the recipient of**
23 **assignment of rights of certain patents and**
24 **trademarks, but I'm not sure of the extent.**
25 Q. What royalties is it the recipient of?

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1 **A. I believe it is the recipient of royalties of**
2 **the Executive Success/NXIVM curriculum. I think**
3 **there is a certain percentage of the total business**
4 **that goes to First Principles.**
5 Q. And do you know what First Principles does
6 with that income?
7 **A. Not exactly, although I do believe that some**
8 **of the expenses for patent work and things like that**
9 **may come out of it.**
10 Q. Anything else that you know comes out of the
11 money that goes into First Principles?
12 **A. Well, there is a royalty that's supposed to**
13 **go to me. I don't know how exactly that's handled.**
14 **Ultimately that's to be paid to a foundation for**
15 **scientific research.**
16 Q. A royalty that is meant to be paid to you
17 goes to someone else?
18 **A. A royalty that is on the technology that I**
19 **have created is meant to go to a scientific**
20 **foundation.**
21 Q. What is that foundation?
22 **A. I don't know what it is currently. I think**
23 **originally it was the one that Joe O'Hara was**
24 **involved with.**
25 Q. But you don't know where that money goes

1 today?
 2 **A. No, I don't know.**
 3 Q. Do you know what that foundation is meant to
 4 do?
 5 **A. It's supposed to conduct research relating**
 6 **to the technology of Rational Inquiry and try to**
 7 **examine it from the scientific model.**
 8 Q. What is it that generates the royalty income?
 9 **A. The curriculum, I believe the sale of**
 10 **courses.**
 11 Q. The sale of courses. In other words -- and
 12 is this the same 10 percent royalty that you told us
 13 about last time?
 14 **A. Yes.**
 15 Q. And, in other words, 10 percent of all of the
 16 income that NXIVM receives from courses goes to --
 17 is a royalty payable to a foundation on your behalf?
 18 **A. I'm not sure if that's quite how it's framed;**
 19 **but I believe that's so, yes.**
 20 Q. Do you know why the RIM patent was assigned
 21 to First Principles rather than to ESP or NXIVM?
 22 **A. The RIM?**
 23 Q. Rational Inquiry method patent.
 24 **A. Yeah, because Executive Success Programs is**
 25 **an administrator of curriculum. They don't put**

1 **together the curriculum. First Principles handles**
 2 **from what I understand the patents and the**
 3 **information. Ultimately the curriculum that is put**
 4 **together is what ESP delivers, so ESP wouldn't have**
 5 **that patent.**
 6 Q. What about NXIVM? Why wouldn't the patent be
 7 assigned to NXIVM?
 8 **A. I think they're the same companies, ESP and**
 9 **NXIVM. I'm sorry if I'm -- when I say "ESP," I mean**
 10 **NXIVM at this point.**
 11 Q. Do you use those terms interchangeably?
 12 **A. I have.**
 13 Q. Do you think of them as the same?
 14 **A. No, not exactly. I think of NXIVM as a**
 15 **broader thing. I think of ESP specifically as the**
 16 **intensive curriculums. Sometimes I think of some --**
 17 **there are some other curriculums that might be**
 18 **offered through ESP that are not the traditional**
 19 **Intensives.**
 20 Q. Now, you told us I think that you're under
 21 the impression that the patents and trademarks have
 22 been assigned to First Principles.
 23 What about the copyrights?
 24 **A. I think the copyrights, some of them are**
 25 **assigned to Executive Success Programs because**

1 **materials that Executive Success Programs uses**
 2 **specifically I think the decision was made to assign**
 3 **them there. There have been some things like the**
 4 **Mission Statement which is assigned to me 'cause I**
 5 **wrote that. I think depending on whose -- who owns**
 6 **or uses the material, they may be assigned. I think**
 7 **there are some materials that are copyright First**
 8 **Principles, although I'm not sure.**
 9 Q. And you're under the impression that the
 10 Mission Statement is copyrighted in your name?
 11 **A. I believe so now.**
 12 Q. Has the patent that was held by First
 13 Principles, has that ever been reassigned to NXIVM?
 14 **A. A patent -- which patent that was held by**
 15 **First Principles?**
 16 Q. The Rational Inquiry method patent.
 17 **A. I don't think so.**
 18 Q. Okay. Do you know who or what entity
 19 currently owns the Rational Inquiry method patent?
 20 **A. No.**
 21 **MR. KOFMAN:** Objection to form.
 22 Q. Let's turn to the Exhibit that was previously
 23 marked as Ranieri-11.
 24 And for the record, this is an Affidavit of
 25 Keith Ranieri dated August 18, 2003.

1 **MR. CAMPION:** What was the date?
 2 **MR. SKOLNIK:** August 18, 2003.
 3 **MR. CAMPION:** I have August 22 on Page
 4 15. I think it makes no difference, frankly.
 5 **THE WITNESS:** I have August 22 on this
 6 version as the sworn date. I don't know what --
 7 **MR. CAMPION:** It doesn't matter. The
 8 witness has the Exhibit.
 9 **BY MR. SKOLNIK:**
 10 Q. All right. August of 2003. And,
 11 Mr. Ranieri, if you'd turn to Page 15 and just
 12 confirm that that's your signature.
 13 **A. Yes.**
 14 Q. Okay.
 15 **A. That is my signature --**
 16 Q. All right.
 17 **A. -- I believe.**
 18 Q. In Paragraph 1 you say, "I am the founder of
 19 NXIVM Corporation formerly known as Executive
 20 Success Programs, Inc. ('NXIVM')."
 21 **A. Uh-huh.**
 22 Q. Are you also the founder of Executive Success
 23 Programs?
 24 **A. Yes. I believe so, yeah.**
 25 Q. And does Executive Success Programs still

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1 exist?
2 **A. It exists at least as a DBA. I don't know if**
3 **it exists as a separate corporation.**
4 Q. Do you know whether the corporation has been
5 dissolved?
6 **A. No, I don't know.**
7 Q. Are you the founder of First Principles?
8 **A. You know, I'm not sure. I never thought of**
9 **it. Being a founder is not so much of a legal title**
10 **in my estimation.**
11 Q. So you don't know whether you're the founder
12 of First Principles?
13 **A. Yeah. I don't think it was my idea that**
14 **First Principles be formed.**
15 Q. Does -- does First Principles utilize the
16 Rational Inquiry method?
17 **A. I'm not really sure because I'm not sure of**
18 **everything that First Principles does.**
19 Q. But as far as you know, First Principles
20 still exists?
21 **A. Yes.**
22 Q. Were you actively involved in Executive
23 Success Programs when it became NXIVM?
24 **A. Can you tell me what you mean by "actively**
25 **involved"?**

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1 Q. Well, let me ask a different question.
2 At the point when Executive Success Programs
3 became NXIVM, what was your role with either or both
4 of those entities?
5 **A. I created curriculum. From time to time, I**
6 **gave forums. I answered philosophical and ethical**
7 **questions. Sometimes I gave opinion on any sort of**
8 **problems that came up.**
9 Q. So is it fair to say that you were not out
10 of the picture of ESP and NXIVM at that point?
11 **A. I would say that's correct.**
12 Q. In what way are you the founder of NXIVM
13 Corporation?
14 **A. The idea for such a curriculum, the idea of**
15 **having a school or I should say a -- not really a**
16 **school; it's a program -- and even sometimes the**
17 **ideas of having different types of programs come**
18 **from me.**
19 Q. Do you consider anyone else to be a founder
20 of NXIVM?
21 **A. Nancy Salzman could be considered possibly a**
22 **founder, depending on if you're talking about a**
23 **philosophical founder or a business founder.**
24 Q. Well, what kind of founder are you talking
25 about in Paragraph 1?

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1 **A. I assume I'm a philosophical, yes. I said**
2 **I'm the founder of NXIVM Corporation, formerly**
3 **Executive -- I'm the philosophical founder of that.**
4 Q. Is anyone else a philosophical founder of
5 NXIVM?
6 **A. I don't believe so, no.**
7 Q. If you turn to Paragraph 34 of your
8 Affidavit, you say, "In 1998 I met Nancy Salzman.
9 She was an international authority on human
10 potential. She had trained over 25,000 people in
11 communication methods and she had studied with many
12 of the top people in the world in this field. I
13 determined she was ideal person to learn, duplicate
14 and apply my model."
15 Is Rational Inquiry method the model that you
16 were referring to?
17 **A. Part of it. At that point in time, I had**
18 **developed certain techniques and certain models of**
19 **human behavior, which I had not found anyone that I**
20 **felt I would want to or could co-experiment with me**
21 **on how to develop that model, and I felt that she**
22 **was the person.**
23 Q. Was the Rational Inquiry model fully formed
24 at that point?
25 **A. No.**

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1 Q. You continued to develop it after you met
2 Nancy Salzman?
3 **A. Yes.**
4 Q. When you say that you determined that she
5 was the ideal person to learn, duplicate and apply
6 my model, was this the start of ESP and NXIVM?
7 **A. No. We did work before, before we created**
8 **ESP/NXIVM.**
9 Q. In other words, you met her, you did work;
10 and it was some time later that you formed ESP and
11 NXIVM?
12 **A. Yes.**
13 Q. Did Nancy Salzman sign a confidentiality
14 agreement before beginning to learn, duplicate and
15 apply your model?
16 **A. She signed a confidentiality agreement**
17 **relating to another company at that time. She also**
18 **made confidentiality assertions which I think at the**
19 **time were videoed, so, yes. She affirmed a**
20 **confidentiality, and she did sign a confidentiality**
21 **agreement at the time.**
22 Q. You say she signed a confidentiality
23 agreement with another company.
24 What company was that?
25 **A. National Health Network.**

1 Q. And what is the relationship of National
2 Health Network to NXIVM or ESP?
3 **A. Well, National Health Network became a buying**
4 **organization within NXIVM/ESP, but National Health**
5 **Network was a health company, and people who entered**
6 **into that company signed confidentiality agreements**
7 **with respect to information that they came in**
8 **contact with.**
9 Q. Would that confidentiality agreement have
10 encompassed all of the methods and training in
11 NXIVM?
12 **A. No.**
13 Q. What specifically did you do to mentor
14 Nancy Salzman?
15 **A. We would have meetings. We would discuss**
16 **different issues that came up. She was doing work**
17 **in the human performance field. I would help her**
18 **solve problems. I would teach her techniques which**
19 **she would practice and then come back and we would**
20 **talk about them.**
21 Q. The model that you refer to in Paragraph 34,
22 was that model written down?
23 **A. There were parts. There's one part of the**
24 **model in particular that was written down. The rest**
25 **was not.**

1 **A. I'm not sure. I believe she would have had**
2 **to, but I don't know.**
3 Q. Why do you say she would have had to?
4 **A. Because I think when you create a corporation**
5 **it costs money.**
6 Q. Do you know if anyone else put up any money
7 for the formation of ESP?
8 **A. No, I do not know.**
9 Q. You don't know?
10 **A. I don't know.**
11 Q. Was anyone else involved in the opening or
12 the creation of ESP other than you and Nancy
13 Salzman?
14 **A. Yes. We had a group of people that we**
15 **brought through some initial curriculum and, yeah,**
16 **there was a small group of people.**
17 Q. This was before ESP was formed as a
18 corporation?
19 **A. I believe it was after, but I'm not positive.**
20 Q. Well, I'm asking whether or not anybody else
21 was involved with the actual formation of the
22 corporation other than you and Nancy.
23 **A. Oh, not that I know of.**
24 Q. And Nancy Salzman is the President and sole
25 shareholder of NXIVM?

1 Q. Did you provide Nancy Salzman with any
2 written materials or books?
3 **A. Yes. I provided her that one piece of**
4 **written material.**
5 Q. Is that all you provided her?
6 **A. As far as written materials, yes.**
7 Q. Did you and Nancy Salzman co-own ESP?
8 **A. No.**
9 Q. Who owned ESP?
10 **A. Nancy Salzman owns ESP.**
11 Q. And did she always own ESP?
12 **A. Yes.**
13 Q. Did you put up any money?
14 **A. No.**
15 Q. Was Rational Inquiry your contribution to ESP
16 rather than cash?
17 **A. I -- I don't know how contributions to ESP**
18 **worked, but I certainly did contribute the**
19 **technology of Rational Inquiry to be utilized within**
20 **the curriculum of ESP.**
21 Q. Were you ever a director or an officer of
22 ESP?
23 **A. Not that I know of, no.**
24 Q. Did Nancy Salzman put up money for the
25 foundation of ESP?

1 **A. Yes, to my knowledge.**
2 Q. And she was the sole shareholder of ESP?
3 **A. Yes, to my knowledge.**
4 Q. Now, you told us last time that you have
5 never been employed by NXIVM or First Principles;
6 is that right?
7 **A. I believe so.**
8 Q. Well, wouldn't you know whether you were
9 ever an employee of either of those entities?
10 **A. I don't know what the legal definition of**
11 **"employee." I have never earned any money in the**
12 **form of a salary or I have not had any job**
13 **description that I knew of per se.**
14 Q. What about ESP? Were you ever an employee of
15 ESP?
16 **A. Same thing. No, not to the best of my**
17 **knowledge.**
18 Q. Have you ever had a financial or other
19 ownership interest in NXIVM?
20 **A. No.**
21 Q. What about in ESP?
22 **A. No. The only direct interest is the royalty**
23 **that's supposed to go to a foundation, so I don't --**
24 **I don't know how you'd consider that, but I don't**
25 **consider that having an interest in the corporation.**

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1 Q. And that royalty comes from First Principles?
2 **A. I believe it does.**
3 Q. As far as you know, has that royalty been
4 paid?
5 **A. I don't think it's been paid. I don't think**
6 **there's been any profits.**
7 Q. Oh, the 10 percent royalty is only paid when
8 there are profits?
9 **A. Originally the 10 percent royalty was**
10 **supposed to be paid after ESP reached a certain**
11 **success and was supposed to be paid out of profits.**
12 **The 10 percent royalty is not supposed to ever**
13 **endanger the business' functioning, so I don't think**
14 **there's been any profit so I don't know how that's**
15 **handled.**
16 Q. So when you say you don't think there's ever
17 been any profits, you're saying that NXIVM has never
18 been a profitable corporation?
19 **A. To my knowledge, I don't think it has.**
20 Q. So other than the 10 percent share of
21 profits, you have no current ownership interest in
22 NXIVM or ESP or First Principles; is that right?
23 **A. It's not a 10 percent share of profits. It's**
24 **a 10 percent royalty to be paid from profits; but to**
25 **answer your question, no, I do not.**

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1 Q. Do you own any interest in any
2 NXIVM-affiliated company?
3 **A. Not that I know of, no.**
4 Q. Have you personally ever derived income of
5 any sort from NXIVM?
6 **A. No, not that I know of.**
7 Q. Well, again, you say not that you know of.
8 Wouldn't you know if you had derived income?
9 **A. Depending on how you define "income." I**
10 **have gone over to Nancy's house on some mornings,**
11 **and she makes me omelettes and things like that.**
12 **No. I would answer your question squarely with**
13 **respect to money, things like that, no.**
14 Q. And is that also true of ESP and First
15 Principles?
16 **A. Yes.**
17 Q. Who do you believe holds the copyright on the
18 Rational Inquiry modules?
19 **A. I'm not sure. I think ESP holds the**
20 **copyrights on the modules directly, but I'm not**
21 **positive of that. I'd have to look -- look at the**
22 **bottom of the modules.**
23 Q. Now, is it accurate that you created the
24 concepts and the order of the concepts in the
25 modules, but you did not actually write them?

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1 **A. Yes.**
2 Q. Who actually -- who actually wrote the
3 modules?
4 **A. I'm not sure.**
5 Q. You don't know who any of the authors of the
6 modules are?
7 **A. I know who some of them might have been, and**
8 **I believe it's changed over time.**
9 Q. Who are some of the people who you believe
10 might have been the authors of the modules?
11 **A. Nancy Salzman, Lauren Salzman, Ivy Nevares.**
12 **I think there were a few other people, but I'm not**
13 **sure. It's whoever can write.**
14 Q. When a module is written, does it come to you
15 for review?
16 **A. Most of the time, no.**
17 Q. And has that been true from the beginning?
18 **A. In the beginning, I did review more of the**
19 **modules. I don't believe I reviewed every one, but**
20 **I think of the basic 20 modules ultimately I had**
21 **reviewed probably all of them.**
22 Q. Okay. Did you assist or participate in the
23 writing process of any of the modules?
24 **A. Yes.**
25 Q. Which ones?

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1 **A. I don't know. It was very long ago. I think**
2 **I helped edit the Tribute module. I might have**
3 **helped with writing one or two of the intros to show**
4 **how to give a -- sort of an introduction or a flavor**
5 **to the modules.**
6 Q. Now, you say that it was long ago. Would
7 your involvement in the writing process of modules
8 be restricted to the core 20 modules that you
9 referred to?
10 **A. Mostly. There may have been some outside of**
11 **that, but that was where I was primarily involved in**
12 **the writing.**
13 Q. Did you ever have any written agreement with
14 the authors of the modules?
15 **A. Other than the confidentiality agreements, I**
16 **don't think so. I didn't.**
17 Q. You didn't?
18 **A. I did not have an agreement with them other**
19 **than the confidentiality agreements.**
20 Q. What about an oral agreement with them?
21 **A. I think there are a lot of oral agreements.**
22 **Whenever someone writes a module, those things are**
23 **to be kept in strict confidence. And, as I said,**
24 **there would only be very few people who would write**
25 **the modules. As I said, I know of Nancy Salzman,**

1 **Lauren Salzman and Ivy. Nancy may know of a few**
2 **other people, but I don't think there have been that**
3 **many.**

4 Q. Do you know how -- well, I think you told us
5 that whoever it is that owns the copyrights on the
6 modules, it was not the actual authors of the
7 modules. Is that your understanding?

8 **A. That is my understanding.**

9 Q. So how did the current owner of the
10 copyrights become the owner of the copyrights if
11 they were not the authors?

12 **A. I think the authors were assigned by Nancy**
13 **Salzman who is owner of, to my knowledge, both First**
14 **Principles and Executive Success Programs, and I**
15 **don't think the auth -- the modules weren't**
16 **necessarily authored by any one person. I don't**
17 **know the details of how or why choices are made to**
18 **copyright in different situations necessarily.**

19 Q. So as far as you know, whoever it is that
20 actually wrote the modules did that as a work for
21 hire for Nancy?

22 **A. I don't know the term, but I suppose. It's**
23 **as directed through Nancy.**

24 Q. And do you know for what entity they were
25 creating the modules?

1 **A. No.**

2 Q. Do either Sara or Claire Bronfman cover any
3 of your living expenses?

4 **A. No.**

5 Q. Does the Rational Inquiry method address
6 lying?

7 **A. Yes, to some degree.**

8 Q. What does the Rational Inquiry method teach
9 about lying?

10 **A. Well, I don't know if it teaches anything**
11 **specific. The Rational Inquiry method is a method**
12 **of analyzing human behavior and decision making. So**
13 **if a decision does not match with a certain aspect**
14 **of reality, I guess you would consider that a lie,**
15 **so it addresses lying.**

16 Q. Pursuant to the Rational Inquiry method, are
17 there any circumstances when lying is acceptable?

18 **A. The method would not address that but the**
19 **curriculum would; and within the curriculum, I**
20 **believe there is one example we use where lying is**
21 **acceptable.**

22 Q. And what is that? What is the circumstance
23 when lying is acceptable?

24 **A. I believe if you -- in the extreme, if you**
25 **are in Nazi Germany and you have your family**

1 **A. In general, the modules were created to be**
2 **used by ESP. That's the best I know.**

3 Q. So as far as you know, the authors assigned
4 their copyrights to ESP?

5 **A. I don't know if they had copyrights to**
6 **assign. If they did, I suspect they would have.**

7 Q. Okay. Now, do you know whether or not ESP
8 assigned the copyrights to NXIVM?

9 **A. No, I don't know.**

10 Q. Do you receive any money personally from
11 NXIVM followers?

12 **A. No, not that I know of. No.**

13 Q. Do you receive any money from Sara Bronfman?

14 **A. No, not that I know of.**

15 Q. Well, again, you say not that you know of.
16 Wouldn't you know if you receive money?

17 **A. I'm being general. I -- no, I do not receive**
18 **any monies, dollars. My concern is, for example, if**
19 **Sara Bronfman pays for part of Vanguard Week and**
20 **part of Vanguard Week is a celebration of my**
21 **birthday, is that considered my receiving monies**
22 **from Sara Bronfman?**

23 **If you're asking in a traditional sense do I**
24 **receive from Sara Bronfman, no, nor have I.**

25 Q. What about from Claire Bronfman?

1 **upstairs and a Nazi soldier comes to the door and**
2 **you believe because you've seen the Nazi soldiers**
3 **enter other houses and kill the families that if you**
4 **are asked, "Is your family here?" and you say "no"**
5 **as a lie, that is a strategic lie that is valuable.**

6 Q. So the training incorporates the notion of
7 strategic lies. What about white lies?

8 **A. I don't know what you mean by "white lies."**

9 Q. Let me ask a different question. Under
10 NXIVM's teaching, is lying ever acceptable to
11 protect the executive enterprise?

12 **A. The executive -- you mean ESP?**

13 Q. Well, yes.

14 **A. I don't think that would be addressed. We**
15 **address ethics. Lying -- things like lying, things**
16 **like how you make a decision are tools that people**
17 **use, so the use of those -- the tools themselves are**
18 **one thing, but the use of the tools is what ethics**
19 **would address.**

20 Q. Under NXIVM's ethical constructs, is it ever
21 acceptable to use the tools to conclude that lying
22 is appropriate?

23 **A. I would imagine lying could be appropriate in**
24 **certain circumstances.**

25 Q. Give me some examples.

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1 **A. Well, as I said, Nazi Germany; someone comes**
2 **to your house. I think in a circumstance where**
3 **someone is -- has bad intent, is looking to destroy**
4 **especially other human life or human values, if you**
5 **are put in a circumstance that is what you would say**
6 **an immoral circumstance, then strategic lies are**
7 **sometimes utilized or good. I can't think of**
8 **examples off the top of my head.**
9 Q. Well, let me ask you this. I think you've
10 told us that you think that Rick Ross has malintent,
11 haven't you?
12 **A. I said I think Rick Ross may have bad intent.**
13 Q. Okay. In your view then, would it be
14 acceptable for you or Nancy or Kristin Keeffe to lie
15 under oath because of what you view as Rick Ross'
16 intention to harm NXIVM?
17 **A. I doubt it. I would have to see the**
18 **circumstance. I have not lied under oath. I don't**
19 **know what their ethics or what their circumstances**
20 **are, but the reason why we're going through legal**
21 **proceedings is because of the ethics of the law**
22 **so...**
23 Q. In your view, is lying under oath ever
24 acceptable?
25 **A. I suspect I could derive a situation under**

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1 **which -- under which lying under oath would be**
2 **acceptable.**
3 Q. Now, you have a personal code of ethics?
4 **A. Yes.**
5 Q. What does your personal code of ethics say
6 about lying?
7 **A. Well, in every decision I try to be mindful**
8 **and weigh out what the best thing to do is.**
9 Q. And sometimes the best thing to do is to lie?
10 **A. I would say that's a very rare circumstance.**
11 **I don't think of myself as lying very much.**
12 Q. Did you read the deposition transcript of
13 Kristin Keeffe?
14 **A. No.**
15 Q. You never read it?
16 **A. I don't believe so, no.**
17 Q. Did she talk to you about the deposition?
18 **A. I don't recall right off specifically. She**
19 **mentioned she was deposed. I don't believe she**
20 **talked to me about any of the content.**
21 Q. Did she say anything to you about whether
22 she had told the truth during her deposition?
23 **A. I don't think that was mentioned.**
24 Q. It wasn't mentioned?
25 **A. No.**

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1 Q. Okay. In our prior deposition sessions we
2 were working with your definition of a trade secret,
3 and I want to be sure that we're talking about the
4 same thing today.
5 I believe you told us that a trade secret is
6 something we believe is unique that we keep as a
7 secret and if it were not kept secret would be a
8 disadvantage to us.
9 Do I have that right?
10 **A. I think that's an overview of it, but I --**
11 **again, I don't believe I necessarily know what a**
12 **trade secret is so that's a -- what I would say was**
13 **my on-the-moment lay definition.**
14 Q. And will it serve as your definition for
15 today?
16 **A. For now, yeah.**
17 Q. To the best of your knowledge, does NXIVM
18 consider all of its modules and materials
19 proprietary and confidential?
20 **A. Yes.**
21 Q. Do you?
22 **A. Yes, except those that for some reason NXIVM**
23 **would decide to release in a more public setting**
24 **or...**
25 Q. Do you have a contract or confidentiality

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1 agreement with NXIVM?
2 **A. I don't believe I have anything other than**
3 **the other -- the agreements that I have signed. I'm**
4 **not sure if any of the agreements incorporate my**
5 **confidentiality, although I take that as part of the**
6 **agreement.**
7 Q. What agreements have you signed?
8 **A. Well, there's student agreements. There are**
9 **things that I've signed at Arlen's office, things**
10 **relating to either patents or I don't know if I've**
11 **specifically signed one with respect to assignment**
12 **of royalties and things like that but all of**
13 **whatever those agreements are.**
14 Q. But as far as you know, you've never signed
15 anything that was specifically a confidentiality
16 agreement?
17 **A. I don't know if I've signed specifically a**
18 **confidentiality agreement.**
19 Q. You are in a small circle of people who know
20 all of NXIVM's trade secrets, isn't that right?
21 **A. I am not sure if I know all of NXIVM's trade**
22 **secrets because I'm not sure I know what trade**
23 **secrets are. I know a set of important trade**
24 **secrets relating to Rational Inquiry.**
25 Q. And is it a small group of people who know

1 that group of trade secrets?
 2 **A. Most of them are either known by myself,**
 3 **myself and Nancy only. There may be one or two**
 4 **other people that know some of the trade secrets.**
 5 Q. Who are those people?
 6 **A. Karen Unterreiner is one of them;**
 7 **Lauren Salzman is another.**
 8 Q. So is the group that knows --
 9 **A. I'm sorry. Kristin Keeffe may know some,**
 10 **also.**
 11 Q. Okay. So the group that knows most of
 12 NXIVM's trade secrets is you, Nancy Salzman, Kristin
 13 Keeffe, Lauren Salzman, and Karen Unterreiner?
 14 **A. I would say that's the group that knows the**
 15 **most of the trade secrets. The -- for example,**
 16 **people who are trainers and people who are coaches**
 17 **and people who are facilitators all know some trade**
 18 **secrets; but when you talk about who has the most**
 19 **robust knowledge of the trade secrets, it would be**
 20 **those people.**
 21 Q. Okay. Now, you conducted what you have
 22 identified as in-depth scientific research during
 23 your development of the Rational Inquiry method.
 24 Has any of your research been published in any
 25 peer-reviewed journals?

1 **my head, yes.**
 2 Q. What materials were not stored in your head?
 3 **A. Computer programs that I had written, data**
 4 **analysis that I had written relating to the gamma pi**
 5 **project that I worked on. There were some things**
 6 **when I taught computers and things like that that**
 7 **were written.**
 8 Q. Now, I assume that you consider the Rational
 9 Inquiry method a trade secret.
 10 **A. I think it's a big thing, so yes, although I**
 11 **-- I suspect, yes, I would consider it a trade**
 12 **secret.**
 13 Q. And you consider it proprietary?
 14 **A. Yes.**
 15 Q. Who has access to the Rational Inquiry
 16 method?
 17 **A. The full method?**
 18 Q. Yeah.
 19 **A. Nancy Salzman. She's the main person.**
 20 Q. Is the Rational Inquiry method the basis or
 21 foundation for all of NXIVM's trade secrets and
 22 modules and materials?
 23 **A. I don't know.**
 24 Q. What is your understanding of the degree to
 25 which the Rational Inquiry method is the basis for

1 **A. I don't think any of the direct research**
 2 **relating to Rational Inquiry has been published in**
 3 **any peer-reviewed journals. Some of the research I**
 4 **have done in my career may have been published. I**
 5 **do not know.**
 6 Q. You don't know whether it's been published?
 7 **A. Correct.**
 8 Q. During the course of your development of the
 9 Rational Inquiry method, did you write up your
 10 research?
 11 **A. I have not written up my research relating to**
 12 **the Rational Inquiry method yet.**
 13 Q. You haven't written it up --
 14 **A. Written yet.**
 15 Q. Yet?
 16 **A. Relating to the Rational Inquiry method**
 17 **itself.**
 18 Q. So all of your research related to the
 19 Rational Inquiry method is stored in your head?
 20 **A. No. The research that I did before I**
 21 **discovered the Rational Inquiry method, which aided**
 22 **in my understanding human behavior which aided in my**
 23 **understanding computers and things like that, was**
 24 **not all stored in my head. The things that are**
 25 **related to Rational Inquiry are primarily stored in**

1 NXIVM's modules?
 2 **A. I think relating to the human behavior model,**
 3 **Rational Inquiry is the basis of that. Some of the**
 4 **things within the corporation which may be trade**
 5 **secrets I don't know, either business methods or**
 6 **other mechanizations that are unique probably are**
 7 **trade secrets; but I don't know if they have**
 8 **anything to do directly with the Rational Inquiry**
 9 **method.**
 10 Q. Well, putting aside business techniques and
 11 focusing only on the training, the NXIVM training,
 12 is the Rational Inquiry method the basis of all of
 13 that training?
 14 **A. I believe so.**
 15 Q. Did you give Nancy Salzman any documents
 16 reflecting or memorializing the Rational Inquiry
 17 method to assist her in developing the modules or
 18 in working with others to develop the modules?
 19 **A. No, not that I know of at all.**
 20 Q. So was all of the information conveyed
 21 orally?
 22 **A. Yes. There have been a few charts that I've**
 23 **written that are used in some of the advanced**
 24 **courses. There may have been a few other things,**
 25 **but in general it was conveyed orally.**

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1 Q. So when you were working with -- with Nancy
2 or with other authors in anticipation of the
3 creation of a module, you would simply talk to them;
4 and then they would go off and write the module?
5 **A. Yes. I think that would be a general way of**
6 **putting it, yes.**
7 Q. Did Nancy take any notes in your presence?
8 **A. Yes.**
9 Q. What about the other authors that you met
10 with?
11 **A. There are not many people who have -- well,**
12 **with respect to Rational Inquiry within NXIVM, the**
13 **only other people that have aided in any way in**
14 **authoring a module are Karen Unterreiner and**
15 **Lauren Salzman.**
16 Q. And did they take notes?
17 **A. Yes, I believe so.**
18 Q. Okay.
19 **MR. SKOLNIK:** Let the record reflect a
20 request for any notes taken by Nancy Salzman, Karen
21 Unterreiner or Lauren Salzman.
22 (Request.)
23 **MR. McGUIRE:** Is that consistent with
24 your position that the discovery period is over and
25 you're not entitled to that?

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1 **MR. SKOLNIK:** It is because it's already
2 been asked for, Bill.
3 **MR. McGUIRE:** Oh, it's already been
4 asked for?
5 **MR. SKOLNIK:** Yeah.
6 **MR. McGUIRE:** Okay.
7 **BY MR. SKOLNIK:**
8 Q. Let me ask you to turn to Paragraph 37 of
9 your Affidavit.
10 **A. Yes.**
11 Q. And in Paragraph 37 you told us, "When
12 someone signs up for a program, they sign a
13 confidentiality agreement. The first module they
14 take is 'Rules and Rituals.'"
15 **A. Uh-huh.**
16 Q. "Within this module they learn of the
17 12 point Mission Statement."
18 **A. Uh-huh.**
19 Q. Did I read that accurately?
20 **A. Yes.**
21 Q. So am I correct to assume that Rules and
22 Rituals is a key module?
23 **A. I don't know what you mean by "key module."**
24 **It is an important module, and it is one of the**
25 **first modules taken.**

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1 Q. Okay.
2 **A. I want to say that it is one of the first**
3 **modules taken in certain programs within the NXIVM**
4 **purview.**
5 Q. There are some programs where Rules and
6 Rituals is not one of the first modules?
7 **A. Correct.**
8 Q. Okay. Is it one of the first modules in the
9 Intensive?
10 **A. Yes.**
11 Q. I'm going to give you a list of concepts
12 contained in certain NXIVM modules and ask you to
13 tell me if that concept is a trade secret or if
14 NXIVM considers it proprietary or confidential.
15 These concepts come from the Rules and
16 Rituals module. Sashes and scarves.
17 **A. I can't speak for what NXIVM thinks is**
18 **confidential. I think that the sashes and scarves**
19 **have certain confidential aspects to them.**
20 Q. Is there something in the nature of a trade
21 secret about secrets (sic) and scarves?
22 **A. About sashes and scarves? I think if people**
23 **were to disclose all the things relating to sashes**
24 **and scarves and how they are used, there may be**
25 **trade secrets disclosed; and certainly it would be**

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1 **undesirable for us because that is confidential**
2 **information, private property.**
3 Q. What about promotion? Is that also
4 confidential information, private property?
5 **A. Yes.**
6 Q. Pictures of founders in the class?
7 **A. Yes. Those don't exist, though.**
8 Q. Removal of shoes.
9 **A. Depending -- the actual removal of shoes is**
10 **not a trade secret, per se, but it is how it is used**
11 **and why. There are trade secrets that are I believe**
12 **confidential information involved with that.**
13 Q. Are there trade secret aspects to bowing?
14 **A. I would imagine that is so, also, yes.**
15 Q. What about standing when high rank enters?
16 Is that in the nature of a trade secret?
17 **A. I -- it in itself is just a window into**
18 **confidential information and trade secrets, but**
19 **standing when a certain person enters a room is a**
20 **custom I believe that's practiced in many contexts.**
21 Q. But the way in which it's employed within
22 NXIVM is in the nature of a trade secret?
23 **A. I think it is involved with some of the trade**
24 **secrets.**
25 Q. What about the ESP handshake?

1 **A. The same thing. I would classify it the same**
2 **way.**

3 Q. There is something of the nature of a trade
4 secret about it?

5 **A. I think it may be a window to trade secrets;**
6 **and certainly certain things as to how it's used,**
7 **why it's used are confidential and important to us.**

8 Q. And when you say it's a window to trade
9 secrets, in what way is it a window?

10 **A. Well, if you have -- if you have trade secret**
11 **information and you give various aspects of the**
12 **trade secret information out without giving the**
13 **trade secret, per se, you can transmit the trade**
14 **secret; so inasmuch as something can be used to**
15 **transmit a trade secret when you have the trade**
16 **secret, it becomes a window.**

17 Q. So is the entire Rules and Rituals module a
18 trade secret, and all of these different parts of
19 the Rules and Rituals module are windows into the
20 overall trade secret?

21 **A. When you say "the entire Rules and Rituals**
22 **module," there's the written portion of the Rules**
23 **and Rituals module. There's the practice portion of**
24 **the Rules and Rituals module. There's the**
25 **conceptual portion of the Rules and Rituals module.**

1 Q. Recitation of the Mission Statement. What is
2 that in the nature of?

3 **A. A similar thing.**

4 Q. How about use of phone trees?

5 **A. I would say a similar thing, yes.**

6 Q. The confidentiality of materials?

7 **A. I would say, again, these are all pieces.**

8 Q. They're all windows into the trade secret
9 that is the entirety of the Rules and Rituals
10 module?

11 **A. Potential windows.**

12 Q. And the wearing of standard business attire,
13 same thing?

14 **A. Yes. That could be classified the same**
15 **thing.**

16 Q. Okay. What did you do to come up with these
17 Rules and Rituals?

18 **A. I guess I'm not exactly sure what you're**
19 **asking.**

20 Q. Well, were you the one who conceived all of
21 these Rules and Rituals?

22 **A. I believe so.**

23 Q. Okay. What I'm asking is how you conceived
24 them. What, if any, research did you do; or did you
25 just sit and think? What was the basis of your

1 **Depending on how much of those things one has, it**
2 **starts to create a window, more of a window into**
3 **possibly smaller or even larger trade secrets.**

4 Q. So the written portion is only a portion of
5 the trade secret?

6 **A. That is correct.**

7 Q. So someone couldn't reconstruct or reverse
8 engineer the trade secret just from the written
9 portion, is that right?

10 **A. Oh, I don't know that. I -- someone may be**
11 **that clever.**

12 Q. Well, if they didn't have any experience of
13 the way it's taught and what actually goes on in the
14 session --

15 **A. Uh-huh.**

16 Q. -- but only had the written materials, could
17 they reverse engineer the entire process?

18 **A. I'm not sure. They might be able to.**

19 Q. What about stripes signifying rank? Is that
20 in the nature of a trade secret?

21 **A. That's similar again to the sashes, although**
22 **different types of stripes and demarcations in**
23 **general culture signify different types of ranks, so**
24 **that in itself is not. The fact that that is part**
25 **of the puzzle may create a window.**

1 conception of these Rules and Rituals?

2 **A. Different Rules and Rituals come from**
3 **different things, and depending on -- in some cases,**
4 **some of what I had studied, in some cases some of**
5 **what I have observed, in some cases, some of what**
6 **I've read, those experiences are embodied in the**
7 **Rules and Rituals, and each of them have a purpose**
8 **and a meaning based on those things.**

9 **THE VIDEOGRAPHER:** Excuse me. We have
10 to change tapes.

11 **MR. SKOLNIK:** Okay. Well, why don't we
12 take a short break.

13 (At this point, there was a short
14 recess.)

15 **THE VIDEOGRAPHER:** This is the beginning
16 of Tape Number 2. The time is 11:13.

17
18 **CONTINUED CROSS-EXAMINATION BY MR. SKOLNIK:**

19 Q. Mr. Ranieri, we were talking about the
20 various Rules and Rituals.

21 Did you spend any money developing the Rules
22 and Rituals?

23 **A. I think over my lifetime I've spent money for**
24 **my experience, but did I spend money to develop**
25 **those things directly at the moment I developed**

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1 them, no.
2 Q. Okay. Do these Rules and Rituals give NXIVM
3 an advantage over its competitors?
4 **A. I believe they do.**
5 Q. How?
6 **A. I believe that the Rules and Rituals act to**
7 **some degree as a protection and a swording as does**
8 **the patent and the copyright and things like that so**
9 **that people who are likely to want to take the ESP**
10 **curriculum will and people who are not likely to**
11 **either want to take the curriculum will not.**
12 Q. Well, you've described why you think that
13 they are important; but my question is in what way
14 they give NXIVM an advantage over its competitors.
15 **A. If I'm a corporation and I have a way of**
16 **selecting clients that is superior to the way my**
17 **competitors select clients, I have a competitive**
18 **advantage.**
19 Q. Do the Rules and Rituals inform how NXIVM
20 selects clients?
21 **A. The Rules and Rituals aid in NXIVM selecting**
22 **clients.**
23 Q. Aren't clients only exposed to the Rules and
24 Rituals once they have selected NXIVM?
25 **A. To some degree, but there are clients who**

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1 **leave at Rules and Rituals; and there are clients**
2 **who hear about certain aspects of the Rules and**
3 **Rituals that we have released that may never come**
4 **because of those.**
5 Q. Do any of NXIVM's competitors use these Rules
6 and Rituals?
7 **A. I don't know. I suspect NXIVM's competitors**
8 **use Rules and Rituals of their own.**
9 Q. But not NXIVM's Rules and Rituals?
10 **A. Well, I'm not sure.**
11 Q. You have no knowledge of any competitor using
12 NXIVM's Rules and Rituals?
13 **A. Um, I have knowledge I think of competitors**
14 **or what you might call competitors using similar**
15 **devices to NXIVM's that may serve them.**
16 Q. Give me some examples.
17 **A. Take, for example, if you -- depending on how**
18 **you view it, the Elks Club. If that is considered**
19 **in some ways a competitor for people's time with**
20 **NXIVM, they have a title from what I've heard. The**
21 **head of their areas -- and it might be the lodge;**
22 **I'm not sure -- is called the Grand Exalted Ruler.**
23 **That serves a purpose within that organization which**
24 **I'm not privy to, but there are certainly people who**
25 **will thrive with something like that and people who**

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1 **will not; than is a type of selection device I**
2 **suspect the Elks Club uses to have people who are**
3 **Elks or not.**
4 Q. But the Elks Club didn't get the Rules and
5 Rituals from NXIVM, did it?
6 **A. In that case, I don't know. That concept,**
7 **though, is applied in a way but not from us.**
8 Q. And you consider the Elks Club a competitor
9 of NXIVM's?
10 **A. If you're looking at the Elks Club as an**
11 **organization to which people may develop their time**
12 **or believe it increases their joy, betterment --**
13 **their betterment in life, their feeling of that,**
14 **then it is because NXIVM looks to help people**
15 **increase their joy and increase their ability to**
16 **make ethical decisions. I think the Elks Club does**
17 **the same thing.**
18 Q. So any organization that helps people
19 increase their joy or make ethical decisions is a
20 competitor of NXIVM's?
21 **A. I think could be considered a competitor of**
22 **NXIVM's for people's time certainly and maybe even**
23 **also commerce.**
24 Q. Do you know whether or not any direct
25 competitors in the sense of teaching executive

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1 training use these Rules and Rituals?
2 **A. Um, I think there are organizations like**
3 **maybe in General Electric that use some sort of a**
4 **ranking system. I think they have like black belts,**
5 **green belts or some such thing like that. I know**
6 **that there have been martial arts organizations that**
7 **have translated over to do corporate training and**
8 **executive performance training. They certainly use**
9 **titles and ranks to some degree. Now, I don't know**
10 **exactly how they use them or why they use them.**
11 **That would be their trade secrets. So, yes, I mean,**
12 **I imagine a number of them.**
13 Q. Is it your understanding that they developed
14 these trade secrets independently and not from
15 NXIVM?
16 **A. I wouldn't know. I mean, the older ones**
17 **developed them independently of NXIVM I'm sure.**
18 Q. You told us last time when we were discussing
19 Paragraph 38 of Raniere-11 that the 12 point Mission
20 Statement is the foundational principle and
21 principles from which everything else is ultimately
22 derived and that in some way, shape or form all ESP,
23 NXIVM flows from the 12 point Mission Statement.
24 Is that right?
25 **A. I don't know if that's precisely what I said.**

1 **Do you have the deposition transcript?**

2 Q. Well, let me ask you if you think that that's
3 a true statement?

4 **A. Could you repeat it?**

5 Q. The 12 point Mission Statement is the
6 foundational principle and principles from which
7 everything else is ultimately derived.

8 **MR. McGUIRE:** What are you reading from,
9 Mr. Skolnik, what paragraph?

10 **MR. SKOLNIK:** I'm not reading from any
11 paragraph, Bill.

12 **MR. McGUIRE:** Are you reading from a
13 transcript?

14 **MR. SKOLNIK:** I'm --

15 **MR. McGUIRE:** Oh, I'm sorry. I thought
16 you were quoting something. I beg your pardon.

17 **MR. SKOLNIK:** I'm quoting Mr. Raniere's
18 testimony at his last deposition.

19 **MR. McGUIRE:** Okay.

20 **A. And I can't see that?**

21 Q. That the 12 point Mission Statement is the
22 foundational principle and principles from which
23 everything else is ultimately derived; and in some
24 way, shape or form all of ESP, NXIVM flows from the
25 12 point Mission Statement.

1 **A. I think the module Tribute -- are you talking
2 about the written form of the module?**

3 Q. The written form of the module.

4 **A. As I said with the written form of the module
5 of Rules and Rituals, I think that is an important
6 thing. I think that it acts -- can act as a window
7 into the trade secrets. You know, I think it is a
8 very important aspect -- asset to ESP.**

9 Q. When you say they could act as a window,
10 are you saying that you don't think that Rules and
11 Rituals -- the written module Rules and Rituals is
12 itself a trade secret?

13 **A. I don't know if I could evaluate that, and I
14 guess I would -- if we decided to go the copy route
15 -- copyrighting it, inasmuch as it's disclosed for
16 copyrighting purposes, I guess the written portion
17 of it is not, but it becomes -- see, if someone
18 takes material that they should not have, they waive
19 a certain right. They actually have a certain
20 responsibility.**

21 **I might say if I've stolen the trade secret
22 of say Coca-Cola, the formula, are any of the
23 letters trade secrets, no, but because I know the
24 trade secret the way I orchestrate them in my
25 transmission of information could give away the**

1 **A. Okay. What I would say is that the 12 point
2 Mission Statement embodies some bas -- some of the
3 very basic principles, the starting principles of
4 all of ESP, NXIVM. I even think there have been
5 other principles certainly developed after that, but
6 the very start of ESP, NXIVM -- now NXIVM was a
7 certain type of discovery and understanding. That
8 discovery and understanding was embodied in part in
9 the 12 point Mission Statement, yes, so I think that
10 is a foundational document.**

11 Q. Okay. So Rules and Rituals and the Mission
12 Statement are important and valuable trade secrets
13 for NXIVM, is that right?

14 **A. Well, I don't know about the 12 point Mission
15 Statement being a trade secret. The 12 point
16 Mission Statement is a copyrighted work of mine.
17 Rules and Rituals is a different thing. Rules and
18 Rituals is a whole module. There's the actual
19 statement, the copyrighted module, and then there's
20 the practices of it, and then there's the concepts
21 behind it. I think when you talk about Rules and
22 Rituals, it's a much more robust thing.**

23 Q. What about the module called Tribute? Is
24 that an important and valuable trade secret of
25 NXIVM's?

1 **trade secrets. So the letter of Rules and Rituals
2 inasmuch as it is copywritten is not in itself a
3 trade secret but wielded by someone who has the
4 trade secrets can become a window to see those trade
5 secrets.**

6 Q. Wielded by someone who has the trade secret.
7 How has that person come into possession of the
8 trade secret?

9 **A. Well, in the particular case here, I believe
10 that the trade secrets, the confidential manuals,
11 things that are our property were taken and utilized
12 improperly. And when you take someone else's
13 property, you are given abilities to disclose things
14 about that property that you wouldn't have if you
15 didn't have the property.**

16 Q. Coming back to the Tribute module. Is the --
17 is the written portion of the Tribute module a trade
18 secret, a NXIVM trade secret?

19 **A. Well, inasmuch as the written portion of the
20 module has been published through the copyright
21 process so that it is generally available to people,
22 those actual words in themselves are not a trade
23 secret but can be used by someone who has the trade
24 secrets to reveal the trade secrets.**

25 Q. Is the Tribute module also foundational?

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1 **A. I think it is a very important module.**
2 Q. What about Face of the Universe? Is Face of
3 the Universe foundational?
4 **A. That's even more confidential and**
5 **foundational.**
6 Q. And, once again, the written portion of Face
7 of the Universe is a trade secret or is not?
8 **A. Well, as with any of the modules but**
9 **especially with Face of the Universe there are**
10 **several versions. There's the module that's in the**
11 **Intensive. There's the student notes. With Face of**
12 **the Universe, there's also facilitator notes. There**
13 **are also coach notes. Those are different works, if**
14 **you will. So with a module where we may have**
15 **something registered in the copyright office which**
16 **is the version that the student receives in the**
17 **course, something like Face of the Universe has much**
18 **more behind it and other written portions behind it.**
19 Q. You're the sole author of the Mission
20 Statement, is that correct?
21 **A. Yes.**
22 Q. Did you transfer or assign your rights to ESP
23 or NXIVM?
24 **A. At one point, it was copyright, I believe,**
25 **Executive Success Programs; and then I believe I had**

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1 **it transferred back to me.**
2 Q. Are you the sole author of Rules and Rituals?
3 **A. No, I don't think so.**
4 Q. What about Tribute?
5 **A. I don't think so.**
6 Q. Work and value?
7 **A. I don't think so.**
8 Q. Face of the Universe?
9 **A. No, I don't think so.**
10 Q. Are you a joint author on any of those works?
11 **A. I may be certainly Tribute, I believe. I**
12 **don't know if the current version or the version**
13 **that your client received, assuming they received**
14 **such a version -- I believe they did -- was authored**
15 **at all by me, but the initial version of Tribute**
16 **certainly had some of the words that I put together**
17 **in the final product. That's what I mean by**
18 **"author."**
19 Q. And, again, with respect to any of those
20 modules, did you transfer or assign your rights to
21 ESP or NXIVM?
22 **A. I believe those modules are copyright ESP and**
23 **NXIVM, the words.**
24 Q. But to the extent that you wrote some of
25 them, did you transfer or assign your copyright

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1 interests to NXIVM or ESP?
2 **A. I don't know if I had copyright interest.**
3 Q. Did you write any of them?
4 **A. I wrote parts of them. Does -- I have a**
5 **question of law. If I write a sentence, does that**
6 **give me copyright interest in a chapter or a**
7 **document?**
8 Q. Well, you can ask your counsel about that.
9 Have you entered into a written transfer or
10 assignment to ESP of your rights to any materials
11 that you've created?
12 **A. I think I have.**
13 Q. What do you believe that you have transferred
14 to ESP in a written assignment?
15 **A. ESP, I'm not sure. I think there may have --**
16 **at one point, I think the Mission Statement was**
17 **theirs. I don't know if I actually signed a written**
18 **transference. I know that First Principles has a**
19 **number of the copyrights -- not copyrights --**
20 **patents assigned to them, and I did sign those**
21 **assignments. I've signed a number of different**
22 **assignments. I don't know what they all are.**
23 Q. Let me ask you to turn to Paragraph 40 of
24 your Affidavit.
25 **A. Uh-huh.**

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1 Q. And you say, "We also created a Persistency
2 and Motivational State module which contained the
3 psycho-physical motivational portion of my model
4 (the experiential learning of motivation). I had
5 started to develop this in 1989 and had tested it
6 with success through my corporate marketing and
7 sales experiences. This foundational module taught
8 people the experiential learning of motivation.
9 This is one of the copyrighted modules that is being
10 given away and disparaged."
11 **A. Uh-huh.**
12 Q. Did I read that correctly?
13 **A. Yes.**
14 Q. How is this module foundational?
15 **A. Well, one of the important aspects of**
16 **behavior is motivation. It's also important in**
17 **decisions. This module represents a portion of how**
18 **a person can learn motivation, can alter their**
19 **motivation, so that allows them to alter their**
20 **behavior and alter their decisions. They can**
21 **become, if you will, more the author of their**
22 **behavior.**
23 Q. How is this module being given away?
24 **A. It is my understanding that your client has**
25 **the materials or some of the materials relating to**

1 this module and that those were given to different
2 people to look at, to evaluate, to maybe even
3 disburse. I think that's how this material is being
4 given away.

5 Q. So, in other words, you're not talking about
6 it being given away to the general public?

7 A. Well, it may be given away to the general
8 public through these activities. They provide a
9 window that is a window into our private property
10 that we did not want.

11 Q. In Paragraph 41 you say, "We started our
12 company with 20 basic copyrighted modules and have
13 now grown to have over 250 modules. Work and value
14 was and is the foundational module for the whole
15 Ethos and Intensive curriculums. This is another
16 one of the copyrighted modules that is being given
17 away and disparaged."

18 A. Uh-huh.

19 Q. So Work and value is an important and
20 valuable trade secret of NXIVM's?

21 A. Work and value taken in its -- in its
22 entirety, meaning the written word, the practice of
23 it, how it's executed and the concepts behind it, is
24 an extremely important module.

25 Q. In what way is it foundational?

1 A. If a person doesn't understand their values,
2 they can't make decisions based on them. The best
3 decis -- the best type of decision is if a person
4 understands their values and can make decisions
5 based on those values.

6 Q. And once again, how is -- how is this module
7 being given away?

8 A. Well, because -- and, again, I believe it is
9 one of the written expressions that your client has
10 -- to have that not only exposed but analyzed by
11 people who have the rest of the material, have the
12 rest of the manuals, the student notes, the
13 facilitator notes, things that aren't available,
14 that person can use it to provide a window; and even
15 the nature of having those materials changes their
16 expression.

17 Q. When you wrote in Paragraph 40 and 41 that
18 the modules were being given away, did you mean by
19 "given away" that Rick Ross gave these materials to
20 other people?

21 A. I think both directly and indirectly if
22 portions of Work and value are published on the
23 internet and this is our confidential information
24 that is not to be published, it's being given away.

25 Q. You say if portions of Work and value were

1 being published on the internet. Do you know
2 whether or not portions of Work and value are, in
3 fact, being published on the internet?

4 A. I believe they were. I believe they're in
5 the Martin report, although I'm not positive at this
6 point.

7 Q. What about Persistency and Motivational
8 State?

9 A. I believe the same thing. I think they are
10 part of the Martin report; but when it comes
11 especially to things like values and things like
12 motivation, to have a psychiatrist write a report
13 who has that information starts to give windows into
14 our private property that are not appropriate.

15 Q. So you believe that the Martin articles
16 provide windows into the trade secret of Persistency
17 and Motivational State and Work and value?

18 A. I believe that -- yes, I believe that's
19 likely true.

20 Q. Let me ask you to turn to Paragraph 43. And
21 in Paragraph 43 you say, "To become a facilitator
22 requires earning the right to be a coach, being
23 observed over a period of months, meeting rigorous
24 standards to be promoted and reaffirming the
25 confidentiality of the material. This process can

1 take more than a year. The facilitator is then
2 given access to the facilitator projective training.
3 Our written information for this course is stored
4 offsite in a single computer with only 3 people who
5 have access: Myself (the creator of the material),
6 Nancy Salzman, (the president of NXIVM Corporation)
7 and Loreta Garza (Nancy Salzman's personal
8 assistant). This trade secret, possibly the most
9 valuable trade secret in our company, is being
10 displayed on the internet."

11 Did I read that accurately?

12 A. I believe so, yes.

13 Q. Okay. Your last sentence says, "This trade
14 secret, possibly the most valuable trade secret in
15 our company, is being displayed on the internet."

16 What precisely is the trade secret you're
17 referring to in that sentence?

18 A. The confidential property that was taken.

19 Q. Can you be more specific about what you mean
20 by "this trade secret"?

21 A. What I wrote in this paragraph I gave some
22 background as to how someone gets access to this
23 material, and this material was never to even have
24 left the center, the facilitator notes for Face of
25 the Universe projective training. And those notes

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1 were taken. Those notes were incorporated into an
2 amalgamation of different things, the manual,
3 facilitator notes, coach's notes, student notes and
4 were given to Rick Ross, your client, who gave those
5 materials to be evaluated and to be commented upon;
6 and I believe it was Paul Martin that actually
7 printed some of those materials and put them in a
8 report that is on the web. Yes.

9 Q. What is the facilitator projective training?
10 **A. It's a training. Can you be more specific?**
11 Q. Well, you say in this paragraph, "The
12 facilitator is then given access to the facilitator
13 projective training."
14 **A. Yes.**
15 Q. So I'm asking you to tell us what that means.
16 **A. Oh. It's a special training in -- actually**
17 **in the specific case here, there was a very special**
18 **facilitator projective training that was given to I**
19 **think maybe only 25 people in the whole history of**
20 **the company; and it was a special training on the**
21 **materials, the use of the materials, things about**
22 **the materials. It's a training.**
23 Q. Does the facilitator projective training have
24 a written component?
25 **A. Yes, I believe it does.**

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1 Q. And is that written component information
2 for the course that students take to become
3 facilitators?
4 **A. The specific facilitator projective training,**
5 **the written portion of that is used only for that**
6 **training.**
7 Q. And the training you're talking about is the
8 training to become a facilitator?
9 **A. Yes, yes.**
10 Q. Have the copyrights been registered in any of
11 those written materials?
12 **A. I believe they are copywritten by the indicia**
13 **or whatever on the bottom. I don't think they have**
14 **been registered with the copyright office. I'm not**
15 **sure.**
16 Q. Okay. Were you involved in developing the
17 security protocol for the facilitator projective
18 training?
19 **A. Was I involved? Not so directly. I believe**
20 **that was done by attorneys.**
21 Q. Where is the information stored?
22 **A. Well, at this time it was stored in a single**
23 **computer. I think it is still stored in a single**
24 **computer offsite, but I don't know. I haven't**
25 **accessed that information in many years.**

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1 Q. Are there hard copies of the written
2 information?
3 **A. I don't believe there are unregistered hard**
4 **copies, but I'm not sure.**
5 Q. Well, whether registered or not, do you know
6 whether or not there are hard copies of the
7 material?
8 **A. I do not know.**
9 Q. Do you know whether or not there is a backup
10 of the material that's stored on the computer?
11 **A. I would imagine there is a backup that would**
12 **be offsite from where the computer is, but I'm not**
13 **sure.**
14 Q. Have all of the people who have access to
15 this training signed confidentiality agreements?
16 **A. Yes.**
17 Q. Now, in the beginning of Paragraph 43 you
18 talk about becoming a facilitator requires meeting
19 rigorous standards.
20 What are the rigorous standards to being
21 promoted?
22 **A. Without knowing all of the specifics, the**
23 **person has to be observed. They have to be skilled**
24 **at interacting with people, using certain tools.**
25 **They have to make assertions relating to what they**

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1 **want to do within the program and keeping the**
2 **information confidential, those sort of things and**
3 **meet, if you will, the approval of the people or**
4 **person teaching this course to be allowed in.**
5 Q. Now, a part of earning the right to be a
6 coach requires bringing in new students to NXIVM;
7 isn't that right?
8 **A. I believe so, yes.**
9 Q. Okay. Well, taking all of the rigorous
10 standards that you just described for us as well as
11 bringing in new students, which of those rigorous
12 standards for promotion did Stephanie Franco meet?
13 **A. My assumption is her being in the facilitator**
14 **program means she met all of the standards.**
15 Q. You make that assumption?
16 **A. Uh-huh.**
17 Q. Do you know that for a fact?
18 **A. I didn't see the process.**
19 Q. But is it your understanding that if she
20 hadn't satisfied all of those rigorous standards she
21 would not have been given access to the facilitator
22 projective training?
23 **A. That is my understanding, yeah.**
24 Q. I'm going to read you a few quotes from the
25 Martin and Hochman articles and ask you some

1 questions about the quotes.
 2 **A. Can I read along with you or can I --**
 3 Q. Well, if you want to try and find it. I
 4 don't think you're going to need to.
 5 **A. Okay.**
 6 Q. The first quote is from Parasite/producer I.
 7 The quote is, "Parasites unable to take care of
 8 themselves. They depend on others for their very
 9 survival. Parasite strategies keep people dependent
 10 on others and lower self-esteem."
 11 Are those passages trade secrets?
 12 **A. I would say they're certainly windows to**
 13 **trade secrets.**
 14 Q. Again, windows rather than trade secrets
 15 themselves?
 16 **A. That may be a trade secret. I don't know.**
 17 **Our -- I believe our understanding of self-esteem is**
 18 **extremely unique and valuable.**
 19 Q. Well, does NXIVM consider those statements
 20 confidential and proprietary?
 21 **A. I don't know what NXIVM considers them, and I**
 22 **don't know if those statements are registered in the**
 23 **copyright office available to the public. I don't**
 24 **know.**
 25 Q. Do you consider them confidential?

1 **start to define self-esteem by our methods and our**
 2 **materials, you start to give away information that's**
 3 **extremely valuable to us.**
 4 Q. The next quote is from Building an excited
 5 state. The quote is, "Enthusiastic people are
 6 better able to communicate and even sell their ideas
 7 with ease."
 8 Is that statement a trade secret?
 9 **A. Well, like all of the other statements in**
 10 **themselves, it starts to provide a window into the**
 11 **technology; and if someone has the manuals and the**
 12 **trade secrets there or some of them, they can**
 13 **utilize that statement to begin to transmit our**
 14 **confidential property.**
 15 Q. Is there anything that you consider unique
 16 about that statement?
 17 **A. I'm not sure. The first thing, if that -- if**
 18 **it has been decided that that statement was released**
 19 **to the public in an exchange for copyright**
 20 **protection, I couldn't say that that statement is**
 21 **any longer secret. The objective in releasing any**
 22 **statements through copyright was to maximize the**
 23 **protection of our property. Much like the formula**
 24 **of Coke: If it's carbon, hydrogen and nitrogen, I**
 25 **don't know if carbon is a trade secret, but I can**

1 **A. The statements themselves?**
 2 Q. Yeah.
 3 **A. If they are not released to the public, I do**
 4 **consider them confidential.**
 5 Q. Well, putting aside whether they've been
 6 released to the public, do you consider them secrets
 7 of NXIVM's?
 8 **A. I can't answer that because if they're**
 9 **released to the public, they're not secrets.**
 10 Q. Okay. What do you consider unique about
 11 those statements?
 12 **A. I consider the relationship between**
 13 **self-esteem and parasite strategies something that**
 14 **is unique to a great degree. I believe that our**
 15 **training relating to self-esteem is highly**
 16 **confidential and valuable.**
 17 Q. What about the statement itself, the
 18 statement, "Unable to take care of themselves.
 19 Parasites depend on others for their very survival"?
 20 Is there anything unique about that statement?
 21 **A. Well, you're starting to describe something**
 22 **under the label of parasite and relating it to**
 23 **self-esteem. Self-esteem is a very commercially**
 24 **valuable concept. People look to increase**
 25 **self-esteem and often can't even define it. As you**

1 **use it to present a trade secret. So that specific**
 2 **quote could be used, but I don't know if that quote**
 3 **contains a trade secret per se.**
 4 Q. My question was whether or not you consider
 5 anything unique about the statement, "Enthusiastic
 6 people are better able to communicate and even sell
 7 their ideas with ease."
 8 **A. I may have heard that elsewhere. I think it**
 9 **seems somewhat obvious on face value, but then**
 10 **sometimes obvious things are very unique. I -- I**
 11 **haven't studied that in the rest of the world.**
 12 **I think it's a good statement.**
 13 Q. Do you think it's a unique statement?
 14 **A. I don't know if it's unique.**
 15 Q. The next quote is from Crime and punishment.
 16 The quote is, "Ethics are well-formed consistent
 17 postulates by which we live. Ethics is an internal
 18 guide, something that we have personally derived
 19 from our experience and is personal to us."
 20 Is that passage a trade secret?
 21 **A. I think that passage represents a window**
 22 **into trade secrets, and I think some of the ideas**
 23 **presented there are likely very unique and**
 24 **proprietary.**
 25 Q. Who do you consider to be NXIVM's direct

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1 competitors?
2 **A. I guess I don't know what you mean by "direct**
3 **competitors."**
4 Q. Competitors who train executives and train
5 individuals about better ways to live their lives.
6 **A. Gosh, that's a very broad field. I think --**
7 **I guess I wouldn't define direct competitor like**
8 **that. I would say anyone that increases -- where an**
9 **executive has a choice between spending time or**
10 **resources focusing on something to do with NXIVM to**
11 **get more joy in their life and be a more joyous**
12 **person and focusing on an -- or focusing on another**
13 **program that other program is directly competing**
14 **with that executive's time, focus, resources so...**
15 Q. Are you familiar with the concept large group
16 awareness training?
17 **A. Yes, to some degree.**
18 Q. Is NXIVM a large group awareness training
19 organization?
20 **A. I don't think so.**
21 Q. You don't think so?
22 **A. No.**
23 Q. Who do you consider to be a large group
24 awareness training organization?
25 **A. Well, I heard that Landmark Forum is a large**

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1 **group awareness training. I've actually looked**
2 **superficially for a definition of large group**
3 **awareness training. I've seen a few, and in those**
4 **I think Landmark would probably fall into that or at**
5 **least some of their programs. Anthony Robbins**
6 **maybe. I'm not that well familiar with the**
7 **different trainings that are around that would be**
8 **large group awareness trainings.**
9 Q. Any others that you can think of beside
10 Landmark and Anthony Robbins?
11 **A. I'm not sure if Tabi Kahler is. I can't**
12 **think off the top of my head of any more.**
13 Q. Is Landmark Education a competitor of
14 NXIVM's?
15 **A. I would say so.**
16 Q. What about Anthony Robbins? Is he a
17 competitor of NXIVM's?
18 **A. I would say so.**
19 Q. Tabi Kahler?
20 **A. I would say so.**
21 Q. What would a competitor have to do to
22 duplicate a NXIVM module?
23 **A. I don't know. I think depending on the**
24 **cleverness of the competitor or their motivation**
25 **there could be either a lot or a little depending on**

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1 **what materials they have.**
2 Q. In addition to having access to written
3 materials, would they need to take the course in
4 order to duplicate a module?
5 **A. I don't know.**
6 Q. Do you think someone could duplicate a NXIVM
7 module without taking the course?
8 **A. I'm not sure. It's hard for me to judge the**
9 **cleverness of people trying to infiltrate your**
10 **organization.**
11 Q. Well, you're a clever guy. Do you think you
12 could duplicate a NXIVM module if you had never --
13 if you were an outsider just taking written
14 materials and not taking the course?
15 **MR. CAMPION:** Object to the form of the
16 question, the characterization of clever.
17 You may answer the question.
18 **A. I wouldn't try so I don't know.**
19 Q. Is it possible for a person to compete with
20 NXIVM by using only what was disclosed in the
21 articles?
22 **A. I believe so.**
23 Q. Are you aware of any NXIVM competitor who
24 has used the information from the manual that was
25 included in the Martin and Hochman articles to

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1 compete with NXIVM?
2 **A. Yes.**
3 Q. Who?
4 **A. Rick Ross.**
5 Q. Anyone else other than Rick Ross?
6 **A. I -- yes. I could certainly say Forbes, the**
7 **newspapers, yes.**
8 Q. You consider Forbes a competitor?
9 **A. Yes. Inasmuch as Forbes looks to have people**
10 **believe in what they say and find what they say**
11 **valuable, Forbes has put themselves at least in some**
12 **people's minds that either that person is to believe**
13 **Forbes and be more, if you will, a Forbes type of**
14 **member or come to our courses. They've certainly**
15 **competed with certain people's attentions with us.**
16 Q. And the same for newspapers that have written
17 about NXIVM?
18 **A. Some.**
19 Q. And in what way is Rick Ross a competitor?
20 **A. Well, for example, with Michael Sutton, Rick**
21 **Ross was hired to dissuade Michael Sutton from being**
22 **involved with NXIVM. He was competing with his**
23 **authority compared to our authority. Even he earned**
24 **money by being able to hopefully dissuade Michael**
25 **Sutton from being with us so it came down to one of**

1 **efforts, attentions. In some cases, Rick Ross**
2 **selling videos through his sites, for example, may**
3 **compete with us because he sells videos on critical**
4 **thinking. We sell programs on critical thinking.**
5 **Someone who decides to choose one or the other would**
6 **see them as competitors I imagine. I do.**

7 Q. Are you aware -- let me rephrase my question.

8 Are you aware of any NXIVM competitor who
9 offers training who has used the information from
10 the manual that was included in the articles to
11 compete with NXIVM?

12 **A. I think Rick Ross offers training.**

13 Q. You think so?

14 **A. He does what he calls exit interviews similar**
15 **to our coaching sessions, similar to different**
16 **programs that we run. People come to him to achieve**
17 **certain objectives within their personality. I**
18 **assume people come to him at times to be more**
19 **joyful. People come to us for that, too. People**
20 **pay good money, I believe, for that. And if it's a**
21 **choice -- for example, if someone is -- I'm going to**
22 **use in something that Rick Ross calls a cult or a**
23 **destructive group or something that Rick Ross has**
24 **studied and that person wants advice on how to**
25 **handle their experience in that group, they can**

1 **reports of people who have stopped taking NXIVM**
2 **courses for various reasons relating to what is on**
3 **the Ross site, and I believe some of them**
4 **specifically relate to the Hochman and Martin**
5 **articles.**

6 Q. Well, that's -- my question is specifically
7 the Martin and Hochman articles.

8 **A. Yes. I believe I have heard of such people.**
9 **I even believe I have spoken to such people**
10 **potentially. I can't think of who they are off the**
11 **top of my head. There have been hundreds of people**
12 **or thousands.**

13 Q. Thousands of people who have said that they
14 stopped taking NXIVM's courses because of the Martin
15 and Hochman articles and have said that to you?

16 **A. I -- no. I believe that there are thousands**
17 **of people who have not become involved with ESP**
18 **because of the negative PR generated from the Ross**
19 **site. The subset of how many of those people**
20 **specifically did not take ESP because of the Hochman**
21 **and Martin articles I don't know, and it's certainly**
22 **I don't believe thousands, but I don't know.**

23 Q. And you say that you believe that there are
24 some written materials where people talk about not
25 taking the course because of the Martin and Hochman

1 **choose to either hire Rick Ross or hire us. We sit**
2 **as competitors.**

3 Q. Other than Rick Ross, is there any -- a
4 competitor who offers training who you believe has
5 used the information that was in the articles to
6 compete with NXIVM?

7 **A. Off the top of my head, I don't think so,**
8 **although I do classify both Paul Martin and John**
9 **Hochman as people who do offer trainings and do**
10 **offer similar services in some ways to us. They**
11 **sell videos for people, they give informational**
12 **seminars that people pay to come to; and in some**
13 **ways, some people would say they're even in -- are**
14 **active in giving seminars and so do we.**

15 Q. Are you aware of any competitor who has
16 reverse engineered or reconstructed or mimicked or
17 duplicated the Rational Inquiry method or any other
18 NXIVM training methods using only the materials
19 disclosed on the Ross website?

20 **A. Not that I am aware of.**

21 Q. Do you know of anyone who stopped taking
22 NXIVM courses because of the posting of the Hochman
23 and Martin articles on the Ross website?

24 **A. I -- yes, I do, and I have -- I should say I**
25 **have heard of and heard that there are written**

1 articles?

2 **A. I believe so.**

3 Q. Okay.

4 **MR. SKOLNIK:** Those have certainly been
5 requested in prior production, and we have received
6 no such, so I would call for their production.
7 (Request.)

8 Q. Do you know of anyone who did not start
9 taking NXIVM courses because of the posting of the
10 Martin and Hochman articles?

11 **A. I don't know specifically. I have not spoken**
12 **specifically to any such people.**

13 Q. Now, you understand that my earlier question
14 was about people who started taking NXIVM and then
15 stopped --

16 **A. Right.**

17 Q. -- because of the articles.

18 **A. Right.**

19 Q. And you're saying that there are some such
20 people, as far as you know?

21 **A. I believe so, but I don't know of any that**
22 **I've had direct contact or seen direct contact who**
23 **were intending on taking a course and saying, "Well,**
24 **now I have not because of these articles," although**
25 **certainly such people may exist.**

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1 Q. Would you agree that if NXIVM has lost any
2 business or any money from the Martin and Hochman
3 articles it's not because anyone has used those
4 articles to compete with NXIVM other than Ross and
5 Martin and Hochman but because those articles
6 disparage NXIVM?
7 **A. I don't know enough about what you mean by**
8 **"disparage," but I don't think I would agree with**
9 **that statement because I think Forbes, things like**
10 **that, as I have explained, have dissuaded people**
11 **from taking NXIVM courses and probably to some**
12 **degree have even boosted subscriptions. I don't**
13 **know.**
14 Q. But, again, the loss of business would be
15 attributable to what it is that Forbes said about
16 NXIVM that was disparaging?
17 **A. I don't know if I would say that's the only**
18 **reason why the business was lost.**
19 Q. What else -- what else about Forbes would
20 have led to the loss of business?
21 **A. I guess it depends on what you say as**
22 **disparaging, but if Forbes goes and prints**
23 **confidential material and someone believes the**
24 **confidential material is out, so to speak, the cat**
25 **out of the bag, I imagine there may be some people**

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1 **who say, well, I don't have to go to NXIVM. This is**
2 **probably out and distributed and nothing new,**
3 **nothing unique.**
4 Q. Do you believe that Forbes printed
5 confidential material?
6 **A. I don't recall completely the Forbes article,**
7 **although I do recall that it had an excerpt from the**
8 **Hochman report and referenced it. So inasmuch as**
9 **the Hochman report and leading then to the Ross site**
10 **prints confidential information, I guess Forbes**
11 **directing people either directly or indirectly to**
12 **that does that.**
13 Q. Would you agree that each of the following
14 is an aspect of NXIVM training; harnessing your
15 personal power?
16 **A. I would like to think that's part of the**
17 **NXIVM training.**
18 Q. How about taking responsibility for your
19 choices?
20 **A. Well, I think these are general effects**
21 **hopefully of the NXIVM training. I don't know if**
22 **it's what I'd call part of the NXIVM training. It**
23 **sounds like something that would be desirable**
24 **effects, yes.**
25 Q. Is it an aspect of the training?

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1 **A. I wouldn't say it's an aspect of the**
2 **training. That's -- I think they're effects of the**
3 **training, hopefully.**
4 Q. Hopefully, effects of the training?
5 **A. Hopefully.**
6 Q. What about doing everything with integrity?
7 **A. I don't -- I think an effect of any ethics**
8 **training program we would hope that people have more**
9 **integrity.**
10 Q. What about gaining the ability to virtually
11 take control of any situation? Is that an aspect of
12 the NXIVM training?
13 **A. I would say when you say take control of a**
14 **situation, that would have to have an ethics thought**
15 **in it. I would hope that it would be an effect of**
16 **the ethics training or the NXIVM training that**
17 **people would believe they have more control of their**
18 **destiny and their lives.**
19 Q. Let me read you some quotes, and then when
20 I'm done I'll ask you to tell me if you recognize
21 the quotes and if you know who said them.
22 The first quote is, "In essence, if we want
23 to direct our lives, we must take control of our
24 consistent actions. It's not what we do once in
25 awhile that shapes our lives but what we do

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1 consistently."
2 Now, let me read you another. "Our programs
3 focus on creating consistency in all areas."
4 And another: "Beliefs have the power to
5 create and the power to destroy. Human beings have
6 the awesome ability to take any experience of their
7 lives and create a meaning that disempowers them or
8 one that can literally save their lives."
9 Another: "The will that transforms our ideas
10 into actions with our guiding beliefs forms our
11 emotional constitution. You'll experience the joy
12 and power of taking control of your life and look
13 ahead to a future in which all things are possible."
14 Then a final pair: "Knowing what to do is
15 useless without the emotional strength to do what
16 you know.
17 And finally, "It's not knowing what to do.
18 It's doing what you know."
19 **A. Okay.**
20 Q. Do you recognize those quotes?
21 **A. Well, I think the one before the last is from**
22 **me. I don't know. Some of those quotes are very**
23 **nice. I don't recognize them, per se. They seem**
24 **like they reflect some important human values.**
25 Q. Any others that you recognize that you were

1 the author of?
 2 **A. I might have been authors of the other -- no,**
 3 **not off the top of my head, though.**
 4 Q. What about, "Our programs focus on creating
 5 consistency in all areas." Do you know who said
 6 that?
 7 **A. It could have been me, but I think it could**
 8 **have been others.**
 9 Q. What about, "In essence, if we want to direct
 10 our lives, we must take control of our consistent
 11 actions. It's not what we do once in awhile that
 12 shapes our lives but what we do consistently?"
 13 **A. I don't know if I would have said that. I**
 14 **think that in a broader context that's good, but I**
 15 **do think someone can do a single decision and shape**
 16 **-- help shape their lives, also, so I'm not sure I**
 17 **completely agree with the quote as it is extracted.**
 18 Q. What about, "Beliefs have the power to create
 19 and the power to destroy. Human beings have the
 20 awesome ability to take any experience of their
 21 lives and create a meaning that disempowers them or
 22 one that can literally save their lives?"
 23 Do you know who says that?
 24 **A. I don't. I think it's an interesting quote.**
 25 Q. What about this one: "The will that

1 you know"?
 2 **A. I think that's a quote in one of the**
 3 **brochures, but I'm not positive.**
 4 Q. And who wrote that quote?
 5 **A. I think I wrote that at some point.**
 6 Q. So some of the quotes that I've read you
 7 you identify as things that you wrote, and others
 8 you don't know who wrote them; is that right?
 9 **A. Correct.**
 10 Q. You know who Anthony Robbins is, don't you?
 11 **A. Yes.**
 12 Q. You attended Tony Robbins' seminars before
 13 you formed ESP, NXIVM?
 14 **A. No.**
 15 Q. You didn't?
 16 **A. I've never attended an Anthony Robbins**
 17 **seminar.**
 18 Q. You met with Mr. Robbins personally at least
 19 once, isn't that so?
 20 **A. Yes.**
 21 Q. And it's also true that both Anthony Robbins
 22 and Nancy Salzman once taught neuro-linguistic
 23 programming, isn't that right?
 24 **A. I believe so. I don't know if Anthony**
 25 **Robbins taught neuro-linguistic programming. I know**

1 transforms our ideals into ac -- our ideas into
 2 actions with our guiding beliefs forms our emotional
 3 constitution. You'll experience the joy and power
 4 of taking control of your life and look ahead to a
 5 future in which all things are possible?"
 6 **A. That might be something in like an Ethos**
 7 **brochure or something, but I think it's an**
 8 **optimistic quote.**
 9 Q. You don't know who wrote it?
 10 **A. Not off the top of my head.**
 11 Q. Well, you did.
 12 **A. Oh. Thank you, I guess.**
 13 Q. How about, "It's not knowing what to do.
 14 It's doing what you know?"
 15 **A. I've written similar things like that. I**
 16 **think in a broad context, that's good. In a limited**
 17 **context, it may be problematic; I mean, if you're**
 18 **talking about a killer.**
 19 **THE VIDEOGRAPHER:** Excuse me. We have
 20 to change tapes.
 21 **THE VIDEOGRAPHER:** This is the beginning
 22 of Tape Number 3. The time is 12:13.
 23 **BY MR. SKOLNIK:**
 24 Q. What about the quote, "Knowing what to do is
 25 useless without the emotional strength to do what

1 **he was schooled in neuro-linguistic programming.**
 2 Q. And it's also true, isn't it, that just like
 3 ESP and NXIVM, Robbins uses the title "coach"?
 4 **A. I wasn't aware of that.**
 5 Q. Let's look at Paragraph 3 of your Affidavit.
 6 It says, "The expression of the work in the
 7 copyrights of NXIVM has been drafted in a very
 8 meticulous fashion such that words, the order of
 9 words, questions and the order of questions used in
 10 the copyrights are critical to the success of the
 11 organization."
 12 Can you give us an example of what you're
 13 talking about here?
 14 **A. In a module the order of the questions makes**
 15 **a difference as to how people think about the**
 16 **different concepts. Being inductive as opposed to**
 17 **deductive, in the copywritten materials some of the**
 18 **-- not only just the order of the concepts but even**
 19 **the way the questions are phrased themselves can be**
 20 **more open so that people will not import certain**
 21 **assumptions.**
 22 Q. And all of that as reflected in the written
 23 work is critical to the success of the organization?
 24 **A. That's a sweeping statement.**
 25 **Are you saying that if the organization did**

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1 not have any written work then we could not be
2 successful, would not be able to innovate to be
3 successful?
4 Q. Well, I'm just trying to understand what you
5 mean in Paragraph 3. The phrase "critical to the
6 success of the organization" is yours.
7 **A. Uh-huh. Well, if you're asking me about the**
8 **question, the order of the questions used in the**
9 **copyright are critical to the success of the**
10 **organization. As those copyrights are used within**
11 **the organization, it has garnered a certain degree**
12 **of success. That success is in part not only**
13 **attributable to those orders, but I believe the**
14 **order of those words and those questions is critical**
15 **to the success that the organization at this point**
16 **in time had.**
17 Q. In turning to Paragraph 4, Paragraph 4 has a
18 subtitle, "Damage and Irreparable Harm." You say,
19 "Three of the copyrighted materials currently posted
20 on the internet: 12 point Mission Statement, Work
21 and value and Face of the Universe reveal the
22 content and methodologies that are critical to the
23 heart of the entire coursework. Whole passages of
24 these copyrights have been literally copied by
25 defendants."

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1 **A. Uh-huh.**
2 Q. "The wholesale copying of the copyrighted
3 materials of NXIVM through posting them on the
4 internet and other means reveals the heart of what
5 is important to the consumer and thus damages
6 NXIVM's ability to, among other things, sell
7 coursework to new consumers. Consumers that read
8 the passages may no longer desire to attend a course
9 wherein the material has been freely given to them.
10 Additionally, if the questions are known ahead of
11 time, the entire process is damaged. It is similar
12 to being told the punch line of a joke. The desired
13 effect is irreparably damaged. Our copyrighted
14 questions are designed to be answered without
15 knowledge of the next question. Knowledge of the
16 next question compromises and alters the answer to
17 the current question."
18 Now, I assume that those are true statements
19 and you stand by them?
20 **A. Yes, I believe so.**
21 Q. What is the basis for your statement,
22 "Consumers that related the passages may no longer
23 desire to attend a course wherein the material has
24 been freely given to them"?
25 **A. Because I think there may be some consumers**

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1 who read the material, read the passages and make a
2 judgment based on those passages.
3 Q. Can you give an example of where knowledge of
4 the next question compromises and alters the answer
5 to the current question?
6 **A. A lot of different jokes, a lot of different**
7 **brain teasers. I could probably come up with a joke**
8 **that does something like that, but I think there are**
9 **a lot of situations in which knowing what comes next**
10 **changes what comes before. For example, the movie**
11 **The Sixth Sense, if you go to that movie and you**
12 **know ahead of time he is dead throughout the whole**
13 **movie, it changes your experience of the movie.**
14 **That's why they have plot spoiler alerts and things**
15 **like that.**
16 Q. I'm really asking about what you mean in the
17 context of NXIVM's copyrights.
18 **A. Okay. I don't have all of them in front of**
19 **me; but in some of them, if I remember correctly,**
20 **there were orders of concepts given. And if**
21 **someone, for example, knows that they are going to**
22 **be thinking about a certain concept next, it alters**
23 **the way they think of the concept that they are**
24 **thinking about at the time.**
25 Q. And revealing the order of those questions

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1 causes damage and irreparable harm to NXIVM?
2 **A. I believe so.**
3 Q. Now, you told us last time that you
4 acknowledge that you don't believe NXIVM can claim
5 trade secret status for any NXIVM materials that it
6 has made available to the public through its own
7 actions; right?
8 **A. That NXIVM -- when NXIVM makes materials**
9 **available to the public what is specifically**
10 **contained in those materials from my understanding**
11 **of trade secret are no longer trade secret. That**
12 **does not mean that those materials do not have**
13 **anything to do whatsoever with the effects of the**
14 **trade secrets.**
15 Q. And you went on to explain that if the
16 materials embody specifics of a trade secret, sort
17 of the cat is out of the bag.
18 Do you recall that testimony?
19 **A. Well, I mean, I could imagine I would say**
20 **that. What I -- to clarify it, you can release**
21 **specifics relating to a trade secret and still not**
22 **release the trade secret. If I have the formula for**
23 **Coke and I say it has carbon in it, I haven't**
24 **released a trade secret, but I have made a**
25 **compromise.**

1 Q. Well, I think a minute ago you acknowledged
2 that if the order of the questions, for example, is
3 revealed, that causes damage and irreparable harm to
4 NXIVM.

5 **A. It can.**

6 Q. Would you agree that if NXIVM has itself
7 placed the 12 point Mission Statement, Work and
8 value, and Face of the Universe on the internet or
9 otherwise made them publicly available that it has
10 caused itself the damage and irreparable harm that
11 you were discussing in that paragraph?

12 **A. I think it's NXIVM's right to choose what it**
13 **does with its property. If NXIVM has placed things**
14 **on the internet, there is a downside, but then**
15 **there's an upside for NXIVM. For someone else to do**
16 **that is stealing the upside while executing the**
17 **downside.**

18 Q. What's the upside to NXIVM for placing this
19 material on the internet?

20 **A. Well, in the case, for example, when material**
21 **is stolen and someone else is publishing, taking**
22 **your right of first publication or whatever it is**
23 **away, you may have to make the compromise. You may**
24 **be forced to publish where you would not want to**
25 **publish, sustaining a short range or even a**

1 **A. Now, I believe that is true, yes.**

2 **MR. SKOLNIK: 42.**

3 (One-page United States Copyright Office
4 document entitled Public Catalog was received and
5 marked Defendant's Exhibit Ranieri-18 for
6 Identification.)

7 **BY MR. SKOLNIK:**

8 Q. Mr. Ranieri, Exhibit 18 is a printout from
9 the Copyright Office catalog listing all of NXIVM's
10 registered copyrights.

11 **A. Okay.**

12 Q. Were you aware that NXIVM had made each of
13 the 22 modules listed here available to anyone who
14 might want to compete with NXIVM or duplicate its
15 programs?

16 **A. I was aware that NXIVM had made a number of**
17 **these available. It was a sad decision because of**
18 **the theft but, yes, I was aware that at least a**
19 **number of these, the student versions had been made**
20 **available.**

21 Q. Now, are you aware also that court filings
22 are publicly available on the internet unless they
23 are submitted and accepted under seal by the Court?

24 **A. I'm not sure if I'm completely aware of that.**
25 **I do believe that there are a lot of court**

1 **long-range damage to try to protect from an even**
2 **greater damage of someone else who has deprived you**
3 **of that right. So, you know, I don't know**
4 **specifically what you're talking about as far as**
5 **which things may or may not have been published; but**
6 **I suspect the decisions, because all of the NXIVM**
7 **material has been carefully guarded to the fullest**
8 **extent I think of the law with trademarks,**
9 **copyrights, patents, confidentiality, all that**
10 **stuff, those are hard decisions when someone takes**
11 **your property.**

12 Q. Now, you're aware, aren't you, that when a
13 work is registered with the copyright office you
14 have to provide a copy of the work which is then
15 publicly available to anybody who wants to review
16 it?

17 **A. I am aware now. I also think there are --**
18 **and I'm not sure of this -- that there are ways in**
19 **certain circumstances to register part of a work,**
20 **but I don't know.**

21 Q. You don't know the details of that mechanism?

22 **A. No.**

23 Q. But as a general matter, you know that when
24 works are registered you deposit a copy that's made
25 available to the public?

1 **procedures that are available. I don't know what --**
2 **I think there are some that aren't, but I don't**
3 **know.**

4 Q. Were you aware that NXIVM attached copies of
5 Rules and Rituals, Tribute, 12-point mission
6 statement, Work and value and the Face of the
7 Universe to its court filings and that those modules
8 are available to anyone who might want to compete
9 with NXIVM or duplicate its programs?

10 **A. I was under the impression that whatever was**
11 **attached to the court filings was either protected**
12 **in some way, had been filed with the copyright**
13 **office or had been submitted by the other side. I**
14 **also believe that the versions of Face of the**
15 **Universe because there's a student version, a**
16 **coaching version and a facilitator version, that not**
17 **all of them are so submitted. That's my**
18 **understanding.**

19 Q. Do you have any understanding about whether
20 or not the excerpts from any module that are quoted
21 in the Martin or Hochman articles come from the
22 versions that are posted at the copyright office and
23 on the internet?

24 **A. I think there are some things in those**
25 **articles that come from the copyright office and are**

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1 posted on the internet. I'm not sure -- I don't
2 believe all of them are. In particular, I think
3 the version of Face of the Universe that is posted
4 on the Martin article I think it is may be
5 different.
6 Q. And is it your understanding that it's
7 different in a way that is more revelatory of
8 NXIVM's trade secrets in the article as opposed to
9 at the copyright office?
10 A. I think even the fact that Martin had the
11 trade secret information makes that so but I would
12 -- I believe so, yes.
13 MR. SKOLNIK: Now would be a good time
14 to break, Tom.
15 MR. CAMPION: Sure.
16
17 (Witness excused.)
18 (At this point, the luncheon recess was
19 taken.)
20
21
22
23
24
25

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1 AFTERNOON SESSION
2
3 THE VIDEOGRAPHER: We're back on the
4 record at 1:20.
5
6 KEITH ALAN RANIERE, previously
7 sworn, resumed the stand and testifies on his oath
8 as follows:
9
10 CONTINUED CROSS-EXAMINATION BY MR. SKOLNIK:
11 Q. Mr. Raniere, let me ask you to turn to
12 Paragraph 5 of your Affidavit.
13 A. Yes.
14 Q. And in Paragraph 5 before listing various
15 items you say, "False statement damage as of 8/8/03.
16 Additionally, a multitude of factually false
17 statements surrounded by logically invalid
18 conclusions are used to disparage and damage us."
19 Did I read that correctly?
20 A. I think so.
21 Q. Okay. So am I correct to understand that
22 what you are referring to in Paragraph 5 is damage
23 that you believe stems from false statements that
24 disparage you and/or NXIVM rather than damage from
25 misuse of NXIVM's trade secrets or copyrights?

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1 A. I think there's that aspect to it. There's
2 an additional aspect to it, too. If I haven't
3 published something, a curriculum, and you take that
4 curriculum and publish false facts about it, I'm put
5 in a position even if the false facts don't directly
6 damage me per se, being disparagement, I either have
7 to allow the public to have a false impression or
8 must publish the true facts in order to either
9 counter or add to whatever is out there.
10 Being forced to publish, in my estimation,
11 can be very damaging.
12 Q. But in the instances you're talking about in
13 Paragraph 5 you're being forced to publish by virtue
14 of false and disparaging statements made about you
15 or NXIVM, is that correct?
16 A. I'm sorry. I'm having trouble reading it.
17 That's why -- "Additionally, a multitude of
18 factually false statements surrounded by logically
19 invalid conclusions are used to" damage us (sic) --
20 or "disparage and damage us." So I think there's
21 damage outside of the disparagement.
22 Q. And what is that damage?
23 A. Forcing us to publish where we wouldn't want
24 to publish.
25 Q. Okay. In other words, damage that flows from

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1 a decision that you or NXIVM make to publish?
2 A. Yeah. That's part of it, I think, yes.
3 Q. Well, you say "part of it." What else is it?
4 A. Well, I -- at the time I wrote this, it was
5 awhile ago. I would contemplate more. Let's see.
6 There are damages from disparagement, damages from
7 false -- forcing to publish. I suspect there's also
8 damages if someone says something that's inaccurate
9 that doesn't necessarily disparage you but misleads
10 people in interacting with you. For example, if
11 you're a plastic surgeon and I publish that you only
12 do some other type of operation, and that's the only
13 information that could be out there, people who
14 might use you as a plastic surgeon, although not
15 thinking badly of you, may not use you. And,
16 therefore, you would be damaged by a non-disparaging
17 false published statement.
18 So I think when I said "damages," I was also
19 talking about a greater universe than just
20 disparagement.
21 Q. All right. But this is not damage that flows
22 from the publication of NXIVM's trade secrets or
23 copyrights, is that right --
24 A. No, I think it could.
25 Q. -- in Paragraph 5?

1 **A. No, I think it could.**
 2 Q. How could it?
 3 **A. Well, if they're publishing things that are**
 4 **not only just the copywritten materials but they**
 5 **say, I have NXIVM's manual. I am a psychiatrist**
 6 **which implies -- or a professor, whatever it is,**
 7 **which implies I have certain earned authority, I**
 8 **render these opinions, the opinions themselves may**
 9 **not be disparaging but may mislead potential**
 10 **customers to think we're a gynecologist instead of a**
 11 **plastic surgeon or...**
 12 Q. So the statements may be misleading, but are
 13 they revelations of NXIVM's trade secrets or
 14 copyrights?
 15 **A. They can be. That's in addition.**
 16 Q. I'm talking about what you're addressing in
 17 Paragraph 5.
 18 **A. Okay. The additional things or when it says,**
 19 **"Additionally, a multitude of factually false**
 20 **statements surrounded by invalid conclusions are**
 21 **used to disparage and damage us"?**
 22 **Are you asking me is it possible that a**
 23 **multitude of factually false statements surrounded**
 24 **by logically invalid conclusions could aid or reveal**
 25 **trade secrets?**

1 Q. No. I'm asking you whether or not the
 2 specific examples that you list here --
 3 **A. Okay. I didn't read them. I'm sorry. Do**
 4 **you want me to?**
 5 Q. Yes.
 6 **A. I have to switch.**
 7 **Okay. So your question, please.**
 8 **MR. SKOLNIK:** Would you read the
 9 question back, please.
 10 (A discussion was held off the record.
 11 The following was read back by the
 12 reporter:
 13 "So the statements may be misleading,
 14 but are they revelations of NXIVM's trade secrets or
 15 copyrights.")
 16 **A. I think when you say revelations of**
 17 **copyrights, I'm not exactly sure what you mean.**
 18 **They certainly utilize our copyrighted information.**
 19 **I think there are a number of mechanisms under which**
 20 **this causes revelation of trade secrets; and I think**
 21 **some of these statements certainly, even false**
 22 **statements, can provide a window into trade secrets**
 23 **so...**
 24 Q. Okay. Under "Mail and email" in Paragraph 5
 25 you say, "An information pack has been sent to key

1 people interfacing with our organization containing
 2 these false facts and our copyrighted material and I
 3 have received messages and a threatening e-mail
 4 addressed from a neighbor."
 5 What information pack are you referring to?
 6 **A. There were information packs and have been**
 7 **that were put together with information from the**
 8 **Ross site. I also had heard that Rick Ross had an**
 9 **information pack that he gave to people like Michael**
 10 **Sutton.**
 11 Q. Who did you hear that from?
 12 **A. I heard that from Michael Sutton, and I had**
 13 **also heard rumor one of the neighbors that were**
 14 **opposing one of the NXIVM building projects said**
 15 **that an information pack from Rick Ross that could**
 16 **be just information from the Ross site was passed**
 17 **around.**
 18 Q. Have you ever seen any of these information
 19 packs?
 20 **A. Yes, I have. I've seen at least two of them.**
 21 Q. Have they been produced in this lawsuit?
 22 **A. I don't know.**
 23 **MR. SKOLNIK:** Well, let me request on
 24 the record that these are encompassed by our prior
 25 document demands and I would ask for their

1 production.
 2 **MR. McGUIRE:** Send us a letter to that
 3 effect indicating where they were mentioned in
 4 document demands.
 5 **MR. SKOLNIK:** Well, among other things,
 6 Harold's letter of March 27th asked for a copy of
 7 any information pack that Mr. Ranieri has received
 8 that relates to NXIVM. This is the third time, as
 9 far as I'm concerned, that we are asking for this.
 10 **MR. LEONARD:** If you ask Mr. Ranieri if
 11 he had any, which is the next logical question,
 12 he'll tell you.
 13 **MR. SKOLNIK:** That request is addressed
 14 to NXIVM as well as Mr. Ranieri. Mr. Ranieri said
 15 that he has seen them, and I am asking for them to
 16 be produced.
 17 (Request.)
 18 **BY MR. SKOLNIK:**
 19 Q. What about the messages and e-mail that you
 20 referred to? Were those produced?
 21 **A. I don't know. I cannot produce them.**
 22 Q. Do you know who sent the information pack
 23 that you're referring to in Paragraph 5?
 24 **A. There are several of them. No, I do not know**
 25 **where most of the information packs that I have**

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1 **heard of originated, although Michael Sutton said**
2 **Rick Ross gave him that information pack directly.**
3 Q. Other than Michael Sutton's claim that
4 Rick Ross gave him an information pack, do you know
5 who sent any of the other information packs that you
6 are referring to in Paragraph 5?
7 **A. No, I do not.**
8 Q. Under, "Loss of key people," you say, "We
9 have lost a 4 year veteran Principal Coach - damage
10 that is beyond direct calculation - because of these
11 things. Goldie Hawn cancelled her engagement with
12 us next week because of the false press. A
13 billionaire network founder who had claimed
14 extensive involvement with us has left because of
15 the false reports. Key people have said they feel
16 vulnerable and, knowing the falsehood of the
17 information and knowing Rick Ross's criminal record
18 (published on the internet and defended in his
19 site), fear being attacked similarly. They are
20 scared of being attacked because they support us."
21 Did I read that correctly?
22 **A. I believe so.**
23 Q. Now, again, in this paragraph the damage here
24 flows from the false statements and disparagement?
25 **A. I think the damage flows from the taking of**

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1 **the material and all of the damages relating to that**
2 **which are multifaceted.**
3 Q. What's the name of the four-year veteran
4 principal coach who left?
5 **A. Peter Fallon.**
6 Q. And what is the basis for your belief that
7 Mr. Fallon left because of the Ross website?
8 **A. Conversations that I had with him. He said**
9 **he left because his wife had a phone call with**
10 **Rick Ross. He believed it originated from reading**
11 **the website, that he's a local business person --**
12 **which he is -- and felt he couldn't afford to have**
13 **his reputation relating to us or being related to us**
14 **because of the things that are on the website.**
15 Q. Did he specifically mention the Martin or
16 Hochman articles?
17 **A. Yes.**
18 Q. What did he say about them?
19 **A. He felt that it looked pretty bad that a**
20 **person of the authority of John Hochman, who in the**
21 **article it's titled I guess he's an assistant or an**
22 **associate professor and a psychiatrist, would say**
23 **such things about us, true or untrue.**
24 Q. Did Mr. Fallon tell you that he believed any
25 of the information in the articles?

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1 **A. He didn't say. I don't think he -- he does,**
2 **but I don't know.**
3 Q. What is the name -- I'm sorry. What is the
4 basis for the statement, "Goldie Hawn cancelled her
5 engagement with us next week because of the false
6 press"?
7 **A. It was my understanding that Goldie Hawn was**
8 **concerned having her representation or having her**
9 **reputation associated with us and because although**
10 **she thought -- and this is hearsay -- that it was**
11 **outrageous or seemingly exaggerated, she did not**
12 **want to engage in that engagement.**
13 Q. Did you speak to her?
14 **A. No, I did not.**
15 Q. Okay. So everything that you know about what
16 she had to say is hearsay, is that right?
17 **A. Yes, absolutely.**
18 Q. Let me ask you to turn to Paragraph 44 of
19 your Affidavit and specifically to subparagraph (d)
20 like David.
21 And in subparagraph (d) you say, "Here is the
22 quote, 'Unsubstantiated extravagant claims: As
23 'proof' of the value of their 'technology,' the
24 group claims unprecedented results training over
25 400,000 individuals. Yet their website only comes

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1 up with a few dozen testimonials. That's about one
2 testimonial for every 10,000 participants. Here is
3 the fact: in my biography it states as part of my
4 past credentials, 'Built an organization that
5 started with 5 people in his living room and grew to
6 almost 400,000.' It is true that I trained almost
7 400,000 in my past company (Consumers' Buyline.)
8 This is because I created the training program, I
9 made the training videos, etc. This has nothing to
10 do with NXIVM. NXIVM Corporation has trained about
11 3700 people. This untrue statement just serves to
12 discredit us and make us look bad."
13 Did I read that correctly?
14 **A. I believe so.**
15 Q. Okay. Would you agree that the quote that
16 you repeat in Paragraph 44 doesn't disclose any
17 NXIVM trade secrets?
18 **A. I'm sorry. Let me switch glasses so I could**
19 **read it specifically.**
20 I would say that that statement again is
21 possibly a window that could be used in for trade
22 secrets, but I don't see that as disclosing any
23 trade secret because in itself I don't think it
24 comes directly from the manual. I think he is
25 claiming to have read the manual and studied us and

1 giving insight based on seeing the stolen materials
2 or the trade secret materials. It appears he's
3 trying to give his readers insight to potentially
4 the trade secret information.

5 Q. Well, the specific quote addresses the claim
6 of 400,000 individuals and attempts to debunk that
7 by saying that there were only a few.

8 None of that is a trade secret, is it?

9 A. Not that I see in itself.

10 Q. Okay. So if it's damaging, it's because it's
11 false?

12 A. It also can be damaging because we need to
13 publish material to counter it if it is in some ways
14 deflecting business. It also could be damaging
15 because -- and I don't -- I cannot second guess how
16 people would reverse engineer or solve problems, but
17 for all I know, something in there could be used to
18 reverse engineer.

19 Q. Well, look at the quote, Mr. Raniere, and
20 tell me what in the quote could be used to
21 re-engineer, to reverse engineer anything.

22 A. I can't tell you that. If I were to use this
23 quote to reverse engineer -- and I thought about it
24 for a long time -- I don't know if I would find
25 anything. I do not see anything apparently that

1 this quote doesn't disclose any genuine NXIVM trade
2 secrets?

3 A. I can't say that it can't be used as a
4 window. I do not -- I see where it uses the term
5 "shifter strategies." That's something that is
6 unique to us and important and self-descriptive.
7 Someone who understands game theory even from that
8 may be able to derive some of what we're talking
9 about. This I think is more revealing than the last
10 paragraph we spoke of.

11 Q. In what way is the phrase "shifter
12 strategies" self-descriptive?

13 A. I'll give you a basic example of a -- a
14 shifter strategy is someone who is shifting value in
15 order to steal it. When they are winning, they are
16 not cheating; and when they are cheating, they are
17 not winning.

18 There are many examples of a shifter
19 strategy. For example, I can say -- I can go on the
20 news and say, you know, it's -- it's not that John
21 was accused of killing 10 people. I don't believe
22 that report at all. You can look it up and see that
23 it's public data, but I don't believe it whatsoever,
24 and I'm certainly not going to say that. In a
25 sense, I am.

1 could be used to reverse engineer.

2 Q. Okay. In Paragraph 44(f) you say,
3 "Pre-emptive neutralization of criticism of the
4 group by participants and their family/friends early
5 on: What the group calls 'shifter strategies' is
6 given much attention in the Intensive. It is
7 clearly taught that these represent undesirable
8 behaviors that should be met with disapproval by
9 other group members. The end result is that if a
10 participant criticizes things that the group does,
11 he is a 'suppressive.' Again, Hochman is attempting
12 to prove we are an authoritarian container cult.
13 Firstly, we teach most if not all people have
14 suppressive tendencies - both people who have taken
15 our course and not. Its is natural. Secondly,
16 suppression has nothing to do with rational
17 criticism. It is an act of destruction based on
18 hate. Thirdly, we believe it is dishonorable to
19 call someone a 'suppressive.' This paragraph goes
20 against the fabric of conduct in our organization."

21 Did I read that correctly?

22 A. I believe so.

23 Q. So since you are disputing Hochman's
24 observations and believe that it goes against the
25 fabric of conduct in NXIVM, would you agree that

1 Q. But none of that is contained within the
2 quote, is it?

3 A. I think that someone who certainly
4 understands game theories and strategies could start
5 to think, oh, some of these strategies you could
6 call shifter or shifting. What an interesting name
7 and --

8 Q. But when you say "some of these strategies,"
9 they would have to come up with the strategies. The
10 strategies are not stated in the quote, are they?

11 A. I was talking about the strategies of game
12 theory.

13 Q. NXIVM's shifter strategies --

14 A. Uh-huh.

15 Q. -- are not identified or described at all in
16 that quote, are they?

17 A. Not in completion or not directly, but I
18 think that this affords a window, especially for
19 certain elements of education within the population,
20 to derive things about us and derive things that are
21 confidential and important.

22 Q. Is the foundation of the Rational Inquiry
23 method embodied in the patent application?

24 A. The foundation of the Rational Inquiry method
25 -- I don't know. I wouldn't say the foundation of

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1 the Rational Inquiry method is embodied in the
2 patent application because we're patenting features
3 from the Rational Inquiry method. Some of the
4 things within the Rational Inquiry method may not
5 even be patentable. I don't know. Some of them are
6 -- I don't know if all confidential or trade secret
7 information is necessarily patentable.
8 Q. Is the entirety of the Rational Inquiry
9 method memorialized in any documents?
10 A. I don't think so.
11 Q. Did you prepare any drafts of different
12 versions of the Rational Inquiry method over the 30
13 years that you were developing it?
14 A. I don't believe so.
15 (Document entitled Application for
16 Letters Patent Bates stamped P000000685 through 768
17 was received and marked Defendant's Exhibit
18 Raniere-19 for Identification.)
19 BY MR. SKOLNIK:
20 Q. Mr. Raniere, do you recognize what has been
21 marked as Raniere-19?
22 A. No. I mean, I can ascertain what it is.
23 Q. Have you ascertained what it is?
24 A. I think it's a patent application, but I do
25 notice there's an assignment in here that I signed.

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1 Other than that, I don't know if I've seen any of
2 this before.
3 Q. Okay. Well, let me represent for the record
4 that it is a copy of the patent application and
5 related materials for the Rational Inquiry method
6 that was produced in this litigation as Document
7 Number P000000685 through P000000768, and let me ask
8 you to turn to the page with the number in the right
9 P000000711.
10 Do you know who drafted this patent
11 application?
12 A. I believe Arlen Olsen, but I'm not positive.
13 Q. Were you involved at all in the drafting and
14 assembling of the application?
15 A. I believe to some degree.
16 Q. Once it was completed, did you review it?
17 A. I know I reviewed parts of it. I'm not sure
18 if I reviewed this whole application, and I believe
19 the original application was far more than this
20 so...
21 Q. Far more than this?
22 A. Yeah. This is -- I think there were a bunch
23 of information that was provided to the patent
24 office as some sort of basis for certain things.
25 Q. Okay. Did you have any understanding about

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1 the importance of accuracy and precision and
2 completeness in patent applications?
3 A. With respect to patents, I believe so.
4 Q. Okay. Now, you're aware that this
5 application is available on the internet?
6 A. I have heard that there is either the
7 international version or Canadian version or
8 something available, but if it is, it is.
9 Q. Okay. Let me ask you to turn to Page 712
10 which is called "Summary of the Invention."
11 A. Yes.
12 Q. And, again, you reviewed -- you reviewed this
13 application before it was filed?
14 A. I am not positive, especially this version.
15 This may be a version that was submitted for
16 international submission or different countries, and
17 I probably did not review it then.
18 Q. Is it your understanding that the version
19 submitted for other countries was different than the
20 one submitted in the United States?
21 A. I think there are differences, although I'm
22 not positive.
23 Q. Okay.
24 A. This is certainly less information in my
25 understanding than what was submitted to the patent

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1 office.
2 Q. So, if anything, the patent office was given
3 more information?
4 A. Uh -- yes, I'm sorry.
5 Q. Let me ask you to just -- well, can you tell
6 me whether or not the section entitled "Summary of
7 the Invention" does, in fact, present a fair and
8 accurate summary of the Rational Inquiry method?
9 A. I would have to read it. I doubt it presents
10 a complete summary of, if you will, the complete
11 method. I suspect it presents a summary of the
12 invention in part derived from the invention and
13 parts of the invention and effects of the invention
14 that we want to patent.
15 Q. Okay, and then at Page 715 there's a section
16 headed "Detailed Description of the Invention."
17 Right?
18 A. Yes.
19 Q. Okay, and is it your understanding that the
20 application was put together to present a fair and
21 precise and detailed description of the Rational
22 Inquiry method?
23 A. I believe the application was put together to
24 have a fair and detailed description of the
25 invention that we want to patent, which was not all

1 of the Rational Inquiry method nor all of the trade
 2 secrets.
 3 Q. Okay. And would you turn to Page 716, and
 4 let me ask you to read into the record the text
 5 beginning at Line 5 and running through the end of
 6 that paragraph.
 7 A. I don't have a -- P760, 60?
 8 Q. 716.
 9 A. Oh, I'm sorry.
 10 Beginning at which? I'm sorry.
 11 Q. At Line 5.
 12 A. Line 5: "A portion of the disclosure of this
 13 patent document contains material which is subject
 14 to copyright protection. The copyright owner has no
 15 objection to facsimile (or) reproduction by anyone
 16 of the patent disclosure as it appears in the Patent
 17 and Trademark Office public patent files or records,
 18 but otherwise reserves all copyrights." (sic)
 19 Q. Okay, so --
 20 A. -- "all copyright rights."
 21 Q. So you were aware that the Patent and
 22 Trademark Office maintains public files and records,
 23 is that right?
 24 A. I've never seen that paragraph before, as far
 25 as I know, but I guess they do.

1 Q. Okay, and are you aware that anyone might be
 2 able to arrange for a facsimile or reproduction of
 3 the patent disclosure?
 4 A. It is my understanding that because this
 5 patent originally was filed before -- it's either
 6 some date in 1999 or 2000 -- it remained what was
 7 considered submerged and not public information up
 8 until a certain point. So when this was filed, if
 9 this is the original application, it was my
 10 understanding that it was not going to be published.
 11 Q. Well, I'm not talking now about publication.
 12 I'm talking about --
 13 A. Or available.
 14 Q. -- facsimile or reproduction.
 15 A. Right.
 16 Q. So, in other words, the statement in Lines 5
 17 through 11 that you just read comes as news to you?
 18 A. Yes.
 19 Q. Okay. And now if you'd turn to Page 719 and
 20 read for the record the paragraph beginning at
 21 Line 3.
 22 A. 3. "ESP 52 module 1 includes a Rules and
 23 Rituals and Scripting module. The Rules and Rituals
 24 and Scripting module includes handshaking, Rules and
 25 Rituals, an introduction to the basic modules 64 and

1 Scripting. The purpose of the Rules and Rituals and
 2 Scripting module is for students to develop a deep
 3 appreciation and understanding of ESP 52. The
 4 coaches ask students to think of as many
 5 organizations as they can that require their members
 6 to wear some sort of garment to meetings or uniform
 7 to work. The coaches ask students to name 3
 8 professions in which a title is used in addressing
 9 the professional. The coaches ask students to think
 10 of 3 situations in which certain rituals are used at
 11 the start of the activity or meeting. The coaches
 12 ask students to name 3 situations where groups begin
 13 a meeting or session by reciting a statement."
 14 Q. Okay. And now would you please turn to Page
 15 729 and read for the record the detailed description
 16 of ESP 52 module 10.
 17 A. Oh, is that starting at the top?
 18 Q. Yes.
 19 A. "ESP 52 module 10 includes the parasite/
 20 producer concepts module. The purpose of this
 21 module is for students to understand and identify
 22 parasite and effort strategies, so they can rid
 23 themselves of parasite patterns, employ all effort
 24 strategies raising capability and self-esteem and to
 25 protect against being manipulated or taken advantage

1 of by others. The coaches lead the students to
 2 learn about the parasites. Parasite strategies keep
 3 people dependent on others and lower self-esteem.
 4 Effort strategies create independence and raise
 5 self-esteem. The parasite is dependent on the
 6 world. Parasites are nice when the chips are down
 7 or when life is hard" on them -- "hard for them.
 8 When things are good, they don't need anything they
 9 have a tendency to change, they can become mean,
 10 abusive or self-destructive. A producer's internal
 11 state is separate and distinct from conditions in
 12 the outside world, therefore they remain the same
 13 whether life is easy or difficult with regard to how
 14 they treat others. The term parasite is not a value
 15 judgment. A positive meaning of manipulation is to
 16 move by hand in a skillful manner, to manage or
 17 utilize skillfully. A negative meaning of
 18 manipulation is to control or play upon by artful,
 19 unfair or insidious means so as to serve" -- hold on
 20 -- "one's own advantage. In this definition there
 21 is covert intention to move someone in an
 22 underhanded fashion."
 23 Q. Okay. Would you agree that the descriptions
 24 that you just read are intended to be clear and to
 25 provide the reader with the information necessary to

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1 understand the invention?
2 **A. I think they are written to be clear enough**
3 **so that the invention could be patented, yes.**
4 Q. And to provide the reader with the
5 information necessary to understand the invention?
6 **A. I don't -- if the reader is assumed to be a**
7 **patent examiner, yes. I don't know if this was**
8 **written in such a way that the public should**
9 **necessarily be able to read it. I don't know what**
10 **the law is on that. I didn't write this.**
11 Q. Okay. And the invention we're talking about
12 is the Rational Inquiry method, isn't it?
13 **A. The invention that we're talking about is**
14 **aspects and effects from the Rational Inquiry method**
15 **but not the whole Rational Inquiry method.**
16 Q. Right. But, again, if you -- if you look at
17 Page 711, the invention is called the Rational
18 Inquiry method; isn't it?
19 **A. Hold on. It says Rational Inquiry method on**
20 **top, yes.**
21 Q. Okay and --
22 **A. I don't know if that means the invention is**
23 **called that, by the way. It's the title on the top**
24 **of the page.**
25 Q. All right. You don't know whether or not

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1 it's called that?
2 **A. Right.**
3 Q. All right. Let me ask you finally to turn to
4 Page 762, and in addition to the detailed
5 description of some of the modules that we just
6 read, there's a list of all 21 modules for which the
7 application has provided the reader with the
8 information necessary to understand the invention;
9 right?
10 **A. I don't know if that's true. There is a list**
11 **here of 21 modules. I don't know what of each of**
12 **these modules was provided, I don't, but enough is**
13 **provided of these modules to hopefully provide a**
14 **basis for granting a patent.**
15 Q. And enough information for the reader to
16 understand the invention, at least a sophisticated
17 reader; right?
18 **A. Yeah, whatever is necessary.**
19 Q. Okay. Is it possible for a person to compete
20 with NXIVM by using only what is disclosed in the
21 patent application?
22 **A. I imagine that could be true. I don't know**
23 **what the law is related to patent pending**
24 **information; and at the time when this was released,**
25 **which I don't know when that was, I don't know if it**

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1 **was public.**
2 **THE VIDEOGRAPHER:** Excuse me. We have
3 to change tapes.
4 (At this point, there was a short
5 recess.)
6 **THE VIDEOGRAPHER:** This is the beginning
7 of Tape Number 4. We're on.
8 **BY MR. SKOLNIK:**
9 Q. Mr. Ranieri, which do you believe gives a
10 more complete and accurate insight into the Rational
11 Inquiry method and NXIVM's modules, the Martin
12 Hochman articles or NXIVM's patent application?
13 **A. I think they're both different, and I think**
14 **the patent application is something that we chose to**
15 **pursue with our property. The Hochman report is**
16 **not. I think the Hochman report seeks to disclose**
17 **possibly as much as it can or the heart. I think**
18 **the patent application seeks to disclose what we're**
19 **looking to patent as an invention and protect. My**
20 **understanding is that the patent application**
21 **discloses to protect, so I think it's apples to**
22 **oranges. I don't know which discloses more about**
23 **the stuff that we want to protect as private. I**
24 **think this is stuff that we don't want to protect as**
25 **private so much.**

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1 Q. Let me ask my question again.
2 Which gives a more complete insight into
3 Rational Inquiry, the Martin Hochman articles or the
4 NXIVM patent application?
5 **A. I can't evaluate that completely. I will say**
6 **the NXIVM patent application certainly contains a**
7 **lot more information.**
8 Q. Okay. Which reveals more of NXIVM's trade
9 secrets, the Martin Hochman articles or NXIVM's
10 patent application?
11 **A. Well, I would think the Martin article or the**
12 **Hochman article would.**
13 Q. Why is that?
14 **A. 'Cause if we're patenting something, it's not**
15 **a trade secret.**
16 Q. You talked both last time and frequently
17 today about the articles and statements in the
18 articles providing windows into NXIVM's trade
19 secrets.
20 **A. Uh-huh.**
21 Q. Which provides more windows into NXIVM's
22 trade secrets, the Martin Hochman articles or
23 NXIVM's patent application?
24 **A. It's hard to discern.**
25 Q. Is it?

1 **A. For me because the patent applications are**
2 **crafted to protect certain things and not disclose**
3 **others, and it's geared to protect. It's geared to**
4 **uphold. It's geared for a purpose of positive**
5 **protection.**

6 **The Hochman articles and the Martin articles**
7 **were geared to disclose, were geared to disparage,**
8 **let's say were not -- I doubt it is Hochman's or**
9 **Martin's mindset to say, I want to positively**
10 **protect all of NXIVM's material, since they had**
11 **materials inappropriately.**

12 Q. I'm not asking you about the intent or what
13 the different pieces were geared to. I'm asking you
14 whether or not more windows into NXIVM's trade
15 secrets are revealed in the patent application than
16 in the Martin and Hochman articles.

17 **A. I understand. And what I'm saying is with a**
18 **patent application you are specifically trying not**
19 **to provide windows. You're trying to protect**
20 **something. The way this is worded, the way what**
21 **you're calling the windows are presented to me seem**
22 **less so. In the Hochman and Martin articles, they**
23 **have a manual. They're quoting orders of concepts**
24 **and words and page references.**

25 **In here, I don't see the orders being quoted**

1 **facilitator notes which were very confidential and**
2 **he -- if what I read was correct -- duplicated those**
3 **things exactly. None of that is at all in the**
4 **purview of this patent application. These are only**
5 **the 21 modules of the students; not the coaching**
6 **notes, not the facilitator notes, not any of those**
7 **things. And it's being used for a specific purpose**
8 **of quantifying certain inventions.**

9 Q. Do you have an office at NXIVM headquarters?

10 **A. No.**

11 Q. From 2003 to the present, have you held any
12 position at all with NXIVM?

13 **A. Other than the titular position of Vanguard,**
14 **no.**

15 Q. Right. What about First Principles or ESP?

16 **A. No.**

17 Q. And is that true also of the period prior to
18 2003?

19 **A. Yes.**

20 **THE WITNESS:** Are we done with the
21 patent application or the deposition -- or the
22 Affidavit?

23 **MR. SKOLNIK:** Well, keep them at hand.

24 **THE WITNESS:** I'll just put them here.
25 (Confidentiality Agreement Effective

1 **the same way at all, and in the description of the**
2 **invention it looks like care has been taken not to**
3 **do that.**

4 Q. Didn't you just read descriptions of modules
5 that went point by point about the way the module is
6 organized?

7 **A. No. It said content of what was in the**
8 **modules to some degree. I don't even know if that**
9 **was the specific order. I -- well, I don't know.**
10 **It might be the specific order. I don't think so.**

11 Q. Okay.

12 **A. The order was not important for this**
13 **application.**

14 Q. Isn't it a fact, Mr. Raniere, that someone
15 who is sufficiently intelligent and motivated and
16 who wants to compete with NXIVM or duplicate its
17 training would be able to do that far more easily
18 and quickly by studying the entire RIM patent
19 application that NXIVM has placed on the internet
20 and the entire modules that NXIVM has made available
21 at the copyright office and through its online court
22 records than through the excerpts contained in the
23 Martin and Hochman articles?

24 **A. I don't agree with that because especially in**
25 **the Martin articles there were excerpts from the**

1 5/13/06 Bates stamped Confidential SP1013 through
2 2030 was received and marked Defendant's Exhibit
3 Raniere-20 for Identification.)

4 **BY MR. SKOLNIK:**

5 Q. Mr. Raniere, can you identify what has been
6 marked as Raniere ---

7 **THE REPORTER:** 20.

8 Q. -- 20?

9 **A. It appears to be a Confidentiality Agreement**
10 **for Michael Sutton.**

11 Q. And it's dated effective May 13, 2006; is
12 that right?

13 **A. Yes. That's what it says.**

14 Q. And it lists the parties entering into the
15 Confidentiality Agreement.

16 Do you notice that NXIVM is not listed?

17 **A. Where? In the beginning?**

18 Q. In the beginning.

19 **A. (Witness reads to himself.)**

20 **I don't know what the legality is with**
21 **respect to Executive Success Programs, Inc., if that**
22 **represents NXIVM or not and I don't know -- well, it**
23 **lists First Principles, Inc., Executive Success**
24 **Programs, Inc., Nancy Salzman with residence, Keith**
25 **Raniere with residence or principal place of**

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1 **business.**
2 Q. Okay. Now, this agreement was executed in
3 2006. Why are you listed on the agreement?
4 **A. Because I think I've been on the agreement**
5 **all along and because I created the intellectual**
6 **property I think the attorneys felt it was important**
7 **that I be on there.**
8 Q. Are you on current agreements?
9 **A. I don't know.**
10 Q. Did you know that Joseph O'Hara was not
11 licensed in New York when he was hired by NXIVM?
12 **A. No.**
13 Q. Were you involved in the decision to hire
14 Joe O'Hara?
15 **A. To some degree, I voiced opinion.**
16 Q. What was your involvement in that decision?
17 **A. My understand -- well, I had met Joe O'Hara.**
18 **He seemed to be a person that was a lawyer and also**
19 **a business person and could be a lead in-house**
20 **corporate counsel of sorts and could provide very**
21 **valuable information on law and business to Nancy**
22 **and Executive Success Programs, NXIVM.**
23 **MR. SKOLNIK:** Okay. I think this is a
24 good time to take a short break.
25 **MR. CAMPION:** Sure.

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1 **MR. SKOLNIK:** But let me say that when
2 we come back from the break I will have asked the
3 reporter to mark several documents, and for each of
4 those documents, I'm going to ask you to identify
5 the document if you can and to tell us if you
6 received it.
7 **THE WITNESS:** Okay.
8 **THE VIDEOGRAPHER:** We're off.
9 (At this point, there was a short
10 recess.)
11 (May 10, 2004, Memorandum Bates stamped
12 SP1163 through 1165 was received and marked
13 Defendant's Exhibit Ranieri-21 for Identification.
14 Note to Keith with attachments Bates
15 stamped SP0903 through 0907 was received and marked
16 Defendant's Exhibit Ranieri-22 for Identification.
17 1/26/05 e-mail Bates stamped SP0480 was
18 received and marked Defendant's Exhibit Ranieri-23
19 for Identification.
20 8/7/04 e-mail Bates stamped SP1284 was
21 received and marked Defendant's Exhibit Ranieri-24
22 for Identification.
23 11/28/04 e-mail Bates stamped SP1814 was
24 received and marked Defendant's Exhibit Ranieri-25
25 for Identification.)

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1 Memorandum to Kathy Russell Bates
2 stamped SP0429 was received and marked Defendant's
3 Exhibit Ranieri-26 for Identification.
4 April 8, 2004, Memorandum Bates stamped
5 SP0432 was received and marked Defendant's Exhibit
6 Ranieri-27 for Identification.
7 Confidential and Legal Product
8 Memorandum to Kathy Russell from Joseph J. O'Hara
9 Bates stamped SP0518 was received and marked
10 Defendant's Exhibit Ranieri-28 for Identification.)
11 **THE VIDEOGRAPHER:** We're back on the
12 record at 2:34.
13 **BY MR. SKOLNIK:**
14 Q. Mr. Ranieri, do you have Exhibits Ranieri-21
15 through 28 in front of you?
16 **A. No, I do not.**
17 (A discussion was held off the record.
18 At this point, there was a short
19 recess.)
20 **THE VIDEOGRAPHER:** We're back on the
21 record at 2:43.
22 **BY MR. SKOLNIK:**
23 Q. Mr. Ranieri, as I mentioned before we took
24 our break, I'm showing you now several documents,
25 and what I'm going to do is I'm just going to

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1 identify the document; and my only question for
2 you is to tell us whether or not you received the
3 document.
4 Ranieri-21 is a memo dated May 10, 2004, from
5 Joe O'Hara to you and Nancy Salzman about Proposed
6 New Financial Arrangements Between NXIVM and The
7 O'Hara Group.
8 **A. Okay. I don't know if I received this.**
9 Q. When Joe O'Hara sent things to you, did you
10 generally receive them?
11 **MR. CAMPION:** Object to the form of that
12 question.
13 **MR. McGUIRE:** Object to the form of the
14 question.
15 **MR. CAMPION:** You can answer.
16 **A. I have no idea. If I didn't receive them, I**
17 **wouldn't know I didn't receive them. I did not**
18 **receive many documents from Joe O'Hara.**
19 Q. Okay. Do you have any reason to believe that
20 you did not receive this document?
21 **A. This document, I have to understand what it**
22 **is.**
23 **I did see a document relating to finances at**
24 **one point. I do not trust any documents from Joe**
25 **O'Hara, so I don't know if this is the document I**

1 saw. The subject matter seems somewhat familiar.
2 Q. Okay. How about Raniere-22, which is an
3 undated draft agreement addressed to "Keith"
4 attaching a strategic plan, a proposed strategic
5 plan for NXIVM?
6 **A. Undated? On the top it says, "As of**
7 **September 22, 2003"?**
8 Q. Right.
9 **A. I don't know if I received this either. Some**
10 **of the subject matter looks familiar, in particular,**
11 **I don't know who boxed in "Riker/Danzig." It was**
12 **something that Joe had told me at one point, that**
13 **Riker Danzig was an important firm in New Jersey and**
14 **that we should continue to consider hiring them, so**
15 **that was not available.**
16 Q. You don't recognize the document as something
17 that you received, is that right?
18 **A. No, I don't. I may have received it.**
19 Q. You may have received it?
20 **A. Yeah.**
21 Q. Okay. What about Raniere-23, which is a
22 January 26, 2005, e-mail? The subject is Re:
23 Sitrick, and it's addressed to an e-mail address
24 Sage11 with copies to kunterre@nycap.rr.com, Nancy
25 Salzman and Kristin Keefe, and it concerns a

1 28, 2004, from Joe O'Hara to the kunterre e-mail
2 address and addressed "Keith."
3 **A. Uh-huh. I don't know if I received this**
4 **e-mail. I am somewhat familiar with the subject**
5 **matter, though.**
6 Q. Do you have any reason to believe you didn't
7 receive the e-mail?
8 **A. 1) That I don't trust Joe O'Hara; 2) That I**
9 **don't specifically remember this. So I may have**
10 **received it but not read it 'cause I spoke to him**
11 **relating to this building, and I don't know who**
12 **John Naftzger is so...**
13 Q. Well, when you say you don't trust
14 Joe O'Hara, that mistrust had not developed by
15 November 28, 2004, had it?
16 **A. Unfortunately, but he has done I think a lot**
17 **of very improper things before I lost trust in him,**
18 **and I do believe that he creates things so...**
19 Q. Raniere-26, this is a memo dated November 18,
20 2004, from Joe O'Hara to Kathy Russell, CC to you
21 and Nancy Salzman with attachments, and it concerns
22 an Employment Agreement for Nancy Salzman.
23 **A. Oh, I doubt I received this.**
24 Q. You doubt you received it?
25 **A. Yeah.**

1 fully-executed letter agreement with Toga and NXIVM.
2 **MR. McGUIRE:** Peter, would you have an
3 extra copy of that? I don't have a copy of 23.
4 **MR. SKOLNIK:** I don't, Bill.
5 **A. I don't recall receiving this, and if I had**
6 **received it, I probably wouldn't have read it.**
7 Q. Why do you say you probably wouldn't have
8 read it?
9 **A. If it's sent to the kunterre@nycap.rr.com,**
10 **that is an e-mail that I have shared with others.**
11 **This letter is addressed to Kathy. So if I had**
12 **received something and I saw it was addressed to**
13 **Kathy, I wouldn't read it.**
14 Q. And who do you understand Kathy to be?
15 **A. I suspect it's Kathy Russell because her**
16 **e-mail address is Sage11.**
17 Q. Okay. What about Raniere-24, which is an
18 e-mail dated August 7, 2004? The subject is
19 "Confidential Material," and this is from the e-mail
20 address kunterre to Joe O'Hara, and it is signed
21 "Keith."
22 **A. I probably wrote it then. I'm not sure, but**
23 **if it came truly from kunterre and signed it**
24 **"Keith," I'm the only Keith at that address so...**
25 Q. Okay. Raniere-25, an e-mail dated November

1 Q. You would not have received an Employment
2 Agreement for Nancy?
3 **A. I don't know, but also where would he carbon**
4 **copy me on this? Did he hand it to me supposedly or**
5 **e-mail it to me or...**
6 Q. Do you remember receiving it, Mr. Raniere?
7 **A. No, I don't.**
8 Q. Okay. Do you have any reason to believe you
9 didn't receive it?
10 **A. Yes.**
11 Q. And what is that reason?
12 **A. I can't figure out how he would have gotten**
13 **it to me. It doesn't say he e-mailed it to me so I**
14 **don't -- I wouldn't have received it otherwise.**
15 Q. Did Mr. O'Hara ever mail anything to you?
16 **A. No, not that I know of.**
17 Q. Did he ever deliver things to you personally?
18 **A. I think there was one document that he**
19 **delivered in a meeting, but it wasn't labeled. It**
20 **was a thing relating to the land and the change of**
21 **the financial agreement.**
22 Q. Did he ever leave documents for you at NXIVM
23 with the assumption that you would pick them up?
24 **A. I doubt that 'cause I wouldn't get them.**
25 Q. Did he ever deliver things to you through

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1 Nancy Salzman and Kristin Keeffe or someone else?
2 **A. I don't think so, no.**
3 Q. Okay. Raniere-27, it's a memo dated April 8,
4 2004, from Joe O'Hara to you and Nancy Salzman about
5 Reputation Renewal.
6 **A. Okay. I don't think I received this. I**
7 **don't remember it.**
8 Q. It doesn't look familiar to you?
9 **A. No, it does not.**
10 Q. So you're basically saying that you don't
11 remember receiving any of these documents from
12 Mr. O'Hara?
13 **A. Well, yeah, I don't think I remembered any**
14 **single one of these documents.**
15 Q. Okay. And finally, Number 28, Raniere-28, a
16 memo dated October 29, 2004, from Joe O'Hara to
17 Kathy Russell with a BCC at the top of the next page
18 to you and Nancy Salzman, and it concerns NXIVM's
19 corporate registration in Puerto Rico.
20 **A. I don't think I received this.**
21 Q. It doesn't look familiar?
22 **A. No, it does not.**
23 Q. Okay. Prior to your being named as a
24 counterclaim defendant, what was the nature of your
25 involvement in this litigation?

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1 **A. Well, I think I was only superficially**
2 **involved. There were times when, for example, I met**
3 **Juval Aviv. I don't know if you consider that being**
4 **involved. I had met at times some of NXIVM's**
5 **attorneys when they came up. There were some**
6 **attorneys I think that sat in a forum I did at one**
7 **point; and various questions have been brought to me**
8 **at times, problems, things like that. I think**
9 **superficially I was involved.**
10 Q. Were you involved in any decisions about what
11 claims to assert in this litigation?
12 **A. No, I don't believe so. I think I gave input**
13 **on it but, no, I wasn't directly involved in that**
14 **decision.**
15 Q. So when you say you gave input, who asked you
16 for input and what was the nature of your input?
17 **A. Since it is my property, I tend not to be**
18 **litigious. A lot of times -- the question is if**
19 **someone does something that either violates a**
20 **confidentiality agreement or things like that, if**
21 **you do not pursue it, do you lose rights. So those**
22 **are the sort of things if the property is to be**
23 **protected what has to be pursued. Those are the**
24 **sort of inputs. You know, I want the property**
25 **protected; but I also see -- and I've obviously**

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1 **learned since -- that litigations can go on a very**
2 **long time and be very expensive.**
3 Q. Were you specifically consulted about filing
4 a defamation claim?
5 **A. Yes. I did -- I signed an Affidavit relating**
6 **to that, I believe, and I -- you know, I believe**
7 **that there were things that were said that were**
8 **damaging, untrue, so yes.**
9 Q. Did you approve the filing of a defamation
10 claim?
11 **A. Approve? I don't -- in no legal sense. I**
12 **was convinced that it was a good idea ultimately by**
13 **the attorneys.**
14 Q. Were you asked whether or not a defamation
15 claim should be asserted?
16 **A. I don't believe so.**
17 Q. If you had said that a defamation claim
18 should not have been asserted, would it have been?
19 **A. It might have been.**
20 Q. What about the copyright claim? Were you
21 consulted about filing a copyright claim?
22 **A. Yes, I believe I was.**
23 Q. And did you approve filing a copyright claim?
24 **MR. McGUIRE: We're not waiving any**
25 **privilege along these lines either, are we?**

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1 **MR. SKOLNIK: No.**
2 **A. When you say "approve," I believe I voiced**
3 **an opinion with questions, but I don't think what I**
4 **said is followed or not followed. In fact, I**
5 **believe at times it isn't followed, what I say.**
6 Q. What opinion did you voice?
7 **A. Well, the first question I asked was what**
8 **was the nature of how you evaluate a copyright**
9 **evaluation -- a copyright claim, and how could it**
10 **help address the wrongs of what I considered a**
11 **theft and a misuse of property.**
12 Q. Did you discuss what claims would be included
13 in the litigation with anyone other than your
14 attorneys?
15 **A. Not that I recall.**
16 Q. You didn't have any discussions with
17 Nancy Salzman about claims in the litigation?
18 **A. I don't know specifically --**
19 **MR. McGUIRE: Is this with or without**
20 **the participation of counsel?**
21 **A. I don't know enough about the claims per se.**
22 **I did discuss with Nancy that I thought our property**
23 **had been stolen and that we were being damaged. As**
24 **far as the specifics of what are in the claims or**
25 **how that is voiced or framed legally, I don't know**

1 that, and often it seems to me that attorneys don't
2 frame the issues as I would see them.
3 Q. In addition to Nancy, did you discuss the
4 filing of these claims with Kristin Keeffe?
5 **A. Well, I don't agree that I discussed the**
6 **claims per se. And, yes, I mentioned and certainly**
7 **discussed what I felt were certain damaging aspects**
8 **of what had happened; but I didn't discuss the**
9 **specifics of the claims, as far as I know.**
10 Q. What about with Joe O'Hara?
11 **A. Likewise, Joe would give me more advice at**
12 **times on how things are framed legally compared to**
13 **how things are as seen by a common person like**
14 **myself.**
15 Q. Did you specifically -- were you specifically
16 consulted about the filing of the trade secret
17 claim?
18 **A. I discovered I believe looking through a**
19 **book at one point that there was an advertisement or**
20 **something to do with Tabi Kahler. I'm not sure if I**
21 **was the person who discovered that Stephanie Franco**
22 **was involved with Tabi Kahler, but I think I was**
23 **involved in that.**
24 Q. Involved in what?
25 **A. The discovery that Stephanie Franco was**

1 involved with Tabi Kahler. At one point, I also saw
2 -- I was shown a website, I believe it was by
3 Kristin Keeffe, where Stephanie Franco was listed
4 as a master trainer on a Tabi Kahler website which I
5 was surprised and felt that that was inappropriate,
6 and I voiced that opinion to her.
7 Q. And what did your discoveries with respect to
8 Tabi Kahler and Stephanie Franco have to do with the
9 decision to file a trade secret claim?
10 **A. I don't know exactly. I don't know when the**
11 **trade secret claim was filed, and I don't know much**
12 **about the trade secret claim per se.**
13 Q. You were not consulted about filing a trade
14 secret claim, is that right?
15 **A. I don't -- I don't believe so.**
16 Q. Were you consulted about transferring the
17 case from New York to New Jersey?
18 **A. Yes.**
19 Q. Who consulted you?
20 **A. I think one of the lawyers from Nolan &**
21 **Heller and Joe O'Hara. I was assured I would never**
22 **have to come to New Jersey; and I was assured since**
23 **I had no business, no dealings with Jersey for many,**
24 **many years, that what is happening would not happen.**
25 **So I said it didn't matter, as far as I was**

1 concerned.
2 Q. So much for legal advice.
3 Did you make any decisions for NXIVM
4 regarding this litigation?
5 **A. Did I make any final decisions, no. I don't**
6 **believe I have the authority to.**
7 Q. So other than counsel, who made those
8 decisions?
9 **A. I have no idea. I think counsel made the**
10 **decisions.**
11 Q. Well, counsel was working for a client. Who
12 spoke for the client?
13 **A. Then I guess Nancy would.**
14 Q. Do you view your individual interests as
15 aligned with NXIVM's interests in the litigation?
16 **A. As far as I know, yes.**
17 Q. Because throughout your August 23 Affidavit
18 that we've looked at you frequently refer to
19 yourself and NXIVM as "we" and "us," isn't that so?
20 **A. Uh-huh, yes.**
21 Q. Why do you use the term "we" or "us" if you
22 are not affiliated with NXIVM and are not involved
23 in supervising the litigation?
24 **A. Because they used my property, and it's my**
25 **property or it's my invention.**

1 Q. So why are you not named as a plaintiff?
2 **MR. McGUIRE:** It calls for a legal
3 conclusion, doesn't it?
4 Q. Well, let me ask you your opinion.
5 **A. I guess they felt it wasn't -- I wasn't as**
6 **directly involved. Since I derive no income from**
7 **NXIVM, there is no direct damages measurable to me**
8 **personally, from what I understand, and I prefer to**
9 **stay out of litigations to a degree. I did not**
10 **completely agree with going into a large litigation.**
11 Q. Was it your decision not to be a plaintiff?
12 **A. Well, in some aspects, it was. If I was**
13 **asked to be a plaintiff, I probably would have said**
14 **no, but I don't even believe I was asked.**
15 Q. The e-mail address kunterre@nycap.rr.com --
16 **A. Yes.**
17 Q. -- who else uses that address?
18 **A. Karen Unterreiner.**
19 Q. And who is Karen Unterreiner?
20 **A. She's a long-time friend of mine and business**
21 **associate.**
22 Q. What, if any, is her position at NXIVM?
23 **A. I don't know. I believe she's a trainer; and**
24 **I think she does work within the finance department**
25 **and computer department, although I'm not sure.**

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1 Q. When an e-mail is received at the kunterre
2 e-mail address, who reads it?
3 **A. Well, Karen might read it. I might read it.**
4 **I'm not sure if anyone else in general would have**
5 **read it. That's mainly Karen's account which is**
6 **derived from her name, and that would be pretty much**
7 **it; either myself or Karen.**
8 Q. If an e-mail comes to that address that on
9 its face is clearly for your attention rather than
10 hers, will she let you know that the e-mail has
11 arrived?
12 **A. I often --**
13 **MR. McGUIRE:** Object to the form of that
14 question, but go ahead.
15 **A. I often don't read e-mails at that account.**
16 **That account gets lots of spam and other things like**
17 **that so...**
18 Q. To your knowledge, does Karen delete e-mails
19 that come to that account that are addressed to you?
20 **A. I don't think so.**
21 Q. What role did you play in decisions about
22 who would represent NXIVM on your appeal to the
23 United States Supreme Court in this case?
24 **A. Well, I told Kristin and Joe. And Joe also**
25 **had advised me that we should get an attorney or a**

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1 **firm that had a lot of experience representing,**
2 **petitioning or whatever it is to the Supreme Court;**
3 **and I believe Joe found that firm, and I think he**
4 **had a -- I saw on a website once the attorney who is**
5 **doing it had a very strong record. I don't remember**
6 **exactly what it was, but X number of times in front**
7 **of the Supreme Court and that sort of a thing.**
8 Q. Did you meet with Joe O'Hara about the appeal
9 to the Supreme Court?
10 **A. Did I meet with him? I had spoken with him**
11 **about it and about aspects of it. I don't know if I**
12 **met with him specifically about it.**
13 Q. Do you recall any meetings with Joe O'Hara
14 and Nancy Salzman to discuss finalized plans for the
15 appeal to the Supreme Court?
16 **A. Finalized plans, I mean, I imagine that Joe,**
17 **Nancy and myself conversed about the appeal to the**
18 **Supreme Court. I do remember that they had to**
19 **decide to either petition the Second Circuit for an**
20 **en banc I think it's called appeal or go up to the**
21 **Supreme Court so there were conversations about**
22 **that, yes.**
23 Q. Do you recall receiving any e-mails
24 concerning the appeal to the Supreme Court?
25 **A. I don't recall receiving e-mails. I'm trying**

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1 **to think if I saw anything in writing relating to**
2 **the Supreme Court. I don't recall.**
3 Q. Do you remember receiving any e-mails
4 concerning the Second Circuit's copyright decision
5 in this case?
6 **A. No, not off the top of my head.**
7 Q. Do you remember any discussions or meetings
8 with Joe O'Hara about that decision?
9 **A. It was discussed on a few different**
10 **occasions.**
11 Q. Do you recall having a strategy session with
12 Joe O'Hara to discuss how to proceed with the trade
13 secret claims?
14 **A. No. Although I well may have strategized**
15 **with Joe O'Hara relating to various legal issues, I**
16 **don't specifically recall trade secret.**
17 Q. Did you review the various briefs that NXIVM
18 filed with the Second Circuit and the Supreme Court?
19 **A. I've seen copies of some of them, but I think**
20 **it might have even been after the fact. I've seen**
21 **copies of certain legal documents. There was one**
22 **point where I think they wanted to get my thinking**
23 **on a certain document, but I don't believe the**
24 **document ever made it to me.**
25 Q. Did you review any of the briefs filed with

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1 the Second Circuit or the Supreme Court before they
2 were filed?
3 **A. I don't know.**
4 Q. You don't know?
5 **A. I don't know.**
6 Q. When did you meet Kristin Keeffe?
7 **A. 1990.**
8 Q. How did you meet her?
9 **A. In a corporation that I created and I was the**
10 **primary shareholder and CEO, she was recruited as a**
11 **sales rep.**
12 Q. What is her role at NXIVM?
13 **A. My understanding is she's -- she handles**
14 **legal information. She's sort of a liaison to get**
15 **like paperwork information together. I think she**
16 **may have all the filing, also, of all the legal**
17 **documents and motions, like that.**
18 Q. Who would you say at NXIVM is in charge of
19 the litigation?
20 **A. Probably Nancy. Kristin is like -- she**
21 **handles all the information from what I understand**
22 **of the legal things.**
23 Q. Who decided that Kristin would be the person
24 to handle all of the information about the
25 litigation?

1 **A. I don't know. Maybe it was Joe. I'm not**
 2 **sure.**
 3 Q. Did you ever tutor Kristin Keeffe about how
 4 to research legal issues for the litigation?
 5 **A. I wouldn't say I tutored her on how to**
 6 **research legal issues. I tutored her in critical**
 7 **thinking.**
 8 Q. You didn't give her any specific instructions
 9 about how to research legal issues?
 10 **A. I think she knows better than I do.**
 11 Q. Now, you told us last time that you never
 12 discussed with anyone the propriety of NXIVM
 13 arranging to interview Rick Ross through Interfor
 14 while a lawsuit against him was pending.
 15 Do you recall that testimony?
 16 **A. Not specifically. Do you have it so I could**
 17 **read it, the testimony?**
 18 Q. Let me just show you Page 360.
 19 **MR. LEONARD: 360?**
 20 **MR. SKOLNIK: 360.**
 21 **A. Okay. Starting at the top?**
 22 Q. Well, it's really in the middle of the page,
 23 but read as much of the page as you need.
 24 **A. Okay. I see where the testimony is. I'm not**
 25 **sure I understand it but --**

1 was marked last time as Ranieri-16.
 2 (A discussion was held off the record.)
 3 **BY MR. SKOLNIK:**
 4 Q. And Exhibit 16, for the record, is Keith
 5 Ranieri's Responses to Defendant Rick Ross' First
 6 Amended Set of Interrogatories to NXIVM Corporation.
 7 And would you just turn to Page 13 and confirm for
 8 us again that that's your signature.
 9 **A. Yes.**
 10 Q. Now, the actual responses begin on Page 5.
 11 The first response is on Page 6. And Interrogatory
 12 Number 1 concerns, among other things,
 13 communications with Interfor regarding Rick Ross;
 14 and in your response, the second paragraph, you say,
 15 "Mr. Ranieri states that he never spoke to
 16 Interfor."
 17 **A. Hold on. Where is that?**
 18 Q. The second sentence or the last clause of the
 19 second paragraph in your response on Page 6.
 20 **A. "Mr. Ranieri states that he never spoke to**
 21 **Interfor."**
 22 **Yes, I did speak to Juval Aviv.**
 23 Q. Okay. So when you said, "Mr. Ranieri states
 24 that he never spoke to Interfor," were you not
 25 including Juval Aviv?

1 Q. Well, I'm just asking you to confirm that
 2 your testimony was that you never discussed with
 3 anyone the propriety of --
 4 **A. I don't believe I did.**
 5 Q. Okay. Let me just finish my question so the
 6 record is clear.
 7 You never discussed with anyone the propriety
 8 of NXIVM arranging to interview Rick Ross through
 9 Interfor while a lawsuit was pending?
 10 **A. Correct, because I -- I'm not sure I was**
 11 **aware that that was going on like that. Yes, I**
 12 **believe that is true.**
 13 Q. Okay.
 14 **MR. McGUIRE: Let the record show I**
 15 **object to the form of that question belatedly.**
 16 Q. Whether or not you discussed it with anyone,
 17 did you in your own mind question the ethics of
 18 conducting those interviews?
 19 **A. No. It was always my assumption because**
 20 **there were so many attorneys involved on not only**
 21 **with Joe O'Hara and Nolan & Heller, but Juval had**
 22 **attorneys in his office and things like that, that**
 23 **they knew what they were doing. I mean, that's a**
 24 **general belief I have of them.**
 25 Q. Let me ask you to turn to the Exhibit that

1 **A. I met him socially, so I did not think of**
 2 **that as corporate or anything to do with this.**
 3 Q. When you met him socially, did you discuss
 4 the work that Interfor was doing for NXIVM?
 5 **A. Not really. He told me a lot about himself,**
 6 **and we didn't discuss specifically what Interfor was**
 7 **doing.**
 8 Q. Did you discuss generally what Interfor was
 9 doing?
 10 **A. No, not that I remember. It was a social**
 11 **occasion, and he was telling me about his past and**
 12 **the sort of things he did.**
 13 Q. Did you ask or advise anyone else to speak to
 14 Interfor?
 15 **MR. McGUIRE: Could I have that read**
 16 **back, please? I'm sorry.**
 17 (The following was read back by the
 18 reporter:
 19 "Did you ask or advise anyone else to
 20 speak to Interfor?")
 21 **A. I don't believe so.**
 22 Q. Did you provide any advice or instructions
 23 about what Interfor should investigate concerning
 24 Rick Ross or how they should go about it?
 25 **A. No, I don't believe so.**

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1 Q. When you say you don't believe so, is there
2 some uncertainty in your mind about whether you had
3 such discussions?
4 **A. I don't remember offhand all of my**
5 **discussions. I don't remember any such discussion.**
6 **I don't have reason to believe I would have had such**
7 **a discussion. Numerous problems and concerns are**
8 **brought to me over time which I speak about, but I**
9 **don't recall any of them dealing with Interfor.**
10 Q. Did you ask or advise anyone to send any
11 communications to Interfor?
12 **A. I doubt it. I don't think so.**
13 Q. Were you copied, including BCC'ed, on any
14 communications with Interfor?
15 **A. Not that I know of.**
16 Q. Did you discuss the Interfor investigation of
17 Ross with Joe O'Hara?
18 **A. I'm not sure. I discussed a number of things**
19 **with respect to Ross over time with Joe O'Hara.**
20 **Joe O'Hara had a lot of things that he felt should**
21 **be done. I may have.**
22 Q. What was the nature of your first discussion
23 with Joe O'Hara about Rick Ross?
24 **A. I'm not really sure. I'm making a**
25 **hypothesis. I don't know.**

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1 Q. Do you remember any of the substance of that
2 discussion?
3 **A. No.**
4 Q. What were the ideas that you say Joe O'Hara
5 had about Rick Ross?
6 **A. Well, he believed that Rick Ross was not a**
7 **good person. He believed that Rick Ross -- it**
8 **sounded like he believed Rick Ross should be stopped**
9 **no matter what. He believed that Rick Ross was**
10 **doing a lot of things that we didn't know about,**
11 **Nancy or myself. He believed that I was innocent or**
12 **ignorant as to how things worked in the world and**
13 **that he felt I think that we were not nearly active**
14 **enough in changing things. I think he wanted to**
15 **catch Rick Ross doing bad things and things that we**
16 **had heard he was doing and other things that Joe**
17 **hypothesized he was doing, and those are the sort of**
18 **comments.**
19 Q. And how did he propose you go about catching
20 Rick Ross?
21 **A. I believe at one point he wanted to have**
22 **either some sort of a tape or record of Rick Ross**
23 **making false representations to our clients.**
24 Q. And how did he propose that you would go
25 about obtaining such a tape of false

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1 representations?
2 **A. I don't remember specifically. I know at**
3 **one point he had wanted to either tape record a**
4 **phone call or phone calls with Rick Ross. I don't**
5 **know if he was the person that came up with the idea**
6 **of having some sort of interview with Ross, although**
7 **he at times voiced far more aggressive strategies**
8 **that I don't agree with.**
9 Q. Who was meant to have a phone call -- phone
10 conversation with Rick Ross?
11 **A. I don't think that was determined.**
12 Q. The notion of having phone conversations or a
13 meeting with Rick Ross, were these ideas that Joe
14 O'Hara discussed with you before they took place?
15 **A. I don't know.**
16 Q. But they might have?
17 **A. Yes. Certainly Rick -- Joe had said things**
18 **relating to Rick Ross before there was any sort of**
19 **engagement with Rick Ross.**
20 Q. Did Joe O'Hara recommend that a private
21 investigation firm be retained to conduct some
22 investigation of Rick Ross?
23 **A. I know he spoke of that. I -- he may have**
24 **been the first one to say that. I don't know if he**
25 **was the first one to think that, but certainly.**

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1 Q. And that would have been again before the
2 private investigation was put in place?
3 **A. Yeah, I would assume so.**
4 Q. Did you give Joe O'Hara any instructions or
5 advice about any aspect of the investigation of
6 Rick Ross?
7 **A. No. I don't know much about that field.**
8 Q. Well, separately from how to go about it,
9 did you give Mr. O'Hara any suggestions about what
10 you wanted to learn or accomplish?
11 **A. No. I -- I didn't want to learn in**
12 **particular anything, but I believe that if there is**
13 **going to be a lawsuit or actions done that people**
14 **should have as much data as is available, so if I**
15 **said anything about how an investigator should be**
16 **used, it would be from that perspective.**
17 Q. And what do you recall saying about how an
18 investigator should be used?
19 **A. I don't recall saying anything.**
20 **THE VIDEOGRAPHER:** Excuse me. We have
21 to change tapes.
22 (At this point, there was a short
23 recess.)
24 **THE VIDEOGRAPHER:** This is the start of
25 Tape Number 5. The time is 3:44.

1 **BY MR. SKOLNIK:**

2 Q. Mr. Raniere, did you speak to Kristin Keeffe
3 about the Interfor investigation of Rick Ross?

4 **A. I think at some times I have, yeah.**

5 Q. Did you first discuss that investigation
6 before it commenced?

7 **A. I don't believe so.**

8 Q. What do you recall as being your first
9 discussion with Kristin Keeffe about what Interfor
10 was doing?

11 **A. I'm not sure if it's the first, but I
12 remember hearing that and which affirmed also what
13 was mentioned before, that Juval had a relationship
14 with Ross and that Juval felt that he could get good
15 information and things that would be helpful with
16 Ross saying slanderous things.**

17 Q. And you would have heard this from Kristin
18 Keeffe before Juval was retained, isn't that right?

19 **MR. McGUIRE:** I object to the form of
20 that question.

21 **A. I -- I don't think I would have heard that
22 before Juval was retained, no.**

23 Q. Okay. There are several documents in the
24 record indicating that Kristin Keeffe had various
25 telephone conversations and meetings with Interfor.

1 Would she report back to you? Did she report
2 back to you after those meetings with Interfor?

3 **A. Not generally.**

4 Q. Do you remember any reports that you received
5 from her about her discussions or meetings with
6 Interfor?

7 **A. I remember that she had taken a long walk
8 with Juval Aviv at a monastery; and she was talking
9 about Buddhism, I think. The specifics of meetings
10 and the specifics of when they were and things like
11 that I did not know.**

12 Q. Did she tell you anything about her
13 conversations or meetings with Anna Moody?

14 **MR. MEE:** Objection.

15 **MR. CAMPION:** Answer the question.

16 **A. I don't believe so.**

17 Q. What about with Abby Barrish?

18 **A. Who is Abby Barrish?**

19 Q. That name doesn't ring a bell to you at all?

20 **A. No.**

21 Q. Okay. Do you recall any other conversations
22 you had with Kristin Keeffe about what Interfor was
23 doing?

24 **A. Yes. I recall Kristin saying that Juval Aviv
25 had a neighbor who knew Al Damato. I recall that**

1 **Kristin Keeffe said that Juval Aviv felt that
2 Kristin Snyder was likely alive and probably in
3 witness protection. Kristin told me also that
4 Juval Aviv was involved in the astro projection
5 intelligence unit of -- I don't know if it was the
6 United States or Israel or and that some of his data
7 supposedly came from that, which I found to be very
8 disturbing.**

9 **Those are the things I remember off the top
10 of my head.**

11 Q. Did Kristin Keeffe tell you about any of the
12 meetings that she participated in at Interfor's
13 offices with Rick Ross?

14 **A. No, not that I know of at all.**

15 Q. Did you give Kristin Keeffe any instructions
16 or advice about any aspect of Interfor's
17 investigation of Rick Ross?

18 **A. Specifically his investigation of Rick Ross,
19 I don't believe so, but when she was telling me
20 about the comments on the astro projection and also
21 when it appeared she was more of a personal friend
22 of his, I cautioned her that she shouldn't let -- if
23 she has a personal relationship with this man, she
24 shouldn't let her friendship interfere with good
25 judgment; and an investigation firm that's headed by**

1 **someone who claims to be doing astro projection to
2 get their information is probably not something
3 worth paying for.**

4 Q. In your response to Interrogatory Number 1 in
5 Raniere-16, about halfway through the third
6 paragraph you say, "At some point during the course
7 of this litigation Mr. Raniere became aware of a
8 copy of a written communication from Interfor,
9 entitled 'Status Report' that was the report on the
10 status of an investigation into Rick Ross. "

11 **A. Yes.**

12 Q. "Mr. Raniere does not believe there were any
13 other communications."

14 **A. Communications. Oh, okay.**

15 Q. Okay. How did you become aware of the status
16 report document?

17 **A. Kristin I believe told me that there was a
18 document that Juval Aviv gave her that was a bunch
19 of information that she thought he downloaded from
20 the internet and that she felt it wasn't worth
21 anything.**

22 **There is something else. There was an
23 article written in Metroland that mentioned
24 something about financial information out of the
25 status report which surprised me. I think it's this**

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1 **status report, but it is mentioned within that**
2 **article.**
3 Q. You hadn't heard anything about that from
4 Kristin Keeffe?
5 **A. No.**
6 Q. What about from Joe O'Hara?
7 **A. No.**
8 Q. Did you have any conversations at all with
9 Joe O'Hara about the status report?
10 **A. I think he might have mentioned that Juval**
11 **has prepared a report. I didn't have any extensive**
12 **conversations, no.**
13 Q. What do you remember him telling you about
14 the report?
15 **A. I don't think he told me much of the content,**
16 **just that it was a comprehensive informational**
17 **report.**
18 Q. Did you ask him about the contents?
19 **A. No.**
20 Q. Did you ask him what conclusions anybody
21 could draw from the report?
22 **A. Well, I think he thought the report wasn't**
23 **very good. I mean, I think he expressed the same**
24 **thing that Kristin did, that it was a very thick**
25 **report with a bunch of stuff that was downloaded off**

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1 **the internet.**
2 Q. Was there any discussion of the fact that
3 the report contained Mr. Ross' financial
4 information?
5 **A. No, no.**
6 Q. Was there any discussion of the fact that it
7 contained his telephone records?
8 **A. No.**
9 Q. The statement we just read from your response
10 to Interrogatory 1 says, "Mr. Raniere does not
11 believe there were any other communications."
12 Do you recall receiving any copies of
13 agreements between NXIVM and Interfor?
14 **A. I have seen them since or some, but at this**
15 **period of time I don't believe I had.**
16 Q. Was it your idea to have Interfor conduct an
17 in-person meeting with Rick Ross?
18 **A. No.**
19 Q. Do you know whose idea it was?
20 **A. No.**
21 Q. Did you propose having Interfor conduct a
22 sting operation?
23 **A. No.**
24 Q. When did you become aware of the in-person
25 meetings with Rick Ross?

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1 **A. I'm not exactly sure. I do remember hearing**
2 **that there was a tape or a conversation or something**
3 **that said that Rick Ross had pictures, a lot of**
4 **pictures of me even I think they said something like**
5 **pictures in the shower and that I was having sex**
6 **with -- pictures of me having sex with students and**
7 **things like that.**
8 Q. Who told you that?
9 **A. I believe that was Kristin.**
10 Q. And when did she tell you that?
11 **A. I don't know. I have since -- because I was**
12 **deposed in part on the issues and seen some of it,**
13 **I'm not exactly sure but -- no, I don't know when it**
14 **was exactly.**
15 Q. Did she tell you that shortly after she
16 attended the meeting where those statements were
17 made?
18 **MR. McGUIRE:** Object to the form of that
19 question.
20 **A. I don't know when that meeting happened.**
21 Q. When Kristin Keeffe told you about those
22 comments, was she telling you that she had heard
23 this recently or quite some time ago?
24 **A. I don't know. I think -- I couldn't tell.**
25 **My assumption is it would be pretty recent, though,**

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1 **I mean I would say certainly within a month.**
2 Q. Within a month of the time when she heard it?
3 **A. I would assume so, yes.**
4 Q. When did you become aware of the proposed
5 sting operation?
6 **A. I don't know exactly because Joe O'Hara had**
7 **been proposing things like that for a long time. I**
8 **don't know exactly even to date when the sting**
9 **operation happened.**
10 **Sorry, I don't know.**
11 Q. When Joe O'Hara proposed something like a
12 sting operation, what did you say to him?
13 **A. Well, Joe O'Hara had proposed many sort of**
14 **initiatives from close to the first time I met him.**
15 **A lot of the times I objected to what Joe O'Hara**
16 **said with respect to such actions.**
17 Q. Did you object to the suggestion of a sting
18 operation?
19 **A. I wouldn't call it a sting operation. Joe**
20 **O'Hara attempting to legitimately get Rick Ross on**
21 **tape saying false and disparaging things to our**
22 **students or to people who were potential students, I**
23 **think that might be something that was fine; and I**
24 **would have agreed to do that, as long as it was**
25 **proper.**

1 Q. Did Joe O'Hara or Kristin Keeffe or anyone
2 else ever propose to you that Rick Ross be
3 approached about deprogramming a fictitious NXIVM
4 student?
5 **A. I don't think so.**
6 Q. Have you ever heard that that was done?
7 **A. Was that done? No, I haven't heard that that**
8 **was done.**
9 **Wait. I'm thinking about what I read here.**
10 **I think I read it in the materials to this case,**
11 **that there is -- I don't think that was done,**
12 **though. I think I read that it was never carried**
13 **out.**
14 Q. But anything that you know about that attempt
15 you only learned from reading about it in the
16 materials to this case?
17 **A. I believe so.**
18 Q. You were never told about that by anyone at
19 the time or within a few months of the time that it
20 took place?
21 **A. No, I don't believe so.**
22 Q. Were you ever given a copy of the status
23 report that we were discussing a few minutes ago?
24 **A. No, I don't believe so.**
25 Q. So you've never read it?

1 **A. I don't believe so, no.**
2 Q. Did you ask or advise anyone else to send any
3 communications to Sitrick?
4 **A. I don't believe so, no.**
5 Q. Were you copied, including BCC'ed, on any
6 communications with Sitrick?
7 **A. I don't know, not that I received.**
8 Q. But you were aware that someone at NXIVM was
9 dealing with Sitrick, is that right?
10 **A. Yes, I would say so.**
11 Q. When did you become aware of that?
12 **A. I'm not really sure. I don't know if it was**
13 **before they were hired or after they were hired.**
14 **I'm not sure when.**
15 Q. But you became aware at some point while they
16 were retained by NXIVM?
17 **A. Uh-huh.**
18 Q. And who was it who told you about NXIVM's
19 dealings with Sitrick?
20 **A. Um, probably Nancy and/or Kristin.**
21 Q. What about Joe O'Hara? Did he discuss that
22 with you?
23 **A. Oh, Joe probably discussed it. I don't -- I**
24 **don't know if -- I guess they were contemporaneous.**
25 **Joe would have discussed it probably, also.**

1 **A. That is correct.**
2 Q. Let's turn to your response to Interrogatory
3 Number 3, and Interrogatory Number 3 generally
4 addresses communications with Sitrick or about
5 Sitrick. And your response says, "Mr. Raniere
6 states that he never spoke to Sitrick."
7 **A. Uh-huh.**
8 Q. Did you ask or advise anyone else to speak to
9 Sitrick?
10 **A. I had heard that Sitrick was a PR agency and**
11 **that Sitrick I think is the person who runs it had a**
12 **close relationship with Forbes and that they could**
13 **produce a positive article. At some point, I gave**
14 **responses I think it was to Kristin to a series of**
15 **questions relating to, you know, what NXIVM tries to**
16 **do and things like that to presumably be used for**
17 **PR.**
18 Q. Were you consulted about the retention of
19 Sitrick?
20 **A. No.**
21 Q. Did you have any input into what Sitrick
22 would undertake with respect to Rick Ross?
23 **A. No.**
24 Q. Did you send any communications, letters or
25 e-mails to Sitrick?

1 Q. Did you participate in any discussions about
2 how Sitrick should proceed or what Sitrick should
3 do?
4 **A. No.**
5 Q. Were you aware that someone at Interfor was
6 dealing with Sitrick?
7 **A. No.**
8 Q. Were you ever told anything about Interfor's
9 dealings with Sitrick?
10 **A. No.**
11 **(A discussion was held off the record.)**
12 **(12/9/04 e-mail Bates stamped NXR00079**
13 **through 80 was received and marked Defendant's**
14 **Exhibit Raniere-29 for Identification.)**
15 **BY MR. SKOLNIK:**
16 Q. Mr. Raniere, the Exhibit marked Raniere-29 is
17 a -- it contains an e-mail from Kristin Keeffe to
18 Steven Goldberg and Jeff Lloyd. Jeff Lloyd at the
19 top is Lloyd@sitrick.com.
20 So this is an e-mail from Kristin Keeffe to
21 Sitrick?
22 **A. Yes.**
23 Q. And if you notice in the middle paragraph she
24 says, "Nancy came in from Ireland this morning, and
25 I have spoken to Keith to keep him abreast of the

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1 list of points that need deciding on for you
2 (Sitrick) to move forward."
3 **A. Okay.**
4 Q. What points did Kristin Keeffe keep you
5 abreast of?
6 **A. What I remember is that there were things**
7 **that I gave Kristin relating to Rational Inquiry,**
8 **sort of the what we do in ESP and NXIVM. I think**
9 **there might have even been a list of questions she**
10 **went through, but I gave that series of responses to**
11 **her.**
12 Q. So what decisions had to be made for Sitrick
13 to move forward?
14 **A. I think -- from my perspective, I don't know**
15 **of any decisions per se that I made. I do know of**
16 **information that I gave.**
17 Q. Do you remember any other conversations with
18 Kristin Keeffe about Sitrick and its work?
19 **A. Not off the top of my head, no. There was --**
20 **I'm sorry. When NXIVM was going to arbitrate with**
21 **Sitrick, there was the fact -- I had asked about how**
22 **much was paid and Kristin -- and what was produced**
23 **for that money, and Kristin told me that there was**
24 **no work ever produced from Sitrick which I found to**
25 **be -- I thought we should have won the arbitration**

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1 **then based on that, but we did not.**
2 Q. Your response -- well, Interrogatory Number 4
3 in Raniere-16 asks about suggestions, requests and
4 instructions by you, Nancy Salzman and Kristin
5 Keeffe about the acquisition of Ross and Soedarpo's
6 banking, financial and telephone records.
7 And your response to Interrogatory Number 4
8 says only, "Mr. Raniere made no such suggestions,
9 requests and gave no instructions responsive to this
10 request."
11 Do you know if Ross and Soedarpo's banking
12 information and telephone records were obtained?
13 **A. No, I don't. But gathering from the**
14 **Metroland article and what you said a little**
15 **earlier, you represented that there were telephone**
16 **records. And this is for Interfor? Yeah. No, I**
17 **gave no such instructions.**
18 Q. The question asks you about suggestions,
19 requests or instructions by you or by any of the
20 other NXIVM counterclaim defendants, which would be
21 Nancy Salzman and Kristin Keeffe.
22 **A. Uh-huh.**
23 Q. Do you know whether or not Nancy Salzman or
24 Kristin Keeffe made any such suggestion, request or
25 instructions?

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1 **A. No, I don't know.**
2 Q. Do you know if anyone at NXIVM asked Interfor
3 to obtain that information?
4 **A. No, I don't know.**
5 Q. Interrogatory Number 5 asks about
6 suggestions, requests and instructions by you,
7 Nancy Salzman or Kristin Keeffe about the
8 acquisition of Ross and Soedarpo's garbage or trash,
9 and your response to Interrogatory Number 5 says
10 only, "Mr. Raniere believes that he made no such
11 suggestions, requests and gave no instructions
12 responsive to this request."
13 Why does your response to Interrogatory
14 Number 4 state categorically that you made no such
15 suggestions, requests and gave no instructions
16 responsive to this request; but your response to
17 Interrogatory Number 5 says that you believe that
18 you made no suggestions, requests and gave no
19 instructions responsive to the request?
20 **A. I don't know. I -- I don't think it -- I**
21 **don't believe in either case I did.**
22 Q. You were not prepared then to say
23 categorically that you gave no such instructions?
24 **A. I think I would say for each of these**
25 **responses, 5 and 6, that I respond to them equally**

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1 **and with equal force.**
2 Q. So you didn't draw any distinction in your
3 own response, one saying that there were no such
4 and the other saying I believe there were no such?
5 **A. Correct.**
6 Q. Do you know whether or not Mr. Ross and
7 Mr. Soedarpo's garbage was, in fact, obtained?
8 **A. No, I do not know.**
9 Q. Do you know whether or not anyone at NXIVM
10 asked Interfor to obtain Mr. Ross and Mr. Soedarpo's
11 garbage?
12 **A. No.**
13 Q. Did you ever discuss the obtaining of
14 Mr. Ross' garbage with Joe O'Hara?
15 **A. No, no.**
16 Q. Interrogatory Number 6 asks about the
17 information that you, Nancy Salzman or Kristin
18 Keeffe wanted to learn by having Interfor conduct
19 in-person meetings and telephone conferences with
20 Ross; and part of your response to Interrogatory
21 Number 6 says, "He personally was not aware of these
22 events at the time they were taking place and
23 therefore cannot, nor does not, believe that any
24 actions or communications concerning Interfor and
25 Ross were made on his behalf."

1 You say that you were not aware of these
 2 events at the time they were taking place. When did
 3 you become aware of these events?
 4 **A. I'm not really sure. I think when this was**
 5 **created, I probably had a clearer understanding of**
 6 **the sequence of events, but sometime after.**
 7 Q. And who did you learn about the events from?
 8 **A. I think Kristin. I did hear at some point**
 9 **that Joe had some garbage or something at his**
 10 **office that he wanted picked up, so I don't know if**
 11 **that's --**
 12 Q. So you did learn that Interfor had collected
 13 Mr. Ross' garbage?
 14 **A. I don't know if it was Mr. Ross' garbage.**
 15 Q. Oh. So you think you learned about these
 16 events from Kristin Keeffe and with some
 17 conversations with Joe O'Hara?
 18 **A. Potentially. I'm not sure which or how, but**
 19 **yes.**
 20 Q. What about with Nancy Salzman? Any
 21 discussions with her about these events?
 22 **A. I don't think so. I don't know, but I don't**
 23 **think so.**
 24 Q. Interrogatory Number 8 asks about the plan
 25 and purpose of the sting operation. And in your

1 **A. What I'm saying is I don't believe that**
 2 **the information in this lawsuit about the sting**
 3 **operation existed in this lawsuit till after the**
 4 **sting operation.**
 5 Q. Well, put aside whether it existed in the
 6 lawsuit.
 7 **A. Right, I don't be --**
 8 Q. What information did you have about it?
 9 **A. I don't believe I had anything outside of**
 10 **what I've learned from this lawsuit.**
 11 Q. So you don't recall any conversations at
 12 all with Joe O'Hara about the sting operation?
 13 **A. No.**
 14 Q. Or any conversations with Kristin Keeffe
 15 about the sting operation?
 16 **A. I've mentioned what I remember with Kristin**
 17 **Keeffe, but no. At a later point, I had asked her**
 18 **about what was meant when I read the stuff in this**
 19 **lawsuit about a cruise ship. I think Kristin thinks**
 20 **that's absurd, but I don't know. It sounds like a**
 21 **silly thing.**
 22 Q. Your response to Interrogatory Number 8 also
 23 says, "The details of the alleged 'plan' were
 24 attended to by others, and Mr. Ranieri only learned
 25 of them subsequent to Interfor's attempted

1 response to Interrogatory Number 8 you omit your
 2 communications with O'Hara but, as you know, by
 3 agreement with your counsel, you're now required to
 4 tell me about those communications with O'Hara, so
 5 please do so.
 6 **A. Relating to?**
 7 Q. The sting operation.
 8 **A. Okay. I don't know --**
 9 **THE WITNESS:** Is it true that?
 10 **MR. CAMPION:** Yes, there has been a
 11 waiver.
 12 Read Interrogatory 8 to yourself and
 13 then answer the question with respect to O'Hara,
 14 please.
 15 **THE WITNESS:** Okay.
 16 **A. I can't speak for NXIVM, but I didn't know**
 17 **anything about these things.**
 18 Q. You had no conversations at all with
 19 Mr. O'Hara about any aspect of what's inquired
 20 about in Number 8?
 21 **A. Yeah. I -- a lot of this stuff I found out**
 22 **from this lawsuit. Yeah. No, I didn't --**
 23 Q. Well, when you say you found out about it
 24 from this lawsuit, this lawsuit was already pending
 25 at the time when these events were taking place.

1 implementation. Mr. Ranieri has no documents
 2 responsive to this request and learned all of the
 3 above information well after the events transpired
 4 and only in the context of this lawsuit."
 5 **A. Where does it say that? I'm sorry.**
 6 **MR. CAMPION:** It's on the next page.
 7 **THE WITNESS:** Okay.
 8 **A. I still believe that to be true.**
 9 Q. And when you learned about them in the
 10 context of this lawsuit, who did you learn about
 11 them from?
 12 **A. Well, I read some of the documents. I had**
 13 **spoken to Kristin Keeffe. As a matter of fact, I**
 14 **remember pretty recently Kristin said that she**
 15 **thinks it was Ross' idea about the cruise ship or**
 16 **something like that, but I think Kristin, reading**
 17 **the documentation. That's pretty much it.**
 18 Q. What about Joe O'Hara? Any conversations
 19 with him about the sting?
 20 **A. I think there was possibly mentioned at a**
 21 **later point, but already at whatever point these**
 22 **conversations were happening things with -- I didn't**
 23 **communicate much with Joe. Things were not good, so**
 24 **I don't think that was so.**
 25 Q. In fact, one of the reasons that Mr. O'Hara

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1 decided to resign from NXIVM was because he
2 disapproved of the sting operation; isn't that
3 right?
4 **MR. CAMPION:** Object to the form.
5 **MR. McGUIRE:** So do I.
6 **A. I think that's not true.**
7 Q. Okay. Interrogatory Number 13 asks you to
8 identify all of your e-mail accounts, and in
9 response you say, "Mr. Raniere states that he has
10 partial use of the e-mail address
11 kunterre@nycap.rr.com and honorandethics@yahoo.com.
12 He has had no other accounts from January 2003 to
13 present."
14 Is that a true statement?
15 **A. At that time, yes.**
16 Q. Is it true today?
17 **A. No.**
18 Q. What other e-mail accounts do you have today?
19 **A. Keithraniere@yahoo.com. I have a Face Book**
20 **account which can receive e-mails. I can't think of**
21 **any others. Those are the ones that I've had more**
22 **contact with.**
23 Q. Have you received any e-mail communications
24 relating to this litigation at the
25 Keithraniere@yahoo.com address?

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1 **A. I don't believe so. No, that is not true. I**
2 **have received communications with --**
3 **MR. CAMPION:** Mr. Raniere, you're
4 not to answer the question with respect to
5 communications with counsel for these new e-mail
6 addresses, okay.
7 **THE WITNESS:** Okay.
8 **MR. CAMPION:** Otherwise, you can answer.
9 Continuing...
10 **A. Other than that, not that I know of, no.**
11 Q. So only communications with counsel?
12 **A. Yes.**
13 Q. Okay.
14 **A. I believe so, yes.**
15 Q. In a November 2004 e-mail from Kristin Keeffe
16 to Interfor she said that she was setting up
17 Hushmail accounts for you and Nancy Salzman.
18 Did she set up a Hushmail account for you?
19 **A. Not that I know of.**
20 Q. Have you ever had a Hushmail account?
21 **A. No.**
22 Q. Who else, if anyone, uses the
23 honorandethics@yahoo.com e-mail address?
24 **A. I believe I'm the only one that used that.**
25 Q. And are you the only one who uses the

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1 Keithraniere@yahoo.com?
2 **A. Yes.**
3 Q. So from January 2003 to the present if
4 someone wanted to contact you by e-mail, which
5 account would you give them?
6 **A. Probably the Keithraniere@yahoo.com.**
7 Q. And when did you establish that account?
8 **A. It wasn't that long ago, maybe a year ago.**
9 Q. When did you establish the or when did
10 Ms. Unterreiner establish the kunterre account?
11 **A. I don't -- I don't know. That came with the**
12 **cable service. That's why it has her name encoded**
13 **in the front. I don't know when that was**
14 **established.**
15 Q. What about the honorandethics@yahoo.com
16 address? When was that established?
17 **A. That was years ago. I don't know exactly**
18 **when.**
19 Q. Do you use your various e-mail addresses for
20 different functions?
21 **A. No.**
22 Q. Do you back up your e-mails?
23 **A. No.**
24 Q. Do you save them in folders?
25 **A. Sometimes, yes.**

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1 Q. Do you print them out?
2 **A. No.**
3 Q. Do you delete e-mails?
4 **A. I have on occasion. I don't delete a lot.**
5 Q. Did anyone ever advise you to retain
6 documents and e-mails regarding the subject matter
7 of this litigation?
8 **A. I don't think so, but I didn't have many**
9 **e-mails relating to this litigation; and even ones**
10 **that may have come to the kunterre account I'm**
11 **either like a copied person or something like that,**
12 **so I wouldn't look at them.**
13 Q. Well, you've been involved in other
14 litigations beside this one; haven't you?
15 **A. Yes.**
16 Q. And are you aware from those other
17 litigations about the general requirement to retain
18 e-mails and documents related to a litigation?
19 **MR. CAMPION:** Object to the form of the
20 question.
21 **A. No, but I wouldn't say I delete those things.**
22 Q. Have you deleted any e-mails related in any
23 way to this litigation since it began?
24 **A. I don't believe so.**
25 Q. Since our prior session, have you found any

1 of the notes that you told us that you took about
2 or on the three Martin and Hochman articles?

3 **A. I don't have any of those things in my**
4 **possession.**

5 Q. Do you know in whose possession they are?

6 **A. I believe NXIVM has them.**

7 Q. Who at NXIVM has them?

8 **A. I think Nancy Salzman.**

9 **MR. SKOLNIK:** Weren't those called for,
10 Harold, by your letter to Mr. McGuire?

11 **MR. KOFMAN:** They were Item Number 2 in
12 my letter to Mr. Campion.

13 **MR. SKOLNIK:** To Mr. Campion.

14 **MR. KOFMAN:** But they would have been
15 called for by previous document requests to NXIVM.

16 **MR. SKOLNIK:** Absolutely. Well,
17 we'll --

18 **MR. LEONARD:** Mr. Ranieri just told you
19 he doesn't have them. He doesn't have them. Mr.
20 Ranieri told you he does not have them.

21 **MR. SKOLNIK:** But NXIVM does.

22 **MR. LEONARD:** I can't speak for NXIVM.

23 **MR. SKOLNIK:** Well, bill, given that
24 these were absolutely called for by prior requests,
25 we would request them of NXIVM.

1 is Harold Kofman, I represent the Suttons and
2 Ms. Franco in this matter.

3 The document we've marked as Ranieri-30 is a
4 copy of my March 27, 2009, letter to Mr. Campion.

5 Do you have that in front of you?

6 **A. Yes, I do.**

7 Q. In this letter I request 12 categories of
8 documents. This was a follow-up to requests I made
9 on the record at your deposition in March.

10 Did you search for the materials that I
11 requested?

12 **A. Yes.**

13 Q. What did that search entail?

14 **A. Well, what I gave over and -- well, that was**
15 **the product. I looked through my things. I looked**
16 **through what computer stuff I had access to. A lot**
17 **of these documents I don't have in my possession,**
18 **and there was no -- I called Arlen Olsen and asked**
19 **him if there was a written retainer agreement, and**
20 **there is none.**

21 Q. Okay. Did you ask NXIVM if they had any of
22 these documents in their possession?

23 **A. Well, I did ask relating because I was**
24 **curious about the Hochman things; and NXIVM has**
25 **those, yes.**

1 **MR. McGUIRE:** Would you send me a letter
2 to that effect, please.

3 **MR. SKOLNIK:** Put that on the record.
4 (Request.)

5 **MR. SKOLNIK:** Give me just two minutes
6 to consult with my colleagues here.

7 (At this point, there was a short
8 recess.)

9 **THE VIDEOGRAPHER:** We're back on the
10 record.

11 **MR. SKOLNIK:** Mr. Ranieri, I have no
12 further questions for you.

13 Thank you.

14 **THE WITNESS:** Oh. Thank you.

15 **MR. KOFMAN:** Mr. Ranieri, I have a few
16 follow-up questions.

17 Can we mark this, please, as Ranieri-30.

18 (March 27, 2009, two-page letter to
19 Thomas F. Campion, Jr., Esq. from Harold L. Kofman
20 was received and marked Defendant's Exhibit
21 Ranieri-30 for Identification.)

22 **REDIRECT EXAMINATION BY MR. KOFMAN:**

23 Q. Okay. Mr. Ranieri, I should just put on the
24 record, if you don't recall from last time, my name

1 Q. Okay. Did anybody help you do the search for
2 documents?

3 **A. Actually, yes. I was trying to locate an old**
4 **computer I had that might have been refurbished, but**
5 **it wasn't to be found. Other than that, no.**

6 Q. Who helped you look for the old computer?

7 **A. I actually asked Karen Unterreiner to find**
8 **out what happened to it.**

9 Q. Am I correct that the only document you have
10 that's responsive to any of these 12 categories is
11 the copy of the book Odin and the Sphinx?

12 **A. I believe so. Hold on a second.**

13 (A discussion was held off the record.)
14 **Continuing...**

15 **A. Except for Article 10, I believe that is**
16 **correct.**

17 Q. With respect to Article 10, you have -- that
18 requested copies of articles that you had written
19 or cowritten for Conocimiento magazine?

20 **A. Yes.**

21 Q. Did you have documents or copies of articles?

22 **A. I have copies of articles that I have written**
23 **within the last year that were translated and**
24 **published in this magazine. They have not been**
25 **published beyond that. I don't know.**

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1 **MR. LEONARD:** We could produce them if
2 we need to. I'd like some kind of showing of how
3 they could possibly be relevant. They're in
4 Spanish, as I understand it. I mean, I'll work with
5 you on it, but I don't quite understand.
6 **MR. KOFMAN:** The question is going to be
7 whether or not they disclose anything that's claimed
8 as a trade secret, whether or not it's something
9 publicly available that contains trade secrets.
10 **MR. LEONARD:** I had hoped to have a
11 chance to look at these. I haven't. We'll take a
12 look at them, but they're published years after the
13 alleged, you know, sort of after the disclosure
14 tracing in this case so I don't think they have any
15 bearing on this case.
16 We could work with you on that.
17 **MR. KOFMAN:** Okay. If we could mark
18 this as NXIVM -- I'm sorry -- as Raniere-31.
19 (Odin and the Sphinx written by Keith
20 Raniere and Ivy Nevares was received and marked
21 Defendant's Exhibit Raniere-31 for Identification.)
22 **BY MR. KOFMAN:**
23 Q. Mr. Raniere, is that a copy of the book
24 Odin and the Sphinx that you referred to in your
25 deposition in March?

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1 **A. I believe so, yes.**
2 Q. Earlier today, Mr. Raniere, you mentioned
3 to or you told Mr. Skolnik in response to one of his
4 questions that the Rules and Rituals had been --
5 that certain information or that the Rules and
6 Rituals had been released to the public -- or strike
7 that. Let me say that.
8 I believe you said that the Rules and Rituals
9 performed a selective function for NXIVM.
10 **A. That was part of it, yes.**
11 Q. And I believe you said there that people --
12 the way it performed a selective function was people
13 either heard about certain elements of Rules and
14 Rituals or certain elements were made public, and
15 that would either persuade or dissuade people to
16 join the group, NXIVM.
17 **A. That was a potential of the Rules and**
18 **Rituals. We have, for example, made known that**
19 **people wear sashes and have rank; but more when**
20 **someone comes and actually takes the Rules and**
21 **Rituals, that serves as a selecting function.**
22 Q. How did you make known that people wear
23 sashes?
24 **A. Well, we have design patents on them; and I**
25 **think that's the main way.**

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1 **I think we've also said that we have ranks**
2 **and are fashioned after a martial arts type of**
3 **school.**
4 Q. Is that something that prospective students
5 are told before they attend?
6 **A. There have been times when that was the case.**
7 **I don't think that is the case recently.**
8 Q. Do you know what is told to prospective
9 customers or prospective students of NXIVM now?
10 **A. No, I don't.**
11 Q. Have you had any -- ever had any role in --
12 strike that.
13 Has NXIVM ever made public any of the Rules
14 and Rituals in order to perform this selective
15 functioning, other than the sashes and the scarves?
16 **A. I don't think so.**
17 Q. Okay. You mentioned in response to one of
18 Mr. Skolnik's questions that only approximately 25
19 people have had access to facilitator notes.
20 Do you recall that testimony?
21 **A. The specific facilitator training, the**
22 **projective facilitator training that Stephanie**
23 **Franco took, yes.**
24 Q. And is it the case that there have only been
25 25 facilitators that NXIVM has had?

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1 **A. No.**
2 Q. Who is given -- strike that.
3 How is it determined who is given access to
4 that projective facilitator training?
5 **A. At the time, it was an evaluation of people's**
6 **demonstrated motivation, people's willingness to, if**
7 **you will, uphold the mission of Executive Success**
8 **Programs and keep confidence over the materials.**
9 Q. Who did that evaluation?
10 **A. I believe Nancy Salzman, Lauren Salzman,**
11 **Karen Unterreiner was probably involved.**
12 Q. Did you have any role in doing an evaluation
13 of Stephanie Franco as to whether she should get the
14 facilitator projective materials?
15 **A. No.**
16 Q. Did Peter Fallon receive facilitator
17 projective materials?
18 **A. I don't know.**
19 Q. You referred numerous times today to the
20 theft of materials. Is it your contention that
21 Stephanie Franco stole the materials?
22 **A. I believe that the materials were stolen,**
23 **as evidenced by the fact that they ended up in hands**
24 **that are not authorized to have them. I don't know**
25 **the exact mechanism.**

1 Q. Did you understand that Stephanie Franco was
2 given the materials as part of taking NXIVM courses?
3 **A. I believe they were leased to her, I think.**
4 Q. Was she ever asked to return the materials?
5 **A. I don't know.**
6 Q. Was Peter Fallon ever asked to return the
7 materials after he stopped attending -- after he
8 severed his relationship with NXIVM?
9 **A. I don't know.**
10 Q. Do you know if NXIVM makes it a practice of
11 asking students to return materials after they stop
12 taking classes?
13 **A. I don't know.**
14 Q. How about coaches after they've left, coaches
15 or facilitators? Are they asked to return
16 materials?
17 **A. I'm not sure.**
18 Q. You mentioned also today that there was a --
19 that Nancy Salzman was videotaped affirming the
20 confidentiality of materials.
21 **A. No, Nancy -- my meetings with Nancy initially**
22 **were videotaped.**
23 Q. And who videotaped those meetings?
24 **A. Actually, I did.**
25 Q. Okay.

1 **A. Well, I mean, I had a video camera there.**
2 Q. I'm sorry. What was that last?
3 **A. The meetings between Nancy and myself were**
4 **only between Nancy and myself, and I set up a video**
5 **camera that taped the table.**
6 Q. What was the purpose of that?
7 **A. To record it.**
8 Q. Why did you want to record it?
9 **A. One, for historical sake; two, for**
10 **confidentiality sake.**
11 Q. Did you retain copies of those videotapes?
12 **A. No.**
13 Q. What did you do with them?
14 **A. Well, they were taken by Toni Natalie; and I**
15 **believe they were destroyed in a flood in her**
16 **basement, but I don't have access to those**
17 **materials.**
18 Q. Okay. Last time you mentioned that the Dalai
19 Lama was going to be attending an event or was
20 scheduled to attend an event that was being put on
21 by -- what was the name of the organization that was
22 sponsoring it?
23 **A. I believe it's the World Ethical Foundation**
24 **Consortium.**
25 Q. And are you the founder of that consortium?

1 **A. I'm a conceptual founder, yes.**
2 Q. You're the conceptual founder.
3 Did the event with the Dalai Lama take place?
4 **A. Yes.**
5 Q. Are you aware that at some point the Dalai
6 Lama indicated that he would not attend an event
7 sponsored by the World Ethical Historical
8 Consortium?
9 **A. No, I wasn't aware of that.**
10 Q. You weren't aware that at some point he
11 indicated that he would not attend -- would not
12 attend or would not speak in Albany?
13 **A. No.**
14 Q. Were you involved with the planning of this
15 consorti -- of this event?
16 **A. To some degree, yes.**
17 Q. And were you aware that the Dalai Lama had to
18 be persuaded -- had to be persuaded to change his
19 mind -- strike that.
20 Are you aware that the Dalai Lama cancelled
21 the event at one point?
22 **A. No.**
23 Q. Who was responsible for the planning of this
24 event?
25 **A. Well, Claire Bronfman, Sara Bronfman, in part**

1 **myself.**
2 Q. Were you aware that the Dalai Lama had
3 concerns about bad publicity involving you and
4 NXIVM?
5 **MR. CAMPION:** I'm going to object to
6 the form of the question simply because of lack of
7 foundation, but go ahead and answer it.
8 **A. Yes.**
9 Q. How did you become aware of that?
10 **A. There was a representative sent from Darmsala**
11 **who came and interviewed Nancy and myself and the**
12 **newspaper and a number of people in the Albany area,**
13 **I think some of the people at the universities; and**
14 **that's when I was aware of it. I didn't -- that**
15 **wasn't the first time I had actually heard from one**
16 **of the lamas. Lama Tenzin who is the personal**
17 **emissary I believe is his title for the Dalai Lama**
18 **who had said there were concerns and this other**
19 **person was coming to interview us.**
20 Q. Who was the person who came to interview you?
21 **A. Tenzin Takla I believe is his name.**
22 Q. Did you ever travel to Darmsala to discuss
23 this matter with the Dalai Lama or any of his
24 representatives?
25 **A. Yes.**

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1 Q. When did you do that?
2 **A. I don't know. It was probably -- it was like**
3 **the second week in April, I believe. I'd have to**
4 **take a look at what the date was.**
5 Q. Okay, and did you meet with the Dalai Lama?
6 **A. Yes.**
7 Q. And in any of your discussions with the
8 Dalai Lama or his representatives, did you discuss
9 this case?
10 **A. Yes.**
11 Q. Did you discuss Stephanie Franco, Morris
12 Sutton or Rochelle Sutton?
13 **A. Yes.**
14 Q. What did you say?
15 **A. They had Michael Sutton's deposition. They**
16 **wanted to know if I believed that that was true.**
17 **They asked me what I felt the source of this**
18 **disagreement was. I said that Morris Sutton is from**
19 **a devout religious community and that his son was**
20 **considered a very eligible bachelor and that that**
21 **community has an edict or a type of rule that does**
22 **not allow people to have children outside of the**
23 **community with people outside of the community, if**
24 **they did that they would be asked to disown the**
25 **child and the why wife or mate or whatever, and that**

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1 **Michael Sutton had come to us with a dilemma because**
2 **he had had a child outside of the community and was**
3 **being asked to reject that child and disown that**
4 **child.**
5 **And after coming to our course, he had**
6 **resolved in himself that he would not disown the**
7 **child and would accept the child and that that was**
8 **likely seen as a threat by Moe Sutton, threatening**
9 **his way of life, his way of thinking.**
10 Q. Anything else?
11 **A. I believe that the -- the negative PR that we**
12 **have is earned but not accurate.**
13 Q. What do you mean by "earned but not
14 accurate"?
15 **A. Well, I would be foolish to say that I didn't**
16 **participate in any way. I would be foolish to say**
17 **that I didn't help start the school, that I'm not**
18 **involved in any way now in this lawsuit, that a**
19 **whole series of choices where, for example, I**
20 **haven't spoken out much in public or choose to speak**
21 **out in public. Those things are my responsibility.**
22 **I have tried to minimize the damages that have gone**
23 **on in this lawsuit, so I take responsibility for my**
24 **actions but that I think the damages are awful and**
25 **that I think that what is said is wrongful and**

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1 **inaccurate because I believe our materials were**
2 **ultimately taken improperly.**
3 Q. Did you indicate --
4 **THE VIDEOGRAPHER: Excuse me. We have**
5 **to change tapes.**
6 **MR. KOFMAN: Okay.**
7 **(A discussion was held off the record.)**
8 **THE VIDEOGRAPHER: This is the beginning**
9 **of Tape Number 6. We're on.**
10 **BY MR. KOFMAN:**
11 Q. Just to back up a little bit, you mentioned
12 that you gave a copy of Michael Sutton's deposition
13 transcript to --
14 **A. I did not.**
15 Q. -- someone. Strike that, okay. You did not.
16 Did they have -- did someone from the Dalai
17 Lama's -- one of Dalai Lama's representatives have a
18 copy of that?
19 **A. Yes.**
20 Q. How did they obtain it?
21 **A. I don't know.**
22 Q. Do you know if someone from NXIVM gave that
23 to them?
24 **A. I don't know; might have, but they also had**
25 **-- it appeared they had everything that's been on**

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1 **the web, everything that is publicly available. It**
2 **looked like they had a lot of files; and from what I**
3 **understand, they have been studying us and studying**
4 **this for quite some time.**
5 Q. And so you don't know one way or the other
6 whether -- strike that.
7 Is it your understanding that the deposition
8 of Michael Sutton is publicly available?
9 **A. I think it's his Affidavit, and I don't know.**
10 Q. It was his Affidavit, not his deposition?
11 **A. Not his -- I'm sorry. If I said deposition,**
12 **I meant Affidavit.**
13 Q. Okay. Who was present when you had that
14 conversation about Moe Sutton with -- strike that.
15 First of all, was that a conversation you
16 had with the Dalai Lama or with one of his
17 representatives?
18 **A. The Dalai Lama was there, and I was speaking**
19 **to a representative.**
20 Q. Who else was there?
21 **A. There were a number of monks. I don't know**
22 **who they were. There was a translator. Tenzin**
23 **Takla was there. His boss was there. There was a**
24 **gentleman who was head of the New York Center,**
25 **Robert Thurman. His Holiness, the Dalai Lama was**

1 there. Nancy Salzman was there. Sara Bronfman was
2 there, and Tenzin -- Lama Tenzin was there.

3 Q. Did you tell -- did you state at this time
4 that Morris Sutton was responsible for negative
5 things that had been published about NXIVM?

6 A. I don't believe I stated that.

7 Q. What did -- what was the relevance of talking
8 about Morris Sutton to the Dalai Lama?

9 A. Because I was asked. I was asked about the
10 Affidavit, if it was true, and what I believed were
11 the motivations.

12 Q. I'm sorry. What you believed were the
13 motivations of who?

14 A. The motivations behind some of the
15 negativity.

16 Q. And did you tell the Dalai Lama that some of
17 the negativity was caused by Morris Sutton's upset
18 about his son's decision to acknowledge his child?

19 A. I think I said that it was my opinion that a
20 lot of the disagreements between Michael Sutton and
21 Moe Sutton were caused by that and that that was a
22 motivation. I don't think I said that directly he
23 caused it.

24 Q. Did you indicate that Morris Sutton was
25 responsible for negative articles being published?

1 Q. Did anyone from NXIVM, including the
2 Bronfmans, pay any money to the Dalai Lama or to
3 an organization with which the Dalai Lama was
4 associated?

5 A. Not that I know of.

6 MR. KOFMAN: I have no further questions
7 at this time.

8 THE WITNESS: Thank you.

9 MR. SKOLNIK: Just one follow-up.

10
11 RE-CROSS-EXAMINATION MR. SKOLNIK:

12 Q. Is it your testimony that in that meeting
13 that you had with the Dalai Lama and his associates
14 there was no discussion of Rick Ross?

15 A. I'm not absolutely sure. The focus of the
16 discussion, from my interpretation of it, was me.
17 And I tend not to focus on others, what my
18 participation is and what I'm going to do, so I
19 don't remember that. It wasn't my focus in
20 thinking.

21 Q. But you said that they had a lot of materials
22 related to the litigation, is that right?

23 A. Uh-huh.

24 Q. But they didn't ask you questions about that?

25 A. Correct.

1 A. I don't think I indicated that.

2 Q. Did you indicate that it was your
3 understanding that Morris Sutton was -- wanted to
4 destroy NXIVM?

5 A. I don't know if I said that.

6 Q. Did you say anything about Rick Ross?

7 A. I don't think so.

8 Q. Anything about Rochelle Sutton?

9 A. No, I don't believe so.

10 Q. Anything about Stephanie Franco?

11 A. I don't believe so.

12 Q. Did -- what did the Dalai Lama's
13 representatives say in response to what you told
14 them?

15 A. He said that I have been patient for a very
16 long time.

17 Q. Did they indicate that they were satisfied
18 with your statements?

19 A. I don't think they indicated either way, but
20 they said that it is important that I do everything
21 I can to get the truth out.

22 Q. So the Dalai -- and ultimately the Dalai Lama
23 chose to attend an event with which you were
24 associated?

25 A. Yes.

1 MR. KOFMAN: Just one further question.

2
3 FURTHER REDIRECT EXAMINATION BY MR. KOFMAN:

4 Q. Why did you travel to Darmsala?

5 A. Originally I had heard that the Dalai Lama
6 wanted to see me. I think that was a misconstruance
7 potentially from that he would see me. My traveling
8 to Darmsala was based on the belief that he would --
9 that he wanted to see me. I found him very generous
10 with his time with me, and he did see me twice so...

11 MR. KOFMAN: Okay. Thank you very much.

12 THE WITNESS: You're welcome.

13
14 (Witness excused.)

15 (The deposition was concluded at 5:00

16 p.m.)

1 J U R A T
2 I, KEITH A. RANIERE, do hereby
3 certify that I have read the foregoing transcript of
4 my testimony taken on May 13, 2009, and have signed
5 it subject to the following changes:
6 PAGE LINE CORRECTION
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21 DATE: _____
22 Sworn and subscribed to before me on this day
23 of
24 NOTARY PUBLIC
25 _____

1
2 C E R T I F I C A T E
3
4
5 I, CHERYL McGANN, a Certified Court
6 Reporter and Certified Realtime Reporter of the
7 State of New Jersey, authorized to administer
8 oaths pursuant to R.S.41:2-2, do hereby certify
9 that prior to the commencement of the examination,
10 the witness was sworn by me to testify to the truth,
11 the whole truth, and nothing but the truth.
12 I DO FURTHER CERTIFY that the foregoing
13 is a true and accurate transcript of the testimony
14 that was taken stenographically by and before me at
15 the time, place, and on the date hereinbefore set
16 forth.
17 I DO FURTHER CERTIFY that I am neither
18 a relative nor employee nor attorney nor counsel
19 of any the parties to this action and that I am
20 not interested in the action.
21
22
23
24 CHERYL McGANN
C.C.R. License No. XI000918
25

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MORRIS SUTTON

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